

14 October 2021

2200220

Appendix U Compliance with Approved Concept Proposal

On 31 May 2019, development consent was granted to a Concept Proposal (Stage 1 DA) for the redevelopment of the Cockle Bay Wharf and detailed site preparation works (SSD 7684). This SSD DA permitted demolition works on the site and established the planning and development framework through which to assess this subsequent Stage 2 application.

Under Section 4.24 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), whilst a Concept Development Application (DA) remains in-force, any further detailed application in respect to the site cannot be inconsistent with the consent for the Concept Proposal.

The assessment demonstrates that the proposed development is not inconsistent with the terms of the approved Concept Proposal as modified. It is noted that an application under Section 4.55 of the EP&A Act to modify the Concept (Stage 1) SSD application has been lodged concurrently with this Stage 2 SSD DA. This Modification Application aligns the approved building envelope and site areas with the detailed design of the built form and public domain areas proposed under this subsequent SSD DA. The proposed modifications are minor and a direct result of the design development that occurred as part of the Design Competition stage of the project, and the preparation of further detailed technical assessments as part of this DA.

As the proposed modifications relate principally to the Stage 2 SSD DA, it is intended that the Modification Application will be assessed and determined concurrently, or prior to, determining the Stage 2 SSD DA.

Condition No.	Condition	Comment
PART A – TERMS OF APPROVAL		
A1	Consent is granted to the Concept Proposal as described in Schedule 1 and the EIS (as amended by the Amended EIS and RtS) and does not authorise the carrying out of any physical works, including construction works, which must be the subject of Future Development Application(s).	This Stage 2 SSD DA seeks consent for all physical works not otherwise approved as part of the Stage 1 DA.

Condition No.	Condition	Comment
A2	The Applicant, in acting on this consent, must carry out the development: <ol style="list-style-type: none"> in compliance with the conditions of this consent in accordance with all written directions of the Planning Secretary generally in accordance with the State significant development application SSD 7684, including the: <ol style="list-style-type: none"> Amended Environmental Assessment Statement, prepared by Ethos Urban Pty Ltd, dated 1 November 2017 Response to Submissions prepared by Ethos Urban Pty Ltd, dated 5 July 2018 Letter titled 'SSD 7684 - Cockle Bay, Further Information Request' and appendices, prepared by Ethos Urban Pty Ltd, dated 18 September 2018. As amended by documents dated 24 September, 8, 17, 25 October and 12 November 2018 accordance with the following drawings (as amended by the conditions of this consent)... 	The proposed development complies with the conditions of consent and building envelope as proposed to be modified in the concurrent Modification Application to the Concept (Stage 1) SSD DA.
A3	In accordance with section 4.22 of the EP&A Act, all physical works and subsequent stages of the Concept Proposal are to be subject of Future Development Application(s).	This Stage 2 SSD DA seeks consent for all physical works not otherwise approved as part of the Stage 1 DA.
A4	In accordance with section 4.24 of the EP&A Act, the determination of Future Development Application(s) cannot be inconsistent with the terms of this development consent (SSD 7684) as described in Schedule 1, and subject to the conditions in Schedule 2.	As demonstrated in this schedule, the proposed development is not inconsistent with the terms of the Concept (Stage 1) SSD application as modified.
A5	This consent will lapse five years from the date of consent unless works the subject of Future Development Application(s) have physically commenced by the date.	N/A
A6	This consent does not approve the use of publicly accessible open space for events. Separate approval(s) must be obtained for the use of publicly accessible open space for events.	An Event Management Plan has been prepared for the site in accordance with Condition C15 below confirming that the site is capable of complementing events held in the Darling Harbour tourism and entertainment precinct. No events themselves are proposed as part of this DA, and will be subject of a separate and future process.
A7	Any advice or notice to the consent authority shall be served on the Planning Secretary.	N/A
A8	In the event of any inconsistency between conditions of this approval and the drawings / documents referred in Condition A2, the conditions of this approval prevail.	N/A
A9	The maximum gross floor area (GFA) for the development shall not exceed 89,000 m ² , comprising: <ol style="list-style-type: none"> 75,000 m² commercial office GFA 14,000m² retail GFA 	The proposed development complies with the GFA cap including the breakdown of commercial and retail floor space, as confirmed in the schedule that accompanies the Design Report at Appendix A .
A10	The maximum building heights for the development are shown on the concept drawings listed in Condition A2 and shall not exceed: <ol style="list-style-type: none"> Maximum tower height RL 183 Maximum podium and tower base height RL 29 	The concurrent Modification Application seeks to refine the height of the podium and tower base and the deck over the Western Distributor (landbridge). The project complies with the modified levels for the deck and the podium.

Condition No.	Condition	Comment
	c. Maximum deck over the Western Distributor height RL 19	The proposed tower complies with the maximum building height assessed and approved as part of the Concept Proposal. While a building maintenance unit may extend above RL 183m, this only occurs when the BMU is in operation and does not represent a permanent fixture of the building roofline. When not in operation, the BMU is hidden behind the tower crown and complies with the maximum tower height.
A11	A minimum of 6,500 m ² publicly accessible open space shall be provided on the site, comprising: <ul style="list-style-type: none"> a. 5,500 m² publicly accessible open space located at the northern side of the site, between the tower, Pyrmont Bridge, Sussex/Market Streets and the Cockle Bay promenade b. 1,000 m² publicly accessible open space located to the south of the tower 	The public domain assessment and associated landscape plans provided at Appendix A and Appendix C (respectively) confirm that the minimum conditioned areas of publicly accessible open space will be provided as part of the proposed development, and that these areas have been calculated in accordance with this condition.
A12	The calculation of the 6,500 m ² publicly accessible open space: <ul style="list-style-type: none"> a. may include stairs, terraces, hard and soft landscaping associated with publicly accessible open space b. shall exclude retail tenancies inclusive of outdoor seating/dining areas and primary pedestrian thoroughfares for the principal purpose of access to/from and/or through the development (e.g. from Market Street to Pyrmont Bridge and Market Street to the Tower). 	
A13	The maximum number of on-site car parking spaces shall not exceed 150 spaces.	The proposed development does not seek to provide any on-site car parking as part of this stage.
A14	Prior to the lodgement of any Future Development Application(s), the detailed design of the development shall be subject to a Design Excellence Competition (Competition) carried out in accordance with the Design Excellence Strategy prepared by Ethos Urban, dated 12 November 2018.	As detailed in the Design Excellence Report prepared by Urbis (Appendix M of the EIS), this proposed Cockle Bay Park project has been the subject of a Design Excellence Competition carried out in accordance with the Design Excellence Strategy.
A15	Prior to the commencement of any Competition (Condition A14), a Competitive Design Brief (CDB) prepared in consultation with the Government Architect NSW, shall be submitted to and approved by the Planning Secretary. The CDB shall be generally in accordance with the Government Architect's Design Excellence Competition Guidelines and include the membership of the jury, specific assessment criteria against which the submissions will be judged, having regard to the requirements of this consent, built form controls and design guidelines (as endorsed by the Planning Secretary).	As detailed in the Design Excellence Report prepared by Urbis (Appendix M of the EIS), the Competitive Design Brief was approved by the Planning Secretary prior to the commencement of the competition.
A16	A Design Integrity Panel (DIP) shall be established by the Applicant prior to the lodgement of any Future Development Application(s). The DIP shall comprise at least three of the members of the Competition jury (Condition A14) selected in consultation with the Government Architect NSW and in accordance with the Government Architect's Design Excellence Competition Guidelines (being one nominee from each of the Applicant, Government Architect and local authority).	As detailed in the Design Excellence Report prepared by Urbis (Appendix M of the EIS), a Design Integrity Panel comprising members of the Jury has been established for the project to inform the detailed design proposed under this SSD DA.

Condition No.	Condition	Comment
A17	<p>Prior to the establishment of the DIP (Condition A16) a detailed DIP Terms of Reference shall be prepared in consultation with the Government Architect NSW and submitted for approval to the Planning Secretary, clearly outlining:</p> <ol style="list-style-type: none"> the role of the DIP to review and advise on the detailed building design to ensure the achievement of design excellence, having regard to the requirements of this consent, built form controls and design guidelines (as endorsed by the Planning Secretary) that the DIP will review and provide advice prior to the lodgement of any Future Development Application(s), and be retained during the assessment and post approval stages governance arrangements, including meeting frequency, secretariat functions, dispute resolution and deliverables. 	As detailed in the Design Excellence Report prepared by Urbis (Appendix M of the EIS), the Terms of Reference for the DIP were prepared in consultation with the Government Architect NSW and approved by the Planning Secretary.
A18	The detailed design shall be presented to the State Design Review Panel either prior to the lodgement of a Future Development Application(s) or during the public exhibition of any such application following lodgement.	As detailed in Design Excellence Report (Appendix M of the EIS), including signed verification from a representative of the GANSW at Appendix N , for the purposes of design review and development the DIP has superseded the need to engage with the SDRP. Condition A18 has been satisfied through the existing design review and design excellence process.
A19	Prior to the lodgement of any Future Development Application(s), and for the purposes of controlled activities within the protected airspace of Sydney Airport, a separate approval must be obtained from the Commonwealth Department of Infrastructure, Regional Development and Cities under the <i>Airports (Protection of Airspace) Regulations 1996</i> for the part of the building or any construction cranes that penetrate the Obstacle Limitation Surface (156 metres Australian Height Datum).	An airspace height application for approval of the development as a Controlled Activity under the <i>Airports (Protection of Airspace) Regulations 1996</i> has been pursued in accordance with this condition.
PART B – MODIFICATION TO THE CONCEPT PROPOSAL		
B1	Prior to the lodgement of the first Future Development Application, the Cockle Bay Park Development Design Guidelines Rev B, prepared by FJMT and dated 24 September 2018, shall be revised and submitted for approval to the Planning Secretary, reflecting the following amendments	The Design Guidelines were revised in accordance with this condition and approved by the Planning Secretary, and have been used in the design development of this Stage 2 SSD DA.
B2	<p>Prior to the lodgement of any Future Development Application(s), revised concept proposal drawings shall be submitted to, and approved by, the Planning Secretary that include the following amendments:</p> <ol style="list-style-type: none"> delete the proposed extension of the Cockle Bay Wharf boardwalk in its entirety reduce the maximum depth/projection of the podium articulation zone (shown as 3m) to a maximum of (1m) delete the existing text stating “(up to 40% Volumetric Utilisation)” from the podium articulation zone annotation delete the existing text stating ‘potential connection to Pyrmont Bridge’ (SK-1.04 Revision 01) delete all text under ‘Noted’ on the right hand side of the concept drawing and inset the following new notes/text: 	The approved plans were revised in accordance with this condition of consent and approved by the Planning Secretary. The amended plans were published on the Major Projects website.

Condition No. Condition		Comment																
	<div><div>i.</div><div>“the podium articulation zone may include architectural features / projections, balustrades, awnings and the like and shall not include any GFA and/or balconies”</div></div> <div><div>ii.</div><div>“artwork, garden pavilions, kiosk and signage may extend beyond the building envelope where these components are within, and relate specifically to, the publicly accessible open space or the public domain”. Service poles and antenna/aerials (and the like), balustrades and vegetation may extend beyond the building envelope”.</div></div>																	
PART C – FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS																		
C1	<div>Future Development Application(s) shall demonstrate consistency with:<div><div>a)</div><div>the revised Cockle Bay Park Development Design Guidelines, as endorsed by the Planning Secretary (Condition B1)</div></div><div><div>b)</div><div>the advice of the Design Integrity Panel (Condition A16)</div></div><div><div>c)</div><div>the following built form controls</div></div></div> <table><tr><th>Built Form Control</th><th>Maximum Control</th></tr><tr><td colspan="2">The Tower</td></tr><tr><td>Maximum tower width fronting Darling Harbour ^A</td><td>53 m ^B</td></tr><tr><td>Maximum tower footprint</td><td>3,000 m²</td></tr><tr><td>Average tower floor plate</td><td>2,350 m²</td></tr><tr><td>Maximum volumetric tower envelope utilisation</td><td>65%</td></tr><tr><td colspan="2">The Tower Base</td></tr><tr><td>Maximum tower base width fronting Darling Harbour ^C</td><td>73 m</td></tr></table> <div><div>A</div><div>the maximum tower width relates to the entire tower width as measured between its northern and southern elevations (not just the part of the tower fronting Darling Harbour). The maximum tower width shall be calculated by measuring along an axis parallel to the western site boundary.</div></div> <div><div>B</div><div>Tower width is the primary tower built form control and in the case of any inconsistency with the other TBFCs the tower width control takes precedent.</div></div> <div><div>C</div><div>the maximum tower base width relates to the entire tower base width as measured between its northern and southern elevations (not just the part of the tower base fronting Darling Harbour). The maximum tower base width shall be calculated by measuring along an axis parallel to the western site boundary.</div></div>	Built Form Control	Maximum Control	The Tower		Maximum tower width fronting Darling Harbour ^A	53 m ^B	Maximum tower footprint	3,000 m ²	Average tower floor plate	2,350 m ²	Maximum volumetric tower envelope utilisation	65%	The Tower Base		Maximum tower base width fronting Darling Harbour ^C	73 m	<div><div>a)</div><div>Compliance with the Design Guidelines is addressed in the Design Report and plans at Appendix A.</div></div> <div><div>b)</div><div>The design review and development process with the Design Integrity Panel is detailed in the Design Excellence Report at Appendix M.</div></div> <div><div>c)</div><div>Architectus has prepared a detailed assessment of compliance with the built form controls contained in Condition B1(c) which is provided at Appendix A. This assessment concludes that the project will comply with all controls as modified.</div></div>
Built Form Control	Maximum Control																	
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Condition No.	Condition	Comment										
C2	Future Development Application(s) shall include a Reflectivity Analysis demonstrating that the external treatments, materials and finishes of the development do not cause adverse or excessive glare.	A Reflectivity Report has been prepared by Arup and is included at Appendix Z of the EIS.										
C3	Future Development Application(s) shall include an Access Report demonstrating that the development achieves an appropriate degree of accessibility.	A Disability Discrimination Act Report has been prepared Morris Goding Access Consulting and provided at Appendix F of the EIS.										
C4	Future Development Application(s) shall include an Open Space, Public Domain and Landscape Report including the design and treatment of all areas of open space, public domain and landscaping and the relationship of these spaces with existing and proposed buildings, spaces, structures, connections and Darling Harbour.	The detailed design and assessment of open space, public domain, and landscaping has been detailed by McGregor Coxall as part of the Design Report at Appendix A of the EIS.										
C5	Future Development Application(s) shall confirm method(s) / arrangement(s) to ensure open space (Condition A11) is publicly accessible 24 hours-a-day 7 days-a-week.	As detailed in the Design Report at Appendix A of the EIS, the new proposed open space areas have been designed to read as inviting, public spaces for the benefit of the Sydney community. Strategies include clear wayfinding, accessible pathways, and lighting that clearly delineate the public and accessible nature of the proposed open space. Public access to these spaces will be maintained to ensure that this public benefit is realised.										
C6	Future Development Application(s) shall demonstrate that the northern publicly accessible open space / deck over the Western Distributor has an appropriate built form relationship and interface with: a) The western side of Sussex Street b) Crescent Garden within the Darling Park development c) Pyrmont Bridge	The interface between the landbridge and its context is addressed throughout the consultants reports accompanying the EIS, with particular reference made to the Design Report at Appendix A , the Heritage Assessment Report at Appendix S , and Landbridge Structural Report at Appendix DD .										
C7	Future Development Application(s) shall include an Overshadowing Impact Assessment (OIP), including shadow studies and diagrams showing the likely overshadowing impact of the development on surrounding spaces and properties.	Henning Larsen and Architectus have prepared a detailed assessment of overshadowing (Appendix A) in accordance with the terms of the Stage 1 Concept Approval. The assessment confirms that the proposed development will comply with Condition C8.										
C8	Development of buildings pursuant to this consent shall: a) not result in additional overshadowing of the future Town Hall Square public open space before 4 pm on any day throughout the year. Overshadowing after 4 pm on any day shall not be beyond the following maximum Town Hall Square overshadowing controls: <table border="1"><thead><tr><th>Town Hall Square Overshadowing Control</th><th>Maximum Control</th></tr></thead><tbody><tr><td>Duration of additional overshadowing (per year)</td><td>48 days</td></tr><tr><td>Average additional overshadowing (per year)</td><td>2.46 hours</td></tr><tr><td>Peak day additional overshadowing</td><td>30 minutes</td></tr><tr><td>Peak day overshadowing percentage increase</td><td>0.8%</td></tr></tbody></table>	Town Hall Square Overshadowing Control	Maximum Control	Duration of additional overshadowing (per year)	48 days	Average additional overshadowing (per year)	2.46 hours	Peak day additional overshadowing	30 minutes	Peak day overshadowing percentage increase	0.8%	
Town Hall Square Overshadowing Control	Maximum Control											
Duration of additional overshadowing (per year)	48 days											
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Peak day overshadowing percentage increase	0.8%											

Condition No.	Condition	Comment
	<ul style="list-style-type: none"> b) in addition to condition C8(a), demonstrate the development has minimised the loss of solar access to the future Town Hall Square c) demonstrate the development has maximised direct solar access to: <ul style="list-style-type: none"> i. apartments within the western elevation of the Astoria Tower, 222-228 Sussex Street ii. the Crescent Garden open space within the Darling Park development d) not result in additional overshadowing of the Cockle Bay promenade by the tower between 11am and 3pm on 21 June (mid-winter) e) not result in any additional overshadowing of: <ul style="list-style-type: none"> i. Tumbalong Park ii. Sydney Square. 	
C9	Future Development Application(s) shall include a Visual and View Loss Assessment, which assesses public and private view impacts and demonstrates how consideration has been given to minimising such impacts where feasible.	A Visual Impact Assessment has been prepared by Ethos Urban and is included at Appendix II of the EIS.
C10	Future Development Application(s) shall include a detailed Heritage Impact Assessment, which considers the heritage impact of the development including any visual impacts on Pymont Bridge, the Corn Exchange and Shelbourne Hotel.	Weir Phillips has prepared a detailed Heritage Assessment Report provided at Appendix S of the EIS.
C11	Future Development Application(s) shall include Heritage Interpretation Strategy prepared in consultation with the Heritage Council NSW and informed by the results of the archaeological fieldwork/investigations (Conditions C12 and C13)	Weir Phillips has also prepared a Heritage Interpretation Strategy in accordance with this condition, and is provided at Appendix T of the EIS.
C12	Future Development Application(s) shall include a Non-Aboriginal Archaeological Assessment (NAAA) including a Maritime Archaeological Statement of Heritage Impact and a Maritime Archaeological Management Plan. The NAAA shall be prepared in consultation with the Heritage Council NSW.	A Non-Aboriginal Archaeological Assessment has been prepared by Artefact and is included at Appendix NN of the EIS in accordance with this condition.
C13	Future Development Application(s) shall include an Aboriginal Cultural Heritage Assessment Report (ACHAR) to assess the impacts of the development on the Aboriginal archaeological and cultural heritage values of the site. The ACHAR shall be prepared in consultation with the Office of Environment and Heritage, Regional Operations and the Aboriginal community.	An Aboriginal Cultural Heritage Assessment (ACHAR) has been prepared by Artefact and is included at Appendix MM of the EIS. Consultation is ongoing with Aboriginal stakeholders and interested parties. As part of the consultation process, the present ACHAR will be reviewed by the above nominated parties and finalised following their input.
C14	Future Development Application(s) shall include a Public Art Strategy (PAS) for the inclusion of public art within the development. The PAS shall be prepared in consultation with Council.	A Public Art Strategy has been prepared by Cultural Capital in consultation with Council and is included at Appendix X of the EIS.
C15	Future Development Application(s) shall include an Events Management Plan, which considers site access, management and mitigation measures during major events held within the broader Darling Harbour precinct.	An Events Management Plan has been prepared by Cultural Capital and provided at Appendix P of the EIS.
C16	Future Development Application(s) shall demonstrate the incorporation of Ecological Sustainable Development principles in the design, construction and ongoing operation phases of the development, consistent with the ESD Development Application Design Report, Issue 3	An ESD report has been prepared by Arup and is included at Appendix O of the EIS, which demonstrates that the proposed development will achieve the

Condition No.	Condition	Comment
	prepared by ARUP dated 21 August 2017, including the following minimum environmental standards: a) 5 star NABERS Energy based b) 4 star NABERS Water based c) 6 Star Green Design and As Built rating.	minimum environmental standards with potential pathways to achieve the stretch environmental standards.
C17	Future Development Application(s) shall consider improvements on the minimum environmental standards (Condition C16) and endeavour to achieve following stretch environmental standards: a) 5.5 star NABERS Energy based b) 4.5 star NABERS Water based (for the commercial office component) c) Incorporation of dual reticulation recycled water system to reduce pressure on existing water/wastewater infrastructure.	
C18	Future Development Application(s) shall be accompanied by a Traffic Impact Assessment (TIA) that assesses the traffic and transport impacts on the road network and nearby intersection capacity. The TIA shall also address: a) the design, capacity, operation and safety impacts of the redesign / realignment / part closure of Wheat Road b) the operation and safety of the new vehicular accesses between Wheat Road and Harbour Street c) vehicle and pedestrian safety within the porte cochere d) loading / unloading, servicing (including allowance for trucks up to 12 m in length to service the site), taxi and coach arrangements e) the relationship and compatibility with the approved access arrangements of the IMAX redevelopment to the south, including: i. road safety audit undertaken by an independent TfNSW accredited road safety auditor ii. assessment of traffic movements (particularly northbound traffic) from vehicles associated with the operation of the IMAX redevelopment.	Aurecon has prepared a Traffic Impact Assessment addressing the terms of this condition, and is provided at Appendix FF of the EIS.
C19	Future Development Application(s) shall include green travel plans, identifying opportunities to maximise the use of sustainable transport choices, such as incentives and provision of cycle parking and end of trip facilities in the detailed design.	The Traffic Impact Assessment prepared by Aurecon at Appendix FF of the EIS includes a Green Travel Plan.
C20	Future Development Application(s) shall investigate improvements to the Druitt Street Bridge entry access point from the Darling Harbour waterfront and the remainder of the route between the development site and Sussex Street, including increased pedestrian capacity to accommodate workers and visitors in the Darling Harbour precinct, including during events, in consultation with TfNSW Sydney Coordination Office.	The Traffic Impact Assessment prepared by Aurecon at Appendix FF of the EIS includes an assessment of the Druitt Street Bridge based on the proposed connection considered in the Design Report and plans provided at Appendices A to C of the EIS.
C21	Future Development Application(s) shall include bicycle parking for employees / visitors and end of trip facilities (toilets, change/locker rooms and showers) in accordance with the Sydney	The provision of bicycle parking and end of trip facilities is addressed in the Cycle Movement Assessment prepared by Arup (Appendix GG) and the Traffic Impact Assessment prepared by Aurecon at Appendix FF of the EIS. It is noted that this

Condition No.	Condition	Comment
	Development Control Plan 2012 bicycle parking rates and end of trip facilities design requirements.	condition of consent is proposed to be modified under the concurrent Modification Application to the Stage 1 Concept Approval.
C22	<p>Future Development Application(s) shall, in consultation with TfNSW Sydney Coordination Office and Council, investigate the provision of cycleway connections via the development between:</p> <ul style="list-style-type: none"> a) existing pedestrian/cycle infrastructure on the Western Distributor and the King Street and Kent/Liverpool Street cycleways b) Market Street / Kent Street c) King Street / Kent Street providing for a right turn into Kent Street when travelling from Pymont Bridge. 	The Cycle Movement Assessment prepared by Arup and provided at Appendix GG of the EIS investigates the nominated cycle connections in consultation with TfNSW.
C23	<p>Future Development Application(s) shall include a Western Distributor Impact Assessment (WDIA) that considers the development's relationship to, and design, construction, operational and maintenance impact on, the Western Distributor. The WDIA shall be prepared in consultation with RMS and shall address (but is not limited to):</p> <ul style="list-style-type: none"> a) fire safety b) the provision of adequate lighting c) reflectivity of the external façade d) air quality over/in the Western Distributor e) prevention of falling objects f) the ability of the Western Distributor to continue to allow for the transportation of dangerous goods g) maintenance of the road reserve / corridor width h) design, location and impact of structural supports / columns / piers i) access for maintenance and repair j) impact on the structural integrity and durability of the Western Distributor k) maintenance of appropriate clearance in accordance with RMS requirements l) methodology for construction over the Western Distributor m) responsibility for elements of the development that interface with RMS infrastructure and long term maintenance n) major works authorisation deed(s) o) road network safety and the safety of the land bridge in case of earthquake p) emergency response management during construction, site emergencies and incidents 	A Western Distributor Impact Assessment has been prepared by Aurecon and is provided at Appendix KK of the EIS.
C24	Future Development Application(s) shall demonstrate compliance with RMS Technical Direction (GTD 2012/001) – Excavation Adjacent to Roads and Maritime Infrastructure.	The Western Distributor Impact Assessment prepared by Aurecon and provided at Appendix KK of the EIS, and the Structural Report prepared by Enstruct and provided at Appendix DD of the EIS, confirm compliance.
C25	Future Development Application(s) shall include a Geotechnical and Structural Investigation Report considering design and construction methodology.	A Geotechnical Assessment has been prepared by Douglas Partners and provided at Appendix R of the EIS. A Structural Report prepared by Enstruct is provided at Appendix DD of the EIS.

Condition No.	Condition	Comment
C26	Future Development Application(s) shall include a Wind Impact Assessment, including wind tunnel testing, which assesses the existing and proposed wind environment, demonstrates spaces within and around the site are suitable for their intended purpose and includes mitigation measures to address adverse wind conditions, where necessary.	A Wind Impact Assessment has been prepared by Arup and is provided at Appendix W of the EIS.
C27	Future Development Application(s) shall include a Crime Prevention Through Environmental Design Report (CPTED) including method(s) / treatment(s) to ensure that all spaces and places within and around the development are safe and secure and the opportunity for crime has been minimised in accordance with CPTED principles.	A Crime Prevention Through Environmental Design Report has been prepared by Ethos Urban and is provided at Appendix L of the EIS.
C28	Future Development Applications shall include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.	An Operational and Construction Waste Management Plan has been prepared by Waste Audit and is included at Appendix JJ of the EIS.
C29	Future Development Application(s) shall include a Utility Services Infrastructure Assessment (USIA) which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure. The USIA shall be prepared in consultation with relevant agencies and service providers.	A Utility Services Infrastructure Assessment has been prepared by JHA Services, Norman Disney and Young and Warren Smith and Partners and is included at Appendix HH of the EIS.
C30	Future Development Application(s) for construction of new buildings shall be accompanied by a Noise and Vibration Impact Assessment (NVIA) that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation. The NVIA shall include details of any mitigations measures to ensure the amenity of sensitive land uses are protected during the operation of the development.	A Noise and Vibration Impact Assessment has been prepared by Acoustic Logic and is included at Appendix V of the EIS.
C31	Future Development Application(s) shall consider the impact of the design and construction of the development on the CBD Rail Link (CBDRL), in consultation with TfNSW and Sydney Trains, and shall address the following matters: <ul style="list-style-type: none"> a) all buildings and structures and any basement levels, foundations and ground anchors for the development, which have a potential impact on the CBDRL, must be designed in accordance with design criteria specified by TfNSW b) allowances for the future construction of railway tunnels in the vicinity of the development c) allowances for future operation of railway tunnels in the vicinity of the development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety d) consultation with TfNSW and provision to TfNSW of drawings, reports and other information related to the design development e) such other matters which TfNSW consider appropriate or as the Applicant and TfNSW may agree. 	The potential impacts resulting from the CBD Rail Link (CBDRL) is addressed in the Noise and Vibration Assessment prepared by Acoustic Logic (Appendix V of the EIS) and the Structural Report prepared by Enstruct (Appendix DD of the EIS).
C32	Future Development Application(s) shall consider potential flooding, stormwater, climate change/sea level rise and water quality impacts and management	A Stormwater and Flooding Assessment has been prepared by Enstruct and is provided at Appendix CC of the EIS.
C33	Future Development Application(s) shall include a Site Contamination Assessment and, as necessary, a Remedial Action Plan reviewed and approved by a site auditor accredited under the Contamination Land Management Act 1997.	A Contamination Investigation prepared by Douglas Partners is prepared at Appendix K of the EIS. While remediation and preparation of a RAP in respect to soil contamination is not considered to warranted, it is recommended that a soil

Condition No.	Condition	Comment
		management plan including an unexpected finds protocol be prepared to appropriately manage potential risk associated with the excavation and disturbance of soils at the site, particularly those below the suspended wharf.
C34	<p>Future Development Application(s) shall provide analysis and assessment of the impacts of construction and include:</p> <ul style="list-style-type: none"> a) Construction Pedestrian and Traffic Management Plan (Condition C35) b) Cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity) c) Noise and Vibration Impact Assessments (Condition C30) d) Community Consultation and Engagement Plans e) Construction Waste Management Plan f) Air Quality Management Plan g) Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge considerations) h) Acid Sulphate Soil Assessment and Management Plan. 	<p>The EIS is accompanied by a preliminary Construction Management Plan prepared by Multiplex (Appendix I) addressing several of these points. In addition, the following documents provide further context to several of these matters including:</p> <ul style="list-style-type: none"> - A preliminary Construction Pedestrian and Traffic Management Plan prepared by Aurecon (Appendix FF) - A Noise and Vibration Impact Assessment considering construction impacts prepared by Acoustic Logic (Appendix V) - An Operational and Construction Waste Management Plan prepared by Waste Audit (Appendix JJ) - A Stormwater and Flood Management Report (Appendix CC)
C35	<p>Future Development Application(s) shall include a Construction Pedestrian and Traffic Management Plan (CPTMP) and Maintenance Traffic Management Plan (MTMP), prepared in consultation with TfNSW Sydney Coordination Office, Transport Management Centre and RMS. The CPTMP shall specify but not be limited to, the following:</p> <ul style="list-style-type: none"> a) impact on RMS asset maintenance program during construction, operation and maintenance and coordination with this program b) management of the impacts of pedestrian and cyclist movements during construction, operation and maintenance c) location of work zone(s) d) location of crane(s) e) haulage routes f) construction vehicle access arrangements g) details of temporary pedestrian access arrangements. The proposed temporary pedestrian access arrangements should be provided prior to the demolition of pedestrian bridges. The proposed temporary pedestrian accesses should be able to cater for the current demand for the pedestrian bridges that are to be demolished h) proposed construction hours i) estimated number of construction vehicle movements j) construction program k) consultation strategy for liaison with surrounding stakeholders l) 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 m) cumulative construction impacts of projects including the Sydney Light Rail Project, Sydney Metro City and Southwest and The Ribbon (IMAX) development. Existing CPTMPs for developments within or around the development site should be 	<p>A preliminary Construction Pedestrian and Traffic Management Plan has been prepared by Aurecon and provided at Appendix I of the EIS.</p>

Condition No.	Condition	Comment
	<p>referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network</p> <ul style="list-style-type: none"> n) cumulative impacts of other known development and major infrastructure projects impacting the Western Distributor and surrounding road network o) should any impacts 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. 	