

# Development Consent

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

The Independent Planning Commission (the Commission), as the declared consent authority under section 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the Development application referred to in Schedule 1, subject to the Conditions in Schedule 2.

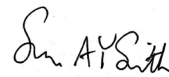
These Conditions are required to:

- 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.



**Janett Milligan**

**Member of the Commission**



**Simon Smith**

**Member of the Commission**

Sydney

29 January 2025

File: EF22/4905

### SCHEDULE 1

**Application Number:**

SSD-39587022

**Applicant:**

Aqualand B Development Holding Pty Ltd

**Consent Authority:**

Independent Planning Commission

**Site:**

Hickson Road, Barangaroo

Lot 51 DP 1301725

**Development:**

Central Barangaroo Early Works - Hickson Road Interface, consisting of:

- demolition of existing concrete hardstand and temporary pile wall
- construction of a reinforced pile wall along part of Hickson Road
- temporary excavation to facilitate the new pile wall
- local remediation works
- temporary stormwater diversion
- removal of existing electrical assets and construction of two new temporary substations.

### Right of Appeal

Section 8.7 of the EP&A Act 1979 provides a right to appeal this decision to the Land and Environment Court within the timeframe set out in Section 8.10 of that Act.

## DEFINITIONS

### Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

### Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this Development consent have the same meanings as they have in the EP&A Act and EP&A Regulations

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Aqualand B Development Holding 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
<b>AQMP</b>	Air Quality Management Sub-Plan
<b>AS</b>	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
<b>AHD</b>	Australian Height Datum
<b>ARDM</b>	Archaeological Research and Design Methodology
<b>BMIA</b>	Barangaroo Metro Interface Agreement, between Sydney Metro and Infrastructure NSW (INSW)/The Applicant as amended on 02 September 2021
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	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
<b>Construction Certificate</b>	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
<b>Council</b>	City of Sydney
<b>Consultation</b>	When capitalised, means undertaking a consultation process with a party under which the Applicant: <ul style="list-style-type: none"> <li>(a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and</li> <li>(b) provides details of the consultation undertaken including: <ul style="list-style-type: none"> <li>(i) the outcome of that consultation, matters resolved and unresolved; and</li> <li>(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved</li> </ul> </li> </ul>
<b>CWMP</b>	Construction Waste Management Sub-Plan
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The destruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	Where capitalised, means the Development approved pursuant to this consent
<b>EIS</b>	The Environmental Impact Statement titled Central Barangaroo Early Works –

Hickson Road Interface, prepared by Urbis, dated 27 April 2023, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application

<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act
<b>EPL</b>	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"> <li>involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</li> <li>results in actual 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)</li> </ul>
<b>Minister</b>	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces
<b>Mitigation</b>	Activities associated with reducing the impacts of the Development prior to or during those impacts occurring
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board
<b>Non-compliance</b>	An occurrence, set of circumstances or Development that is a breach of this consent
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate)
<b>Prescribed Conditions</b>	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the Development consent is subject under s 4.17(11) of the EP&A Act
<b>Reasonable</b>	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
<b>Professional Engineer</b>	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i>
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information
<b>Report</b>	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified
<b>RtS</b>	The Applicant's response to issues raised in submissions received in relation to the application for this Development consent under the EP&A Act
<b>RRFI</b>	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

<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts
<b>Site</b>	The land identified in Schedule 1
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>Work(s)</b>	Any physical work to construct or facilitate the construction of the Development, including 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.

**TERMS OF CONSENT**

- A2. 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, RfS and any RRFI or additional information;
  - (d) in accordance with the approved plans in the table below:

<b>Architectural drawings prepared by Webber</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
0101	K	DA01 – Site Plan	17/5/22
0102	L	DA01 – Wall Setout Plan	17/5/22
0103	K	DA01 – Eastern Section	17/5/22
0104	I	DA01 – Southern Section	17/5/22
0105	J	DA01 – Eastern Elevation	17/5/22
0106	J	DA01 – Southern Elevation	17/5/22
0107	G	DA01 – Eastern Metro Section	17/5/22
<b>Temporary Drainage Design prepared by WSce Pty Ltd</b>			
C6.01	3	Stormwater Layout Plan	8/10/24
C6.30	1	Typical Sections	17/5/24
C6.31	1	Stormwater Longitudinal Section	17/5/24

- A3. The Applicant must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the Development;
  - (b) any document or correspondence in relation to the Development;
  - (c) any notification given to the Planning Secretary under the terms of this approval;
  - (d) any audit of the construction or operation of the Development;
  - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
  - (f) the carrying out of any additional monitoring or mitigation measures; and
  - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

## LIMITS ON CONSENT

A5. This consent will lapse five years from the date the consent is published on the NSW planning portal unless the works associated with the Development have physically commenced.

A6. This consent does not approve the following:

- (a) any permanent excavation within Central Barangaroo
- (b) the site layout shown in the Electrolysis Report, prepared by Performance Electrics Pty Ltd, revision B, dated 4 September 2023
- (c) the demolition of any stormwater pipes shown outside of the Central Barangaroo site

Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying Development applies).

## PRESCRIBED CONDITIONS

A7. The Applicant must comply with all relevant prescribed conditions of Development consent under Part 6, Division 8A 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.

## STRUCTURAL ADEQUACY

A11. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, must be constructed in accordance with the relevant requirements of the NCC.

### Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.*

## OPERATION OF PLANT AND EQUIPMENT

A12. 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

A13. 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.

A14. 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

A15. 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.

## COMPLIANCE

A16. 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

A17. 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.

A18. 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.

## COMPLIANCE REPORTING

A19. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.

A20. 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.

A21. 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.

A22. 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.

## SYDNEY METRO CORRIDOR PROTECTION

A23. At any time during the construction of the Development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:

- (a) inspect the Development site and all works and structures that may impact on the rail corridor, including at specified “hold points” in the construction of the Development; and
- (b) attend on-site meetings with the Applicant and its contractors,

to enable Sydney Metro to determine whether the Development has been or is being constructed and maintained in accordance with all approved plans and this Development consent.

A24. The Applicant is to ensure compliance with the Barangaroo Metro Interface Agreement (BMIA) between Sydney Metro and Infrastructure NSW (INSW)/The Applicant as amended on 02 September 2021, including the TfNSW Design Requirements (Exhibit 1).

- A25. Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the Development (as applicable).
- A26. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- A27. All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the relevant party identified in the BMIA.



## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### LONG SERVICE LEVY

- B1. 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

- B2. 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

- B3. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a Professional Engineer, 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 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).

### MECHANICAL PLANT NOISE MITIGATION

- B4. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the Development.

### COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B5. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report, prepared by Acoustic Logic, revision 5, dated 8 August 2023.

### SYDNEY WATER ASSETS

- B6. Prior to the issue of the first Construction Certificate, the plans approved under this consent 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>

### ENGINEERING – SYDNEY METRO

- B7. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
- (a) Letter RE: Barangaroo Central, Barangaroo prepared by Rygate Surveyors dated 30 November 2023, included the appended documentation:

- (i) Dwrng. WEA-DA-BAS-0101-K prepared by Webber Design (mark-ups by Rygate Surveyors, Rev L dated 30 November 2023)
- (ii) Dwrng. WEA-DA-BAS-0103-K prepared by Webber Design (mark-ups by Rygate Surveyors, Rev L dated 30 November 2023)
- (iii) Dwrng. WEA-DA-BAS-0107-K prepared by Webber Design (mark-ups by Rygate Surveyors, Rev H dated 30 November 2023)
- (b) Letter RE: SSD-39587022: Central Barangaroo Early Works - Additional Information Ref. SYDGE287887AR prepared by Tetra Tech Coffey dated 16 August 2023.
- (c) Letter RE: SYDNEY METRO/TRANSPORT COMMENTS ON EWDA-1 SUBMISSION Ref. VL MS CO/ST 22447 prepared by Robert Bird Group dated 09 August 2023,

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the Development until the Certifier has confirmed which documents (including the versions of those documents) apply to the Development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the Development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

- B8. The Certifier must not issue a Construction Certificate for the Development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following items:

- (a) Final construction drawings for the Construction Certificate.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

#### **RAIL CORRIDOR – SYDNEY METRO**

- B9. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the Development without damaging or otherwise interfering with the Sydney Metro – City & Southwest rail corridor or rail operations. Where any part of the Development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro – City & Southwest rail corridor or rail operations, that part of the Development must have a minimum design life of 100 years.

#### **SURVEY AND SERVICES – SYDNEY METRO**

- B10. Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey of the Development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- (b) a registered surveyor shall peg-out the common property boundary between the Development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the Development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

- B11. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the Development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the Development site.

#### **NOISE AND VIBRATION – SYDNEY METRO**

- B12. The Development must:

- (a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from [www.sydneymetro.info](http://www.sydneymetro.info).)
- (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

- B13. The Applicant must incorporate as part of the Development all the measures recommended in the acoustic assessment report Noise Impact Assessment Ref. 20220262.1 Revision 05 prepared by Acoustic Logic dated 8 August 2023. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the Development.

#### **ELECTROLYSIS – SYDNEY METRO**

- B14. Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the Development from stray currents. The Applicant must incorporate in the Development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the Development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

#### **CONSTRUCTION – SYDNEY METRO**

- B15. No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the Development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- B16. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the Development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- B17. Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
- (a) Machinery to be used during excavation/construction
  - (b) Demolition, excavation and construction methodology and staging.
- The Certifier must not issue a Construction Certificate for the Development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- B18. Prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the Development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- B19. If required by Sydney Metro, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- B20. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the Development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the Development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
- B21. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the Development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
- B22. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the Development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.
- B23. Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrogeological assessment report demonstrating that any dewatering during construction will

not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.

#### **DRAINAGE – SYDNEY METRO**

- B24. The Applicant must ensure that all drainage from the Development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not issue a Construction Certificate or Occupation Certificate for the Development unless this condition has been satisfied.

#### **DOCUMENTATION – SYDNEY METRO**

- B25. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

#### **DEWATERING**

- B26. Prior to the issue of any Construction Certificate, and unless the development will intercept groundwater and/or involve dewatering that meets an activity and volume exemption under the *Water Management Act 2000*, the Applicant must obtain an approval pursuant to S90(2) of the *Water Management Act 2000* for the proposed structure intercepting the groundwater table, for the extraction of groundwater from the aquifer (Water Supply Work approval). An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity.

#### **STORMWATER MANAGEMENT SYSTEM**

- B27. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a stormwater management system for the Development, designed by a suitably qualified and experienced person(s). The system must:
- be generally in accordance with the conceptual design in the EIS;
  - be in accordance within Council's stormwater requirements and specifications;
  - be in accordance with applicable Australian Standards; and
  - ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

#### **DEVELOPMENT LEVELS AND GRADIENTS**

- B28. Prior to the issue of any Construction Certificate, the Applicant must submit details demonstrating the Development will align with the future finished levels and gradients of Hickson Road and adjacent footpaths. The submission must be prepared in accordance with Council's *Public Domain Manual*. The submission is to be prepared in consultation with INSW with respect to the future upgrade designs of Hickson Road and to the satisfaction of the Secretary.

Information on how to complete the submission can be downloaded from Council's website at:  
<https://www.cityofsydney.nsw.gov.au/Development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a publicly accessible space must be resolved inside the site boundary.

#### **STORMWATER DRAINAGE DESIGN**

- B29. Prior to issue of any Construction Certificate, to ensure the temporary drainage design of the proposal meets Council's drainage requirements, the Applicant must prepare a detailed stormwater management plan that updates the drainage design and/or the pipe alignment as shown in the drainage plans listed in Condition A2 and discussed in the report titled *Central Barangaroo EWDA -1 Flood Risk Assessment – SSD 39587022*, prepared by WSce Pty Ltd, ref: L\_Aqualand\_DA1\_v02, dated 17/5/2024. The stormwater management plan is to be prepared by suitably qualified and experienced professional must be submitted to and approved by Council's Public Domain Unit and must demonstrate and include:
- Details that the pipe design achieves a minimum freeboard of 150mm;
  - Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
  - Council's Sydney Streets Technical Specifications, Standard Drawings;
  - Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction; (iv) Council's Stormwater Drainage Manual; and
  - All relevant Australian Standards.

This information is available for download from Council's website at  
<https://www.cityofsydney.nsw.gov.au/Development/public-domain-works/daassociated-works>.

**Note:** A Deed of Agreement (Stormwater Deed) for all proposed connections to Council's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

## **PART C PRIOR TO COMMENCEMENT OF WORKS**

### **NOTIFICATION OF COMMENCEMENT**

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

### **ACCESS TO INFORMATION**

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the Development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the Development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the Development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the Development;
    - (vii) contact details to enquire about the Development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent 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.

### **SURVEY INFRASTRUCTURE AND CERTIFICATE**

- C4. 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.
- C5. Before the issue of an occupation certificate, 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.
- C6. 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 Development on the site, including the relationship of the set-out of the Development to property boundaries.

### **PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES**

- C7. Prior to the commencement of 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) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council
  - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

## UTILITIES AND SERVICES

- C8. 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.
- C9. Prior to the commencement of 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

- C10. 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.

## COMMUNITY COMMUNICATION STRATEGY

- C11. Before the commencement of construction, the Applicant must prepare a 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.
- C12. 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.
- C13. The CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.
- C14. Construction must not commence until the CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

## DEMOLITION

- C15. 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-CONSTRUCTION DILAPIDATION REPORTS

- C16. Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person.
- C17. The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner 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.
- C18. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the 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.
- C19. 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.

- C20. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the Development, whichever is the sooner.

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- C21. Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
    - (i) hours of construction;
    - (ii) 24 hour contact details of the site manager and complaint handling procedure;
    - (iii) construction program and construction methodology, including construction staging;
    - (iv) traffic management;
    - (v) noise and vibration management;
    - (vi) management of dust and odour;
    - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
    - (viii) remediation and management of contamination, including any unexpected contamination finds protocol;
    - (ix) management of stockpiles of soil or other materials;
    - (x) waste management;
    - (xi) external lighting in compliance with applicable Australian Standards; and
    - (xii) site security, including fencing or hoarding.
  - (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) an unexpected finds protocol for contamination and associated communications procedure
  - (h) an unexpected finds policy for Aboriginal and non-Aboriginal heritage and associated communications procedure
  - (i) 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 PLAN SUB-PLAN**

- C22. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Secretary a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with the Sydney Coordination Office within TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
- (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) construction vehicle access arrangements;
  - (h) construction program and construction methodology, including any construction staging;
  - (i) a detailed plan of any proposed hoarding and/or scaffolding;
  - (j) measures to avoid construction worker vehicle movements within the precinct;
  - (k) consultation strategy for liaison with surrounding stakeholders, including other Developments under construction;



- (l) 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. Proposed mitigation measures must be clearly identified and included in the CPTMP; and
- (m) identify the cumulative construction activities of the Development and other projects within or around the Development site. Proposed measures to minimise the cumulative impacts on the surrounding road network must be clearly identified and included in the CPTMP.

### **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN**

- C23. Prior to the commencement of any earthwork or construction, 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**

- C24. Prior to the commencement of any earthwork or construction, 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.

C25. 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 (e.g. frequency, duration and method of monitoring) to be undertaken for the project.

C26. 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**

C27. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a 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 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 and 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).

#### **CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN**

C28. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with Council 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.

#### **CONSTRUCTION PARKING**

C29. Prior to the commencement of any earthwork or construction, 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.

#### **COMPLIANCE**

C30. Prior to the commencement of any earthwork or construction, 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.

## **BARRICADE PERMIT**

- C31. 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**

- C32. 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 such application is to include:
- (a) architectural, construction and structural details of the design as well as any proposed artwork
  - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

## **OUTDOOR LIGHTING**

- C33. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been 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.

## **PUBLIC LIABILITY INSURANCE**

- C34. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

## **REMEDIATION – UNEXPECTED FINDS PROTOCOL**

- C35. 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.

## **REMEDIAL ACTION PLAN**

- C36. The Applicant must remediate and validate the site in accordance with the following documents:
- (a) Remedial Action Plan prepared by JBS Environmental dated May 2013, reference number JBS 42021 – 51725 (Rev H) (2023/260313)
  - (b) Remedial Works Plan by EDP dated September 2022, reference EWDA-01
  - (c) Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Environ dated July 2013 and reference GN 439B-5 (2023/260314)
  - (d) Letter of Interim Advice by Rowena Salmon dated 24 October 2022, NO. 1 - EWDA-01 REVIEW OF REMEDIAL WORKS PLAN, CENTRAL BARANGAROO (2023/260302)
  - (e) relevant guidelines produced or approved 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 or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the commencement of such work.

## **SITE AUDITOR**

- C37. 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.
- C38. The Applicant must ensure any 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*.

## REMEDIATION – SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- C39. Upon completion of any remediation works and prior to the commencement of construction of the Development, a Letter of Interim Advice or a Section B Site Audit Statement and Report, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site subject of the early works of the Development has been remediated in accordance with the Remedial Action Plan (**Condition C36(a)**) and is suitable for its approved land use. The reports must be submitted to the Planning Secretary for information and to Council's Area Planning Manager at email address [hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)
- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
  - (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the Environmental Planning & Assessment Act 1979).

## REMEDIATION – VALIDATION REPORT

- C40. Within one month following the completion of any 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*.

## ARCHAEOLOGICAL TEST EXCAVATIONS AND RESEARCH AND DESIGN METHODOLOGY

- C41. Prior to the commencement of works and following test excavations, the Applicant must prepare an Archaeological Research and Design Methodology (ARDM). The ARDM shall:
- (a) be informed and adopt all of the recommendations of the Maritime Archaeological Assessment, prepared by Mountains Heritage, dated September 2023
  - (b) present and detail options to re-design the proposal for the in-situ conservation of State significant heritage items identified during archaeological excavations
  - (c) include provisions to consider the conservation of unexpected significant maritime heritage items in-situ
  - (d) contain an unexpected finds policy, that outlines all aspects pertaining to the possible discovery of unanticipated finds at the site including:
    - (i) briefing and educating project staff in the processes associated with the identification and discovery of unexpected heritage items and the subsequent processes, including steps specific for maritime heritage items, associated with excavation/ conservation/ storage/ interpretation and display of any discovered items
    - (ii) identifying the specific responsibilities for management and funding for the conservation and management of any unexpected heritage items, subject to the negotiations and approval of Heritage NSW / Heritage Council under **Condition C43**
  - (e) must undertake a program of archaeological test excavation and archaeological monitoring detailed in **Conditions C42 to C46**, inclusive below.

## NON-ABORIGINAL ARCHAEOLOGY

- C42. Prior to the commencement of construction, the Applicant shall undertake a program of archaeological testing on the site to inform the final design of the proposal. The testing shall aim to understand the nature, extent and significance of the surviving archaeological deposits as set out in the document titled '*Historical Archaeological Assessment: Barangaroo Central*', prepared by Urbis, dated 28 July 2022. Maritime archaeological investigations must be undertaken as outlined in the document titled '*Barangaroo Central: Maritime Archaeological Assessment*', prepared by Mountains Heritage and dated September 2023.
- The testing and monitoring program shall have particular regard on areas where potential local and State significant maritime archaeological relics and deposits may be present, including but not limited to areas associated with Agars' wharf and Cureton's Wharf.
- C43. If testing (**Condition C42**) identifies an archaeological heritage item/s (site or relic) of significance (local, State or both) which cannot be avoided through detailed re-design, then approval is required from Heritage NSW / Heritage Council to ensure that Heritage items of State Significance are not subject to open area salvage excavation alone, but rather that a negotiated outcome between all parties can be reached to ensure the retention of the site/relic(s). The outcome for the management of heritage sites/relics encountered on-site must be negotiated with, and approved by, Heritage NSW / Heritage Council prior to any further works proceeding in those areas. These outcomes must consider options which may include:

- (a) innovative retention of the heritage item(s) in situ at these locations for public interpretation/ display at these locations after the proposed project is completed.
  - (b) the wholesale removal of the entire site/ relic(s) in its entirety (possibly as a single item) for archaeological excavation off site, and its subsequent reinstatement within the Development area after works are completed.
  - (c) funding sources to undertake future curation, conservation interpretation and display of any significant sites/ relics must be identified and secured as part of these negotiations to ensure the future archaeological and heritage management of these heritage items. Phased completion and structured enforceable timelines should also be applied for each stage of these works.
- C44. Depending on the results of testing, archaeological monitoring should also be undertaken for the remainder of the works site. This is to determine not only the presence and extent of the maritime archaeological remains, but also the potential for unrecorded early shipwrecks along the former foreshore of Darling Harbour.
- C45. Prior to the commencement of any works associated with the investigation of the presence of any archaeological finds required by **Condition C42**, the Applicant must prepare a revised ARDM. The ARDM shall be prepared before the salvage stage, in consultation with Heritage NSW within the NSW Department of Climate Change, Energy, the Environment and Water and submitted to the satisfaction of the Planning Secretary. Any archaeological investigations of maritime archaeological sites discovered within the proposed works area must be undertaken by a suitably qualified and experienced maritime archaeologist
- A final archaeological excavation report shall be prepared within 12 months of the completion of archaeological excavation and copies provided to the Planning Secretary, Heritage NSW and NSW Department of Climate Change, Energy, the Environment and Water. The final archaeological excavation report shall:
- (a) include detailed findings of the project, including any significant relics and/or heritage items recovered,
  - (b) detail where they are located
  - (c) provide information about their ongoing conservation, curation, interpretation, display and protection in perpetuity by the land owner.
  - (d) respond to the ARDM and identify the final repository for the archaeological collection from the excavations.

#### **EXCAVATION DIRECTOR**

- C46. The Applicant shall nominate a suitably qualified and experienced maritime archaeologist to manage the archaeological program according to **Conditions C42 to C46**. This person must:
- (a) fulfil the NSW Heritage Council's Excavation Director Criteria for the excavation of State significant archaeological sites
  - (b) be given authority as the excavation director for any excavation works or monitoring of any maritime sites buried under land reclamation or accreted land.

## PART D DURING CONSTRUCTION

### APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval 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

- D2. 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.

### HOURS OF CONSTRUCTION

- D3. Construction, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading) of goods, transferring of tools etc) in connection with the proposed Development must only be carried out, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 7am and 5PM, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. All work, including demolition, excavation and building work must comply with 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*.
- D6. Notwithstanding Condition E3, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993*.
- D7. 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.
- D8. Notification of activities undertaken in the circumstances in Condition D7 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D9. Rock breaking, rock hammering, sheet piling, pile driving, similar activities, high noise emission appliances and those which are not listed in Groups B, C, D, E or 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* is restricted to the hours of may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.
- D10. All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with 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*.

### LOADING AND UNLOADING DURING CONSTRUCTION

- D11. The following requirements apply for the unloading and loading of items during construction:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

#### **USE OF MOBILE CRANES**

D12. The following requirements apply to the use of mobile cranes:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993*.

#### **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

- D13. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the Development (including the Development application number and the name of the Development if it has one), and set out the location and nature of the incident.
- D14. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

#### **NON-COMPLIANCE NOTIFICATION**

- D15. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- D16. 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.
- D17. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

#### **NOTIFICATION – NEW CONTAMINATION EVIDENCE**

- D18. The Applicant must notify Council's Area Planning Manager and the Principal Certifier 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.

#### **SAFework REQUIREMENTS**

- D19. 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.

## IMPLEMENTATION OF MANAGEMENT PLANS

- D20. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.

## CONSTRUCTION NOISE LIMITS AND MANAGEMENT

- D21. The Development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- D22. All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with 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.
- D23. 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.
- D24. 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.
- D25. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D26. 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.
- D27. 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.

## VIBRATION CRITERIA

- D28. Vibration caused by construction 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).
- D29. 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 project specific CNVMP required by this consent.

## AIR QUALITY

- D30. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) no stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from Council's Construction Regulation Team;
  - (c) all stockpiles of soil or other materials likely to generate dust or odours must be covered;
  - (d) all stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours;
  - (e) all trucks entering or leaving the site with loads have their loads covered;
  - (f) trucks associated with the Development do not track dirt onto the public road network;
  - (g) public roads used by these trucks are kept clean; and
  - (h) land stabilisation works are carried out progressively on site to minimise exposed surfaces.



## SHORING AND ADEQUACY OF ADJOINING PROPERTY

D31. 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.

## TREE PROTECTION

D32. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

## EROSION AND SEDIMENT CONTROL

D33. 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'.

## ACID SULFATE SOILS

D34. All recommendations contained in the Acid Sulphate Soils Management Plan prepared by EDP reference ASSMP, 2022 dated September 2022 (2023/260301) must be implemented.

## CUT AND FILL

D35. 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.

D36. 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.

D37. 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.

Council 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 analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

## DISPOSAL OF SEEPAGE AND STORMWATER

D38. 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 relevant authority in accordance with the *Protection of the Environment Operations Act 1997*.

D39. 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.

- D40. 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*.

#### **ASBESTOS**

- D41. The Applicant must ensure that any asbestos 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
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

#### **CONSTRUCTION TRAFFIC**

- D42. 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.

#### **ROAD OCCUPANCY LICENCE**

- D43. 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**

- D44. 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.

#### **CONTACT TELEPHONE NUMBER**

- D45. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the Development.

#### **COVERING OF LOADS**

- D46. 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.

#### **VEHICLE CLEANSING**

- D47. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### **UNCOVERING RELICS OR ABORIGINAL OBJECTS**

- D48. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW 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.

- D49. 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.*

## **SUPERVISION – SYDNEY METRO**

D50. Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

## **CONSULTATION – SYDNEY METRO**

- D51. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
  - (b) acts as the authorised representative of the Applicant; and
  - (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- D52. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the Development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- D53. Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

## **DRAINAGE – SYDNEY METRO**

- D54. The Applicant must ensure that all existing and future drainage works on the Development site will be directed into the appropriate local council or approved drainage system.
- D55. The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

## **INSPECTIONS – SYDNEY METRO**

- D56. If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- (a) site investigations;
  - (b) foundation, pile and anchor set out;
  - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
  - (d) foundation, pile and anchor excavation;
  - (e) other excavation;
  - (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
  - (g) other concreting; or
  - (h) any other event that Sydney Metro has notified to the Applicant in writing
- so that Sydney Metro may inspect the carrying out or completion of those works on the Development site.
- D57. If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the Development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

## **PART E POST CONSTRUCTION**

### **WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE**

- E1. Prior to the issue of an Occupation Certificate, the Applicant must submit, to the satisfaction of the Certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:
- (a) All permanent and/or temporary stormwater drainage systems and storage systems.
- E2. The Certifier must provide a copy of the plans to consent authority with the Occupation Certificate.

### **PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

- E3. Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by Council for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by Council's Public Domain Unit.

### **STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

- E4. Prior to the issue of any Occupation Certificate or commencement of the use:
- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with Council and obtain registration of Title of a Positive Covenant for all proposed connections to Council's underground drainage system. The deed and positive covenant will contain terms reasonably required by Council and will be drafted by Council's Legal Services Unit at the cost of the applicant, in accordance with Council's Fees and Charges.
  - (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by Council and will be drafted by Council's solicitor at the cost of the applicant, in accordance with the Council's Fees and Charges.

### **PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS**

- E5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
  - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development.

### **POST-CONSTRUCTION DILAPIDATION REPORT**

- E6. Within six months from practical completion, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction 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.
- E7. Prior to the occupation or commencement of the use, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).

### **ROAD DAMAGE**

- E8. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved Development is to be paid in full by the Applicant.

### **STRUCTURAL INSPECTION CERTIFICATE**

- E9. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the

Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:

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

#### **STORMWATER**

- E10. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit a copy of the stormwater drainage design plans approved with the Construction Certificate to the Certifier. The stormwater drainage design plans must be prepared by a Practising Professional Engineer experienced in the design of stormwater drainage systems.
- E11. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following:
  - (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

#### **SYDNEY WATER COMPLIANCE**

- E12. Prior to the issue of any Occupation Certificate or commencement of the use, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

#### **UTILITY PROVIDERS**

- E13. Before the issue of any Occupation Certificate or commencement of the use, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the Development, is completed to the satisfaction of the relevant authority.
- E14. Before the issue of any Occupation Certificate or commencement of the use, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

#### **ENVIRONMENTAL PERFORMANCE**

- E15. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the Development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

#### **DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

- E16. All works to Council's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

## 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. The Applicant must apply to the relevant authority for all necessary permits required to carry out the works authorised (and comply with) this consent, including but not limited to crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

### TEMPORARY STRUCTURES

- AN4. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.
- AN5. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

### DISABILITY DISCRIMINATION ACT

- AN6. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.
- AN7. 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

- AN8. 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.
- AN9. 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

- AN10. 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](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under 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.