

# 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 clause 8A of the State Environmental Planning Policy (State and Regional Development) 2011 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.

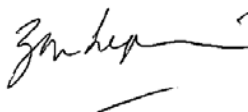
These conditions are required to:

- 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



John Hann (chair)

**Member of the Commission**



Zada Lipman

**Member of the Commission**



Adrian Pilton

**Member of the Commission**

Sydney

22 February 2019

### **SCHEDULE 1**

<b>Application Number:</b>	SSD 8517
<b>Applicant:</b>	Mirvac Projects Pty Ltd
<b>Consent Authority:</b>	The Independent Planning Commission
<b>Site:</b>	Locomotive Workshops (Bays 1-4a), 2 Locomotive Street, Australian Technology Park, Eveleigh (Lot 4000 DP 1194309)
<b>Development:</b>	Adaptive reuse of the Locomotive Workshop (Bays 1-4a) including: <ul style="list-style-type: none"><li>• a maximum of 11,662 m<sup>2</sup> GFA for uses including retail premises, function centre, educational establishment, information and education facility, artisan food and drink industry, general industrial (retention of the Blacksmith) and recreation facility (indoor)</li><li>• a loading dock and travelator</li><li>• associated heritage conservation works</li><li>• public domain works, external illumination and signage.</li></ul>

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## DEFINITIONS

<b>Applicant</b>	Mirvac, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	All physical work to enable operation, including but not limited to internal demolition, unless limited by the consent ( <b>Condition A19</b> )
<b>Council</b>	City of Sydney Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising internal demolition, construction and public domain works, as modified by the conditions of this consent
<b>EIS</b>	The Environmental Impact Statement, prepared by Ethos Urban dated November 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.

<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to Submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The development may 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 and Response to Submissions;
  - (d) in accordance with the approved plans in the table below:

Drawing No.	Rev	Name of Plan	Date
SA-AR-DWG-BB-B4-0302	L	Site Plan	04/05/18
SA-AR-DWG-BB-B4-0304	M	Site retail plan	17/09/18
SA-AR-DWG-BB-B4-0310	L	Existing and demolition plan – ground floor	15/05/18
SA-AR-DWG-BB-B4-0311	L	Existing and demolition plan – first floor	15/05/18
SA-AR-DWG-BB-B4-0312	K	Existing and demolition plan – second floor	10/05/18
SA-AR-DWG-BB-B4-0314	O	Existing and demolition plan - roof	10/05/18
SA-AR-DWG-BB-B4-0320	K	Existing elevations	15/05/18
SA-AR-DWG-BB-B4-0321	K	Demolition elevations	15/05/18
SA-AR-DWG-BB-B4-0325	J	Existing sections	10/05/18
SA-AR-DWG-BB-B4-0326	K	Demolition sections	15/05/18
SA-AR-DWG-BB-B4-0330	S	Proposed Plan – ground floor	17/09/18
SA-AR-DWG-BB-B4-0331	S	Proposed plan – first floor	17/09/18
SA-AR-DWG-BB-B4-0334	N	Proposed plan - roof	10/05/18
SA-AR-DWG-BB-B4-0340	N	Proposed elevations	15/05/18
SA-AR-DWG-BB-B4-0345	N	Proposed sections	15/05/18
SA-AR-DWG-BB-B4-0350	N	GFA Plans	17/09/18
SA-AR-DWG-BB-B4-0361	M	Signage elevations	17/09/18
SA-AR-DWG-BB-B4-0380	G	Bay 4 travelator excavation extent	04/05/18
SA-AR-DWG-BB-B4-0381	H	Bay 4 travelator plans	10/05/18
SA-AR-DWG-BB-B4-0382	G	Bay 4 travelator sections	04/05/18
SA-AR-DWG-BB-B4-0390	H	Proposed permanent land uses plan – ground floor	17/09/18

SA-AR-DWG-BB-B4-0391	H	Proposed permanent land uses plan – first floor	17/09/18
SA-AR-DWG-BB-B4-0392	D	Proposed temporary land uses plan – ground floor	17/09/18
SA-AR-DWG-BB-B4-0393	E	Proposed temporary land uses plan – first floor	17/09/18
-	Rev 1	Locomotive Sheds - Public Domain Response to Submission (prepared by Aspect Studios)	02/10/18
L_Base Master	-	Landscape Plan (prepared by Aspect Studios)	01/06/17

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **EVIDENCE OF CONSULTATION**

- A5. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **STRUCTURAL ADEQUACY**

- A6. 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 BCA.

**Notes:**

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and Occupation Certificates for the proposed building works.*
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

#### **OPERATION OF PLANT AND EQUIPMENT**

- A7. All plant and equipment used on site, or to monitor the performance of the development must be:
- maintained in a proper and efficient condition; and
  - operated in a proper and efficient manner.

#### **APPLICABILITY OF GUIDELINES**

- A8. 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.
- A9. 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**

- A10. 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 auditing.



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

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A11. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A12. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## NON-COMPLIANCE NOTIFICATION

- A13. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A14. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A15. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A16. Within three months of:
- (a) the submission of a Compliance Report under **condition C5**;
  - (b) the submission of an incident report under **condition A11**;
  - (c) the submission of an Independent Audit under **condition C8**;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under **condition A3** 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.
- A17. 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.

## LIMITS OF CONSENT

- A18. This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced
- A19. This consent does not approve the following components of the development:
- (a) operation and fit out of all tenancies, except the Blacksmith, within Bays 1 and 2 north at ground floor and mezzanine level
  - (b) operation and fit out of all tenancies in Bays 3-4a at ground floor and first floor, including the supermarket
  - (c) operation and fit out of the corner retail annex adjacent to Bay 1
  - (d) hours of operation of all retail tenancies
  - (e) detailed signage design, content and illumination (if proposed) within all approved signage zones, including the Bays renumbering signage and wayfinding. Future approval for these elements is to ensure that the detailed signage design, content and illumination (if proposed) is sensitive to the heritage significance of the building
  - (f) the signage zone, design, content and illumination (if proposed) for any signage on the water towers on Bays 4 and 4a
  - (g) the operation of the outdoor seating areas within Innovation Plaza and Locomotive Street, including the exact location, size, number of seats, hours of operation and management.

Where required, separate approval(s) shall be obtained from the relevant consent authority.

- A20. Prior to the issue of the Construction Certificate for each stage of the development, a Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### **REDFERN-WATERLOO AUTHORITY CONTRIBUTIONS PLAN 2006**

- A21. Contributions will be required based on the Redfern-Waterloo Authority Contributions Plan 2006.

The levy is to be calculated as 2% of the proposed cost of development, indexed between the date of determination and the date the levy is required to be paid in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 10 of Redfern-Waterloo Authority Contributions Plan 2006.

Pursuant to the Redfern-Waterloo Authority Contributions Plan 2006, a contribution amount of **\$1,065,680** plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid via bank cheque or alternate payment method for deposit into the Redfern-Waterloo Fund (towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan).

Proof of payment of this contribution to the UGDC shall be provided to the Certifying Authority prior to the issue of the first Construction Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to the first Construction Certificate, written verification of this should be provided by UrbanGrowth NSW Development Corporation and provided to the Certifier. No deferred or periodic payments are permitted.

Email [info@ugdc.nsw.gov.au](mailto:info@ugdc.nsw.gov.au) or phone 9216 5700 to confirm indexed amount of the contribution, prior to preparation of a bank cheque or finalisation of any agreed alternate payment method made out to the UrbanGrowth NSW Development Corporation.

A copy of Redfern-Waterloo Authority Contributions Plan 2006 is available for inspection at the offices of UGDC, Level 12, MLC Centre, 19 Martin Place Sydney or from the website [www.ugdc.nsw.gov.au](http://www.ugdc.nsw.gov.au)

#### **REDFERN-WATERLOO AUTHORITY AFFORDABLE HOUSING CONTRIBUTIONS PLAN 2006**

- A22. N/A

#### **STAGING**

- A23. The development may be carried out generally in accordance with the following stages. A Construction Certificate may be obtained for each of the following stages, subject to satisfaction of the relevant condition(s):

<b>Stage</b>	<b>Description</b>
Stage 1	Demolition
Stage 2	Foundations, excavation, in-ground works and services
Stage 3	Structure
Stage 4	Services and base build fit out
Stage 5	Façade and roof
Stage 6	Public Domain

**End of Section**

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

### **EXTERNAL WALLS AND CLADDING**

- B1. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B2. Before the issue of the Stage 5 Construction Certificate (for Bays 1-4a) and the first Occupation Certificate for the Locomotive Workshop, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B3. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### **NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE**

- B4. Work must not commence until a relevant Construction Certificate has been issued.

### **AMENDED PLANS**

- B5. Prior to the issue of the Stage 3 Construction Certificate for the Locomotive Workshop, amended architectural plans/elevations and supporting documentation shall be submitted for the approval of the Planning Secretary demonstrating the following:
  - (a) removal of the signage zones from the water towers above Bays 4-4a (See Condition A19(f)).

### **CAR PARKING**

- B6. The proposal shall provide the following car spaces in Locomotive Street in accordance with the approved landscape/public domain concept plan:
  - (a) 4 accessible spaces
  - (b) 6 on street loading spaces (off Locomotive Street)
  - (c) 1 taxi space
  - (d) 1 drop off / pick up space
  - (e) 1 fire brigade space
- B7. The layout of the car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.

### **BICYCLE PARKING**

- B8. A minimum of 46 visitor bicycle spaces shall be provided in the public domain along Locomotive Street, as per drawing no. L\_Base Master, Landscape Plan, prepared by Aspect Studios and dated 1/6/2017.
- B9. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 2015*.

### **COMMUNITY LIAISON GROUP**

- B10. The Community Liaison Group established under SSD 7317 and a suitably qualified heritage consultant/s and/or heritage expert/s is to be used for SSD 8517, to ensure that the community is kept informed and has an opportunity to feedback on the construction of the Locomotive Workshop. All complaints are to be recorded on a complaint register and reported regularly to the Community Liaison Group.

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

- B11. Prior to the issue of the relevant Construction Certificate, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan shall include, but not be limited to:
  - (a) identification of each work area, site compound and access route (both private and public)
  - (b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes
  - (c) identification of all potentially affected sensitive receivers
  - (d) the construction noise objectives identified in accordance with the Interim Construction Noise Guidelines (DECC 2009)
  - (e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d)

- (f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts
- (g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity
- (i) measures to monitor noise performance and respond to complaints
- (j) effective site induction, and ongoing training and awareness measures for personnel (e.g. tool box talks, meetings etc).

## **AIR QUALITY MANAGEMENT PLAN**

B12. Prior to the issue of the relevant Construction Certificate, an Air Quality Management Plan (AQMP) must be prepared for the project and approved by the PCA. It must 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). The AQMP must be implemented and must include, as a minimum:

- (a) contain relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour), including consideration of any contaminated materials;
- (b) contain a mission statement;
- (c) contain dust and VOCs/odour management strategies consisting of
  - (i) objectives and targets;
  - (ii) risk assessment;
  - (iii) suppression improvement plan.
- (d) set out monitoring requirements including assigning responsibility (for all employees and contractors);
- (e) contain a communication strategy; and
- (f) include a performance review system for continuous improvements.

The Plan must detail management practices to be implemented for all dust and VOC/odour sources at the site. The Plan 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, taking into particular consideration potential contaminated materials.

## **CONSTRUCTION WASTE MANAGEMENT PLAN**

B13. Prior to the issue of the relevant Construction Certificate, a Waste Management Plan must be developed for the project by a suitably qualified person and approved by the PCA. The Plan must be implemented and must include, as a minimum, the following elements:

- (a) A Stockpile, Contamination Soil and Sediment Management Plan including:
  - (i) the exact locations where contaminated waste material (including Acid Sulphate Soils if found) and non-contaminated waste material will be stockpiled. Contaminated and non-contaminated waste material must be stockpiled separately and the designated areas must be clearly marked and labelled (on plans and on the ground);
  - (ii) details of how the stockpiled waste material will be kept separate from non-contaminated waste material;
  - (iii) procedures for minimising the movement of waste material around the site and double handling; and
  - (iv) additional information detailing how materials proposed to be recycled/reused will be segregated on the site during operations. Particularly in relation to those wastes categorised as 'Building' waste.
- (b) A detailed plan for in-situ classification of waste material, including the sampling locations and sampling regime that will be employed to classify the waste, particularly with regards to the identification of contamination hotspots.
- (c) A commitment to retaining all sampling and classification results for the life of the project to demonstrate compliance with the EPA's Classification Guidelines.
- (d) Details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
  - (i) a traffic plan showing transport routes within the site;
  - (ii) location of stockpiles at each stage as they migrate within the site;
  - (iii) 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

- (iv) the name and address of each licensed facility that will receive waste from the subject site (if appropriate).
- (e) A contingency plan for any event that may affect excavation and contaminated soil treatment operations at the site.

#### **CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

- B14. Prior to the issue of the relevant Construction Certificate, a Construction Pedestrian and Traffic Management Plan (CPTMP) must be prepared by a suitably qualified person in consultation with the CBD Coordination Office of TfNSW and Council. A final copy of the plan is to be submitted to the Coordinator General, Transport Coordination for endorsement, prior to the commencement of any works.

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

- (a) location of the proposed work zone
- (b) haulage routes
- (c) construction vehicle access arrangements
- (d) estimated number of construction vehicle movements
- (e) construction program
- (f) consultation strategy for liaison with surrounding stakeholders
- (g) any potential impacts to general traffic, pedestrians and bus services within the vicinity of the site from construction vehicles during construction
- (h) cumulative construction impacts of projects including Sydney Metro City and South West. Existing CPTMPs for developments within or around the development site should be referenced to ensure that coordination of work activities is managed to minimise impacts on the road network
- (i) should 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
- (j) include the builder's direct contact number to small businesses adjoining or impacted by the construction work, the Transport Management Centre and Sydney Coordination Office within TfNSW to resolve issues relating to traffic, freight, servicing and pedestrian access during construction in real time
- (k) parking arrangements for construction workers and sub-contractors, and any measures proposed to avoid parking in the streets in the local area
- (l) pedestrian/cyclist and traffic management measures.

#### **PRE-CONSTRUCTION DILAPIDATION REPORT**

- B15. The Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be approved by the PCA prior to the issue of the Stage 2 Construction Certificate. A copy of the report is to be forwarded to each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the PCA that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

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

#### **MECHANICAL VENTILATION**

- B16. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with relevant Australian Standards, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate. The PCA must be satisfied that the proposed system is leading industry standard in terms of environmental performance.

## **SYDNEY WATER ASSETS**

- B17. Prior to issue of the first Construction Certificate, the Applicant is required to demonstrate that the development will not interfere with the operation of and accessibility to Sydney Water's assets (including water, sewer and stormwater).
- B18. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

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>

- B19. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended to apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

## **INSTALLATION OF WATER EFFICIENCY MEASURES**

- B20. All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the PCA, prior to the issue of the Stage 4 Construction Certificate.
- B21. All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the PCA, prior to issue of the Stage 4 Construction Certificate.
- B22. New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B23. Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the PCA, prior to the issue of the relevant Construction Certificate.

## **RAINWATER HARVESTING AND RECYCLING**

- B24. Prior to the issue of the Stage 3 Construction Certificate, the Applicant is to detail how rainwater harvesting and recycled water reuse (RH&RWR) for the Locomotive Workshop will integrate with the RH&RWR strategy for the ATP precinct (approved under SSD 7317). This strategy is to be prepared in consultation with Council and submitted to and approved by the Secretary.

## **STORMWATER AND DRAINAGE**

- B25. Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by the PCA. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- B26. The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the onsite detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- B27. Any proposed connection to the relevant authority underground drainage system will require the owner to enter into a Deed of Agreement with the relevant authority and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.  
Note: Contact Council's Legal Unit prior to the drafting of the positive covenant.
- B28. An "Application for Approval of Stormwater Drainage Connections" must be submitted to the relevant authority with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the relevant authority's drainage system.
- B29. Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by the PCA.

The stormwater quality assessment must:

- (a) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (b) use modelling from an industry-standard water quality model; and
- (c) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - (i) reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - (ii) reduce the baseline annual pollutant load for total suspended solids by 85%;
  - (iii) reduce the baseline annual pollutant load for total phosphorous by 65%;
  - (iv) reduce the baseline annual pollutant load for total nitrogen by 45%.

#### **EROSION AND SEDIMENT CONTROL**

- B30. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom and the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney). Details are to be submitted to and approved by the PCA prior to the issue of the relevant Construction Certificate.

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

- B31. Prior to the issue of the relevant Construction Certificate, detailed design documentation demonstrating compliance with the recommendations of the Access Report (Final), prepared by Morris Goding Accessibility Consulting, dated 25 October 2017 shall be provided to and approved by the PCA. Any works must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

#### **DEVELOPMENT ADJACENT TO A RAIL CORRIDOR**

- B32. Prior to the issue of the relevant Construction Certificate, an acoustic assessment is to be submitted to the Secretary demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

#### **HERITAGE INTERPRETATION**

- B33. Prior to the issue of the first Construction Certificate for the Locomotive Workshop, the endorsed Stage 1 Heritage Interpretation Plan (under SSD 7317) is to be reviewed and updated, in consultation with the Heritage Council and Council, to the satisfaction of the Planning Secretary.

The updated plan must be prepared in accordance with the Applicant's Heritage Impact Statement, the ATP Conservation Management Plan, relevant NSW Heritage Division guidelines and address material and intangible cultural heritage.

It must require the Stage 2 Heritage Interpretation Plan be consistent with the Stage 1 Heritage Interpretation Plan, outline the next steps for the Stage 2 Heritage Interpretation Plan, identify concepts that have been further developed for the Locomotive Workshop, including interpretative elements for the loading dock and travelator and detail consultation undertaken with the Heritage Council and Council. It shall also provide for the subsequent stages of the Heritage Interpretation Plans to be prepared in consultation with the Heritage Council, Council and other stakeholders, including former workers, Aboriginal stakeholders, volunteers, the local community and relevant railway associations, and document the findings and recommendations raised in consultation.

- B34. Prior to the issue of the first Construction Certificate for the Locomotive Workshop, the Applicant shall submit the Stage 2 Heritage Interpretation Plan for the Locomotive Workshop for approval by the Planning Secretary. This plan shall be prepared in accordance with the Stage 1 Heritage Interpretation Plan, the Applicant's Heritage Impact Statement, the ATP Conservation Management Plan and relevant NSW Heritage Division guidelines. Stage 2 shall be prepared in consultation with the Heritage Council and Council, and other stakeholders, including former workers, Aboriginal stakeholders, volunteers, the local community and relevant railway associations, and document the findings and recommendations raised.

#### **REMEDIATION**

- B35. Prior to the issue of the relevant Construction Certificate, a Remediation Environmental Management Plan (REMP) prepared by a suitably qualified person must be submitted to and approved by the PCA. The plan shall be prepared for each development stage to ensure the works and management are specific to each developable area and must:
- (a) outline the environmental monitoring and management measures to be implemented during the remediation and construction works on the site;
  - (b) be consistent with and adopt all recommendations of the Remedial Action Plan prepared by JBS&G dated 15 June 2016 and reflect the requirements of Clause 17 and Clause 18 of SEPP 55; and
  - (c) provide contingency measures to manage unexpected finds of contaminated materials, beyond that anticipated at the site.

## ARBORIST REPORT

- B36. Prior to issue of the first Construction Certificate, the Arborist Report shall be updated by an appropriately qualified Arborist, in consultation with Council, to provide details of potential impacts and measures to protect the health of all retained trees during construction.

## LANDSCAPING AND PUBLIC DOMAIN PLAN

- B37. Detailed landscape and public domain plan(s), drawn to scale, by a qualified landscape architect or landscape designer, must be prepared in consultation with Council and the Heritage Council and approved by the Planning Secretary prior to the issue of the first public domain Construction Certificate.

The Applicant must provide evidence to the Planning Secretary of the consultation undertaken with Council and the Heritage Council, identifying how comments have been considered in the submitted plans.

The plan must reference the industrial character of the precinct, and be generally in accordance with Council's 'Public Domain Manual', and include:

- (a) detail how the public domain and landscape design, treatment and materials will integrate with the endorsed public domain and landscaping (as per SSD 7317)
- (b) provide conservation and retention of movable heritage items and interpretive devices for heritage features, in relation to the history of the site overall
- (c) 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) details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable)
- (e) deep soil depth, unencumbered by any structures for mature tree growth
- (f) location of at least one new tree in the public domain to replace the removal of the London Plane tree in Innovation Plaza
- (g) a maintenance plan, including details of planting procedures and maintenance
- (h) details of drainage, waterproofing and watering systems.

## UTILITY SERVICES

- B38. Prior to the issue of a relevant Construction Certificate, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of any services affected by the construction of the development and demonstrate to the PCA that a satisfactory solution has been agreed to by all parties.

## DETAILED DESIGN INFORMATION

- B39. The following detailed design/ drawings must be prepared, in consultation with the Heritage Council NSW and Council (or its delegate) and provided to the Planning Secretary prior to the issue of the nominated Construction Certificate.

Documentation	Construction Certificate
Detailed drawings and proposed construction of the loading dock, loading dock wall protection, loading dock wall design and barriers to protect the Davy Furnace and significant heritage fabric.	CC3 - Structure
Details of the floor finishes within Bays 1 & 2 north, the central spine, Blacksmith area in Bays 1 and 2, and the public circulation areas within Bays 3-4a that are not within a tenancy.	CC4 – Services and base building fit out
Detailed plans of the fit-out for Bay 1-2 south (i.e. Blacksmith and Hard Arts area).	CC4 – Services and base building fit out
Detailed design of the ground floor heritage interpretation and exhibition space and barrier between the blacksmith/ hard arts space.	CC4 – Services and base building fit out
Details of the proposed materiality of the display barriers.	CC4 – Services and base building fit out
Detailed plans of the proposed materials and finishes of the Bay 2/3 wall.	CC4 – Services and base building fit out
Detailed plans of the Bay 4/5 wall including fire separation concept.	CC3 – Structure
Detailed plans of the lift, stair and tunnel structure in Bay 3, and Blacksmith viewing platform.	CC3 – Structure



Detailed plans of the proposed materials and finishes of the new corner retail annex adjacent to Bay 1.	CC3 – Structure
Detailed plans of the travelator design, its balustrade design and heritage interpretation design.	CC3 – Structure
Details of the proposed public amenities and mezzanine levels and the methods of protection to significant heritage fabric.	CC3 – Structure
Details of the extent of existing heritage superstructure that will be removed.	CC3 - Structure
Details of the materials to be used for recladding the roof, and roof level service tower and details of the exact location and extent of the removal of the existing smoke attenuation louvres.	CC5 – Façade and Roof
Details of the roof platforms and their structural supports.	CC3 - Structure
Details of the internal and external lighting.	CC4 – Services and base building fit out
Details of external substation works including proposed materials and finishes.	CC4 – Services and base building fit out
Detail of exterior material palette	CC5 -Façade and roof

## ROOF PLANT LAYOUT

B40. The layout for the roof plant equipment is to be designed to be as compact as possible, and located centrally, to reduce visual clutter. Details are to be provided to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

## HERITAGE CONSULTANT

B41. A suitably qualified and experienced heritage consultant must be nominated for this project throughout the design development, contract documentation and construction of the development. The heritage consultant:

- (a) must provide input into the detailed design
- (b) shall inspect the demolition and removal of material
- (c) is to provide ongoing advice to tradespeople undertaking the proposed works during construction to ensure significant fabric is not damaged
- (d) is to be involved in the resolution of all matters where existing significant fabric and spaces are subject to preservation, adaptive reuse, recording and demolition
- (e) is to have full access to the site and is to be authorised to respond directly to Council and Heritage Council if information or clarification is required
- (f) must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Evidence of commission on the above terms is to be provided to the PCA prior to the issue of the first Construction Certificate or commencement of works on the site, whichever is earlier.

## HERITAGE - NEW SERVICES

B42. The Heritage Consultant must be consulted regarding the introduction of new services, including electrical and hydraulic, to ensure this occurs with minimal impact to significant fabric and in accordance with the CMP. Detailed plans, identifying the location of services to ensure routes are planned to minimise impacts to significant fabric and spaces, must be prepared to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

## BRICK PAVING INNOVATION PLAZA

B43. The brick paving located in Innovation Plaza, adjacent to the entry of the Locomotive Workshop loading dock entry, is to be capable of withstanding trafficable loads up to the AS 2890 definition of a Heavy Rigid Vehicle and the proposed frequency of trucks. Details are to be provided to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

## GLAZING

B44. All new external glazing used for the Locomotive Workshop is to be clear. Tinted glazing is not permitted to be used.

## TENANCY FIT OUT GUIDELINES

B45. Prior to the issue of the Stage 4 Construction Certificate, tenant fit-out design guidelines for the following areas within Bays 1-4a within the Locomotive Workshop are to be prepared, in consultation with the Heritage Council and Council, and to the satisfaction of the Planning Secretary:

- (a) Bays 1 and 2 north (ground floor and mezzanine level);
- (b) Bays 3-4a north (ground floor);
- (c) Bays 3-4a north (first floor);
- (d) Bays 3-4a south (ground floor and first floor);

The guidelines are to be consistent with the visual sight line zone (as shown on the approved ground floor plan), which requires:

- (a) all balustrades within the zone to be semi-framed glazing
- (b) tenancy walls and fit outs within the zone are to be low height (maximum of 1200 mm) and open or transparent
- (c) tenancy walls are to be glazed and any moveable heritage items are integrated into the fit out
- (d) fit out items must not cover or obscure the heritage structure or equipment
- (e) full height walls on level 1 are to be avoided in the zone or glazed if proposed

The guidelines are to require individual lighting plans for each tenancy, that are consistent with the lighting design prepared for the Locomotive Workshop.

The tenant fit-out guidelines are to be prepared to ensure future tenants are aware of the cultural significance of the Locomotive Workshop, the ongoing operations of the Blacksmith who is permitted to continue to operate 24 hours a day and 7 days per week, the Blacksmith Plan of Management and the requirements for their on-going conservation and management. The guidelines are to be informed by the Stage 1 and final or draft Stage 2 Heritage Interpretation Plans, the ATP Conservation Management Plan and relevant NSW Heritage Division guidelines. The guidelines are to include details of lighting design to be consistent with the overall lighting design for the Locomotive Workshop.

The Applicant must ensure all future development applications for fit-out works are consistent with the approved fit-out design guidelines.

## **BLACKSMITH PLAN OF MANAGEMENT**

- B46. A plan of management for the continued operation of the Blacksmith must be submitted and endorsed by the Secretary prior to the issue of any construction certificate. The plan of management must be prepared by the Applicant and include:
- a) the continued permitted hours of operation: 24 hours and day 7 days per week
  - b) a complaint register, outlining the nature and location of complaint/s. The register must also outline what if any mitigation was undertaken by the Applicant. The register must be provided to the Secretary every 6 months

## **MOVEABLE HERITAGE**

- B47. The conservation and management of moveable heritage items is to be informed by an experienced moveable heritage consultant with a working knowledge of the site. The placement, storage and interpretation of all moveable heritage items housed within the Locomotive Workshop is required to be finalised as part of the Stage 2 Heritage Interpretation Plan and must occur in accordance with the Heritage Impact Statement, the requirements of the Conservation Management Plan (CMP), Heritage Asset Management Strategy (HAMS) and the Moveable Collections Management Plan (MCMP).
- B48. The MCMP is to be updated and completed, in consultation with the Heritage Council and Council, within 12 months of the issue of the first Construction Certificate for the Locomotive Workshop, to provide detailed recommendations on the future conservation, management, display conditions, storage, security, and identify the location and management of all moveable heritage.

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

### **NOTIFICATION OF COMMENCEMENT**

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

### **ACCESS TO INFORMATION**

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

### **COMPLIANCE REPORTING**

- C4. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.
- C5. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C6. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

### **INDEPENDENT AUDIT**

- C7. No later than 4 weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- C8. Independent Audits of the development must be carried out in accordance with:
  - (a) the Independent Audit Program submitted to the Department under condition C7 of this consent; and
  - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C9. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under condition C8 of this consent;
  - (b) submit the response to the Department; and
  - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

### **COMMUNITY COMMUNICATION STRATEGY**

- C10. The Community Communication Strategy prepared and approved under SSD 7317 shall be updated in consultation with the Community Liaison Group and heritage consultant/s and or expert/s (Condition B10) to provide

mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

C11. The Community Communication Strategy must:

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

C12. The Community Communications Strategy must be submitted to the Planning Secretary for approval no later than one month prior the commencement of any work.

C13. Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

C14. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

#### **COMPLIANCE**

C15. 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.

#### **UTILITY SERVICES**

C16. Prior to the commencement of work, the Applicant is to obtain written approval from the utility authorities (electricity supply authority, an approved telecommunications carrier and an approved gas carrier, where relevant) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

#### **HOARDING**

C17. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- (a) architectural, construction and structural details of the design as well as proposed artwork
- (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

#### **GEOTECHNICAL REPORTS**

C18. Prior to the commencement of any excavation works on site, the Applicant shall submit to the PCA, the results of a detailed geotechnical investigation on the site. The report is to address such matters as:

- (a) appropriate drilling methods and techniques
- (b) vibration management and monitoring
- (c) dilapidation survey
- (d) support and retention of excavated faces
- (e) hydrogeological considerations.

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

#### **ARCHAEOLOGY**

C19. If any unexpected archaeological relics are uncovered during the course of construction, all work shall immediately cease in that area and a written assessment of the nature and significance of the resource, along with a proposal for the treatment of the remains shall be submitted for the approval of the Planning Secretary.

- C20. If any unexpected Aboriginal objects are uncovered during the course of construction, all work shall immediately cease in that area and a written assessment of the nature and significance of the resource, along with a proposal for the treatment of the object(s) shall be submitted for the approval of the Planning Secretary.
- C21. Should any of the subterranean structure of the building, such as brick arch footings, or other rail associated infrastructure be revealed during excavation or site preparation works, then works must cease and an appropriately qualified historical archaeologist must investigate and archivally record any of the building fabric or rail associated infrastructure found. A final archival record must be submitted to the Planning Secretary, Council and the Heritage Council, prior to the issue of the first Occupation Certificate for the Locomotive Workshop.

#### **DISCOVERY OF ABORIGINAL HERITAGE**

- C22. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

#### **HERITAGE – ARCHIVAL RECORD**

- C23. A photographic archival recording of all areas of Bays 1 – 4a within the Locomotive Workshop must be prepared prior to the commencement of works, and following completion of works to Bays 1 – 4a, in accordance with the NSW Heritage Division publication 'How to prepare archival records of heritage items and Photographic recording of Heritage Items using Film or Digital Capture'.

The original copy of the archival record must be deposited with the Heritage Division, Office of Environment and Heritage, and an additional electronic copy provided to Council.

- C24. Any significant fabric that is proposed to be removed must be recorded, tagged and securely stored on site for future use. A removal and storage methodology must be provided to the Heritage Council prior to the commencement of works.

#### **PRESERVATION OF SURVEY MARKS**

- C25. All works in City of Sydney Council streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

#### **PROTECTION OF SURVEY INFRASTRUCTURE**

- C26. Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council 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 Land and Property Management Authority, to ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the Surveying Act 2002.

## **PART D DURING CONSTRUCTION**

### **DEMOLITION**

- D1. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.

### **CONSTRUCTION HOURS**

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:30 am and 5:30 pm, Mondays to Fridays inclusive; and
  - (b) between 7:30 am and 3:30 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday.

### **REMEDIATION**

- D7. The Proponent shall undertake the remediation works in accordance with the recommendations of the Remedial Action Plan (RAP) prepared by JBS&G, dated 15 June 2016 (Ref: 51142/104280 (Revision 0)). Any amendments to the approved Remedial Strategy must be approved by the Site Auditor.

### **WASTE CLASSIFICATION AND DISPOSAL**

- D8. The Applicant must ensure that all waste generated by the development is classified and disposed of in accordance with the EPA's *Waste Classification Guidelines 2009*. These Guidelines may indicate the material will need to be immobilised prior to disposal. If this is the case, the Applicant must apply to the EPA for a site-specific immobilisation approval.

### **UTILITIES**

- D9. The Applicant shall be responsible for all public utility adjustment/ relocation works, necessitated by the development and as required by the various public utility authorities and/ or their agents.

### **CONSTRUCTION NOISE CRITERIA**

- D10. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) or within the noise limits predicted in the applicant's Noise and Vibration Report that formed part of the EIS. All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the approved CNVMP.
- D11. Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
- D12. All work, including demolition, excavation and building work must comply with the Australian Standard 2436-2010 'Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites' or this consent where different.

### **SAFE WORK AUSTRALIA REQUIREMENTS**

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

## HAZARDOUS AND INDUSTRIAL WASTE

- D14. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and the NSW Work Cover Authority pursuant to the provisions of the following:
- (a) Protection of the Environment Operations Act 1997;
  - (b) Protection of the Environment Operations (Waste) Regulation 2014;
  - (c) Waste Avoidance and Recovery Act 2001; and
  - (d) Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017.

## COVERING OF LOADS

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

## VEHICLE CLEANSING

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

## NO OBSTRUCTION OF PUBLIC WAY

- D17. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

## BUNDING

- D18. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

## SITE NOTICE

- D19. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period
  - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

## IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS

- D20. If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council of NSW is received by the Applicant.

## IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

- D21. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the Office of Environment and Heritage informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from Office of Environment and Heritage is received by the Applicant.

## PROTECTION OF TREES

- D22. No street trees within the Public Way are to be trimmed or removed unless it forms a part of this development consent or prior written approval from the relevant Authority is obtained or is required in an emergency to avoid the loss of life or damage to property.
- D23. All street trees within the Public Way shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of the relevant Authority.

- D24. All trees on the subject site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

#### **HOARDING REQUIREMENTS**

- D25. The following hoarding requirements shall be complied with:
- (a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
  - (b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

#### **ROOF LANTERNS**

- D26. Any removed roof lanterns must be securely stored for future use.

#### **PAVING MATERIALS**

- D27. The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades 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".

#### **SURVEY CERTIFICATE**

- D28. A Survey Certificate prepared by a Registered Surveyor must be submitted to the PCA at the completion of the building works certifying the location of the building in relation to the boundaries of the allotment.



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

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### **REMEDiation AND SITE VALIDATION**

- E2. Within 6 months of the completion of the remediation works on site, and prior to the issue of any Occupation Certificate, the Applicant shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA, the Planning Secretary, the Certifying Authority, and the Council. The validation and audit process may occur progressively to the satisfaction of the site auditor.

A Section A Site audit statement must be prepared at the end of each stage of development, including the excavation and construction of the tunnel below Locomotive Workshop to Locomotive Street certifying the suitability of the land for the proposed use.

The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the EPA to issue Site Audit Statements.

The site auditor must also verify that any excavated material disposed off-site, has been appropriately classified, validated, managed and the relevant approvals obtained in accordance with the relevant legislation and any relevant approved materials management plan/s.

On completion of remediation works, the Council shall be notified in accordance with the relevant requirements of Clauses 17 and 18 of SEPP 55 - Remediation of Land.

### **CONTAMINATION - LONG TERM ENVIRONMENTAL MANAGEMENT PLAN**

- E3. Prior to the issue of the first Occupation Certificate for Bays 1 – 4a, the Applicant shall prepare and implement a Long Term Environmental Management Plan (LTEMP). The plan shall be prepared by a suitably qualified and experienced person, be submitted to an EPA Accredited Site Auditor for review and approval within one month of the completion of remediation works, unless otherwise agreed by the Secretary. The LTEMP shall include, but not be limited to:
- (a) a description of the nature and location of any contamination remaining on site;
  - (b) provisions to manage and monitor any remaining contamination;
  - (c) a groundwater monitoring program to assess the potential impact of fill material placed below ground water;
  - (d) mechanisms to report results to relevant agencies;
  - (e) triggers that would indicate if further remediation is required; and
  - (f) details of any contingency measures that the Applicant would carry out to address any ongoing contamination.

Upon completion of the remediation works, the Applicant shall manage the site in accordance with the LTEMP and any on-going maintenance of remediation notice issued by the EPA under the CLM Act.

### **HERITAGE INTERPRETATION**

- E4. Within 12 months of the issue of the first Occupation Certificate for the Locomotive Workshop, the Applicant shall implement the proposals and recommendations of the approved Stage 2 Heritage Interpretation Plan for the Locomotive Workshop, including the physical elements and digital elements associated with the travelator.
- E5. Future development applications must ensure that fit out works are consistent with the approved Stage 2 Heritage Interpretation Plan.

### **ONGOING CURATION, INTERPRETATION AND CONSERVATION**

- E6. Within 12 months of the issue of the first occupation certification, the applicant must prepare a strategy in consultation with the Heritage Council and Council in regard to the on-going management of the cultural heritage tourism initiatives including curatorial programs, interpretation updates, and repairs and maintenance to moveable heritage assets. The strategy must include detail of ongoing funding.

### **SYDNEY WATER COMPLIANCE**

- E7. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

## **OCCUPATION CERTIFICATE**

- E8. An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

## **PUBLIC DOMAIN WORKS**

- E9. The works to the public domain are to be completed in accordance with the approved public domain plan prior to the commencement of use or issue of the first Occupation Certificate, whichever occurs first for the Locomotive Workshop.

## **MECHANICAL VENTILATION**

- E10. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the relevant Occupation Certificate, that the installation and performance of the all mechanical systems complies with:
- (a) the BCA;
  - (b) Australian Standard AS1668 and other relevant codes;
  - (c) the development consent and any relevant modifications; and
  - (d) any dispensation granted by the New South Wales Fire Brigade and having regard to any approvals issued by the Independent Liquor and Gaming Authority (ILGA).

## **TRAVEL DEMAND MANAGEMENT**

- E11. The Applicant shall prepare a Work Place Travel Plan, in consultation with TfNSW, for the proposed development which must be approved by the Planning Secretary prior to issue of the first Occupation Certificate for Locomotive Workshop. The Plan shall be included in the staff induction information for incoming employees and shall aim to achieve the following:
- (a) Facilitate the sustainable and safe travel of staff;
  - (b) Encourage high modal share for public transport, cycling and walking to work with flexible working arrangements;
  - (c) Provide appropriate facilities at the site to enable staff and visitors to commute by sustainable transport modes;
  - (d) Reduce the need to travel for work related activities;
  - (e) Avoid parking on local streets in residential areas;
  - (f) Establish a means of monitoring the mode share of employees and visitors;
  - (g) Raise awareness of sustainable transport amongst staff; and
  - (h) Reduce the number of car journeys associated with business travel by staff and visitors.

## **POST CONSTRUCTION DILAPIDATION REPORT**

- E12. Prior to the issue of an Occupation Certificate for the Locomotive Workshop:
- (a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;
  - (b) the report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - (c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
  - (d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (e) a copy of this report is to be forwarded to the Secretary and each of the affected property owners.

## **FIRE SAFETY CERTIFICATION**

- E13. Prior to the issue of the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and PCA and be prominently displayed in the building.

## **STRUCTURAL INSPECTION CERTIFICATE**

- E14. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the relevant Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the PCA after:

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

## **WASTE DISPOSAL**

- E15. All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).
- E16. Prior to the issue of the first Occupation Certificate for Bays 1-4a, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.
- E17. Prior to the issue of any Occupation Certificate, details shall be submitted to the satisfaction of the PCA that waste handling works have been completed in accordance with **Condition E15**.

## **ACOUSTIC COMPLIANCE**

- E18. Prior to the issue of the first Occupation Certificate, or commencement of use, whichever occurs first, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Acoustic Assessment, prepared by Arup, and amended reports submitted as part of the EIS and the development achieves compliance with the requirements of State Environmental Planning Policy (Infrastructure) 2007 and other guidelines applicable to the development.

## **LOADING DOCK MANAGEMENT PLAN**

- E19. Prior to the issue of the first Occupation Certificate for the Locomotive Workshop, a Loading Dock Management Plan shall be prepared in consultation with the Sydney Coordination Office and Council and submitted to the Planning Secretary for approval. The Plan is to apply to all tenancies within the Locomotive Workshop to promote safe and efficient operation of the loading area in Bay 1-2 north and Innovation Plaza, the on-street loading spaces on Locomotive Street and to minimise conflicts with pedestrian movements. The Loading Dock Management Plan shall include the following:
  - (a) allocation of loading spaces
  - (b) restrictions on delivery times to ensure all loading activities are undertaken outside of peak pedestrian hours, being before 8am and after 6pm, all days
  - (c) management of conflicts between vehicles and pedestrians
  - (d) all vehicles are to exit the loading dock in a forward direction
  - (e) controls on duration of stays
  - (f) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
  - (g) procedures for tradesperson access and parking
  - (h) truck access routes
  - (i) detail of physical landscaping and street furniture within Innovation Plaza to passively manage risks associated with trucks reversing into the loading dock
  - (j) active management measures (eg traffic controllers)
  - (k) evidence of consultation with the sydney co-ordination office and council in respect of the loading dock management plan must be submitted to the secretary.

## **SERVICE VEHICLE ACCESS ROUTE**

- E20. Prior to the issue of the first Occupation Certificate for the Locomotive Workshop, the Applicant is to obtain endorsement from Council's Local Pedestrian and Calming Committee to use servicing access route Option 1 (Rosehill Street and Margaret Street) to the ATP site. This includes undertaking the required changes to 'no stopping' parking restriction on Rosehill Street.

If endorsement is not obtained from Council's Local Pedestrian and Traffic Calming Committee, evidence must be provided to the satisfaction of the Planning Secretary, prior to the issue of the first Occupation Certificate, before Option 2 (Rosehill Street, Marian Street and Cornwallis Street) can be used for servicing vehicle access to the Locomotive Workshop.

## **STORMWATER**

- E21. All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, including:
  - (a) a works as executed survey must be prepared to the satisfaction of the PCA and a copy submitted to Council

- (b) a hydraulic compliance certificate and calculation sheet
  - (c) evidence of Sydney Waters acceptance of the works as executed documentation
- E22. Prior to the issue of the relevant Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the PCA and a copy provided to Council.
- E23. Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

#### **EXTERNAL LIGHTING**

- E24. External Lighting shall comply with AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the PCA evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.
- E25. The Department must be notified in writing of the dates of commencement of operation at least 48 hours before operation is likely.

## PART F POST OCCUPATION

### WORK PLACE TRAVEL PLAN

- F1. The Applicant shall implement the Work Place Travel Plan (WPTP) (Condition E11), ensuring that its annual review presented to the Planning Secretary results in sufficient facilities being provided to meet the demand for sustainable travel choices, including facilities for visitors within the public domain.

### WAYFINDING

- F2. The Applicant shall implement wayfinding strategies, prepared in consultation with Council and TfNSW, to assist with the increasing mode share of walking and cycling. This shall include signage to other destinations external to the site, including transport nodes and tourist destinations.

### PUBLIC WAY TO BE UNOBSTRUCTED

- F3. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### LOADING AND UNLOADING

- F4. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with the requirements of **Condition E19**.
- F5. The size of vehicles servicing the Locomotive Workshop is not to exceed 10.2 m in length.

### NOISE CONTROL – GENERAL

- F6. The emission of noise associated with the use of Locomotive Workshop, the operation of any mechanical plant and equipment, excluding the operations of the Blacksmith, shall comply with the following criteria:
- (a) the LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected ~~residence~~ property;
  - (b) the LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published by DECCW;
  - (c) the background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise; and
  - (d) the use of the premises shall be controlled so that any emitted noise is at a level so as not to create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected residence.

### NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

- F7. Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:
- (a) transmission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver; and
  - (b) a sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
- Note: The method of measurement of vibration being carried out in accordance with 'assessing Vibration; Technical Guidelines' – DEC (EPA) AS1055 for sound level measurements

### ANNUAL FIRE SAFETY CERTIFICATION

- F8. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### HERITAGE DOCUMENTATION

- F9. The Conservation Management Plan (CMP), Heritage Asset Management Strategy (HAMS) and Moveable Collections Management Plan (MCMP) for the site must be updated following completion of the works at the Locomotive Workshop. All documentation is to be completed and submitted to the Heritage Council for endorsement within 24 months of the first Occupation Certificate for Locomotive Workshop.
- Once endorsed, electronic copies of the updated heritage management documents are to be provided to the City of Sydney Council for its own records.

## **TRAVELATOR**

F10. Any future dedication of Locomotive Street to Council is required to be in stratum and exclude the travelator tunnel.

## **EXTERNAL LIGHTING**

F11. The intensity of lighting of the site, the hours of illumination and the location of the lighting must not cause objectionable glare or injury to the amenity of the neighbourhood. If in the opinion of the Certifying Authority or the Secretary, objectionable glare or 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 objection or injury.

## **HOURS OF OPERATION**

F12. The publicly accessible areas within Bays 1-4a (located outside of the proposed tenancy lines) may operate between the hours of 6 am to midnight, Monday to Sunday.

## **TEMPORARY EVENTS**

F13. Temporary community events may be held within Bays 1-4a and Innovation Plaza, in accordance with the approved Temporary Land Uses Map, and are to comply with the requirements of the Exempt and Complying Codes SEPP and/or the State Significant Precincts SEPP.

## **PUBLIC DOMAIN MAINTENANCE**

F14. The maintenance plan (required under Condition B37) is to be complied with during occupation and use of the development.

## **LOADING DOCK MANAGEMENT PLAN**

F15. The Loading Dock Management Plan (**Condition E19**) is to be provided to all tenants annually (at least).

## **HOURS OF OPERATION – BLACKSMITH**

F16. The Blacksmith is permitted to operate 24 hours a day, 7 days per week.

## **NOTIFICATION OF BLACKSMITH OPERATIONS**

F17. Prior to lease, licence, sale or the like of any retail or commercial tenancy the prospective occupants are to be notified in writing that the blacksmith operations have development consent and are permitted to operate 24 hours per day, 7 days per week in the area shown on the plan SA-AR-DWG-BB-B4-0330 Revision S, Proposed Plan – ground floor, prepared by Sissons Architects and dated 17/09/2018.

## **APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition A11 or, having given such notification, subsequently forms the view that an incident has not occurred.

**WRITTEN INCIDENT NOTIFICATION REQUIREMENTS** the excavation works for the traveller, lift pits and other services

Written notification of an incident must:

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

### **INCIDENT REPORT REQUIREMENTS**

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- a. a summary of the incident;
- b. outcomes of an incident investigation, including identification of the cause of the incident;
- c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- d. details of any communication with other stakeholders regarding the incident.

## APPENDIX 2 ADVISORY NOTES

### APPEALS

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

### PERMITS

- AN2 The Applicant shall apply to the relevant authority for any necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, after hours works and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

### TEMPORARY STRUCTURES

- AN4 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- AN5 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

### DISABILITY DISCRIMINATION ACT

- AN6 This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia 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

- AN7 The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* 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.
- AN8 This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### ASBESTOS REMOVAL

- AN9 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

### SITE CONTAMINATION ISSUES DURING CONSTRUCTION

- AN10 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.