

**SUMMARY OF MODIFICATIONS**

| Application Number | Determination Date | Decider            | Modification Description   |
|--------------------|--------------------|--------------------|--|
| SSD-8671-MOD-1     | 28 March 2019      | Director           | Amendments to Condition B29 and Condition B30 relating to the timing of lodgement of the fire safety strategies.             |
| SSD-8671-MOD-2     | Not yet determined | N/A                | N/A  |
| SSD-8671-MOD-3     | 10 September 2021  | Director           | Internal and external amendments to Pier 2/3, Wharf 4/5 and Shore Sheds 4/5.   |
| SSD-8671-MOD-4     | 23 December 2020   | Director           | Amendment to Condition E36: Outdoor Seating Plan.  |
| SSD-8671-MOD-5     | 10 November 2021   | Acting Team Leader | Design modifications to Pier 2/3   |
| SSD-8671-MOD-6     | 2 December 2021    | Team Leader        | External design modifications to Pier 2/3, including new roller door and glass screen along the eastern facade               |
| SSD-8671-MOD-7     | 08 March 2022      | Team Leader        | Internal amendments to commercial tenancies 2 – 4 in Shore Shed 4/5 and the installation of additional louvres to Wharf 4/5. |

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

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

# Development consent

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

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.

Anthony Roberts

**Minister for Planning**

Sydney

17 May 2018

## SCHEDULE 1

**Application No.:**

SSD 8671

**Applicant:**

Infrastructure NSW

**Consent Authority:**

Minister for Planning

**Land:**

Lot 11 DP 1138931 (Pier 2/3) and Lot 65 DP 1048377 (Wharf 4/5 and Wharf 4/5 Shore Sheds), Hickson Rd, Walsh Bay

**Development:**

Walsh Bay Arts and Cultural Precinct:

- demolition and early construction works
- internal and external works to Pier 2/3
- internal and external works to Wharf 4/5
- internal and external works to Shore Shed 4/5
- use of Pier 2/3, Wharf 4/5 and Shore Shed 4/5 for arts and cultural uses and ancillary uses, functions and events
- use of Pier 2/3, Wharf 4/5 and Shore Shed 4/5 and wharf aprons for Biennale and Sydney Writer's Festival events
- public domain works.

## DEFINITIONS

|                                  |   |
|----------------------------------|---|
| Advisory Notes                   | Advisory information relating to the consent but do not form a part of this consent   |
| Applicant                        | Infrastructure NSW  |
| Application                      | The development application and the accompanying drawings plans and documentation described in Condition A2   |
| Arts tenancies                   | The tenancies provided as part of the application for the Australian Chamber Orchestra, Bell Shakespeare, Australian Theatre for the Young People, Bangarra Dance Theatre, Gondwana Choir, Sydney Philharmonia Choir and the Song Company   |
| BCA                              | Building Code of Australia  |
| Bump-in                          | Means a period in which temporary infrastructure is assembled prior to the commencement of an event   |
| Bump-out                         | Means the period in which temporary infrastructure is dismantled at the conclusion of an event  |
| CEMP                             | Construction Environmental Management Plan  |
| Construction                     | All physical work to enable operation   |
| Council                          | City of Sydney Council  |
| Crown Building Works Certificate | Certification of Crown building works under section 109R of the EP&A Act  |
| Certifying Authority             | Means a person who is authorised by or under section 85A to issue complying development certificates, or is authorized by or under section 109D to issue Part 4A certificates, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works   |
| Day time                         | The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays   |
| Demolition                       | The deconstruction and removal of buildings, sheds and other structures on the site   |
| Department                       | Department of Planning and Environment or its successors  |
| Development                      | The development described in the EIS and RTS, including the works and activities comprising the Walsh Bay Arts and Cultural Precinct, as modified by the conditions of this consent.  |
| DPI                              | Department of Primary Industries, or its successor  |
| Evening                          | The period from 6 pm to 10 pm   |
| EIS                              | The Environmental Impact Statement titled ' <i>Walsh Bay Arts and Cultural Precinct – State Significant Development Application – SSDA 8671</i> ', prepared by MG Planning Pty Ltd and dated 16 October 2017 and accompanying appendices, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application. |
| EPA                              | Environment Protection Authority, or its successor  |
| EP&A Act                         | <i>Environmental Planning and Assessment Act 1979</i>   |
| EP&A Regulation                  | <i>Environmental Planning and Assessment Regulation 2000</i>  |
| Heritage Division                | The Heritage Division of OEH, or its successor  |
| Incident                         | An occurrence or set of circumstances that causes, or threatens to cause material harm. Note: "material harm" is defined in this consent.   |
| Land                             | As defined in the EP&A Act  |
| Material harm                    | Is harm that: <ul style="list-style-type: none"> <li>(a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or</li> </ul>  |

- (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).

|   |   |
|---|---|
| Minister  | Minister for Planning, or nominee   |
| Night time                                      | The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays   |
| Non-compliance                                  | An occurrence, set of circumstances or development that is a breach of this consent but is not an incident.   |
| OEH   | Office of Environment and Heritage, or its successor  |
| Operation                                       | The carrying out of the approved purpose of the development upon completion of construction   |
| PCA   | Means a principal certifying authority appointed under section 109E of the EP&A Act, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building Work  |
| Reasonable                                      | Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.   |
| RTS   | Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act   |
| RMS   | Roads and Maritime Services, or its successor   |
| Secretary                                       | Secretary of the Department, or nominee   |
| Secretary's approval, agreement or satisfaction | A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period. |
| Sensitive receiver                              | Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility   |
| SSD   | State Significant Development   |
| Subject Site                                    | Land referred to in Schedule 1  |
| TNSW  | Transport for NSW, or its successor   |
| Zone of influence                               | The horizontal distance from the edge of the excavation to twice the maximum excavation depth   |

**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.

**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.

**Terms of Consent**

- A3 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 Secretary;
- c) generally in accordance with the EIS and RTS; and
- d) in accordance with the approved plans in the table below; and,
- e) ~~in accordance with the modification application titled 'Walsh Bay Arts Precinct Modification Application Mod 6' prepared by GTK Consulting dated October 2021~~
- f) **Modification applications including:**
  - i) **Modification 1: Section 4.55(1A) Modification Application prepared by Infrastructure NSW (dated 27 February 2018);**
  - ii) **Modification 3: Section 4.55(1A) Modification Application prepared by MG Planning (dated 15 July 2020) and Response to Submissions prepared by MG Planning (dated 29 August 2020);**
  - iii) **Modification 4: Section 4.55(1) Modification Application prepared by GTK Consulting (dated 23 November 2020);**
  - iv) **Modification 5: Section 4.55(1A) Modification Application prepared by GTK Consulting (dated July 2021) and Response to Submissions prepared by GTK Consulting (dated 6 November 2021);**
  - v) **Modification 6: Section 4.55(1A) Modification Application prepared by GTK Consulting (dated October 2021);**
  - vi) **Modification 7: Section 4.55(1A) Modification Application prepared by GTK Consulting (dated February 2022) and Response to Submissions prepared by GTK Consulting (dated 1 March 2022);**

| <b>Architectural Drawings prepared by Tonkin Zulaikha Greer Architects</b> |                 |                              |             |
|--|-----------------|------------------------------|-------------|
| <b>Drawing No.</b>   | <b>Revision</b> | <b>Name of Plan</b>          | <b>Date</b> |
| A-000  | A               | Cover Sheet and Drawing List | 25.09.2017  |
| A-001  | A               | Legend                       | 25.09.2017  |
| A-002  | A               | Site Analysis Plan           | 25.09.2017  |
| A-050  | A               | Ground Floor Demolition Plan | 25.09.2017  |
| A-051  | A               | Mezzanine Demolition Plan    | 25.09.2017  |

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|              |             |  |   |
|--------------|-------------|--|---|
| A-052        | A           | Level 1 Demolition Plan  | 25.09.2017  |
| A-053        | A           | Level 2 Demolition Plan  | 25.09.2017  |
| A-054        | A           | Level 3 Demolition Plan  | 25.09.2017  |
| A-055        | A           | Roof Demolition Plan   | 25.09.2017  |
| A-060        | A           | Pier 2/3 – Cross Sections – Demolition and Conservation          | 25.09.2017  |
| A-061        | A           | Pier 2/3 – Long Section Grid H – Demolition and Conservation     | 25.09.2017  |
| A-062        | A           | Wharf 4/5 – Cross Sections – Demolition and Conservation         | 25.09.2017  |
| A-063        | A           | Wharf 4/5 – Long Section – Demolition and Conservation           | 25.09.2017  |
| A-064        | A           | Shore Sheds – Sections – Demolition and Conservation             | 25.09.2017  |
| A-070        | A           | Pier 2/3 – East Elevation – Demolition                           | 25.09.2017  |
| A-071        | A           | Pier 2/3 – West Elevation – Demolition                           | 25.09.2017  |
| A-072        | A           | Wharf 4/5 – East Elevation – Demolition                          | 25.09.2017  |
| A-073        | A           | Wharf 4/5 – West Elevation – Demolition                          | 25.09.2017  |
| A-074        | A           | Pier 2/3 and Wharf 4/5 – North and South Elevations - Demolition | 25.09.2017  |
| A-075        | A           | Shore Sheds – South Elevation (Hickson Road) - Demolition        | 25.09.2017  |
| A-076        | A           | Shore Sheds – North Elevation - Demolition                       | 25.09.2017  |
| A-100        | A           | Ground Floor Plan  | 25.09.2017  |
| A-101        | A           | Mezzanine Plan   | 25.09.2017  |
| A-102        | A           | Level 1 Plan   | 25.09.2017  |
| A-103        | A           | Level 2 Plan   | 25.09.2017  |
| A-104        | A           | Level 4 Plan   | 25.09.2017  |
| A-105        | A<br>B      | Roof Plan  | <del>25.09.2017</del><br>13.07.2021               |
| A-122        | A           | Wharf 4/5 South – Ground Floor Plan                              | 26.06.2020  |
| A-128        | A           | Wharf 4/5 North – Ground Floor Plan                              | 26.06.2020  |
| A-133        | A           | Wharf 4/5 North – Roof Plan                                      | 26.06.2020  |
| A-134        | A<br>B      | Shore Sheds – Ground Floor Plan                                  | <del>26.06.2020</del><br>24.01.2022               |
| <u>A-135</u> | <u>B</u>    | <u>Shore Sheds – Mezzanine Floor Plan</u>                        | <u>24.01.2022</u>                                 |
| A-138        | A           | Shore Sheds – Roof Plan  | 26.06.2020  |
| A-140        | A           | Pier 2/3 South – Ground Floor Plan                               | 07.07.2020  |
| A-141        | A<br>B<br>C | Pier 2/3 North – Ground Floor Plan                               | <del>07.07.2020</del><br>02.11.2024<br>24.11.2021 |
| A-200        | A           | Pier 2/3 - Cross Sections - Proposed                             | 25.09.2017  |
| A-201        | A           | Pier 2/3 - Long Section - Proposed                               | 25.09.2017  |
| A-202        | A           | Wharf 4/5 - Cross Sections - Proposed                            | 25.09.2017  |
| A-203        | A           | Wharf 4/5 - Long Section - Proposed                              | 25.09.2017  |
| A-204        | A           | Shore Sheds - Sections - Proposed                                | 25.09.2017  |
| A-220        | A           | Shore Sheds – North Elevation – Proposed                         | 07.07.2020  |
| A-221        | A           | Wharf 4/5 – East Elevation – Proposed                            | 07.07.2020  |
| A-222        | A<br>B      | Wharf 4/5 – West Elevation – Proposed                            | <del>07.07.2020</del><br>24.01.2022               |

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|                  |              |   |                          |
|------------------|--------------|---|--------------------------|
| A-223            | A<br>B       | Pier 2/3 + Wharf 4/5 – North + South Elevations – Proposed                | 07.07.2020<br>13.07.2021 |
| A-224            | A            | Shore Sheds – South Elevation + Breezeway – Proposed                      | 07.07.2020               |
| A-225            | A<br>B       | Pier 2/3 – West Elevation – Proposed                                      | 07.07.2020<br>13.07.2021 |
| A-226            | B<br>C       | Pier 2/3 – East Elevation - Proposed                                      | 13.07.2021<br>24.09.2021 |
| <del>A-300</del> | <del>A</del> | <del>Pier 2/3 – East Elevation – Proposed</del>                           | <del>25.09.2017</del>    |
| <del>A-301</del> | <del>A</del> | <del>Pier 2/3 – West Elevation – Proposed</del>                           | <del>25.09.2017</del>    |
| <del>A-302</del> | <del>A</del> | <del>Wharf 4/5 – East Elevation – Proposed</del>                          | <del>25.09.2017</del>    |
| <del>A-303</del> | <del>A</del> | <del>Wharf 4/5 – West Elevation – Proposed</del>                          | <del>25.09.2017</del>    |
| <del>A-304</del> | <del>A</del> | <del>Pier 2/3 and Wharf 4/5 – North and South Elevations – Proposed</del> | <del>25.09.2017</del>    |
| <del>A-305</del> | <del>A</del> | <del>Shore Sheds – South Elevation (Hickson Road) – Proposed</del>        | <del>25.09.2017</del>    |
| A-305            | A            | Shore Sheds – North Elevation - Proposed                                  | 25.09.2017               |
| A-401            | A            | Shadow Diagram Summer Solstice  | 25.09.2017               |

### Secretary's Directions

- A4 Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:
- 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 Secretary; and
  - the implementation of any actions or measures contained in any such document referred to in (a) above.

The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A3(c) or A3(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A3(c) and Condition A3(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

*Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.*

### Development Expenses

- A5 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 consent.

### Limits on Consent

- A6 This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.
- A7 This consent in no way implies or grants approval for the following:
- events held in the public domain, excluding the Sydney Writer's Festival and the Biennale;



- b) construction a waterfront square; and
- c) the fit-out and use of commercial tenancies/spaces 2 to 4 for use as shops, cafes, restaurants and small bars.

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

### **Prescribed Conditions**

- A8 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**

- A9 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**

- A10 Any advice or notice to the consent authority must be served on the Secretary.

### **Review of Strategies, Plans and Programs**

- A11 Within three months of:

- a) the submission of a compliance report under Condition A14 and A15 and Condition B5;
- b) the submission of an incident report under Condition A19;
- c) the approval of any modification to the conditions of this consent; or
- d) the issue of a direction of the Secretary under Condition A4,

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.

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 Secretary. Where revisions are required, the revised document must be submitted to the Secretary for approval within six weeks of the review.

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

### **Evidence of Consultation**

- A12 Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Secretary for approval; and
  - (b) provide details of the consultation undertaken including:



- i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
- ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

**Non-Compliance Notification**

- A13 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 PCA 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.
- A14 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.

**Incident Notification, Reporting and Response**

- A15 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.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Condition A17, A18 and A19.

**Written Incident Notification and Reporting Requirements**

- A16 A written incident notification addressing the requirements set out in Condition A18 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 A16 or, having given such notification, subsequently forms the view that an incident has not occurred.

**Written Incident Notification Requirements**

- A17 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 that will be taken in relation to the incident; and
  - h) identify a project contact for further communication regarding the incident.

**Incident Report Requirements**

- A18 Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested. 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.

### **Monitoring and Environmental Audits**

A19 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 2B of Part 6 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.*

### **Applicability of Guidelines**

A20 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.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the 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.

### **Protection of Stone Kerbs**

A21 The Applicant shall ensure the following:

- a) The existing stone kerbs on Hickson Road are retained and properly protected during excavation and construction works;
- b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs must be approved by Council prior to the commencement of works. 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 Council's standard details and specifications after the construction works have been completed.

*Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the use of the development.*

*Note: all costs associated with the works are to be at no cost to the Council;*

- c) Damaged kerbs are replaced to match existing to Council's satisfaction or as otherwise advised by Council officers;
- d) Where new crossings or temporary crossings are constructed to access the property, the affected kerb stones are salvaged and reused wherever possible;

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- e) All new driveway laybacks and kerbs are constructed with stone kerbs to match existing stones or as specified by Council officers. All unused stone kerbs are to be salvaged and returned to the Council's store;
- f) Council approval is obtained before kerbs are removed; and
- g) Council approval is obtained prior to the cutting of existing stone kerbs for stormwater kerb outlets.

**END OF PART A**

FOR INFORMATION

**PART B PRIOR TO THE COMMENCEMENT OF WORKS**

**Crown Building Work**

B1 Crown building work cannot be commenced unless the Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:

- a) the date of the invitation for tenders to carry out Crown building work; or
- b) in the absence of tenders, the date on which the Crown building work commences.

**Notification of Commencement**

B2 The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.

If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

**Community Communication Strategy**

B3 A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, City of Sydney Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following completion of construction:

The Community Communication Strategy must:

- a) identify people to be consulted during the design and construction phases;
- b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;
  - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

The Community Communication Strategy must be submitted to the Secretary for approval no later than one month before the commencement of any work.

Work for the purposes of the development must not commence until the Community Communications Strategy has been approved by the Secretary, or within another timeframe agreed with the Secretary.

The Community Communication Strategy, as approved by the Secretary, must be implemented for a minimum of 12 months following the completion of construction.

## **Compliance**

- B4 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.

## **Compliance Reporting**

- B5 A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.

The Pre-Construction Compliance Report must include:

- a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
- b) the expected commencement date for construction.

Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Secretary.

The Construction Compliance Reports must include:

- a) a results summary and analysis of environmental monitoring;
- b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
- c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
- d) a register of any modifications undertaken and their status;
- e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
- f) a summary of all incidents notified in accordance with this consent; and
- g) any other matter relating to compliance with the terms of this consent or requested by the Secretary.

## **Complaints and Enquiries Procedure**

- B6 Prior to the commencement of construction works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
  - b) a postal address to which written complaints and enquiries may be sent; and

- c) an email address to which electronic complaints and enquiries may be transmitted.

**Access to Information**

B7 At least 48 hours before the commencement of construction and until the completion of all works under this consent, or such other time as agreed by the Secretary, the Applicant must:

- a) make the following information and documents (as they are prepared, obtained or approved) publicly available on its website:
  - i. the documents referred to in Condition A2(c) and (d) 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 Secretary; and
- b) keep such information up to date, to the satisfaction of the Secretary.

**Independent Environmental Audit**

B8 No later than one month before the commencement of construction or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance with AS/NZS ISO 190:2014: Guidelines for Auditing Management Systems (Standards Australia, 2014) and submitted to the Secretary for information.

The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

The environmental audit program of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:

- a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
- b) assesses whether the development is complying with the terms of this consent;
- c) reviews the adequacy of any document required under this consent; and

- d) recommends measures or actions to improve the environmental performance of the development, improvements to any document required under this consent.

Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

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

### External Walls and Cladding

- B9 The external walls of all buildings including additions to existing buildings (new works) must comply with the relevant requirements of the BCA.

Before the commencement of the relevant works, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

The Applicant must provide a copy of the documentation to the Certifying Authority and to the Secretary within seven days after the Certifying Authority accepts it.

### Structural Details

- B10 Prior to the commencement of the relevant works, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- a) the relevant clauses of the BCA; and
- b) the development consent.

### Building Solutions Affecting Significant Building Fabric

- B11 The Applicant must ensure any alternate or performance solutions, fire safety or accessibility measures which are required for the development to achieve compliance with the BCA and affect significant building fabric are reviewed and approved by the Heritage Division, prior to the commencement of works.

Details demonstrating compliance with this condition must be submitted to the Department and the Certifying Authority prior to the commencement of works.

### Nominated Heritage Consultant

- B12 Prior to the commencement of works, suitably qualified heritage specialist shall be engaged in the design and contract documentation phase to ensure the significant fabric is protected and the integrity design quality of the approved development is maintained through the construction phase to completion of the building works.

The heritage consultant shall be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant should be provided with full access to the site and authorised by the Applicant to respond directly where information or clarification is required regarding the resolution of heritage issues throughout the project. The heritage consultant shall regularly inspect



the demolition and removal of material to ensure that only elements approved as part of this consent are removed.

The heritage consultant must be briefed prior to the selection of appropriate tradespersons to ensure they have experience in similar heritage structures, materials and methods, and must be satisfied that all work will be carried out in accordance with the conditions of this consent.

Details demonstrating compliance with this condition must be submitted to the Heritage Division prior to the commencement of works.

### Heritage Mitigation

- B13 The Applicant must ensure the detailed design of the development is consistent with and incorporates the recommendations and mitigation measures outlined in Sections 8 and 9 of the Heritage Impact Assessment (dated 11 October 2017) in Appendix 14 of the EIS as amended by Heritage Impact Statement (HIS), prepared by Tropman and Tropman Architects (dated January 2022) in Appendix C of Modification 7.

Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the commencement of works.

### Detailed Design of Heritage Works

- B14 Prior to the commencement of the relevant works below, the Applicant shall undertake further detailed design development of the following in consultation with the Heritage Division:
- a) explore opportunities to lighten the structural frame of the proposed gantries to better align with the historic proportion of the original gantries designs, and to reduce clutter on the wharf aprons;
  - b) ensure roof plant equipment is as compact and neatly arranged as possible to mitigate against visual impact;
  - c) ensure the introduction of new structural members is undertaken sensitively and with minimal impact to significant fabric and spaces and consider strengthening existing structures instead of removal of fabric;
  - d) ensure further design development of the original 'dead house' proposed to be reused as a box office/cloak room is undertaken to ensure existing fabric is not obscured and significant fabric is protected;
  - e) ensure the introduction of new services is undertaken sensitively and with minimal impact to significant fabric and spaces. Detailed plans must be developed that define the reticulation of services to ensure routes are appropriately planned to minimise impact of significant fabric and spaces. This should be done in consultation with the nominated heritage consultant to ensure adverse impacts are minimised (refer to Condition B13);
  - f) ensure the impacts of significant fabric removal are minimised (including original timber columns, timber trusses, brace beams and steel strong backs) are minimised. Significant fabric removed and not proposed to be reused must be recorded, tagged and securely stored on-site for future use. In this regard, a **Removal and Storage Methodology** must be provided to the Heritage Division prior to the commencement of works; and
  - g) ensure the new awnings along Hickson Road are simply detailed, confined to entries and sympathetic to the industrial character of the original façade. The design of the awnings shall be further developed with input from the Applicant's nominated heritage consultant and Council (refer to Condition B12).

Details demonstrating compliance with this condition must be submitted to the satisfaction of the Heritage Division prior to the issue of the relevant works.

### Interpretation Plan

- B15 Prior to the commencement of works (excluding demolition works), an **Interpretation Plan\*** outlining the approach to interpretation at Pier 2/3, Wharf 4/5, Shore Sheds 4/5 and the surrounding public domain areas shall be prepared by a suitably qualified interpretive specialist and submitted to the satisfaction of the Heritage Division.

The **Interpretation Plan** should include indicative designs and locations for interpretive devices, a strategy for the reuse, storage and/or display of the movable heritage items currently stored within Pier 2/3, and incorporate the results of the archaeological monitoring program and evidence of the maritime archaeological potential (if relevant) and archaeological evidence within the site. The **Interpretation Plan** shall include a component of heritage-related public art prepared in consultation with Council.

The Interpretation Plan shall be prepared having regard to the *Walsh Bay Redevelopment Precinct Interpretation Plan* (dated November 1999) prepared by Tropman & Tropman Architects and the *Interpretation Strategy for Moveable Heritage Items – Pier 2/3 Walsh Bay* (dated November 2016) prepared by Tropman and Tropman Architects.

The **Interpretation Plan** shall be prepared as an integral component of the final detailed design of the development and is to be provided to the Heritage Division, Secretary and Certifying Authority prior to the commencement of works.

*\*Note: For the purposes of this condition, one Interpretation Plan may be prepared for the development (SSD 8671) and Sydney Theatre Company development (SSD 7561).*

### Conservation Management Plan

- B16 Prior to commencement of works, the Applicant shall engage a suitably qualified and experienced expert to prepare a single comprehensive **Conservation Management Plan** for the development, including Pier 2/3, Wharf 2/5, Shore Sheds 4/5 and the surrounding public domain.

The Conservation Management Plan shall be prepared in accordance with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) and the relevant Heritage Division Guidelines. The Plan shall be prepared having regard to the Wharf 2/3 Conservation Management Plan prepared by Tropman & Tropman Architects (dated 2000) and the Wharf 4/5 Conservation Management Plan prepared by Graham Brooks and Associates (dated 2007), the Heritage Impact Assessment (dated 11 October 2017) in Appendix 14 of the EIS and any other relevant documents.

### Archival Recording

- B17 A photographic archival recording of all areas of the wharves must be prepared prior to the commencement of works, and following completion of works, in accordance with the Heritage Division's *How to prepare archival records of heritage items and Photographic Recording of Heritage Items using Film or Digital Capture*. Within 1 month of its completion, the original copy of the archival record must be deposited with the Heritage Division, and an additional copy provided to Council and the Secretary to ensure that the existing spaces are properly documented prior to modification and that copies of the archival recordings are kept with the relevant authorities.

### Tenancy Fit-Out Guidelines

- B18 Prior to the commencement of the relevant works, **Tenancy Fit-out Guidelines** (TFGs) prepared by a suitably qualified person shall be submitted to the satisfaction of the

Heritage Division. The TFGs must be implemented to make all future tenants of the development aware of the cultural significance of the wharves and the requirements for their ongoing conservation and management.

The TFGs shall be informed by the findings of the *Walsh Bay Arts Precinct Heritage Impact Assessment* prepared by Design 5 Architects (dated June 2014) and the Heritage Impact Assessment (dated 11 October 2017) in Appendix 14 of the EIS.

Prior to the commencement of the relevant works, a copy of the TFGs must be submitted to Council, the Heritage Division and the Secretary.

### Historical Archaeology

B19 Excavation works for utilities shall be archaeologically monitored, recorded and appropriately documented including any relics or intact archaeological features identified during this work in accordance with Section 7.4 of Archaeological Assessment (dated) in Appendix 17 of the EIS.

The results of this investigation must be documented in a report which is to be provided within 12 months of the completion of the archaeological work to the Secretary and the Heritage Library of the Place Management Division of Property NSW. All archaeological works shall be undertaken by a suitably qualified nominated Excavation Director who satisfies the Heritage Council's Excavation Director Criteria for undertaking works at State Significant historical archaeological sites in NSW.

### Maritime Archaeology

B20 If the scope of works of the development is altered in any way that will directly impact on the seafloor, including piling and any other services, an assessment of the impacts must be undertaken by a suitably qualified maritime archaeologist in accordance with the relevant Heritage Division guidelines and separate approval obtained from the relevant consent authority.

### Public Domain Plan

B21 The Applicant shall ensure the following:

- a) A detailed **Public Domain Plan** must be prepared in respect of the resurfacing works of the adjacent footpath on Hickson Road by a suitably qualified architect, urban designer, landscape architect or engineer is lodged with Council's Public Domain Section and approved by Council prior to the relevant works. The Public Domain Plan is to be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*); and
- b) The **Public Domain Plan** documents all works required to ensure that the public domain complies with the Council's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps and other relevant public domain elements. The Public Domain Plan submission is to incorporate the approved Alignment Levels (refer to Condition B23). If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to the commencement of the relevant works.

### Public Domain Works – Alignment Levels

B22 The Applicant shall ensure the following:

- a) Where ground floor levels of existing buildings are being retained, alignment levels for the buildings and site frontages of those buildings are submitted to and

approved by Council prior to the commencement of the relevant works. The submission must be prepared by a Registered Surveyor or suitably qualified engineer and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on Council's website);

- b) If the proposed detailed design of the public domain (refer to Condition B22) requires changes to any previously approved Alignment Levels, an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to the commencement of the relevant works;
- c) The works to the public domain are completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before the use of the development commences, whichever is earlier;
- d) If required by Council, a Public Domain Works Deposit is paid to Council for the public domain works, in accordance with the Council's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section is contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to the commencement of the relevant works.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

### Public Domain Works – Hold Points and Handover

B23 The Applicant shall ensure the following:

Prior to a Crown Building Works Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is determined with and approved by Council's Public Domain section in accordance with the Council's Public Domain Manual and *Sydney Streets Technical Specification*; and

### Public Domain Damage Deposit

B24 A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of asphaltic concrete site frontage must be lodged with Council in accordance with the Council's of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to the commencement of the relevant works.

The Bank Guarantee will be retained in full until the use of the development commences and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

### Harbour Heat Rejection System

- B25 The detailed design of the harbour heat rejection system must comply with the preliminary design details outlined in the Harbour Heat Rejection Impact Assessment (dated 7 September 2017) in Appendix 28 of the EIS. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.

### **Wayfinding and Signage**

- B26 Prior to the commencement of the relevant works, a **Wayfinding and Signage Strategy** prepared by suitably qualified persons (including a heritage expert) shall be endorsed by TNSW (Sydney Coordination Office) and submitted to the satisfaction of the Certifying Authority. The Strategy shall be prepared in consultation with the Heritage Division, Council and TNSW. The Strategy must:

- a) be generally consistent with the Wayfinding and Signage Strategy (dated 29 September 2017) in Appendix 6 of the EIS;
- b) detail the final location, type, design and fixing methods (dimensions, materials, finish, illumination etc) of all wayfinding and signage (building identification, business identification, wayfinding, security signage etc) to be provided in the precinct;
- c) ensure wayfinding and signage is designed in a visually consistent, cohesive and uniform manner and to respect the industrial character and heritage values of the precinct;
- d) ensure any illuminated signage would not cause adverse amenity impacts;
- e) detail how the strategy would improve wayfinding and dissemination of customer information to make it easier for people to get to and from the site, locate major transport hubs and increase mode share of public transport, walking and cycling.
- f) include and travel access guide increase mode share of public transport and active transport. This shall include signage to transport nodes;
- g) ensure wayfinding and signage is designed to integrate into Council's existing system/s consistent with the *Legible Sydney Wayfinding Strategy 2012*, the *Legible Sydney Design Manual 2012*, the *Harbour Domain North Public Domain Strategy 2012* and TNSW's *Sydney City Centre Access Strategy 2013*.

The Strategy shall also be used to guide future applications for signage and commercial tenancy fit-outs within the precinct.

Prior to the commencement of use, a copy of the final Signage Strategy must be submitted to Council, Certifying Authority, TNSW and the Secretary.

### **Fire Safety**

- B27 Prior to the commencement of the relevant works, the Applicant shall ensure details of the fire booster location/s are submitted to and approved by FRNSW.

- B28 Prior to the commencement of the relevant works, the Applicant shall ensure details of the smoke hazard management system are submitted to and approved by FRNSW.

- B29 Prior to the **relevant** commencement of works (excluding demolition works), the Applicant shall prepare a holistic **Fire Safety Strategy** for the development in consultation with, and to the satisfaction of, FRNSW.

The Fire Safety Strategy must address a fire scenario involving malicious ignition (arson) as a sensitivity analysis be considered with multiple fires occurring at once within the public areas of the development.



The Fire Safety Strategy must be approved by FRNSW prior to the issue of any Crown Building Works Certificate.

- B30 Prior to the commencement of **relevant** works (excluding demolition works), the Applicant shall prepare an **Emergency Management Strategy** and **Evacuation Strategy** for the development in consultation with, and to the satisfaction of, FRNSW. The strategies must be consistent with relevant recommendations made by FRNSW in its letter 22 September 2017 (Ref: D17/66152).

The Emergency Management Strategy and Evacuation Strategy must be approved by FRNSW prior to the issue of any Crown Building Works Certificate.

- B31 Prior to the commencement of the relevant works, the Applicant shall ensure any isolation of the smoke detection system in the performance space/s during theatrical performances as identified in Table 3 of the Fire Engineering Phase 1 Concept Review (dated 12 September 2017) in Appendix 8 of the EIS is approved by FRNSW.

### External Works Visual Impact Mitigation

- B32 The Applicant must ensure:

- a) the external stairs are designed to minimise view blocking;
- b) the external lifts are designed to minimise visual impacts and view blocking effects;
- c) no further obstruction of the view through the Shore Shed opening leading to Wharf 4/5 occurs as a result of the development;
- d) no new permanent structures obstruct views to Sydney Harbour through the openings in the Shore Sheds and the breezeway through Pier 2/3;
- e) external stairs are designed to maximise visual transparency, lightness and openness;
- f) external stair risers are designed to maximise transparency for views;
- g) internal framing and structure of the external lifts minimised to increase transparency in views and reduce the visual presence of the lifts in views; and
- h) external lifts encased in non-reflective glass to increase the transparency of the lift glazing to views.

Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to commencement of the relevant works. Note if there is an inconsistency between Condition B15 and B33, Condition B15 prevails to the extent of the inconsistency.

### Environmental Sustainability

- B33 The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in the Sustainability Framework (dated 21 September 2017) in Appendix 11 of the EIS. Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the commencement of the relevant works.

### Recreational Fishing

- B34 The Applicant shall consult with DPI to ensure supporting facilities such as rubbish bins and the like are provided as part of the development to support recreational fishing activities at the wharves. Details demonstrating compliance with this condition must be submitted to the Secretary for information prior to the commencement of the relevant works.

### **Reflectivity**

- B35 The visible light reflectivity from building materials used on the facades of any buildings 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 Certifying Authority prior to the commencement of the relevant works.

### **Installation of Water Efficient Fixtures and Fittings**

- B36 All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.
- B37 All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.
- B38 New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.
- B39 Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the commencement of the relevant works.

### **Bicycle Parking**

- B40 A minimum of 35 bicycle parking spaces are to be provided for staff within the new bicycle store in Shore Sheds 4/5 and an additional 40 bicycle parking spaces are to be provided for visitors along the wharf aprons.

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

Documentation demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.

### **Outdoor Lighting**

- B41 All outdoor lighting (including any signage illumination) shall comply with, where relevant, AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the commencement of the relevant works.

### **Access for People with Disabilities**

- B42 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

### **Construction and Fit-out of Food Premises**



- B43 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 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 Certifying Authority prior to the construction and fit-out of any food premises.

#### **Cool Rooms**

- B44 Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA.

#### **Grease Traps**

- B45 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.

#### **Mechanical Ventilation**

- B46 The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.
- B47 Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA, to the Certifying Authority prior to the commencement of the relevant works.

#### **Interlocks – Mechanical Ventilation**

- B48 Interlocks shall be installed to the kitchen mechanical ventilation system to ensure that the system is not operated unless the filters are correctly installed and enhanced filtration and odour systems are fully functional and operational.

#### **Sanitary Facilities – Food Premises**

- B49 The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the BCA, Part F 3.1, 4.8 and 4.9.

#### **Sanitary Facilities for Disabled Persons**

- B50 The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.

#### **Sydney Water Assets**

- B51 Building plans must be stamped and approved by Sydney Water prior to the issue of a Crown Building Works Certificate, due to the proximity of works to Sydney Water assets.

For further assistance, please visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

### **Pre-Construction Dilapidation Report**

B52 The Applicant is to engage a suitably qualified professional(s) to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report must be submitted to the Certifying Authority prior to issue of the Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the affected landowners.

The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages and must be prepared to the satisfaction of the PCA. 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.

### **Requirements of Public Authorities**

B53 The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.

### **Demolition Works**

B54 Demolition work must comply with the provisions of *Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001)*. The work plans by AS2601:2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the Certifying Authority prior to the commencement of works.

### **Approved Plans to be On-Site**

B55 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 Department, Council or the Certifying Authority.

### **Hoarding**

B56 A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- a) architectural, construction and structural details of the design as well as proposed artwork; and
- b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

#### **Barricade Permit**

B57 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.

#### **Road Occupancy Licence**

B58 A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

#### **Maritime Archaeology**

B59 If the scope of the application is altered in any way to include works that will directly impact on the seafloor, including piling and any other services, an assessment of the impacts must be undertaken by a suitably qualified maritime archaeologist in accordance with the relevant Heritage Division guidelines to the satisfaction of the Heritage Council prior to the commencement of works.

#### **Parking Restrictions**

B60 The Applicant shall ensure is has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee for any changes required to on street parking restrictions for construction, prior to the commencement of the relevant works.

#### **Maritime Exclusion Zone**

B61 The Applicant shall contact RMS at least four weeks prior to the establishment of any maritime exclusion zone and provide details of the start and end dates for the maritime exclusion zone and associated construction activities. Details should be sent to [maritimeplanning@rmsw.nsw.gov.au](mailto:maritimeplanning@rmsw.nsw.gov.au).

#### **Construction Licence**

B62 If required, the Applicant shall ensure is has obtained a Construction License from RMS in respect to any required occupation of RMS land during construction, prior to the commencement of works.

#### **Construction Environmental Management Plan**

B63 Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Environmental Management Plan** (CEMP) for the development and be submitted to the Certifying Authority. The CEMP must:

- a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
- b) describe all activities to be undertaken on the site during site establishment and construction of the development;
- c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
- d) 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;
- e) be prepared in consultation with the Council, EPA, DPI, RMS, TNSW, Ports Authority and the Heritage Division and include specific consideration of measures to address any requirements of these agencies during site establishment and construction;
- f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
- g) 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;
- h) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and
- i) include arrangements for community consultation and complaints handling procedures during construction.

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

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

#### **Construction Pedestrian Traffic Management Plan**

B64 Prior to the commencement of works, a **Construction Pedestrian Traffic Management Plan** (CPTMP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The CPTMP must be prepared in consultation with Council, TNSW (Sydney Coordination and Metro Delivery Offices), RMS, the Barangaroo Delivery Authority and the Port Authority of NSW. The CPTMP shall address (but not be limited to):

- a) location of the proposed work zone;
- b) haulage routes;
- c) construction vehicle access and traffic control arrangements;
- d) proposed construction hours;
- e) estimated number of construction vehicle movements;

- f) any changes required to on-street parking;
- g) construction program;
- h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction;
- i) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City and South West considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network;
- j) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;
- k) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and
- l) measures to encourage public transport use and other non-car travel options by construction workers.

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

#### **Construction Noise and Vibration Management Plan**

B65 Prior to the issue of the relevant Crown Building Works Certificate, a **Construction Noise and Vibration Management** (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The CNVMSP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CNVMP shall address (but not be limited to):

- a) 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) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
- f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Noise and Vibration Impact Assessment (dated 11 October 2017) in Appendix 19 of the EIS and the supplementary Noise and Vibration Report (dated 23 January 2018) in Appendix 2 of the RTS;
- g) 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
- h) 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 Secretary.

#### **Waste Management Plan**

B66 Prior to the commencement any construction (including demolition), a **Waste Management Plan** (WMP) must be prepared and submitted to the PCA. The WMP must:

- a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
- b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
- c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
- d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;
- e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site;
- f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour; and

The design and management of waste must comply with the requirements of *City of Sydney Development Control Plan 2012*.

#### **Hazardous Materials Management Plan**

B67 Prior to the commencement of works, a **Hazardous Materials Management Plan** (HMMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The HMMP must:

- a) incorporate the recommendations and mitigation measures outlined in the Hazardous Materials Assessment (dated October 2011) in Appendix 24 of the EIS and the Hazardous Materials Re-inspection (dated September 2012) in Appendix 25 of the EIS;
- b) ensure the development complies with the *NSW Occupational Health and Safety Regulation 2001* and Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014*;
- c) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;
- d) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;
- e) outline the procedures for identification, handling and disposal of hazardous materials;
- f) include an Asbestos Management Plan;
- g) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation;



- h) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site;
- i) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and
- j) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.

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

B68 The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.

B69 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'.

### **Contamination**

B70 Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be submitted to the satisfaction of the EPA and the Certifying Authority.

The UFP must be developed considering the findings of the Phase 2 Site Investigation (dated 19 September 2017) in Appendix 23 of the EIS. The UFP must include measures to deal with unexpected finds of asbestos containing materials and lead-based paint for the existing buildings and their curtilage.

The UFP must be implemented for the duration of construction works.

### **Conservation Management Plan**

B71 The CMP must be submitted to and endorsed by the Heritage Division within 5 years of the commencement of works. A copy of the final Plan must be submitted to Council, the Secretary and the Heritage Division upon endorsement.

### **Upgrades to common walls**

B72 In internal areas of the Pier 2/3, Wharf 4/5 and Shore Sheds 4/5 buildings which share a common wall with existing operating tenancies, the Applicant must upgrade the common walls with additional plasterboard linings, sound absorptive finishes or the like.

These works must be completed as soon as practicable prior to the commencement of all other construction works in internal areas of the Pier 2/3, Wharf 4/5 and Shore Sheds 4/5 buildings.

### **Wharf apron barriers**

B73 Prior to the commencement of the relevant works, details of the edge protection barriers including interpretive displays and connection points to the wharf must be developed in consultation with NSW Heritage Council (or its delegate) and approved by the Planning Secretary.

## **END OF PART B**



## PART C DURING CONSTRUCTION

### Construction Hours

C1 Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
- b) between 8 am and 1 pm, Saturdays.

No construction work may be carried out on Sundays or public holidays

Activities may be undertaken outside of these hours if required:

- a) by the Police or a public authority (not the Applicant) 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.

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

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

- a) 9 am to 12 pm, Monday to Friday;
- b) 2 pm to 5 pm, Monday to Friday; and
- c) 9 am to 12 pm, Saturday.

### Noise and Vibration Management

C2 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 mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **Construction Environmental Management Plan**.

C3 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.

C4 Heavy vehicles and oversized vehicles must not queue or idle on Hickson Road outside of construction zones awaiting access to the Subject Site.

C5 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.

C6 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*; and

- 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.

#### **Site Protection and Works**

- C7 All 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.
- C8 The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

#### **Approved plans to be onsite**

- C9 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the PCA.

#### **Site Notice**

- C10 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, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
  - a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

#### **Archaeology**

- C11 The excavation works for utilities as part of this development must be archaeologically monitored, recorded and appropriately documented (including any relics or intact archaeological features identified during this work) in accordance with Section 7.4.2 of the Archaeological Assessment (dated September 2017) in Appendix 17 of the EIS.

The results of this investigation must be documented in an **Archaeological Monitoring Report** which must be provided to the Department and the Heritage Library of the Place Management Division, Property NSW within 12 months of the completion of the completion of archaeological works.

Archaeological works (including monitoring) must be undertaken by a suitably qualified nominated Excavation Director who satisfies the Heritage Council's Excavation Director Criteria for undertaking works at State Significant historical archaeological sites in NSW.

#### **Impacts of Below Ground (Sub Surface) Works – Non-Aboriginal Objects**

- C12 If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease

immediately and the Heritage Council of New South Wales must be notified immediately and consulted with regard to the recommencement of works.

**Impacts of Below Ground (Sub Surface) Works – Aboriginal Objects**

C13 If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and OEHL informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from Office of Environment and Heritage is received by the Applicant.

**Site Contamination Issues During Construction**

C14 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.

**SafeWork NSW Requirements**

C15 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**

C16 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 construction site manager must be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

**Implementation of Management Plans**

C17 The Applicant must ensure the requirements of the **Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Construction Pedestrian Traffic Management Plan and Construction Waste Management Plan** required by **Part B** of this consent are implemented during construction.

**Waste Management**

C18 Notwithstanding C17 above, the Applicant must ensure that:

- a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
- b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
- c) 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 or excavation spoil from the site is covered before leaving the premises;
- e) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises; and

- f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

**Asbestos and Hazardous Waste Removal**

- C19 Any existing filling on the site must be assessed for the presence of asbestos materials during construction. 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.
- C20 Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

**Covering of Loads**

- C21 All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**Vehicle Cleansing**

- C22 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

**Stockpile Management**

- C23 The Applicant must ensure:
- a) stockpiles of excavated material do not exceed 4 metres in height;
  - b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
  - c) suitable erosion and sediment controls are in place for stockpiles.

**Erosion and Sediment Control**

- C24 All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

**No Obstruction of Public Way**

- C25 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 Secretary to stop all work on site.

**Contact Telephone Number**

- C26 The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

**Operation of Plant and Machinery**

- C27 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.

**Acid Sulfate Soils**

- C28 The Applicant must ensure that any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) excavated or otherwise disturbed during construction is managed in accordance with:
- a) the *Acid Sulfate Soils Manual 1988* (NSW Acid Sulfate Soil Management Advisory Committee); and
  - b) the EPA's *Waste Classification Guidelines 2014 (Part 4: Acid Sulfate Soils)*.

**Bunding**

- C29 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*.

**Pollution of Waters**

- C30 No approval is granted to pollute waters. All water discharge from the site must meet all requirements of the *Protection of the Environment Operations Act 1997*.

**Significant Fabric Protection**

- C31 The Applicant must ensure significant building fabric identified as being at risk of damage is protected for the duration of construction from potential damage. Protection systems must be implemented to ensure that there is no unapproved removal or alteration of significant fabric or elements.

**Archaeological Monitoring and Reporting**

- C32 Archaeological works must be undertaken by a nominated Excavation Director who satisfies the Heritage Council's Excavation Director Criteria for undertaking works at State Significant historical archaeological sites in NSW.

**Selection of Appropriate Tradespeople**

- C33 All heritage work must be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar structures, materials and methods.

**Nominated Heritage Consultant**

- C34 The nominated heritage consultant (refer to Condition B12) is to regularly inspect the site and provide ongoing advice to the tradespeople 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.

**END OF PART C**

**PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

**Nominated Heritage Consultant**

- D1 Prior to occupation or commencement of use, the Applicant shall provide a report to the Secretary and the Heritage Division prepared by the Nominated Heritage Consultant certifying all heritage works have been carried out in accordance with the terms of this consent outlined in Condition A3.

**Harbour Heat Rejection System**

- D2 Prior to occupation or commencement of the use, the Applicant is to provide documentation to the PCA demonstrating the design of the harbour heat rejection system complies with the preliminary design details outlined in the Harbour Heat Rejection Impact Assessment (dated 7 September 2017) in Appendix 28 of the EIS.

**Environmental Sustainability**

- D3 Prior to occupation or commencement of the use, the Applicant is to provide documentation to the PCA demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives outlined in the Sustainability Framework (dated 21 September 2017) in Appendix 11 of the EIS.

**Operational Plan of Management**

- D4 Prior to occupation or commencement of the use, an updated **Operational Plan of Management** (OPM) prepared by a suitably qualified person shall be submitted to and approved by the Secretary. The OPM must be prepared in consultation with Council, TNSW, RMS, FRNSW, DPI, the EPA, the Heritage Division, NSW Police and the Port Authority of NSW. The OPM shall address (but not be limited to):
- a) governance and operational strategies for the precinct;
  - b) roles and responsibilities of key employees involved in overseeing the management and operation of the precinct;
  - c) hours of operation;
  - d) statutory approvals applying to the operation of the precinct;
  - e) documentation and incorporation of all management plans, strategies and guidelines required under this part of the consent;
  - f) detail how the environmental performance of the development would be monitored and managed, and identify what actions would be taken to address potential impacts;
  - g) event management, loading and unloading, sustainable travel, traffic, transport access and parking, pedestrian access, noise and vibration, heritage and conservation management, security and staff management, emergency management/evacuation and incident response protocols, alcohol and food management, occupational health and safety, infrastructure and services management, patron safety, waste management, water management, wayfinding and signage and lighting; and
  - h) community consultation and complaints management procedures.

Prior to occupation or commencement of the use, a copy of the OPM must be submitted to the Council and the Certifying Authority.



**Traffic, Pedestrian and Transport Management Plan**

D5A During the first 3 months of operation, a **Traffic, Pedestrian and Transport Management Plan** (TPTMP) shall be prepared by a suitably qualified person and submitted to TNSW (Sydney Coordination and Metro Delivery Offices) for its approval. The TPTMP must be prepared in consultation with Council, RMS, the Barangaroo Delivery Authority and TNSW (Sydney Coordination Office). The TPTMP shall address (but not be limited to):

- a) the proportion of trips for each mode of transport (mode share) for the precinct by undertaking surveys of the existing facility or other facilities of a similar nature for the periods prior to the Barangaroo Metro Station opening, including measures to transport staff and visitors to/from the site;
- b) measures to mitigate impacts to traffic (including buses) associated with private vehicles arriving to the site, including point-to-point transport services and coaches;
- c) measures to mitigate the potential operation of concurrent events within and surrounding the site (e.g. Sydney Theatre Company, Pier 1 and Roslyn Packer Theatre);
- d) the public transport and active transport infrastructure needed to manage the operation of the development; and
- e) crowd management and pedestrian safety.

A copy of the TPTMP must be provided to the Secretary, Council and Certifying Authority.

**Updated Traffic, Pedestrian and Transport Management Plan**

D5B During the first 3 months of operation after the Barangaroo Metro Station opening, an updated **Traffic, Pedestrian and Transport Management Plan** (TPTMP) shall be prepared by a suitably qualified person and submitted to TNSW (Sydney Coordination and Metro Delivery Offices) for its approval. The updated TPTMP must be prepared in consultation with Council, RMS, the Barangaroo Delivery Authority and TNSW (Sydney Coordination Office). The TPTMP shall address (but not be limited to):

- a) the proportion of trips for each mode of transport (mode share) for the precinct by undertaking surveys of the existing facility or other facilities of a similar nature for the periods post the Barangaroo Metro Station opening, including measures to transport staff and visitors to/from the site;
- b) measures to mitigate impacts to traffic (including buses) associated with private vehicles arriving to the site, including point-to-point transport services and coaches;
- c) measures to mitigate the potential operation of concurrent events within and surrounding the site (e.g. Sydney Theatre Company, Pier 1 and Roslyn Packer Theatre);
- d) the public transport and active transport infrastructure needed to manage the operation of the development; and
- e) crowd management and pedestrian safety.

A copy of the updated TPTMP must be provided to the Secretary and Council.

**Green Travel Plan**



- D6 Prior to occupation or commencement of the use, a **Green Travel Plan** (GTP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination Office) and submitted to the Certifying Authority. The GTP must be prepared in consultation with Council, RMS, the Barangaroo Delivery Authority and TNSW (Sydney Coordination Office). The GTP shall outline all measures proposed to increase the mode share of walking and cycling to the site.

The GTP shall include a monitoring requirement in relation to the future demand for the expansion of staff and visitor bicycle parking spaces and staff end of trip facilities and provision of visitor end of trip facilities. The Applicant shall deliver on any recommendations for expansion or provision of facilities from the results of the monitoring.

#### **Point-to-Point Transport Management Plan**

- D7 Prior to occupation or commencement of the use, a **Point-to-Point Transport Management Plan** (PPTMP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The PPTMP must be prepared in consultation with Council, RMS, the Barangaroo Delivery Authority and TNSW (Sydney Coordination Office). The PPTMP shall detail the outcomes of investigations of opportunities to provide coach pick-up and drop-off facilities for point to point transport services for the site, including taxis.

#### **Coach Management Plan**

- D8 Prior to occupation or commencement of the use, a **Coach Management Plan** (CMP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The CMP must be prepared in consultation with Council, RMS, the Barangaroo Delivery Authority and TNSW (Sydney Coordination Office). The CMP shall detail the outcomes of investigations of opportunities to provide coach pick-up and drop-off facilities for the development.

#### **Service and Loading Dock Management Plan**

- D9 Prior to occupation or commencement of the use, a **Service and Loading Dock Management Plan** (SLDMP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The SLDMP must be prepared in consultation with Council, RMS, the Barangaroo Delivery Authority and TNSW (Sydney Coordination Office). The SLDMP shall address (but not be limited to):
- a) ensure potential impacts from loading and unloading on traffic and bus operation are minimised;
  - b) confirm that the vehicle access and circulation areas are designed in accordance with the relevant Australian Standards, including for loading dock areas;
  - c) include plans that show swept paths of the vehicles including simultaneous ingress and egress to the service and loading dock and location of passing bays;
  - d) ensure loading and unloading would be undertaken outside of scheduled event times and peak attendance periods, with service vehicles no larger than a medium rigid vehicle;
  - e) details of any infrastructure works required to support the service and loading operations of the development; and
  - f) ensure all service and loading vehicles associated with the use of the premises are accommodated on site at all times.

### **Shuttle Service Operation Plan**

- D10 Prior to occupation or commencement of the use, a **Shuttle Service Operation Plan** (SSOP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The SSOP must be prepared in consultation with Council, RMS, the Barangaroo Delivery Authority and TNSW (Sydney Coordination Office).

The SSOP shall include details of transport shuttle service/s to be operated as part of the development, including any trial/s. The SSOP shall ensure the service/s are operated without impacting on the operation and infrastructure of the public transport network. All costs associated with the transport shuttle service/s or trial/s must be borne by the Applicant.

### **Waste Management Plan**

- D11 Prior to the commencement of use, an updated **Waste Management Plan** (WMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The WMP must be prepared in consultation with Council and the EPA.

The WMP must outline all measures that would be implemented to ensure the effective management of operational waste associated with the development. The WMP must outline how waste would be minimised, handled, stored and disposed of in accordance with the relevant guidelines and legislation.

Prior to the commencement of use, a copy of the WMP must be submitted to Council, the EPA and the Secretary.

### **Operational Noise and Vibration Management Plan**

- D12 Prior to occupation or commencement of the use, a **Operational Noise and Vibration Management Plan** (NVMP) prepared by a suitably qualified person shall be submitted to the Secretary for approval. The NVMP must be prepared in consultation with Council and the EPA. The NVMP shall include (but not be limited to):

- a) be prepared in accordance with the *EPA's Industrial Noise Policy*
- b) identify nearby sensitive receivers and land uses;
- c) identify the noise limits applying to the development;
- d) identify all key sources of operational noise and vibration;
- e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise noise and vibration;
- f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Noise and Vibration Impact Assessment (dated 11 October 2017) in Appendix 19 of the EIS and the supplementary Noise and Vibration Report (dated 23 January 2018) in Appendix 2 of the RTS;
- g) restrictions on patrons and staff leaving the Subject site along the Wharf 4/5 western wharf apron and Pier 2/3 eastern wharf apron after 12 midnight; and
- h) include a suitable proactive noise and vibration monitoring program which aims to ensure the noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of use, a copy of the approved NVMP must be submitted to Council, the Secretary and the EPA.

**Event Management Plans**

D13 At least 14 days prior to the commencement of each Sydney Writer's Festival and Biennale of Sydney event, an **Event Management Plan** (EMP) prepared by a suitably qualified person shall be submitted to the Secretary at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and Council annually for a period of 5 years. The EMPs must be prepared in consultation with, and address the relevant requirements of Council, TNSW, RMS, FRNSW, DPI, the EPA, NSW Police, the Heritage Council and the Port Authority of NSW. The EMP shall include (but not be limited to):

- a) all key event details (name, hours of operation, hours and details of bump-in and bump-out activities, maximum patron numbers, total event duration, event register and timetable / production schedule etc);
- b) details of the overall event layout and operational procedures implemented;
- c) roles and responsibilities of key employees involved in overseeing the event;
- d) statutory approvals applying to event;
- e) documentation of how agencies concerns have been addressed (including copies of correspondence);
- f) documentation and incorporation all relevant management plans, strategies and guidelines required under this part of the consent;
- g) an **Event Traffic and Pedestrian Management Plan** prepared by a suitably qualified person and endorsed by TNSW (Sydney Coordination Office). This plan must be prepared in consultation with NSW Police, Council, the Port Authority of NSW, RMS and TNSW and must address (but no be limited to) details of any road closures and vehicle re-routing, temporary changes required to on-street parking, wayfinding and signage, marshalling staff and traffic controllers, service vehicle access arrangements, community consultation, public notification and advertising of events (including dissemination of public transport information), coordination between key government agencies and operation of concurrent events within and surrounding the site (e.g. Sydney Theatre Company, Pier 1 and Roslyn Packer Theatre);
- h) detail how the environmental performance of the event would be monitored and managed, and identify what actions would be taken to address potential impacts;
- i) event management, loading and unloading, sustainable travel, traffic, transport access and parking, pedestrian access, noise and vibration (including noise monitoring), heritage and conservation management, security and staff management, emergency management/evacuation and incident response protocols, alcohol and food management, occupational health and safety, temporary structures, infrastructure and services management, patron safety, waste management, water management, wayfinding and signage and lighting;
- j) be consistent with the NVMP required under Condition D12 of this consent;
- k) community consultation, notification and complaints management procedures; and
- l) review mechanisms to ensure the EMPs are updated and in place for all future Sydney Writer's Festival and Biennale events.

**Wayfinding and Signage Strategy**

D14 Any future building identification and wayfinding signage should be visually consistent with the broader Signage and Wayfinding Strategy for the Walsh Bay Arts Precinct. Signage should be specifically designed to respect the integrity, context and setting of the Precinct's industrial character and have no/minimal impact on the Pier's highly

significant components. The signage must be endorsed by the Heritage Division prior to installation and be consistent with the Interpretation Plan being developed for the precinct.

### Outdoor Seating Areas

D15 Prior to use of the development, the Applicant shall submit final details of all furniture (tables, chairs etc), any shading devices and structures (e.g. umbrellas) and demarcation for the outdoor seating areas to the Secretary for approval.

These elements must be designed to the satisfaction of the Heritage Division in a consistent manner which is sensitive to the industrial/heritage character of the precinct and which ensures sufficient space is maintained around the site for pedestrian circulation.

### Mechanical Ventilation

D16 Following completion of the works, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the use of the development, 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 Fire and Rescue NSW.

### Road Damage

D17 The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation or commencement of the use.

### Parking Restrictions

D18 The Applicant shall ensure is has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee for any changes required to on street parking restrictions for the on-going operation of the development, prior to occupation or commencement of the use.

### Sydney Water Compliance

D19 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to the use of the development.

### Utility Providers

D20 Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where

relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

### **Fire Safety Certification**

D21 Prior to the 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.

### **Structural Inspection Certificate**

D22 A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the PCA prior to the use of the development and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Department and Council after:

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

### **Post- Construction Dilapidation Report**

D23 Prior to occupation or commencement of the use:

- a) the Applicant must 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 Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
- c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
- d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
- e) a copy of this report is to be forwarded to the Council and the Secretary and each of the affected property owners.

### **Waste and Recycling Collection**

D24 Prior to the occupation or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

### **Food Premises – Health Registration Database**

D25 Prior to the commencement of food handling operations, the proprietor of the food premises must notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) prior to the opening of the premises.

D26 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**

D27 Prior to occupation and commencement of the use, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and Condition B51.

**Protection of Public Infrastructure**

D28 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.

**Public Domain Works – Hold Points and Handover**

D29 Prior to a Certificate of Completion being issued for public domain works and before the use of the development commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional are submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the Council's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

**END OF PART D**



## **PART E POST OCCUPATION OR DURING USE**

### **Operational Management**

- E1 The **Operational Plan of Management** (refer to Condition D4) and all relevant plans must be fully implemented during use of the premises.

### **Hours of Operation – Pier 2/3 and Wharf 4/5**

- E2 The hours of operation of Pier 2/3 and Wharf 4/5 shall be restricted as outlined in the table below.

| <b>Land Use</b>   | <b>Hours of Operation</b>   |
|---|---|
| Offices   | 24 hours  |
| Teaching, rehearsals and performances   | 6 am to 12 midnight (indoor areas)<br>9 am to 10 pm (outdoor areas) |
| Functions and events within the arts tenancies                                  | 9 am to 12 midnight (indoor areas)<br>9 am to 10 pm (outdoor areas) |
| Functions, events, commercial and venue hire within the Pier 2/3 function space | 9 am to 12 midnight (indoor areas)<br>9 am to 10 pm (outdoor areas) |
| Sydney Dance Company Café   | 6 am to 12 midnight (indoor areas)<br>6 am to 10 pm (outdoor areas) |
| Loading dock activities   | 7 am to 10 pm   |
| Other deliveries  | 6 am to 12 midnight   |

### **Hours of Operation – Commercial Spaces 2 to 4**

- E3 The hours of operation for commercial spaces 2 to 4 in Shore Sheds 4/5 shall be restricted as outlined in the table below.

| <b>Land Use</b>  | <b>Hours of Operation</b>   |
|--|---|
| Cafés, restaurants and small bars*                             | 6 am to 12 midnight (indoor areas)<br>6 am to 10 pm (outdoor areas) |
| Shops*   | 10 am to 10 pm<br>(indoor and outdoor areas)                        |
| Deliveries   | 6 am to 12 midnight   |
| <u>Offices</u>   | <u>24 hours</u>   |
| <u>Teaching, rehearsals relating to arts and cultural uses</u> | <u>6 am to 12 midnight (indoor areas)</u>                           |

\*As defined in the *Standard Instrument - Principal Local Environmental Plan*.

### **Limits on Use - Commercial Spaces**

- E4 Commercial spaces 2 to 4 approved under this consent may only be used for the purposes of offices, teaching and rehearsals relating to arts and cultural uses or as

## CONSOLIDATED CONSENT

shops, restaurants, cafés or small bars as defined in the *Standard Instrument - Principal Local Environmental Plan*.

**Note:** Nothing in this consent prevents any uses not listed above being established or changed under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or that are the subject of a separate development application.

### Restrictions on Events

- E5 The scope of the Sydney Writer's Festival and Biennale events shall be restricted as outlined in the table below.

| Aspect                                     | Restriction  |
|--|--|
| Maximum population on site at any one time | 4,250 persons  |
| Maximum duration                           | 20 days (Sydney Writer's Festival)<br>112 days (Biennale)  |
| <u>Hours of operation</u>                  |  |
| Event                                      | 9 am to 12 midnight (indoor areas)<br>9 am to 7.30 pm (outdoor areas)  |
| Bump-in and bump-out activities            | 8 am to 10 pm  |
| Deliveries                                 | 7 am to 7.30 pm  |
| Playing of amplified music outdoors        | No amplified music shall be played outdoors, including the public domain and outdoor areas associated with the premises.                     |
| Playing of amplified music indoors         | Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises. |

### Noise Limits – General Operation

- E6 The Applicant must ensure that the noise generated by the development (excluding noise from the Sydney Writer's Festival and Biennale events) does not exceed the noise limits at the residential receivers identified in the table below.

| Residential Receiver Number and Location* | Noise limit<br>(7 am to 6 pm)<br>Leq(15 minute)<br>dB(A) | Noise limit<br>(6 pm to 12 midnight)<br>Leq(15 minute)<br>dB(A) |
|---|--|---|
| R2 – Shore 6/7 apartments                 | 52   | 47  |
| R4 – Lower Fort Street North Terraces     | 47   | 47  |
| R6 – Pottinger Street Terraces            | 41   | 41  |

**Note:** Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. Refer to the plan in Appendix 19 of the EIS for the location of residential receivers.

#### **Noise Limits - Sydney Writer's Festival and Biennale**

- E7 The Applicant must ensure that the noise generated by the Sydney Writer's Festival and Biennale events does not exceed the noise limits at the residential receivers identified in the table below.

| <b>Residential Receiver Number and Location*</b>   | <b>Noise limit<br/>(9 am to 6 pm)<br/>Leq(15 minute)<br/>dB(A)</b> | <b>Noise limit<br/>(6 pm to 12 midnight)<br/>Leq(15 minute)<br/>dB(A)</b> |
|--|--|---|
| R2 – Shore 6/7 apartments<br>R4 – Lower Fort Street North Terraces<br>R6 – Pottinger Street Terraces | 55   | 50  |

**Note:** Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. Refer to the plan in Appendix 19 of the EIS for the location of residential receivers.

#### **Noise Control – General Operation and Sydney Writer's Festival and Biennale**

- E8 Noise emanating from the premises (internal areas) including patron noise and music must not give rise to any one or more of the following:
- transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
  - 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
  - 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 Control – Plant and Machinery**

- E9 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:
- transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
  - 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; or
  - exhibit tonal, impulsive or other annoying characteristics.

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

**Noise Monitoring**

- E10 During commissioning of any plant, machinery or other equipment operated on site and during general operations, the Applicant shall undertake noise monitoring to confirm compliance with the noise limits in Condition E6 and E7 of this consent. In the event that compliance with the noise limits is not achieved, suitable attenuation measures must be implemented to achieve compliance and the NVMP required under Condition D12 be updated to include such measures.

**Noise Control – No Amplified Music Outdoors**

- E11 No amplified music shall be played outdoors, including the public domain and outdoor areas associated with the premises.

**Noise Control – Speaker Orientation**

- E12 Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises.

**Noise Control**

- E13 The doors and windows (including louvres) of air-conditioned spaces within Pier 2/3, Wharf 4/5 and Shore Sheds 4/5 must be closed after 10 pm.

**Event Management**

- E14 The Sydney Writer's Festival and Biennale events must be carried out at all times in accordance with an Event Management Plan prepared in accordance with the requirements of Condition D13 of this consent.

**Review of Events**

- E15 Within 3 months of the completion of the first Sydney Writer's Festival and Biennale events held on site, the Applicant shall submit an **Event Noise Monitoring and Compliance Report** to the EPA and the Secretary at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au). The Report must include (but not be limited to):
- a) all key event details (name, hours of operation, hours and details of bump-in and bump-out activities, measured patron numbers, total event duration, event register and timetable / production schedule etc)
  - b) details of the overall event layout and operational procedures implemented;
  - c) roles and responsibilities of key employees involved in overseeing the event;
  - d) identification of key noise sources during the event;
  - e) details of all noise mitigation and management measures implemented;
  - f) the noise limits applicable to the event;
  - g) details of noise monitoring and compliance procedures;
  - h) the results of noise monitoring and measurement of compliance with the applicable noise limits;
  - i) the community notification protocols and procedures implemented;
  - j) details of any community complaints received and the response action;

- k) a detailed analysis and review of the appropriateness and effectiveness of the noise mitigation and management measures implemented during each event; and
- l) recommendations to improve the noise mitigation and management during future events based on the results the review and analysis required under part (k).

E16 Within 1 month of the completion of each Event Noise Monitoring and Compliance Report (refer to Condition E15), the Applicant shall update the NMVP (refer to Condition D12) to include the additional noise mitigation and management measures recommended for future events under Condition D13.

**Green Travel Plan**

E17 The Green Travel Plan, required by Condition D6, shall be displayed throughout the site.

**Unobstructed Driveways and Parking Areas**

E18 At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**Public Way to be Unobstructed**

E19 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

**Review of Traffic and Transport Management Plans**

E20 Within 12 months of the commencement of use, or within 12 months of the opening of the Barangaroo Metro Station (whichever is sooner), the Applicant must review each of the following plans in consultation TNSW (Sydney Coordination Office), Roads and Maritime Services, City of Sydney Council and the Barangaroo Delivery Authority:

- a) Traffic, Pedestrian and Transport Management Plan (Condition D5A and D5B);
- b) the Green Travel Plan (Condition D6);
- c) the Point-to-Point Transport Management Plan (D7);
- d) the Coach Management Plan (Condition D8);
- e) the Service and Loading Dock Management Plan (Condition D9); and
- f) Shuttle Service Operation Plan (Condition D10).

The review is to consider whether any amendments are required to the plans to ensure the efficient and safe management of the development to mitigate any adverse impacts to traffic (including buses) or pedestrian safety, or if any additional measures are required. The findings of each review and any amendments to the plans shall be submitted to the Coordinator General, Transport Coordination, within TNSW for endorsement, within three months following the above periods.

**Loading/Unloading**

E21 All vehicles using the loading dock shall enter and exit the site in a forward motion.

E22 All loading and unloading operations associated with the site must be carried out:

- a) in accordance with the LDMP (Condition D9);
- b) within the confines of the site, at all times and must not obstruct other properties/units or the public way; and

- c) out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

**Annual Fire Safety Certificate**

- E23 An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

**Fire Safety Strategy (FSS)**

- E24 The development shall operate in accordance with the FSS approved in accordance with Condition B29 of this consent.

**Storage and Handling of Waste**

- E25 The removal of recycled bottles and glasses must only occur between 7 am and 8 pm weekdays and 9 am and 5 pm weekends and public holidays to avoid disruption to the area.
- E26 No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

**Wastewater Disposal**

- E27 All domestic wastewater must be disposed of to the sewer in accordance with a current agreement with the relevant wastewater disposal authority.

**No Pollution of Waters**

- E28 No part of this approval provides any approval to pollute waters. The Applicant must ensure that any water quality, temperature and quantity discharge off-site complies with the requirements of the *Protection of the Environment Operations Act 1997*.

**Bunding**

- E29 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*.

**Temporary Event Structures**

- E30 Any temporary event structures shall comply with the relevant provisions of the applicable Australian Standards including the *Australian Building Codes Board Temporary Structures Standard 2015* and the BCA.

**Public Access**

- E31 The Applicant must ensure that public access to the site, around the wharve aprons and through the Shore Sheds is maintained and is not unduly obstructed.

**Recreational Fishing Access**

- E32 The Applicant must ensure that public access to the wharves for recreational fishing activities is maintained at all times.

**Operation of plant and equipment**



- E33 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.

**Public Domain Works – Defects Liability Period**

- E34 All works to the Council's public domain, including rectification of identified defects, are subject to a 12-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

**Interpretation Plan**

- E35 The **Interpretation Plan** must be fully implemented within 12 months of the completion of the works.

**Outdoor Seating Plan Outdoor Seating Area Details**

- E36 ~~An Outdoor Seating Plan shall be provided and approved by the Secretary for all outdoor seating areas prior to occupation or commencement of the use. The Plan must outline the outdoor area dimensions, seating numbers, tenancies, street furniture and uses.~~

~~Within 7 days of the occupation of each outdoor seating area, Create NSW shall provide the Secretary with the following:~~

- ~~a) the specific use of the relevant tenancy~~
- ~~b) numbers of outdoor seating patrons~~
- ~~c) a copy of the relevant development consent granted by City of Sydney Council for the fitout of the tenancy~~
- ~~d) a plan demonstrating the outdoor seating complies with the OSP approved under condition D15.~~

**END OF PART E**

**ADVISORY NOTES**

**APPEALS**

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

**OTHER APPROVALS AND PERMITS**

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

**RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS**

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

**TEMPORARY STRUCTURES**

AN4.

- a) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

**DISABILITY DISCRIMINATION ACT**

AN5. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

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

AN6.

- a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you

should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

**BUILDING PLAN APPROVAL**

AN7. 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).

**END OF ADVISORY NOTE**