

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified 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.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney *28 february*, 2019

File: DOC/18/30235

SCHEDULE 1

Application No.:	SSD 9452
Applicant:	Australian Museum
Consent Authority:	Minister for Planning
Site:	1 William Street, Sydney (Lot 1 DP 1157811; Lot 3 DP 1046458; Lot 11 DP 588102)
Development:	Australian Museum – Alterations and Additions: <ul style="list-style-type: none">• External works including: new openings in the ground level and basement level of the William Street façade of the Parkes Farmer Wing• Installation of rooftop photovoltaic panels• Internal works including: raising Museum Heart floor and new escalators, stairs and amenities• Café to level 2 and new education spaces• Tree removal• Replacement trees and landscaping• New bus bay on William Street

DEFINITIONS

Advisory Notes Applicant	Advisory information relating to the consent but do not form a part of this consent Australian Museum, or any person carrying out any development to which this consent relates
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction Council	All physical work to enable operation City of Sydney Council
Crown Building Works Certificate	Certification of Crown building works under section 6.28 of the EP&A Act
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department Development	NSW Department of Planning and Environment The development described in the EIS and RTS, including the works and activities comprising the Australian Museum Project, as modified by the conditions of this consent.
DPI	NSW Department of Primary Industries
Evening	The period from 6 pm to 10 pm
EIS	The Environmental Impact Statement titled ' <i>Environmental Impact Statement (SSD 9452)</i> ', prepared by Ethos Urban, dated 4 October 2018, and accompanying appendices, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practicable in the circumstances
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be, or cause, a non-compliance. Note: "material harm" is defined in this consent.
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning (or delegate)
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays

Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent.
OEH	NSW Office of Environment and Heritage
Operation	The carrying out of the approved purpose of the development upon completion of construction
PCA	Means a principal certifying authority appointed under section 6.5 of the EP&A Act, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building Work
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions	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 titled <i>"Response to Submissions Report SSD 9452 prepared by Ethos Urban dated 18 January 2019"</i>
RTSAR	The Applicant's response to submissions addendum reports
RMS	NSW Roads and Maritime Services
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
SSD	State Significant Development
Subject Site	Land referred to in Schedule 1
TfNSW	Transport for NSW

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) in accordance with the EIS and RTS; and
- d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by Neeson Murcutt and Hames Sharley; and Neeson Murcutt and Cox Architecture			
Drawing No.	Revision	Name of Plan	Date
DA 000	E	Cover Sheet and Location Plan	22/02/19
DA 101	C	Site Plan - Existing	31/08/18
DA 121	C	Site Analysis Plan	03/10/18
DA 122	D	Site Plan - Proposed	18/01/19
DA 123	E	Public Domain Plan	18/01/19
DA 140	C	GFA Plan - Existing	18/01/19
DA 141	C	GFA Plan - Existing	18/01/19
DA 142	C	GFA Plan - Existing	18/01/19
DA 150	E	GFA Plan - Proposed	18/01/19
DA 151	E	GFA Plan - Proposed	18/01/19
DA 200	D	Floor Plan – Loading Dock - Existing	11/09/18
DA 201	D	Floor Plan – Basement - Existing	11/09/18
DA 202	H	Floor Plan – Lower Ground – Existing	11/09/18
DA 204	D	Floor Plan – Ground Floor – Existing	11/09/18
DA 205	D	Floor Plan – Level 1 – Existing	11/09/18
DA 206	D	Floor Plan – Level 2 – Existing	11/09/18
DA 207	D	Floor Plan – Level 3– Existing	11/09/18
DA 208	D	Floor Plan – Level 4 - Existing	11/09/18
DA 209	D	Roof Plan - Existing	11/09/18
DA 210	C	Demolition Plan – Loading Dock	11/09/18
DA 211	I	Demolition Plan – Basement (William St)	18/01/19
DA 212	I	Demolition Plan – Lower Ground	18/01/19
DA 214	I	Demolition Plan – Ground Floor	22/02/19
DA 215	G	Demolition Plan – Level 1	18/01/19
DA 216	C	Demolition Plan – Level 2	18/01/19
DA 217	C	Demolition Plan – Level 3	18/01/19

DA 218	C	Demolition Plan – Level 4	18/01/19
DA 220	F	Floor Plan – Loading Dock - Proposed	11/09/18
DA 221	F	Floor Plan – Basement Level - Proposed	18/01/19
DA 222	Q	Floor Plan – Lower Ground - Proposed	18/01/19
DA 224	S	Floor Plan – Ground Floor - Proposed	22/02/19
DA 225	L	Floor Plan – Level 1 - Proposed	18/01/19
DA 226	K	Floor Plan – Level 2 - Proposed	18/01/19
DA 227	H	Floor Plan – Level 3 - Proposed	18/01/19
DA 228	H	Floor Plan – Level 4 - Proposed	18/01/19
DA 229	C	Roof Plan - Proposed	18/01/19
DA 401	C	Elevations - Existing	31/08/18
DA 402	B	East and West Elevation – Existing	31/08/18
DA 411	E	William Street Elevation	18/01/19
DA 422	E	Crystal Hall Elevations - Proposed	18/01/19
DA 424	D	Elevation – Parkes Farmer Wing	18/01/19
DA 451	C	Elevation – Parkes Farmer Wing Heritage Interpretation	18/01/19
DA 453	C	Section – Parkers Farmer Wing Heritage Interpretation	18/01/19
DA 501	B	Long Section - Existing	31/08/18
DA 502	C	Cross Section - Existing	31/08/18
DA 511	F	Demolition – Cross Section	18/01/19
DA 512	E	Demolition – Long Section	31/08/18
DA 520	G	Long Section – Proposed – Looking North	18/01/19
DA 522	G	Cross Sections - Proposed	18/01/19
DA 901	B	Materials and Finishes Schedule	18/01/19
DA 922	B	Indicative Perspective Views	18/01/19
DA 923	B	Indicative Perspective Views	18/01/19
DA 924	A	Indicative Perspective Views	18/01/19

Landscape plan prepared by Sue Barnsley Design

Drawing No.	Revision	Name of Plan	Date
DA01	B	Context plan	17/01/19
DA02	B	Landscape statement	17/01/19
DA03	B	Landscape concept plan – crystal hall entry	17/01/19
DA04	B	Landscape concept plan – biodiversity garden	17/01/19
DA05	B	Northern elevation 01 – crystal hall & biodiversity garden	17/01/19
DA06	B	Section 01 – group entry to lower ground & basement	17/01/19
DA09	B	Section 04 – Crystal Hall entry	17/01/19
DA10	B	Section 05 – Crystal Hall entry	17/01/19
DA11	B	Preliminary species list	17/01/19
DA12	B	Preliminary species list	17/01/19
DA13	B	Plan schedule	17/01/19

A3 Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- a) 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

- b) 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.

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

Limits on Consent

A5 This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

Prescribed Conditions

A6 The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Long Service Levy

A7 For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

A8 Any advice or notice to the consent authority must be served on the Planning Secretary.

Revision of Strategies, Plans and Programs

A9 Within three months of:

- a) the submission of a Compliance Report under condition B5;
- b) the submission of an incident report under condition A12;
- c) the submission of an Independent Audit under condition B10;
- 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.

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.

Evidence of Consultation

A10 Where conditions of this consent require consultation with an identified party, the Applicant must:

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

Structural Adequacy

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

Notes:

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

Incident Notification, Reporting and Response

A12 The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

Non-Compliance Notification

A13 The Department must be notified in writing to 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 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.

Monitoring and Environmental Audits

A16 Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

Applicability of Guidelines

- A17 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.
- A18 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.

Operation of Plant and Equipment

- A19 All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

END OF PART A

PART B PRIOR TO THE COMMENCEMENT OF WORKS

Crown Building Work

B1 Crown building work cannot be commenced unless the Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:

- a) the date of the invitation for tenders to carry out Crown building work; or
- b) in the absence of tenders, the date on which the Crown building work commences.

Notification of Commencement

B2 The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.

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

Community Communication Strategy

B3 A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, City of Sydney Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following completion of construction:

The Community Communication Strategy must:

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

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

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

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

B4 The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Compliance Reporting

- B5 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.
- B6 Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- B7 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.

Complaints and Enquiries Procedure

- B8 Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
 - a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - b) a postal address to which written complaints and enquiries may be sent; and
 - c) an email address to which electronic complaints and enquiries may be transmitted.

Access to Information

- B9 At least 48 hours before the commencement of construction and until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - a) make the following information and documents (as they are prepared, obtained or approved) publicly available on a website:
 - i. the documents referred to in condition A2 of this consent, excluding confidential plans;
 - 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 comprehensive summary of the current stage and progress of the development;
 - vii. the contact details identified in condition B8 to enquire about the development or to make a complaint;
 - viii. a complaints register, updated monthly;
 - ix. audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - x. any other matter required by the Planning Secretary; and
 - b) keep such information up to date, to the satisfaction of the Planning Secretary.

Independent Audit

- B10 No later than one week 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.
- B11 Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department under condition B10 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).
- B12 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 B11 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.

External Walls and Cladding

- B13 The external walls of all buildings must comply with the relevant requirements of the BCA.

Before the commencement of the relevant works, 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.

The Applicant must provide a copy of the documentation to the Certifying Authority and to the Planning Secretary within seven days after the Certifying Authority accepts it.

Structural Details

- B14 Prior to the commencement of the relevant works, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Development contributions

- B15 A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002/ Central Sydney Development Contributions Plan 2013 in accordance with the following:
- a) Prior to any Crown Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
 - b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney - Cost Summary Report" indicating the itemised cost of development must be completed and submitted to Council by the Certifying Authority

(CA) together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney - Cost Summary Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).

- c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

RMS requirements

- B16 The design and construction of the all kerb and gutter on William Street shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed bus bay kerb are to be submitted to Roads and Maritime for approval prior to the issue of a Crown Certificate involving road works and commencement of any road works.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

Fire and Rescue NSW

- B17 Prior to the commencement of works, FRNSW is to be consulted regarding the proposed fire and life safety systems of the development.

Environmental Sustainability

B18 The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in the Environmentally Sustainable Development Statement (dated 8 October 2018) in Appendix H of the EIS. Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the commencement of the relevant works.

Installation of Water Efficient Fixtures and Fittings

B19 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 to the Certifying Authority prior to the commencement of the relevant works.

B20 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 to the Certifying Authority prior to the commencement of the relevant works.

B21 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). The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.

B22 Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the commencement of the relevant works.

Outdoor Lighting

B23 Where relevant, all outdoor lighting shall comply with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

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

Access for People with Disabilities

B24 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

Construction and Fit-out of Food Premises

B25 The construction, fit-out and finishes of any food premises must comply with Standard 3.2.3 of the *Australian and New Zealand Food Standards Code* under the *Food Act 2003* all relevant Australian Standards and the provisions of the BCA. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the Certifying Authority prior to the construction and fit-out of any food premises.

Cool Rooms

B26 Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA.

Grease Traps

B27 A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. Installation of the grease trap must comply with the requirements of Sydney Water.

Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

Mechanical Ventilation

- B28 The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B29 Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA, to the Certifying Authority prior to the commencement of the relevant works.

Interlocks – Mechanical Ventilation

- B30 Interlocks shall be installed to the kitchen mechanical ventilation system to ensure that the system is not operated unless the filters are correctly installed and enhanced filtration and odour systems are fully functional and operational.

Sanitary Facilities for Disabled Persons

- B31 The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.

Backup emergency generator

- B32 Details of how the backup emergency generator is fuelled is to be submitted to the EPA and Secretary prior to the commencement of works. This is to include the type of fuel and the location of the fuel storage tank.

Sydney Water Assets

- B33 Building plans must be stamped and approved by Sydney Water prior to the issue of a Crown Building Works Certificate, due to the proximity of works to Sydney Water assets.

For further assistance, please visit www.sydneywater.com.au or telephone 13 20 92.

Requirements of Public Authorities

- B34 The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.

Demolition Works

- B35 Demolition work must comply with the provisions of *Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001)*. The work plans by AS2601:2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the Certifying Authority prior to the commencement of works.

Hoarding

- B36 A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- a) architectural, construction and structural details of the design as well as proposed artwork;
 - and

- b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

Barricade Permit

- B37 Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

Road Occupancy Licence

- B38 A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on William Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Parking Restrictions

- B39 The Applicant shall ensure is has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee for any changes required to on-street parking restrictions for construction, prior to the commencement of the relevant works.

Construction Licence

- B40 If required, the Applicant shall ensure is has obtained a Construction License from RMS in respect to any required occupation of RMS land during construction, prior to the commencement of works.

Heritage

- B41 A suitably qualified and experienced heritage consultant is to be engaged for the project and nominated. The nominated heritage consultant is to carry out the following:
- Advise on and review documents prior to the commencement of works, and work in progress throughout the construction phase.
 - Approve the stone required for the repair of the Parkes Farmer Wing.
 - Approve the completed project as being in accordance with a high standard of conservation practice.
- B42 Prior to the commencement of works, a heritage specific dilapidation survey and report for significant elements, materials and finishes within areas of the existing buildings actually or potentially affected by the works must be prepared and a copy provided to the Certifying Authority.
- B43 Prior to the commencement of works, the nominated heritage consultant is to prepare a materials salvage schedule during the detailed design development, and review and provide input in the preliminary and final Construction Management Plans for the project. This plan should include heritage management measures inclusive of, but not limited to, site protection of heritage elements, heritage induction of tradespeople and all personnel involved, monitoring of works by heritage consultant, the implementation of the Salvage Schedule, demolition methodologies and other recommendations of the Heritage Impact Statement as required.
- B44 A Photographic Archival Recording should be prepared under the supervision of the nominated heritage consultant before commencement of work, during the work and following completion of works in accordance with the NSW Heritage Division publications *How to prepare archival records of heritage items* and *Photographic Recording of Heritage Items using Film or Digital Capture*. A digital copy of the archival record should be provided to the Heritage Division.
- B45 The nominated heritage consultant is to prepare and implement a Heritage Interpretation Strategy to enhance the public's understanding of the heritage significance of the site including

its social significance as the first Australian Museum and the combined values of its successive architectural layers.

Government Architect NSW

B46 Prior to the commencement of works (excluding demolition), detailed information is required regarding the interior architecture of the proposal including materials, details, lighting, integration and alterations of building services. This information is to be provided through interior elevations, reflected ceiling plans and detailed visualisations. This information is to be reviewed in conjunction with the State Design Review Panel and is to be to the satisfaction of the Government Architect NSW.

Pacific collections

B47 Prior to the commencement of works, a Pacific collections access strategy is to be prepared in consultation with Pacific communities and OEH and be submitted and approved by the Secretary. The Strategy is to demonstrated consultation and ensure public access is maintained to the Australian Museum's Pacific collections.

Construction Environmental Management Plan

B48 Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** for the development and be submitted to the Certifying Authority. The CEMP must:

- a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
- b) describe all activities to be undertaken on the site during site establishment and construction of the development;
- c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
- d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- e) be prepared in consultation with the Council, RMS, TNSW and the OEH Heritage Division and include specific consideration of measures to address any requirements of these agencies during site establishment and construction;
- f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
- g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
- h) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and
- i) include arrangements for community consultation and complaints handling procedures during construction.

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

Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Planning Secretary.

Construction Pedestrian Traffic Management Plan

B49 Prior to the commencement of works, a **Construction Pedestrian Traffic Management Plan** (CPTMP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The CPTMP must be prepared in consultation with Council, TNSW (Sydney Coordination and Metro Delivery Offices), and RMS. The CPTMP shall address (but not be limited to):

- a) location of the proposed work zone;
- b) haulage routes;
- c) construction vehicle access and traffic control arrangements;
- d) proposed construction hours;
- e) estimated number of construction vehicle movements;
- f) any changes required to on-street parking;
- g) construction program;
- h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction;
- i) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;
- j) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and
- k) measures to encourage public transport use and other non-car travel options by construction workers.
- l) all demolition and construction vehicles should be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on William Street without approval from TfNSW.

Prior to the commencement of works, a copy of the CPTMP must be submitted to Council and the Planning Secretary.

Construction Noise and Vibration Management Plan

B50 Prior to the issue of the relevant Crown Building Works Certificate, a **Construction Noise and Vibration Management Plan** (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The CNVMP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CNVMP shall address (but not be limited to):

- a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*
- b) identify nearby sensitive receivers and land uses;
- c) identify the noise management levels for the project;
- d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
- e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
- f) include a risk safety assessment to determine if audible movement alarms are required;
- g) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Acoustic Report (dated October 2018) in Appendix G of the EIS;
- h) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the

expected noise levels and duration, as well as contact details for a construction community liaison officer; and

- i) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of works, a copy of the CNVMP must be submitted to Council and the Planning Secretary.

Waste Management Plan

B51 Prior to the commencement any construction (including demolition), a **Waste Management Plan (WMP)** must be prepared and submitted to the Certifying Authority. The WMP must:

- a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
- b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
- c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
- d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;
- e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site;

The design and management of waste must comply with the requirements of *City of Sydney Development Control Plan 2012*.

Hazardous Materials Management Plan

B52 Prior to the commencement of works, a **Hazardous Materials Management Plan (HMMP)** prepared by a suitably qualified person, shall be submitted to the Certifying Authority. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The HMMP must:

- a) ensure the development complies with the *NSW Occupational Health and Safety Regulation 2001* and Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014*;
- b) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;
- c) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;
- d) outline the procedures for identification, handling and disposal of hazardous materials;
- e) include an Asbestos Management Plan;
- f) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation;
- g) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site;
- h) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and

- i) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.

Prior to the commencement of works, a copy of the HMMP must be submitted to the EPA, SafeWork NSW and the Department.

- B53 The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.
- B54 Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 'asbestos wastes'.

END OF PART B

PART C DURING CONSTRUCTION

Demolition

- C1 Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001).

Construction Hours

- C2 Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- between 7.00 am and 7.00 pm, Mondays to Fridays inclusive;
 - between 8.00 am and 5 pm, Saturdays.
- C3 No construction work may be carried out on Sundays or public holidays
- C4 Activities may be undertaken outside of these hours if required:
- by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
 - In exceptional circumstances where a variation is approved, in advance, in writing, by the Secretary or their nominee.
- C5 Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C6 Rock breaking, rock hammering, sheet piling, pile driving and similar activities that generate particularly annoying or intrusive characteristics (such as those identified as particularly annoying in section 4.5 of the Interim Construction Noise Guideline) may only be carried out between the following hours:
- After 8.00 am
 - they are only undertaken over continuous periods not exceeding 3 hours with at least a 1 hour respite every three hours
 - 'continuous' means any period during which there is less than an uninterrupted 60 minute respite between temporarily halting and recommencing any of the intrusive and annoying work referred to in Interim Construction Noise Guideline section 4.5

Noise and Vibration Management

- C7 The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **Construction Environmental Management Plan**.
- C8 Heavy vehicles and oversized vehicles must not queue or idle on William or College Streets outside of construction zones awaiting access to the Subject Site.
- C9 The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers.
- C10 Vibration caused by construction at any residence or structure outside the subject site must be limited to:

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

Site Protection and Works

- C11 All significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
- C12 The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

Approved plans to be onsite

- C13 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

- C14 A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
 - a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

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

- C15 If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the OEHL Heritage Division must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.

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

- C16 If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and OEHL informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from the OEHL Heritage Division is received by the Applicant. This protocol must be included in the induction for all construction workers on the site.

SafeWork NSW Requirements

C17 To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

Hoarding/Fencing Requirements

C18 The following hoarding requirements must be complied with:

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

Implementation of Management Plans

C19 The Applicant must ensure the requirements of the **Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Construction Pedestrian Traffic Management Plan, Construction Waste Management Plan**, required by **Part B** of this consent are implemented during construction.

Waste Management

C20 Notwithstanding the **Waste Management Plan** referred to in condition B51, the Applicant must ensure that:

- a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
- b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
- c) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- d) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises; and

Asbestos and Hazardous Waste Removal

C21 The Applicant must satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* and ensure that demolition works are undertaken so that cross-contamination of the site does not occur.

C22 Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

Covering of Loads

C23 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

C24 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Stockpile Management

C25 The Applicant must ensure:

- a) stockpiles of excavated material or building material do not exceed 4 metres in height;
- b) stockpiles of excavated material or building material are constructed and maintained to prevent cross contamination; and
- c) suitable erosion and sediment controls are in place for stockpiles.

Erosion and Sediment Control

C26 All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Dust Control Measures

C27 Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

- a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
- d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- h) cleaning of footpaths and roadways shall be carried out regularly.

No Obstruction of Public Way

C28 The public way must not be obstructed other than as specified in the **Construction Pedestrian Traffic Management Plan** and Section 138 permit, 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 Planning Secretary to stop all work on site.

Cross City Tunnel

C29 Any new building or structures, together with any improvements integral to the future use of the site, are erected clear of the identified easement and Cross City Tunnel. Access to the Roads and Maritime easement is not to be denied. The integrity of the Roads and Maritime easement and Cross City Tunnel is not to be compromised.

Contact Telephone Number

C30 The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Bunding

C31 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*.

Protection of Trees

C32 No trees are to be removed or transplanted unless specifically identified for removal or transplantation in the approved landscape plans (condition A2) or removal is required in an emergency to avoid the loss of life or damage to property.

C33 Within and adjacent to the site, tree removal, protection of retained trees, pruning of trees and transplanting of trees shall be conducted in accordance with AS 4970 – 2099 Protection of trees on development sites.

Selection of Appropriate Tradespeople

C34 All heritage work must be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar structures, materials and methods.

Nominated Heritage Consultant

C35 The Nominated Heritage Consultant is to regularly inspect the site and provide ongoing advice to the contractor representative undertaking the works for the duration of construction to ensure that there is no unapproved removal of elements, significant fabric is not damaged and that all work is being carried out in accordance with the conditions of this consent.

Contamination

C36 An appropriate procedure for identifying and dealing with unexpected finds of site contamination (including asbestos containing materials, lead-based paint, and Polychlorinated Biphenyls) is to be prepared prior to commencing work. The procedure is to incorporate details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.

A copy of the procedure is to be submitted to the Secretary.

END OF PART C

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Nominated Heritage Consultant

- D1 Prior to occupation or commencement of use, the Applicant shall provide a report to the Planning Secretary and the OEH Heritage Division prepared by the Nominated Heritage Consultant certifying all heritage works have been carried out in accordance with the relevant terms of this consent outlined in condition A2.

Environmental Sustainability

- D2 Prior to occupation or commencement of the use, the Applicant is to provide documentation to the PCA demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives outlined in the Ecologically Sustainable Development Statement (dated 8 October 2018) in Appendix H of the EIS.

Loading and Servicing Management Plan

- D3 The applicant shall prepare a detailed **Loading and Servicing Management Plan (LSMP)**. The final Plan is to be submitted to the Coordinator General, Transport Coordination within TfNSW for endorsement, prior to occupation or use. The Plan shall include details on the freight and servicing profile including the use of off- peak/ night time deliveries and/or off-site consolidation. The Loading and Servicing Management Plan shall demonstrate that the freight and servicing profile could adequately be accommodated for the expanded museum without the use of on-street facilities.

A copy of the LSMP must be provided to the Planning Secretary.

Mechanical Ventilation

- D4 Following completion of the works, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the use of the development, that the installation and performance of the mechanical systems complies with:
- a) the Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the Fire and Rescue NSW.

Replacement trees

- D5 One replacement street trees is to be planted prior to occupation. The selection and location of these trees are to be in consultation with Council.
- D6 A minimum of two replacement site trees are to be planted prior to occupation, consistent with the landscape plan prepared by Sue Barnsley Design, dated 17.01.19.

Road Damage

- D7 The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation or commencement of the use.

Parking Restrictions

- D8 The Applicant shall ensure it has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee in relation to the requirements of condition B39 and for any changes required to on-street parking restrictions for the on-going operation of the development, prior to occupation or commencement of the use.

Sydney Water Compliance

- D9 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

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

Utility Providers

- D10 Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Fire Safety Certification

- D11 Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** shall be obtained for all the 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 be prominently displayed in the building.

Structural Inspection Certificate

- D12 A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the PCA prior to the use of the development and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Department and Council after:
- a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Food Premises – Health Registration Database

- D13 Prior to the commencement of food handling operations, the proprietor of the food premises must notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at www.foodnotify.nsw.gov.au prior to the opening of the premises.
- D14 Prior to the commencement of food handling operations, the proprietor of the food premises must notify the NSW Health Department of the following information:
- a) contact details of the food business including the name of the food business and the name and address of the proprietor;
 - b) the nature of the food business; and
 - c) the location of all food premises of the food business within the jurisdiction of NSW Health.

Sanitary Facilities for Disabled Persons

- D15 Prior to occupation and commencement of the use, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and condition B31.

Protection of Public Infrastructure

D16 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.

Travel Demand Management Strategy and Green Travel Plan

D17 A **Travel Demand Management Strategy (TDMS)** and **Green Travel Plan (GTP)** shall be prepared in consultation with the Sydney Coordination Office within TfNSW to reduce the proportion of single-occupant car travel and increase the mode share of public transport and active transport for the development, considering all employees and visitors to the museum, including school groups. The final Strategy and Plan are to be submitted to and approved by the Coordinator General, Transport Coordination within TfNSW prior to occupation or use.

A copy of the TDMS and GTP must be provided to the Planning Secretary.

Coach Passenger Pick-up/Drop-off and Layover Management Plan

D18 The applicant shall prepare a **Coach Passenger Pick-up/Drop-off and Layover Management Plan** in consultation with the Sydney Coordination Office within TfNSW, Roads and Maritime Services and City of Sydney Council. The final Plan shall be submitted to and approved to the Coordinator General, Transport Coordination within TfNSW prior to occupation or use. The Plan shall undertake, but not limited to, the following:

- Provide details of the timing of the surveys to be undertaken on site to identify the mode share of visitors to the museum, including school groups accessing the development by coach, to inform a review and update of the Plan at the end of the first 12 months of operation;
- Demonstrate that the development's coach demand, including school groups, could adequately be accommodated; and
- Demonstrate that the operation of the development's coach passenger pick-up/drop-off and layover facilities would not adversely impact general traffic, bus operations, cyclists and pedestrians. The Plan shall be implemented by the prior to the commencement of use.

A copy of the Plan must be provided to the Planning Secretary.

END OF PART D

PART E POST OCCUPATION OR DURING USE

Noise Control – Plant and Machinery

- E1 Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- a) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; or
 - b) exhibit tonal, impulsive or other annoying characteristics.

Unobstructed Driveways and Parking Areas

- E2 At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Loading/Unloading

- E3 All vehicles using the loading dock shall enter and exit the site in a forward motion.
- E4 All loading and unloading operations associated with the site must be carried out:
- a) in accordance with the LDVMP (condition D3);
 - b) within the confines of the site, at all times and must not obstruct other properties/units or the public way; and
 - c) out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

Annual Fire Safety Certificate

- E5 An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

Fire Safety Certification

- E6 The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with condition D11 of this consent.

Storage and Handling of Waste

- E7 All waste collection services must not be undertaken outside the hours of 7.30 am to 6 pm Monday to Friday.
- E8 No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

Bunding

- E9 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*.

Tree Planting, Landscape and Public Domain Works

E10 All tree planting, landscaping and public domain works approved by condition A2, including planting a minimum of three trees, are to be completed prior to the commencement of use.

Public Access

E11 The Applicant must ensure that public access to, and around, the site is maintained at all times and is not unduly obstructed.

Operation of Plant and Equipment

E12 All plant and equipment used on site, or to monitor the performance of the development must be:

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

Operational noise

E13 Any noise emissions from plant, equipment, loading and functions are to be a maximum of background plus 5 dBA.

Coach Passenger Pick-up/Drop-off and Layover Management Plan Update

E14 The applicant shall review and update the Coach Passenger Pick-up/Drop-off and Layover Management Plan in consultation with the Sydney Coordination Office within TfNSW, Roads and Maritime Services and City of Sydney Council. The updated Plan shall be submitted to the Coordinator General, Transport Coordination, within TfNSW for endorsement and implemented by the applicant at the end of the first 12 months of operation. The Plan shall undertake, but not limited to, the following:

- Take into account the results of the surveys undertaken on site to identify the mode share of visitors to the museum, including school groups accessing the development by coach;
- Ensure that the development's coach demand, including school groups, is adequately accommodated. Any additional facilities required to accommodate the demand shall be provided by the applicant; and
- Include any required additional measures to mitigate any adverse impacts to general traffic, bus operations, cyclists and pedestrians from the operation of the development's coach passenger pick-up/drop-off and layover facilities.

END OF PART E

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

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

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

TEMPORARY STRUCTURES

AN4.

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

DISABILITY DISCRIMINATION ACT

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

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6.

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

BUILDING PLAN APPROVAL

AN7. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

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

END OF ADVISORY NOTES

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 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 A12 and A13 or, having given such notification, subsequently forms the view that an incident has not occurred.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

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.