Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

These conditions are required to:

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

The Hon Robert Stokes MP
NSW Minister for Planning and Public Spaces

Sydney 13th August 2019 File: SSD 9270

SCHEDULE 1

Application Number:	SSD 9270
Applicant:	Macquarie Corporate Holdings Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	50 Martin Place (Lot 1 in DP 182023), 9-19 Elizabeth Street (Lot 1 in DP 526161), 8-12 Castlereagh Street (Lots 1 and 2 in DP 929277 and Lot 1 in DP 173027), 7 Elizabeth Street (SP 13171), 5 Elizabeth Street (Lot 2 in DP 548142) and 55 Hunter Street (Lot 1 in DP 222356).
Development:	Stage 2 development application at Martin Place Station Precinct (North Site) • Construction and use of a 39-storey (plus rooftop plant) commercial tower above the northern entrance of the new Martin Place Metro Station providing: • 75,521m^2 Gross Floor Area (GFA) including 1,017m^2 for retail use and 74,504m^2 for office use; • works to integrate with the Station design, including over station development areas within the station building for plant, services, end of trip facilities, retail and office spaces.

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DEFINITIONS

Applicant	Macquarie Corporate Holdings, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
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 operation
Council	City of Sydney Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising Martin Place Station Precinct North Site, as modified by the conditions of this consent. Development excludes all works approved under Sydney Metro City & Southwest – Chatswood to Sydenham Critical State Significant Infrastructure Project – SSI 15_7400.
EIS	The Environmental Impact Statement titled North Site Stage 2 – Sydney Metro Martin Place integrated station development, prepared by Ethos Urban dated 4 October 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	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Night	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
OEH	NSW Office of Environment and Heritage
Operation	The carrying out of the approved land uses upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.

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.
Response to submissions	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.
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
TfNSW	Transport for NSW

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

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 the approved plans in the table below:

Architectural Drawings prepared by Johnson Pilton Walker			
Drawing Number	Rev	Name of Plan	Date
CSWSMP-MAC-SMN-AT-DRG-DA-000000	I	Cover Page and Drawing List	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA- 109805	D	Location Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA- 109806	D	Site Plan – Roof Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA- 109808	D	Precinct Plan – Ground Plane	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA- 159801	G	Precinct Section	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300000	K	Ground Plan – Elizabeth Street	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300100	I	Level 01 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300200	I	Level 02 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300300	K	Level 03 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300400	J	Level 04 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300500	I	Level 05 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300600	I	Level 06 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300700	H	Level 07 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300800	H	Level 08 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.300900	H	Level 09 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.301000	J	Level 10 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.301100	H	Level 11 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.301200	H	Level 12 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.301300	H	Level 13 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.301400	H	Level 14 Plan	31.05.19

CSWSMP-MAC-SMN-AT-DRG-DA-.301500	H	Level 15 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.301600	H	Level 16 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.301700	H	Level 17 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.301800	H	Level 18 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.301900	H	Level 19 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302000	H	Level 20 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302100	H	Level 21 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302200	H	Level 22 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302300	H	Level 23 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302400	H	Level 24 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302500	H	Level 25 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302600	H	Level 26 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302700	H	Level 27 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302800	H	Level 28 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.302900	H	Level 29 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303000	H	Level 30 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303100	H	Level 31 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303200	H	Level 32 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303300	H	Level 33 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303400	H	Level 34 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303500	H	Level 35 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303600	H	Level 36 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303700	H	Level 37 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303800	H	Lower Roof Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.303900	H	Upper Roof Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.305000	H	Roof Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA- 308000	J	Lower Ground Plan – Castlereagh Street	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA- 308100	D	Level B1 Plan – Service Yard	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA- 308200	D	Level B2 Plan – End of Trip Facility	31.05.19

CSWSMP-MAC-SMN-AT-DRG-DA- 308300	D	Level B3 Plan – Metro Station Concourse	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA- 308400	D	Level B4 Plan – Metro Station Plant	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA- 308500	D	Level B5 Plan – Metro Station Platform	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.391000	J	Landscape Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.409900	M	East Elevation	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.409901	M	North Elevation	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.409902	L	West Elevation	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.409903	H	South Elevation	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.509900	J	North - South Section	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.509910	I	East - West Section	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-.519902	I	East – West Internal Section	31.05.19

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and

(b) the implementation of any actions or measures contained in any such document referred to in condition A3(a) 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). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

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

MATTERS NOT APPROVED

A6. The fit-out and operation of retail premises in the development is not approved and shall be subject to separate and future application(s).

PRESCRIBED CONDITIONS

A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2000.

LEGAL NOTICES

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

LONG SERVICE LEVY

A9. A Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

SECTION 61 CONTRIBUTION UNDER CITY OF SYDNEY ACT

A10. A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002/ Central Sydney Development Contributions Plan 2013 in accordance with the following:

(a) Prior to any Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.

(b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop.

(c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.

(d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.

(e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

(f) Contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

Note: Section 61 Contributions are not applicable to the approved Sydney Metro City and Southwest station works (CSSI 7400).

EVIDENCE OF CONSULTATION

A11. Where conditions of this consent require consultation with an identified party, the Applicant must:

(a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and

(b) provide details of the consultation undertaken including:

(i) the outcome of that consultation, matters resolved and unresolved; and

(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

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

Notes:

- *Under Part 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

A13. All plant and equipment used on site, or to monitor the performance of the development must be:

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

(b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A14. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A15. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

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

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

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A17. The Department must be notified in writing to compliance@planning.nsw.gov.au 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. This applies to works under the applicable Construction Certificate issued for the development.

A18. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

A19. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A20. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A21. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A22. Within three months of:

(a) the submission of a Compliance Report under condition C4;

(b) the submission of an incident report under condition A17;

(c) the submission of an Independent Audit under condition C7;

(d) the approval of any modification of the conditions of this consent; or

(e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A23. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

PUBLIC ART PLAN

A24. The Applicant must submit a final North Site Public Art Plan to the satisfaction of the Planning Secretary prior to the issue of the relevant Construction Certificate. The Plan is to be prepared in coordination with the Martin Place Station Precinct Public Art Strategy.

A25. The installation of all public art within the Public Art Plan lodged to satisfy Condition A24 above shall occur prior to issue of the final Occupation Certificate.

HERITAGE COUNCIL CONDITIONS

A26. The Applicant must consult with the Heritage Council in accordance with the key milestones and subject matters listed in the Heritage Impact Statement (TKD Architects, February 2019). Confirmation of Heritage Council feedback shall be provided to the Planning Secretary prior to the issue of the relevant Construction Certificate and must include the Applicant's response to feedback.

A27. A Heritage Interpretation Plan shall be prepared in consultation with the Heritage Council and Office of Environment and Heritage prior to the issue of the relevant Construction Certificate. The Heritage Interpretation Plan must be prepared in accordance with the Sydney Metro Martin Place Integrated Station Development Heritage Interpretation Strategy (TKD Architects, February 2019) and the endorsed Sydney Metro City and Southwest Heritage Interpretation Strategy (February 2018).

A28. The Applicant must present the Heritage Interpretation Plan to the Heritage Council in accordance with the consultation milestone dates included in the Heritage Impact Statement (TKD Architects, February 2019)

A29. The installation of all heritage interpretation elements within the Heritage Interpretation Plan lodged to satisfy Condition A27 above shall occur prior to issue of the final Occupation Certificate.

FIRE AND RESCUE CONDITIONS

A30. Fire & Rescue NSW must be consulted with respect to the operational compatibility of the Precinct's proposed fire and life safety systems and their configuration at the project's preliminary and final design phases.

A31. Pedestrian connection interfaces between the various sites of the precinct must be appropriately assessed by fire engineering analysis with respect to emergency occupant egress, fire and smoke compartmentation, smoke hazard management and firefighting intervention.

A32. Fire & Rescue NSW must be consulted during the design and construction of the building, as well as any relevant stages post construction.

PROTECTION OF SYDNEY TRAINS STRUCTURES AND EASEMENT

A33. Prior to the issue of the relevant Construction Certificate the Applicant shall submit a Structural Statement and Rail Corridor Impact Report to the satisfaction of Sydney Trains or otherwise confirmed in writing by Sydney Trains that one is not required to be submitted.

A34. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

A35. Prior to the issue of the relevant construction certificate, the Applicant shall undertake security risk assessment and prepares security management plans for construction, prior to occupation and post occupation stages.

AIRSPACE PROTECTION

A36. For the purposes of controlled activities within the prescribed airspace for Sydney Airport, the building must not exceed a maximum height of RL 214.2 metres Australian Height Datum, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues, etc

A37. The proponent must advise Airservices Australia at least 3 business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting SY-CA-489.

A38. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

A39. At the completion of the construction of the building, a certified surveyor is to notify (in writing) SACL of the finished height of the building.

END OF PART A

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DESIGN EXCELLENCE AND DESIGN INTEGRITY REVIEW

B1. The architectural design team comprising Johnson Pilton Walker and Grimshaw (the Design Team) is to have direct involvement in the design documentation, contract documentation and construction stages of the project.

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

B3. Evidence of the Design Team's commission is to be provided to the Planning Secretary prior to the release of the relevant Construction Certificate.

B4. The Design Team is not to be changed without prior notice and approval of the Planning Secretary.

B5. To ensure the scheme retains, or is an improvement upon the approved design excellence qualities, the Applicant shall notify the Planning Secretary of any proposed modifications to the approved architectural drawings or matters resolved through the Martin Place Over Station Development Design Review Panel (the DRP).

B6. The Planning Secretary is to determine whether the proposed changes require an independent review by the DRP or other appropriate person(s).

B7. Having considered any advice received from the DRP or other person(s), the Planning Secretary may endorse the proposed change(s) prior to the issue of the relevant Construction Certificate or not endorse the change(s) and require a Section 4.55 Modification Application to be lodged.

B8. If the DRP is reconvened for the review of any relevant design changes, a Design Integrity Report (DIR) is to be prepared and submitted to the Planning Secretary prior to the issue of the relevant Construction Certificate or the lodgement of the Section 4.55 Modification Application. The DIR shall include a summary of feedback provided by the DRP and responses by the Applicant to this advice.

TERMS OF REFERENCE FOR OVER STATION DEVELOPMENT DESIGN REVIEW PANEL

B9. Within 30 days of the issue of this consent (or another timeframe as agreed with the Planning Secretary), the Applicant is to provide a revised Terms of Reference for the ongoing involvement of the Martin Place Over Station Development Design Review Panel (DRP) for the approval of the Planning Secretary. The Terms of Reference shall demonstrate how and when the DRP will be involved in any review and provision of advice during the on-going detailed design development phase to ensure the continuing design integrity of the project.

USE OF A HERITAGE ARCHITECT

B10. The design of works relating to 50 Martin Place and at the junction with the new building must be informed by a qualified heritage architect during the design documentation, contract documentation and construction stages of the project. The heritage architect is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any heritage-related design issues throughout the project. Evidence of the heritage architects commission is to be provided to the Planning Secretary prior to the issue of the relevant Construction Certificate.

MATERIALS AND FINISHES

B11. Prior to the issue of the relevant Construction Certificate, details of final materials and finishes must be lodged to the satisfaction of the Planning Secretary. The details must include:

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

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

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

REFLECTIVITY

B12. External materials must be pre colour coated or manufactured having a low glare and low reflective finish. The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light limited to 20 per cent and shall be designed so as not to result in glare that causes unacceptable discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Planning Secretary prior to the issue of the relevant Construction Certificate.

THROUGH-SITE LINK

B13. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Planning Secretary further details and strategies to demonstrate the expression and character of the through-site link. The through-site link is to include:

(a) integration of public art (Metro, heritage and Macquarie-commissioned public art)

(b) infrastructure to support public activation, including retail premises

(c) function and 'entry experience' requirements to provide a suitable access to a large commercial building

(d) safety provisions

(e) a level of design finish suitable for a busy publicly accessible space.

B14. When developing the further details and strategies above, the Applicant shall engage with, and seek the views of, the DRP and provide evidence of how that feedback has been addressed before seeking the Planning Secretary's endorsement.

RETAIL STRATEGY

B15. Within 12 months of the date of this consent (or another timeframe as agreed with the Planning Secretary), a revised Retail Strategy is to be prepared and submitted to the satisfaction of the Planning Secretary. The Strategy shall, at a minimum, provide consideration of:

(a) the broader Martin Place Station Precinct, including relationship and connectivity with below ground station spaces

(b) diverse retail offerings to meet the demands of workers, visitors and public transport customers

(c) existing retail offerings within the locality.

B16. When developing the Retail Strategy above, the Applicant shall engage with, and seek the views of, the DRP and provide evidence of how that feedback has been addressed before seeking the Planning Secretary's endorsement.

TOP OF BUILDING SIGNAGE

B17. Details of the final signage design, content and illumination within the approved Signage Zones at the top of the tower are to be submitted to the satisfaction of the Planning Secretary prior to the installation and display of any signage.

MAXIMUM BUILDING HEIGHT

B18. The maximum height of the approved building must not exceed RL 194 m AHD, including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance with this condition must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

GROSS FLOOR AREA CERTIFICATION

B19. The gross floor area of the development must not exceed 75,521m². Details confirming compliance with this condition must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

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

EXTERNAL WALLS AND CLADDING

B20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

B21. Before the issue of the relevant Construction Certificate and the relevant Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

B22. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

B23. The development must incorporate all design, construction and operation measures as identified in the ESD Strategy prepared by ARUP dated August 2018. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B24. The Applicant must demonstrate reasonable efforts to achieve the "stretch targets" for precinct-wide greening, digital infrastructure and community facilities, as identified in ARUP ESD Addendum Letter 5 March 2019, to the satisfaction of the Planning Secretary prior to the issue of the relevant Construction Certificate.

MECHANICAL PLANT NOISE MITIGATION

B25. Details of noise mitigation measures for all mechanical plant are to be detailed on the Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

ACCESS FOR PEOPLE WITH DISABILITIES

B26. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

LOADING AND UNLOADING AREAS

B27. All loading and unloading operations associated with servicing the site must be carried out within the signposted loading spaces at all times and must not obstruct other properties/units or the public way.

B28. The service vehicle docks, car parking spaces and access driveways must be kept clear of goods at all times and must not be used for storage purposes, including garbage storage.

CAR PARKING

B29. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of the issue of the relevant Construction Certificate:

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

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

(c) parking associated with the proposal (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS/NZS 2890.6:2009 and AS 2890.2-2002;

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

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

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

BICYCLE PARKING AND FACILITIES

B30. A minimum of 674 on-site bicycle parking shall be provided for the North Tower and 50 Martin Place as follows:

(a) 468 employee spaces for North Tower users and 16 visitors spaces for North Tower visitors

(b) 162 spaces for 50 Martin Place staff and visitors (as was required under D/2011/733)

(c) 28 retail employee spaces shared between the North Site and South Site

B31. Minimum end of trip facilities are as follows:

(a) 724 personal lockers, comprising 562 for the North Tower and 162 for 50 Martin Place

(b) 72 showers, comprising 54 for the North Tower and 18 for 50 Martin Place.

In addition to the above, the basement is to make allowance for 232 bicycle parking spaces, 269 lockers and 28 showers for the South Site development as approved under SSD 9326.

B32. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities* except that:

(a) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities

(b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

B33. Storage, change room and shower facilities shall be provided and designed in accordance with the details provided within the application. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

DETAILS OF EXTERNAL TERRACE LANDSCAPING

B34. Prior to the issue of relevant Construction Certificate, final design details of the proposed external terrace landscaping are to be prepared and submitted to the satisfaction of the Planning Secretary.

END OF PART B

PART C - PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

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

ACCESS TO INFORMATION

C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

(a) make the following information and documents (as they are obtained or approved) publicly available on its website:

(i) the documents referred to in condition A2 of this consent;

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this consent;

(iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;

(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

(vi) a summary of the current stage and progress of the development;

(vii) contact details to enquire about the development or to make a complaint;

(viii) a complaints register, updated monthly;

(ix) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;

(x) any other matter required by the Planning Secretary; and

(b) keep such information up to date, to the satisfaction of the Planning Secretary.

COMPLIANCE REPORTING

C4. 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.

C5. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

C6. 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 AUDIT

C7. 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.

C8. Independent Audits of the development must be carried out in accordance with:

(a) the Independent Audit Program submitted to the Department under condition C7 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).

C9. 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 C8 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.

COMMUNITY CONSULTATIVE COMMITTEE

C10. Before the commencement of construction, the Applicant must:

(a) amend the Community Consultation Strategy (CCS) applicable to the CSSI station works (CSSI 7400) to apply to the development, or

(b) establish a Community Consultative Committee (CCC) for the development, independent of the CCS approved with the CSSI station works, in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2016). If adopted, the CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.

Notes:

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

COMMUNITY COMMUNICATION STRATEGY

C11. Before the commencement of construction, the Applicant must:

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

(b) prepare a Community Communication Strategy for the development, independent of the CCS approved with the CSSI station works, 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 the completion of construction. The Community Communication Strategy must:

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

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

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

(iv) set out procedures and mechanisms:

- through which the community can discuss or provide feedback to the Applicant;
- through which the Applicant will respond to enquiries or feedback from the community; and
- to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

C12. The amended CSSI CCS or project-specific Community Communications Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work associated with the construction of the development.

C13. Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

C14. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

COMPLIANCE

C15. 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 FRAMEWORK ENVIRONMENTAL MANAGEMENT PLAN

C16. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

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

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

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

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

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

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

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

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

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

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

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

C17. In the event of any inconsistency between the consent and the CFEMP, the consent shall prevail.

C18. The CFEMP and any associated Sub-Plans should be revised:

(a) at each key stage of the works;

(b) in response to future development consents;

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

(d) in support of licence variations as necessary.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN

C19. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

(a) amend, or prepare an addendum to, the relevant Construction Traffic Management Plans (CTMPs) applicable to the CSSI station works (CSSI 7400) to apply to the development. The amended CTMP(s) must be submitted to the Planning Secretary and Certifying Authority, or

(b) update the Construction Pedestrian and Traffic Management Plan (CPTMP) lodged with the SSD in consultation with the Sydney Coordination Office within TfNSW and provide a copy of the final CPTMP for the review and endorsement of the Coordinator-General, Transport Coordination, prior to the commencement of any works on site. The CPTMP shall include, but not be limited to, the following:

(i) Consistency with the relevant Construction Traffic Management Plans prepared under CSSI 7400;

(ii) Loading and unloading details, including the locations of all proposed work zones;

(iii) Haulage routes;

(iv) Construction vehicle access arrangements;

(v) Proposed construction hours;

(vi) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements, distinguishing concrete pours from other construction activity and noting that construction vehicles would be restricted from using work zones on Castlereagh Street and Elizabeth Street during certain times of the day;

(vii) Construction program, highlighting details of peak construction activities and proposed construction 'Staging';

(viii) Details of specific measures to ensure the arrival of construction vehicles to the site does not cause additional queuing on Elizabeth Street, Hunter Street, Castlereagh Street and King Street;

(ix) Details of construction vehicle marshalling areas outside the CBD;

(x) Details of pedestrian and traffic management measures;

(xi) The staging of works and simultaneous construction with other projects in the precinct including the Sydney Light Rail Project, Sydney Metro City and Southwest and private development to mitigate the cumulative construction impacts of projects;

(xii) 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; and

(xiii) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

C20. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AIR QUALITY MANAGEMENT SUB-PLAN

C21. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

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

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

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

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

(iii) mission statement;

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

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

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

(vi) communication strategy; and

(vii) system and performance review for continuous improvements.

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

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

WASTE MANAGEMENT SUB-PLAN

C22. Prior to the issue of the relevant Construction Certificate, the Applicant shall:

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

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

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

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

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

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

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

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

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

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

PRE-CONSTRUCTION DILAPIDATION REPORTS

C23. Unless already carried out under CSSI 7400 for all relevant affected adjoining buildings, infrastructure and roads, the Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report. The Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to the Certifying Authority and each of the affected property owners.

C24. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Planning Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

C25. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

UTILITY SERVICES

C26. Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (electricity supply authority, an approved telecommunications carrier and an approved gas carrier, where relevant) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

CONTACT TELEPHONE NUMBER

C27. 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.

BARRICADE PERMIT

C28. Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

C29. Unless already carried out under CSSI 7400 for the relevant street frontages and duration of the development, a separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

(a) architectural, construction and structural details of the design as well as proposed artwork

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

C30. 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.

END OF PART C

PART D - DURING CONSTRUCTION

CONSTRUCTION HOURS

D1. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

(a) between 7.00 am and 6.00 pm, Mondays to Fridays inclusive; and

(b) between 7.00 am and 5.00 pm, Saturdays.

D2. No work may be carried out on Sundays or public holidays.

D3. Activities may be undertaken outside of these hours if required:

(a) by the Police or a public authority for the delivery of vehicles, plant or materials; or

(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

D4. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

IMPLEMENTATION OF MANAGEMENT PLANS

D5. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.

DEMOLITION

D6. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

VIBRATION CRITERIA

D7. Vibration caused by construction at any residence or structure outside the Site must be limited to:

(a) for structural damage vibration, British Standard BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration

(b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006)

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

(d) these limits apply unless otherwise outlined in the amended CSSI CNVMP or the project-specific CNVMP (Condition C21).

D8. The Applicant must undertake trial testing of vibration intensive equipment that is identified as having the potential to exceed the vibration criteria identified to ensure it is not exceeded at any residence or structure outside the subject site.

NO OBSTRUCTION OF PUBLIC WAY

D9. 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

D10. 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 Certifying Authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

SITE NOTICE

D11. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

(a) minimum dimensions of the notice are to measure 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.

CONTACT TELEPHONE NUMBER

D12. 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

D13. 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 or the Certifying Authority.

COVERING OF LOADS

D14. 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

D15. 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.

END OF PART D

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

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

RIGHT OF ACCESS

E2. Prior to the issue of any Interim or Final Occupation Certificate, a documentary Right of Access (or similar) is to be created and registered on the Title of the subject land, benefitting the users of the future "South Site" for access to the bicycle parking, end-of-trip facilities and loading services within the "North Site", pursuant to either Section 88B or 88E of the Conveyancing Act 1919. The Right of Access is to be defined in stratum over all corridors, paths, lifts and stairs giving access to relevant areas including services, loading facilities, waste management areas, bicycle parking and end of trip facilities.

PUBLICLY ACCESSIBLE THROUGH SITE LINK

E3. Prior to the issue of the final Occupation Certificate, the pedestrian through-site link between Elizabeth Street and Castlereagh Street must be available for public access between 6:00am and 10:00pm daily. High quality signage must be erected and maintained, adjacent to both access points and suited to the surrounding materials and finishes, stating the opening hours.

PROTECTION OF PUBLIC INFRASTRUCTURE

E4. 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.

FREIGHT AND SERVICING

E5. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit a Loading Dock Management Plan in order to manage the freight and servicing associated with the development.

E6. The Loading Dock Management Plan shall include the following:

(a) allocation of loading spaces;

(b) restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements;

(c) controls on duration of stays;

(d) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs;

(e) controls on the placement of skips, pallets, etc.;

(f) procedures for tradesman access and parking;

(g) allocation of delivery times for residential removalists; and

E7. The Applicant shall implement and use supply chain consolidation and off-site consolidation in conjunction with the development's on-site loading dock, to accommodate the development's servicing requirements, in consultation with the Sydney Coordination Office within TfNSW. The use of all these measures shall be maintained for the life of the development, or until such time as alternative arrangements are approved by TfNSW which continue to ensure that the freight and servicing task is accommodated wholly within the on-site loading dock.

E8. The Applicant shall provide resilience for the South Tower loading dock through the North Tower loading dock in contingency situations, for the life of the South Tower development, or until such time as alternative arrangements are approved by TfNSW which continue to ensure that the freight and servicing task is accommodated wholly within the South Tower loading dock.

ELECTRONIC CAD MODEL

E9. Prior to a final Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model. The data required to be submitted within the surveyed location must include and identify:

(a) building design above and below ground in accordance with the development consent

(b) all underground services and utilities, underground structures and basements, known archaeological structures and artefact

(c) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file

E10. The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at http://www.cityofsydney.nsw.gov.au/development/applicationguide/application-process/model-requirements Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

PHYSICAL MODEL

E11. Prior to the issue of the final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must also be provided to the City of Sydney for the City Model in Town Hall House

The model must be constructed in accordance with the City of Sydney's Model Specifications. The Council's model maker must be consulted prior to the construction of the model. The model must be amended to reflect any modifications to this approval that affects the external appearance of the building.

GREEN TRAVEL PLAN

E12. To encourage travel modes other than private vehicle the Applicant shall prepare and implement a green travel plan and transport access guide for future employees and visitors. Details are to be submitted to the Certifying Authority prior to the issue of the final Occupation Certificate.

WASTE MANAGEMENT PLAN

E13. Prior to the commencement of use, an updated Waste Management Plan (WMP) 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 the Planning Secretary.

WASTE AND RECYCLING COLLECTION

E14. 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.

POST-CONSTRUCTION DILAPIDATION REPORT

E15. Unless otherwise carried out under the requirements of CSSI 7400, prior to the issue of an Occupation Certificate:

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

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

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

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

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

ROAD DAMAGE

E16. The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation or commencement of the use.

FIRE SAFETY CERTIFICATION

E17. Prior to the issue the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifying Authority and be prominently displayed in the building.

ENVIRONMENTAL PERFORMANCE

E18. Prior to occupation or commencement of the use, the Applicant is to provide documentation to the Certifying Authority demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under Conditions B23 and B24.

END OF PART E

PART F - POST OCCUPATION

FREIGHT AND SERVICING

F1. The Applicant shall implement the Loading Dock Management Plan to manage the freight and servicing associated with the development.

F2. The Applicant shall implement and use supply chain consolidation and off-site consolidation in conjunction with the development's on-site loading dock, to accommodate the development's servicing requirements, in consultation with the Sydney Coordination Office within TfNSW. The use of all these measures shall be maintained for the life of the development, or until such time as alternative arrangements are approved by TfNSW which continue to ensure that the freight and servicing task is accommodated wholly within the on-site loading dock.

ANNUAL FIRE SAFETY STATEMENT

F3. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

F4. Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

(a) transmission of 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected receiver; and

(b) a sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with 'assessing Vibration; Technical Guidelines' – DEC (EPA) AS1055 for sound level measurements

SECURITY MANAGEMENT

F5. The Applicant shall implement a security management plan endorsed by TfNSW.

END OF PART F

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

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

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

TEMPORARY STRUCTURES

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

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

DISABILITY DISCRIMINATION ACT

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

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

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

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

BUILDING PLAN APPROVAL

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

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

END OF ADVISORY NOTES

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 A19 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.