

Development Consent – Key Sites

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

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Anthea Sargeant
Executive Director
Key sites and Industry Assessments

Sydney 28 February, 2019

SCHEDULE 1

Application Number:	SSD 8838
Applicant:	Grocon (Darling Harbour) Pty Ltd
Consent Authority:	Minister for Planning
Site	<p>31 Wheat Road, Darling Harbour (including airspace over Harbour Street)</p> <p>Lots 401, 402, 403, 404 and 405 DP 862501, Lot 800, 801 and 805 DP 1164281, Lot 2, 4 and 9 DP 1048307, Lot 60, 64 and 65 DP 1009964, Lot 11 DP 1125890, Lot 210 and 217 DP 1130038, Lot 8 DP 1048307 and Lot 1010 DP 1147364</p>
Development:	<p>Fit-out and operation of hotel and serviced apartments including:</p> <ul style="list-style-type: none">• 450 hotel rooms• 143 serviced apartments• Lobby and reception at Ground and Level 1

- Guest facilities at Level 2
- Food and drink area at Level 3
- Function and conference facilities at Level 4
- Pool areas at Level 16 and 22
- bar and kitchen at Level 22 and 23
- common facilities in hallways and common areas at each floor.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Grocon (Darling Harbour) Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable the carrying out of works for the purpose of the development.
Council	City of Sydney
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled The Ribbon, 31 Wheat Road Sydney, Hotel and Serviced Apartment Fit Out and Operation – prepared by Ethos Urban, dated 15 January 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or 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	NSW Minister for Planning (or delegate)
Non-compliance	An occurrence set of circumstances or development that is a breach of this consent

Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Submissions (RtS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.

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.

Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions;
- (d) in accordance with Response to Request for Information, dated 9 October 2018
- (e) in accordance with approved plans in the table below:

Architectural (or Design) Drawings prepared by Ridley			
Dwg No.	Rev	Name of Plan	Date
ARC-RID-0800-00	4	Hotel fitout Key Plan – L00 Ground	14.09.2018
ARC-RID-0801-00	4	Hotel fitout Key Plan – L01 Podium	14.09.2018
ARC-RID-0802-00	3	Hotel fitout Key Plan – L02 Podium	14.09.2018
ARC-RID-0803-00	3	Hotel fitout Key Plan – L03 Podium	14.09.2018
ARC-RID-0804-00	2	Hotel fitout Key Plan – L04 Podium	14.09.2018
ARC-RID-0805-00	3	Hotel fitout Key Plan – L05 and L06	14.09.2018
ARC-RID-0807-00	2	Hotel fitout Key Plan – L07 and L08	14.09.2018
ARC-RID-0809-00	2	Hotel fitout Key Plan – L09 and L10	14.09.2018
ARC-RID-0811-00	2	Hotel fitout Key Plan – L11 and L12	14.09.2018
ARC-RID-0813-00	2	Hotel fitout Key Plan – L13 and L14	14.09.2018
ARC-RID-0815-00	3	Hotel fitout Key Plan – L15 and L16	14.09.2018
ARC-RID-0817-00	3	Hotel fitout Key Plan – L17 and L18	14.09.2018
ARC-RID-0819-00	3	Hotel fitout Key Plan – L19 and L20	14.09.2018
ARC-RID-0821-00	3	Hotel fitout Key Plan – L21 and L22	14.09.2018
ARC-RID-0823-00	3	Hotel fitout Key Plan – L23	14.09.2018
ARC-RID-0850-01	3	Hotel Fitout Overall Sections A&B	14.09.2018

ARC-RID-0850-02	3	Hotel Fitout Overall Sections C	14.09.2018
ARC-RID-0850-03	3	Hotel Fitout Overall Sections D	14.09.2018
ARC-RID-0850-04	3	Hotel Fitout Overall Sections E	14.09.2018
ARC-RID-0850-05	3	Hotel Fitout Overall Sections F	14.09.2018

- A3. Consistent with the requirements in this consent, the Planning 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 Planning Secretary; and
 - the implementation of any actions or measures contained in any such document referred to in Condition A3(a). above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c), A2(d) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), A2(d) or A2(e) the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A6. 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

- A7. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

- A8. Any advice or notice to the consent authority must be served on the Planning Secretary

Structural Adequacy

- A9. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

Operation of Plant and Equipment

- A10. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Applicability of Guidelines

- A11. 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.
- A12. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A13. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent auditing.

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

Incident Notification, Reporting and Response

- A14. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A15. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

Non-Compliance Notification

- A16. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A17. 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.
- A18. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Compliance with the Building Code of Australia (BCA)

- B1. Details shall be provided to the satisfaction of the Certifying Authority, with the application for the relevant Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the Building Code of Australia (BCA).
- B2. The construction, fitout and finishes of food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 *Design, Construction and Fitout of Food Premises*.
- B3. Prior to the issue of a relevant Construction Certificate, the applicant shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- a) the relevant clauses of the BCA
 - b) the relevant project approvals; and
 - c) the relevant Australian Standards.

Note: If Construction Certificates are issued on a level by level basis, structural drawings addressing the matters outlined above must be provided for each level the subject of the Construction Certificate.

- B4. Sanitary facilities shall comply with the deemed-to-satisfy provisions of the BCA or an alternative building solution, in accordance with Part A0 of the BCA, must be prepared by a suitably qualified and accredited person and be submitted to Certifying Authority demonstrating how the relevant performance requirements of the BCA are to be satisfied.

Access for People with Disabilities

- B5. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

Mechanical Ventilation

- B6. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to an occupant of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for above ground works.

Operational Waste Management

- B7. The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this

premises will meet the requirements of City of Sydney Policy for Waste Minimisation in New Developments 2005 to the satisfaction of the Certifying Authority.

- B8. The Draft Waste Management Plan submitted with the EIS prepared by The Mack Group and dated 10 April 2017 is to be finalised and approved by the Certifying Authority prior to the relevant Construction Certificate being issued. The Plan must comply with Council's Policy for Waste Minimisation in New Development 2005. All requirements of the approved Waste Management Plan must be implemented during the operation of the development.

Sydney Water Notice of Requirements

- B9. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue the relevant Construction Certificate.

Installation of Efficient Taps, Toilets and Urinals

- B10. All taps and shower heads installed must be water efficient to ensure the development meets the required 3.0 Star NABERS water rating. The details must be submitted for the approval of the Certifying Authority, prior to issue of the relevant Construction Certificate for services and finishes works.
- B11. All toilets installed within the development must be of water efficient design to ensure the development meets the required 3.0 Star NABERS water. The details must be submitted for approval by the Certifying Authority, prior to the relevant Construction Certificate being issued for services and finishes works.
- B12. New urinal suites, urinals and urinal flushing control mechanisms must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).

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

Environmental Performance

- B13. The applicant must submit details of design measures to the Certifying Authority, demonstrating the proposal incorporates environmentally sustainable design initiatives outlined in *The Ribbon Hotel and Serviced Apartments, Hotel Fit-out Environmentally Sustainable Design Commitments* prepared by Cundall dated 1 December 2017, prior to the issue of the relevant Construction Certificate.
- B14. The works approved under this development consent must not affect the base building, as approved under SSD 7388 (as modified) achieving a 4.0-Star NABERS Energy rating and 3.0-Star NABERS Water rating. The applicant is to provide documentation prepared by a suitably qualified consultant to the Certifying Authority, demonstrating compliance with this requirement prior to the issue of the relevant Construction Certificate.

Internal Lighting System

- B15. The internal lighting system must be designed to provide for the efficient use of energy, including the use of energy efficient light fittings, zoned lighting and controls. Details of the internal lighting

system must be submitted to and approved by the Certifying Authority prior to the relevant Construction Certificate being issued.

Swimming pool waste and overflow

- B16. Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for the relevant Construction Certificate to the satisfaction of the Certifying Authority, in consultation with Council.

Cool Rooms

- B17. Cool room(s) refrigerated chambers and strong-rooms are to be constructed in accordance with G1.2 of the BCA:
- (a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
 - (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
 - (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
 - (d) A door which can be opened at all times from inside without a key.
 - (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

Grease Traps

- B18. A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the boundary so that it can be emptied.

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

Waterless woks

- B19. Where one or more commercial wok stove(s) are to be installed as part of the development only the use of air-cooled (waterless) wok stove(s) are permitted.

Sanitary facilities for food premises

- B20. 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.

Waste rooms for food premises

B21. To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – *Design, Construction and Fitout of Food Premises*, and must be:

- (i) provided with a hose tap connected to the water supply;
- (ii) paved with impervious floor materials;
- (iii) coved at the intersection of the floor and walls;
- (iv) graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
- (v) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*;
- (vi) fitted with appropriate interventions to meet fire safety standards in accordance with the BCA.

Noise Assessment

B22. Prior to issue of the relevant construction certificate, a detailed Noise Impact Assessment shall be prepared that provides an assessment of noise levels associated with internal and external noise sources including:

- (a) traffic noise from adjoining roadways;
- (b) external noise within the tourist and entertainment precinct including major events; and
- (c) future internal noise impacts associated with non-hotel/serviced apartment uses and mechanical plant.

The Noise Impact Assessment shall provide an assessment of internal acoustic amenity of the hotel, serviced apartment, function and leisure uses having regard to internal and external noise sources and if necessary provide specific recommendations to ensure an acceptable level of acoustic amenity is provided for the serviced apartment and hotel uses in accordance with the NSW Industrial Noise Policy, Interim Guidelines for Development near Rail Corridors and Busy Roads and relevant Australian Standards.

The Noise Impact Assessment and amended plans showing any required noise mitigation measures shall be submitted for the Secretary's approval.

PART C - PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

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

Independent Audit

- C3. No later than 4 weeks before the date notified for the commencement of operation, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- C4. Independent Audits of the development must be carried out in accordance with:
 - (a) the Independent Audit Program submitted to the Department under condition 0 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C5. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
 - (a) review and respond to each Independent Audit Report prepared under condition 0 of this consent;
 - (b) submit the response to the Department; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Compliance

- C6. 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.

Construction Environmental Management Plan (CEMP)

- C7. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The CEMP shall be informed by the Construction Management Plan submitted with the EIS and the Construction Management Plan approved pursuant to Condition C4 of SSD 7388, and address, but not be limited to, the following matters where relevant:
 - a) hours of work
 - b) 24-hour contact details of site manager and details of complaint handling
 - c) traffic management, in consultation with Council and TfNSW
 - d) construction noise and vibration management, prepared by a suitably qualified person
 - e) management of dust to protect the amenity of the neighbourhood
 - f) erosion and sediment control
 - g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site
 - h) external lighting in compliance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*
 - i) works in accordance with any remedial works plan
 - j) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works
 - k) incorporation of all acoustic management and treatments.

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

The Applicant shall submit a copy of the CEMP to the Planning Secretary, Property NSW and Council prior to the commencement of work.

Construction Pedestrian and Traffic Management Plan (CPTMP)

- C8. Prior to the commencement of works the Applicant shall prepare a site-specific Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD Coordination Office within TfNSW and be submitted to the Certifying Authority. The CPTMP shall specify, but not be limited to, the following:
- a) location of the proposed work zone
 - b) haulage routes
 - c) construction vehicle access arrangements
 - d) proposed construction hours
 - e) estimated number of construction vehicle movements
 - f) construction program
 - g) consultation strategy for liaison with surrounding stakeholders
 - h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works
 - i) cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network
 - j) should any impact be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

The Applicant shall submit a copy of the CBD Coordination Office endorsed CPTMP to the Planning Secretary, Property NSW and Council prior to the commencement of work.

Construction Noise and Vibration Management Plan (CNVMP)

- C9. Prior to the commencement of construction activities, a detailed and site-specific Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified person (who is eligible for membership of the Australian Acoustic Society, Institute of Engineers Australia or the Australian Association of Acoustic Consultants) in consultation with Council and submitted to the Certifying Authority. The CNVMP shall include, but not be limited to:
- a) identification of each work area, site compound and access route (both private and public)
 - b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes
 - c) identification of all potentially affected sensitive receivers
 - d) the construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009) and Council's Construction Hours / Noise Code of Practice 1992
 - e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d)
 - f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts
 - g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers

- h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity
- i) measures to monitor noise performance and respond to complaints.

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

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

Construction Waste Management Plan (CWMP)

- C10. Prior to the commencement of works, a detailed Construction Waste Management Plan (CWMP) prepared by a suitably qualified person, in consultation with Council, shall be submitted to the Certifying Authority. The CWMP shall address, but not be limited to, the following matters:
 - a) recycling of demolition materials including concrete
 - b) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- C11. The Applicant shall submit a copy of the CWMP to the Planning Secretary and Council prior to commencement of work.
- C12. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.

Contact Telephone Number

- C13. Prior to the commencement of the works, the Applicant shall forward to the Certifying Authority a 24-hour telephone number to be operated for the duration of the construction works.

Associated Roadway Costs

- C14. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the Applicant. The new road works must be designed and constructed in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'.
- C15. Prior to the commencement of work the Applicant is to obtain written advice from an electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) that satisfactory arrangements are in place to ensure provision of adequate services.

Barricade Permit

- C16. 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.

Hoarding

C17. 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
- 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.

Access to Information

C18. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

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

Compliance Reporting

C19. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.

C20. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

C21. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Independent Environmental Audit

- C22. No later than 4 weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- C23. Independent Audits of the development must be carried out in accordance with:
- (c) the Independent Audit Program submitted to the Department under **Condition C22** of this consent; and
 - (d) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C24. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (e) review and respond to each Independent Audit Report prepared under **Condition C23** of this consent;
 - (f) submit the response to the Department; and
 - (g) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Compliance

- C25. 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.

PART D - DURING CONSTRUCTION

Works in Accordance with Plans

- D1. The Applicant must carry out all works on the site which form part of this development in accordance with the:
- CEMP approved under **Condition C7**
 - CPTMP approved under **Condition C8**
 - CNVMP approved under **Condition C9**
 - CWMP approved under **Condition C10**

Hours of Construction

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- between 7:00 am and 7:00 pm, Mondays to Fridays inclusive
 - between 7:00 am and 5:00 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. Activities may be undertaken outside of these hours where:
- it is required by the Police or a public authority for the delivery of vehicles, plant or materials;
 - it is required in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - works are carried out during the following hours ('the extended hours of construction'), subject to the requirements of Condition D6:
 - between 6:00 am and 7:00 am Monday to Saturday
 - between 7:00 pm and 12 Midnight Monday to Friday
 - Between 5:00 pm and 12 Midnight Saturday
- D5. Rock breaking, rock hammering, sheet piling, pile driving and similar activities (if permitted by this consent) may only be carried out between the following hours:
- 9:00 am to 12:00 pm (noon), Monday to Friday;
 - 2:00 pm to 5:00 pm Monday to Friday; and
 - 9:00 am to 12:00 pm (noon), Saturday.
- D6. During the extended hours of construction outlined in Condition D4, the following requirements must be met:
- works shall be undertaken in accordance with the Acoustic Assessment prepared by Acoustic Logic, titled Extended Hours Construction Noise Assessment revision 4 and dated 24/10/17 approved under SSD 7388
 - no deliveries of materials to the site or collection of materials or waste from the site are to be made
 - construction works shall exclude the use of high noise generating appliances, including the following tools:
 - hydraulic/pneumatic hammers
 - angle grinders
 - concrete saws and rock saws
 - any other tools that generate a noise level equal to or louder than any of the above listed tools
 - all workers are to be appraised of the following requirements, and the builder is to ensure the following practices are adhered to:
 - access to the site during the extended hours is restricted to site personnel only
 - workers entering or exiting the site after 7:00 pm are to take care not to speak in raised voices, talk on mobile phones, use any radio including car radio, cause noise disturbance through the transportation of tools or other activity

- e) all construction works shall be carried out in accordance with the requirements of **Conditions C7 - C10** and **Conditions D7 - D12**

Construction Noise and Vibration Management

- D7. The development must comply with the construction noise management levels (NMLs) detailed in the City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992. Where the exceedance of the NMLs is unavoidable all feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the CNVMP, approved as part of the CEMP.
- D8. 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.
- D9. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of $L_{Aeq} 75dBA$) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one-hour respite between ceasing and recommencing any of the work the subject of this condition.
- D10. The Applicant must ensure construction vehicles do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under **Conditions D2 – D6**.
- D11. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D12. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- a) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*
 - b) 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
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above
 - d) these limits apply unless otherwise outlined in the CNVMP required under **Condition C9** and submitted to the satisfaction of the Certifying Authority.

Water Quality

- D13. All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the Table of Water Quality Limits in Schedule 2 and the following guideline documents:
- a) *NSW Water Quality Objectives*
 - b) *The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000)* for the environmental values under the ANZECC guidelines.

Work Cover Requirements

- D14. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hazardous and Industrial Waste

- D15. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and the NSW Work Cover Authority pursuant to the provisions of the following:
- a) *Protection of the Environment Operations Act 1997*
 - b) *Protection of the Environment Operations (Waste) Regulation 1996*
 - c) *Waste Avoidance and Recovery Act 2001*
 - d) *New South Wales Occupational Health & Safety Act 2000*
 - e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J*
 - f) *Construction Work Involving Asbestos or Asbestos Cement 1983)*
 - g) *The Occupational Health & Safety Regulation 2001*
 - h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

Vehicle Cleansing

- D16. 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.

Dust Control Measures

- D17. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction.

No Obstruction of Public Way

- D18. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

External Lighting

- D19. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the City of Sydney evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Bunding

- D20. 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*.

Site Notice

- D21. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) The notice is to be able to be read by the general public from a public road or other public place adjacent to the site

- b) The notice is to be rigid, durable and weatherproof and is to be displayed throughout the works period
- c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- 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.

Contact Telephone Number

D22. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Approved Plans to be On-Site

D23. 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 Council, Property NSW, the Department or the Certifying Authority.

Compliance Report

D24. The Applicant, or any party acting upon this consent, shall, for the duration of the construction period, submit to the Planning Secretary a three-monthly report addressing compliance with all relevant conditions of this Part.

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate to be Submitted

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

Operational Management Plan

- E2. Prior to the issue of an Occupation Certificate, an Operational Management Plan for the Hotel, Serviced Apartments and licenced areas subject to this approval, shall be prepared in consultation with Council and NSW Police and submitted to and approved by the Planning Secretary. The Plan shall address all operational and management procedures to be employed to ensure that the premises can operate without disturbance to the surrounding locality.

Protection of Public Infrastructure

- E3. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Mechanical Ventilation

- E4. Prior to the issue of an Occupation Certificate and following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority 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
 - (d) any dispensation granted by the New South Wales Fire Brigade.
- E5. Prior to issue of an Occupation Certificate and following completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to and approved by the Certifying Authority.

Waste and Recycling Management

- E6. Prior to an Occupation Certificate being issued or commencement of the use, whichever is earlier, the Certifying Authority must be satisfied that waste handling works have been completed in accordance with the Waste Management Plan (**Condition B8**), other relevant conditions and Council's Policy for *Waste Minimisation in New Developments 2005*.

Room furnishings

- E7. Prior to the issue of an Occupation Certificate every hotel room and serviced apartment within the development is to be appropriately furnished.

Water Authority Compliance

- E8. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of an Occupation Certificate.

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

Registration of food premises - health database

- E9. The business is to be registered with Council's Health and Building Unit prior to the issue of an Occupation Certificate.

Cooking equipment and ventilation

- E10. Cooking shall not commence until an air handling system, in accordance with Part F4.12 of the BCA is approved, installed and operational. Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food by heating it. This definition does not include heating food in a microwave, a sandwich press, a toaster or similar, unless the kW or MJ combined or separate exceed that specified in the BCA, or if the use of such equipment generates excessive heat, condensation or grease. Cooking equipment that requires an air handling system is specified in AS1668.2 and BCA F4.12.

Mechanical ventilation required – discharge

- E11. The cooking appliances that require an approved air handling system shall be designed and installed in accordance with AS1668.1-1998 and AS1668.2-1991 or AS1668.2 – 2012 or an alternative solution satisfying the performance objectives of the BCA. No approval is granted for the burning of charcoal and solid fuel.

PART F - POST OCCUPATION

Noise Control – Mechanical Plant and Equipment

- F1. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- a) transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy
 - b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minutes
 - c) notwithstanding compliance with a) and b) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12 midnight and 7 am.

Noise from entertainment venues

- F2. The LA10, 15-minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between 7am and midnight when assessed at the boundary of any affected residence.
- F3. The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15 minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between midnight and 7am when assessed at the boundary of any affected residence.
- F4. Notwithstanding compliance with (F2) and (F3) above, noise from the use when assessed as an LA10, 15 minute enters any residential use through an internal to internal transmission path is not to exceed the existing internal LA90, 15 minute (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between 7am and midnight. Where the LA10, 15 minute noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226: 2003 - *Normal Equal-Loudness-Level Contours* then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
- F5. Notwithstanding compliance with (F2), (F3) and (F4) above, the noise from the use must not be audible within any habitable room in any residential use between midnight and 7am.
- F6. The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15 minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The LA10, 15 minute noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 *Acoustics – Description and measurement of environmental noise*. The background noise level LA90, 15 minute is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment LA90 / rating LA90 methodology in complete accordance with the process listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of AS1055.1997.

General noise

- F7. The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:

- a) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 *Acoustics – Description and measurement of environmental noise*.
 - b) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 *Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise*.
 - c) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- F8. An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:
- a) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226: 2003 - *Normal Equal-Loudness-Level Contours* then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - b) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed.
 - c) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 *Acoustics – Description and measurement of environmental noise*.
 - d) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - e) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

Neighbourhood amenity

- F9. The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

Operational Management Plan

- F10. The use and operation of the hotel, serviced apartments and licenced areas subject this approval must comply with the approved Operational Management Plan **Condition E2**.

Copies of consents

- F11. A full and current copy of all current development consents for the operation of the licenced premises, and the Plan of Management, must be kept on-site and made available for inspection by the Department, Property NSW, NSW Police, Council Officers or Special Investigators upon request.

Recording and notification of incidents

- F12. The hotel operator/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

Loading and Unloading

- F13. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with the Loading Dock within the building.
- F14. At all times the service vehicle dock and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Environmental Performance

- F15. Within 12 to 18 months following the issue of the final Occupation Certificate, the Applicant is to provide to the Certifying Authority and Planning Secretary documentation, prepared by a suitably qualified consultant, confirming that the development achieves a minimum 4.0-Star NABERS Energy rating and 3.0-Star NABERS Water rating.

Waste Collection

- F16. Prior to the issue of an Occupation Certificate, the Certifying Authority must be satisfied that waste handling works have been completed in accordance with the Waste Management Plan, other relevant conditions and Council's Policy for *Waste Minimisation in New Developments 2005*.

Annual Fire Safety Certification

- F17. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

External Lighting

- F18. External Lighting must comply with AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

Compliance Report

- F19. The Applicant, or any party acting upon this approval, shall submit to the Planning Secretary a report addressing compliance with all relevant conditions of this approval.

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A16 or, having given such notification, subsequently forms the view that an incident has not occurred.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

Written notification of an incident must:

- a. identify the development and application number;
- b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- c. identify how the incident was detected;
- d. identify when the Applicant became aware of the incident;
- e. identify any actual or potential non-compliance with conditions of consent;
- f. describe what immediate steps were taken in relation to the incident;
- g. identify further action(s) that will be taken in relation to the incident; and
- h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

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

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.

