

APPENDIX H RECOMMENDED CONDITIONS OF CONSENT

Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

We grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.

Member of the Commission **Member of the Commission** **Member of the Commission**

Sydney

2016

SCHEDULE 1

Application No.:

SSD 6957

Applicant:

Crown Sydney Property Pty Ltd

Consent Authority:

Minister for Planning

Land:

Crown Sydney Hotel Resort, 51a Hickson Road, Barangaroo
(Lot 101 DP 1204946 and Lot 209 DP 1211553)

Development:

Development of the mixed-use Crown Sydney Hotel Resort, including:

- site remediation, earthworks, excavation, structural and site preparation works;
- construction and fit-out of a 71-storey (RL 275 metre) tower including podium;
- construction of three basements levels;
- a total GFA of 77,500sqm, comprising:
 - 66 residential apartments;
 - hotel use (350 hotel keys/rooms) and ancillary guest and visitor facilities;
 - 6,085sqm restricted gaming facility GFA; and
 - 6,700sqm retail GFA.
- 610 on-site car parking spaces and 188 bicycle parking spaces;
- public domain works and landscaping; and
- business and building identification signage and signage zones.

DEFINITIONS

| | |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advisory Notes | Advisory information relating to the approved project but do not form a part of this approval. |
| Applicant | Crown Sydney Property Pty Ltd, or anyone else entitled to act on this consent. |
| BCA | Building Code of Australia. |
| Concept Plan | Approved Barangaroo Concept Plan (MP06_0162). |
| Commission | Planning Assessment Commission. |
| Construction | Any works, including remediation, earth and building works. |
| Council | City of Sydney Council. |
| Day | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays. |
| Department | Department of Planning and Environment, or its successors. |
| Development | The development as described in the EIS and RTS. |
| EIS | Environmental Impact Statements and Appendices entitled 'Crown Sydney Hotel Resort' and 'Stage 1C Remediation and Earthworks, Barangaroo South', both prepared by JBA Urban Planning Consultants Pty Ltd and dated July 2015. |
| EPA | Environment Protection Authority, or its successors. |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979.</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000.</i> |
| Evening | The period from 6pm to 10pm. |
| GFA | Gross Floor Area. |
| HHERA | Human Health and Ecological Risk Assessment (Revision H) entitled 'Stage 1C Development (ORWN Area), Barangaroo South' prepared by AECOM Australia Pty Ltd and dated 10 December 2014. |
| Incident | A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval. |
| Minister | Minister for Planning, or nominee. |
| MOD 8 Application | Section 75W modification application no. 8 to the approved Barangaroo Concept Plan MP06_0162, which is also before the Commission for determination. |
| Night | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays. |
| OEH | Office of Environment & Heritage, or its successors. |
| PCA | Principal Certifying Authority has the same meaning as in section 4 and Part 4A of the EP & A Act. |
| POEO Act | <i>Protection of the Environment Operations Act 1997.</i> |
| RAP | The Remedial Action Plan entitled 'Remedial Action Plan Crown Hotel Development (Part of ORWN Area) Barangaroo South' prepared by AECOM Australia Pty Ltd dated 11 April 2015. |
| RAP Addendum | Remedial Action Plan Addendum entitled 'Addendum to the Crown Hotel Development Remedial Action Plan' prepared by AECOM Australia Pty Ltd and dated 28 May 2015. |
| Remediation | The remediation and excavation works as described in the EIS, RTS and RAP and RTS Addendum. |
| RMS | Roads and Maritime Services. |
| RtS | Response to Submissions report and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated October 2015 and Further Response to Submissions dated 16 February 2016. |
| RtDAP | Response to DAP report prepared by Crown Resorts dated 16 February 2016. |
| Reasonable and Feasible | Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build. |
| Secretary | The Secretary of the Department of Planning & Environment (or nominee). |
| Site | The land referred to in Schedule 1 of this consent. |

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Terms of Consent

- A1 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development described in Schedule 1 and Condition A2.
- A2 The Applicant shall carry out the project generally in accordance with the:
- a) State Significant Development Application SSD 6957;
 - b) Environmental Impact Statements and Appendices entitled 'Crown Sydney Hotel Resort' and 'Stage 1C Remediation and Earthworks, Barangaroo South', both prepared by JBA Urban Planning Consultants Pty Ltd and dated July 2015;
 - c) Response to Submissions report prepared by JBA Urban Planning Consultants dated October 2015 and Further Response to Submissions report dated 16 February 2016;
 - d) Response to DAP report prepared by Crown Resorts dated 16 February 2016;
 - e) Further Response to Submissions report prepared by Crown Resorts dated 16 February 2016;
 - f) The conditions of this consent; and
 - g) The following drawings, except for:
 - i) any modifications which are Exempt or Complying Development as identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
 - ii) otherwise provided by the conditions of this consent.

| Architectural (or Design) Drawings prepared by Wilkinson Eyre Architects | | | |
|--------------------------------------------------------------------------|------|------------------------------------|------------|
| Drawing No. | Rev. | Name of Plan | Date |
| 00915-P-0100-TP | 01 | Context Plan | 04/03/2016 |
| 00915-P-0102-TP | 01 | Site Plan – Roof Plan | 04/03/2016 |
| 00915-P-0103-TP | 01 | Site Plan – Ground floor | 04/03/2016 |
| 00915-P-0510-TP | 00 | Basement Level 1 – Mez Plan West | 17/03/2015 |
| 00915-P-0512-TP | 00 | Basement Level 1 West | 17/03/2015 |
| 00915-P-0513-TP | 00 | Basement Level 1 East | 17/03/2015 |
| 00915-P-0514-TP | 00 | Basement Level 2 West | 17/03/2015 |
| 00915-P-0515-TP | 00 | Basement Level 2 East | 17/03/2015 |
| 00915-P-0516-TP | 00 | Basement Level 3 West | 17/03/2015 |
| 00915-P-0517-TP | 00 | Basement Level 3 East | 17/03/2015 |
| 00915-P-1000-TP | 01 | Level 0 Plan – Lobby | 04/03/2016 |
| 00915-P-1005-TP | 01 | Level 0 Plan – Mezanine Level Plan | 04/03/2016 |
| 00915-P-1010-TP | 01 | Level 1 Plan – Mahogany Room | 04/03/2016 |
| 00915-P-1015-TP | 01 | Level 1 Plan – Mezanine Level Plan | 04/03/2016 |
| 00915-P-1020-TP | 01 | Level 2 Plan – Chairman's Club | 04/03/2016 |
| 00915-P-1025-TP | 01 | Level 2 Plan – Mazanine Level Plan | 04/03/2016 |

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| 00915-P-1030-TP | 01 | Level 3 Plan – Pool | 04/03/2016 |
| 00915-P-1035-TP | 01 | Level 3 Plan – Mezanine Level Plan | 04/03/2016 |
| 00915-P-1040-TP | 01 | Level 4 Plan – Spa | 04/03/2016 |
| 00915-P-1045-TP | 01 | Level 5 Plant Room – Podium Roof Extent | 04/03/2016 |
| 00915-P-1050-TP | 00 | Level 05 Plan – Offices / Plant | 17/03/2015 |
| 00915-P-1060-TP | 00 | Level 06 Plan – Hotel | 17/03/2015 |
| 00915-P-1070-TP | 00 | Level 07 Plan | 17/03/2015 |
| 00915-P-1080-TP | 00 | Level 08 Plan | 17/03/2015 |
| 00915-P-1090-TP | 00 | Level 09 Plan | 17/03/2015 |
| 00915-P-1100-TP | 00 | Level 10 Plan | 17/03/2015 |
| 00915-P-1110-TP | 00 | Level 11 Plan | 17/03/2015 |
| 00915-P-1120-TP | 00 | Level 12 Plan | 17/03/2015 |
| 00915-P-1130-TP | 00 | Level 13 Plan | 17/03/2015 |
| 00915-P-1140-TP | 00 | Level 14 Plan | 17/03/2015 |
| 00915-P-1150-TP | 00 | Level 15 Plan | 17/03/2015 |
| 00915-P-1160-TP | 00 | Level 16 Plan | 17/03/2015 |
| 00915-P-1170-TP | 00 | Level 17 Plan | 17/03/2015 |
| 00915-P-1180-TP | 00 | Level 18 Plan | 17/03/2015 |
| 00915-P-1190-TP | 00 | Level 19 Plan | 17/03/2015 |
| 00915-P-1200-TP | 00 | Level 20 Plan | 17/03/2015 |
| 00915-P-1210-TP | 00 | Level 21 Plan | 17/03/2015 |
| 00915-P-1220-TP | 00 | Level 22 Plan | 17/03/2015 |
| 00915-P-1230-TP | 00 | Level 23 Plan | 17/03/2015 |
| 00915-P-1240-TP | 00 | Level 24 Plan – Crystal Club | 17/03/2015 |
| 00915-P-1250-TP | 00 | Level 25 Plan – VIP Sky Gaming | 17/03/2015 |
| 00915-P-1260-TP | 00 | Level 26 Plan – VIP Sky Gaming | 17/03/2015 |
| 00915-P-1270-TP | 00 | Level 27 Plan – Plant | 17/03/2015 |
| 00915-P-1280-TP | 00 | Level 28 Plan – Plant | 17/03/2015 |
| 00915-P-1290-TP | 00 | Level 29 Plan 5 Villas Per Level – Max | 17/03/2015 |
| 00915-P-1300-TP | 00 | Level 30 Plan 5 Villas Per Level (2-3 Bay Villa DDA) | 17/03/2015 |
| 00915-P-1310-TP | 00 | Level 31 Plan 5 Villas Per Level | 17/03/2015 |
| 00915-P-1320-TP | 00 | Level 32 Plan 5 Villas Per Level | 17/03/2015 |
| 00915-P-1330-TP | 00 | Level 33 Plan 5 Villas per Level – Min | 17/03/2015 |
| 00915-P-1340-TP | 00 | Level 34 Plan 3 Apartments Per Level (Type 1) - Max | 17/03/2015 |
| 00915-P-1350-TP | 00 | Level 35 Plan 3 Apartments Per Level (Type 1) | 17/03/2015 |
| 00915-P-1360-TP | 00 | Level 36 Plan 3 Apartments Per Level (Type 1) | 17/03/2015 |
| 00915-P-1370-TP | 00 | Level 37 Plan 3 Apartments Per Level (Type 1) – Min | 17/03/2015 |
| 00915-P-1380-TP | 00 | Level 38 Plan 3 Apartments Per Level (Type 2) – Max | 17/03/2015 |

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| 00915-P-1390-TP | 00 | Level 39 Plan 3 Apartments Per Level | 17/03/2015 |
| 00915-P-1400-TP | 00 | Level 40 Plan 3 Apartments Per Level | 17/03/2015 |
| 00915-P-1410-TP | 00 | Level 41 Plan 3 Apartments Per Level | 17/03/2015 |
| 00915-P-1420-TP | 00 | Level 42 Plan 3 Apartments Per Level | 17/03/2015 |
| 00915-P-1430-TP | 00 | Level 43 Plan 3 Apartments Per Level | 17/03/2015 |
| 00915-P-1440-TP | 00 | Level 44 Plan 3 Apartments Per Level | 17/03/2015 |
| 00915-P-1450-TP | 00 | Level 45 Plan 3 Apartments Per Level | 17/03/2015 |
| 00915-P-1460-TP | 00 | Level 46 Plan 3 Apartments Per Level | 17/03/2015 |
| 00915-P-1470-TP | 00 | Level 47 Plan 3 Apartments Per Level (Type 2) – Min | 17/03/2015 |
| 00915-P-1480-TP | 00 | Level 48 Plan Residential Plant Level | 17/03/2015 |
| 00915-P-1490-TP | 00 | Level 49 Plan 2 Apartments Per Level – Max | 17/03/2015 |
| 00915-P-1500-TP | 00 | Level 50 Plan 2 Apartments Per Level | 17/03/2015 |
| 00915-P-1510-TP | 00 | Level 51 Plan 2 Apartments Per Level | 17/03/2015 |
| 00915-P-1520-TP | 00 | Level 52 Plan 2 Apartments Per Level | 17/03/2015 |
| 00915-P-1530-TP | 00 | Level 53 Plan 2 Apartments Per Level | 17/03/2015 |
| 00915-P-1540-TP | 00 | Level 54 Plan 2 Apartments Per Level | 17/03/2015 |
| 00915-P-1550-TP | 00 | Level 55 Plan 2 Apartments Per Level | 17/03/2015 |
| 00915-P-1560-TP | 00 | Level 56 Plan 2 Apartments Per Level | 17/03/2015 |
| 00915-P-1570-TP | 00 | Level 57 Plan 2 Apartments Per Level – Min | 17/03/2015 |
| 00915-P-1580-TP | 00 | Level 58 Plan 1 Apartments Per Level – Max | 17/03/2015 |
| 00915-P-1590-TP | 00 | Level 59 Plan 1 Apartments Per Level | 17/03/2015 |
| 00915-P-1600-TP | 00 | Level 60 Plan 1 Apartments Per Level | 17/03/2015 |
| 00915-P-1610-TP | 00 | Level 61 Plan 1 Apartments Per Level | 17/03/2015 |
| 00915-P-1620-TP | 00 | Level 62 Plan 1 Apartments Per Level – Min | 17/03/2015 |
| 00915-P-1630-TP | 00 | Level 63 Plan Penthouse Duplex – 1st Floor | 17/03/2015 |
| 00915-P-1640-TP | 00 | Level 64 Plan Penthouse Duplex – 2nd Floor | 17/03/2015 |
| 00915-P-1650-TP | 00 | Level 65 Plan Plant | 17/03/2015 |
| 00915-P-1660-TP | 00 | Level 66 Plan Super Villa | 17/03/2015 |
| 00915-P-1670-TP | 00 | Level 67 Plan Sky Villa – 1st Floor | 17/03/2015 |
| 00915-P-1680-TP | 00 | Level 68 Plan Sky Villa – 2nd Floor | 17/03/2015 |
| 00915-P-1690-TP | 00 | Level 69 Plan Sky Villa – 3rd Floor | 17/03/2015 |
| 00915-P-1700-TP | 00 | Level 70 Plan Sky Villa – Lifts Plant | 17/03/2015 |
| 00915-P-1710-TP | 00 | Level 71 Plan Sky Villa – BMU Plant | 17/03/2015 |
| 00915-P-1800-TP | 00 | Roof Plan | 17/03/2015 |
| 00915-S-2000-TP | 01 | Section AA | 04/03/2016 |
| 00915-S-2001-TP | 00 | Section BB | 17/03/2015 |
| 00915-S-2002-TP | 00 | Section CC | 17/03/2015 |
| 00915-S-2003-TP | | Section CC Hotel | |

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| 00915-S-2010-TP | 00 | Basement Section B-AA | 17/03/2015 |
| 00915-S-2011-TP | 00 | Basement Section BRL – Loading Ramp | 17/03/2015 |
| 00915-S-2012-TP | | Section GG | |
| 00915-S-2013-TP | 01 | Section H-H | 04/03/2016 |
| 00915-S-2014-TP | 00 | Section C-C – Atrium Section | 17/03/2015 |
| 00915-E-3000-TP | 01 | West Elevation Stage 1C Subject To This Application | 04/03/2016 |
| 00915-E-3001-TP | 01 | East Elevation Stage 1C Subject To This Application | 04/03/2016 |
| 00915-E-3002-TP | 00 | North Elevation Stage 1C Subject To This Application | 17/03/2015 |
| 00915-E-3003-TP | 01 | South Elevation Stage 1C Subject To This Application | 04/03/2016 |
| 00915-E-3004-TP | 01 | Context Elevation West Stage 1C Subject To This Application | 04/03/2016 |
| Landscape Drawings prepared by St. Legere Design International | | | |
| Drawing No. | Rev | Name of Plan | Date |
| 00-LG-3.01 | 01 | GF GENERAL ARRANGEMENT PLAN | 16/06/15 |
| 03-LG-3.01 | 00 | 3F LANDSCAPE MASTER PLAN | 09/04/15 |
| 04-LG-3.01 | 00 | 4F LANDSCAPE MASTER PLAN | 09/04/15 |
| 24-LG-3.01 | 00 | 24F LANDSCAPE MASTER PLAN | 09/04/15 |
| 69-LG-3.01 | 00 | 69F LANDSCAPE MASTER PLAN | 09/04/15 |
| Signage Location Drawings prepared by Wilkinson Eyre Architects | | | |
| Drawing No. | Rev | Name of Plan | Date |
| 00915-11-SK-1719 | 01 | West Elevation | 04/03/2016 |
| 00915-11-SK-1720 | 01 | East Elevation | 04/03/2016 |
| 00915-11-SK-1721 | 00 | North Elevation | 17/03/2015 |
| 00915-11-SK-1722 | 01 | South Elevation | 03/03/2016 |
| 00915-11-SK-1723 | 01 | Podium West Elevation Signage | 04/03/2016 |
| 00915-11-SK-1724 | 01 | Podium East Elevation Signage | 04/03/2016 |
| 00915-11-SK-1725 | 01 | Podium North Elevation Signage | 11/09/2014 |
| 00915-11-SK-1726 | 01 | Podium South Elevation Elevation | 04/03/2016 |
| 00915-11-SK-1727 | | Podium Typical Entrance Logo | |
| 00915-11-SK-1729 | 01 | Lobby Bar Signage | 04/03/2016 |
| 00915-11-SK-1730B | 01 | West Restaurant Signage – South Elevation | 04/03/2016 |
| 00915-11-SK-1731 | 01 | Retail Tenancy 1 Signage – East Elevation | 04/03/2016 |
| 00915-11-SK-1731A | 01 | Retail Tenancy 3 Signage – East Elevation | 04/03/2016 |
| 00915-11-SK-1731B | 01 | Retail Tenancy 3 Signage – East Elevation | 04/03/2016 |
| 00915-11-SK-1733 | | Crown Entrance Logo | |
| 00915-11-SK-1738 | 01 | SIGNAGE LOCATION PODIUM SOUTH | 04/03/2016 |
| 00915-11-SK-1739 | | SIGNAGE LOCATION PODIUM EAST | |
| 00915-11-SK-1740 | | SIGN VARIANT B TOWER | |
| 00915-11-SK-1087 | | SIGNAGE LOCATION VARIATION A: TOWER | |

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| 00915-11-SK-1088 | | SIGNAGE LOCATION VARIATION B: HOTEL | |
| 00915-11-SK-1089 | | SIGNAGE LOCATION PODIUM WEST | |
| Site Remediation Drawings prepared by Wilkinson Eyre Architects | | | |
| Drawing No. | Issue | Name of Plan | Date |
| 00915-P-0200-TP | 01 | Aerial Location Context Plan | 28/05/2015 |
| 00915-P-0210-TP | 01 | Demolition Plan | 28/05/2015 |
| 00915-P-0220-TP | 01 | Perimeter Retention Wall System | 28/05/2015 |
| 00915-P-0230-TP | 01 | Cross Section 1-1 and 2-1 | 02/06/2015 |
| 00915-P-0240-TP | 01 | Earthworks Drawing | 02/06/2015 |

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4 The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
 - the implementation of any actions or measures contained in these documents.

Limits on Consent

- A5 This consent will lapse five years from the date of consent unless the works associated with the application have physically commenced.
- A6 This consent does not approve:
- stratum or strata subdivision;
 - the use of any part of the building as a 'pub' (as defined by the Standard Instrument LEP); and
 - any signage within the podium 'signage zones' designated within the plans at the ground floor as Restaurant(s), Bar(s), Café and Retail Tenancies.

Obligation to Minimise Harm to the Environment

- A7 In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

Prescribed Conditions

- A8 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Long Service Levy

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

Legal Notices

- A10 Any advice or notice to the consent authority shall be served on the Secretary.

Mediation

A11 Where this approval requires further consent/approval from the relevant authority or another authority, the parties shall not act unreasonably preventing an agreement from being reached. In the event that an agreement is unable to be reached within 3 months or a timeframe otherwise agreed to by the Secretary, the matter is to be referred to the Secretary for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

Staged Construction Certificates

A12 The development may be carried out generally in accordance with the following stages with the relevant conditions being satisfied prior to the issue of a Construction Certificate for each relevant stage.

| STAGE | DESCRIPTION |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CC No.1 | Basement works including Ground Floor structures – PRW / barrettes / all piling including those external to basement footprint/bulk excavation/ including in-ground services. |
| CC No.2 | Structure – Basement and Podium. |
| CC No.3 | Structure – Tower (may be combined with (2)). |
| CC No.4 | Façade – Podium. |
| CC No.5 | Façade – Tower (may be combined with (4)). |
| CC No.6 | Fitout + Services – Basement. |
| CC No.7 | Fitout + Services – Podium (may be combined with (6)). |
| CC No.8 | Fitout + Services + Tower (may be combined with (6)). |
| CC No.9 | Public realm, landscaping. |
| CC No.10 | Exterior lighting. |
| CC No.11 | Signage. |

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Works Prior to Construction Certificate

B1 Work must not commence until a relevant Construction Certificate has been issued.

Compliance with the Building Code of Australia (BCA)

B2 Details should be provided to the satisfaction of the PCA, with the application for the relevant Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the Regulation in relation to the requirements of the Building Code of Australia (BCA).

Schedule of Materials

B3 Prior to the issue of the relevant Construction Certificate details of materials used in the development (that have been certified by Wilkinson Eyre Architects) shall be submitted for the Secretary's approval and shall include:

- a) a list of the final schedule of materials;
- b) computer generated imagery and other visual supporting documentation;
- c) plans and elevations indicating the location of materials on the building;
- d) confirmation of the process/methods in arriving at the final chosen schedule of materials; and
- e) any other information deemed necessary to justify the schedule of materials.

The Applicant shall submit a copy of the endorsed schedule of materials to the satisfaction of the PCA with the application for the relevant Construction Certificate.

Design of the Licensed Area

B4 Prior to the issue of the relevant Construction Certificate detailed plans shall be submitted for the Secretary's approval demonstrating that the ground floor level outdoor licensed seating area has been designed to provide for:

- a) the licensed area and its use facilitate clear sight lines and visual connectivity between the Public Domain to the Development Lot and the licensed area itself;
- b) the licensed area and use does not impede bicycle, service and emergency vehicle movements through the Public Domain;
- c) Public Domain ground plane levels within the licensed area should be maximised where possible to promote openness and connectivity of the licensed area activity with the Public Domain. These seating areas should be directly accessible from and open to the Public Domain;
- d) no planters that rise above finished floor level or other permanent structures are to be installed within the licensed area that disrupt view sightlines across the space, enclose the space or reduce visual permeability between the licensed seating area and the promenade; and
- e) the landscaping treatment shall include a selection of paving and size and type of plant species that appropriately integrate with the treatment and finishes of the promenade and the surrounding public domain.

The Applicant shall submit a copy of the endorsed licensed area plans to the PCA with the application for the relevant Construction Certificate.

Reflectivity

B5 The building materials used on the facades of the approved building shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or

drivers. To achieve this, the building shall have a maximum normal specular reflectivity of visible light in accordance with the percentages below and as set out in further detail in the approved the approved Reflectivity Study (Rev 2) prepared by Arup dated 11 March 2015.

- a) maximum 32 per cent reflectivity for the tower facades;
- b) maximum 20 per cent reflectivity for the hotel facades; and
- c) maximum 20 per cent reflectivity for the podium facades.

A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the PCA and the Secretary prior to the issue of a Construction Certificate for above ground works.

Public Access to Upper Levels

- B6 Prior to the issue of the relevant Construction Certificate amended plans shall be submitted for the Secretary's approval showing the inclusion of a publicly accessible observation area at level 65 of the tower in accordance with the RtDAP report dated 16 February 2016. In addition, an Observation Area Management Plan (OAMP) shall also be provided, indicating how the facility will be operated. The Applicant shall submit a copy of the endorsed plans and the OAMP to the satisfaction of the Secretary with the application for the relevant Construction Certificate.

Wind

- B7 Prior to the issue of the relevant Construction Certificate, a wind assessment shall be submitted for the Secretary's approval relating to the residential balconies within the tower component of the development. The wind assessment shall analyse the likely wind conditions experienced on the residential balconies and include recommendations and mitigation measures (where necessary) to reduce any wind impacts to ensure that the balconies are comfortable for a pedestrian sitting or standing.

The Applicant shall submit a copy of the endorsed wind mitigation measures to the satisfaction of the PCA with the application for the relevant Construction Certificate.

Light Spill

- B8 Prior to the issue of the relevant Construction Certificate a Lighting and Light Spill Report (LLSR), including drawings and computer generated imagery, shall be submitted for the Secretary's approval. The LLSR shall analyse the impact of proposed lighting and include recommendations and mitigation measures (where necessary) to minimise light spill impacts. The Applicant shall submit a copy of the endorsed LLSR to the satisfaction of the Secretary with the application for the relevant Construction Certificate.

Crime Prevention through Environmental Design (CPTED)

- B9 To minimise the opportunity for crime in accordance with CPTED principles, the recommendations provided in the CPTED Report prepared by JBA Urban Planning Consultants, dated April 2015 shall be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate.

Porte-Cochere Road Safety Audit

- B10 Prior to the issue of the relevant Construction Certificate for the porte-cochere, a pre-construction porte-cochere Road Safety Audit shall be submitted to the PCA and Secretary demonstrating that the porte-cochere can be used/operated safely and without unacceptable impacts on vehicle and pedestrian safety.

Car Parking

- B11 A total of 610 onsite car parking spaces shall be provided, comprising:
- a) 250 hotel/gaming facility self-park car parking spaces;
 - b) 250 hotel/gaming facility valet car parking spaces; and
 - c) 110 residential car parking spaces.
- B12 Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the PCA and Secretary prior the issue of the issue of the relevant Construction Certificate:
- a) all vehicles should enter and leave the subject site in a forward direction;
 - b) all vehicles are to be wholly contained on site before being required to stop;
 - c) parking associated with the proposal (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS/NZS 2890.6:2009 and AS 2890.2-2002;
 - d) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
 - e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
 - f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, shall be in accordance with AUSTRROADS.

Loading and Unloading Areas

- B13 All loading and unloading operations associated with servicing the site must be carried out within the confines of the site within the signposted loading spaces at all times and must not obstruct other properties/units or the public way.

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

Bicycle Parking and Facilities

- B14 Minimum of 188 on-site bicycle parking shall be provided as follows:
- a) 83 employee/staff bicycle spaces within the basement;
 - b) 68 residential bicycle spaces within the basement; and
 - c) 37 visitor spaces at ground floor level within the public domain.
- B15 The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities* except that:
- a) all bicycle parking for occupants of residential buildings must be Class 1 or Class 2 bicycle facilities. Notwithstanding Class 2, bicycle lockers may also be designed to allow for stand up / hanging storage of bicycles;
 - b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
 - c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.
- B16 Storage, change room and shower facilities for the non-residential uses shall be provided and designed in accordance with the details provided within the application. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for services and finishes works.

Construction Framework Environmental Management Plan

- B17 Prior to the issue of the relevant Construction Certificate, the Applicant shall prepare an updated Construction Framework Environmental Management Plan (CFEMP) incorporating the development to be submitted to the EPA for review and submitted to the PCA. The CFEMP must:
- (a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
 - (b) describe all activities to be undertaken on the site during site establishment and construction of the development;
 - (c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
 - (d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (e) include specific consideration of measures to address any requirements of the EPA during site establishment and construction;
 - (f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
 - (g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts;
 - (h) document and incorporate all sub environmental management plans (Sub-Plans), studies and monitoring programs required under this consent; and
 - (i) include arrangements for community consultation and complaints handling procedures during construction.

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

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

- at each key stage of the works;
- in response to future development consents;
- in response to major changes in site conditions or work methods; and
- in support of licence variations as necessary.

A copy of the final CFEMP is to be provided to the Secretary.

Construction Noise and Vibration Management Sub-Plan

- B18 Prior to the issue of the relevant Construction Certificate, the Applicant must prepare and implement a detailed Construction Noise and Vibration Management Sub-Plan (CNVMP) prepared by a suitably qualified person, and shall be submitted to the EPA for review and submitted to the PCA. The Sub-Plan must include:
- (a) identification of the specific activities that will be carried out and associated noise sources at the premises;
 - (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 should be considered and implemented where practicable; reduce hours of construction, the provision of respite from noisy/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
- (i) where night-time noise management levels cannot be satisfied, a report shall be submitted to the 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. tool box talks, meetings etc).

The Sub-Plan must comply with Environment Protection Licence number 13336. A copy must be provided to the Secretary.

Air Quality Management Sub-Plan

- B19 Prior to the issue of the relevant Construction Certificate, an Air Quality Management Sub-Plan must be developed for the project by a suitably qualified person and shall be submitted to the EPA for review and submitted to the PCA. 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.
 - (e) monitoring requirements including assigning responsibility (for all employees and contractors);
 - (f) communication strategy; and
 - (g) system and performance review for continuous improvements.

The Sub-Plan must detail management practices to be implemented for all dust and VOC/odour sources at the site. The Sub-Plan must also detail the dust, odour, VOC and

semi-volatile organic compounds (SVOC) monitoring program (e.g frequency, duration and method of monitoring) to be undertaken for the project.

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

The Sub-Plan must comply with Environment Protection Licence 13336 and a copy must be provided to the Secretary.

Waste Management Sub-Plan

B20 Prior to the issue of the relevant Construction Certificate, a revised Waste Management Sub-Plan must be developed for the project by a suitably qualified person and shall be submitted to the EPA for review and submitted to the PCA. The Sub-Plan must include, as a minimum, the following elements:

- (1) A Stockpile, Contamination Soil and Sediment Management Plan including:
 - (a) the exact locations where contaminated waste material (including Acid Sulphate Soils if found) and non-contaminated waste material will be stockpiled. Contaminated and non-contaminated waste material must be stockpiled separately and the designated areas must be clearly marked and labelled (on plans and on the ground);
 - (b) details of how the stockpiled waste material will be kept separate from non-contaminated waste material;
 - (c) details of how run-off from stockpiled waste material will be kept separate from non-contaminated runoff;
 - (d) the maximum proposed heights and volumes for each stockpile to reduce the potential for dust and odour and greater detail on stockpile stabilisation and covering to minimise odour and vapour emissions;
 - (e) procedures for minimising the movement of waste material around the site and double handling; and
 - (f) additional information detailing how materials proposed to be recycled/reused will be segregated on the site during operations. Particularly in relation to those wastes categorised as 'Building' waste.
- (2) A detailed plan for in-situ classification of waste material, including the sampling locations and sampling regime that will be employed to classify the waste, particularly with regards to the identification of contamination hotspots.
- (3) A commitment to retaining all sampling and classification results for the life of the project to demonstrate compliance with the EPA's Classification Guidelines.
- (4) Details in relation to any Concrete Crushing and Screening Plant to be installed at the site and its use, including (at a minimum):
 - (a) location and specifications of the plant;
 - (b) estimated quantities of concrete to be crushed per day;
 - (c) measures to be employed to prevent or minimise the emission of dust from the crushing activity; and
 - (d) measures that will be employed to prevent or minimise the emission of noise from the crushing activity.
- (5) Details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):

- (a) a traffic plan showing transport routes within the site;
 - (b) location of stockpiles at each stage as they migrate within the site;
 - (c) 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
 - (d) the name and address of each licensed facility that will receive waste from the Barangaroo site (if appropriate).
- (6) Details of the de-watering process, including the specifications for any on-site water treatment plant.
- (7) A contingency plan for any event that may affect excavation and contaminated soil treatment operations at the site, particularly in relation to the expected volumes of materials excavated/generated at the site.

The Sub-Plan must comply with Environment Protection Licence 13336 and a copy must be provided to the Secretary.

Construction Pedestrian and Traffic Management Sub-Plan

- B21 Prior to the commencement of any works on the site, a Construction Pedestrian and Traffic Management Plan (CPTMP) prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with Roads and Maritime, TfNSW and the CBD Coordination Office.

The Sub-Plan must include a Green Travel Plan for workers and detailed measures that would be implemented to minimise the impact of the development on the safety and capacity of the surrounding road network, minimise truck movements to and from the site as far as practicable during the peak periods of this consent. In addition the CPTMP shall address, but not be limited to, the following matters:

- a) details of construction activities and timing of these activities;
- b) ingress and egress of vehicles to the Site;
- c) the staging of works and simultaneous construction with other projects in the Barangaroo and Wynyard Precincts;
- d) predicted construction traffic movements, types and routes;
- e) construction impacts on the road network, bus stops and the safety of pedestrians/cyclists;
- f) pedestrian/cyclist and traffic management measures; and
- g) identify and address the cumulative impacts of other projects within the vicinity of the site.

Prior to the commencement of work, the Applicant shall submit a copy of the CBD Coordination Office endorsed CPTMP to the Secretary.

Stormwater and Water Management Sub-Plan

- B22 Prior to the issue of the relevant Construction Certificate, the Applicant must develop and provide to the EPA for comment, a comprehensive Stormwater and Water Management Sub-Plan prepared by a suitably qualified person.

The Sub-Plan must ensure that groundwater, surface water or leachate arising from the works must be collected, managed and/or treated in a manner that ensures that it can be legally discharged to sewer or waters. The Sub-Plan must ensure that:

- (a) all water discharged from the site to Darling Harbour must comply with the table of limits in Schedule 4 unless otherwise agreed by the EPA. In addition to the limits, a turbidity limit will be applied to the ambient monitoring locations to ensure there is no visible

plume outside the silt curtain. In the initial stages of the project an interim limit of 25NTU will be applied. Once sufficient ambient data is available from both the ambient locations and the reference location a final limit will be developed which will include consideration of background.

- (b) any discharge structure constructed to allow water to be discharged into Darling Harbour must allow for at least an initial 5 fold dilution, unless otherwise agreed by the EPA. The discharge point must be installed inside an appropriately installed silt curtain arrangement;
- (c) no water that is being contaminated maybe re-used on site for dust suppression or other activities without being treated;
- (d) the water treatment plant must be designed to remove all relevant contaminants (including petroleum, hydrocarbons, PAHs, BTEX, sediments and metals) to levels in the Sub-Plan or as otherwise agreed by the EPA; and
- (e) untreated water must be held on site until results from monitoring are available for review until otherwise agreed by the EPA.

The Sub-Plan must include a detailed proposal for monitoring water quality. The monitoring program must include at least an on-site program for waters held on site prior to discharge and an ambient monitoring program that checks water quality in Darling Harbour. The monitoring on-site program needs to cover all types of water on the site that needs to be discharged including clean stormwater, higher turbidity stormwater from areas without much soil contamination, stormwater that has been in contact with contaminated areas and contaminated groundwater from excavations.

The monitoring of ambient waters program must include an up and downstream/tide sampling location around the discharge structure as well as a reference location. Water to be discharged to Darling Harbour must be monitored on a daily basis for the first two weeks of operations. The monitoring frequency of subsequent discharges must not be less than weekly unless otherwise agreed by the EPA and/or permitted by licence conditions.

A copy must be provided to the Secretary.

Groundwater Post-Cutoff System Monitoring and Management Plan

- B23 Prior to the issue of the relevant Construction Certificate, the applicant shall consult with the Department of Primary Industries to determine if a Groundwater Post-Cutoff System Monitoring and Management Plan (Groundwater Monitoring Plan) is required. Should groundwater monitoring be required, then the Groundwater Monitoring Plan shall be prepared in consultation with the Department of Primary Industries and submitted to the satisfaction of the PCA following the issue of the relevant Construction Certificate. The Groundwater Monitoring Plan shall consider any adverse impacts that might develop as a consequence of mounding caused by the cut off wall system. In addition:
- (a) continuous monitoring (level loggers) of groundwater levels up-gradient of the groundwater retention wall system should be undertaken for an extended period – 3 years after it is built;
 - (b) records of levels are to be maintained by the applicant and regularly compared to baseline monitoring applicable to the situation prior to construction of the wall; and
 - (c) the reporting required with this plan is required under the relevant broader reporting framework under any development consent.

The Sub-Plan must comply with Environment Protection Licence 13336 and a copy must be provided to the Secretary.

Acid Sulphate Soils Management Sub-Plan

- B24 Prior to the issue of the relevant Construction Certificate, an Acid Sulphate Soil Management Sub-Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998) and submitted to the PCA.

Asbestos Management Sub-Plan

- B25 Prior to the issue of the relevant Construction Certificate, an Asbestos Management Sub-Plan prepared by a suitably qualified person for the development shall be submitted to the EPA and WorkCover NSW for review and submitted to the PCA. The Sub-Plan must:
- (a) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;
 - (b) identify any known or potential areas of concern on site for asbestos containing materials;
 - (c) outline the procedures for identification, handling, disposal and/or re-use of asbestos containing materials;
 - (d) ensure that all asbestos would be handled and disposed of by a suitably licensed asbestos removalist in accordance with the relevant guidelines and legislation;
 - (e) ensure an induction process is in place for site workers and visitors regarding the identification of asbestos and the formal procedures to be followed in the event that asbestos is identified on site;
 - (f) ensure that the development would comply with the requirements of Condition D27 of this consent;
 - (g) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and
 - (h) outline the procedures for soil validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.

A copy must be provided to the Secretary.

Pre-Construction Dilapidation Reports

- B26 If not already done so, the Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing 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 restriction 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(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for below ground works. A copy of the report is to be forwarded to the PCA and each of the affected property owners.

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 Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

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

Structural Details

- B27 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA;
 - b) the development consent; and
 - c) drawings and specifications comprising the Construction Certificate; and
 - d) the relevant Australian Standards listed in the BCA

Mechanical Ventilation

- B28 All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for above ground works.

Storage and Handling of Waste

- B29 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of City of Sydney Policy for Waste Minimisation in New Developments 2005 shall be met to the satisfaction of the PCA.

Relevant Water Authority

- B30 An application shall be made to the relevant Water Authority for a Compliance Certificate prior to the issue the relevant Construction Certificate.

Installation of Water Efficient Fixtures and Fittings (Non-Residential Uses)

- B31 All toilets installed within the non-residential components of the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.
- B32 All taps and shower heads installed within the non-residential components of the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the PCA, prior to issue of the relevant Construction Certificate for services and finishes works.
- B33 New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B34 Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the PCA, prior to the issue of the relevant Construction Certificate.

Environmental Performance

- B35 The Applicant is to provide documentation, prepared by a suitably qualified consultant, indicating that the design of the development:

- a) is capable of achieving a minimum 5 Star Green Star Design and As Built Rating (and where possible seeks to achieve a 6 Star Green Star Design and As Built Rating) through the design and implementation of a customised rating tool (the "Green Star Rating") to be agreed with the Green Building Council of Australia. The Restricted Gaming Facility component of the project may be included or excluded within such Green Star Rating at the option of the Applicant; and
- b) is capable of achieving a minimum 4 Star rating under the NABERS energy for hotels rating system (and where possible seeks to achieve a 5 Star rating or higher under the NABERS energy for hotels rating system) (the "NABERS Rating") as certified by the NSW Office of Environment and Heritage (the "OEH"). The NABERS Rating will exclude the Restricted Gaming Facility and restaurants and any other facilities agreed to be excluded by OEH for the purposes of such NABERS Rating.

Evidence of the project's consistency with the above principles shall be provided to the PCA prior to the relevant Construction Certificate for above ground works.

- B36 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 640026M, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the PCA and Secretary with all commitments clearly shown on the relevant Construction Certificate plans.

Internal and Outdoor Lighting Systems

- B37 The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during off-peak / non-working hours. Details of the internal lighting system must be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.
- B38 All outdoor lighting shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of a relevant Construction Certificate.

Noise Mitigation Measures

- B39 Details of noise mitigation measures recommended in the Construction and Operational Noise Report (Version D), prepared by Wilkinson Murray dated 07 July 2015 are to be detailed on the construction certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development is required to be submitted to the PCA prior to the issue of the relevant construction certificate.

Stormwater and Drainage Management

- B40 Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by PCA. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- B41 The requirements of the relevant Water Authority with regard to the detention of stormwater must be ascertained and complied with. Evidence of the approval of the relevant Water

Authority to the detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.

- B42 Any proposed connection to the relevant Water Authority's underground drainage system will require the owner to enter into a Deed of Agreement with the relevant Water Authority and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier.
- B43 An 'Application for Approval of Stormwater Drainage Connections' must be submitted to the relevant water authority with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the relevant water authority's drainage system.

Erosion and Sediment Control

- B44 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom and the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney). Details are to be included in the CEMP submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for below ground works.

Access for People with Disabilities

- B45 Prior to the issue of the relevant Construction Certificate, detailed design documentation demonstrating compliance with the recommendations of the Access Review (Revision 4.0), prepared by McKenzie Group Consulting, dated 24 March 2015 shall be provided to the satisfaction of the PCA. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

Compliance Report

- B46 Prior to the issue of each Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

End of Section

PART C – PRIOR TO COMMENCEMENT OF WORKS

Environmental Protection Licence

- C1. Prior to the commencement of works, the Applicant must ensure that the existing Environmental Protection Licence (EPL) issued to the Barangaroo Delivery Authority is varied, where required, to reflect and permit the works conducted on site. All works undertaken on site must be done in a manner which ensures compliance with EPL conditions at all times.

Notice of Commencement of Works

- C2. The PCA shall be given written notice, at least 48 hours prior to the commencement of building works on the Site.

Certified Plans

- C3. Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

Contact Telephone Number

- C4. Prior to the commencement of the works, the Applicant shall forward to the PCA a 24 hour telephone number to be operated for the duration of the construction works.

Structural Details

- C5. Prior to the commencement of building construction (excluding early works), the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- a) the relevant clauses of the BCA;
 - b) the development consent; and
 - c) drawings and specifications comprising the Construction Certificate.

Traffic Works

- C6. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

Associated Roadway Costs

- C7. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'.

Utility Services

- C8. Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (electricity supply authority, an approved telecommunications carrier and an approved gas carrier, where relevant) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Barricade Permit

- C9. 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

- C10. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- a) architectural, construction and structural details of the design as well as proposed artwork
 - b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

Excavation Works

- C11. The PCA shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the Subject Site.

Community Consultation

- C12. A Community Consultation and Engagement Plan shall be prepared prior to the commencement of works and shall include how notification of residents and complaints associated with the proposal will be managed.

Geotechnical Reports

- C13. Prior to the commencement of any drilling/piling works on site, the Applicant shall submit to the PCA, the results of a detailed geotechnical investigation on the site. The report is to address such matters as:
- a) appropriate drilling methods and techniques
 - b) vibration management and monitoring
 - c) dilapidation survey
 - d) support and retention of excavated faces
 - e) hydrogeological considerations.

The recommendations of the report are to be implemented during the course of the works.

Compliance Report

- C14. Prior to the issue of each Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

PART D – DURING CONSTRUCTION

Hours of Work

- D1. The hours of construction, including the delivery of materials to and from the Site, shall be restricted as follows:
- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
 - b) between 7 am and 5 pm, Saturdays;
 - c) no work on Sundays and public holidays;
 - d) works may be undertaken outside these hours where:
 - i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iii) a variation is approved in advance in writing by the Secretary (or nominee).
- D2. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of $L_{Aeq} 75dBA$) as measured at the sensitive receiver must only be undertaken:
- (a) between the hours of 8 am and 6 pm Monday to Friday;
 - (b) between the hours of 8 am and 1 pm Saturday; and
 - (c) 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 an 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

- D3. The following works may be undertaken outside the hours of work (**Condition D1**) and may occur on a 24-hour-a-day, 7-days-of-the-week basis:
- a) essential maintenance (e.g. dust suppression and emergency works);
 - b) delivery of materials as required by police/RMS on safety reasons;
 - c) works to various authorities' utilities; and
 - d) operation of the Bentonite Plant, wastewater treatment plant; and
 - e) environmental monitoring equipment.

Works in Accordance with Sub-Plans

- D4. The Applicant must undertake all works in accordance with the requirements of the:
- a) CFEMP approved under **Condition B17**. The CFEMP must document and incorporate all Sub-Plans required under this consent;
 - b) CNVMP approved under **Condition B18**. The CNVMP must be consistent with all of the relevant requirements of the Environment Protection Licence number 13336;
 - c) Air Quality and Odour Management Sub-Plan approved under **Condition B19**. This Plan must be consistent with all of the relevant requirements of the Environment Protection Licence number 13336. The Applicant must also not cause or permit the emission of offensive odour beyond the boundary of the site;
 - d) Waste Management Sub-Plan approved under **Condition B20**;
 - e) CPTMP approved under **Condition B21**, except where modified below:
 - i) under the current legislation the use of lengthy vehicles in the CBD is prohibited within certain time frames. All lengthy vehicles must comply with this regulation as stipulated in the NSW Road Rules. A map indicating the prohibited area and definitions of lengthy vehicles are included in the Road Rules;
 - ii) personnel using stop/slow signage are not permitted in Hickson Road or Sussex Street on weekdays between the hours of 7am and 9am and 4pm and 7pm.

However, personnel using stop/slow signage will be permitted on Hickson Road, north of the intersection of Hickson Road and Napoleon Street, when it is required to ensure safe truck access at designated site access points, provided that vehicle queue lengths generated as a result of the traffic control do not exceed more than six vehicles in either direction;

- iii) truck movements should be staged and coordinated to prevent trucks circling CBD streets whilst awaiting access to the site. There should be holding areas outside the CBD on the fringes or sufficient space within the site to store trucks and heavy vehicles;
 - iv) truck movements to and from the site associated with the development must be minimised as far as practicable during the PM peak period;
 - v) where possible, trucks must avoid driving over areas of the site that have already been excavated, validated or re-instated to prevent cross contamination;
 - vi) all trucks associated with the development must have their loads covered to ensure trucks do not track material onto the public road network; and
 - vii) all trucks must be decontaminated in the wheel wash areas before exiting the site.
- f) Stormwater and Water Management Sub-Plan approved under **Condition B22**;
 - g) Acid Sulphate Soils Management Sub-Plan approved under **Condition B24**;
 - h) Asbestos Management Sub-Plan approved under **Condition B25**, and the following:
 - i) all excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with Safe Work Australia's NOHSC: Code of Practice for the Safe Removal of Asbestos 2005;
 - ii) an asbestos clearance certificate (or certificates) prepared by a suitably licenced asbestos removalist shall be provided to the Department and the Principal PCA upon completion of all asbestos removal works. The Applicant shall ensure that the asbestos removal works comply with the relevant requirements of the Work, Health and Safety Regulation 2011; and
 - iii) the Applicant must ensure that any asbestos contained in excavated material that is proposed for re-use on site meets the requirements of the EPA and the fill validation requirements outlined in the report prepared by Associate Professor Tim Driscoll entitled The Use of Asbestos-Contaminated Soils on Barangaroo, Final Report, Report to the Environment Protection Authority 2013.

Remedial Action Plan (RAP) and Human Health Ecological Risk Assessments (HHERA)

- D5. All remediation works are to be undertaken in accordance with the following approved Remedial Action Plan (RAP), Remedial Action Plan Addendum and Human Health and Ecological Risk Assessment (HHERA) and accompanying documents:
- a) *'Human Human Health and Ecological Risk Assessment State 1C Development (ORWN Area) Barangaroo South prepared by AECOM Australia Pty Ltd and dated 10 December 2014;*
 - b) *'Remedial Action Plan Crown Hotel Development (Part of ORWN Area) Barangaroo South' prepared by AECOM Australia Pty Ltd dated 11 April 2015; and*
 - c) *'Addendum to the Crown Hotel Development Remedial Action Plan' prepared by AECOM Australia Pty Ltd and dated 28 May 2015.*

Erosion and Sediment Control

- D6. All erosion and sediment control measures, as designed in accordance with **Condition B44**, are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Waste Classification and Disposal

D7. The Applicant must ensure that all waste generated by the development is classified and disposed of in accordance with the EPA's *Waste Classification Guidelines 2009*. These Guidelines may indicate the material will need to be immobilised prior to disposal. If this is the case, the Applicant must apply to the EPA for a site specific immobilisation approval.

Water Quality

D8. All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the Table of Water Quality Limits in Schedule 2 and the following guideline documents:

- a) *NSW Water Quality Objectives*; and
- b) *The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000)* for the environmental values under the ANZECC guidelines.

Survey Certificate

D9. A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building works certifying the location of the building in relation to the boundaries of the allotment.

Utilities

D10. The Applicant shall be responsible for all public utility adjustment / relocation works, necessitated by the development and as required by the various public utility authorities and / or their agents.

Vibration Criteria

D11. Vibration caused by construction at any residence or structure outside the Site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings. Effects on Structures*;
- b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006);
- c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
- d) these limits apply unless otherwise outlined in the CNVMP (**Condition B18**).

The Applicant must undertake trial testing of vibration intensive equipment that is identified as having the potential to exceed the vibration criteria identified in **Condition B18** to ensure it is not exceeded at any residence or structure outside the subject site.

Construction Noise Criteria

D12. The Applicant must ensure that noise generated by the development does not exceed 75 dB(A) $L_{Aeq}(15 \text{ minute})$ at any affected sensitive receiver during the day, outside hours referenced in **Condition D2**.

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Work Cover Requirements

- D13. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hazardous and Industrial Waste

- D14. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and the NSW Work Cover Authority pursuant to the provisions of the following:
- a) *Protection of the Environment Operations Act 1997*;
 - b) *Protection of the Environment Operations (Waste) Regulation 1996*;
 - c) *Waste Avoidance and Recovery Act 2001*;
 - d) *New South Wales Occupational Health & Safety Act 2000*;
 - e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J)*;
 - f) *Construction Work Involving Asbestos or Asbestos Cement 1983*;
 - g) *The Occupational Health & Safety Regulation 2001*; and
 - h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996*.

Covering of Loads

- D15. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

- D16. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Stockpile Management

- D17. The Applicant must ensure that:
- a) stockpiles of excavated material do not exceed 4 metres in height;
 - b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
 - c) suitable erosion and sediment controls are in place for stockpiles.

Dust Control Measures

- D18. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:
- a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
 - d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
 - e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;

- f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- h) cleaning of footpaths and roadways shall be carried out regularly.

No Obstruction of Public Way

D19. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

External Lighting

D20. External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Bunding

D21. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

Site Notice

D22. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period
- (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Contact Telephone Number

D23. The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Approved Plans to be On-Site

D24. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of the Department or the PCA.

Impacts of Below Ground (Sub Surface) Works – Non-Aboriginal Objects

D25. If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not

recommence until written authorisation from the Heritage Council of NSW is received by the Applicant.

Impacts of Below Ground (Sub Surface) Works – Aboriginal Objects

D26. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the Office of Environment and Heritage informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from Office of Environment and Heritage is received by the Applicant.

Compliance Report

D27. The Applicant, or any party acting upon this consent, shall, for the duration of the construction period, submit to the department a three monthly report addressing compliance with all relevant conditions of this Part.

End of Section

PART E - POST CONSTRUCTION

Site Validation

- E1. Within 6 months of the completion of the remediation works on site, and prior to the issue of any Occupation Certificate, the Applicant shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA, the Secretary, the PCA and the Council. The validation and audit process may occur progressively to the satisfaction of the site auditor.
- E2. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the EPA to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.
- E3. The site auditor must also verify that any excavated material re-used on site or disposed off-site, has been appropriately classified, validated, managed and the relevant approvals obtained in accordance with the relevant legislation and any relevant approved materials management plan/s.
- E4. On completion of remediation works, the relevant requirements of Clauses 17 and 18 of *SEPP 55 - Remediation of Land*, being notification to the relevant authority, shall be complied with.

PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate

- F1. An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Public Domain Works

- F2. The works to the public domain are to be completed in accordance with the approved plans prior to the issue the relevant Occupation Certificate or before the use commences, whichever is sooner.

CPTED

- F3. Prior to the issue the relevant Occupation Certificate details shall be submitted to the satisfaction of the PCA that the CPTED works have been completed in accordance with **condition B9**.

Loading Dock Management

- F4. Prior to the issue of the relevant Occupation Certificate, a Loading Dock Management Plan shall be submitted to the PCA to promote safe and efficient operation of the proposed loading area and to minimise conflicts with pedestrian movements. The Loading Dock Management Plan shall include the following:
- a) allocation of loading spaces;
 - b) restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements;
 - c) controls on duration of stays;
 - d) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs;
 - e) controls on the placement of skips, pallets, etc.;
 - f) procedures for tradesman access and parking;
 - g) allocation of delivery times for residential removalists; and
 - h) truck access routes.

Porte-Cochere Road Safety Audit

- F5. Prior to the issue of an Occupation Certificate, a post-construction porte-cochere Road Safety Audit shall be submitted to the PCA demonstrating that the porte-cochere can be used/operated safely and without unacceptable impacts on vehicle and pedestrian safety.

Mechanical Ventilation

- F6. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the relevant Occupation Certificate, that the installation and performance of the all mechanical systems complies with:
- a) the BCA;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the New South Wales Fire Brigade and having regard to any approvals issued by the Independent Liquor and Gaming Authority (ILGA).

Environmental Performance and BASIX

- F7. The Applicant is to provide to the PCA and Secretary, documentation confirming that:
- a) the development has been designed and assessed in accordance with the Green Star Rating at least 12 months following the issue of the final Occupation Certificate;
 - b) a minimum 5 Star Green Star Design and As Built Rating has been achieved at least two (2) years after practical completion of the project; and
 - c) a minimum 4 Star Rating under the NABERS energy for hotels rating system has been achieved at least eighteen (18) months after the project opens to the public.
- F8. All commitments listed in the BASIX Certificate No. 640026M (as referred to in **Condition B36**) for the development must be fulfilled prior to the issue of any Occupation Certificate.

Green Travel Plan

- F9. To encourage travel modes other than private vehicle the Applicant shall prepare and implement a green travel plan and transport access guide for future residents, employees and visitors. Details are to be submitted to the PCA prior to the issue of the final Occupation Certificate.

Post-Construction Dilapidation Report

- F10. Prior to the issue of an Occupation Certificate:
- a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;
 - b) the report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) a copy of this report is to be forwarded to the Secretary and each of the affected property owners.

Fire Safety Certification

- F11. Prior to the issue the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and PCA and be prominently displayed in the building.

Structural Inspection Certificate

- F12. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the relevant Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the PCA 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 and Drainage

- F13. Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

- F14. Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the PCA.

Waste Disposal

- F15. All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).
- F16. Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.
- F17. Prior to the issue the relevant Occupation Certificate details shall be submitted to the satisfaction of the PCA that waste handling works have been completed in accordance with **condition B20**.

Plan of Management for Landscape Maintenance

- F18. A plan of management for the ongoing maintenance of landscaped areas within common communal areas and the public domain is to be prepared and adopted by the Owners Corporation. The maintenance plan is to be complied with during the occupation of the property.

Installation of Water Efficient Taps and Shower Heads

- F19. All commercial taps and shower heads installed must be water efficient with at least a 3 star rating under the Water Efficiency and Labelling Scheme (WELS), where available. Certification is to be submitted for the consent of the PCA, prior to a relevant Occupation Certificate being issued.

Acoustic Compliance

- F20. Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Construction and Operational Noise Report (Version D), prepared by Wilkinson Murray dated 07 July 2015 and the development achieves compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development.

Registration of Easements

- F21. Prior to the issue of any Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

End of Section

PART G – POST OCCUPATION

Hours of Operation

G1. The development shall not operate outside the following hours:

| Use | Proposed hours of operation |
|--------------------------------------------------|------------------------------------|
| VIP Gaming and associated restaurants | 24 hours / 7 days a week |
| Hotel | 24 hours / 7 days a week |
| Restaurants (not associated with gaming) | 7am – midnight / 7 days a week |
| Ground floor bars (not associated with gaming) | 12 noon – midnight / 7 days a week |
| Lobby bar | 7am – 1am / 7 days a week |
| Retail | 11am – 10pm / 7 days a week |
| Ground floor level outdoor licensed seating area | 7am – 10pm / 7 days a week |

G2. Notwithstanding the hours of operation stipulated by **Condition G1**, and for a 12 month trial period only, the following uses may operate in accordance with the following extended hours of operation:

- a) restaurants (not associated with gaming) - 7am – 1am / 7 days a week
- b) bars (not associated with gaming) - 12 noon – 1am / 7 days a week
- c) ground floor level outdoor licensed seating area - 7am – midnight / 7 days a week

The Secretary shall be informed in writing of the date of the commencement of the trial hours.

After the initial 12 month period, the hours of operation shall revert to the approved hours of operation pursuant to **Condition G1**. A further application may be lodged to continue the operating hours not less than 30 days before the end of the 12 month trial period.

Loading and Unloading

G3. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with the requirements of **Condition F4**.

Unobstructed Driveways and Parking Areas

G4. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Car Parking Not to be Uses as Commuter Parking

G5. The basement residential and hotel / gaming facility car parking spaces shall only be used by residents and hotel / gaming facility guests. The car parking spaces shall not be used as commercial commuter car park.

Parking on Common Property Areas

G6. No part of the common property, apart from the visitor vehicle spaces (which are to be used only by visitors to the building) and service vehicle spaces (which are to be used only by service vehicles) is to be used for the parking or storage of vehicles or boats.

Noise Control – General

G7. The emission of noise associated with the use, the operation of any mechanical plant and equipment shall comply with the following criteria:

- a) the LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence;
 - b) the LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published by DECCW;
 - c) the background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise; and
 - d) the use of the premises shall be controlled so that any emitted noise is at a level so as not to create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected residence.
- G8. An LAeq, 15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:
- a) where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead;
 - b) the LAeq, 15minute noise level and the LA90, 15minute noise level shall both be measured with all external doors and windows of the affected residence closed; and
 - c) the LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with any building mechanical services operating normally and with the air-conditioning equipment normally servicing the affected residence operating on a medium setting.
- G9. An LAeq, 15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that:
- a) the LAeq, 15minute noise level and the LA90, 15minute noise level shall both be measured with all external doors and windows of the commercial premises closed;
 - b) the LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating;
 - c) the use of the premises shall be controlled so that any emitted noise is at a level so as not to create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected residence;
 - d) in this clause, the term 'noise level emitted from the use' means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq, 15minute when the use is not in operation; and
 - e) in circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

Noise Control – Mechanical Plant and Equipment

- G10. Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:
- a) transmission of 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected receiver; and
 - b) a sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

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

Storage of Hazardous or Toxic Material

G11. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Anti-Graffiti

G12. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public places is to be removed within 48 hours.

Public Way to be Unobstructed

G13. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

Annual Fire Safety Certification

G14. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Restriction on Residential Development

G15. The restriction applies to the components of the building approved for residential use:

- a) the accommodation portions of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012;
- b) if an apartment contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months; and
- c) residential car parking spaces may only be used for storage related to residence in the apartment with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

Business and Building Identification Signage

G16. Business and building identification signage shall comply with the following:-

- a) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent;
- b) The signage shall not:-
 - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
 - ii) include any apparatus to provide any sound;
 - iii) carry a message(s) which is offensive;
 - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
 - v) contain interchangeable or movable parts;

- vi) impair or distract the vision of a driver through the intensity of the illumination of the sign; and
- vii) must not impede the ability of the occupants to exit the building under emergency conditions.
- c) The approved signage shall be appropriately maintained at all times; and
- d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

End of Section

ADVISORY NOTES

Appeals

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Other Approvals and Permits

AN2 The Applicant shall apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, barricade 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.

Street Numbering

AN4 Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with the council's policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or changes to street numbers are required, a separate application shall be made to the Council.

Temporary Structures

AN5 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the relevant authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

AN6 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the PCA with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Asbestos Removal

AN7 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or 'Demolition Licence' and a current WorkCover Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: '*Code of Practice for the Safe Removal of Asbestos*'.

Site Contamination Issues during Construction

AN8 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

Below Ground (Sub-Surface) Works – Non-Aboriginal Relics

AN9 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and

an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

AN10 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

Resident Parking Permits

AN11 All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling should advise all intending owners, tenants and occupiers of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.