

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As *delegate of the Minister for Planning*, 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



Anthony Witherdin
Director
Key Sites Assessments

Sydney

2 March 2023

File: SSD 38881729

SCHEDULE 1

Application Number:	SSD 38881729
Applicant:	Mirvac Retail Sub SPV Pty Ltd
Consent Authority:	Minister for Planning
Site:	2-10 Darling Drive, Darling Harbour and Lot 1-10, 12-15 and 17, DP 776815, Part Lot 2015, DP 1234971 and Lot 300, DP 836419.
Development:	Slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Mirvac Projects Pty Ltd, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
AS	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
AHD	Australian Height Datum
BC Act	<i>Biodiversity Conservation Act 2016</i>
CCC	Community Consultative Committee
CCS	Community Communication Strategy
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Council	City of Sydney Council
CPTED	Crime Prevention Through Environmental Design Assessment
CWMP	Construction Waste Management Sub-Plan
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 destruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning and Environment
Development	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
EIS	The Environmental Impact Statement titled <i>SSD 38881729 Redevelopment of Harbourside Shopping Centre Bulk Excavation Works</i> , prepared by Ethos Urban, dated 18 July 2022, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
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 <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that:

	<ul style="list-style-type: none"> involves actual or potential harm to the health or safety of people 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 (or delegate).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the Property from time to time.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
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.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RtS	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
RRFI	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
SDRP	State Design Review Panel
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.
Site	The land identified in Schedule 1
SSD	State Significant Development
Stage 1 works	Demolition of the existing shopping centre and structures, southern pedestrian link bridge, monorail infrastructure, tree removal.
Stage 2 works	Slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre.
Stage 3 works	Construction of a mixed-use podium and tower building and public domain works.
TfNSW	Transport for NSW
Tenanted Component	Has the same meaning as the definition of the term in section 71 of the <i>State Environmental Planning Policy (Housing) 2021</i>
Work(s)	Any physical work to construct or facilitate the construction of the development approved by this consent, including Stage 2 demolition works, low impact work and environmental management measures.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

DEVELOPMENT DESCRIPTION

- A2. Consent is granted to works including demolition of the slab, bulk excavation and retention, as described in Schedule 1 and in accordance with the conditions contained in this development consent.

TERMS OF CONSENT

- A3. The development must 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, RtS and any RRFI;
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by Snohetta and Hassell			
Drawing Number	Rev	Name of Plan	Date
0000	B	Cover Sheet	11.10.22
0100	A	Site Plan	29.03.22
0200	A	Existing Conditions	29.03.22
0300	A	Demolition Plan	29.03.22
0400	B	Excavation Plan	11.10.22
0500	B	Proposed Retention Wall Plan	11.10.22
0550	B	Proposed Capping Beam Plan	11.10.22
0700	B	Proposed Retention Wall Elevations	11.10.22
0750	B	Proposed Retention Wall Sections	11.10.22
Civil Drawings prepared by AT&L Civil Engineers and Project Managers			
Drawing Number	Rev	Name of Plan	Date
CIV-DWG-OA-0000	C	Cover Sheet and Drawing List	14.10.22
CIV-DWG-OA-0001	B	General Notes and Legends	14.10.22
CIV-DWG-OA-0400	C	Stormwater Drainage Plan	14.10.22
CIV-DWG-OA-0401	C	Erosion and Sedimentation Control Plan	14.10.22
CIV-DWG-OA-0402	C	Erosion and Sedimentation Control Details	14.10.22

- A4. 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 A4(a)**.

A5. 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 A3**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A3**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

A6. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.

PRESCRIBED CONDITIONS

A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

PLANNING SECRETARY AS MODERATOR

A8. In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter will be binding on the parties.

LEGAL NOTICES

A9. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

EVIDENCE OF CONSULTATION

A10. 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 information or 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.

OPERATION OF PLANT AND EQUIPMENT

A11. 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

A12. 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.

A13. 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

A14. 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 environmental auditing.

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

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A15. 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.

- A16. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- A17. 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 Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A18. 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.
- A19. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

COMPLIANCE

- A20. 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.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A21. Within three months of:
- (a) the submission of a compliance report under this consent;
 - (b) the submission of an incident report under this consent;
 - (c) the submission of an Independent Audit under this consent;
 - (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
 - (e) the issue of a direction of the Planning Secretary under this consent 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.
- A22. 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.*

PROTECTION OF TfNSW INFRASTRUCTURE AND SYDNEY LIGHT RAIL OPERATION

- A23. The Applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of the Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor.
- A24. The Applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads – Interim Guidelines.
- A25. Activities of the Applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the Applicant, Transport for NSW (TfNSW), Altrac and the Sydney Light Rail Operator. Such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum, the proposed duration, location, scope of works and other information as required by the Sydney Light Rail Operator.
- A26. The Applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum, the proposed shutdown dates, duration, location, scope of works and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion.
- A27. The Applicant must provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times.
- A28. TfNSW, and persons authorised by it for this purpose, as entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- A29. All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the Applicant.

PART B REMEDIATION WORKS

WORK HEALTH SAFETY MANAGEMENT PLAN

- B1. Prior to the commencement of remediation works, a Work Health Safety Management Plan must be prepared by the Remediation Contractor and submitted to the Certifier for information and be implemented throughout the duration of remediation works.

REMEDICATION – SITE AUDITOR

- B2. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.
- B3. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

REMEDICATION – INTERIM ADVICE LETTER

- B4. Upon completion of the remediation works and prior to the issue of a construction certificate associated with the raft slab (excluding building work directly related to remediation), a Letter of Interim Advice must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Planning Secretary for information.

The Letter of Interim Advice must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that the site can be made suitable for the proposed use.

- (a) In circumstances where the Letter of Interim Advice is subject to conditions that require ongoing review by the Auditor or the Planning Secretary, these must be reviewed and approved by the Planning Secretary before the Letter of Interim Advice is issued.
- (b) In circumstances where the Letter of Interim Advice includes conditions and those conditions are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of the Planning Secretary (such as via a s4.55 modification of the consent pursuant to the provisions of the Environmental Planning & Assessment Act 1979).

REMEDICATION – REMEDIAL ACTION PLAN

- B5. The Applicant must remediate and validate the site in accordance with the specifications and requirements detailed in the Remedial Action Plan prepared by JBS&G dated 3 May 2022, reference number 62851/145112 and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW EPA accredited Site Auditor Senversa dated 6 May 2022, reference Interim Advice 2. All remediation work carried out shall be conducted in accordance with the guidelines in force under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

Any new information which comes to light during remediation, demolition and construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Planning Secretary, the Site Auditor and the Principal Certifier.

Any variations to the approved Remedial Action Plan must be approved in writing by the Site Auditor and the Planning Secretary prior to the commencement of such work.

REMEDICATION – VALIDATION REPORT

- B6. Within one month following the completion of the remediation works for the development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

REMEDICATION – UNEXPECTED FINDS PROTOCOL

- B7. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

PART C PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

LONG SERVICE LEVY

- C1. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

STRUCTURAL DETAILS

- C2. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
 - (b) this development consent.

SITE STABILITY AND CONSTRUCTION WORK

- C3. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
 - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings
 - (c) details to demonstrate that the proposed methods of support and construction in relation to the bulk excavation and demolition works that are the subject of this consent are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
 - (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work
 - (e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

SYDNEY WATER ASSETS

- C4. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Note: *Sydney Water's Tap in™ in online service is available at:*
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

REVIEW OF DOCUMENTATION

- C5. Prior to the issue of the first construction certificate, upon the request of TfNSW, a detailed regime is to be prepared for consultation with and approval by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

SYDNEY TRAINS REQUIREMENTS

- C6. Prior to the issue of the first construction certificate, the Applicant must prepare detailed design which consider the location of the High Voltage Cable (33kv) to ensure it is not damaged at any stage and to comply with the relevant safety requirements.

ELECTROLYSIS ANALYSIS

- C7. Prior to the issue of the first construction certificate, the Applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate all measures recommended in the report into the approach to construction to control that risk. A copy of the report is to be provided to the Principal Certifying Authority (PCA) with the application for the relevant construction certificate.

HERITAGE ITEM PROTECTION STRATEGY

- C8. Prior to the issue of any construction certificate, a Protection Strategy for the duration of construction works is to be approved by HNSW (or its delegate). The Protection Strategy must detail how the proposed works will ensure that the Pyrmont Bridge and Woodward Water Feature is to be suitably protected and stabilised during the construction

process, including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage

Additionally, the Protection Strategy is to include, depending on the nature and extent of the works:

- (a) temporary hydraulic drainage works to ensure that all water (in ground and above ground) is channelled to the street and that no water is channelled onto adjacent fabric or interiors
- (b) construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress
- (c) a Geotechnical Report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the locations of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings
- (d) details of the proposed protection of party walls from damp and water ingress during the works.

PART D PRIOR TO THE COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- D1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- D2. 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

- D3. At least 48 hours before the commencement of any works and 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 **A3** of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
 - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

UTILITIES AND SERVICES

- D4. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- D5. Prior to the commencement of any works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

DIAL BEFORE YOU DIG SERVICE

- D6. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services or rail services.

Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

SURVEY CERTIFICATE

- D7. The Applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence to the Planning Secretary of the Surveyor-General's authorisation to remove or replace marks.
- D8. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
- (a) All footings/ foundations
 - (b) At other stages of construction – any marks that are required by the principal certifier.
- D9. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

WORKS AND STRUCTURES OVER A PUBLIC ROAD

- D10. Prior to the commencement of works, evidence that the relevant approvals have been obtained under Section 138 of the Roads Act 1993 must be submitted to the Planning Secretary, Place Management NSW and Certifying Authority. This include approvals to erect a hoarding and/or scaffolding on or above a public road or footpath, barricade a public road or in order to obtain a road occupancy licence.

NO OBSTRUCTION OF THE PUBLIC DOMAIN WITHOUT APPROVAL

- D11. At least 8 weeks prior to the commencement of works, a Work Zone Permit must be sought and issued by Place Management NSW or the relevant roads authority to allow any obstructions of the public way, footpaths, road reserves and the like, by any mobile cranes, materials, vehicles, refuse, skips, loading and unloading or the like. Where supported by the relevant authority, the Work Zone Permit should be given for the shortest possible time, so as to not restrict movement or use of the public domain. Consideration should be given to issuing the permit for a specific time period(s) or specific works. Pedestrian access along the Darling Harbour foreshore must be maintained at all times during the works.

WORKS DEED/AGREEMENTS

- D12. Prior to the issue of any preparatory, demolition or excavation works, whichever is the earlier, upon the request of TfNSW, Works Deed(s) between the Applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed to and executed by the parties. These agreements may deal with matters including, but not limited to:
- (a) Sydney Light Rail operational requirements
 - (b) Sydney Light Rail access requirements
 - (c) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements
 - (d) Indemnities and releases
 - (e) Security of costs
 - (f) Insurance requirements and conditions
 - (g) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the Applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdowns/power outages costs including alternative transport, customer communications, loss of revenue, risk assessments and configurations change processes etc)
 - (h) Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface
 - (i) Infrastructure Assess Deed Poll and Safety Interface Agreement between the Applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - Pre and post construction dilapidation reports
 - The need for track possessions
 - Review of the machinery to be used during excavation/ground penetration/construction works
 - The need for track monitoring
 - Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS)
 - Endorsement of plans regarding proposed craneage and other aerial operations
 - Erection of scaffolding/hoarding
 - Light Rail Operator's rules and procedures; and
 - Alteration of rail assets such as the overhead wiring along of track and associated hoarding demarcation system, if undertaken by the Applicant.
 - (i) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the Applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operation and assets
 - (j) Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about and/or below the Sydney Light Rail Corridor
 - (k) Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the Applicant, and
 - (l) Sydney Light Rail site works access approval and access permit to work.

COMMUNITY COMMUNICATION STRATEGY

- D13. Before the commencement of works, the Applicant must update the Community Communication Strategy (CCS) for the development to provide mechanisms to facilitate communication between the Applicant, the relevant 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.

- D14. The CCS for the development must:
- (a) identify people to be consulted during the design and construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - (d) set out procedures and mechanisms:
 - 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.
- D15. The updated CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.
- D16. Construction must not commence until the updated CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.
- D17. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

DEMOLITION

- D18. 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 Certifier before the commencement of works.

PRE-WORK DILAPIDATION REPORT

- D19. In the event that works under this consent commence six or more months after Stage 1 demolition works approved by development consent SSD-7874, or otherwise requested by the Planning Secretary, the Applicant must submit to the satisfaction of the Certifier a Pre-Excavation Dilapidation Report, prepared by a suitably qualified person.
- D20. The Pre-Excavation Dilapidation Report required by **Condition D19** 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 of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.
- D21. In the event that access for undertaking a Pre-Excavation Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier 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.
- D22. The damage must be fully rectified by the Applicant in accordance with the Place Management NSW'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.

PRE- WORK DILAPIDATION REPORT - TfNSW

- D23. Prior to the issue of any construction certificate, upon the request of TfNSW, a Pre-Excavation Work Dilapidation Report of the Sydney Light Rail and its assets must be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the Applicant. The Dilapidation surveys must establish the extent of existing damage and enable any deterioration during construction to be observed.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- D24. Prior to the commencement of any works, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure

- (b) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

PUBLIC DOMAIN PHOTOGRAPHIC RECORDING

D25. Prior to the commencement of any works, a photographic recording of the public domain site frontages is to be prepared as described in the City of Sydney Council Public Domain Manual and submitted to Place Management NSW for approval.

The submission is to include written confirmation, issued with the authority of both the Applicant and the photographer, that the relevant authority is granted a perpetual, non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties. The signatures of both the Applicant and photographer must be included.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

D26. Prior to the commencement of any works, the Construction Environmental Management Plan (CEMP) (dated 17 January 2023) must be updated and submitted to the Certifier for approval. The CEMP must address, but not be limited to, the following matters where relevant:

- (a) Details of:
 - (i) hours of work
 - (ii) 24 hour contact details of the site manager
 - (iii) community consultation and complaint handling procedure
 - (iv) traffic management
 - (v) noise and vibration management, prepared by a suitably qualified person
 - (vi) management of dust and odour to protect the amenity of the neighbourhood
 - (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
 - (viii) contamination management, including any unexpected contamination finds protocol
 - (ix) waste management
 - (x) external lighting in compliance with applicable Australian Standards
 - (xi) flora and fauna management.
- (b) Construction Traffic and Pedestrian Management Sub-Plan
- (c) Construction Noise and Vibration Management Sub-Plan
- (d) Air Quality Management Sub-Plan
- (e) Construction Waste Management Sub-Plan
- (f) Construction Soil and Water Management Sub-Plan
- (g) Site Security Management Plan
- (h) an unexpected finds protocol for contamination and associated communications procedure
- (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
- (j) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN

D27. Prior to commencement of any works, the Applicant must submit to the satisfaction of TfNSW and Place Management NSW a final Construction Pedestrian and Traffic Management Plan (CPTMP), prepared by a suitably qualified person in consultation with Council, TfNSW and the Sydney Light Rail Operator. The CPTMP must be endorsed by TfNSW and submitted to the Planning Secretary and Council for information prior to the commencement of works.

The CPTMP must address, but not be limited to, the following matters:

- (a) a description of the development
- (b) location of any proposed work zone(s)
- (c) details of crane arrangements including location of any crane(s) and crane movement plan
- (d) haulage routes
- (e) proposed construction hours
- (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods

- (g) details of routes to and from the site and entry and exit points from the site
- (h) details of roads that may be excluded from use by construction traffic i.e. roads with load limits, quiet residential streets or access/turn restricted streets
- (i) construction vehicle access arrangements, including swept path analysis and details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queueing on public roads
- (j) details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site
- (k) pedestrian and traffic management measures
- (l) construction program and construction methodology, including any construction staging
- (m) a detailed plan of any proposed hoarding and/or scaffolding
- (n) measures to avoid construction worker vehicle movements within the Darling Harbour Precinct
- (o) consultation strategy for liaison with surrounding stakeholders, including other developments under construction
- (p) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works
- (q) cumulative construction impacts of projects within the Darling Harbour Precinct. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure the coordination of work activities are managed to minimise impacts on the surrounding road network, and
- (r) 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 must be enforced throughout the duration of works.

D28. The CPTMP approved under **Condition D27** must be complied with during any works associated with this consent.

D29. The CPTMP approved under **Condition D27** is for the excavation, demolition and construction of building works, not for road works (if required) associated with the development. Any road works will require separate approval from Place Management NSW and/or TfNSW for consideration.

D30. Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (development.sco@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

SPECIAL EVENT MANAGEMENT SUB-PLAN

D31. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier, a Special Event Management Sub-Plan, prepared in consultation with PMNSW, which includes details of access and egress arrangements during major events, details of road closures and potential impacts during construction activities.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

D32. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must include:

- (a) identification of the specific activities that will be carried out and associated noise sources at the site.
- (b) identification of all potentially affected sensitive residential receiver locations;
- (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
- (d) 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;
- (e) 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;
- (f) 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;
- (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
- (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of

respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;

- (i) where night-time noise management levels cannot be satisfied, a report must 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;
- (j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
- (k) 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;
- (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (m) measures to monitor noise performance and respond to complaints;
- (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
- (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
- (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

AIR QUALITY MANAGEMENT SUB-PLAN

D33. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:

- (a) 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);
- (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
- (c) mission statement;
- (d) dust and VOCs/odour management strategies consisting of:
 - (i) objectives and targets;
 - (ii) risk assessment;
 - (iii) suppression improvement plan;
 - (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
 - (v) communication strategy; and
 - (vi) system and performance review for continuous improvements.

D34. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.

D35. 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.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

D36. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a final Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:

- (a) 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";
- (b) 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;
- (c) procedures for minimising the movement of waste material around the site and double handling;
- (d) waste (including concrete waste, rinse litter, debris or other matter) is not caused or permitted to enter any waterways;
- (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;

- (g) 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*; and
 - the name and address of each licensed facility that will receive waste from the site (if appropriate).
- (h) on-site general waste and co-mingled recycling waste bins are available for waste generated by workers and suitably located (e.g. break out areas)
- (i) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste

D37. For the transport and disposal of industrial, hazardous or Group A liquid waste, advice should be sought from the EPA.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

D38. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) which must be prepared by a suitably qualified expert and address, but not be limited to, the following:

- (a) describe all erosion and sediment controls to be implemented during construction
- (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site)
- (c) detail all off-Site flows from the Site
- (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

The CSWMP must be submitted to Place Management NSW for information prior to the commencement of any works.

SITE SECURITY MANAGEMENT PLAN

D39. Prior to the commencement of any works, the Applicant must submit a Site Security Management Plan to Place Management NSW for approval. The Site Security Management Plan must include, but is not limited to:

- (a) after hours contacts
- (b) hoarding and site security strategy to prevent unauthorised access
- (c) shut down risk assessment process which details prevention of falls and the like to persons trespassing
- (d) anti-climb and security measures for tower cranes
- (e) secure storage areas and theft management
- (f) site CCTV camera locations
- (g) major event security protocols and requirements.

CONSTRUCTION PARKING

D40. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel (where required), to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

STORMWATER AND DRAINAGE

D41. Prior to the commencement of work, details of the proposed stormwater disposal and drainage from the development, including a system of on-site stormwater detention in accordance with Council's standard requirements (as relevant) and details of the provision and maintenance of overland flow paths must be submitted to and approved by the Certifier. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

COMPLIANCE

D42. Prior to the commencement of any works, 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.

ARCHAEOLOGICAL INVESTIGATION

D43. Prior to the commencement of any works, an updated Archaeological Research Design and Excavation Methodology (ARDEM), undertaken by a suitably qualified archaeologist, must be submitted to PMNSW, as delegate of the Heritage Council of NSW, for approval.

The ARDEM must:

- (a) be completed in conjunction with a maritime archaeologist to ensure that any remains associated with maritime activities are properly considered in the proposed archaeological program.
- (b) include an updated assessment of significance, based on the results of the test excavations undertaken by Curio to date.
- (c) outline proposed mitigation strategies, including any proposed further investigations, open area salvage excavations and/or references to potential interpretation opportunities, as part of an overarching Interpretation Strategy for the site.

All recommendations outlined in the ARDEM must be implemented for the duration of construction.

- D44. Prior to the commencement of any works, the name of a nominated Excavation Director, who satisfies the State Significant Excavation Director Requirements of the Heritage Council of NSW for the proposed archaeological investigative works, must be submitted to PMNSW for approval as the nominated delegate of the NSW Heritage Council.
- D45. An open area excavation program must be undertaken on the site of the Atlas engineering works, based on information provided in the updated ARDEM required under **Condition D43** to further investigate the site and record any significant features and deposits associated with that establishment and pre-foundry occupation of the rock platform below Newstead House. This excavation program can be undertaken in conjunction with bulk excavation works.

Further investigation of the area of the boat slip and jetty should be undertaken in conjunction with the bulk excavation works, and, if present, an archaeological recording program should be undertaken prior to its removal.
- D46. All archaeological works outlined in the updated ARDEM should be programmed into the development works to ensure adequate time is available for salvage excavations etc as required.
- D47. A Final Post-Excavation Archaeological Report is to be prepared by the approved Excavation Director, to publication standard, within one year of the completion of the field-based archaeological activity. Further copies of the report should be lodged with the City of Sydney library, PMNSW and the Heritage NSW library.
- D48. Following completion of the archaeological works on site, the Interpretation Strategies should be updated to include details of the archaeological investigation of the site and how the results will be incorporated into the completed development. Following completion, the Interpretation Strategy must be submitted to PMNSW, as the delegate of the Heritage Council of NSW, for review and approval.
- D49. An unexpected finds protocol must be created to manage the unexpected discovery of potential relics during the works. This must include details of what constitutes an archaeological relic for the project, stop work procedures, procedures for contacting a suitably qualified archaeologist to assess the find, and processes for notification and consultation with PMNSW and the Heritage Council.

HAZARDOUS MATERIALS SURVEY

- D50. Prior to the commencement of any demolition, a Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist and submitted to the satisfaction of the Planning Secretary. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

RODENT TREATMENT PROGRAM

- D51. Prior to the commencement of any works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- D52. A licensed Pest Control Operative must carry out all pest control work and prepare a report confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved by Place Management NSW.

IMPORTED FILL MATERIALS

- D53. All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The Planning Secretary may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence, all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analysis of the material for the known past history of the site where the material is obtained

- b) Sampling and analysis of the fill material shall be conducted in accordance with the NSW EPA (1995) Sampling Design Guidelines.

GROUNDWATER INFLOWS AND LICENCING

- D54. Prior to water take occurring, the Applicant must ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take.
- D55. Prior to the commencement of excavation/dewatering activity, the Applicant must prepare a detailed Dewatering Management Plan (DMP) which includes a suitable Groundwater Monitoring Plan (GWMP). The GWMP and DMP must be submitted to and approved by DPE Water prior to the commencement of excavation activity.

TEMPORARY DEWATERING DURING CONSTRUCTION

- D56. Prior to discharging any water collected during excavation and construction into Council's stormwater drainage system, approval must be sought from Council's public domain unit. The DMP approved under **Condition D55** must be submitted with an Application for Temporary Dewatering available to download on Council's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

REVIEW OF DOCUMENTATION

- D57. Prior to the issue of any construction certificate, or any preparatory, demolition or excavation works, whichever is the earlier, the following documentation shall be provided for review and endorsement by TfNSW:
- (a) Final geotechnical and structural report/drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum
 - (b) Final construction methodology with construction details pertaining to structural support during excavation or ground penetration
 - (c) Details of the vibration monitoring system that will be in place before excavation commences
 - (d) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor located adjacent to the subject development site. Cross sectional drawings must include accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor, and
 - (e) Detailed survey plan with location of services.

BARRICADE PERMIT

- D58. 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

- D59. An 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/or in public domain areas and such application is to include:
- (a) architectural, construction and structural details of the design as well as any proposed artwork
 - (b) the proposed hoarding material and artwork shall be in accordance with Council's requirements and be submitted to PMNSW for approval
 - (c) structural certification prepared and signed by an appropriately qualified practicing structural engineer.

VEHICLE CLEANSING

- D60. Prior to the commencement of any works, 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.

COMPLIANCE REPORTING

- D61. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.
- D62. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.
- D63. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

- D64. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

INSURANCE REQUIREMENTS

- D65. Prior to the commencement of any preparatory, demolition or excavation works, whichever is the earlier, the Applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. This insurance must not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure. The Applicant must contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant construction certificate, the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the Applicant on the level of insurance requirement.

PART E DURING WORKS

APPROVED PLANS TO BE ON-SITE

- E1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval, modifications and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

SITE NOTICE

- E2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the principal certifier for the work
 - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints
 - (c) state the approved hours of work
 - (d) state that unauthorised entry to the work site is prohibited
 - (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
 - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period
 - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

CONTACT TELEPHONE NUMBER

- E3. The 24-hour contact telephone number must be continually attended by a person(s) with authority over the works for the duration of the development.

IMPLEMENTATION OF MANAGEMENT PLANS/COMPLIANCE WITH MANAGEMENT PLANS

- E4. The Applicant must ensure the requirements and recommendations outlined in the following plans are complied with:
- (a) Updated Construction Environmental Management Plan and all appendices required by **Condition D26**
 - (b) Construction Pedestrian and Traffic Management Sub-Plan required by **Condition D27**
 - (c) Construction Noise and Vibration Management Sub-Plan required by **Condition D32**
 - (d) Air Quality Management Sub-Plan required by **Condition D33**
 - (e) Construction Waste Management Sub-Plan required by **Condition D36**
 - (f) Construction Soil and Water Management Sub-Plan required by **Condition D38**
 - (g) Site Security Management Plan required by **Condition D39**
 - (h) Updated Archaeological Research Design and Excavation Methodology (ARDEM) required by **Condition D43**
 - (i) Hazardous Materials Survey Report required by **Condition D50**
 - (j) Ongoing Site Treatment Management Plan, prepared by Mirvac, revision B, dated 20 October 2022
 - (k) Remediation Action Plan prepared by JBS&G, reference 62851/145112 (Rev 0), dated 3 May 2022
 - (l) Acid Sulphate Soils Management Plan prepared by JBS&G, reference 62851/144484 (Rev 1) dated 4 April 2022.

HOURS OF WORK

- E5. All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with the commencement of work (e.g. loading and unloading of goods, transferring of tools, delivery of materials or machinery to and from the site), may only be carried out between the following hours:
- (a) between 7am and 7pm, Mondays to Fridays inclusive; and
 - (b) between 7am and 3:30pm, Saturdays.
- E6. No work may be carried out on Sundays or public holidays.
- E7. 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.
- E8. Notification of activities undertaken in the circumstances in Condition **E7** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- E9. The operation of high noise emission appliances, plant and/or machinery such as pile drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E and F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and/or any other work generating high noise impact (i.e. work exceeding a NML of 75dB(A)) are restricted to the following hours:
- (a) 8am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

CONSTRUCTION NOISE LIMITS

- E10. All feasible and reasonable noise mitigation measures must be implemented to meet the construction noise management levels in the Interim Construction Noise Guideline (DECC, 2009). Any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the CNVMP required under **Condition D32**.
- E11. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- E12. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- E13. The immediately adjoining neighbours must be given a minimum of 48 hours' notice that excavation, shoring or underpinning works or use of high noise emission appliances/plant are about to commence.
- E14. Where all mitigation measures outlined in the CNVMP have been implemented and the resultant noise and/or vibration levels at any sensitive receiver still exceed the Council's applicable criteria stated in the Construction Hours Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with the Planning Secretary. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from the Planning Secretary prior to activities being undertaken that exceed sanctioned emission levels. Such periods must be set and agreed to by the Planning Secretary.
- E15. Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.

VIBRATION CRITERIA

- E16. Vibration caused by works at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999)
 - (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) (as may be updated or replaced from time to time).
- E17. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the CNVMP required by under **Condition D32** of this consent.
- E18. Vibration monitoring must be undertaken in accordance with the recommendations made in the CNVMP approved under **Condition D32**.

CONSTRUCTION LIGHTING

- E19. Any construction lighting must be designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

SAFework REQUIREMENTS

- E20. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- E21. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
- (a) Protect and support the building, structure or work from possible damage from the excavation, and

- (b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

HOARDING/FENCING REQUIREMENTS

E22. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing
- (b) the removal of all graffiti from any hoarding/fencing or the like within the construction area must be removed within 48 hours of its application.

TREE PROTECTION

E23. No street tree is to be trimmed or removed unless prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.

E24. All street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council.

DUST CONTROL MEASURES

E25. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. In particular, the following measures must be implemented:

- (a) physical barriers erected at right angles to the prevailing wind direction or placed around and over dust sources to prevent wind or activity from generating dust emissions
- (b) all materials store or stockpiled are not to exceed 4 meters in height, are constructed and maintained to prevent cross contamination, include suitable erosion and sediment controls, and are covered, if necessary, to control emissions of dust and/or VOCs/odour
- (c) the surface dampened slightly to prevent dust from becoming airborne, but not to be wet to the extent that run-off occurs
- (d) all vehicles carrying spoil or rubble to or from the site covered to prevent dust or other materials escaping
- (e) all equipment wheels washed before exiting the site using manual or automated sprayers and drive-through washing bays
- (f) gates closed between vehicle movements and fitted with shade cloth
- (g) cleaning of footpaths and roadways carried out regularly.

EROSION AND SEDIMENT CONTROL

E26. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

CUT AND FILL

E27. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:

- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and
- (b) the classification and the volume of material removed must be reported to the Certifier.

E28. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

STOCKPILES

E29. All stockpiles of soil or other materials must:

- (a) not be placed on footpaths or nature strips unless prior approval has been obtained from Council
- (b) be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) be covered if likely to generate dust or odours
- (d) if contaminated, be stored in a secure area and be covered if remaining for more than 24 hours.

COVERING OF LOADS

- E30. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

DISPOSAL OF SEEPAGE AND STORMWATER

- E31. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

- E32. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- E33. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

CONSTRUCTION TRAFFIC

- E34. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.
- E35. All loading and unloading associated with the works must be accommodated on-site, unless in accordance with a Work Zone Permit (see **Condition D11**).

ROAD OCCUPANCY LICENCE

- E36. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

NO OBSTRUCTION OF PUBLIC WAY

- E37. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

DAMAGE TO THE PUBLIC WAY

- E38. 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 to the satisfaction of the public authority responsible for the public way.

SYDNEY TRAINS REQUIREMENTS

- E39. Construction works should not impact the existing High Voltage Cable (33kv) located west of the subject site.

TfNSW REQUIREMENTS

- E40. Construction vehicles shall not be stopped or parked on Darling Drive adjacent to the development at any time without prior approval of TfNSW.
- E41. All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects
- E42. No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW
- E43. During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant
- E44. The Applicant must mitigate all noise and vibration to the extent possible and provide results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that noise or vibration exceeds acceptable limits.

PROTECTION OF PUBLIC INFRASTRUCTURE

- E45. 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 the carrying out of 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.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

E46. All works must cease immediately if a relic, Aboriginal object or archaeological deposits are unexpectedly discovered. The Applicant must notify PMNSW, as delegate of the NSW Heritage Council, in respect of a relic and notify the Planning Secretary and PMNW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning and Environment.

If discovery is on Council's land, Council must be informed.

In this condition:

"relic" means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

"Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

E47. If any unexpected Aboriginal archaeological information is identified during the historic excavations, the procedures for Unexpected Aboriginal Archaeological Finds recommended in the report titled, *Aboriginal Cultural Heritage Assessment Report (ACHAR)*, prepared by Curio Projects and dated July 2022, must be followed.

NOTIFICATION – NEW CONTAMINATION EVIDENCE

E48. The Planning Secretary must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

ASBESTOS AND HAZARDOUS WASTE REMOVAL

E49. The Applicant must ensure that any asbestos or hazardous waste encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:

- (a) *Work Health and Safety Regulation 2017*;
- (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
Protection of the Environment Operations (Waste) Regulation 2014.

CONTAMINATION EVIDENCE

E50. The Applicant must implement the Unexpected Finds Protocol outlined within the CEMP required by **Condition D26** for the duration of works. Should any new information come to light during demolition which has the potential to alter previous conclusions about site contamination, the Planning Secretary must be immediately notified and works must cease. Works must not recommence on the site until the Planning Secretary confirms works can recommence.

INDEPENDENT ENVIRONMENTAL AUDIT

E51. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.

E52. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

E53. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.

E54. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under this consent;
- (b) submit the response to the Planning Secretary; and
- (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.

E55. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.

- E56. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

PART F POST EXCAVATION AND CONSTRUCTION

SITE MAINTENANCE

- F1. Following completion of the works associated with this consent, the site must be maintained so it is safe, secure and does not give rise to dust, erosion, stormwater or other environmental impacts. This must include implementation of:
- (a) the Construction Environmental Management Plan required by **Condition D26**;
 - (b) the Ongoing Site Treatment Management Plan, prepared by Mirvac, revision B, dated 20 October 2022; and
 - (c) any other measures necessary to prevent adverse impacts until the next stage of works commence.

POST EXCAVATION DILAPIDATION REPORT

- F2. If stage 3 works have not commenced within a 6-month period from the completion of works associated with this consent, a post-excavation dilapidation survey must be prepared by a suitably qualified engineer and undertaken on all relevant buildings, infrastructure and roads within the 'zone of influence', detailing whether:
- (a) after comparing the pre-excavation dilapidation report to the post-excavation dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
 - (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and
 - (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

If damage caused by works associated with this consent is determined, the Applicant must rectify the damage in consultation with adjoining landowners to the satisfaction of the Certifier.

SURVEY INFRASTRUCTURE

- F3. Upon completion of excavation and construction works, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

ARCHAEOLOGY

- F4. Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to PMNSW, Heritage NSW, Council and the Planning Secretary within one month of the completion of excavation and construction works.

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

AN2. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

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.

ROAD OCCUPANCY LICENCE

AN4. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SAFework REQUIREMENTS

AN5. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

HOARDING REQUIREMENTS

AN6. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

HANDLING OF ASBESTOS

AN7. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

DISABILITY DISCRIMINATION ACT

AN8. 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.

AN9. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC 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

AN10. 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.

AN11. 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 Agriculture, Water and Environment 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

AN12. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can 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).

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. 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 this consent or; having given such notification, subsequently forms the view that an incident has not occurred.
2. 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 contact person for further communication regarding the incident.
3. 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.
4. 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.