

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Andrew Mills

Chair of the Commission



Richard Pearson

Member of the Commission



Shelley Penn AM

Member of the Commission

Sydney

19 June 2025

File: SSD- 49653211

SCHEDULE 1

Application Number:	SSD-49653211
Applicant:	Mirvac Retail Sub SPV Pty Ltd
Consent Authority:	Independent Planning Commission
Site:	Harbourside Shopping Centre 2-10 Darling Drive, Darling Harbour, City of Sydney Lots 1-10, 12-15 and 17 DP 776815, part Lot 300 DP 836419 and part Lot 2015 DP 1234971
Development:	Public domain works associated with the Harbourside redevelopment, comprising: <ul style="list-style-type: none">• detailed design and use of:<ul style="list-style-type: none">○ public domain areas surrounding the Harbourside building, including the Waterfront Promenade and Darling Drive interface○ public domain elements of the building, including the through-site links, Waterfront Steps, Pyrmont Bridge Steps and Waterfront Garden• construction and operation of a pedestrian bridge to Bunn Street and upgrades to the existing Murray Street pedestrian bridge• construction of awnings along the eastern façade of the building• heritage interpretation, wayfinding, and public art.

Date from which consent operates:

19 June 2025

Date on which consent lapses

19 June 2030 being 5 years from the date this consent operates in accordance with 4.53 of the EP&A Act.

DEFINITIONS

Interpretation

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

Definitions

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

Above ground works	Above ground works means any works to a proposed building within the development above the ground floor slab
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Mirvac Retail Sub SPV Pty Ltd, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
AS	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
AHD	Australian Height Datum
BC Act	<i>Biodiversity Conservation Act 2016</i>
CCS	Community Communication Strategy
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Council	City of Sydney Council
CPTED	Crime Prevention Through Environmental Design Assessment
CWMP	Construction Waste Management Sub-Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The destruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning, Housing and Infrastructure
Development	Where capitalised, means the Development approved pursuant to this consent.
DIP	Design Integrity Panel
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EIS	The Environmental Impact Statement titled ' <i>Environmental Impact Statement Redevelopment of Harbourside Shopping Centre Public Domain (SSD 49653211) Version 2</i> ', prepared by Ethos Urban, dated 23 August 2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EV	Electric vehicle
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: “material harm” is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the Property from time to time.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
PMNSW	Placemaking NSW
Professional Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RtS	The Applicant’s response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act titled ‘ <i>Response to Submissions Report Redevelopment of Harbourside Shopping Centre Public Domain (SSD 49653211)</i> ’, prepared by Ethos Urban, dated 10 October 2024.
RRFI	The Applicant’s responses to requests for information from the Department prepared by Ethos Urban and titled ‘ <i>Response to Request for Additional Information SSD 49653211 – Response to Request for Additional Information</i> ’ dated 12 December 2024, 18 February 2025 and 24 February 2025.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children’s day care facility.
Site	The land identified in Schedule 1
SSD	State Significant Development
State Planning Agreement	A planning agreement entered into by the Applicant with the NSW State Government and executed 12 August 2022, for the payment of development contributions including a \$5.2 million affordable housing contribution and a \$7 million art and future activation contribution
TfNSW	Transport for NSW

Tenanted Component

Has the same meaning as the definition of the term in section 71 of the *State Environmental Planning Policy (Housing) 2021*

Work(s)

Any physical work to construct or facilitate the construction of the Development, including low impact work and environmental management measures.

SCHEDULE 2
PART A GENERAL CONDITIONS

TERMS OF CONSENT

A1. The development must only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS, RtS and RRFI; and
- (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):

Landscape Plans prepared by <i>Snøhetta and Hassell</i>			
Plan No.	Rev	Name of Plan	Date
LD_0A_0000_00	B	Cover Sheet + Drawing List	17/09/2024
LD_0A_0001_01	B	Legend Sheet – Sheet 1 of 2	17/09/2024
LD_0A_0001_02	B	Legend Sheet – Sheet 2 of 2	17/09/2024
LD_0A_0002_01	B	Planting Schedule – Sheet 1 of 2	17/09/2024
LD_0A_0002_02	B	Planting Schedule – Sheet 2 of 2	17/09/2024
LD_0A_0003_00	B	Site Plan	17/09/2024
LD_0A_0004_00	B	Sheet Layout – Ground	17/09/2024
LD_0A_0004_02	B	Sheet Layout – L02	17/09/2024
LD_0A_1000_00	B	Master Plan – Ground	17/09/2024
LD_0A_1002_00	B	Master Plan – L02	17/09/2024
LD_L00_1101_01	C	GA Plan – Ground – Sheet 1 of 6	07/11/2024
LD_L00_1101_02	C	GA Plan – Ground – Sheet 2 of 6	07/11/2024
LD_L00_1101_03	C	GA Plan – Ground – Sheet 3 of 6	07/11/2024
LD_L00_1101_04	B	GA Plan – Ground – Sheet 4 of 6	17/09/2024
LD_L00_1101_05	B	GA Plan – Ground – Sheet 5 of 6	17/09/2024
LD_L00_1101_06	B	GA Plan – Ground – Sheet 6 of 6	17/09/2024
LD_L02_1102_01	B	GA Plan – L02 – Sheet 1 of 2	17/09/2024
LD_L02_1102_02	B	GA Plan – L02 – Sheet 2 of 2	17/09/2024
LD_L00_2000_16	B	Detail Plan – North Bridge Connection	17/09/2024
LD_L01_2001_00	B	Detail Plan – Waterfront Steps	17/09/2024
LD_L01_2001_02	B	Detail Plan – Pyrmont Bridge Steps	17/09/2024
LD_L03_2003_20	B	Detail Plan – Bunn Street Bridge + Link	17/09/2024
LD_L00_3000_01	B	Sections – Waterfront Promenade – Sheet 1 of 3	17/09/2024
LD_L00_3000_02	B	Sections – Waterfront Promenade – Sheet 2 of 3	17/09/2024
LD_L00_3000_03	B	Sections – Waterfront Promenade – Sheet 3 of 3	17/09/2024
LD_L01_3001_00	B	Sections – Waterfront Steps	17/09/2024
LD_L01_3001_02	B	Sections – Pyrmont Bridge Steps	17/09/2024
LD_L02_3002_01	B	Sections – Waterfront Garden	17/09/2024
LD_L02_3002_18	B	Sections – North Bridge	17/09/2024
LD_L03_3003_20	C	Sections – Bunn Street Bridge + Link	18/02/2025
SK_SSDA3_Retail Awning		SSDA 3 Retail Awning Sketch	
STG_1000_00	A	SSDA 3 Public Domain Staging Diagram - Ground	15/04/2025
STG_1001_00	A	SSDA 3 Public Domain Staging Diagram – Above Ground	15/04/2025

- A2. The Applicant must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the SSD;
 - (b) any document or correspondence in relation to the SSD;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the SSD;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (f) the carrying out of any additional monitoring or mitigation measures; and
 - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A3. To the extent of any inconsistency:
- (a) the more recent document in **Condition A1(c)** prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in **Condition A1(d)**.

LIMITS ON CONSENT

- A4. This consent does not approve the following:
- (a) the use of the Applicant-managed public domain for events;
 - (b) detailed fit-out and operation of the retail premises and licensed seating / outdoor dining areas;
 - (c) signage or signage zones (including advertising, business and building identification signage) other than wayfinding and other statutory signage that is static, non-electronic and non-illuminated.

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

DESIGN EXCELLENCE AND INTEGRITY

- A5. The detailed design of the development and the assessment of design integrity must be carried out in accordance with the documents titled:
- (a) *'Harbourside Shopping Centre Redevelopment Design Integrity Report – FINAL Rev 00'*, prepared by Urbis Pty Ltd and dated 7 November 2022 (the DIR); and
 - (b) *'Architectural Design Competition Report Harbourside Shopping Centre'*, prepared by Urbis Pty Ltd and dated 10 December 2021.
- A6. The established Design Integrity Panel (DIP) outlined in the DIR must be retained throughout the detailed design and construction phases of the development. In addition:
- (a) the DIP must review the design at the following stages (as a minimum):
 - (i) in response to the requirements of **Condition B1** (detailed public domain plan);
 - (ii) prior to occupation;
 - (iii) prior to the lodgement of any modification application, which modifies the design, unless the Planning Secretary has confirmed in writing that DIP review is not required;
 - (b) the DIP must provide independent, expert and impartial advice in relation to the achievement of design excellence and ensure the design integrity of the competition winning scheme is maintained or enhanced throughout the detailed design and construction phases of the development; and
 - (c) the Applicant must consider the advice of the DIP and incorporate its recommendations into the development. Any departures from the DIP recommendations must be justified.
- A7. The architectural and landscape design team comprising Snøhetta and Hassell is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and:

- (a) the architectural and landscape design team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project;
- (b) evidence of the architectural and landscape design team's commission is to be provided to the Certifier prior to the release of the first Construction Certificate; and
- (c) the architectural and landscape design team is not to be changed without prior written notice and approval of the Planning Secretary.

STATE PLANNING AGREEMENT CONTRIBUTIONS

- A8. The development must be carried out in accordance with all of the obligations referenced within the State Planning Agreement between the Minister for Planning and Mirvac Projects Pty Ltd executed on 12 July 2022.

PRESCRIBED CONDITIONS

- A9. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

PLANNING SECRETARY AS MODERATOR

- A10. In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter will be binding on the parties.

LEGAL NOTICES

- A11. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

EVIDENCE OF CONSULTATION

- A12. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

- A13. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC and Australian Standards.

Note: Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

Note: Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

- A14. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A15. 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.
- A16. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing

monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

- A17. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

COMPLIANCE

- A18. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A19. Within three months of:

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

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

- A20. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

COMPLIANCE REPORTING

- A21. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.
- A22. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.
- A23. The Applicant must make each Compliance Report publicly available within 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- A24. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

- A25. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- A26. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

- A27. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- A28. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under this consent;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report, and response to it, publicly available within 60 days after submission to the Planning Secretary.
- A29. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.
- A30. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

REMEDICATION – REMEDIAL ACTION PLAN

- A31. The Applicant must remediate and validate the site in accordance with the specifications and requirements detailed in the Remedial Action Plan prepared by JBS&G dated 3 May 2022, reference number 62851/145122 (approved Remedial Action Plan) and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW EPA accredited Site Auditor Senversa dated 6 May 2022, reference Interim Advice 2. All remediation work carried out shall be in accordance with the guidelines in force under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

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

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

TRANSPLANTING TREES ON SITE

- A32. The pre-existing 20 *Livistona australis* (Cabbage Tree Palm) located within the Promenade area of the Harbourside Shopping Centre redevelopment site must be re-transplanted onto the site.
- (a) All recommendations, Tree Protection Plans and Methodology Statements contained in the approved Transplant Method Statement by TreeIQ dated 31 October 2022 regarding the transplantation of the 20 *Livistona australis* (Cabbage Tree Palm) must be implemented during the demolition, construction and use of the development. These recommendations are to include (but are not limited to):
 - (i) Pre-transplant Considerations;
 - (ii) Site Preparation;
 - (iii) Excavation;
 - (iv) Preparation of new planting position;
 - (v) Lifting and Relocation methods;
 - (vi) Planting specifications;
 - (vii) Backfilling and completion; and
 - (viii) Maintenance Program.
 - (b) In the event that the tree transplanting cannot occur, which is clearly demonstrated in the Transplanting Methodology Report and approved by PMNSW's Senior Manager Design and Place, the following will be required:
 - (i) A replacement tree of the same species must be planted in the same location prior to the issuing of the Occupation Certificate for the stage in which it is located;

- (ii) The replacement palm tree must have a minimum clear stem height of 5 metres;
 - (iii) The replacement tree must be free of disease, pests, damage (above and below ground) and must be a healthy vigorous specimen;
 - (iv) Certification from the tree supplier must be submitted and approved by PMNSW's Senior Manager Design and Place confirming a suitable tree is available for purchase and planting which meets the above requirements.
- (c) The transplanted tree or the replacement tree must be maintained by an Arborist or Horticulturist with a minimum AQF Level 3 qualification for a minimum period of twelve (12) months commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (d) If the transplanted palm tree or the replacement palm tree fails to establish within 12 months of the initial planting date, it must be replaced with the same species of comparable qualities with a new 12 month maintenance period then commencing.

TFNSW REQUIREMENTS

- A33. The Applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor.
- A34. The Applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines.
- A35. Activities of the Applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the Applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator.
- A36. The Applicant must apply to Altrac and the Sydney Light Rail Operator for any required non-scheduled network shutdowns four (4) months prior to each individual required network shutdown event. Each request for a new network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion.
- A37. The Applicant must provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times.
- A38. TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- A39. All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the Applicant.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED LANDSCAPING AND PUBLIC DOMAIN PLAN

- B1. Prior to the issue of the first Construction Certificate for any landscape works, an updated Landscape Plan, developed in consultation with PMNSW, drawn to scale, by a suitably qualified landscape architect or landscape designer must be submitted to and approved by the Certifier. The updated Landscape Plan must include details of:
- (a) evidence of consultation and endorsement by PMNSW;
 - (b) evidence of consultation with the DIP regarding items identified as 'Areas for Further Development and Refinement' in DIP Session No. 13 (refer DIP endorsement letter dated 27 April 2023);
 - (c) the location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (d) earthworks, soil depths and volume including mounding, retaining walls and planter boxes in accordance with this consent and its RRFI's *Attachment D: Soil Volume Details* dated 12 December 2024. The soil volume of Planters 4, 5, and 6 should be amended to be no less than the recommended minimum total soil volume in the Attachment D;
 - (e) the final furniture, materials palette and pavement selections for the public domain, reviewed by the DIP and endorsed by PMNSW;
 - (f) tree anchoring systems to be used. This is to include all tree species that will require anchorage;
 - (g) the location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - (h) new trees must be appropriately located away from existing buildings and structures to allow canopy maturity to be achieved without restriction;
 - (i) planting procedure and maintenance; and
 - (j) drainage, waterproofing and watering systems.

PUBLIC DOMAIN LEVELS AND GRADIENTS

- B2. Prior to the issue of any construction certificate, a Public Domain Levels and Gradients for site frontages, all buildings and roadworks must be included within the detailed Landscape and Public Domain Plan, and submitted to the PMNSW for approval. The submission must include certification that all levels and gradients comply with Disability Discrimination Act 1992 and National Construction Code and have addressed any requirements of PMNSW.
- B3. Any requirements to comply with Disability Discrimination Act 1992 and flood planning levels at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

PAVING MATERIALS

- B4. Prior to the issue of any construction certificate the details of all the proposed surface materials shall be submitted to PMNSW for endorsement. The surface of any material used or proposed to be used for the paving of trafficable areas, including 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*' and AS 1428:1-2009 '*Design for access and mobility General requirements for access – New building work*'.

TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

- B5. Prior to the issue of any construction certificate, details of all the proposed tactile ground surface indicators, handrails and other elements required to provide access into the building / property are to be submitted to PMNSW for endorsement with all elements being located entirely within the property boundary.

DRAINAGE AND SERVICE PIT LIDS

- B6. All existing or proposed drainage and service pit lids on PMNSW land must be to PMNSW specifications and heel / bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy

opening and cleaning. Infill pit lids are to be detailed on the public domain plans for construction. Private pits are not permitted on PMNSW land. All details of pit lids must be shown on the public domain plan required by **Condition B1** and must be approved by PMNSW prior to the issue of an approval for public domain works.

WAYFINDING

- B7. Prior to the issue of the first Construction Certificate for any public works, a detailed Wayfinding Plan must be submitted to PMNSW and TfNSW for review and comment. The final Wayfinding Plan must be endorsed by PMNSW. The Wayfinding Plan must address:
- (a) Wayfinding measures for a diversity of users including those with mobility challenges, prams and cyclists;
 - (b) how the different public and access-controlled spaces are distinguishable and legible from a distance;
 - (c) how signage would not contribute to visual clutter;
 - (d) how signage designs would complement the style of existing public domain signage in the area;
 - (e) connections to surrounding transport modes, pedestrian and cycle paths, and points of interest; and
 - (f) any feedback received from PMNSW and TfNSW.
- B8. Any recommended pedestrian movement and wayfinding measures identified in the Wayfinding Strategy (**Condition B7**) must be implemented as part of the relevant construction certificate.

LANDSCAPE MAINTENANCE PLAN

- B9. Prior to the issue of the first Construction Certificate for any landscape works, a Landscape Maintenance Plan (LMP) must be submitted to the satisfaction of the Certifier. The LMP must address the following:
- (a) be prepared in consultation with PMNSW and evidence of PMNSW's endorsement provided to the Certifier;
 - (b) include:
 - (i) type of activities and their methodologies;
 - (ii) frequency of maintenance;
 - (iii) qualifications and skill level required to perform each activity;
 - (c) be implemented and complied with immediately following the tree planting, and until the tree reaches the applicable minimum mature tree height and canopy width indicated in the approved landscape plans;
 - (d) newly planted tree(s) on-site must be appropriately maintained on an on-going basis;
 - (e) maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree;
 - (f) details of maintenance access to planting beyond the Waterfront Garden balustrading;
 - (g) if the newly planted tree fails to establish or does not reach the minimum mature tree height and canopy width indicated in the landscape drawing LA-SSDA2-0052_00 B 'Planting Schedule' dated 13 June 2023 it must be replaced with a tree of comparable qualities and container size of 100 litres; and
 - (h) the conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

LONG SERVICE LEVY

- B10. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

STATE PLANNING AGREEMENT CONTRIBUTIONS

- B11. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must submit to the satisfaction of the Certifier details confirming monetary contributions pursuant to the provisions of the State Planning Agreement executed on 12 August 2022 have been paid.

PROTECTION OF SURVEY INFRASTRUCTURE

- B12. Prior to the issue of the first Construction Certificate for public domain works, a statement prepared by a Registered Surveyor must be submitted to PMNSW verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the NSW Spatial Services.

STRUCTURAL DETAILS

- B13. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
 - (b) this development consent.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- B14. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitably qualified professional demonstrating that the public domain has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

SITE STABILITY AND CONSTRUCTION WORK

- B15. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must submit to the satisfaction of the Certifier a report from a Professional Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
 - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (c) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - (d) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
 - (e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B16. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must review and, where necessary, update the *Crime Prevention Through Environmental Design Report – Redevelopment of Harbourside Shopping Centre: Bridges and Public Domain (Stage 3 SSDA)*, prepared by Ethos Urban and dated 25 June 2024, in consultation with PMNSW. The updated report must be endorsed by PMNSW, and evidence that the development design incorporates the management and mitigation measures identified in the endorsed report must be submitted to the Certifier.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B17. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all

relevant design, construction and operation measures as identified in the ESD report titled 'ESD SSDA3 Report' prepared by LCI Consultants and dated 20 April 2023.

WIND IMPACT ASSESSMENT AND MITIGATION

- B18. Prior to the issue of the first Construction Certificate for Stage 1 and Stage 2 public domain works the Applicant must submit to the Certifier a design verification from a suitably qualified and practicing professional engineer with experience in wind impact assessment, that the construction certificate detailed design documentation for each relevant stage includes mitigation measures in the Harbourside Redevelopment Wind Impact Assessment (#2105658) prepared by RWDI (version D, dated 7 August, 2024).

SYDNEY WATER ASSETS

- B19. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must provide details to the satisfaction of Sydney Water to confirm that Sydney Water has vehicular access to the stormwater access chamber on Darling Drive.
- B20. Prior to the issue of the first Construction Certificate for any public domain works, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Note: Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

DROP OFF AND PICK UP AREA

- B21. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must submit evidence to the satisfaction of the Certifier demonstrating that the Darling Drive slip lane provides a minimum of four drop off and pick up parking spaces.

CYCLING LANES TO DARLING DRIVE / SLIP LANE

- B22. Prior to the commencement of any works within the classified road reserve, the final design of the Darling Drive shared path cycleway, including the available roadside/footpath space on Darling Drive, the safety of all street users, and the interface with the adjacent taxi drop-off/pick-up zone, must be reviewed in consultation with TfNSW, PMNSW, and Council. The scope of works must be generally consistent with the Darling Drive Cycleway Works Plan drawings by at&I. The Applicant must submit evidence of the required consultation to the Certifier, along with the final detailed design drawings, demonstrating that the design complies with Australian Standards and has been endorsed by TfNSW and PMNSW.

PUBLIC DOMAIN BICYCLE PARKING

- B23. Prior to the first Construction Certificate for any landscape works, the Applicant must submit to the satisfaction of the Certifier:
- (a) evidence of consultation and endorsement from PMNSW on the final number and location of bicycle parking spaces;
 - (b) plans demonstrating the final number and location of retail and commercial visitor bicycle parking spaces within the publicly accessible areas surrounding the building; and
 - (c) evidence that the layout, design and security of the bicycle parking facilities comply with the applicable Australian Standards.

Unless otherwise agreed with PMNSW a minimum of 66 retail and commercial visitor bicycle parking spaces must be provided in the public domain.

UPDATED FLOOD EMERGENCY MANAGEMENT PLAN

- B24. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must submit evidence to the satisfaction of the Certifier that the Flood Emergency Management Plan (FEMP) approved under Condition C38 of SSDA2 has been updated to reflect the final design of the public domain approved under this consent. The updated FEMP must be approved by the Planning Secretary prior to the issue of the first Construction Certificate for any work.

UPDATED FLOOD MITIGATION MEASURES

- B25. Prior to the issue of the first Construction Certificate for any public domain works, the Flood Mitigation Measures approved under Condition C39 SSDA2 must be updated and approved by the Planning Secretary. The Flood Mitigation Measures must be updated by a suitably qualified and experienced person(s) and reflect the final design of the public domain approved under SSDA3, including any additional mitigation required to resolve flooding impacts.

STORMWATER MANAGEMENT SYSTEM

- B26. Prior to the issue of the first Construction Certificate for any public domain works, the Applicant must submit to the satisfaction of the Certifier an operational stormwater management system for the development with evidence of endorsement by PMNSW. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with Council's stormwater requirements and specifications;
 - (d) be in accordance with applicable Australian Standards;
 - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines; and
 - (f) be coordinated and appropriately connected to the stormwater infrastructure and mitigation measures within the separate SSDA2 application.

Evidence of PMNSW's approval must be submitted to Council for information.

HERITAGE INTERPRETATION PLAN

- B27. Prior to the issue of the first Construction Certificate for any public domain works, a final Heritage Interpretation Plan (HIP) that acknowledges the heritage of the site, including Aboriginal cultural heritage interpretation, and considers opportunities for heritage interpretation must be prepared and submitted to and approved by the Planning Secretary. The HIP must:
- (a) be prepared by a suitably qualified and experienced heritage practitioner in consultation with PMNSW (as delegate of the Heritage Council NSW);
 - (b) be coordinated with the heritage interpretation approach for the podium and tower components of the development, which form part of the separate SSDA2 application;
 - (c) incorporate interpretive information, information on the history and significance of the site, the location, type, making materials and contents of the interpretation being proposed; and
 - (d) consider opportunities to incorporate the results of any site-specific archaeological finds / outcomes.

TfNSW REQUIREMENTS

PROCESS OF ENDORSEMENT OF CONDITIONS

- B28. Prior to the issue of the first Construction Certificate for public domain works, the Applicant must:
- (a) consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the construction certificate and associated documentation and activities prior to preparation of requested documentation;
 - (b) confirm in writing with TfNSW what the relevant Construction Certificate stage will involve; and
 - (c) submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement. If requested by TfNSW, a summary report for the relevant construction stage must also be provided to TfNSW to demonstrate the following:
 - (i) no adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
 - (ii) submitted documentation has satisfied the relevant conditions.

- B29. The Certifier is not to issue the first Construction Certificate until received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

PRE-CONSTRUCTION WORK DILAPIDATION REPORT

- B30. If requested by TfNSW, a pre-construction work Dilapidation Report of the Sydney Light Rail and its assets must be prepared by a qualified structural engineer. If required by TfNSW, the dilapidation survey must be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

ANTI-THROW MEASURES

- B31. Prior to the issue of the first construction certification for public domain works, the Certifier must receive written confirmation from TfNSW confirming that appropriate measures have been installed on the pedestrian bridges to the satisfaction of TfNSW to prevent the throwing of objects onto the rail corridor.

ELECTROLYSIS ANALYSIS

- B32. Prior to the issue of the first Construction Certificate for public domain works, the Applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the Application for the relevant Construction Certificate.

REFLECTIVITY REPORT

- B33. Prior to the issue of the first Construction Certificate for public domain works, the Applicant must design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of, TfNSW and the Sydney Light Rail Operator.

CONSULTATION REGIME

- B34. Prior to the issue of the first Construction Certificate for public domain works, a detailed regime is to be prepared for consultation with and approval by TfNSW for the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

INSURANCE REQUIREMENTS

- B35. Prior to the issue of the first Construction Certificate for public domain works, the Applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance must not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate, the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

WORKS DEED / AGREEMENTS

- B36. Prior to the issue of a Construction Certificate for any works over or adjacent to the rail corridor, as referred to in the Interface & Access Deed Poll, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:
- (a) Sydney Light Rail Operational requirements;
 - (b) Sydney Light Rail access requirements;
 - (c) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
 - (d) indemnities and releases;
 - (e) security of costs;
 - (f) insurance requirements and conditions;
 - (g) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports,

- legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- (h) interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
 - (i) Interface Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - (i) pre and post construction dilapidation reports;
 - (ii) the need for track possessions;
 - (iii) design and installation of lights, signs and reflective material;
 - (iv) endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
 - (v) endorsement of plans regarding proposed craneage and other aerial operations;
 - (vi) erection of scaffolding/hoarding;
 - (vii) Light Rail Operator's rules and procedures; and
 - (viii) alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
 - (j) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
 - (k) attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;
 - (l) arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
 - (m) Sydney Light Rail site works access approval and access permit to work.

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

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

ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **Condition A1** of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary;
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary; and
 - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

SURVEY CERTIFICATE

- C4. Prior to the commencement of works, the development must be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- C5. The Applicant must cause a Registered Surveyor to measure and mark:
 - (a) prior to commencement of works – the positions of all footings/ foundations; and
 - (b) at other stages of construction – any marks that are required by the principal Certifier, and provide information on the positions to the principal Certifier.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C6. Prior to the commencement of works, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary, and PMNSW; and
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

TRAFFIC WORKS

- C7. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and the requirements of the relevant roads authority. A Traffic Works Plan is to be prepared and submitted to the relevant roads authority for approval. The plan must include:
- (a) road, parking and traffic arrangements;
 - (b) signs;
 - (c) pedestrian crossings;
 - (d) traffic signals; and
 - (e) any relevant approvals from TfNSW.

CHANGES TO KERBSIDE PARKING RESTRICTIONS

- C8. A separate submission must be made to the relevant roads authority for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.
- C9. All costs associated with:
- (a) signposting of any kerbside parking restrictions and traffic management measures associated with the development must be borne by the developer; and
 - (b) the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the developer. The new road works must be designed and constructed in accordance with the requirements of the relevant roads authority.

VEHICLE FOOTWAY CROSSING

- C10. A separate application is to be made to, and approved by, the relevant roads authority for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

UTILITIES AND SERVICES

- C11. Prior to the commencement of works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.

DIAL BEFORE YOU DIG SERVICE

- C12. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- C13. Prior to the commencement of any work, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a Professional Engineer, which details the structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'.
- C14. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C15. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C16. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.

- C17. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C18. The damage must be fully rectified by the Applicant in accordance with PMNSW's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C19. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24 hour contact details of the site manager;
 - (iii) community consultation and complaint handling procedure;
 - (iv) construction program and construction methodology, including construction staging
 - (v) traffic management;
 - (vi) noise and vibration management;
 - (vii) management of dust and odour;
 - (viii) stormwater control and discharge, including measures to ensure that vehicles leaving the site do not transfer dirt to roadways;
 - (ix) contamination management;
 - (x) waste management;
 - (xi) external lighting in compliance with applicable Australian Standards;
 - (xii) site security, including fencing or hoarding; and
 - (xiii) flora and fauna management.
 - (b) Construction Pedestrian and Traffic Management Sub-Plan in accordance with **Condition C20**;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with **Condition C21**;
 - (d) Air Quality Management Sub-Plan in accordance with **Condition C22**;
 - (e) Construction Waste Management Sub-Plan in accordance with **Condition C25**;
 - (f) Construction Soil and Water Management Sub-Plan in accordance with **Condition C26**;
 - (g) an unexpected finds protocol for contamination and associated communications procedure;
 - (h) an unexpected finds protocol for microbat fauna, both threatened and non-threatened species to ensure compliance with **Condition D51**;
 - (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
 - (j) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN

- C20. Prior to the commencement of any work, the Applicant must prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW and the Sydney Light Rail Operator and submit a copy of the final plan to TfNSW for endorsement via development.sco@transport.nsw.gov.au. The CPTMP must specify matters including, but not limited to, the following:
- (a) a description of the development;
 - (b) location of any proposed work zone(s);
 - (c) details of crane arrangements including location of any crane(s) and crane movement plan;
 - (d) haulage routes;
 - (e) proposed construction hours;
 - (f) predicted number of construction vehicle movements, detail of vehicle types;

- (g) construction vehicle access arrangements and location(s) where it is proposed to park construction vehicles;
- (h) construction program and construction methodology, including any construction staging;
- (i) a detailed plan of any proposed hoarding and/or scaffolding;
- (j) pedestrian and traffic management measures;
- (k) identify any potential impacts to general traffic, cyclists, pedestrians, light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (l) identify cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities is managed to minimise impacts on the surrounding road network;
- (m) measures to minimise movement delays. i.e. Vehicle movements are to be minimised during peak network demand periods;
- (n) details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;
- (o) proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP;
- (p) measures to avoid construction worker vehicle movements;
- (q) details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site;
- (r) consultation strategy for liaison with surrounding stakeholders, including other developments under construction; and
- (s) provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (via development.sco@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C21. Prior to the commencement of any work, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) prepared by a Professional Engineer for the development. The Sub-Plan must include:
- (a) consideration of the Demolition, Excavation and Construction Management Plan prepared by Mirvac dated 28 October 2022 (2023/098261);
 - (b) identification of the specific activities that will be carried out and associated noise sources at the site;
 - (c) identification of all potentially affected sensitive residential receiver locations;
 - (d) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
 - (e) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
 - (f) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
 - (g) ameliorative measures recommended in the report titled '*Harbourside SSDA 3 Acoustic Assessment Revision 5*' prepared by Acoustic Logic and dated 11 December 2024;
 - (h) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;

- (i) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
- (j) where objectives cannot be met, additional measures including, but not necessarily limited to, reducing hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other outcomes which have been developed in consultation with the affected community, with evidence of such consultation must be provided to the Planning Secretary;
- (k) describe the measures to be implemented to manage high noise generating works (such as piling and rock breaking) or activities that may be particularly annoying (as defined in the ICNG), in close proximity to sensitive receivers;
- (l) where night-time noise management levels cannot be satisfied, a report must be submitted to and approved by the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
- (m) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
- (n) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;
- (o) procedures to notify sensitive receivers of construction activities that are likely to affect their noise and vibration amenity;
- (p) measures to monitor noise performance and a complaints management system that would be implemented for the duration of the development;
- (q) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
- (r) procedures to allow for regular professional acoustic input to construction activities and planning; and
- (s) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

AIR QUALITY MANAGEMENT SUB-PLAN

- C22. Prior to the commencement of any work, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
 - (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
 - (c) mission statement;
 - (d) dust and VOCs/odour management strategies consisting of:
 - (i) objectives and targets;
 - (ii) risk assessment;
 - (iii) suppression improvement plan including practices such as watering of exposed surfaces and stockpiles, covering of truck loads, prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt, and progressive land stabilisation works to minimise exposed surfaces;
 - (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
 - (v) communication strategy; and
 - (vi) system and performance review for continuous improvements.
- C23. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds

(SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.

- C24. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- C25. Prior to the commencement of any work, the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
 - (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
 - a traffic plan showing transport routes within the site;
 - a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - the name and address of each licensed facility that will receive waste from the site (if appropriate).

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C26. Prior to the commencement of any work, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with PMNSW and address, but not be limited to the following:
- (a) describe all erosion and sediment controls to be implemented during construction;
 - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site);
 - (c) detail all off-site flows from the Site;
 - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI; and
 - (e) include an Acid Sulfate Soils Management Plan that incorporates the recommendations of the Acid Sulphate Soils Management Plan prepared by JBS&G, reference 62851/144484 Rev 3 dated 3 November 2022 and measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.

FLOOD MANAGEMENT

- C27. Prior to the commencement of any work, the Applicant must prepare and implement for the duration of the works:
- (a) flood warning and notification procedures for construction works on the site; and
 - (b) evacuation and refuge protocols.
- C28. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

BARRICADE PERMIT

- C29. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

- C30. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- (a) architectural, construction and structural details of the design as well as any proposed artwork; and
 - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

OUTDOOR LIGHTING

- C31. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

NSW POLICE REQUIREMENTS

- C32. Prior to the commencement of works, NSW Police must be offered a familiarisation tour of the site and be provided with a list of key contacts.

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council, PMNSW or the Certifier.

SITE NOTICE

- D2. The Applicant must erect site notices in a prominent position on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and Professional Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) state the approved hours of work; and
 - (d) state that unauthorised entry to the work site is prohibited.
- D3. The site notices must:
- (a) be positioned prominently at the site informing the public of key project details;
 - (b) have dimensions of at least A1 size with large writing; and
 - (c) be durable and weatherproof.

HOURS OF CONSTRUCTION

- D4. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) 7am to 7pm, Monday to Friday;
 - (b) 7am to 5pm, Saturdays; and
 - (c) 5pm to 6pm, Saturdays (quieter works only where the background +3dB(A) is not exceeded at any noise sensitive receivers identified in the report titled '*Harbourside SSDA3 Acoustic Assessment*', revision 2, prepared by Acoustic Logic and dated 7 August 2024).

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

- D5. Construction activities may be undertaken outside of the hours in **Condition D4** if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such construction activities as referenced in **Condition D5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Despite **Conditions D4, D5** and **D6**, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by the relevant roads authority under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993*.

CONSTRUCTION NOISE MITIGATION

- D8. All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with the preparation for the commencement of work in connection with the development must comply with the *City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*. All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the CNVMP required by **Condition C19** of this consent.
- D9. The operation of high noise emission appliances, plant and/or machinery such as pile drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E and F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard

2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and/or any other work generating high noise impact (i.e. work exceeding a NML of 75dB(A)) are restricted to the following hours:

- (a) 8am to 12pm, Monday to Friday;
- (b) 2pm to 5pm Monday to Friday; and
- (c) 9am to 12pm, Saturday.

- D10. The Applicant must ensure all construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D11. Where all mitigation measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still:
- (a) exceed the applicable criteria in the *City of Sydney Construction Hours/Noise Code 1992* and
 - (b) are giving rise to sustained complaints,
- then the contractor must provide regular, appropriate and sustained periods of respite in consultation with the Planning Secretary. Approval to vary the authorised noise and vibration levels must be received in writing by the Applicant from the Planning Secretary prior to activities being undertaken that exceed sanctioned emission levels. Such periods must be set and agreed to by the Planning Secretary.
- D12. The immediately adjoining neighbours must be given a minimum of 48 hours of notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.
- D13. Lighting of the site while any work is undertaken outside of the standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of PMNSW / Council as relevant, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.
- D14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D15. Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.

VIBRATION CRITERIA

- D16. Vibration at any residence or structure outside the Site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) *Vibration in Buildings - Effects on structures*, English Translation (German Institute for Standardisation, 2016); and
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D17. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

- D18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D19. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an Incident;
 - (c) a description of what immediate steps were taken in relation to the Incident; and
 - (d) identifying a contact person for further communication regarding the Incident.
- D20. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

- D21. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: *A non-compliance which has been notified as an Incident does not need to also be notified as a non-compliance.*

SAFework REQUIREMENTS

- D22. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

IMPLEMENTATION OF MANAGEMENT PLANS

- D23. The Applicant must implement and comply with the requirements of management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D24. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:
- (a) protect and support the building, structure or work from possible damage from the excavation; and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage, unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

TREE PROTECTION

- D25. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in accordance with the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

EROSION AND SEDIMENT CONTROL

- D26. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: *Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

CUT AND FILL

- D27. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
 - (b) the classification and the volume of material removed must be reported to the Certifier.
- D28. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

- D29. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D30. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council / PMNSW (as relevant) must be obtained to connect or discharge site stormwater to Council's / PMNSW's (as relevant) stormwater drainage system or street gutter.
- D31. A separate written approval from Council / PMNSW (as relevant) is required to be obtained in relation to any proposed discharge of groundwater into Council's / PMNSW's (as relevant) drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.
- D32. Contaminated groundwater must not be discharged into Council's / PMNSW's (as relevant) stormwater drainage system.

ASBESTOS

- D33. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
 - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
 - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – 'Transportation and management of asbestos waste'.

CONSTRUCTION TRAFFIC

- D34. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.

ROAD OCCUPANCY LICENCE

- D35. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

NO OBSTRUCTION OF PUBLIC WAY

- D36. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

CONTACT TELEPHONE NUMBER

- D37. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

COVERING OF LOADS

- D38. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- D39. 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.

STOCKPILES

- D40. No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from Council / PMNSW (as relevant). All stockpiles of soil or other materials:
- (a) must be placed away from drainage lines, gutters or stormwater pits or inlets; and
 - (b) likely to generate dust or odours must be covered.
- D41. All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- D42. All works must cease immediately if a relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW or their delegate (PMNSW) in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW or their delegate in respect of an Aboriginal object. The Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP (**Condition C19(i)**).
- D43. Building work may recommence at a time confirmed by either the Heritage Council of NSW, their delegate or the Secretary of the Department of Planning, Housing and Infrastructure.

TfNSW REQUIREMENTS

- D44. Construction vehicles must not be stopped or parked on Darling Drive adjacent to the development at any time without prior approval of TfNSW.
- D45. No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW.
- D46. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation.
- D47. During all stages of the development extreme care must be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities must remain the full responsibility of the applicant.
- D48. Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority).
- D49. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

NSW POLICE REQUIREMENTS

- D50. NSW Police must be notified of any road closures during construction.

UNEXPECTED FINDS – MICROBAT FAUNA

- D51. All works must cease immediately if microbats are detected (by sight or noise) to be roosting, or if microbats are observed flying from a roost or around the construction site during daylight. In the event of unexpected finds of microbats, a supervising ecologist, suitably qualified and experienced in microbats, must be appointed and consulted with. Unexpected microbat finds must be reported to the site supervisor and on-site environmental staff and the supervising ecologist must be consulted with for advice on the best course of action to identify the species and minimise harm. Works must only recommence when approved by the supervising ecologist.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

- E1. The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of the public domain.

WORKS-AS-EXECUTED PLANS AND OTHER DOCUMENTARY EVIDENCE

- E2. Prior to the issue of the first occupation certificate for Stage 1 and Stage 2 of the public domain, the Applicant must submit to the Certifier:
- (a) works-as-executed drawings for the relevant stage of the development that is the subject of the occupation certificate; and
 - (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied, including a certification report signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved.
- E3. Before the issue of any occupation certificate, the Applicant must submit to the principal certifier a report from a registered surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

NOTIFICATION OF OCCUPATION

- E4. The Department must be notified in writing at least one month prior to the proposed occupation or use of the development.
- E5. If the occupation or use of the development is to be staged, the Applicant must notify the Department in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

EVENTS AND OPERATIONAL MANAGEMENT PLAN

- E6. Prior to the occupation or commencement of the use (whichever occurs first) of the public domain, an Events and Operational Management Plan (EOMP) must be prepared in consultation with PMNSW and be submitted and approved by the Planning Secretary. The EOMP must include, but not be limited to, the following:
- (a) evidence of endorsement from PMNSW;
 - (b) the hours of operation;
 - (c) details of management of the site during events and in the broader Darling Harbour precinct, incorporating the report titled 'Harbourside Redevelopment Final Events Management Plan SSDA3 | SSDA-49653211' prepared by Urbis, dated November 2024, while prohibiting any events within the Applicant-managed public open spaces, consistent with **Condition E6(e)**;
 - (d) crowd control mechanisms during events for both the broader precinct and the Waterfront Garden to ensure the patron capacity of the Waterfront Garden remains below 1,000;
 - (e) details on any restrictions on use in the public domain, including no amplified music or alcohol in the Applicant-managed Waterfront Garden, details of the passive activities permitted in the Applicant-managed Waterfront Garden, management of the outdoor licences seating areas and enforcement measures;
 - (f) details of arrangements to ensure all areas of the public domain are accessible to the public 24/7;
 - (g) details of the management responsibilities of PMNSW and the Applicant;
 - (h) a description of arrangements made for security and maintenance staff;
 - (i) processes for enabling emergency vehicle and agency vehicle access;
 - (j) detailed maintenance procedures for the public domain; and
 - (k) a requirement to assist police during investigations involving the locations and for the identification and preservation of crime scenes. Any footage captured by CCTV should be made available to police on request.

PUBLIC ART

- E7. Prior to the issue of the first occupation certificate Stage 1 and Stage 2 of the public domain, a Final Public Art Report must be submitted to and approved by PMNSW which confirms that public art has been installed within the respective stage of the development in accordance with the report titled 'Harbourside Public Art Strategy SSDA3' prepared by Amanda Sharrad, Public Art Curator, for Mirvac, dated March 2023,. Members of PMNSW Public Art Panel must guide the selection and implementation of public art on the site. The public art must be installed to PMNSW's satisfaction prior to the issue of an occupation certificate for the respective stage.

HERITAGE INTERPRETATION

- E8. Prior to the issue of the first Occupation Certificate or commencement of the use, for Stage 1 and Stage 2 of the public domain whichever is earlier, the Applicant must provide evidence to the Certifier that the final Heritage Interpretation Plan for the respective stage has been implemented in accordance with **Condition B27**.

WIND MITIGATION

- E9. Prior to the issue of the first Occupation Certificate or commencement of the use of Stage 1 and Stage 2 of the public domain, whichever is earlier, the Applicant must provide evidence to the Certifier that the wind mitigation measures for the respective stage have been implemented in accordance with **Condition B18**.

PROTECTION OF PUBLIC INFRASTRUCTURE

- E10. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and
 - (c) infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

POST-CONSTRUCTION DILAPIDATION REPORT

- E11. Before the issue of the first Occupation Certificate for Stage 1 and Stage 2 of the public domain, a suitably qualified engineer must prepare a post-construction dilapidation report for the respective stage of the development, to the satisfaction of the Certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads;
 - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the damage is a result of the carrying out of the development; and
 - (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E12. Before the issue of the first Occupation Certificate for Stage 1 and Stage 2 of the public domain, the Applicant is to provide a copy of the post-construction dilapidation report for the respective stage to the Planning Secretary and the relevant adjoining property owner(s).
- E13. Prior to the occupation or commencement of the use Stage 1 and Stage 2 of the public domain, of the Development, any damage identified in **Condition E11** caused by the carrying out of the works related to that stage of the Development not subject to **Condition E10** must be fully repaired and rectified by the Applicant.

ROAD DAMAGE

- E14. Prior to the occupation or commencement of the use of Stage 1 and Stage 2 of the public domain, the cost of repairing any damage caused to the road authority's or other public authority's assets in the vicinity of the respective stage of the development as a result of construction works associated with the approved development is to be paid in full by the Applicant.

FIRE SAFETY CERTIFICATION

- E15. Prior to the issue of the first Occupation Certificate for Stage 1 and Stage 2 of the public domain, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the respective stage of the development. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

STRUCTURAL INSPECTION CERTIFICATE

- E16. Prior to the occupation or commencement of use of Stage 1 and Stage 2 of the public domain, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate for the respective stage to the satisfaction of the Certifier. The Applicant must submit a copy of the Certificate with an electronic set of final drawings to the Planning Secretary and PMNSW after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Certificate have been checked with those listed on the final Design Certificate/s.

OUTDOOR LIGHTING

- E17. Prior to the occupation or commencement of use of Stage 1 and Stage 2 of the public domain, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier and PMNSW for approval that demonstrates that installed lighting associated with each respective stage achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) is consistent with the report titled '*Harbourside, Sydney, Lighting Strategy_SSDA3 Report*', revision 2, prepared by Spiers Major and dated 2 July 2024;
 - (b) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
 - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

STORMWATER

- E18. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E19. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Stormwater Operational and Maintenance Plan (SOMP) to ensure the proposed stormwater quality measures remain effective, which specifies, but is not limited to:
- (a) a maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

FLOOD MITIGATION

- E20. Prior to the issue of an Occupation Certificate or commencement of the use for Stage 1 and Stage 2 of the public domain, whichever is earlier, the Applicant must provide evidence to the Certifier that any flood mitigation measures required in accordance with Condition C38 of SSDA2 and **Condition B24** and **Condition B25** have been implemented.

SYDNEY WATER COMPLIANCE

- E21. Prior to the issue of any Occupation Certificate the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

- E22. Prior to the issue of the first Occupation Certificate for Stage 1 and Stage 2 of the public domain, the Applicant must ensure any adjustment or augmentation of any public utility services including gas,

water, sewer, electricity, street lighting and telecommunications, required because of the respective stage of the development, is completed to the satisfaction of the relevant authority.

- E23. Prior to the issue of the first Occupation Certificate for Stage 1 and Stage 2 of the public domain, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services for each respective stage of the development have been completed.

ENVIRONMENTAL PERFORMANCE

- E24. Prior to the occupation or commencement of use for Stage 1 and Stage 2 of the public domain, the Applicant is to provide documentation to the Certifier demonstrating the respective stage of the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

BICYCLE PARKING

- E25. Prior to the occupation or commencement of use of Stage 1 and Stage 2 of the public domain, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the bicycle parking and facility requirements contained within that part of the development, as per the requirements of **Condition B23**.

DARLING DRIVE CYCLEWAY UPGRADE

- E26. Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier evidence that the Darling Drive cycleway has been upgraded in accordance with the requirements of **Condition B22**.

ROAD SAFETY AUDIT

- E27. Prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier, the Applicant must submit evidence to the satisfaction of the Certifier demonstrating that:
- (a) TfNSW and PMNSW have been consulted on the proposed road safety mitigation measures recommended by the Road Safety Audit Response contained within the report titled '*Transport Accessibility Impact Assessment Issue 1*', prepared by PTC Consultants and dated 2 May 2023;
 - (b) the road safety mitigation measures, or alternative measures, have been endorsed by TfNSW and PMNSW; and
 - (c) all endorsed roads safety mitigation measures have been implemented to the satisfaction of TfNSW and PMNSW.

LANDSCAPE MAINTENANCE PLAN

- E28. Prior to the issue of any Occupation Certificate for Stage 1 and Stage 2 of the public domain, the Applicant must submit an updated Landscape Maintenance Plan to the Certifier which details maintenance requirements for the public domain landscaping for each respective stage, including access for planting beyond the balustrade to the edge of the Waterfront Garden. The updated Landscape Maintenance Plan must be complied with during occupation.

LANDSCAPE PRACTICAL COMPLETION REPORT

- E29. Prior to the issue of the first Occupation Certificate for Stage 1 and Stage 2 of the public domain, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan, which:
- (a) verifies that all landscape works for the respective stage have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
 - (b) verifies that a maintenance program under the Landscape Plan under **Condition B1** has been commenced;
 - (c) includes details of plant maintenance and watering for the first 12 months; and
 - (d) includes details of plant maintenance and watering for the life of the Development.

POLICE REVIEW

- E30. Prior to the issue of the first Occupation Certificate for Stage 1 and Stage 2 of the public domain, evidence must be provided to the Certifier that NSW Police have been invited to survey the location, and if required by NSW Police, have reviewed the area and completed a security assessment.

TFNSW REQUIREMENTS

POST CONSTRUCTION DILAPIDATION REPORT

- E31. Prior to the issue of any Occupation Certificate, a post-construction dilapidation survey must be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

REFLECTIVITY REPORT

- E32. Prior to the issue of the first Occupation Certificate for Stage 1 and Stage 2 of the public domain, the applicant must demonstrate that lights, signs and reflective materials within that stage of the development, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

PART F OCCUPATION AND ONGOING USE

OPERATIONAL HOURS

- F1. The public domain must be publicly accessible 24 hours a day, seven days a week.

OPERATIONAL MANAGEMENT

- F2. The following management plans must be implemented during the use of the development:
- (a) the Events and Operational Management Plan approved in accordance with **Condition E6**;
 - (b) the *Mirvac Harbourside Development Waste Management Plan for SSDA3* prepared by Waste Audit & Consultancy Services and dated May 2023;
 - (c) the Flood Emergency Management Plan approved in accordance with **Condition B24**; and
 - (d) the Landscape Maintenance Plan approved in accordance with **Condition E28**.

LICENSED SEATING AREAS

- F3. Licensed seating must only be provided in the designated licensed seating areas shown on the architectural plans approved in accordance with **Condition A1**.
- F4. Any licensed seating areas must not be fully enclosed at any time.

PUBLIC DOMAIN ACCESSIBILITY

- F5. All areas of the public domain must be publicly accessible 24/7, including the through-site links.

APPLICANT-MANAGED PUBLIC DOMAIN

- F6. No events or amplified music are permitted within any Applicant-managed public domain areas unless permitted under a separate approval.
- F7. The Waterfront Garden must remain alcohol-free and be monitored by 24/7 security. Management is responsible for ensuring this condition is adhered to.
- F8. The maximum capacity of the Waterfront Garden must be limited to 1,000 people at any time.

STORAGE AND HANDLING OF WASTE

- F9. All waste collection services must be undertaken in accordance with this consent.
- F10. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F11. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- F12. The use and operation of the premises must not give rise to an environmental health or public nuisance.
- F13. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F14. During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

SIGNAGE

- F15. Any future development applications relating to signage must demonstrate consistency with the report titled '*Mirvac Harbourside Signage and Wayfinding SSDA3 Report*', issue E, prepared by Frost Collective and dated 12 April 2023 and the signage strategy approved under SSDA2 Condition C42.

PUBLIC DOMAIN MANAGEMENT

- F16. 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.

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

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

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN3. The Applicant is responsible for ensuring that all additional consents and agreements required to carry out the development are obtained from other authorities, as relevant.

DISABILITY DISCRIMINATION ACT

AN4. 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.

AN5. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6. 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.

AN7. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN8. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

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

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements even if the Applicant fails to give the notification required under **Condition D19** or; having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident Notification (in accordance with **Condition D19**), the Applicant is required to submit a subsequent Incident Report that (in accordance with **Condition D20**):
 - (a) a summary of the incident;
 - (b) identify how the incident was detected;
 - (c) identify when the Applicant became aware of the incident;
 - (d) identify any actual or potential non-compliance with conditions of consent;
 - (e) describe what immediate steps were taken in relation to the incident;
 - (f) identify further action(s) that will be taken in relation to the incident;
 - (g) outcomes of an Incident investigation, including identification of the cause of the Incident;
 - (h) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (i) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.