

# Development consent

## Section 4.38 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, /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**

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Sydney

2018

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### SCHEDULE 1

**Application No.:**

SSD 7944

**Applicant:**

Lend Lease (Millers Point) Pty Ltd

**Consent Authority:**

Independent Planning Commission

**Land:**

51A Hickson Road, Barangaroo (part Lot 214 DP 1221076 and part Lot 101 DP 1204946), and land within an area of Darling Harbour (part Volume 5018 Folio 1)

**Development:**

Public domain and associated works within Barangaroo South and Barangaroo Central, including:

- construction of public domain areas at Watermans Cove (including a public pier), Hickson Park, Watermans Quay, Wulugul Walk and a section of Barangaroo Avenue
- site preparation works
- ground treatments and finishes
- landscaping
- furniture and fixtures
- lighting
- wayfinding signage
- civil and stormwater infrastructure and utility services

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Lend Lease (Millers Point) Pty Ltd
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
BCA	Building Code of Australia
BDA	Barangaroo Delivery Authority
CFEMP	Construction Framework Environmental Management Plan
Construction	All physical work to enable operation
Council	City of Sydney Council
Certifying Authority	Means a person who is authorised by or under section 85A to issue complying development certificates, or is authorized by or under section 109D to issue Part 4A certificates, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment or its successors
Development	The development described in the EIS and RTS, as modified by the conditions of this consent.
DPI	Department of Primary Industries, or its successor
Evening	The period from 6 pm to 10 pm
EIS	The Environmental Impact Statement titled ' <i>Barangaroo Public Domain (SSD 16_7944) - Hickson Park, Watermans Quay, Barangaroo Avenue, Wulugul Walk, Watermans Cove and Public Pier</i> ', prepared by JBA Urban Planning Consultants Pty Ltd and dated May 2017 and accompanying appendices, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
GFA	Gross Floor Area
Heritage Division	The Heritage Division of OEH, or its successor
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm. Note: "material harm" is defined in this consent.
Land	As defined in the EP&A Act
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident.
OEH	Office of Environment and Heritage, or its successor
Operation	The carrying out of the approved purpose of the development upon completion of construction
PCA	Means a principal certifying authority appointed under section 109E of the EP&A Act, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building Work
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.

RTS	Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
RMS	Roads and Maritime Services, or its successor
Secretary	Secretary of the Department, or nominee
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
SLEP	Sydney Local Environmental Plan 2012
SSD	State Significant Development
Subject Site	Land referred to in Schedule 1
TNSW	Transport for NSW, or its successor
Zone of influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

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

#### Development Description

A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1.

#### Terms of Consent

- A3 The development may only be carried out:
- a) in compliance with the conditions of this consent;
  - b) in accordance with all written directions of the Secretary;
  - c) generally in accordance with the EIS and RTS; and
  - d) in accordance with the approved plans in the table below:

<b>Architectural Drawings prepared by Grants Associates</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
BAR-418-DA-SP-GA01	E	Stage 1B Development Application Boundary	03/11/2017
BAR-418-DA-SP-GA02	B	Stage 1B Character Plan	20/01/2017
BAR-418-DA-SP-GA03	D	Watermans Quay and 1B Interface Plan	03/11/2017
BAR-418-DA-SP-GA04	E	Stage 1B Key Plan	03/11/2017
BAR-418-DA-SP-GA05	G	Stage 1B Master Plan	03/11/2017
BAR-418-DA-WQ-PN01	D	Watermans Quay Master Plan	03/11/2017
BAR-418-DA-WQ-DP01	D	Watermans Quay Detail Plan - Trees	03/11/2017
BAR-418-DA-WQ-DP02	D	Watermans Quay Detail Plan – No Trees	03/11/2017
BAR-418-DA-WQ-SE01	D	Watermans Quay Section A-A	03/11/2017
BAR-418-DA-BA-PN01	D	Barangaroo Avenue Masterplan	08/09/2017
BAR-418-DA-BA-DP01	E	Barangaroo Avenue North Detail Plan - Trees	03/11/2017
BAR-418-DA-BA-DP02	E	Barangaroo Avenue North Detail Plan – No Trees	03/11/2017
BAR-418-DA-BA-DP03	C	Barangaroo Avenue South Detail Plan - Trees	08/09/2017
BAR-418-DA-BA-DP04	D	Barangaroo Avenue South Detail Plan – No Trees	08/09/2017
BAR-418-DA-BA-SE01	D	Barangaroo Avenue Section A-A	26/07/2017
BAR-418-DA-BA-SE02	D	Barangaroo Avenue Section B-B	26/07/2017
BAR-418-DA-BA-SE03	D	Barangaroo Avenue Section C-C	08/11/2017
BAR-418-DA-HP-PN01	F	Hickson Park Master Plan - Trees	23/05/2018
BAR-418-DA-HP-PN02	F	Hickson Park Master Plan – No Trees	23/05/2018
BAR-418-DA-HP-DP01	D	Hickson Park East Entry Detail Plan – Trees	08/09/2017
BAR-418-DA-HP-DP02	F	Hickson Park East Entry Detail Plan – No Trees	08/09/2017
BAR-418-DA-HP-DP02A	B	Hickson Park Road Bollard Strategy	03/11/2017
BAR-418-DA-HP-DP03	E	Hickson Park South Entry Detail Plan – Trees	03/11/2017

BAR-418-DA-HP-DP04	F	Hickson Park South Entry Detail Plan – No Trees	23/05/2018
BAR-418-DA-HP-DP05	D	Hickson Park West Entry Detail Plan – Trees	03/11/2017
BAR-418-DA-HP-DP06	F	Hickson Park West Entry Detail Plan – No Trees	03/11/2017
BAR-418-DA-HP-DP06A	B	Hickson Park Bollard Strategy	03/11/2017
BAR-418-DA-HP-SE01	F	Hickson Park Section A-A	03/11/2017
BAR-418-DA-HP-SE02	D	Hickson Park Section B-B	26/07/2017
BAR-418-DA-HP-SE03	D	Hickson Park Section C-C	26/07/2017
BAR-418-DA-HP-SE04	D	Hickson Park Section D-D	26/07/2017
BAR-418-DA-HP-SE05	C	Hickson Park Section E-E	15/03/2017
BAR-418-DA-HP-SE06	E	Hickson Park Section F-F	08/09/2017
BAR-418-DA-HP-SE07	G	Hickson Park Section G-G	03/11/2017
BAR-418-DA-HP-SE08	C	Hickson Park Section H-H	03/11/2017
BAR-418-DA-HP-SE09	C	Hickson Park Section I-I	03/11/2017
BAR-418-DA-HP-SE10	C	Hickson Park Section J-J	03/11/2017
BAR-418-DA-HP-SE11	B	Hickson Park Section K-K	03/11/2017
BAR-418-DA-HP-SE12	B	Hickson Park Section L-L	03/11/2017
BAR-418-DA-HP-SE13	C	Hickson Park Section M-M	03/11/2017
BAR-418-DA-WWW-PL01	E	Wulugul Walk Masterplan - Trees	03/11/2017
BAR-418-DA-WWW-PL02	E	Wulugul Walk Masterplan – No Trees	03/11/2017
BAR-418-DA-WWW-DP01	E	Wulugul Walk Boardwalk Detail Plan – Trees	03/11/2017
BAR-418-DA-WWW-DP02	G	Wulugul Walk Boardwalk Detail Plan – No Trees	03/11/2017
BAR-418-DA-WWW-DP03	C	Wulugul Walk & Former Spirit of Tasmania of Tasmania Loading Dock Detail Plan - Trees	08/09/2017
BAR-418-DA-WWW-DP04	E	Wulugul Walk & Former Spirit of Tasmania of Tasmania Loading Dock Detail Plan - No Trees	08/09/2017
BAR-418-DA-WWW-SE00	D	Wulugul Walk Section Key Plan	03/11/2017
BAR-418-DA-WWW-SE01	D	Wulugul Walk Section A-A	08/09/2017
BAR-418-DA-WWW-SE02	D	Wulugul Walk Section B-B	08/09/2017
BAR-418-DA-WWW-SE03	D	Wulugul Walk Section C-C	08/09/2017
BAR-418-DA-WWW-SE04	D	Wulugul Walk Section D-D	08/09/2017
BAR-418-DA-WWW-SE05	D	Wulugul Walk Section E-E	08/09/2017
BAR-418-DA-WWW-SE06	D	Wulugul Walk Section F-F	08/09/2017
BAR-418-DA-WWW-SE07	D	Wulugul Walk Section G-G	08/09/2017
BAR-418-DA-WC-PL01	E	Watermans Cove Masterplan - Trees	03/11/2017
BAR-418-DA-WC-PL02	G	Watermans Cove Masterplan – No Trees	03/11/2017
BAR-418-DA-WC-DP01	D	Watermans Cove Raised Planter Detail Plan - Trees	03/11/2017
BAR-418-DA-WC-DP02	E	Watermans Cove Raised Planter Detail Plan – No Trees	03/11/2017
BAR-418-DA-WC-DP03	D	Watermans Cove Terraced Seating Detail Plan - Trees	08/09/2017
BAR-418-DA-WC-DP04	E	Watermans Cove Terraced Seating Detail Plan – No Trees	08/09/2017
BAR-418-DA-WC-DP05	B	Watermans Cove Bollard Strategy	03/11/2017
BAR-418-DA-WC-SE00	D	Watermans Cove Section Key Plan	03/11/2017
BAR-418-DA-WC-SE01	D	Watermans Cove Section A-A	08/09/2017
BAR-418-DA-WC-SE02	E	Watermans Cove Section B-B	08/09/2017

BAR-418-DA-WC-SE03	D	Watermans Cove Section C-C	08/09/2017
BAR-418-DA-WC-SE04	E	Watermans Cove Section D-D	08/09/2017
BAR-418-DA-WC-SE05	E	Watermans Cove Section E-E	08/09/2017
BAR-418-DA-WC-SE06	E	Watermans Cove Section F-F	08/09/2017
BAR-418-DA-WC-SE07	D	Watermans Cove Section G-G	08/09/2017
BAR-418-DA-TS-PN01	E	Tree Strategy Plan	03/11/2017
BAR-418-DA-TS-TI01	C	Tree Strategy – Watermans Quay and Barangaroo Avenue	08/09/2017
BAR-418-DA-TS-TI02	C	Tree Strategy – Hickson Park	08/09/2017
BAR-418-DA-TS-TI03	D	Tree Strategy – Hickson Park	08/09/2017
BAR-418-DA-TS-TI04	D	Tree Strategy – Wulugul Walk	03/11/2017
BAR-418-DA-TS-TI05	C	Tree Strategy – Watermans Cove	08/09/2017
BAR-418-DA-SS-PN01	E	Shrub Strategy Plan	03/11/2017
BAR-418-DA-SS-SI01	C	Shrub Strategy – Fern Garden	08/09/2017
BAR-418-DA-SS-SI02	C	Shrub Strategy – Fern Garden	08/09/2017
BAR-418-DA-SS-SI03	D	Shrub Strategy – Cove Raised Planter Garden	03/11/2017
BAR-418-DA-SS-SI04	C	Shrub Strategy – Fig Raised Planter Garden	08/09/2017

### Secretary's Directions

- A4 Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
  - the implementation of any actions or measures contained in any such document referred to in (a) above.

*Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.*

### Inconsistency between Documents

- A5 The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A3(c) or A3(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A3(c) and Condition A3(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

*Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.*

### Development Expenses

- A6 It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

### Limits on Consent

- A7 This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

A8 This consent in no way implies or grants approval for the following:

- a) any community facility on the public pier;
- b) public amenities building in Hickson Park;
- c) berthing of vessels at the public pier, except water taxis; and
- d) use of the public domain for events.

Separate development application(s) must be lodged and consent obtained from the relevant consent authority for the above works and uses (except where exempt and complying development applies).

### **Design Integrity**

A9 Necessary arrangements must be implemented by the Applicant to ensure Grant Associates are engaged in the design documentation phase to ensure the integrity design quality of the approved development is maintained through the construction phase to completion of the public domain works.

### **Prescribed Conditions**

A10 The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

### **Long Service Levy**

A11 For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### **Legal Notices**

A12 Any advice or notice to the consent authority must be served on the Secretary.

### **Review of Strategies, Plans and Programs**

A13 Within three months of:

- a) the submission of a compliance report under Conditions A14 to A21 and C4;
- b) the submission of an incident report under Condition A21;
- c) the approval of any modification to the conditions of this consent, excluding modifications made under section 4.55 (1) of the *Environmental Planning and Assessment Act 1979*; or
- d) the issue of a direction of the Secretary under Condition A2,

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

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

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

### **Evidence of Consultation**

A14 Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Secretary for approval; and
- (b) provide details of the consultation undertaken including:
  - i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
  - ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **Compliance**

A15 The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### **Non-Compliance Notification**

A16 The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.

A17 The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

### **Incident Notification, Reporting and Response**

A18 The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Condition A19 and Condition A20.

### **Written Incident Notification and Reporting Requirements**

A19 A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under the condition even if the Applicant forms the view that an incident has not occurred.

### **Written Incident Notification Requirements**

- A20 Written notification of an incident must:
- a) identify the development and application number;
  - b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c) identify how the incident was detected;
  - d) identify when the applicant became aware of the incident;
  - e) identify any actual or potential non-compliance with conditions of consent;
  - f) describe what immediate steps were taken in relation to the incident;
  - g) identify further action that will be taken in relation to the incident; and
  - h) identify a project contact for further communication regarding the incident.



## **Incident Report Requirements**

- A21 Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested. The Incident Report must include:
- a) a summary of the incident;
  - b) outcomes of an incident investigation, including identification of the cause of the incident;
  - c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d) details of any communication with other stakeholders regarding the incident.

## **Monitoring and Environmental Audits**

- A22 Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 2B of Part 6 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

## **Applicability of Guidelines**

- A23 References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

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

**END OF PART A**

## **PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **No Works Prior to Construction Certificate**

- B1 Work must not commence until a Construction Certificate in respect of the work has been issued and submitted to the Secretary.

### **Building Code of Australia Compliance**

- B2 The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions; or
  - b) formulating an alternative solution which:
    - i) complies with the performance requirements; or
    - ii) is shown to be at least equivalent to the deemed to satisfy provision; or
    - iii) a combination of a) and b).

### **Structural Details**

- B3 Prior to the commencement of the relevant works, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
  - b) the development consent.

### **Schedule of Materials**

- B4 Prior to the issue of the relevant Construction Certificate a list of the final schedule of materials shall be submitted to the Secretary. The Applicant shall also submit a copy of the schedule of materials to the Certifying Authority with the application for the relevant Construction Certificate.

### **Soil depth for Fig Tree – Watermans Cove**

- B5 The depth of soil for the Fig Tree (*Ficus microcarpa* var. *hillii*) proposed at Watermans Cove shall be increased to a minimum of 1,500 mm deep. Documentation demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Construction Remediation Staging Plan**

- B6 Prior to the issue of any Construction Certificate, a **Construction Remediation Staging Plan** which has been reviewed and endorsed by an EPA-accredited site auditor and submitted to the satisfaction of the Certifying Authority.

The Plan must outline how construction works will be managed/staged to ensure that where the site (or a part of the site) is contaminated in such a way that it requires remediation, the risk of construction/excavation (non-remediation) works inadvertently disturbing contaminated material in is minimised as far as reasonably practicable.

### **Additional Soil Sampling and Analysis**

- B7 Prior to the issue of the relevant Construction Certificate, the Applicant must undertake additional sampling and analysis of potentially contaminated unsaturated soils on the site consistent with recommendations of the SEPP 55 Contamination Assessment (dated 20 September 2017) prepared by AECOM in Appendix D of the RTS.

B8 Prior to the issue of the relevant Construction Certificate, the sampling and analysis program required under Condition B7 must be endorsed by an EPA-accredited site auditor, submitted to the EPA for review and submitted to the satisfaction of the Certifying Authority.

Where the EPA-accredited site auditor determines remediation is required based on analysis of the soil samples, remediation works must be undertaken in accordance with the requirements of Condition D7 of this consent.

### **Unexpected Finds Protocol**

B9 Prior to the issue of any Construction Certificate, an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA-accredited site auditor shall be submitted to the EPA for review and submitted to the satisfaction of the Certifying Authority.

The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

### **Access for People with Disabilities**

B10 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

### **Sydney Water Notice of Requirements**

B11 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994 (Compliance Certificate)* prior to the issue of any Construction Certificate.

### **Sydney Water Assets**

B12 Building plans must be stamped and approved by Sydney Water prior to the issue of a Crown Building Works Certificate due to the proximity of works to Sydney Water assets.

For further assistance, please visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

### **Crime Prevention Through Environmental Design**

B13 To minimise the opportunity for crime in accordance with CPTED principles, the recommendations provided in Section 6 of the CPTED Report (dated 7 December 2017) prepared by JBA Urban Planning Consultants in Appendix H of the RTS, shall be incorporated into the detailed design of the development. Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Ecologically Sustainable Development**

B14 The development must incorporate all design, construction and operation measures identified in Section 3 of the Sustainability Report (dated 24 January 2017) prepared by Lend Lease in Appendix T of the EIS. Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Navigation and Safety**

B15 The detailed design of the development must incorporate all relevant recommendations identified in:

- Section 8 of the Navigation Impact Assessment (dated 24 January 2017) prepared by Royal Haskoning DHV in Appendix K of the EIS;
- the Navigation Impact Assessment letter (dated 23 August 2017) prepared by Royal Haskoning DHV in Appendix F of the RTS, including the requirement for a port hand lateral mark that is lit at night at the western edge of the public pier; and
- RMS's submission on the development via email dated 16 June 2017.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority and the Secretary prior to the issue of the relevant Construction Certificate.

- B16 The public pier structure must be constructed at a sufficient distance from the Barangaroo Ferry Hub to allow the safe manoeuvring of ferries. The Applicant must obtain approval from the relevant maritime authority in this regard.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority and the Secretary prior to the issue of the relevant Construction Certificate.

### **Bicycle Parking**

- B17 A minimum of 100 bicycle parking spaces are to be provided for the development throughout the public domain. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Storage and Handling of Waste**

- B18 The design and management of facilities for the storage and handling of operational waste must comply with the requirements of *City of Sydney Policy for Waste Minimisation in New Developments 2005*. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

### **Footpath Damage Bank Guarantee**

- B19 If not already obtained, a Footpath Damage Bank Guarantee to cover all footpaths which may be affected by the development must be lodged with the relevant road authority. The Footpath Damage Bank Guarantee must be submitted in favour of the relevant road authority as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with the relevant road authority prior to issue of the relevant Construction Certificate.

### **Paving Materials**

- B20 The surface of any material used or proposed to be used for the paving of footways, thoroughfares, plazas and the like which are used by the public must comply with *AS/NZS 4586:2004 (including amendments) 'Slip resistance classification of new pedestrian surface materials'*. Details demonstrating compliance with the above requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

- B21 Paving finishes must comply with *AS 1428.1-2009 'Design for access and mobility General requirements for access - New building work'*. Details demonstrating compliance with the above requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Car Parking Design**

- B22 The design of car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, lighting and parking bays) shall be in accordance with *AS 2890.1-2004 Parking Facilities Part 1: Off-street Car Parking*, *AS 2890.6-2009 Parking Facilities Part 6: Off-street Parking for People with Disabilities for accessible spaces* and *AS 2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities*.

### **Design for Service Vehicles**

- B23 The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

The design, layout, signage, line making, lighting and physical controls for all service vehicles shall be in accordance with *AS 2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities*.

## **Driveway Crossovers**

B24 All driveway crossovers, including those for service vehicles, must be designed in accordance with all relevant Australian Standards, the BCA and AUSTRROADS guidelines and RMS Technical Directions (2013/05).

All crossovers should be designed to give pedestrians priority and with no grade change for pedestrians. Details demonstrating compliance with the above requirements must be submitted to the satisfaction of the Certifying Authority and Road Authority prior to the issue of the relevant Construction Certificate.

## **Road, Intersection and Footpath Design – Watermans Quay and Barangaroo Avenue**

B25 Detailed design and construction documentation of all roads, intersections and footpaths must be prepared by suitably qualified practising professional Civil Engineer in consultation with the relevant roads authority, TNSW and the RMS. The documentation is to be submitted to and approved by the relevant road authority prior to the relevant Construction Certificate being issued. Documentation shall include but not be limited to the following:

- a) general plan and typical cross sections showing road, lane arrangements, footpath widths and alignment levels, pavement configuration, batter slopes, retaining walls, kerb and gutter details;
- b) the design of any intersections, details of traffic control measures to be installed including traffic signals and details of timing/phasing of installation;
- c) demonstration the design of roads and intersections adopt the recommendations of a Stage 3 (Detailed Design) Road Safety Audit prepared in accordance with Austroads *Guide to Road Safety Part 6: Road Safety Audit*;
- d) design of pavement structure, including types of materials and layer thickness, kerb and gutter details;
- e) details of how road widths and footpaths for Watermans Quay and Barangaroo Avenue and how it would integrate with the configuration of existing sections of road;
- f) detailed design documentation of how the road pavement and footpaths match into the existing public domain; and
- g) stormwater drainage works plan, schedule of drainage elements including pipes and pits, drainage profiles and longitudinal sections.

The design of roads and intersections including traffic control measures (e.g. signals) shall meet the relevant requirements/design specifications of TNSW and RMS.

The works are to be completed in accordance with the approved plan/s. All documentation is to be provided to the Secretary.

## **Trees and Vegetation - Barangaroo Avenue and Watermans Quay**

B26 The Applicant shall ensure vegetation/trees along Barangaroo Avenue and Watermans Quay are selected to minimise potential road safety (e.g. sight distance requirements) and usability (particularly for pedestrians) impacts and to comply with the relevant road safety guidelines and Australian Standards. Details demonstrating compliance with the above requirements must be submitted to the satisfaction of the Certifying Authority and Road Authority prior to the issue of the relevant Construction Certificate.

## **Marine Structures and Ecology**

B27 The detailed design of marine structures (public pier, waterfront promenades, sea walls etc) must incorporate all relevant recommendations identified in the Seawalls and Over-Water Structures Impact Assessment (dated 24 January 2017) prepared by Royal Haskoning DHV in Appendix Q of the EIS and the Marine Ecology Impact Assessment (dated 7 November 2017) prepared by Royal Haskoning DHV in Appendix S of the RTS. Details demonstrating compliance with the above requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate and submitted to the Secretary.

- B28 Prior to the issue of the relevant Construction Certificate, the Applicant must consult with the Sydney Institute for Marine Science (SIMS) and DPI and seek advice regarding the detailed design of marine structures (public pier, waterfront promenades, sea walls etc) to ensure:
- a) natural and/or eco-friendly building materials are used in intertidal and subtidal areas; and
  - b) the marine structures incorporate specific design features which result in an overall positive effect on marine biodiversity.

Details demonstrating compliance with the above requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Harbour Master Approval**

- B29 Prior to any seabed disturbance, the Applicant shall obtain a Harbour Master approval under Clause 67ZN of the *Ports and Maritime Administration Regulation 2012*. Details demonstrating compliance with the above requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Wayfinding Signage Strategy**

- B30 Prior to the issue of the relevant Construction Certificate, the Applicant shall prepare a **Wayfinding and Signage Strategy** in consultation with Council, RMS, TNSW and the BDA. The Plan shall include (but not be limited to):
- c) the final dimensions, materials and location of each sign;
  - d) details of how any illuminated signage would be designed and installed to comply with *AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting*;
  - e) details of how the wayfinding signage forms part of a cohesive and coordinated strategy for provision of wayfinding throughout the Barangaroo site; and
  - f) details of how issues raised by Council, TNSW and the BDA have been addressed in the strategy.

The Wayfinding and Signage Strategy must be submitted for the approval of the PCA prior to the issue of the relevant Construction Certificate.

### **Outdoor Lighting**

- B31 All outdoor lighting shall comply with, where relevant, *AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting* and *AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the commencement of works.

### **Lighting Plan**

- B32 Prior to the issue of the relevant Construction Certificate, the Applicant shall prepare a Lighting Plan in consultation with Council, RMS, TNSW and the Sydney Observatory. The Plan shall include (but not be limited to):
- a) the final location, dimensions and types of all lights proposed in the public domain;
  - b) details of how all lighting would be designed and installed to comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*;
  - c) measures to ensure lighting not adversely affect the safe navigation of vessels within the navigable waters of Darling Harbour or the Sydney Observatory;
  - d) provision of adequate lighting throughout Hickson Park to ensure safety at night;
  - e) details of how issues raised by Council, RMS, TNSW and the Sydney Observatory have been addressed in the final Plan; and
  - f) mitigation measures to minimise any adverse lighting impacts to neighbouring properties.

The Lighting Plan must be submitted for the approval of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Emergency Services**

B33 Prior to the issue of a Construction Certificate, the Applicant is to liaise with all relevant emergency service providers (e.g. Fire and Rescue NSW and NSW Health) to ensure the public domain can be suitably accessed by emergency services. Evidence of compliance with this condition must be submitted to the satisfaction of the Certifying Authority.

### **Pre-Construction Dilapidation Report**

B34 The Applicant is to engage a suitably qualified professional(s) to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report must be submitted to the Certifying Authority prior to issue of the Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the affected landowners.

The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages and must be prepared to the satisfaction of the Certifying Authority. The recording must include clear images of the footpath, nature strip, 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. The form of the recording is to be as follows:

- a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) each image is to be numbered and cross referenced to a site location plan;
- d) a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record.

**END OF PART B**

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

### **Notification of Commencement**

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

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

### **Community Communication Strategy**

- C2 A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, City of Sydney Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following completion of construction:

The Community Communication Strategy must:

- a) identify people to be consulted during the design and construction phases;
- b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;
  - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

The Community Communication Strategy must be submitted to the Secretary for approval no later than one month before the commencement of any work.

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

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

### **Compliance**

- C3 The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### **Compliance Reporting**

- C4 A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.

The Pre-Construction Compliance Report must include:

- a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and



- b) the expected commencement date for construction.

Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Secretary.

The Construction Compliance Reports must include:

- a) a results summary and analysis of environmental monitoring;
- b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
- c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
- d) a register of any modifications undertaken and their status;
- e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
- f) a summary of all incidents notified in accordance with this consent; and
- g) any other matter relating to compliance with the terms of this consent or requested by the Secretary.

### **Complaints and Enquiries Procedure**

- C5 Prior to the commencement of construction works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
  - a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
  - b) a postal address to which written complaints and enquiries may be sent; and
  - c) an email address to which electronic complaints and enquiries may be transmitted.

- C6 A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.

The Pre-Construction Compliance Report must include:

- a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
- b) the expected commencement date for construction.

### **Access to Information**

- C7 At least 48 hours before the commencement of construction and until the completion of all works under this consent, or such other time as agreed by the Secretary, the Applicant must:
  - a) make the following information and documents (as they are prepared, obtained or approved) publicly available on its website:
    - i. the documents referred to in Condition A2(c) and (d) of this consent;
    - ii. all current statutory approvals for the development;

- iii. all approved strategies, plans and programs required under the conditions of this consent;
  - iv. regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
  - v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - vi. a summary of the current stage and progress of the development;
  - vii. contact details to enquire about the development or to make a complaint;
  - viii. a complaints register, updated monthly;
  - ix. audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
  - x. any other matter required by the Secretary; and
- b) keep such information up to date, to the satisfaction of the Secretary.

### **Construction Environmental Management Plan**

C8 Prior to the commencement of works, the Applicant shall prepare an updated **Construction Environmental Management Plan (CEMP)** for Barangaroo South 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 Environmental Protection Agency (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) detail construction exclusion zones, including alternate locations outside Hickson Park should they be required;
- i) document and incorporate all sub environmental management plans (Sub-Plans), studies and monitoring programs required under this consent; and
- j) 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 CFEMP is to be provided to the Secretary and the Council.

### **Air Quality and Odour Management Sub-Plan**

C9 Prior to the issue of the commencement of works, an updated **Air Quality and Odour Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the Environment Protection Authority (EPA) for review and submitted to the PCA.

The Sub-Plan must be consistent with and adopt all recommendations of the Air Quality and Odour Impact Analysis (dated 25 November 2016) prepared by AECOM in Appendix U of the EIS and must comply with Environment Protection Licence number 13336, where relevant. A copy must be provided to the Secretary and the BDA.

### **Noise and Vibration Management Sub-Plan**

C10 Prior to the commencement of works, an updated **Noise and Vibration Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the PCA.

The Sub-Plan must be consistent with and adopt all recommendations of the Construction Noise Report (dated 28 November 2016) prepared by Wilkinson Murray in Appendix V of the EIS. The Noise and Vibration Management Sub-Plan must establish Noise Management Levels for the closest residential properties, including the provision of reasonable and feasible noise mitigation measures. A copy must be provided to the Secretary and the BDA.

### **Spoil and Waste Management Sub-Plan**

C11 Prior to the commencement of works, an updated **Spoil and Waste Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the PCA. The Plan shall ensure procedures for the management and disposal of any contaminated waste are consistent with any relevant remedial action plan (refer to Condition D7 of this consent)

A copy must be provided to the Secretary and the BDA.

### **Marine Water Quality**

C12 Prior to the commencement of works, the Water and Stormwater Management Plan required under Condition C17 of this consent must be updated to incorporate all mitigation measures outlined Seawalls and Over-Water Structures Impact Assessment (dated 24 January 2017) prepared by Royal Haskoning DHV in Appendix Q of the EIS and the Marine Ecology Impact Assessment (dated 7 November 2017) prepared by Royal Haskoning DHV in Appendix S of the RTS. Details demonstrating compliance with the condition must be submitted to the PCA, prior to the commencement of works.

### **Erosion and Sediment Control**

C13 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### **Construction Pedestrian and Traffic Management Sub-Plan**

C14 Prior to the commencement of works, a **Construction Pedestrian and Traffic Management Sub-Plan** (CPTMP) prepared by a suitably qualified person, shall be submitted to the PCA. The Plan must be prepared in consultation with RMS, TNSW 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) location of the proposed work zone;
- b) haulage routes;
- c) construction vehicle access arrangements;
- d) proposed construction hours;
- e) estimated number of construction vehicle movements;
- f) details of construction activities and timing of these activities;
- g) consultation strategy for liaison with surrounding stakeholders;
- h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction works;
- i) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure coordination of work activities are managed to minimise impacts on the road network; and
- j) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts must be clearly identified and included in the CPTMP.

A copy of the CPTMP, endorsed by the CBD Coordination Office, is to be provided to the Secretary and the BDA.

### **Works Authorisation Deed**

C15 Prior to the issue of the relevant Construction Certificate, the Applicant shall obtain a Works Authorisation Deed from RMS for the provision of any traffic lights or any other works likely which would impact on existing RMS assets affected by the development.

### **Regulatory Signs and Markings**

C16 Prior to the issue of the relevant Construction Certificate, the Applicant shall refer any proposed regulatory signs and markings (e.g. marked foot crossings) to Council's Local Traffic Committee.

### **Water and Stormwater Management Sub-Plan**

C17 Prior to the issue of the commencement of works, an updated **Water and Stormwater Management Sub-Plan** (WSMSP) for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA and DPI for review and submitted to the satisfaction of the Certifying Authority. The WSMSP must include:

- a) controls to contain spills and leakages during construction;
- b) inspection regime for erosion and sediment controls, including regular scheduled
- c) inspections and inspections pre/post heavy rainfall events; and
- d) details of water quality monitoring regime, including monitoring frequency.

A copy of the WSMSP must be provided to the Secretary and the BDA.

The WSMSP must be also consistent with and adopt all recommendations of the Stormwater Management and Civil Infrastructure Report prepared by Cardno (dated 17 March 2017) in Appendix C of the EIS. A copy of the WSMSP must be provided to the Secretary.

### **Construction Vessel Traffic Management Sub-Plan**

C18 Prior to the commencement of works, a **Construction Vessel Traffic Management Sub-Plan** (CVTMSP) for Barangaroo South prepared by a suitably qualified person shall be submitted to RMS and the Port Authority of NSW to their satisfaction and submitted to the PCA.

The Sub-Plan must be consistent with and adopt all relevant recommendations of:

- the Navigation Impact Assessment (dated 24 January 2017) prepared by Royal Haskoning DHV in Appendix K of the EIS; and
- the RMS's submissions on the development dated 16 June 2017 and 5 April 2018 (Ref: SYD16/01208).

A copy of the CVTMSP must be provided to the Secretary and the BDA.

### Utility Services

C19 Prior to the commencement of works, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

Prior to the commencement of works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

### Independent Environmental Audit

C20 No later than one week before the commencement of construction or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance with AS/NZS ISO 190-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014) and submitted to the Secretary for information.

The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

The environmental audit program of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:

- a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
- b) assesses whether the development is complying with the terms of this consent;
- c) reviews the adequacy of any document required under this consent; and
- d) recommends measures or actions to improve the environmental performance of the development, improvements to any document required under this consent.

Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

*Note: The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.*

### Requirements of Public Authorities

C21 The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### Demolition Works

C22 Demolition work must comply with the provisions of *Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001)*. The work plans by AS2601:2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the Certifying Authority prior to the commencement of works.

### **Environmental Protection Licence**

C23 Prior to the commencement of works, the Applicant must ensure that the existing Environmental Protection Licence (EPL) issued to the Barangaroo Delivery Authority (No. 13336) is varied (if required), to reflect and permit the works conducted on site.

### **Hoardings**

C24 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; and
- 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.

### **Geotechnical Reports**

C25 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; and
- e) hydrogeological considerations.

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

### **Barricade Permit**

C26 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 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 road authority.

### **Traffic Works**

C27 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.

### **Road Occupancy Licence**

C28 A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days

for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities

**END OF PART C**

## PART D DURING CONSTRUCTION

### EPL and Management Orders

- D1 All works undertaken on site must be done in a manner which ensures compliance with the EPL for the site (No. 13336) and any Management Order/s issued under the *Contaminated Land Management Act 1997*.

### Construction Hours

- D2 Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- a) between 7 am and 7 pm, Mondays to Fridays inclusive;
- b) between 7 am and 5 pm, Saturdays.

No construction work may be carried out on Sundays or public holidays

Activities may be undertaken outside of these hours if required:

- a) by the Police or a public authority (not the Applicant) for the delivery of vehicles, plant or materials; or
- b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

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

Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- a) 9 am to 12 pm, Monday to Friday;
- b) 2 pm to 5 pm, Monday to Friday; and
- c) 9 am to 12 pm, Saturday.

### Implementation of Management Plans

- D3 The Applicant must ensure the requirements of the **Construction Framework Environmental Management Plan** and all Sub-Plans required by Part B of this consent are implemented during construction.

### Traffic Management

- D4 The Construction Pedestrian and Traffic Management Sub-Plan approved under Condition C14 shall be implemented during construction except where modified below:

- a) 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;
- b) personnel using stop/slow signage are not permitted in Hickson Road or Sussex Street on weekdays between the hours of 7 am and 9 am and 4 pm and 7 pm. 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;
- c) 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;



- d) truck movements to and from the site associated with the development must be minimised as far as practicable during the PM peak period;
- e) where possible, trucks must avoid driving over areas of the site that have already been excavated, validated or re-instated to prevent cross contamination;
- f) all trucks associated with the development must have their loads covered to ensure trucks do not track material onto the public road network; and
- g) all trucks must be decontaminated in the wheel wash areas before exiting the site.

### **Loading and Unloading**

D5 The following requirements apply:

- a) All loading and unloading associated with construction must be accommodated on site.
- b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to RMS at least 8 weeks prior to commencement of work on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

### **Contamination**

D6 The Applicant must ensure all works are carried out in accordance with the relevant recommendations and requirements of the SEPP 55 letter (dated 20 September 2017) prepared by AECOM in Appendix D of the RTS.

### **Remediation works**

D7 All remediation works are to be undertaken in accordance with the relevant Remedial Action Plans and accompanying documents outlined below:

- a) *Amended Remedial Action Plan Barangaroo - ORWS Area*, prepared by AECOM Australia Pty Limited and dated 7 July 2011;
- b) *Addendum to the ORWS Amended Remedial Action Plan*, prepared by AECOM Australia Pty Limited and dated 10 October 2012;
- c) *Remedial Action Plan Crown Hotel Development (Part of ORWN Area), Barangaroo South*, prepared by AECOM Australia Pty Limited and dated 13 January 2015;
- d) *Remedial Action Plan, NSW EPA Declared Remediation Site 21122 and Block 4 (Stage 1b) Development Works, Barangaroo, Millers Point, NSW*, prepared by AECOM Australia Pty Limited and dated 24 July 2013;
- e) *Addendum to the Remedial Action Plan, NSW EPA Declared Remediation Site 21122 and Block 4 (Stage 1b) Development Works, Barangaroo, Millers Point, NSW - Offsite Treatment/Transport of Contaminated Material*, prepared by AECOM Australia Pty Limited and dated 15 October 2016;
- f) *VMP/Block 4 Remedial Action Plan Addendum - Part Stage 1B Public Domain (Watermans Quay), Hickson Road, Millers Point, Barangaroo South*, prepared by AECOM Australia Pty Limited and dated 19 April 2016;
- g) *Remedial Action Plan Barangaroo South Stage 1B Waterfront Public Domain*, prepared by AECOM Australia Pty Limited and dated 22 January 2016;
- h) *Addendum to the Stage 1B Waterfront Public Domain RAP, Barangaroo South*, prepared by AECOM Australia Pty Limited and dated 13 September 2017; and
- i) *Remedial Action Plan, Block 5 Public Domain, Barangaroo South*, prepared by AECOM Australia Pty Limited and dated 19 April 2017.

### **Unexpected Finds Protocol**

D8 The Applicant shall implement the Unexpected Finds Protocol approved under Condition B9 of this consent for the duration of construction.

### **Filling of Watermans Cove**

D9 The Applicant must ensure any soil imported to the site for filling in Watermans Cove meets the environmental and geotechnical requirements specified in the *Remedial Action Plan Barangaroo South Stage 1B Waterfront Public Domain*, prepared by AECOM Australia Pty Limited and dated 22 January 2016.

### **Noise and Vibration Management**

D10 The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **Construction Noise and Vibration Management Sub-Plan**.

D11 Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

D12 Heavy vehicles and oversized vehicles must not queue or idle on public roads outside the site awaiting access to the site.

D13 The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.

D14 Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
- b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*; and
- c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.

D15 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 D14 to ensure it is not exceeded at any residence or structure outside the site.

### **Approved plans to be onsite**

D16 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the PCA.

### **Site Notice**

D17 A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:

- a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

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

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

D18 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) must cease immediately and the Heritage Council of New South Wales must be notified immediately and consulted with regard to the recommencement of works.

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

D19 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) must cease immediately and OEHL informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works must not recommence until written authorisation from Office of Environment and Heritage is received by the Applicant.

#### **Site Contamination Issues During Construction**

D20 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

#### **SafeWork NSW Requirements**

D21 To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

#### **Hoarding/Fencing Requirements**

D22 The following hoarding requirements must be complied with:

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

#### **Waste Management**

D23 The Applicant must ensure that:

- a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
- b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste; and
- c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour.

#### **Asbestos and Hazardous Waste Removal**

D24 Any existing filling on the site must be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site must be classified in accordance with

the EPA's *Waste Classification Guidelines 2014*. The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.

- D25 Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

### **Covering of Loads**

- D26 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**

- D27 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**

- D28 The Applicant must ensure:

- 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**

- D29 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.

### **Erosion and Sediment Control**

- D30 All erosion and sediment control measures 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.

### **Setting out of Structures**

D31 All structures shall be set out by a registered surveyor to verify the correct position of the structures in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

### **No Obstruction of Public Way**

D32 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.

### **Contact Telephone Number**

D33 The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

### **Operation of Plant and Machinery**

D34 All plant and equipment used on site, or to monitor the performance of the development must be:

- a) maintained in a proper and efficient condition; and
- b) operated in a proper and efficient manner.

### **Acid Sulfate Soils**

D35 The Applicant must ensure that any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) excavated or otherwise disturbed during construction is managed in accordance with:

- a) the *Acid Sulfate Soils Manual 1988* (NSW Acid Sulfate Soil Management Advisory Committee);
- b) the EPA's *Waste Classification Guidelines 2014 (Part 4: Acid Sulfate Soils)*.

### **Bunding**

D36 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*.

### **Water Quality**

D37 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 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.

### **Water Discharges**

D38 The Applicant must ensure that all surface water discharges from the site comply with:

- a) Section 120 of the *Protection of the Environment Operations Act 1997*; or
- b) the discharge limits (both volume and quality) set for the development Environment Protection Licence No. 13336, unless otherwise agreed to in writing by the EPA.

### **Disposal of Seepage and Rainwater**

D39 Any seepage or rainwater collected on-site during construction shall be managed in accordance with the **Water and Stormwater Management Sub-Plan** approved under Condition C17 of this consent.

### **Works on Waterfront Lands**

D40 The Applicant must ensure all works within waterfront lands are undertaken in accordance with the *Department of Industry - Water's Guidelines for Controlled Activities (2012)*.

### **Contaminated and Treated Water**

D41 Any effluents/liquid waste streams associated with the development that are directed to the site Wastewater Treatment Plant (WTP) are sufficiently treated to ensure:

- a) compliance with the relevant concentration limits required by Environment Protection Licence No. 13336 prior to discharge to Sydney Harbour; and/or
- b) compliance with the relevant requirements of an executed Trade Waste Agreement with Sydney Water Corporation prior to discharge to sewer.

D42 No contaminated or treated site waters (surface, collected groundwater or contaminated construction waters) are permitted to be discharged into Sydney Harbour unless in accordance with the conditions attached to Environmental Protection Licence No. 13336, unless otherwise agreed to in writing by the EPA.

D43 No contaminated or treated site waters (surface, collected groundwater or contaminated construction waters) are permitted to be discharged to sewer unless in accordance with the conditions of an executed Trade Waste Agreement with Sydney Water Corporation.

### **Pollution of Waters**

D44 No approval is granted to pollute waters. All water discharge from the site must meet all requirements of the *Protection of the Environment Operations Act 1997*.

**END OF PART D**

## **PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Occupation Certificate**

- E1 An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved development and submitted to the Secretary

### **Road, Intersection and Footpath Works**

- E2 The Applicant must ensure that all road, intersection and footpath works are completed in accordance with the documentation approved under Condition B25 of this consent.

- E3 Prior to the issue of each Occupation Certificate for Barangaroo Avenue and Watermans Quay, the Applicant must ensure suitable traffic control measures are installed at the intersections of Hickson Road and Watermans Quay and Watermans Quay and Barangaroo Avenue, and at the turning head at the northern end of Barangaroo Avenue.

These works must be completed in consultation with TNSW and RMS to the satisfaction of the relevant roads authority.

- E4 Prior to the issue of the final Occupation Certificate for Barangaroo Avenue or Watermans Quay, whichever occurs sooner, the Applicant must ensure the signalisation of the intersection of Hickson Road and Watermans Quay is complete.

These works must be completed in consultation with TNSW and RMS to the satisfaction of the relevant roads authority.

### **Road Speed Limits**

- E5 Prior to the issue of the any Occupation Certificate for Barangaroo Avenue or Watermans Quay, the Applicant shall obtain approval from the relevant roads authority for road speed limits.

### **Speed Limitation Signage**

- E6 Prior to the issue of the any Occupation Certificate for Barangaroo Avenue and Watermans Quay, signage shall be installed to alert drivers that they are entering a High Pedestrian Activity Area and specifying the approved road speed limit (refer to Condition E5).

### **Zebra Crossings**

- E7 Prior to the issue of the any Occupation Certificate for Barangaroo Avenue and Watermans Quay, the zebra/pedestrian crossings shown on the approved plans shall be fully installed and certified as complying with the relevant requirements of the RMS and relevant Australian Standards (*AS 1742.10 - Manual of uniform traffic control devices*).

### **Road Damage**

- E8 The cost of repairing any damage caused to the BDA or any other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation or commencement of the use.

### **Parking Restrictions**

- E9 The Applicant shall ensure is has obtained approval from the relevant road authority for any changes required to on street parking restrictions for the on-going operation of the development, prior to occupation or commencement of the use whichever is sooner.

### **Sydney Water Compliance**

- E10 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to the use of the development.

### Utility Providers

E11 Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

### Registration of Easements

E12 Prior to the issue of the final 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.

### Crime Prevention Through Environmental Design

E13 The relevant and reasonable CPTED recommendations for the development listed within the CPTED Report (dated 30 January 2017) prepared by JBA Urban Planning Consultants in Appendix N of the EIS (refer to Condition B13), must be fulfilled prior to the issue of the final Occupation Certificate.

### Environmental Sustainability

E14 The relevant and reasonable operational ESD measures identified in Section 3 of the Sustainability Report (dated 24 January 2017) prepared by Lend Lease in Appendix T of the EIS (refer to Condition B14), must be fulfilled prior to the issue of the final Occupation Certificate.

### Vessel Traffic Management

E16 Prior to the commencement of works, a **Vessel Traffic Management Plan (VTMP)** for on-going operation of the development prepared by a suitably qualified person shall be submitted to and approved by RMS and the Port Authority of NSW and submitted to the PCA.

The Plan must be consistent with and adopt all relevant recommendations of:

- the Navigation Impact Assessment (dated 24 January 2017) prepared by Royal Haskoning DHV in Appendix K of the EIS; and
- the RMS’s submissions on the development dated 16 June 2017 and 5 April 2018 (Ref: SYD16/01208).

A copy of the VTMP must be provided to the Secretary and the BDA.

### Structural Inspection Certificate

E17 **A Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the PCA prior to the use of the development 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 Department and Council after:

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

### Post- Construction Dilapidation Report

E18 Prior to the issue of any Occupation Certificate:



- a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report 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:
- c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
- d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- e) a copy of this report is to be forwarded to the Council and the Secretary and each of the affected property owners.

### **Waste and Recycling Collection**

E19 Prior to the issue of any Occupation Certificate and/or commencement of the use, whichever is the earlier, the Applicant must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

### **Protection of Public Infrastructure**

E20 Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

**END OF PART E**

## **PART F POST OCCUPATION OR DURING USE**

### **Site Validation**

- F1 Within 6 months of the completion of 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 Certifying Authority, and the Council. The validation and audit process may occur progressively to the satisfaction of the site auditor.

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.

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.

- F2 On completion of remediation works, the relevant requirements of Clauses 17 and 18 of *State Environmental Planning Policy No. 55 - Remediation of Land*, being notification to the Council, shall be complied with.

### **Wayfinding Signage**

- F3 All signage must be installed in accordance with the **Wayfinding Signage Strategy** approved under Condition B30 of this consent. In addition, any illuminated signage must be designed and installed to comply with *AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting*.

### **Outdoor Lighting**

- F4 All outdoor lighting must be installed in accordance with the Lighting Plan approved under Condition B32 of this consent. In addition, all outdoor lighting must be designed and installed in to comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

- F5 Outdoor lighting used must not adversely affect the safe navigation of vessels within the navigable waters of Darling Harbour. In this regard, lights must be shuttered, directed inward onto the site and there are to be no lights directed at nearby residences.

### **Vessel Traffic Management**

- F6 The development shall operate at all times in accordance with the **Vessel Traffic Management Plan** approved in accordance with Condition E17 of this consent.

- F7 Only water taxis shall be permitted to berth at the floating pontoon for a maximum signposted berthing time of 15 minutes.

### **Pest Removal - Marine Structures**

- F8 The Applicant must ensure on-going maintenance measures are put in place to remove pest species from marine structures.

### **Maintenance of the Public Domain**

- F9 All public domain areas are to be maintained at all times in a physically sound condition and of an appearance which is consistent with the approved plans.

### **Unobstructed Driveways and Parking Areas**

- F10 At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

### **Public Way to be Unobstructed**

F11 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **Vehicle Access and Loading/Unloading**

F12 All vehicles shall enter and exit the site in a forward motion.

F13 All loading and unloading of service vehicles in connection with the use of the development shall be carried out wholly within the site at all times.

### **Emergency Access**

F14 Access to all fire exits, utilities and emergency access points must be maintained at all times.

### **Noise Control – Plant and Machinery**

F15 Noise associated with the operation of any plant, machinery or other equipment on the site, shall 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 place of different occupancy;
- b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
- c) notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

### **Waste Management**

F16 The storage and handling of waste associated with the premises must be undertaken in accordance with the latest version of the Barangaroo South Operational Waste Management Plan.

F17 No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

### **Wastewater Disposal**

F18 All domestic wastewater must be disposed of to the sewer in accordance with a current agreement with the relevant wastewater disposal authority.

### **No Pollution of Waters**

F19 No part of this approval provides any approval to pollute waters. The Applicant must ensure that any water quality, temperature and quantity discharge off-site complies with the requirements of the *Protection of the Environment Operations Act 1997*.

### **Bunding**

F20 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*.

### **Operation of plant and equipment**

F21 All plant and equipment used on site, or to monitor the performance of the development must be:

- a) maintained in a proper and efficient condition; and
- b) operated in a proper and efficient manner.

**END OF PART F**

## ADVISORY NOTES

### APPEALS

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (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 and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

### TEMPORARY STRUCTURES

AN4.

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

### DISABILITY DISCRIMINATION ACT

AN5. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### USE OF MOBILE CRANES

AN6. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions; and
  - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7 am without the prior approval of the relevant authority.

## **ROADS ACT 1993**

AN7. A separate approval under Section 138 of the *Roads Act 1993* is required to undertake any of the following:

- a) erect a structure or carry out a work in, on or over a public road;
- b) dig up or disturb the surface of a public road;
- c) remove or interfere with a structure, work or tree on a public road;
- d) pump water into a public road from any land adjoining the road; or
- e) connect a road (whether public or private) to a classified road.

## **COST OF SIGNPOSTING**

AN8. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

## **CHANGES TO KERB SIDE PARKING RESTRICTIONS**

AN9. A separate submission must be made to the relevant road authority for approval for any changes to kerb side parking restrictions on exiting roads.

## **COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

AN10.

- a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

## **BUILDING PLAN APPROVAL**

AN11. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

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

**END OF ADVISORY NOTES**