

Prepared for  
**Mirvac Projects Pty Ltd**

Prepared by  
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# **INDEPENDENT ENVIRONMENTAL AUDIT 2**

## **SSD 49295711, HARBOURSIDE PODIUM AND TOWER, DARLING HARBOUR**

## INDEPENDENT ENVIRONMENTAL AUDIT 2 SSD 49295711, HARBOURSIDE MAIN WORKS

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V3.0	24/10/2025	Final Independent Audit Report issued for submission to Department of Planning, Housing and Infrastructure

This document is issued to Mirvac Projects Pty Ltd for the purposes of an Independent Environmental Audit of the Podium and Tower stage of the development at Harbourside Shopping Centre, Darling Harbour. It should not be used for any other purpose.

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Consultation



## GLOSSARY

AQMP	Air Quality Management Plan
ARDEM	Archaeological Research Design and Excavation Methodology
ARI	Average Recurrence Interval
ASSMP	Acid Sulfate Soil Management Plan
CC	Construction Certificate
CCS	Community Communication Strategy
CIP	Community Involvement Plan
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CoS	City of Sydney Council
CPTMP	Construction Pedestrian and Traffic Management Plan
CSWMP	Construction Soil and Water Management Sub-Plan
DMP	Dewatering Management Plan
DPE	NSW Department of Planning & Environment (now DPHI)
DPHI	NSW Department of Planning, Housing and Infrastructure
DPiE	NSW Department of Planning, Industry & Environment (now DPHI)
Delta Group	Delta Group Pty Ltd
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMS	Environmental Management System
EPA	NSW Environment Protection Authority
ESCD	Erosion and Sedimentation Control Details
ESCP	Erosion and Sedimentation Control Plan
GWMP	Groundwater Monitoring Plan
IAA	Interim Audit Advice
IAPAR	Independent Audit Post Approval Requirements
ICC	International Convention Centre
IEA	Independent Environmental Audit
MOD	Modification
NC	Non-compliance
NSW	New South Wales
OFI	Opportunity for Improvement
OSTMP	Ongoing Site Treatment Management Plan
PDDR	Pre-Demolition Dilapidation Report
PNSW	Placemaking NSW
PMNSW	Place Management NSW
POEO	Protection of the Environment Operations
RAP	Remedial Action Plan
RAR	Response to Audit Recommendations
SMP	Safety Management Plan
SSD	State Significant Development
TfNSW	Transport for NSW
TMC	Transport Management Centre
UFP	Unexpected Finds Protocol
WHSMMP	Work Health Safety Management Plan

## 1. EXECUTIVE SUMMARY

Mirvac Projects Pty Ltd (Mirvac) engaged Ramboll Australia Pty Ltd (Ramboll) to conduct an Independent Environmental Audit (IEA) of the Harbourside Shopping Centre Redevelopment – Podium and Tower stage of the development, sometimes referred to as the Main Works, located in Darling Harbour located in Darling Harbour.

The redevelopment of the Harbourside Shopping Centre is being carried out as State Significant Development (SSD) under several Development Consents, as follows:

- SSD 7874 – Harbourside Shopping Centre Redevelopment. The development is described as the redevelopment of Harbourside Shopping Centre comprising: a Concept Proposal; and Stage 1 works for the demolition of the existing shopping centre and structures, southern pedestrian link bridge, monorail infrastructure, tree removal. SSD 7874 has had four modifications approved.
- SSD 38881729 – Harbourside Bulk Excavation Works. The development is described as slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre. SSD 38881729 has not been modified.
- SSD 49295711 – Harbourside Shopping Centre Redevelopment – Podium and Tower. The development is described as Redevelopment of former Harbourside Shopping Centre, comprising:
  - construction of a 50 storey development (RL 170) including tower, podium and basement levels for residential accommodation, office and retail;
  - parking for cars, motorcycles, service vehicles and bicycles;
  - provision of hard and soft landscaping and through site links;
  - electricity and stormwater infrastructure; and
  - consolidation and stratum subdivision of the site.

SSD 49295711 has had three modifications approved during the Audit Period.

- SSD 49653211 – Harbourside Shopping Centre Redevelopment - Public Domain and Bridges.

The Podium and Tower stage of the Harbourside Shopping Centre Redevelopment was approved by the Minister for Planning and Public Spaces under delegation on 4 December 2023. The Applicant for the purpose of SSD 49295711 is Mirvac Retail Sub SPV Pty Ltd. The IEA that is the subject of this report, is required under Schedule 2, Conditions A27 to A32 of SSD 49295711 and is the second IEA for the Podium and Tower stage. The other Harbourside Shopping Centre Redevelopment Development Consents (i.e. SSD 7874, SSD 38881729 and SSD 49653211) are outside the scope of this Audit.

At the time of this Audit, construction of the podium and tower was continuing and Mirvac had taken over the Principal Contractor role from Delta Group Pty Ltd (Delta Group) in July 2024.

The objective of the Audit was to independently assess the environmental performance and compliance status of the development during the Audit Period. The Audit Period is from 15 June 2024 to 25 June 2025.

The Auditors consider management of the development during the Audit Period by Mirvac to be of a generally high standard in relation to site management and environmental performance. Mirvac's use of the Fieldwire application on a tablet to access their document management system, including approved permits and record HSE Observations is also considered a strength. Mirvac continued to engage effectively with TfNSW, Transdev and the Design Integrity Panel during the Audit Period.

However, there have been at least fifteen community complaints received by Mirvac from the community, including one received via City of Sydney, during the Audit Period relating to a variety of issues including noise emissions during out of hours work (OOHW) and an illuminated sign on a tower crane.

The Auditors assessed the development to be compliant with Development Consent SSD 49295711 except for ten (10) non-compliant (NC) findings. Recommendations have been made in relation to the NC findings.

NC#	Condition ID	Non-compliant Finding (Summary)	Recommendation
NC1	A21	No records were provided to show that strategies, plans and programs required under this consent were reviewed within three months of the submission of SSD 49295711, IEA 1 and the approval of SSD 49295711 MOD-1, SSD 49295711 MOD-2 and SSD 49295711 MOD-3. The Department was not notified of any reviews.	Notify the Department that a review of strategies, plans and programs has been or will be carried out each time that an IEA report is submitted, a modification approved, or a direction issued. The notification is required to be submitted to the Department within three months of the relevant occurrence.
NC2	A31	The Department approved an extension request in writing under Condition A31 to submit the IAR and RAR by 27/09/24. They were submitted to the Department four business days later on 03/10/24.	Improve reporting processes to allow sufficient time for the review of the IAR and preparation of the RAR.
NC3	C36	<p>The Certifier indicated in SSDA2 CC3 Checklist dated 08/08/24 that they had received TfNSW correspondence dated 19/06/24; that a "LDMP [was] to be provided" and they had received the LDMP prepared by ptc., dated 27/06/23. The Certifier marked Condition C36 as complete, which indicated that the Certifier was satisfied Condition C36 requirements had been met., which was prior to the issue of SSDA2 CC3, the first CC for above ground works.</p> <p>The Auditors note that the LDMP was issued prior to the determination of SSD 49295711 and the following requirements have not been addressed adequately:</p> <ul style="list-style-type: none"> <li>C36(a) – Forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay.</li> <li>C36(c) and (d) – The LDMP indicates that vehicle queuing for the loading dock can be accommodated within the slip lane and a queuing analysis was undertaken in a Traffic Impact Assessment. No alternative loading zones are provided or other contingency measures discussed. Reliance is placed on the queuing analysis and there is a risk that it will be inadequate. The queuing analysis should be incorporated into or attached to the LDMP.</li> <li>C36(e) – Incident management is not discussed other than to say that "All hazards, accidents or 'near-misses' must be immediately reported to the relevant site personnel". Communication and contact details for the Loading Dock Manager and/or Building Security or other means for managing incidents at the access to the loading dock (e.g. boom gate Help button) could be detailed.</li> <li>C36(f) – The LDMP indicates that a booking system managed by the Loading Dock Manager will be used, which will presumably address this requirement. Section 5.3 indicates that "Only one vehicle can be manoeuvring within the loading dock area to either enter or exit the loading bays at any one time", which is a constraint. The Auditors are not qualified to assess if this is sufficient for managing forecast deliveries but it is considered that the LDMP could detail additional measures to manage peak periods. For example, the LDMP could: define peak periods and limit the types of deliveries/pickups during the peak periods; and provide a time schedule for anticipated</li> </ul>	Review and revise the LDMP so that it more fully and explicitly addresses Condition 36 requirements.

NC#	Condition ID	Non-compliant Finding (Summary)	Recommendation
		<p>regular deliveries/pickups, such as waste pickups that could be done outside the peak periods.</p> <ul style="list-style-type: none"> <li>C36(g) – Whilst Section 1.4 lists the LDMP objectives including "Reduce conflicts within the loading dock; Reduce conflicting occupancy within the loading dock and service bays", it does not explicitly discuss how that will be achieved. There is no discussion of foreseeable conflicts and how they will be managed. It is unclear from the text and the attached drawings whether the users of the loading dock and commercial/residential parking areas use the same driveway and whether, for example, a queue for the loading dock will potentially prevent access to the commercial or residential parking areas.</li> </ul>	
NC4	E2	<p>The Mirvac Site Notices generally complied with Condition E2 requirements except for Condition E2(a), (b) and (c). The name, address and telephone number of the principal certifier and the address of the principal contractor, Mirvac, were not included. Also, the Site Notices do not indicate that work may be carried out on Saturday between 5pm and 6pm (internal works only) and "No work may be carried out on Sundays or public holidays". It was also observed that whilst the Site Notice at the Site Entry provided the newer 0455 889 510 24-hour community enquiries number, at least one other Site Notice, as well as other 'Mirvac Community Consultation Contact' notices posted on the site hoarding still provided the superseded 1800 870 549 number and had not been updated.</p>	<p>Correct the Site Notices to include the name, address and telephone number of the principal certifier, the address of the principal contractor, the complete hours of construction and, where needed, update the 1800 870 549 24-hour community enquiries number with the 0455 889 510 number.</p>
NC5	E3	<p>The hours of construction are specified in the CEMP Rev F, the Harbourside Site Induction and Site Notices. The Auditors note none of the documentation indicates that work may be carried out between 5pm and 6pm on Saturday for internal works only.</p> <p>There were twelve (12) OOHW noise complaints during the Audit Period associated with the development (not including possible complaints in December 2024 and January 2025 that have not been reported in the Complaints Register). The OOHW included construction of inground bridge footings for the Bunnis Street pedestrian bridge in July 2024, late running concrete pouring in September 2024 and May 2025, and Sydney Water connection works in November 2024.</p> <p>Condition E3 remained non-compliant during the Audit Period because work continued outside the approved hours of construction for various reasons that were not required by the Police or a public authority for the delivery of vehicles, plant or materials in accordance with Condition E4.</p> <p>Mirvac advised that they have submitted an application to modify Conditions E3 to E6 and E9 to allow more flexibility under specified circumstances.</p>	<p>Investigate why the concrete pours continued outside the approved hours of construction and, based on the findings, further improve control measures, such as pump preventative maintenance, smaller concrete pour areas, concrete supply arrangements and communications to prevent work continuing outside the approved construction hours.</p> <p>Until such time as the Department approves the modification of Conditions E3 to E6 and E9, ensure that construction work is only carried out during the approved hours of construction and in accordance with Condition E4, which relates to specified deliveries and emergencies only.</p>
NC6	E4	<p>Vehicles, plant, and materials have been delivered to site outside of approved hours of work in accordance with consent Condition E4 as indicated in the Community Updates. The Auditors understand that the road restrictions are required by the NSW Government and therefore, it is considered that Condition E4 is triggered and compliant in relation to those types of deliveries.</p> <p>However, other construction activities were carried out outside of approved hours of construction that did not meet Condition E4 criteria and resulted in a number of community complaints. This included the construction of the inground footings near the light rail corridor in July 2024, the Sydney Water connection works in November 2024 and the late running concrete pours.</p> <p>It is understood that the inground footings works and the Sydney Water connection works had been approved by relevant authorities including PMNSW, TfNSW, and Transdev and were required to be undertaken OOHW due to road closures or the light rail shutdown but the works do not fit the definition of "delivery of vehicles, plant or material".</p> <p>Similarly, the late running concrete pours were not considered to be emergencies to "avoid the loss of life, damage to property or to prevent environmental harm" but the Auditors understand that the concrete pours had to continue in order to avoid damaging the integrity of the concrete and therefore, the building structure, which could be interpreted as damage to property.</p>	<p>Until such time as the hours of construction conditions are modified, only carry out construction works within the approved hours of construction in accordance with Condition E3 or strictly in accordance with Conditions E4 and E6 circumstances.</p>

NC#	Condition ID	Non-compliant Finding (Summary)	Recommendation
		As discussed above, Mirvac has submitted an application to modify Conditions E4 and E5 to allow more flexibility under specified circumstances.	
NC7	E8	<p>Based on the Complaints Register and City of Sydney complaint record, high noise emission appliances, plant and/or machinery, including a jack hammer(s) (Group C, 85 dB(A)) and a concrete saw (Group D, 80 dB(A)) were used during OOHW for the bridge foundations works in July 2024 and the Sydney Water connection works in November 2024, respectively.</p> <p>The commitments in the CEMP and CNVMP to adhere to Condition E8 and to limit the use of high noise emission appliances, plant and/or machinery, such as saw cutting to the specified timing, were not maintained as intended. Whilst there were reasons for the works being conducted as OOHW as discussed in the findings and recommendations for Conditions E3 and E4, it is considered that according to Condition E8, the activities should have been restricted to the hours specified in Condition E8 and not have been conducted as OOHW.</p> <p>The CEMP Rev F and CNVMP do not consider how OOHW that may involve high noise generating works should be managed. In light of the complaints, it is considered that these management plans require review and improvement to consider OOHW.</p>	Review and revise the CEMP and CNVMP Section 12 assessment process to consider how OOHW activities will be managed, particularly activities involving use of high noise emission appliances, plant and/or machinery as specified in Condition E8. This should include a trigger action plan for conducting noise monitoring in the event of a specified number of complaints subject to specified circumstances. One way to do this is to prepare an OOHW Protocol that is attached to the CNVMP.
NC8	E20	There were four occasions when concrete pours continued outside of approved hours in September 2024 and May 2025, therefore comprising Condition E3 non-compliances. As they are repeat non-compliances, Mirvac should have notified the Department in accordance with Conditions E20 and E21. It is also noted that a resident was unable to contact a "listed out of hours contact person" on 11/07/24, which is also considered a repeat non-compliance and therefore, could have been notified.	Review why the late running concrete pours (Condition E3) and possibly the 24-hour contact telephone number failure (Condition E38) were not notified to the Department and, based on the review findings, further improve procedures so that future non-compliances will be notified.
NC9	E29	<p>Mirvac provided correspondence with JBS&amp;G in which JBS&amp;G were requesting further documentation on specific imported materials to confirm that they were Virgin Excavated Natural Material (VENM) or material identified as being subject to a resource recovery exemption (RRE) by the EPA.</p> <p>Delta Group provided numerous Material Test Reports to Mirvac for materials including but not limited to: 10mm Drainage Aggregate; 20mm Drainage Aggregate; 63mm Rail Ballast; Blended High Grade Compaction Sand** (**Material is blended with washed glass sand); 10P Aggregate (Concrete Aggregate); 20C Concrete Aggregate. The majority of the test reports relate to physical properties of the materials such as particle size, flakiness, particle density, etc, and are not chemical composition test reports for waste classification purposes. While the test reports indicate that the materials are sourced from quarries, none of the test reports certify that the subject material is VENM or subject to a RRE, and some of the quarry materials include concrete materials, which are not VENM. A number of the quarries carry out concrete recycling businesses so unless a test report certifies that a material is VENM, natural quarried rock/stone or a RRE material, they do not meet Condition E29 requirements.</p> <p>It is expected that the Validation Report being prepared by JBS&amp;G will provide further documentation and details, and will be reviewed by the Site Auditor. However, based on the documentation provided, materials were imported to site without adequately verifying beforehand that the material was either VENM or subject to an EPA RRE.</p> <p>Following factual review, Mirvac maintained that Condition E29 was compliant because documentation was provided to JBS&amp;G during the Audit Period and they are preparing a Validation Report in accordance with Condition D46 that would show that Mirvac had complied with this condition. Whilst that may be the case, the Auditors are of the view that the documentation should be available on request to show that imported materials are VENM or subject to an EPA RRE. Therefore, Condition E29 is still considered non-compliant.</p>	<p>Ensure that documentation is obtained that verifies that a material is VENM or the subject of an EPA RRE, prior to it being imported.</p> <p>Ensure that required documentation for RRE materials is readily available and retained for six years in accordance with RRE requirements.</p>
NC10	E38	A resident made a complaint on 11/07/24 regarding OOHW occurring from 05-08/07/24 and "Repeated attempts to reach [the] listed out of hours contact person [were] going unanswered". The 24 hour contact for the principal contractor at that time, Delta Group, did not answer the calls. According	Review and update the Site Notices and other 'Mirvac Community Consultation Contact' notices posted on the site's hoarding to ensure that

NC#	Condition ID	Non-compliant Finding (Summary)	Recommendation
		<p>to the Complaints Register and correspondence provided, Ethos Urban did not respond to the complaint until 21 days later on 01/08/24.</p> <p>The Auditors note that the 1800 870 549 number was only operational between 9am to 5pm and therefore, was not a 24/7 number. Based on the Community Newsletters, the community enquiries number changed from 1800 870 549 to a 24-hour number (0455 889 510) in November 2024. Therefore, the updated 24-hour number should prevent a repeat occurrence of the aforementioned complaint. However, there was a three to four month period when a 24/7 number may not have been available, except on Site Notices. Ethos Urban / Mirvac did not provide an alternative 24/7 number to the complainant for out of hours contact, such as the Mirvac personnel listed on the Site Notice.</p> <p>As discussed above, in relation to Condition E2, at least one of the Site Notices and other 'Mirvac Community Consultation Contact' notices posted on the site hoarding listed the old 1800 870 549 number and have not been updated.</p>	<p>they all show the correct 24-hour community enquiries number.</p> <p>Review and revise the Complaints Register maintained by Ethos Urban and record the date(s) that specific actions are undertaken, whether by Ethos Urban or Mirvac personnel, including calling a resident back, sending a follow-up email response and resolving the complaint through a specific action(s).</p> <p>Provide instruction and training, as appropriate, to personnel that respond to complaints, to record when they respond to a complaint.</p> <p>Mirvac to establish a process for monitoring complaint response times to ensure that all complaints are responded to as soon as practicable and within at least 24 hours.</p>

Twenty two recommendations have also been made in relation to opportunities for improvement as follows:

Condition ID	Summary of Opportunity for Improvement	Recommendations
A8	<p>Mirvac continued to retain the DIP during the Audit Period. Documentation was provided showing that the DIP was consulted in relation to the Bunn Street through site link (Condition C1) and the landscaping works in accordance with Conditions C1 and C3, respectively. However, the design was not reviewed by the DIP prior to the lodgement of the MOD 1 and MOD 3 applications and there was no confirmation in writing from the Planning Secretary that DIP review was not required. Mirvac advised that they consulted PMNSW who advised that DIP review was not required and that the "decision on whether a modification [required] DIP presentation [rested] between PMNSW and Mirvac". That is in variance to the requirement of Condition A8(a)(ii). However, on the basis that the Department's MOD 1 and MOD 3 Assessment Reports indicated that the changes were minor and aligned or consistent with the design, the Auditors consider Condition A8 to be compliant with an opportunity for improvement (OFI).</p>	<p>Ensure that the DIP review modifications prior to lodgement, unless the Department (not only PMNSW) has confirmed in writing that DIP review is not required.</p>
A30	<p>The RAR available on Mirvac's Harbourside website does not include the non-compliant findings and recommendations, only the OFI findings and recommendations.</p>	<p>Update the RAR for SSD 49295711, IEA 1 on the Harbourside website so that it includes the non-compliant findings, recommendations and response. Provide a copy of the corrected RAR to the Department.</p>
B12	<p>Mirvac again advised that Condition B12 was not triggered although wall construction had commenced. Mirvac provided two survey drawings including a survey plan in which a registered surveyor from Beverage Williams certified on 22/03/23 "that we have reviewed the proposed building location and confirm that it is contained within the SSDA approved boundaries as shown herein".</p> <p>The Auditors initially considered Condition B12 to be non-compliant because no evidence has been provided of a survey and report submitted to the Certifier indicating the position of external walls in relation to the boundaries of the allotment. Following factual review, Mirvac advised that the reason the external walls have not been indicated in relation to the boundaries is that the boundaries may change under the agreement with PMNSW when the construction licence transitions to a 99 year lease. Mirvac asserts that the buildings are not encroaching over the side boundaries.</p> <p>Based on the Beverage Williams certification statement and Mirvac's explanation, the Auditors consider Condition B12 compliant.</p>	<p>Prepare a survey and report to the satisfaction of the Certifier indicating the position of external walls in relation to the boundaries of the allotment.</p>
C2	<p>The Certifier's SSDA2 CC8 Checklist indicated that, to satisfy Condition C2(a), the certifier required the access consultant, being Philip Chun Accessibility Pty Ltd, to "provide design certification in accordance with BCA 2022 and AS 1428.1-2009", but based on the checklist, there is no evidence that it was provided to the Certifier.</p>	<p>Obtain confirmation in writing from the Certifier that MGC is satisfied that Condition C2(a) requirements have been met in the next audit period.</p>



Condition ID	Summary of Opportunity for Improvement	Recommendations
	SSDA2 CC8 Checklist refers to a report and a final performance solution provided by the access consultant but it is unclear if those documents address Condition C2(a) to the satisfaction of the Certifier.  Mirvac subsequently advised that <i>"There was a request to move [the C2(a) requirement] to [a] CC8 Update: <a href="https://MIRVAC.itwocx.com/MGR-PRD-10019:3333197">https://MIRVAC.itwocx.com/MGR-PRD-10019:3333197</a>. The CC8 update was issued outside the audit period (August 25). Attached is the Design Certificate confirming that this is to be addressed outside the audit period."</i> Based on this advice, the Auditors understand that the C2(a) was addressed in an update of CC8 outside the Audit Period and this requirement would therefore be met, albeit in a later issue of CC8. A Design Compliance Statement – Accessibility from the accessibility consultant, Philip Chun, dated 20/07/25 was also provided. Evidence of its submission to the satisfaction of the Certifier will need to be provided for the next IEA.	
C18	Review of the RWDI updated Reflectivity Analysis indicates that it met Condition C18 requirements. It was submitted to and approved by the Planning Secretary prior to the issue of the first CC for external finishes, SSDA2 CC8. The Auditors note that in the Department's approval letter, the Department required Mirvac to <i>"make the document publicly available on the project website at the earliest convenience"</i> . The Reflectivity Analysis report and the cover letter are not publicly available on Mirvac's project website, except through a link to the <i>"Major Projects Website"</i> , which takes you to the SSD-49295711 'Assessment' webpage. It does not take you to the 'Post Approval' webpage where these documents are publicly available under 'Management Plans and Strategies'. It is considered that these documents should be made readily available on Mirvac's project website and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.	Make the Reflectivity Analysis report and the cover letter publicly available on Mirvac's project website.
C28	An amended Wind Impact Assessment (WIA) was submitted to and approved by the Department prior to the issue of SSDA2 CC3, the first CC for above ground works. The Auditors note that the Department required Mirvac to <i>"make the document publicly available on the project website at the earliest convenience"</i> . The amended WIA, Version D, 07/08/24, is not publicly available on Mirvac's project website. It is also not available from the <i>"Major Projects Website"</i> , which is linked from Mirvac's project website. Only the cover letter is available on the <i>Major Projects Website</i> . It is considered that if the Department requires a specific document to be made publicly available on Mirvac's project website, it should be readily available on said site and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.	Make the DPHI approved WIA (Version D, 07/08/24) publicly available on Mirvac's project website.
C31	The Certifier's SSDA2 CC7 Checklist indicated that they received a design statement from the traffic engineer, ptc., dated 06/03/25, as well as a statement from Climatech dated 19/03/25, and marked the Condition C31 requirements as complete.  However, review of the ptc. and Climatech documents referenced by the Certifier indicated that although some of the requirements were explicitly met, parts (e) and (f) have not been addressed and all of the signage requirements were required to be addressed prior to the issue of the first Construction Certificate for basement fit-out, being SSDA2 CC7, not a later certificate.  The Auditors initially considered Condition C31 non-compliant. Following factual review, Mirvac maintained that Condition C31 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C31 compliant with an OFI recommendation.	<ol style="list-style-type: none"> <li>The Certifier is to confirm that all works/regulatory signposting associated with the development will be at no cost to the relevant roads authority.</li> <li>The Certifier is to confirm that: <ol style="list-style-type: none"> <li>signs required to comply with (d) and (g) will be included in the design as "Compliant" and not just "Intend to comply".</li> <li>A sign(s) will be added within the loading / unloading areas confirming that the service vehicle parking is for service vehicles only.</li> </ol> </li> </ol> <p>If the above requirements cannot be confirmed by the Certifier, Mirvac is to review and revise the Design Development Report for Signage &amp; Wayfinding to address these gaps to the satisfaction of the Certifier.</p>
C33	Snøhetta + Hassell issued two statement letters dated 09/01/25 and 28/02/25 that appeared to confirm <i>"that the bicycle parking &amp; facilities provided for in the design satisfy the requirements as outlined in Condition of Consent C33"</i> and verified <i>"that the developed design achieves the requirements of C33 insofar as it relates to the CC7"</i>	The Certifier is to confirm that a minimum of 263 on-site residential bicycle parking spaces, not including the use of residential storage spaces, have been provided in the design drawings. If there are not at least 263 residential bicycle parking spaces,

Condition ID	Summary of Opportunity for Improvement	Recommendations
	<p><i>scope of works</i>". The Certifier was satisfied with Snøhetta + Hassell statement dated 28/02/25 and marked Condition C33 as complete.</p> <p>However, ptc. indicated in Table 1 of their assessment of the car park and bicycle parking facilities, dated 06/03/25, that only 214 residential bicycle parking spaces were provided and noted that <i>"The development is short of 51 residential bike spaces. However, the residential storage can be used as a bike parking space"</i>. The Auditors consider that utilising <i>"residential storage"</i> as a bicycle parking space does not meet the intended requirement of Condition C33.</p> <p>The Auditors initially considered Condition C33 non-compliant. Following factual review, Mirvac maintained that Condition C33 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C33 compliant with an OFI recommendation.</p>	review and amend the design to meet this requirement to the satisfaction of the Certifier.
C37	<p>The Auditors reviewed the 2025 OWMP and the LDMP, which is cross-referenced in the 2025 OWMP, and found that it adequately addressed Condition C37 requirements, including consultation with City of Sydney. The 2024 OWMP was approved by the Department on 17/12/24. The 2025 OWMP has not been submitted to the Department.</p> <p>The Auditors note though that Condition C37(d)(i) refers to the provision of dedicated space for food waste. The OWMP indicates that <i>"Food waste recycling will not be provided for the development's residential component, as this was not a City of Sydney requirement at the time of the current design being developed, and additional provisions for the required additional infrastructure cannot be accommodated in the current development without significant adverse impacts to overall site design and amenity."</i> Food waste recycling is also not considered for the commercial operations except possibly for special events.</p> <p>Based on the 2024 OWMP and the Department's approval of the 2024 OWMP, the Certifier marked Condition C37 as complete in the SSDA2 CC7 Checklist.</p> <p>The NSW Government has since amended the <i>Protection of the Environment Operations Act 1997</i>, to require businesses to separate food waste and local councils to provide a food waste collection service. The new requirements transition into effect from 1 July 2026 to 1 July 2030 depending on the type of business / residential service. City of Sydney offers food scrap recycling for apartment buildings. It is considered that Mirvac will most likely need to provide segregated food waste storage in order to comply with the new legislation and therefore, provision of food waste recycling is an opportunity for improvement.</p>	Consider whether food recycling services may be feasible in the future under specified circumstances and, if feasible, make provisions within the building design for the storage and collection of food waste bins. Also consider whether the facilities will need to be upgraded to comply with the requirements of the <i>Protection of the Environment Operations Act 1997</i> .
C38	<p>The FEMP is considered comprehensive and meets Condition C38 requirements. The Department reviewed the FEMP and was satisfied that it met the requirements of Condition C38. The Auditors note that the Department required Mirvac to <i>"make the document publicly available on the project website at the earliest convenience"</i>. The FEMP is not publicly available on Mirvac's project website, except through a link to the <i>"Major Projects Website"</i>, which takes you to the SSD-49295711 'Assessment' webpage. It does not take you to the 'Post Approval' webpage where the FEMP is publicly available under 'Management Plans and Strategies'. It is considered that the FEMP should be made readily available on Mirvac's project website and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.</p>	Make the DPHI approved FEMP and flood mitigation measure documents publicly available on Mirvac's project website.
C49	<p>An Acoustic Logic letter and Condition C49 Acoustic Assessment report were submitted to the satisfaction of the Certifier prior to the issue of SSDA2 CC3, the first CC for above ground works.</p> <p>Mirvac provided <i>"glass technical data, which demonstrates that the glass composition incorporates the acoustic requirements into its construction methodology"</i>.</p> <p>The Auditors initially considered Condition C49 non-compliant because whilst Acoustic Logic's recommendations appear to have been incorporated into the construction of the glass windows and doors to some degree, it has not been demonstrated that their recommendations have been fully incorporated (e.g. minimum thicknesses) or carried out (e.g. laboratory testing and acoustic sealing methodology) in accordance with Condition C49 requirements.</p> <p>Following factual review, Mirvac maintained that Condition C49 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept</p>	The Certifier to confirm that all of Acoustic Logic's recommendations for glass specifications, laboratory testing and acoustic sealing methodology are incorporated in the construction documentation. If the Certifier finds that the glass sample specifications and other relevant available documentation (e.g. certified laboratory test results) do not meet Acoustic Logic's recommendations, develop an action plan to achieve compliance to the satisfaction of the Certifier.



Condition ID	Summary of Opportunity for Improvement	Recommendations
	this approach and consider Condition C49 compliant with an OFI recommendation.	
D3	<p>SSD 49295711, IEA 1 recommended adding the Community Communication Strategy (CCS) and the Dewatering Management Plan (DMP), also known as the Water Management Plan, to the document library on the SSD 49295711 webpage. The CCS is now available on the SSD 49295711 webpage, however the DMP has not been added but is still available on the SSD 38881729 webpage.</p> <p>The Auditors note that many of the required documents are available through the “<i>Major Projects Website</i>” including, for example, the modification determinations and the consolidated consent, as well as some management plans. However, the Auditors note that the Department does not reliably make all of the required management plans publicly available on the Major Projects Website. Therefore, it is considered that strategies, management plans and programs required under SSD 49295711 should be provided on Mirvac’s SSD 49295711 webpage, particularly in the case where the Department has required in a letter of approval that a document be made “<i>publicly available on the project website</i>”.</p> <p>The Auditors make the following comments regarding Mirvac’s project website:</p> <ul style="list-style-type: none"> <li>The Water Access Licence, WAL44984, and Water Supply Works Approval, 10WA124897, being current statutory approvals for the development, are missing, although 10WA124897 is attached to the DMP as Appendix E. It is noted that the copy of 10WA124897 attached to the DMP was due to expire on 16/08/25.</li> <li>The following management plans are missing: LDMP, OWMP and FEMP. However, they are available on the Major Projects Website.</li> <li>As discussed in the findings and recommendations for Condition A30, the RAR for SSD 49295711, IEA 1 that is published on Mirvac’s SSD 49295711 webpage and the Major Projects Website only shows the OFI findings and recommendations and not the non-compliant findings and recommendations.</li> <li>Although it appears that Complaints Registers (or Issues Register) are provided for December 2024 and January 2025, the two links only provide the November 2024 Complaints Register issued on 11/12/24. The Auditors note that Mirvac do not appear to have a consolidated, continuous Complaints/Issues Register, as collated by Ethos Urban.</li> </ul>	<ol style="list-style-type: none"> <li>Make the current Water Access Licence, WAL44984, and Water Supply Works Approval [10WA124897] publicly available.</li> <li>Make the LDMP, OWMP and FEMP publicly available on Mirvac’s SSD 49295711 webpage.</li> <li>Review and revise the Complaints Register to provide the correct registers for December 2024 and January 2025.</li> </ol>
D19	<p>The CCS continued to be implemented during the Audit Period, as evidenced by the Community Newsletters, which provide notice of planned activities in the month ahead and planned OOHW notifications. However, there were at least fifteen (15) complaints during the Audit Period (not including complaints received in December 2024 and January 2025, if any), including twelve (12) out of hours work (OOHW) noise complaints during the Audit Period, indicating that implementation of the CCS could be improved. Also refer to NC10 regarding the inadequate handling of a complaint about being unable to reach a listed 24/7 site contact.</p> <p>Review of the CCS indicates that it does not refer to the Condition E38 requirement to maintain a 24-hour contact telephone number that is continually attended by a person. Instead, it still refers to the 1800 number.</p> <p>Based on the documentation provided, it is considered that the CCS is being implemented but improvements are needed to ensure the 24/7 complaint phone number is answered and the CCS is updated with the new phone number.</p>	Review and revise the CCS to include Condition E38 requirement for a 24-hour contact number and update the contact details.
D25	This Condition was assessed during the SSD 49295711, IEA 1 and a WAL was obtained in accordance with Condition D25. However, Condition MW8849-00001 of WAL44984 requires that water must only be taken under the WAL in accordance with the conditions of the Water Supply Works Approval 10WA124897. The 10WA124897 was current during the Audit Period but was due to expire on 16/08/25 according to the NSW Water Register.	If it has not already been done, renew the Water Supply Works Approval 10WA124897 as soon as possible.
D27	<p>The SSD 49295711, IEA 1 made an OFI recommendation to update the CEMP to include details on flora and fauna management; however, this has not been completed. The CEMP was updated on 02/07/24 following the change in Principal Contractor to Mirvac. The hours of work in Section 1.5 do not indicate that work may be carried out between 5pm and 6pm on Saturday for internal works only.</p> <p>It is also noted that CEMP Rev F does not contain the latest version of the CPTMP Rev 3.</p>	Update the hours of work in Section 1.5 of the CEMP to be consistent with Condition E3. Also update Appendix B to attach CPTMP Rev 3.

Condition ID	Summary of Opportunity for Improvement	Recommendations
D36	Mirvac transitioned to the Principal Contractor in July 2024 and the Harbourside Site Induction presentation was updated accordingly. Slides 11 and 12 address emergency evacuation procedures and Slide 11 indicates that the muster point (i.e. assembly point) is on the grass plot in front of the Maritime Museum. However, the muster point location is not depicted on the 'Emergency Exits and Muster Point' map on Slide 12.	Indicate the location of the muster point on the Slide 12 map in the Harbourside Site Induction presentation.
D41	<p>This Condition was assessed as compliant during the SSD 49295711, IEA 1 with an OFI recommendation to obtain verification from FIP Electrical that outdoor lighting had been designed to comply with AS 4282-2019 <i>Control of the obtrusive effects of outdoor lighting</i> to the satisfaction of the Certifier. Mirvac indicated in SSD 49295711, RAR 1 that "FIP have confirmed that lighting is compliant to the minimum required lux level recommended by AS1158.3.1:2020, <i>Lighting for roads and public spaces</i>" and did not propose further action to confirm that the outdoor lighting complied with AS 4282-2019.</p> <p>During the Audit Period, tower cranes were installed and an illuminated Mirvac sign on the tower crane(s) was the cause of at least three community complaints between November 2024 and February 2025. Mirvac amended the dimming program and then in April 2025 advised the community that the illuminated Mirvac sign would be turned off by 10:00pm.</p> <p>Condition 5(b) of the City of Sydney's approval for the "Temporary signage on the cranes and jump form while site under construction" required that "At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with the latest edition of AS/NZS 4828".</p> <p>The Auditors initially considered Condition D41 to be non-compliant because no evidence has been provided to show that the illuminated sign on the tower crane(s) comply with Condition D41 requirements, particularly AS 4282-2019.</p>	<p>Provide evidence to the satisfaction of the Certifier that the illuminated sign on the tower crane complies with AS 4282-2019 <i>Control of the obtrusive effects of outdoor lighting</i>, and AS 1158.3.1:2005 <i>Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements</i>, as applicable.</p> <p>Ensure going forward, that all new lighting installations are assessed in accordance with Condition D41 requirements, including AS 4282-2019, and a record of the assessment retained.</p>
E5	<p>Mirvac provided three examples of notifications to neighbours for OOHW during the Audit Period including notification of the Bunn St pedestrian bridge foundations work, tower crane installations and Sydney Water connection works.</p> <p>Although it is considered that a late running concrete pour is not an 'emergency', Mirvac could notify residents by email of unplanned events such as late running concrete pours, as soon as practicable, in an effort to keep the affected residents informed.</p>	If a concrete pour or any other work is likely to run late and become OOHW, send an email notification to the affected residents/neighbours as soon as practical.
E7	Based on available information, it is considered that whilst the noise management levels (NMLs) and highly noise affected management level (HNAML) were exceeded during the demolition works during construction hours and most likely during the OOHW activities, mitigation methods were implemented (e.g. notifications, respite periods, scheduling noisier works during daytime hours in the case of OOHW, using smaller plant where feasible). No complaints were received during the demolition works and the complaints that were received during OOHW, generally appeared to be resolved to the satisfaction of the complainant, except for the complaint discussed in the findings for Condition E38 (refer to NC10).	Improve the construction planning process, by recording the CNVMP Section 12 assessment process that identifies the noise mitigation measures that will be used and then recording / documenting the implementation of the mitigation measures.
E9	<p>The Materials Tracking Register appears to indicate that imported materials were sometimes delivered to site between 6 am and 7am (e.g. 05/08/24, 23/08/24, 25/09/24, 16-18/10/24, 26/05/25). Assuming the recorded times are truck arrival times, they would be non-compliant with Condition E3 and E9. However, Mirvac advised and confirmed "that the times in the tracking register are not arrival times. ... Deliveries before construction hours are not accepted unless required by RMS or CoS".</p> <p>There were no complaints regarding the early arrival of trucks to the site out of hours.</p>	Improve recording of truck arrival times in the Material Tracking Register to record when trucks actually arrive at site. Ensure that trucks do not arrive out of hours, except in accordance with Conditions E4 or E6.
E24	<p>Based on the documentation reviewed, the site visit, and interviews with Mirvac, implementation of the management plans has generally been undertaken in accordance with the consent conditions, except for the four occasions when concrete pours continued past the approved hours of construction, which were non-compliant with Condition E3 (refer to NC5).</p> <p>As discussed in the findings for Condition E7, there were twelve OOHW noise related complaints during the Audit Period and although noise measures were implemented, the implementation and recording of</p>	Incorporate checks of the surrounding environment (e.g. Darling Drive, Darling Harbour, public ways, street trees) in Environmental / HSE Observations.

Condition ID	Summary of Opportunity for Improvement	Recommendations
	<p>Section 12 of the CNVMP could be improved. Refer to the OFI recommendation for Condition E7.</p> <p>Review of a PM<sub>10</sub> dust monitoring report indicated that the site's average daily and annual PM<sub>10</sub> monitoring results met the corresponding PM<sub>10</sub> criteria.</p> <p>As discussed in the findings for Condition E46, review of groundwater monitoring records indicated that the groundwater monitoring is being conducted generally in accordance with the requirements of WAL44984, 10WA124897 and the DMP with recommended OFI.</p> <p>Regular 'Observations' are conducted that check that environmental controls are implemented and maintained, which is a good practice. The Auditors note that the observations appear to be focussed within the site boundary and may not include checks of the surrounding area. For example, it would be good to document observations of the condition of Darling Drive for tracking of sediment, water quality in Darling Harbour (being a sensitive receiver), no obstruction of public ways and street trees are in good health, etc.</p>	
E46	<p>The Auditors reviewed the groundwater monitoring results for compliance with the requirements of the Water Access Licence, WAL44984, the Water Supply Works Approval 10WA124897 and the DMP, which is presented in detail in the Audit Table (Appendix A).</p> <p>The Auditors initially considered Condition D41 to be non-compliant because, based on the records provided for review, the groundwater monitoring is not being conducted fully in accordance with WAL44984, 10WA124897 and the DMP.</p> <p>Following factual review, Mirvac provided a photograph of the inline flow meter on the groundwater treatment plant's discharge to stormwater. It shows that water take is being monitored by metering equipment and recorded, although the meter readings are not recorded on the Water Quality Register, only Discharge Quantity. Condition E46 is considered compliant with an OFI recommendation.</p>	<p>Review the 'logbook' records (i.e. Water Quality Register template) and revise it/them so that they record all of the water take data required by WAL44984, 10WA124897 and the DMP including complete date, meter readings, discharge start and stop times, the Water supply Works Approval number and the purpose for the water take.</p> <p>Improve recording of the data and implement a weekly data review process to check that the required information has been recorded and the metering equipment and groundwater level data loggers are operational.</p> <p>Maintain all of the required groundwater monitoring records / results, including logbook, groundwater quality and groundwater level monitoring in a centralised storage location.</p>

## 2. INTRODUCTION

### 2.1 Background

Mirvac engaged Ramboll to conduct an IEA of the Harbourside Shopping Centre Redevelopment – Podium and Tower stage of the development located in Darling Harbour. The redevelopment of the Harbourside Shopping Centre is being carried out as State Significant Development (SSD) using a staged approach under several Development Consents, as follows:

- SSD 7874 – Harbourside Shopping Centre Redevelopment. The development is described as the redevelopment of Harbourside Shopping Centre comprising: a Concept Proposal; and Stage 1 works for the demolition of the existing shopping centre and structures, southern pedestrian link bridge, monorail infrastructure, tree removal. SSD 7874 has had four modifications approved.
- SSD 38881729 – Harbourside Bulk Excavation Works, referred to 'SSDA 1'. The development is described as slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre. SSD 38881729 has not been modified.
- SSD 49295711 – Harbourside Shopping Centre Redevelopment – Podium and Tower, referred to 'SSDA 2' and also the 'Main Works'. The development is described as Redevelopment of former Harbourside Shopping Centre, comprising:
  - construction of a 50 storey development (RL 170) including tower, podium and basement levels for residential accommodation, office and retail;
  - parking for cars, motorcycles, service vehicles and bicycles;
  - provision of hard and soft landscaping and through site links;
  - electricity and stormwater infrastructure; and
  - consolidation and stratum subdivision of the site.

SSD 49295711 has had three modifications approved during the Audit Period.

- SSD 49653211 – Harbourside Shopping Centre Redevelopment - Public Domain and Bridges, referred to 'SSDA 3'.

The Podium and Tower stage of the Harbourside Shopping Centre Redevelopment was approved by the Minister for Planning and Public Spaces under delegation on 4 December 2023. The Applicant for the purpose of SSD 49295711 is Mirvac Retail Sub SPV Pty Ltd. The IEA that is the subject of this report, is required under Schedule 2, Conditions A27 to A32 of SSD 49295711 and is the second IEA for the Podium and Tower stage. The other Harbourside Shopping Centre Redevelopment Development Consents (i.e. SSD 7874, SSD 38881729 and SSD 49653211) are outside the scope of this Audit.

Under Schedule 2 of SSD 49295711, the Development Consent Conditions are divided into seven parts as follows:

- Part A Administrative Conditions
- Part B Prior to the Issue of a Subdivision Certificate
- Part C Prior to the Issue of a Construction Certificate
- Part D Prior to the Commencement of Works

- Part E During Construction
- Part F Prior to Occupation or Commencement of Use
- Part G Occupation and Ongoing Use

At the time of this Audit, construction of the podium and tower was continuing and Mirvac had taken over as Principal Contractor from Delta Group Pty Ltd (Delta Group) in July 2024. Whilst construction of the podium and tower has progressed rapidly, it will still be some time before it will be ready for occupation. Therefore, Parts F and G, Schedule 2 of SSD 49295711 have not been triggered during the Audit Period and have not been assessed by this Audit.

## 2.2 Audit Team

The Audit Team comprised Emily Rowe (Lead Auditor), Victoria Sedwick (Peer Reviewer), George Black (Assistant Auditor) and Vanessa Perkins (Auditor) of Ramboll. The Audit Report was prepared by George Black, Vanessa Perkins and Emily Rowe, reviewed by Victoria Sedwick and authorised by Emily Rowe as Lead Auditor.

## 2.3 Audit Objectives

The objective of the Audit was to independently assess the environmental performance and compliance status of the development during the Audit Period.

## 2.4 Audit Scope

The scope for this Audit is taken in accordance with SSD 49295711 Conditions A27 to A32 as follows:

### **SSD 49295711:**

*A27. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.*

*A28. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.*

*A29. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.*

*A30. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:*

- (a) review and respond to each Independent Audit Report prepared under this consent;*
- (b) submit the response to the Planning Secretary; and*
- (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.*

*A31. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in NSW Government 12 Harbourside Redevelopment Department of Planning and Environment (SSD 49295711) the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.*

*A32. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.*

## 2.5 Audit Period

This Audit is the second Audit of the SSDA 2 stage of the development. The previous audit site inspection was conducted on 14 June 2024. Therefore, the Audit Period for this IEA is from the 15 June 2024 to the date of this Audit site inspection on 25 June 2025.

### 3. AUDIT METHODOLOGY

#### 3.1 Selection and Endorsement of Audit Team

All of the Ramboll Auditors referred to in **Section 2.2** have training and extensive experience in conducting environmental compliance audits and are independent from Mirvac. Victoria Sedwick, Emily Rowe and Vanessa Perkins are certified Lead Auditors with Exemplar Global (Certificate Numbers 13180, 204997 and C-420260, respectively). As required under the Conditions of Consent, endorsement of the Audit Team by the Department was provided in a letter dated 13/06/25 (**Appendix B**).

#### 3.2 Independent Audit Scope Development

The scope for this Audit was developed to assess the development's environmental performance in relation to the construction conditions of SSD 49295711, which included all post approval documents prepared to satisfy the conditions relevant to the construction stage of development.

In the Department of Planning, Housing and Infrastructure (DPHI) letter endorsing the Audit Team, DPHI stated that:

*"Pursuant to Schedule 2, Condition A29 of the consent, as nominee of the Planning Secretary, I require you to carry out the second IEA on or before Wednesday 25 June 2025.*

*Please note that one of the lead auditors listed above must attend the relevant site inspections for each IEA, and that NSW Planning reserves the right to request an alternate auditor or audit team for future audits should it be appropriate in the circumstances.*

*As with our previous correspondence, the IEAs and reports must be undertaken, prepared and finalised in accordance with Schedule 2, Conditions A27, A30, A31 of the consent, the previously approved variation to IEA timing (SSD-49295711-PA-27) and the IAPARs. A failure to meet these requirements will require revision and resubmission.*

*Please also note that this is an agreement for the revised team listed above for the remainder of the project's construction phase only. If there are any further changes to the team or the audit organisation, a new request must be submitted and agreed to by the Planning Secretary prior to commencement of the relevant IEA.*

*For all future stages (any separate SSD approval, or the operational phase) of the project, you must submit a different audit organisation and team to be approved by the Planning Secretary, where required under the consent and the IAPAR."*

In addition to seeking to consult the Department's on the scope of the Audit, the Auditors sought input from the City of Sydney (CoS), Place Management NSW (PMNSW), Transport for NSW (TfNSW) and the Sydney Light Rail Operator, Transdev. It was noted that the NSW Environmental Protection Authority (EPA) was consulted during the previous IEA and the response included "the EPA does not consider it necessary to be consulted during any future IEAs for the development", as such the EPA was not consulted during this IEA. The responses to develop the scope of the Audit are discussed in **Section 3.5**.

#### 3.3 Compliance Evaluation

The following forms of evidence were gathered during the conduct of the Audit:

- Site inspection of the Harbourside Shopping Centre Redevelopment on 25 June 2025, which included the taking of photographs;
- Review of documents, reports and other records including approvals, reports prepared to satisfy the conditions, site inspection checklists, site photographs, site plans and drawings, as well as correspondence with agencies including DPHI, CoS, PMNSW, TfNSW, and Transdev;
- Interviews of site personnel during the site visit on 25 June 2025 (refer **Section 3.4**);

- Review of documents posted on the internet including Mirvac's project website and the Department's NSW Planning Portal website.

### 3.4 Site Inspection and Interviews

The Harbourside redevelopment was inspected by Emily Rowe and Vanessa Perkins on 25 June 2025. An Opening Meeting was held at the commencement of the site visit. The Agenda included Introductions, Audit Objective, Audit Scope, Audit Methodology, Audit Schedule, Other Matters and Development Progress During Audit Period. The following personnel were present for the Opening Meeting inspection and accompanied the Auditors during all or part of the site inspection:

- Stephen Chamberlain – Mirvac (Senior Project Manager, Construction)
- Selena Nguyen – Mirvac (Assistant Development Manager)
- Madison Yazbek – Mirvac (Assistant Development Manager)
- Maggie Greer – Mirvac (Assistant Development Manager)

The following site personnel were interviewed during the site inspection in addition to the above Mirvac personnel.

- Michael Archibald – Senior HSE Advisor
- Tadhg Stack – Senior HSE Advisor
- Julian Gorga – Mirvac (Project Engineer)

The Closing Meeting was held after the site visit. It was brief and discussed preliminary audit findings and recommendations and post-audit actions, particularly related to the timely provision of documentation. The following Mirvac personnel were present for the Closing Meeting:

- Stephen Chamberlain – Mirvac (Senior Project Manager, Construction)
- Oliver Maxwell – Mirvac (Development Manager)
- Selena Nguyen – Mirvac (Assistant Development Manager)
- Madison Yazbek – Mirvac (Assistant Development Manager)
- Maggie Greer – Mirvac (Assistant Development Manager)

Note, at the time of the site inspection, the role of Development Manager was transitioning from Oliver Maxwell to Selena Nguyen.

### 3.5 Consultation

The Auditors undertook consultation in accordance with the IAPAR and the following authorities were consulted as shown in Table 1. The responses received are provided in **Appendix E**.

**Table 1: Consultation with Authorities**

Authority	Contact Details	Comment
<b>DPHI</b>	<a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> Samual Condon, Senior Compliance Officer, <a href="mailto:samuel.condon@planning.nsw.gov.au">samuel.condon@planning.nsw.gov.au</a>	Letter requesting consultation emailed to DPHI on 24/06/25. Email received from DPHI on 24/06/25. Refer to Table 2 for DPHI comments and the Auditors response.
<b>EPA</b>	<a href="mailto:info@epa.nsw.gov.au">info@epa.nsw.gov.au</a>	Based on an email and letter received from the EPA on 27/11/23 for consultation on Audit 2 under SSD 38881729 for the Harbourside Bulk Excavation Works, "The EPA does not consider it necessary to be consulted during any future IEAs for the development."
<b>City of Sydney (CoS)</b>	Mia Music, Senior Planner <a href="mailto:mmusic@cityofsydney.nsw.gov.au">mmusic@cityofsydney.nsw.gov.au</a>	Letter requesting consultation emailed to Mia Music on 24/06/25, which was forwarded to Jessica Symons.



Authority	Contact Details	Comment
	Jessica Symons, Senior Planner <a href="mailto:jsymons@cityofsydney.nsw.gov.au">jsymons@cityofsydney.nsw.gov.au</a>	Email received from CoS on 02/07/25. Refer to Table 3 for DPHI comments and the Auditors response.
<b>Placemaking NSW / Place Management NSW</b>	Antonio Goncalves, Senior Manager, Leasing and Place Management, Placemaking NSW <a href="mailto:Antonio.goncalves@property.nsw.gov.au">Antonio.goncalves@property.nsw.gov.au</a>	Letter requesting consultation emailed to Antonio Goncalves on 24/06/25.  No response was received from PMNSW.
<b>Transport for NSW (TfNSW)</b>	Yan Xie, Project Manager - Smart Motorways, <a href="mailto:Yan.Xie@transport.nsw.gov.au">Yan.Xie@transport.nsw.gov.au</a>  Bilal Zreika, Light Rail Operational Interface Manager, <a href="mailto:bilal.m.zreika@transport.nsw.gov.au">bilal.m.zreika@transport.nsw.gov.au</a>	Letter requesting consultation email to Yan Xie on 24/06/25, who forwarded it to Bilal Zreika.  A Microsoft Teams Meeting was held on 01/07/25 with Bilal Zreika, TfNSW, and Larry Nguyen, Transdev. Refer to Table 4 for TfNSW and Transdev comments and the Auditors response.
<b>Transdev</b>	Tim Walton, <a href="mailto:tim.walton@transdev.com.au">tim.walton@transdev.com.au</a>  Larry Nguyen, Interface Coordinator, <a href="mailto:larry.nguyen@transdev.com.au">larry.nguyen@transdev.com.au</a>	Letter requesting consultation email to Tim Walton on 24/06/25 but he was no longer working for Transdev. However, Yan Xie, TfNSW, forwarded the request for consultation to Larry Nguyen and Peter Wang, Transdev.  A Microsoft Teams Meeting was held on 01/07/25 with Bilal Zreika, TfNSW, and Larry Nguyen, Transdev. Refer to Table 4 for TfNSW and Transdev comments and the Auditors response.

**Table 2: DPHI Consultation**

DPHI Comment	Auditor Response
<p><i>"Thanks for the request. At this stage, beyond the typical conditions of consent and the IAPARs, please place a greater focus on the following areas:</i></p> <ol style="list-style-type: none"> <li><i>1. Compliance with approved construction hours,</i></li> <li><i>2. Compliance with the project's noise management levels, and actions taken when any noise complaints have been received; and</i></li> <li><i>3. Compliance with the project's ERSED and dust controls.</i></li> </ol> <p><i>While we have no received specific complaints, these are areas that have either been raised as an issue in the last 12 months, and that members of the community have submitted concerns as a part of public submissions related to the project's other stages.</i></p> <p><i>Please also consult with City of Sydney Council, and include this (and any other responses you receive) in the final report as evidence of consultation."</i></p>	<p>The Auditors undertook review of these aspects as detailed in the Audit Table, Table A (<b>Appendix A</b>).</p> <p>Refer to the findings and recommendations for Conditions E3 (NC5), E4 (NC6), E8 (NC7) and E38 (NC10) in relation to compliance with approved construction hours and response to noise complaints.</p> <p>Management of erosion and sediment (ERSED) controls is discussed in the findings of Conditions A16, E24 and E27 and were found to be generally compliant.</p> <p>Management of dust emissions is discussed in the findings of Conditions E17, E24 and were found to be generally compliant. City of Sydney indicated that they had received dust complaints however, relevant complaint records were not retained or provided so it is difficult to assess the degree of the dust emissions.</p>

**Table 3: CoS Consultation**

CoS Comment	Auditor Response
<p>On 02/07/25, Jessica Symons wrote that <i>"I have been advised by our Construction Regulations team that [there] have been a number of dust complaints, as well as works/noise outside of hours and light pollution from crane signs"</i>.</p> <p>Ramboll requested the complaints records for comparison with Mirvac's Complaints Register. Ms Symons replied that she had <i>"been able to access two complaints received. [She would] follow up on the other complaints."</i></p> <ul style="list-style-type: none"> <li><i>12 November 2024: Caller reporting Construction Noise coming opposite their property at this time and they are using power tools and equipment, requesting for assistance asap - Referred to Rangers.</i></li> </ul>	<p>The Auditors undertook review of these aspects as detailed in the Audit Table, Table A (<b>Appendix A</b>).</p> <p>As noted in Table 2, management of noise emissions and OOHW is discussed in the findings and recommendations for Conditions E3 (NC5), E4 (NC6), E8 (NC7) and E38 (NC10).</p> <p>As noted in Table 2, management of dust emissions is discussed in the</p>



CoS Comment	Auditor Response
<p><i>INSPECTION: Tue 12/11/2024 @ 02:06</i></p> <p><i>On site were workers for Mirvac and Geo Survey conducting water connection works to site.</i></p> <p><i>Rangers spoke with Mirvac on site supervisor Rick KESSNER who informed night works were approved by PMNSW due to the road closures required to complete the works and that all noisy works (saw cutting of roadway) had been completed earlier and provided copies of TCP, and approvals from Plance Management NSW, including Road &amp; Footway Occupancy for temporary Works.</i></p> <p><i>* CoS Council does not appear to be the A.R.A. to deal with from this work, complainants o contact EPA or Place Management NSW directly.</i></p> <p><i>02:29 – Customer contacted by phone, no answer call going to message bank. File closed."</i></p> <p>The second complaint was received on 07/03/23, which was in a previous audit period and therefore, not relevant to this Audit.</p> <p>No further information (e.g. number of complaints, dates and details) was provided regarding the reported dust and crane sign light pollution complaints.</p>	<p>findings of Conditions E17, E24 and were found to be generally compliant.</p> <p>Management of outdoor lighting including the illuminated sign(s) on the tower crane(s) is discussed in the findings and recommendations for Conditions D41 and E12.</p>

**Table 4: TfNSW and Transdev Consultation**

TfNSW and Transdev Comment	Auditor Response
<p>A Microsoft Teams Meeting was held on 02/07/25 with Bilal Zreika, TfNSW, and Larry Nguyen, Transdev, to provide comments regarding the development during the Audit Period, as summarised below:</p> <ul style="list-style-type: none"> <li>Fortnightly stakeholder meetings are continuing, although there was a period during the Audit Period (not specified) when they were not being held.</li> <li>There was good communication between the stakeholders (i.e. Mirvac, TfNSW and Transdev) in the planning and then construction of the Bunns Street bridge foundation beside the light rail corridor. This included the provision of hoarding and a replacement bus service paid for by Mirvac during the work.</li> </ul> <p>Both TfNSW and Transdev had no requirements to add to the scope of the Audit.</p>	<p>The TfNSW and Transdev comments have been noted.</p>

### 3.6 Compliance Status Descriptors

This Audit Report has been prepared in accordance with the requirements for an Independent Audit Methodology and Independent Audit Report in IAPAR 2020. As such, the following compliance status descriptors have been used:

Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met at the time when the Audit is undertaken, therefore an assessment of compliance is not relevant.

Observations have also been made that identify opportunities for improvement (OFI).

## 4. AUDIT FINDINGS

### 4.1 Approval and Document List

The following approvals and documents provided by Mirvac and/or available on the project website, were reviewed by the Auditors:

- 1179443\_1265317- Harbourside- 03 June to 9 June 2024.xlsx, Turbidity, pH and Flow Volume data logger results
- 20230726. Import Material Dockets 08.06.2023 - 26.07.2023.pdf, Boral – Dunmore, Dockets, 2023
- Acid Sulfate Soil Management Plan prepared by JBS&G, Rev 1, 04/04/22 (ASSMP)
- Acoustic Logic, Acoustic Specification - Phase 4, 22/05/23
- Acoustic Logic, SSDA Acoustic Assessment, 31/10/22
- Annexure B: Memo to Harbourside Shopping Centre Redevelopment Certifying Authority from Jemena Limited dated 24/05/22
- Argus Traffic, Harbourside Shopping Center, Prepare Work Zone TMP, 01/03/24
- At&I letter to Mirvac, Re: 2-10 Darling Drive, Sydney (SSDA 49295711) Harbourside Shopping Centre Main Works – Erosion And Sediment Control Design Certificate, 15/12/23
- at&I letter to Mirvac, RE: 2-10 DARLING DRIVE, SYDNEY (SSDA 49295711) HARBOURSIDE SHOPPING CENTRE MAIN WORKS – EROSION AND SEDIMENT CONTROL DESIGN CERTIFICATE, 15/12/23
- at&I, CIV-DWG-OA-5000, Cover Sheet and Drawing List, Rev. A, 29/11/23
- at&I, CIV-DWG-OA-5001, General Notes and Legends, Rev. A, 29/11/23
- at&I, CIV-DWG-OA-5401 A, Erosion and Sedimentation Control Plan Sheet 2, Rev. A, 29/11/23 (ESCP Sheet 2)
- at&I, CIV-DWG-OA-5401, Erosion and Sedimentation Control Plan Sheet 1, Rev. A, 29/11/23 (ESCP Sheet 1)
- at&I, CIV-DWG-OA-5402, Erosion and Sedimentation Control Details, Rev. A, 29/11/23 (ESCD)
- Ausgrid email to Mirvac, Re: Offer Acceptance - Ausgrid Project 1900111205 SYDNEY - 2-10 DARLING DRIVE, SYDNEY, 23/12/21
- Ausgrid, Design Information Site Specific Requirements – Complex, Project Number: AN-23391, 27/05/22
- Beveridge Williams, Plan Of Proposed Subdivision of Lots 1 To 10 in DP 776815, Lots 12, 13, 14, 15 & 17 in DP 776815 and Lot 2015 in DP 1234971, 14/03/22
- Bulk Excavation Air Quality Assessment prepared by JBS&G, Rev 1, 29/04/22 (AQMP)
- CEMP Rev E, with attached:
  - PTC Consultants, Construction Pedestrian and Traffic Management Plan, Harbourside Shopping Centre (Main Works), Rev 2, 04/11/23 (Main Works CPTMP Rev 2)
  - PTC Consultants, Construction Pedestrian and Traffic Management Plan, Harbourside Shopping Centre (Main Works), Rev 3, 23/11/23 (Main Works CPTMP Rev 3)
  - Main Works – Construction Noise and Vibration Management Plan prepared by Acoustic Logic, Rev 1, 10/10/22 (Main Works CNVMP Rev 0)
  - Mirvac, Main Works ESD & Waste Management Plan, not dated (Main Works CWMP)
  - Appendix D Sediment & Erosion Control Plans (AT&I)
    - at&I letter to Mirvac, RE: 2-10 DARLING DRIVE, SYDNEY (SSDA 49295711) HARBOURSIDE SHOPPING CENTRE MAIN WORKS – EROSION AND SEDIMENT CONTROL DESIGN CERTIFICATE, 15/12/23
    - at&I letter to Mirvac, RE: 2-10 DARLING DRIVE, SYDNEY (SSDA 49295711) HARBOURSIDE SHOPPING CENTRE MAIN WORKS – EROSION AND SEDIMENT CONTROL DESIGN CERTIFICATE, 15/12/23
    - at&I, CIV-DWG-OA-5000, Cover Sheet and Drawing List, Issue 1, 08/12/23
    - at&I, CIV-DWG-OA-5001, General Notes and Legends, Issue 1, 08/12/23

- at&l, CIV-DWG-OA-5401, Erosion and Sedimentation Control Plan Sheet 1, Issue 1, 08/12/23
  - at&l, CIV-DWG-OA-5401 A, Erosion and Sedimentation Control Plan Sheet 2, Issue 1, 08/12/23
  - at&l, CIV-DWG-OA-5402, Erosion and Sedimentation Control Details, Issue 1, 08/12/23
- Appendix F Mirvac Group Policies & Procedures:
  - Mirvac Group Water Quality Discharge Procedure
- Appendix O, JBS&G, Acid Sulphate Soil Management Plan, 03/11/22
- CEMP REV F, with attached
  - Main Works – Construction Noise and Vibration Management Plan prepared by Acoustic Logic, Rev 1, 31/10/22 (Main Works CNVMP Rev 1)
- Certificate of Title, WAL44984, 29/01/24
- CNVMP
- Complaints Register | Harbourside by Mirvac: December 2023 and January 2024, February 2024, March 2024, April 2024, May 2024, June 2024
- Condition D45\_Post Approval Form\_20231211000357.pdf
- Construction & Environmental Management Plan prepared by Mirvac, Rev E, 13/12/23 (CEMP Rev E)
- Corrs Chambers Westgarth letter to Mirvac, Redevelopment of Harbourside Shopping Centre – Rail Safety Interface Agreement, 21/12/22
- Curio Projects, Addendum to the Archaeological Research Design (ARD), Harbourside Shopping Centre, Darling Harbour, 04/11/22
- Delta Group, completed Site Induction Forms for site personnel sighted onsite, 14/06/24
- Delta Group, Dewatering records sighted at the Site Office
  - Mirvac, Water Quality Register, weekly monitoring, 09/11/23 to 04/06/24
  - Envirolab Services Pty Ltd (Envirolab), Certificate of Analysis, 04/06/24
- Delta Group, Harbourside Site Induction, undated, sighted onsite, 14/06/24
- Delta Group, Incident Report Register
- Delta Group, Inspection Test Plan – Bulk & Detailed Excavation, Dewatering, Basement Retention, Water Treatment, verified 11/06/24
- Delta Group, Inspection Test Plan – Bulk & Detailed Excavation, Dewatering, Basement Retention, Water Treatment, verified 11/06/24
- Delta Group, Operator Daily Plant Inspection Logbook, completed for Plant No. 32394, 13-16/06/24, sighted onsite with Plant No. 32394, 14/06/24
- Delta Group, Plant and Equipment Register, 14/06/2024
- Delta Group, Plant Inspection Record (L1), Plant No. 32394, 14/04/23
- Delta Group, Safety Management Plan (SMP), Acceptance of SMP
- Delta Group, Site Notice
- Department of Planning and Environment - Water - Statement of Approval, Water Supply Works 10WA124897, 17/08/23
- Douglas Partners, Report on Geotechnical Investigation -Harbourside Redevelopment, 06/02/23
- DPE email to Ethos Urban, cc Mirvac, Harbourside Shopping Centre Redevelopment - Podium and Tower - Condition D7 - Dilapidation Report, 20/03/24
- DPE Water letter to Mirvac, New water access licence with zero share component, 18/09/23, with attached:
  - DPE, Notice of Decision, Water Management Act 2000, 15/09/23
- DPE, Community Communication Strategy, 19/12/23
- DPHI email to Mirvac, Harbourside - SSD-38881729/SSD-49295711 - Construction works in breach of construction hours conditions E3/E5, 29/05/24
- DPHI letter to Mirvac, Harbourside Redevelopment, Podium and Tower – First Independent Environmental Audit – Further Extension Request, 13/08/24
- DPHI letter to Mirvac, Harbourside Shopping Centre Redevelopment – Independent Environmental Audit team endorsement request, 03/05/24
- DPHI letter to Mirvac, Harbourside Shopping Centre Redevelopment – Initial Independent Environmental Audit Timing Variation Request, 07/05/24
- Drawing 1\_1.jpg, Harbourside Hoarding Program Rev 2

- DUNQ\_DGB20 SP25020\_0-4000t TfNSW 3051Ed7 Class1 CatB.pdf, Douglas Partners, Material Test Report, Dunmore Quarry, 3051 Edition 7 DGB20 Class 1B, 23/12/22
- Email for McKenzie Group to Mirvac, CC1 Clauses D27, D28, D33, D34, D35, D39 and D41, 23/03/23
- Email for McKenzie Group to Mirvac, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (D27, D34), 18/12/23
- Email from Beveridge Williams to Mirvac, 2000767 HS - SSDA2 Condition of Consent D6, 27/11/23
- Email from McKenzie Group to Mirvac, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (Admin Item 6), 12/12/23
- Email from McKenzie Group to Mirvac, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C20), 01/12/23
- Email from McKenzie Group to Mirvac, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C19, C29, C44, C50, D14, D20), 21/11/23
- Email from McKenzie Group to Mirvac, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C21, C22, C53, D6, D35), 01/12/23
- Email from McKenzie Group to Mirvac, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (D39), 27/11/23
- Email from McKenzie Group to Mirvac, RE: SSDA 1 CC2 and SSDA 2 CC1 Condition Close Out, 14/02/24
- Email from McKenzie Group to Mirvac, SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C19, C29, C44, C50, D14, D20), 27/11/23
- Email from McKenzie Group to Mirvac, SSDA 1 - CC1 - Condition D19, 24/03/23
- Email from Mirvac to McKenzie Group, Draft CC1 - Condition 12, 20/02/23
- Email from Mirvac to McKenzie Group, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C26, C52), 21/11/23
- Email from Mirvac to McKenzie Group, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C19, C29, C44, C50, D14, D20), 13/11/23
- Email from Mirvac to McKenzie Group, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (D7), 28/11/23
- Email from Mirvac to TfNSW development.sco@transport.nsw.gov.au, Harbourside Construction Traffic and Pedestrian Management Plan, 20/12/23
- Email from Place Management to Mirvac, RF-44563281 - Approval of Permit Application, 12/06/24
- Email from TfNSW 'Development Applications Developments.CJP@transport.nsw.gov.au' to Mirvac, RE: Construction Traffic and Pedestrian Management Plan for Review and Approval, 27/11/23
- Email from TfNSW to Mirvac, Demolition Traffic and Pedestrian Management Plan for Review and Approval, 07/03/23
- Emails between Mirvac, TfNSW and Transdev, Re: Harbourside - SSDA2 CC1 - Draft Condition C48, 12-29/11/23
- enstruct group pty ltd (Enstruct), Harbourside, CC1 Site Stability Report, 31/03/23
- Enstruct letter to Mirvac, Certificate of Design Compliance – Structural Engineering – Foundations and Micropiles, SSDA2 CC1 SSD 49295711, 21/12/23
- Enstruct letter to Mirvac, Certificate of Design Compliance – Structural Engineering – Basement and Core to Ground, SSDA2 CC2, 27/05/24 (although suspected actually 31/05/24 because the drawings in the Drawing List are dated 31/05/24)
- Enstruct letter to Mirvac, Harbourside CC1 Site Stability Report, 31/03/23
- Enstruct letter to Mirvac, Harbourside Certificate of Design Compliance – Structural Engineering – Foundations and Micropiles SSDA2 CC1, 29/11/23
- enstruct, Harbourside Inner West Light Rail Dilapidation Works Post-demolition Dilapidation Report & Photographic Survey, 19/05/23
- Enstruct, Harbourside, Certificate of Design Compliance – Structural Engineering – Foundations and Micropiles, SSDA2 CC1, 29/11/23
- enstruct, PDDR & Photographic Survey, Zone 1 Pyrmont Bridge, 30/11/2022
- enstruct, PDDR & Photographic Survey, Zone 2-4 Other Areas: Australian National Maritime Museum Dilapidation Works, 30/11/2022
- enstruct, PDDR & Photographic Survey, Zone 5-7 East Murray St, Bunn Street And Darling Drive And Ramp Dilapidation Works, 30/11/2022

- enstruct, PDDR & Photographic Survey, Zone 9-12 West And East Harbourside, Areas Between The ICC And The Old Monorail Bridge Dilapidation Works, 30/11/2022
- Envirolab, Certificates of Analysis 353042, 05/06/24 for samples collected 04/06/24:
  - Raw Water, pH, Total Suspended Solids, Turbidity
  - Treated Water, pH, Total Suspended Solids, Turbidity
  - Treated Water, Heavy Metals
- Erosion and Sedimentation Control Details prepared by at&l, 11/08/23
- Erosion and Sedimentation Control Plan prepared by at&l, 11/08/23
- Ethos Urban email to Mirvac, DPHI out of hours construction works breach, 29/05/24
- Ethos Urban, Crime Prevention Through Environmental Design Report Version 4.0, 04/11/22
- Ethos Urban, D15 Community Communication Strategy, 23/11/2023 (CCS)
- Fair Trading, Design compliance declaration – single regulated design, completed by Design Practitioner – Structural Engineering, enstruct group pty ltd, 12/12/23
- Fair Trading, Design compliance declaration – single regulated design, completed by Design Practitioner – Structural Engineering, enstruct group pty ltd, 31/05/24
- FIP Electrical, Re: Harbour Side Perimeter Hoarding Lux Levels, 22/11/23
- FW: [#61/26892/WW Ext] 201692WW Harbourside Sewer Construction Package
- Harbourside - Hoarding Lighting Lux Levels 10-02-2023
- Hoarding Lighting 10-02-2023 (1).jpg
- Hoarding Lighting 10-02-2023 (2).jpg
- Hoarding Lighting 10-02-2023 (6).jpg
- Hoarding Lighting 10-02-2023 (7).jpg
- Hoarding Lighting 10-02-2023 (8).jpg
- Hours of Work posted in Site Office sighted onsite, 14/06/24
- <https://harboursidecommunity.mirvac.com/community-information>
- JBS&G letter to Mirvac, AMR010: Airborne Asbestos Fibre Monitoring Report – Wednesday 10 January 2024, Harbourside Shopping Centre Redevelopment, 2-10 Darling Drive, Sydney, NSW, 11/01/24
- JBS&G letter to Mirvac, AMR011: Airborne Asbestos Fibre Monitoring Report – Tuesday 12 February 2024, Harbourside Shopping Centre Redevelopment, 2-10 Darling Drive, Sydney, NSW, 13/02/24
- JBS&G Letter to Mirvac, L049: Asbestos Clearance Certificate – Borehole BH04, Harbourside Shopping Centre Redevelopment Site, 2-10 Darling Drive, Sydney, NSW, 15/12/23
- JBS&G Letter to Mirvac, L059: Asbestos Clearance Certificate – Unexpected Find (UF06), Test Pit TP147, Harbourside Shopping Centre Redevelopment Site, 2-10 Darling Drive, Sydney, NSW, 18/01/24
- JBS&G Letter to Mirvac, L072: Asbestos Clearance Certificate – Eastern Promenade, Unexpected Find (UF07), Harbourside Shopping Centre Redevelopment Site, 2-10 Darling Drive, Sydney, NSW, 29/02/24
- JBS&G, Dewatering Management Plan, 62851/147518 (Rev 4), 25/01/24 (DMP Rev 4)
- JBS&G, Hazardous Building Materials Survey, 18/06/22
- JBS&G, L047 - Basement Interim Validation Advice 01 (Rev A).pdf, Letter to Mirvac, L047: Basement Interim Validation Advice 01 – Harbourside Development Site, Sydney, NSW, 21/11/23
- JBS&G, L047 – Basement Interim Validation Advice 01 - Harbourside Development Site, Sydney, NSW, 21/11/23
- JBS&G, L051 - Waste Classification (SP12) - Harbourside Sydney NSW (Rev 0).pdf, L051: Waste Classification (SP12) - Marine Sediments and Associated Fill (Treated PASS), Basement Envelope, Harbourside Development Site, Sydney, NSW, 05/12/23
- JBS&G, Remedial Action Plan, Harbourside Shopping Centre Redevelopment, 03/05/22, Rev 0 (RAP, Rev 0, 03/05/22)
- JBS&G, Remedial Action Plan, Rev 1, 28/09/22 (RAP, Rev 1, 28/09/22)
- Lange's Earthmoving Repairs Pty Ltd, Plant Maintenance Inspection Report, Plant No. YY0904750, 13T Excavator, 10/07/23
- Letter from Acoustic Logic to Mirvac, Harbourside - SSDA2 CC1 - Condition C26 Design Certificate, 15/11/23

- Letter from Beveridge Williams, SSD 7874 Redevelopment of Harbourside Shopping Centre 10 Darling Drive, Darling Harbour, 11/05/22
- Letter from DPE to Mirvac, Planning Agreement Executed Electronically, 12/08/22
- Letter from DPE Water to Mirvac, Water Supply Works Approval [10WA124897], 17/08/23
- Letter from LCI Consultants to Mirvac, Redevelopment of Harbourside - Evidence of Compliance With SSD-49295711 CC1 Conditions of Consent, 28/11/23
- Letter from Mirvac to Place Management NSW, Re: Redevelopment of Harbourside, Clause 9.5 Community Relations, Issue of updated Community Involvement Plan for PMNSW review, 23/11/22
- Letter from Snohetta & Hassell to Mirvac, Re: Redevelopment of Harbourside Evidence of Compliance with SSD-49295711 CC1 Conditions of Consent, 22/11/23
- Letter from Snohetta and Hassell to McKenzie Group, Redevelopment of Harbourside - Evidence of Compliance with SSD-49295711 CC1 Conditions of Consent, 18/12/23
- Letter from Sydney Water to Mirvac, Letter of conditions for building over a Sydney Water asset, 24/07/23
- Long Service Corporation, Approval to pay Levy by instalments, 11/12/23
- Long Service Levy Receipt.pdf, 08/01/24
- Major Projects email to Mirvac, Harbourside Shopping Centre Redevelopment - Podium and Tower - Post Approval Document Received - (SSD-49295711-PA-6), 25/01/24, with attached Post Approval Form\_20240125035608.pdf
- Marsh, Certificate of Currency Public & Product Liability Ref:127399, 09/02/23
- McKenzie Group and Mirvac emails, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (Admin Item 1, Admin Item 2 & Condition C10), 20/12/23
- McKenzie Group email to Mirvac, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C54), 19/12/23
- McKenzie Group email to Mirvac, Re SSDA 2 CC1 Substructure - Construction Certificate Checklist, 21/12/23
- McKenzie Group email to Mirvac, Re SSDA 2 CC1 Substructure - Construction Certificate Checklist (Draft), 27/11/23
- McKenzie Group email to Mirvac, RE: SSDA 1 CC2 and SSDA 2 CC1 Condition Close Out, 14/02/24
- McKenzie Group, Construction Certificate No. 211836/03, 21/12/23 (SSDA2 CC1)
- Mirvac and TfNSW emails, cc Transdev, emails, Re: Harbourside - SSDA2 CC1 - Draft Conditions C46 and C47, 12-27/11/23
- Mirvac and TfNSW emails, cc Transdev, emails, Re: Harbourside - SSDA2 CC1 - Draft Conditions C46 and C47, 22-29/11/23
- Mirvac and TfNSW emails, RE: Harbourside - SSD-49295711 Insurance Requirements, 23-27/11/23
- Mirvac and TfNSW emails, RE: Harbourside - SSDA2 CC1 - Draft Condition C52, 12-20/11/23
- Mirvac email to McKenzie Group, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C11, C16, C17, D40), 22/11/23
- Mirvac email to McKenzie Group, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C19, C29, C44, C50, D14, D20), 13/11/23
- Mirvac email to McKenzie Group, SSDA 1 - CC1 - Condition C3 (a,b,c,d), 03/04/23
- Mirvac email to PMNSW, Harbourside | SSDA 2 Condition D7 | Dilapidation Survey, 31/01/24
- Mirvac email to Ramboll, RE: SSD 49295711 - IEA 1, 27/06/24, with attached:
  - Document Request\_Mirvac Comments.pdf
- Mirvac email, 04/09/24, with link to shared documents, including:
  - Document Request\_Mirvac Comments.pdf
- Mirvac letter to Ausgrid, Redevelopment of Harbourside Shopping Centre - SSD 7874 dated 25 June 2021 dated 10/05/22
- Mirvac letter to DPHI, Re: Redevelopment of Harbourside, Evidence of Compliance with SSD-49295711 Conditions of Consent, unsigned, 13/02/24, with enstruct's four PDDR & Photographic Survey reports attached
- Mirvac letter to Jemena, Redevelopment of Harbourside Shopping Centre - SSD 7874 dated 25 June 2021, 10/05/22

- Mirvac letter to neighbours, Re: Redevelopment of Harbourside – Early morning heavy vehicle delivery 23 January 2024, 15/01/24
- Mirvac letter to neighbours, Re: Redevelopment of Harbourside – Early morning heavy vehicle delivery 31 January 2024, 25/01/24
- Mirvac letter to PMNSW, Re: Redevelopment of Harbourside, Evidence of Compliance with SSD-49295711 Conditions of Consent, unsigned, 13/02/24, with enstruct's four PDDR & Photographic Survey reports attached
- Mirvac letter to the Department, Redevelopment of Harbourside, Evidence of Compliance with SSD-49295711 Condition D1 and D2, 25/01/24
- Mirvac Letter, Re: Redevelopment of Harbourside – Out of Hours Works Monday 17th June 2024 – Tuesday 18th June 2024, 12/06/24
- Mirvac Receipt, Payment to DPIE Valuation Services, 28/04/23
- Mirvac, My Permit - Place Management NSW summary page, 19/06/24
- NSW Department of Planning, Industry and Environment, Compliance Reporting Post Approval Requirements, May 2020 (CRPAR)
- NSW EPA Public Register, Environment Protection Licence 13426
- NSW Government Department of Planning, Development Near Rail Corridors and Busy Roads – Interim Guideline
- NSW Government Transport Asset Standards Authority, Airspace and External Developments, Version 1.0, 01/06/21
- NSW Government, Department of Planning and Environment, Development Consent, SSD 49295711, 04/12/23 (SSD 49295711)
- NSW Government, Department of Planning and Environment, Development Consent, SSD 38881729, 02/03/23 (SSD 38881729)
- Ongoing Site Treatment Management Plan prepared by Mirvac, Rev B, 20/10/22 (OSTMP)
- P2P\_MGR\_Remit\_Ctrl 54803\_888.pdf, Mirvac, Remittance Advice, 20/12/23
- Performance Electrics, Darling Harbour Redevelopment Earthing And Bonding Design Report
- PMNSW email to Mirvac FW: Harbourside | CC1 Condition C3 (e) Temporary Ground Anchors, 30/03/23
- PMNSW letter to Mirvac, Re: Landowner's Consent Application – LOC Reference Number: #11759, Address: Harbourside Shopping Centre, 2-10 Darling Drive, Darling Harbour, 20/12/22
- Post Approval Form\_20231211000109.pdf, submission of IAA No. 3
- Project Consignment Report.xlsx
- Pure Contracting Pty Ltd, SafeWork NSW, Notice of intent to remove non-friable asbestos, Notification number: 940R-00394594-01, 13/11/23, Acknowledged
- Ramboll Australia Pty Ltd, Independent Environmental Audit 2, SSD 38881729, Harbourside Bulk Excavation Works, Darling Harbour, 28/03/24 (SSD 38881729, IEA 2)
- Ramboll Australia Pty Ltd, Independent Environmental Audit, SSD 7874 Harbourside Shopping Centre, Darling Harbour, 29/08/23 (SSD 7874, IEA 1)
- RAP, Rev 1, 28/09/22
- Redevelopment of Harbourside Shopping Centre, Community update – June 2024
- Redevelopment of Harbourside Shopping Centre, Community update – May 2024
- Redevelopment of Harbourside Shopping Centre, Community update – April 2024
- Redevelopment of Harbourside Shopping Centre, Community update – March 2024
- Redevelopment of Harbourside Shopping Centre, Community update – February 2024
- Redevelopment of Harbourside Shopping Centre, Community update – December 2023 / January 2024
- Remedial Action Plan prepared by JBS&G, Rev 0, 03/05/22
- Road & Footway Application For Temporary Works Registration Form, undated
- Road Occupancy Licence - Licence No: 2281178, Licence Duration From 17/06/24 to 21/06/24
- S18965\_002\_IAA No.2\_Rev0.pdf, Letter from Senversa to Mirvac, Re: Review of Detailed Site Investigation and Remedial Action Plan, Interim Audit Advice No 2. – 2-10 Darling Drive, Sydney NSW, 06/05/22 (IAA No.2 Rev0)
- S18965\_002\_IAA No.2\_Rev1.pdf, Letter from Senversa to Mirvac, Re: Review of Detailed Site Investigation and Remedial Action Plan, Interim Audit Advice No 2. – 2-10 Darling Drive, Sydney NSW, 30/09/22 (IAA No.2 Rev1)

- Senversa letter to Mirvac, Re: Review of Interim Validation Advice 01 – Harbourside Development Site, Interim Audit Advice No 3. – 2-10 Darling Drive, Sydney NSW, 01/12/23 (IAA No.3)
- Service and Training records for Plant No. 32394, sighted onsite at Site Office, 14/06/24
- Sighted in the Delta's Site Office, 14/06/24:
  - Current Drawings folder, including:
    - ST-OA-0701, Rev 1, For Construction
    - ST-OA-0703, Rev 11, For Construction
  - Mirvac CEMP Rev L, 28/08/23
  - Sighted SSD 38881729, 23/01/24
- Sydney Light Rail Interface & Access Deed Poll between ALTRAC Light Rail Partnership, Transdev Sydney Pty Ltd, TfNSW, Transport Asset Holding Entity of NSW dated 13/01/23 (IADP)
- Sydney Water, Notice of Requirements, Section 73 Subdivider/Compliance Certificate (Sydney Water Act 1994, Part 6, Division 9), 01/12/22
- Transdev and Altrac emails to Mirvac, FW: Altrac IC discussion, 22-29/11/23
- Transdev, Sydney Light Rail, Interface & Access Deed Poll, Harbourside – Construction Works (Stage 3), executed 19/12/23 (page 53) (Stage 3 IADP)
- Urbis, Architectural Design Competition Report - Harbourside Shopping Centre, 10/12/21
- Urbis, Harbourside Shopping Centre Redevelopment - Design Integrity Report, 04/11/22
- Waste Management Plan Template prepared by Mirvac, V0, 09/07/18

The following information was provided following factual review:

- Mirvac email to Ramboll, 26/09/24
- Telephone calls to JBS&G, 27/09/24
- Mirvac email to Ramboll, RE: Harbourside | SSD-49295711 IEA 1 Discussion, 01/10/24, with attached:
  - Total Surveying Solutions (**TSS**), Dockets.pdf
- Mirvac email to Ramboll, RE: Harbourside | SSD-49295711 IEA 1 Discussion, 01/10/24
- Mirvac email to Ramboll, RE: Harbourside | SSD-49295711 IEA 1 Discussion, 01/10/24, with attached:
  - Delta Group, 24.09.24 N3-463 Material Tracking Register.xlsx, 31/05/23 to 17/09/24
  - 24.01 (Jan - 2024)
  - 24.02 (Feb - 2024)
  - 24.03 (Mar - 2024)
  - 24.04 (Apr - 2024)
  - 24.05 (May - 2024)
  - 24.06 (Jun - 2024)
- Mirvac email to Ramboll, FW: Material Tracking Register, 02/10/24, with attached:
  - Boral, Material Test Report, Boral-Peppertree Quarry, 20mm Drainage Aggregate, 18/06/24 (PEPQ\_20mm Drainage Aggregate\_RN 111503\_6 Monthly\_PSD, COU, T215\_18.06.24 (2).pdf)
  - Boral, Material Test Report, Boral-Peppertree Quarry, 10mm Drainage Aggregate, 24/06/24 (PEPQ\_10mm Drainage Aggregate\_RN 111503\_6 Monthly\_PSD, COU, T215\_24.06.24.pdf)
  - Boral, Material Test Report, Boral-Peppertree Quarry, 63mm Rail Ballast, 18/06/24 (PEPQ\_63mm Rail Ballast\_SP46101\_5,000t\_RN 111433\_ARTC Ballast Spec & CRN CS 240V1.4 & CRN CP 241 V1.4\_18.06.24 (1).pdf)
  - Douglas Partners, Material Test Report, Boral-Peppertree Quarry, 26/08/24 (PTQ\_DGB20\_SP49903\_0-4000T\_TfNSW3051-Ed7\_Class 1 Cat.B (3).pdf)
  - Boral, Test Reports, Blended High Grade Compaction Sand ex Emu Plains Quarry, 18/05/24 to 16/07/24 (EMUQ\_Blended High Grade Compaction Sand SP 20414 (0-5,000t)\_RN 112292\_ITP\_16.07.24 (3).pdf)
  - Boral, Material Test Report, Boral-Dunmore Quarry, 10mm Drainage Aggregate, 17/09/24 (DUNQ\_10mm Drainage Aggregate\_SP91813\_RN 113861\_6 Monthly (Aug. '24) \_17.09.24 (1).pdf)



- Douglas Partners, Material Test Report, Boral–Dunmore Quarry, DGB20, Stockpile 45006, 08/08/24 (DUNQ\_DGB20\_SP45006\_0-4000t\_TfNSW3051 Ed7 Class1 CatB (5).pdf)
- Mirvac email to Ramboll, 24/10/25, with screenshots of Road Footway Occupancy for Temporary Works Permit – Portal
- Mirvac email to Ramboll, 24/10/25, with photograph of the inline flow meter reading on the treated effluent discharge line
- Mirvac email to Ramboll, 24/10/25, with attached Mirvac Group Water Quality Discharge Procedure, with attached Water Quality Register, weekly during the Audit Period
  - Water Quality Discharge\_Harbourside\_4 Nov to 10 Nov 2024.doc
  - Water Quality Discharge\_Harbourside\_6 Jan to 12 Jan 2025.doc
  - Water Quality Discharge\_Harbourside\_03 Feb to 09 Feb 2025.doc
  - Water Quality Discharge\_Harbourside\_03 Mar to 09 Mar 2025.doc
  - Water Quality Discharge\_Harbourside\_5 May to 11 May 2025.doc

## 4.2 Compliance Performance

The Auditors assessed the development to be compliant with Development Consent SSD 49295711 except for the ten (10) non-compliant findings shown in Table 5. Refer to the Independent Audit Table (**Appendix A**) for full details of the identified non-compliances and compliance status of other conditions. **Section 5.1** provides ten recommendations associated with the non-compliances.

**Table 5: Summary of Non-compliant Findings**

NC#	Condition ID	Non-compliant Finding (Summary)
NC1	A21	No records were provided to show that strategies, plans and programs required under this consent were reviewed within three months of the submission of SSD 49295711, IEA 1 and the approval of SSD 49295711 MOD-1, SSD 49295711 MOD-2 and SSD 49295711 MOD-3. The Department was not notified of any reviews.
NC2	A31	The Department approved an extension request in writing under Condition A31 to submit the IAR and RAR by 27/09/24. They were submitted to the Department four business days later on 03/10/24.
NC3	C36	<p>The Certifier indicated in SSDA2 CC3 Checklist dated 08/08/24 that they had received TfNSW correspondence dated 19/06/24; that a "LDMP [was] to be provided" and they had received the LDMP prepared by ptc., dated 27/06/23. The Certifier marked Condition C36 as complete, which indicated that the Certifier was satisfied Condition C36 requirements had been met., which was prior to the issue of SSDA2 CC3, the first CC for above ground works.</p> <p>The Auditors note that the LDMP was issued prior to the determination of SSD 49295711 and the following requirements have not been addressed adequately:</p> <ul style="list-style-type: none"> <li>• C36(a) – Forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay.</li> <li>• C36(c) and (d) – The LDMP indicates that vehicle queuing for the loading dock can be accommodated within the slip lane and a queuing analysis was undertaken in a Traffic Impact Assessment. No alternative loading zones are provided or other contingency measures discussed. Reliance is placed on the queuing analysis and there is a risk that it will be inadequate. The queuing analysis should be incorporated into or attached to the LDMP.</li> <li>• C36(e) – Incident management is not discussed other than to say that "All hazards, accidents or 'near-misses' must be immediately reported to the relevant site personnel". Communication and contact details for the Loading Dock Manager and/or Building Security or other means for managing incidents at the access to the loading dock (e.g. boom gate Help button) could be detailed.</li> <li>• C36(f) – The LDMP indicates that a booking system managed by the Loading Dock Manager will be used, which will presumably address this requirement. Section 5.3 indicates that "Only one vehicle can be manoeuvring within the loading dock area to either enter or exit the loading bays at any one time", which is a constraint. The Auditors are not qualified to assess if this is sufficient for managing forecast deliveries but it is considered that the LDMP could detail additional measures to manage peak periods. For example, the LDMP could: define peak periods and limit the types of deliveries/pickups during the peak periods; and provide a time schedule for anticipated regular deliveries/pickups, such as waste pickups that could be done outside the peak periods.</li> <li>• C36(g) – Whilst Section 1.4 lists the LDMP objectives including "Reduce conflicts within the loading dock; Reduce conflicting occupancy within the loading dock and service bays", it does not explicitly discuss how that will be achieved. There is no discussion of foreseeable conflicts and how they will be managed. It is unclear from the text and the attached drawings whether the users of the loading dock and commercial/residential</li> </ul>

NC#	Condition ID	Non-compliant Finding (Summary)
		parking areas use the same driveway and whether, for example, a queue for the loading dock will potentially prevent access to the commercial or residential parking areas.
NC4	E2	The Mirvac Site Notices generally complied with Condition E2 requirements except for Condition E2(a), (b) and (c). The name, address and telephone number of the principal certifier and the address of the principal contractor, Mirvac, were not included. Also, the Site Notices do not indicate that work may be carried out on Saturday between 5pm and 6pm (internal works only) and "No work may be carried out on Sundays or public holidays". It was also observed that whilst the Site Notice at the Site Entry provided the newer 0455 889 510 24-hour community enquiries number, at least one other Site Notice, as well as other 'Mirvac Community Consultation Contact' notices posted on the site hoarding still provided the superseded 1800 870 549 number and had not been updated.
NC5	E3	<p>The hours of construction are specified in the CEMP Rev F, the Harbourside Site Induction and Site Notices. The Auditors note none of the documentation indicates that work may be carried out between 5pm and 6pm on Saturday for internal works only.</p> <p>There were twelve (12) OOHW noise complaints during the Audit Period associated with the development (not including possible complaints in December 2024 and January 2025 that have not been reported in the Complaints Register). The OOHW included construction of inground bridge footings for the Bunns Street pedestrian bridge in July 2024, late running concrete pouring in September 2024 and May 2025, and Sydney Water connection works in November 2024.</p> <p>Condition E3 remained non-compliant during the Audit Period because work continued outside the approved hours of construction for various reasons that were not required by the Police or a public authority for the delivery of vehicles, plant or materials in accordance with Condition E4.</p> <p>Mirvac advised that they have submitted an application to modify Conditions E3 to E6 and E9 to allow more flexibility under specified circumstances.</p>
NC6	E4	<p>Vehicles, plant, and materials have been delivered to site outside of approved hours of work in accordance with consent Condition E4 as indicated in the Community Updates. The Auditors understand that the road restrictions are required by the NSW Government and therefore, it is considered that Condition E4 is triggered and compliant in relation to those types of deliveries.</p> <p>However, other construction activities were carried out outside of approved hours of construction that did not meet Condition E4 criteria and resulted in a number of community complaints. This included the construction of the inground footings near the light rail corridor in July 2024, the Sydney Water connection works in November 2024 and the late running concrete pours.</p> <p>It is understood that the inground footings works and the Sydney Water connection works had been approved by relevant authorities including PMNSW, TfNSW, and Transdev and were required to be undertaken OOHW due to road closures or the light rail shutdown but the works do not fit the definition of "delivery of vehicles, plant or material".</p> <p>Similarly, the late running concrete pours were not considered to be emergencies to "avoid the loss of life, damage to property or to prevent environmental harm" but the Auditors understand that the concrete pours had to continue in order to avoid damaging the integrity of the concrete and therefore, the building structure, which could be interpreted as damage to property.</p> <p>As discussed above, Mirvac has submitted an application to modify Conditions E4 and E5 to allow more flexibility under specified circumstances.</p>
NC7	E8	<p>Based on the Complaints Register and City of Sydney complaint record, high noise emission appliances, plant and/or machinery, including a jack hammer(s) (Group C, 85 dB(A)) and a concrete saw (Group D, 80 dB(A)) were used during OOHW for the bridge foundations works in July 2024 and the Sydney Water connection works in November 2024, respectively.</p> <p>The commitments in the CEMP and CNVMP to adhere to Condition E8 and to limit the use of high noise emission appliances, plant and/or machinery, such as saw cutting to the specified timing, were not maintained as intended. Whilst there were reasons for the works being conducted as OOHW as discussed in the findings and recommendations for Conditions E3 and E4, it is considered that according to Condition E8, the activities should have been restricted to the hours specified in Condition E8 and not have been conducted as OOHW.</p> <p>The CEMP Rev F and CNVMP do not consider how OOHW that may involve high noise generating works should be managed. In light of the complaints, it is considered that these management plans require review and improvement to consider OOHW.</p>
NC8	E20	There were four occasions when concrete pours continued outside of approved hours in September 2024 and May 2025, therefore comprising Condition E3 non-compliances. As they are repeat non-compliances, Mirvac should have notified the Department in accordance with Conditions E20 and E21. It is also noted that a resident was unable to contact a "listed out of hours contact person" on 11/07/24, which is also considered a repeat non-compliance and therefore, could have been notified.
NC9	E29	Mirvac provided correspondence with JBS&G in which JBS&G were requesting further documentation on specific imported materials to confirm that they were Virgin Excavated Natural Material (VENM) or material identified as being subject to a resource recovery exemption (RRE) by the EPA.

NC#	Condition ID	Non-compliant Finding (Summary)
		<p>Delta Group provided numerous Material Test Reports to Mirvac for materials including but not limited to: 10mm Drainage Aggregate; 20mm Drainage Aggregate; 63mm Rail Ballast; Blended High Grade Compaction Sand** (**Material is blended with washed glass sand); 10P Aggregate (Concrete Aggregate); 20C Concrete Aggregate. The majority of the test reports relate to physical properties of the materials such as particle size, flakiness, particle density, etc, and are not chemical composition test reports for waste classification purposes. While the test reports indicate that the materials are sourced from quarries, none of the test reports certify that the subject material is VENM or subject to a RRE, and some of the quarry materials include concrete materials, which are not VENM. A number of the quarries carry out concrete recycling businesses so unless a test report certifies that a material is VENM, natural quarried rock/stone or a RRE material, they do not meet Condition E29 requirements.</p> <p>It is expected that the Validation Report being prepared by JBS&amp;G will provide further documentation and details, and will be reviewed by the Site Auditor. However, based on the documentation provided, materials were imported to site without adequately verifying beforehand that the material was either VENM or subject to an EPA RRE.</p> <p>Following factual review, Mirvac maintained that Condition E29 was compliant because documentation was provided to JBS&amp;G during the Audit Period and they are preparing a Validation Report in accordance with Condition D46 that would show that Mirvac had complied with this condition. Whilst that may be the case, the Auditors are of the view that the documentation should be available on request to show that imported materials are VENM or subject to an EPA RRE. Therefore, Condition E29 is still considered non-compliant.</p>
NC10	E38	<p>A resident made a complaint on 11/07/24 regarding OOHW occurring from 05-08/07/24 and "Repeated attempts to reach [the] listed out of hours contact person [were] going unanswered". The 24 hour contact for the principal contractor at that time, Delta Group, did not answer the calls. According to the Complaints Register and correspondence provided, Ethos Urban did not respond to the complaint until 21 days later on 01/08/24.</p> <p>The Auditors note that the 1800 870 549 number was only operational between 9am to 5pm and therefore, was not a 24/7 number. Based on the Community Newsletters, the community enquiries number changed from 1800 870 549 to a 24-hour number (0455 889 510) in November 2024. Therefore, the updated 24-hour number should prevent a repeat occurrence of the aforementioned complaint. However, there was a three to four month period when a 24/7 number may not have been available, except on Site Notices. Ethos Urban / Mirvac did not provide an alternative 24/7 number to the complainant for out of hours contact, such as the Mirvac personnel listed on the Site Notice.</p> <p>As discussed above, in relation to Condition E2, at least one of the Site Notices and other 'Mirvac Community Consultation Contact' notices posted on the site hoarding listed the old 1800 870 549 number and have not been updated.</p>
Number of non-compliances identified:		10
Total number of compliance requirements assessed in Parts A to E:		211
Total number of compliance requirements:		294

#### 4.3 Summary of Agency Notices, Orders, Penalty Notices or Prosecutions

No Agency Notices, Orders, Penalty Notices or Prosecutions were issued in relation to the development during the Audit Period.

#### 4.4 Previous Audit Recommendations

An assessment of progress on the recommendations made in the 1<sup>st</sup> IEA is presented in Table 6.

**Table 6: Status of Previous Audit Recommendations**

Condition	Previous Recommendation	Action Status
<b>Non-compliant Findings</b>		
E2	Correct the Site Notices to show the correct approved hours of construction for all seven days of the week and public holidays.	The Site Notices were changed during the Audit Period to Mirvac Site Notices. They are missing required information including the complete hours of construction. Refer to NC4.
E3	Investigate why the concrete pours continued outside the approved hours of construction and based on the findings, improve administrative controls and communications to prevent work continuing outside the approved construction hours.	OOHW work was carried out that did not meet Condition E4 requirements. This included late running concrete pours. Mirvac advised that they have submitted an application to modify Conditions E3 to E6 and E9 to allow more flexibility under specified circumstances. Refer to NC5.

Condition	Previous Recommendation	Action Status
E20	Review why the Condition E3 and Condition E38 non-compliances were not notified to the Department and based on the review findings, improve procedures so that future non-compliances will be notified.	Both Condition E3 and Condition E38 were non-compliant during this Audit Period for similar reasons (i.e. late running concrete pours and a resident unable to contact the 24/7 listed contact person on repeated attempts) and the Department was not notified of these non-compliances. Therefore, Condition E20 remained non-compliant. Refer to NC8.
E38	If it has not already been done, review and improve the management of the 24-hour contact telephone to ensure that a complainant can make contact with the site representative to ensure a prompt response.	As discussed above, Condition E38 was found to be non-compliant during the Audit Period because a resident was unable to contact the 24/7 listed contact person on repeated attempts. Refer to NC10.
<b>Opportunities for Improvement</b>		
A33	Submit RAP, Rev 1, 28/09/22 to the Planning Secretary for approval in writing.	This was not done to our knowledge. No further recommendation has been made.
C13	Ensure that structural drawings are prepared and signed by a suitably qualified practising Structural Engineer.	Both regulated and non-regulated structural drawings were available to site personnel on Fieldwire app and the 'DP Full Name' of the person authorising the structural drawings was completed on the plans sighted during the site visit. This condition was found to be compliant.
D3	Update the website to include the CCS and DMP on the SSD 49295711 webpage.	The CCS is now available on the SSD 49295711 webpage but the DMP remains on the SSD 38881729 webpage. Condition D3 was found to be compliant.
D4	Provide the survey documentation for the footings and foundations to the Certifier and retain records for the next IEA.	The Certifier's checklists for SSDA2 CC1 to SSDA2 CC4 included a requirement for Mirvac to provide survey plans to the Certifier "for all footings, foundations (Each slab)" and did not mention additional marks to be surveyed. The Certifier has not confirmed in the checklists if the survey plans were provided, however, the Auditors have no reason to believe that this requirement was not met. Condition D4 was found to be compliant.
D26	Review and revise the DMP to provide "a baseline assessment of groundwater levels, quality and extent of saltwater influx" that is provided either within the document or attached as an appendix. Improve the groundwater monitoring plan, including the TARP, so that it is presented in the main body of the report and presents the required monitoring, the frequency, baseline (as appropriate), the criteria / triggers and follow-up action if a criterion/trigger is exceeded, preferably in tabular form.	The DMP was not updated during the Audit Period. As it was an OFI recommendation, no further recommendation has been made.
D27	Update the CEMP to include details on flora and fauna management. Note, this may entail indicating, consistent with the EIS, that the site is a "highly modified and disturbed urban environment, and [the development] would not impact on biodiversity values. The site is not considered to have habitat suitable for any threatened flora and fauna".	The CEMP was updated on 02/07/24 (CEMP Rev F) but does not include details on flora and fauna management. It was noted that Section 1.5 does not indicate that work may be carried out between 5pm and 6pm on Saturday for internal works only. It does not contain the latest version of the CPTMP Rev 3. Condition D27 was found to be compliant with an OFI.

Condition	Previous Recommendation	Action Status
D28	If it has not already been done, provide a copy of the Main Works CPTMP Rev 3 to Sydney Metro and the Sydney Light Rail Operator for the opportunity to provide feedback on the management plan for the purpose of consultation.	Mirvac's SSD 49295711, RAR 1 indicated that <i>"endorsement [had] been received via the delegated email"</i> . Whilst the Auditors have not sighted the endorsement, no further recommendation has been made.
D34	Review and revise the CSWMP / ESCP so that stormwater drainage is managed and retained within the site boundaries during the construction, including during wet weather events. The CSWMP / ESCP is required to describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.  Submit the CSWMP / ESCP to PMNSW for the opportunity to provide feedback on the management plan for the purpose of consultation.	This was not done to our knowledge. No further recommendation has been made.
D35 & D36	Review and revise procedures to more comprehensively address the requirements of Condition D35 and D36, including reference to a flood emergency scenario, marking of evacuation routes and refuge protocol.	The Harbourside Site Induction Presentation was revised during the Audit Period and does not discuss flood emergency protocols. A recommendation has been made for Condition D36 to indicate the muster point location on the map in the Harbourside Site Induction presentation.
D41	Request verification from FIP Electrical that outdoor lighting has been designed to comply with AS 4282-2019 Control of the obtrusive effects of outdoor lighting and seek confirmation that the Certifier is satisfied that that is the case.	This was not done to our knowledge.  The illuminated sign on the tower crane was not assessed in accordance with Condition D41 requirements and particularly AS 4282-2019 <i>Control of the obtrusive effects of outdoor lighting</i> . There were three complaints about the illuminated sign and City of Sydney advised that it was a source of "light pollution".  The Auditors initially considered Condition D41 to be non-compliant because no evidence has been provided to show that the illuminated sign on the tower crane(s) complies with Condition D41.  Following factual review, Mirvac advised that the tower crane lighting was temporary lighting, not permanent lighting, and subject to the City of Sydney Development Consent and not SSD 49295711. On further consideration, the Auditors accept Mirvac's justification and consider Condition D41 compliant with an OFI recommendation.
E1	Remove superseded versions of the CEMP from the Site. Establish a process, such as a register, to inform the Site Office what are the <i>"approved and certified plans, specifications and documents incorporating conditions of approval and certification"</i> at any particular time, provide the Site Office with those documents electronically and in hard copy, as considered appropriate, and monitor that the Site Office has the current version.	Mirvac site personnel use the Fieldwire application on a tablet to access documents, including the certified plans, the Development Consent and CCs. During the site visit, the Auditors reviewed the approved and certified plans on a tablet.
E7	In the event that a complainant makes more than one noise complaint and requests noise	Based on the complaint records, there was only one activity where more than one complaint was received and that was

Condition	Previous Recommendation	Action Status
	monitoring, Mirvac should consider conducting noise monitoring as requested and in accordance with the Main Works CNVMP Rev 1.	<p>the Bunns Street pedestrian bridge foundation OOHW which received three complaints on 7 and 8 July. No noise monitoring was conducted following receipt of the community complaints.</p> <p>Whilst the NMLs and the HNAML were exceeded during the demolition works during construction hours and most likely during the OOHW activities, mitigation methods were implemented (e.g. notifications, respite periods, scheduling noisier works during daytime hours in the case of OOHW, using smaller plant where feasible). No complaints were received during the demolition works and the complaints that were received during OOHW, generally appeared to be resolved to the satisfaction of the complainant, except for the complaint discussed in the findings for Condition E38 (refer to NC10). Condition E7 was found to be compliant.</p> <p>An OFI recommendation was made to improve recording of the implementation of the CNVMP Section 12 process in construction activity planning. Also refer to the findings and recommendations for Condition E8 (NC7).</p>
E28	Provide the Material Tracking Register to the Certifier on a regular basis (e.g. monthly) while building work is being conducted.	Although it was outside the Audit Period, the Certifier indicated that <i>"Based on the development management plans and material tracking registers reviewed by us, we are generally satisfied that the soil removed/imported to site is being managed in accordance with Condition E28. We don't require receipt of the Material Tracking Register on a regular basis and instead will be provided by Mirvac from time to time upon our request."</i>
E29	Review and improve the procedure for checking that proposed imported material meets Condition E29 requirements and the specifications stipulated in the RAP (i.e. either VENM sourced from a verified quarry or material identified as being subject to a resource recovery exemption by the EPA).	Whilst numerous Material Test Reports were provided, they do not show that the imported materials (e.g. 10mm Drainage Aggregate; 20mm Drainage Aggregate; 63mm Rail Ballast; Blended High Grade Compaction Sand** (**Material is blended with washed glass sand); 10P Aggregate (Concrete Aggregate); 20C Concrete Aggregate) are VENM or subject to a RRE in accordance with Condition E29. JBS&G were reviewing the documentation for the purpose of preparing their Validation Report. Based on the documentation provided, materials were imported to site without adequately verifying beforehand that the material was either VENM or subject to an EPA RRE. Refer to NC9.
E31	Seek PMNSW's written approval to discharge site stormwater to the PMNSW stormwater assets as the current approval refers only groundwater.	This was not done to our knowledge. No further recommendation has been made.
E46	Mirvac to periodically obtain groundwater monitoring data from JBS&G to demonstrate compliance with the DMP requirements, as required by Condition E46 and the Water Supply Works Approval.	<p>Mirvac provided "Dewatering Compliance Monitoring" letter reports from JBS&amp;G that assess the groundwater monitoring data. The Auditors initially considered Condition D41 to be non-compliant because, based on the records provided for review, the groundwater monitoring is not being conducted fully in accordance with WAL44984, 10WA124897 and the DMP.</p> <p>Following factual review, Mirvac provided a photograph of the inline flow meter on</p>



Condition	Previous Recommendation	Action Status
		the groundwater treatment plant's discharge to stormwater. It shows that water take is being monitored by metering equipment and recorded, although the meter readings are not recorded on the Water Quality Register, only Discharge Quantity. Condition E46 is considered compliant with an OFI recommendation.

#### 4.5 EMP, Sub-plans and Post Approval Documents

The Construction Environmental Management Plan (CEMP) was updated on 2 July 2024 (CEMP Rev F) when Mirvac became the principal contactor. The Auditors have made an OFI recommendation for Condition D27 to update the hours of work in Section 1.5 of the CEMP to be consistent with Condition E3 and its sub-plan, the Construction Pedestrian and Traffic Management Plan (**CPTMP**) in Appendix B to CPTMP Rev 3.

A Loading Dock, Basement, Arrival Management Plan (**LDBAMP**), herein referred to as the Loading Dock Management Plan (**LDMP**) was issued on 27 June 23, which was prior to the determination of SSD 49295711. Whilst the Certifier was satisfied with the LDMP, the Auditor's review of the LDMP indicated that it was missing required information and was therefore, found to be non-compliant. Refer to NC3 and the findings and recommendations for Condition C36 in Table A (**Appendix A**).

An Operational Waste Management Plan was issued in June 2024 (**2024 OWMP**), submitted to the Department on 12 November 2024 and approved by the Department on 17 December 2024. The OWMP was revised on 3 March 2025 (**2025 OWMP**). Review of the 2025 OWMP found that it was compliant except that the Condition C37(d)(i) requirement to provide dedicated space for food waste has not been met for the development's residential component or commercial operations except possibly for special events. Food waste collection was raised by City of Sydney during the consultation process in early 2024 as a future State Government policy requirement. The NSW Government has since amended the *Protection of the Environment Operations Act 1997*, to require businesses to separate food waste and local councils to provide a food waste collection service. The new requirements are transitioned into effect from 1 July 2026 to 1 July 2030 depending on the type of business / residential service. City of Sydney offers food scrap recycling for apartment buildings. It is considered that Mirvac will most likely need to provide segregated food waste storage in order to comply with the new legislation and therefore, provision of food waste recycling is recommended as an opportunity for improvement.

The Auditors consider that management plans have been implemented generally in accordance with the consent conditions and the management plans except for the following non-compliant findings and OFIs:

- Noise and OOHW: Noise associated with OOHW resulted in twelve complaints during the Audit Period resulting in three non-compliant findings (Condition E3 | NC5, Condition E4 | NC6 and Condition E8 | NC7). OFIs have also been identified (Condition E5, Condition E7 and Condition E9). Mirvac has submitted an application to modify Conditions E3 to E6 and E9 to allow more flexibility under specified circumstances.
- Whilst City of Sydney indicated that they received dust complaints, no details were provided. Review of a PM<sub>10</sub> dust monitoring report indicated that the site's average daily and annual PM<sub>10</sub> monitoring results met the corresponding PM<sub>10</sub> criteria.
- A review of groundwater monitoring records indicated that the groundwater monitoring is being conducted generally in accordance with the requirements of WAL44984, 10WA124897 and the DMP with an OFI.

Mirvac conduct regular Environmental / HSE Observations to check that environmental controls are implemented and maintained, which is a good practice. The Auditors identified an OFI to

expand the area of the observations to incorporate checks of the surrounding environment (e.g. Darling Drive, Darling Harbour, public ways, street trees)

Overall, the implementation of management plans is considered compliant in accordance with Condition E24.

#### **4.6 EMS**

There is no project specific Environmental Management System (EMS) for the project. The Auditors consider the various management plans noted in **Section 4.5** to be generally appropriate for managing environmental matters.

#### **4.7 Environmental Performance**

As discussed in Section 4.5, OOHW was conducted that did not meet Condition E4 requirements and resulted in twelve complaints. City of Sydney also indicated that they received dust complaints and that light pollution was an issue. However, no further details were provided. No complaints were received in relation to dust emissions but there were three complaints about an illuminated Mirvac sign on a tower crane. Mirvac adjusted the intensity and hours of illumination in response to the complaints. Refer to the findings for Condition E12.

No other significant environmental performance issues were identified. Overall, the environmental performance of the development during the Audit Period is considered to be adequate.

#### **4.8 Complaints**

There were fifteen community complaints during the Audit Period, as discussed in the findings for Condition D19, one of which was received by City of Sydney. However, it may be underestimated because it does not include complaints that may have been received during December 2024 and January 2025 because the Complaints Register on Mirvac's webpage linked to the November 2024 Complaints Register issued on 11/12/24. As discussed in Section 4.5, twelve of the complaints related to noise during OOHW. The other three complaints related an illuminated Mirvac sign on a tower crane.

Also as discussed in Conditions D19 and E38 (refer to NC10), one of the complainants about OOHW indicated that the 24/7 site contact person did not answer calls on repeated attempts. [were] going unanswered". Based on the available information, it took 21 days for the Ethos Urban Engagement Team (Mirvac's communications consultant) to respond to the complainant. The Ethos Urban Engagement Team's contact number, 1800 870 549, was changed to a 24-hour number, 0455 889 510, in November 2024. There may have been a three to four month period when a 24-hour number was not available, except on Site Notices and depending on when the Delta Group Site Notices were replaced by Mirvac Site Notices.

Recommendations have been made to improve communications in Conditions D19 and E38 (NC10).

#### **4.9 Incidents**

No incidents, as defined under SSD 49295711 and requiring Department notification, have reportedly occurred during the Audit Period.

#### **4.10 Actual Verses Predicted Environmental Impacts**

The Auditors have not identified inconsistencies between actual environmental impacts and the predicted environmental impacts.

#### **4.11 Site Inspection**

The Auditors carried out a site inspection on 25 June 2025 accompanied by project personnel referred to in **Section 3.4**. Photographs taken during the site visit are provided in **Appendix D**.

#### **4.12 Site Interviews**

Interviews on the day of the site visit involved the project personnel referred to in **Section 3.4**. Documents were reviewed at Mirvac's offsite office located on Murray Street, Pyrmont, but the majority of documents were provided electronically and reviewed off-site.



#### 4.13 Improvement Opportunities

The following opportunities for improvement have also been identified in Table 7. Refer to **Section 5.2** for recommended actions. Refer to the Independent Audit Table (**Appendix A**) for full details.

**Table 7: Opportunities for Improvement – SSD 49295711**

Condition	Opportunity for Improvement (Summary)
A8	Mirvac continued to retain the DIP during the Audit Period. Documentation was provided showing that the DIP was consulted in relation to the Bunn Street through site link (Condition C1) and the landscaping works in accordance with Conditions C1 and C3, respectively. However, the design was not reviewed by the DIP prior to the lodgement of the MOD 1 and MOD 3 applications and there was no confirmation in writing from the Planning Secretary that DIP review was not required. Mirvac advised that they consulted PMNSW who advised that DIP review was not required and that the “ <i>decision on whether a modification [required] DIP presentation [rested] between PMNSW and Mirvac</i> ”. That is in variance to the requirement of Condition A8(a)(ii). However, on the basis that the Department’s MOD 1 and MOD 3 Assessment Reports indicated that the changes were minor and aligned or consistent with the design, the Auditors consider Condition A8 to be compliant with an OFI.
A30	The RAR available on Mirvac’s Harbourside website does not include the non-compliant findings and recommendations, only the findings and recommendations.
B12	<p>Mirvac again advised that Condition B12 was not triggered although wall construction had commenced. Mirvac provided two survey drawings including a survey plan in which a registered surveyor from Beverage Williams certified on 22/03/23 “<i>that we have reviewed the proposed building location and confirm that it is contained within the SSDA approved boundaries as shown herein</i>”.</p> <p>The Auditors initially considered Condition B12 to be non-compliant because no evidence has been provided of a survey and report submitted to the Certifier indicating the position of external walls in relation to the boundaries of the allotment. Following factual review, Mirvac advised that the reason the external walls have not been indicated in relation to the boundaries is that the boundaries may change under the agreement with PMNSW when the construction licence transitions to a 99 year lease. Mirvac asserts that the buildings are not encroaching over the side boundaries.</p> <p>Based on the Beverage Williams certification statement and Mirvac’s explanation, the Auditors consider Condition B12 compliant.</p>
C2	<p>The Certifier’s SSDA2 CC8 Checklist indicated that, to satisfy Condition C2(a), the certifier required the access consultant, being Philip Chun Accessibility Pty Ltd, to “<i>provide design certification in accordance with BCA 2022 and AS 1428.1-2009</i>”, but based on the checklist, there is no evidence that it was provided to the Certifier.</p> <p>SSDA2 CC8 Checklist refers to a report and a final performance solution provided by the access consultant but it is unclear if those documents address Condition C2(a) to the satisfaction of the Certifier.</p> <p>Mirvac subsequently advised that “<i>There was a request to move [the C2(a) requirement] to [a] CC8 Update: <a href="https://MIRVAC.itwocx.com/MGR-PRD-10019:3333197">https://MIRVAC.itwocx.com/MGR-PRD-10019:3333197</a>. The CC8 update was issued outside the audit period (August 25). Attached is the Design Certificate confirming that this is to be addressed outside the audit period.</i>” Based on this advice, the Auditors understand that the C2(a) was addressed in an update of CC8 outside the Audit Period and this requirement would therefore be met, albeit in a later issue of CC8. A Design Compliance Statement – Accessibility from the accessibility consultant, Philip Chun, dated 20/07/25 was also provided. Evidence of its submission to the satisfaction of the Certifier will need to be provided for the next IEA.</p>
C18	Review of the RWDI updated Reflectivity Analysis indicates that it met Condition C18 requirements. It was submitted to and approved by the Planning Secretary prior to the issue of the first CC for external finishes, SSDA2 CC8. The Auditors note that in the Department’s approval letter, the Department required Mirvac to “ <i>make the document publicly available on the project website at the earliest convenience</i> ”. The Reflectivity Analysis report and the cover letter are not publicly available on Mirvac’s project website, except through a link to the “Major Projects Website”, which takes you to the SSD-49295711 ‘Assessment’ webpage. It does not take you to the ‘Post Approval’ webpage where these documents are publicly available under ‘Management Plans and Strategies’. It is considered that these documents should be made readily available on Mirvac’s project website and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.
C28	An amended Wind Impact Assessment (WIA) was submitted to and approved by the Department prior to the issue of SSDA2 CC3, the first CC for above ground works. The Auditors note that the Department required Mirvac to “ <i>make the document publicly available on the project website at the earliest convenience</i> ”. The amended WIA, Version D, 07/08/24, is not publicly available on Mirvac’s project website. It is also not available from the “Major Projects Website”, which is linked from Mirvac’s project website. Only the cover letter is available on the Major Projects Website. It is considered that if the Department requires a specific document to be made publicly available on Mirvac’s project website, it should be readily available on said site and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.
C31	<p>The Certifier’s SSDA2 CC7 Checklist indicated that they received a design statement from the traffic engineer, etc., dated 06/03/25, as well as a statement from Climatech dated 19/03/25, and marked the Condition C31 requirements as complete.</p> <p>However, review of the etc. and Climatech documents referenced by the Certifier indicated that although some of the requirements were explicitly met, parts (e) and (f) have not been addressed and all of the</p>

Condition	Opportunity for Improvement (Summary)
	<p>signage requirements were required to be addressed prior to the issue of the first Construction Certificate for basement fit-out, being SSDA2 CC7, not a later certificate.</p> <p>The Auditors initially considered Condition C31 non-compliant. Following factual review, Mirvac maintained that Condition C31 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C31 compliant with an OFI recommendation.</p>
C33	<p>Snøhetta + Hassell issued two statement letters dated 09/01/25 and 28/02/25 that appeared to confirm <i>"that the bicycle parking &amp; facilities provided for in the design satisfy the requirements as outlined in Condition of Consent C33"</i> and verified <i>"that the developed design achieves the requirements of C33 insofar as it relates to the CC7 scope of works"</i>. The Certifier was satisfied with Snøhetta + Hassell statement dated 28/02/25 and marked Condition C33 as complete.</p> <p>However, ptc. indicated in Table 1 of their assessment of the car park and bicycle parking facilities, dated 06/03/25, that only 214 residential bicycle parking spaces were provided and noted that <i>"The development is short of 51 residential bike spaces. However, the residential storage can be used as a bike parking space"</i>. The Auditors consider that utilising <i>"residential storage"</i> as a bicycle parking space does not meet the intended requirement of Condition C33.</p> <p>The Auditors initially considered Condition C33 non-compliant. Following factual review, Mirvac maintained that Condition C33 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C33 compliant with an OFI recommendation.</p>
C37	<p>The Auditors reviewed the 2025 OWMP and the LDMP, which is cross-referenced in the 2025 OWMP, and found that it adequately addressed Condition C37 requirements, including consultation with City of Sydney. The 2024 OWMP was approved by the Department on 17/12/24. The 2025 OWMP has not been submitted to the Department.</p> <p>The Auditors note though that Condition C37(d)(i) refers to the provision of dedicated space for food waste. The OWMP indicates that <i>"Food waste recycling will not be provided for the development's residential component, as this was not a City of Sydney requirement at the time of the current design being developed, and additional provisions for the required additional infrastructure cannot be accommodated in the current development without significant adverse impacts to overall site design and amenity."</i> Food waste recycling is also not considered for the commercial operations except possibly for special events.</p> <p>Based on the 2024 OWMP and the Department's approval of the 2024 OWMP, the Certifier marked Condition C37 as complete in the SSDA2 CC7 Checklist.</p> <p>The NSW Government has since amended the <i>Protection of the Environment Operations Act 1997</i>, to require businesses to separate food waste and local councils to provide a food waste collection service. The new requirements transition into effect from 1 July 2026 to 1 July 2030 depending on the type of business / residential service. City of Sydney offers food scrap recycling for apartment buildings. It is considered that Mirvac will most likely need to provide segregated food waste storage in order to comply with the new legislation and therefore, provision of food waste recycling is an opportunity for improvement.</p>
C38	<p>The FEMP is considered comprehensive and meets Condition C38 requirements. The Department reviewed the FEMP and was satisfied that it met the requirements of Condition C38. The Auditors note that the Department required Mirvac to <i>"make the document publicly available on the project website at the earliest convenience"</i>. The FEMP is not publicly available on Mirvac's project website, except through a link to the "Major Projects Website", which takes you to the SSD-49295711 'Assessment' webpage. It does not take you to the 'Post Approval' webpage where the FEMP is publicly available under 'Management Plans and Strategies'. It is considered that the FEMP should be made readily available on Mirvac's project website and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.</p>
C49	<p>An Acoustic Logic letter and Condition C49 Acoustic Assessment report were submitted to the satisfaction of the Certifier prior to the issue of SSDA2 CC3, the first CC for above ground works.</p> <p>Mirvac provided <i>"glass technical data, which demonstrates that the glass composition incorporates the acoustic requirements into its construction methodology"</i>.</p> <p>The Auditors initially considered Condition C49 non-compliant because whilst Acoustic Logic's recommendations appear to have been incorporated into the construction of the glass windows and doors to some degree, it has not been demonstrated that their recommendations have been fully incorporated (e.g. minimum thicknesses) or carried out (e.g. laboratory testing and acoustic sealing methodology) in accordance with Condition C49 requirements.</p> <p>Following factual review, Mirvac maintained that Condition C49 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C49 compliant with an OFI recommendation.</p>
D3	<p>SSD 49295711, IEA 1 recommended adding the Community Communication Strategy (CCS) and the Dewatering Management Plan (DMP), also known as the Water Management Plan, to the document library on the SSD 49295711 webpage. The CCS is now available on the SSD 49295711 webpage, however the DMP has not been added but is still available on the SSD 38881729 webpage.</p> <p>The Auditors note that many of the required documents are available through the "Major Projects Website" including, for example, the modification determinations and the consolidated consent, as well as some management plans. However, the Auditors note that the Department does not reliably make all of the required management plans publicly available on the Major Projects Website. Therefore, it is considered that strategies, management plans and programs required under SSD 49295711 should be</p>

Condition	Opportunity for Improvement (Summary)
	<p>provided on Mirvac's SSD 49295711 webpage, particularly in the case where the Department has required in a letter of approval that a document be made "publicly available on the project website".</p> <p>The Auditors make the following comments regarding Mirvac's project website:</p> <p>The Water Access Licence, WAL44984, and Water Supply Works Approval, 10WA124897, being current statutory approvals for the development, are missing, although 10WA124897 is attached to the DMP as Appendix E. It is noted that the copy of 10WA124897 attached to the DMP was due to expire on 16/08/25.</p> <p>The following management plans are missing: LDMP, OWMP and FEMP. However, they are available on the Major Projects Website.</p> <p>As discussed in the findings and recommendations for Condition A30, the RAR for SSD 49295711, IEA 1 that is published on Mirvac's SSD 49295711 webpage and the Major Projects Website only shows the OFI findings and recommendations and not the non-compliant findings and recommendations.</p> <p>Although it appears that Complaints Registers (or Issues Register) are provided for December 2024 and January 2025, the two links only provide the November 2024 Complaints Register issued on 11/12/24. The Auditors note that Mirvac do not appear to have a consolidated, continuous Complaints/Issues Register, as collated by Ethos Urban.</p>
D19	<p>The CCS continued to be implemented during the Audit Period, as evidenced by the Community Newsletters, which provide notice of planned activities in the month ahead and planned OOHW notifications. However, there were at least fifteen (15) complaints during the Audit Period (not including complaints received in December 2024 and January 2025, if any), including twelve (12) out of hours work (OOHW) noise complaints during the Audit Period, indicating that implementation of the CCS could be improved. Also refer to NC10 regarding the inadequate handling of a complaint about being unable to reach a listed 24/7 site contact.</p> <p>Review of the CCS indicates that it does not refer to the Condition E38 requirement to maintain a 24-hour contact telephone number that is continually attended by a person. Instead, it still refers to the 1800 number.</p> <p>Based on the documentation provided, it is considered that the CCS is being implemented but improvements are needed to ensure the 24/7 complaint phone number is answered and the CCS is updated with the new phone number.</p>
D25	<p>This Condition was assessed during the SSD 49295711, IEA 1 and a WAL was obtained in accordance with Condition D25. However, Condition MW8849-00001 of WAL44984 requires that water must only be taken under the WAL in accordance with the conditions of the Water Supply Works Approval 10WA124897. The 10WA124897 was current during the Audit Period but was due to expire on 16/08/25 according to the NSW Water Register.</p>
D27	<p>The SSD 49295711, IEA 1 made an OFI recommendation to update the CEMP to include details on flora and fauna management; however, this has not been completed. The CEMP was updated on 02/07/24 following the change in Principal Contractor to Mirvac. The hours of work in Section 1.5 do not indicate that work may be carried out between 5pm and 6pm on Saturday for internal works only.</p> <p>It is also noted that CEMP Rev F does not contain the latest version of the CPTMP Rev 3.</p>
D36	<p>Mirvac transitioned to the Principal Contractor in July 2024 and the Harbourside Site Induction presentation was updated accordingly. Slides 11 and 12 address emergency evacuation procedures and Slide 11 indicates that the muster point (i.e. assembly point) is on the grass plot in front of the Maritime Museum. However, the muster point location is not depicted on the 'Emergency Exits and Muster Point' map on Slide 12.</p>
D41	<p>This Condition was assessed as compliant during the SSD 49295711, IEA 1 with an OFI recommendation to obtain verification from FIP Electrical that outdoor lighting had been designed to comply with AS 4282-2019 <i>Control of the obtrusive effects of outdoor lighting</i> to the satisfaction of the Certifier. Mirvac indicated in SSD 49295711, RAR 1 that "FIP have confirmed that lighting is compliant to the minimum required lux level recommended by AS1158.3.1:2020, <i>Lighting for roads and public spaces</i>" and did not propose further action to confirm that the outdoor lighting complied with AS 4282-2019.</p> <p>During the Audit Period, tower cranes were installed and an illuminated Mirvac sign on the tower crane(s) was the cause of at least three community complaints between November 2024 and February 2025. Mirvac amended the dimming program and then in April 2025 advised the community that the illuminated Mirvac sign would be turned off by 10:00pm.</p> <p>Condition 5(b) of the City of Sydney's approval for the "Temporary signage on the cranes and jump form while site under construction" required that "At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with the latest edition of AS/NZS 4828".</p> <p>The Auditors initially considered Condition D41 to be non-compliant because no evidence has been provided to show that the illuminated sign on the tower crane(s) comply with Condition D41 requirements, particularly AS 4282-2019.</p>
E5	<p>Mirvac provided three examples of notifications to neighbours for OOHW during the Audit Period including notification of the Bunn St pedestrian bridge foundations work, tower crane installations and Sydney Water connection works.</p> <p>Although it is considered that a late running concrete pour is not an 'emergency', Mirvac could notify residents by email of unplanned events such as late running concrete pours, as soon as practicable, in an effort to keep the affected residents informed.</p>
E7	<p>Based on available information, it is considered that whilst the noise management levels (NMLs) and highly noise affected management level (HNAML) were exceeded during the demolition works during</p>

Condition	Opportunity for Improvement (Summary)
	construction hours and most likely during the OOHW activities, mitigation methods were implemented (e.g. notifications, respite periods, scheduling noisier works during daytime hours in the case of OOHW, using smaller plant where feasible). No complaints were received during the demolition works and the complaints that were received during OOHW, generally appeared to be resolved to the satisfaction of the complainant, except for the complaint discussed in the findings for Condition E38 (refer to NC10).
E9	<p>The Materials Tracking Register appears to indicate that imported materials were sometimes delivered to site between 6 am and 7am (e.g. 05/08/24, 23/08/24, 25/09/24, 16-18/10/24, 26/05/25). Assuming the recorded times are truck arrival times, they would be non-compliant with Condition E3 and E9. However, Mirvac advised and confirmed <i>"that the times in the tracking register are not arrival times. ... Deliveries before construction hours are not accepted unless required by RMS or CoS"</i>.</p> <p>There were no complaints regarding the early arrival of trucks to the site out of hours.</p>
E24	<p>Based on the documentation reviewed, the site visit, and interviews with Mirvac, implementation of the management plans has generally been undertaken in accordance with the consent conditions, except for the four occasions when concrete pours continued past the approved hours of construction, which were non-compliant with Condition E3 (refer to NC5).</p> <p>As discussed in the findings for Condition E7, there were twelve OOHW noise related complaints during the Audit Period and although noise measures were implemented, the implementation and recording of Section 12 of the CNVMP could be improved. Refer to the OFI recommendation for Condition E7.</p> <p>Review of a PM10 dust monitoring report indicated that the site's average daily and annual PM10 monitoring results met the corresponding PM10 criteria.</p> <p>As discussed in the findings for Condition E46, review of groundwater monitoring records indicated that the groundwater monitoring is being conducted generally in accordance with the requirements of WAL44984, 10WA124897 and the DMP with recommended OFI.</p> <p>Regular 'Observations' are conducted that check that environmental controls are implemented and maintained, which is a good practice. The Auditors note that the observations appear to be focussed within the site boundary and may not include checks of the surrounding area. For example, it would be good to document observations of the condition of Darling Drive for tracking of sediment, water quality in Darling Harbour (being a sensitive receiver), no obstruction of public ways and street trees are in good health, etc.</p>
E46	<p>The Auditors reviewed the groundwater monitoring results for compliance with the requirements of the Water Access Licence, WAL44984, the Water Supply Works Approval 10WA124897 and the DMP, which is presented in detail in the Audit Table (Appendix A).</p> <p>The Auditors initially considered Condition D41 to be non-compliant because, based on the records provided for review, the groundwater monitoring is not being conducted fully in accordance with WAL44984, 10WA124897 and the DMP.</p> <p>Following factual review, Mirvac provided a photograph of the inline flow meter on the groundwater treatment plant's discharge to stormwater. It shows that water take is being monitored by metering equipment and recorded, although the meter readings are not recorded on the Water Quality Register, only Discharge Quantity. Condition E46 is considered compliant with an OFI recommendation.</p>

#### 4.14 Key Strengths

The Auditors consider management of the current stage of development during the Audit Period by Mirvac to be of a generally high standard in relation to site management and environmental performance. Mirvac's use of the Fieldwire application on a tablet to access their document management system, including approved permits and record HSE Observations is also considered a strength.

Mirvac continued to engage effectively with TfNSW, Transdev and the Design Integrity Panel during the Audit Period.

Recommendations have been made in **Section 5.2** to further improve management systems and environmental performance.

## 5. RECOMMENDATIONS AND OPPORTUNITIES FOR IMPROVEMENT

### 5.1 Recommendations in Relation to Non-compliant Findings

The recommendations for the non-compliant findings are presented in Table 8.

**Table 8: Recommendations for Non-compliant Findings**

NC#	Condition ID	Recommendation
NC1	A21	Notify the Department that a review of strategies, plans and programs has been or will be carried out each time that an IEA report is submitted, a modification approved, or a direction issued. The notification is required to be submitted to the Department within three months of the relevant occurrence.
NC2	A31	Improve reporting processes to allow sufficient time for the review of the IAR and preparation of the RAR.
NC3	C36	Review and revise the LDMP so that it more fully and explicitly addresses Condition 36 requirements.
NC4	E2	Correct the Site Notices to include the name, address and telephone number of the principal certifier, the address of the principal contractor, the complete hours of construction and, where needed, update the 1800 870 549 24-hour community enquiries number with the 0455 889 510 number.
NC5	E3	Investigate why the concrete pours continued outside the approved hours of construction and, based on the findings, further improve control measures, such as pump preventative maintenance, smaller concrete pour areas, concrete supply arrangements and communications to prevent work continuing outside the approved construction hours.  Until such time as the Department approves the modification of Conditions E3 to E6 and E9, ensure that construction work is only carried out during the approved hours of construction and in accordance with Condition E4, which relates to specified deliveries and emergencies only.
NC6	E4	Until such time as the hours of construction conditions are modified, only carry out construction works within the approved hours of construction in accordance with Condition E3 or strictly in accordance with Conditions E4 and E6 circumstances.
NC7	E8	Review and revise the CEMP and CNVMP Section 12 assessment process to consider how OOHW activities will be managed, particularly activities involving use of high noise emission appliances, plant and/or machinery as specified in Condition E8. This should include a trigger action plan for conducting noise monitoring in the event of a specified number of complaints subject to specified circumstances. One way to do this is to prepare an OOHW Protocol that is attached to the CNVMP.
NC8	E20	Review why the late running concrete pours (Condition E3) and possibly the 24-hour contact telephone number failure (Condition E38) were not notified to the Department and, based on the review findings, further improve procedures so that future non-compliances will be notified.
NC9	E29	Ensure that documentation is obtained that verifies that a material is VENM or the subject of an EPA RRE, prior to it being imported.  Ensure that required documentation for RRE materials is readily available and retained for six years in accordance with RRE requirements.
NC10	E38	Review and update the Site Notices and other 'Mirvac Community Consultation Contact' notices posted on the site's hoarding to ensure that they all show the correct 24-hour community enquiries number.  Review and revise the Complaints Register maintained by Ethos Urban and record the date(s) that specific actions are undertaken, whether by Ethos Urban or Mirvac personnel, including calling a resident back, sending a follow-up email response and resolving the complaint through a specific action(s).  Provide instruction and training, as appropriate, to personnel that respond to complaints, to record when they respond to a complaint.  Mirvac to establish a process for monitoring complaint response times to ensure that all complaints are responded to as soon as practicable and within at least 24 hours.

### 5.2 Recommendations in Relation to Opportunities for Improvement

The recommendations for opportunities for improvement are presented in Table 9.



**Table 9: Recommendations for Opportunities for Improvement**

Condition	Recommendation
A8	Ensure that the DIP review modifications prior to lodgement, unless the Department (not only PMNSW) has confirmed in writing that DIP review is not required.
A30	Update the RAR for SSD 49295711, IEA 1 on the Harbourside website so that it includes the non-compliant findings, recommendations and response. Provide a copy of the corrected RAR to the Department.
B12	Prepare a survey and report to the satisfaction of the Certifier indicating the position of external walls in relation to the boundaries of the allotment.
C2	Obtain confirmation in writing from the Certifier that MGC is satisfied that Condition C2(a) requirements have been met in the next audit period.
C18	Make the Reflectivity Analysis report and the cover letter publicly available on Mirvac's project website.
C28	Make the DPHI approved WIA (Version D, 07/08/24) publicly available on Mirvac's project website.
C31	<p>The Certifier is to confirm that all works/regulatory signposting associated with the development will be at no cost to the relevant roads authority.</p> <p>The Certifier is to confirm that:</p> <p>signs required to comply with (d) and (g) will be included in the design as "Compliant" and not just "Intend to comply".</p> <p>A sign(s) will be added within the loading / unloading areas confirming that the service vehicle parking is for service vehicles only.</p> <p>If the above requirements cannot be confirmed by the Certifier, Mirvac is to review and revise the Design Development Report for Signage &amp; Wayfinding to address these gaps to the satisfaction of the Certifier.</p>
C33	The Certifier is to confirm that a minimum of 263 on-site residential bicycle parking spaces, not including the use of residential storage spaces, have been provided in the design drawings. If there are not at least 263 residential bicycle parking spaces, review and amend the design to meet this requirement to the satisfaction of the Certifier.
C37	Consider whether food recycling services may be feasible in the future under specified circumstances and, if feasible, make provisions within the building design for the storage and collection of food waste bins. Also consider whether the facilities will need to be upgraded to comply with the requirements of the <i>Protection of the Environment Operations Act 1997</i> .
C38	Make the DPHI approved FEMP and flood mitigation measure documents publicly available on Mirvac's project website.
C49	The Certifier to confirm that all of Acoustic Logic's recommendations for glass specifications, laboratory testing and acoustic sealing methodology are incorporated in the construction documentation. If the Certifier finds that the glass sample specifications and other relevant available documentation (e.g. certified laboratory test results) do not meet Acoustic Logic's recommendations, develop an action plan to achieve compliance to the satisfaction of the Certifier.
D3	<p>Make the current Water Access Licence, WAL44984, and Water Supply Works Approval [10WA124897] publicly available.</p> <p>Make the LDMP, OWMP and FEMP publicly available on Mirvac's SSD 49295711 webpage.</p> <p>Review and revise the Complaints Register to provide the correct registers for December 2024 and January 2025.</p>
D19	Review and revise the CCS to include Condition E38 requirement for a 24-hour contact number and update the contact details.
D25	If it has not already been done, renew the Water Supply Works Approval 10WA124897 as soon as possible.
D27	Update the hours of work in Section 1.5 of the CEMP to be consistent with Condition E3. Also update Appendix B to attach CPTMP Rev 3.
D36	Indicate the location of the muster point on the Slide 12 map in the Harbourside Site Induction presentation.
D41	<p>Provide evidence to the satisfaction of the Certifier that the illuminated sign on the tower crane complies with <i>AS 4282-2019 Control of the obtrusive effects of outdoor lighting</i>, and <i>AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements</i>, as applicable.</p> <p>Ensure going forward, that all new lighting installations are assessed in accordance with Condition D41 requirements, including AS 4282-2019, and a record of the assessment retained.</p>
E5	If a concrete pour or any other work is likely to run late and become OOHW, send an email notification to the affected residents/neighbours as soon as practical.

Condition	Recommendation
E7	Improve the construction planning process, by recording the CNVMP Section 12 assessment process that identifies the noise mitigation measures that will be used and then recording / documenting the implementation of the mitigation measures.
E9	Improve recording of truck arrival times in the Material Tracking Register to record when trucks actually arrive at site. Ensure that trucks do not arrive out of hours, except in accordance with Conditions E4 or E6.
E24	Incorporate checks of the surrounding environment (e.g. Darling Drive, Darling Harbour, public ways, street trees) in Environmental / HSE Observations.
E46	<p>Review the 'logbook' records (i.e. Water Quality Register template) and revise it/them so that they record all of the water take data required by WAL44984, 10WA124897 and the DMP including complete date, meter readings, discharge start and stop times, the Water supply Works Approval number and the purpose for the water take.</p> <p>Improve recording of the data and implement a weekly data review process to check that the required information has been recorded and the metering equipment and groundwater level data loggers are operational.</p> <p>Maintain all of the required groundwater monitoring records / results, including logbook, groundwater quality and groundwater level monitoring in a centralised storage location.</p>



## 6. CONCLUSIONS

The Auditors consider management of the development during the Audit Period by Mirvac to be of a generally high standard in relation to site management and environmental performance. Mirvac's use of the Fieldwire application on a tablet to access their document management system, including approved permits and record HSE Observations is also considered a strength. Mirvac continued to engage effectively with TfNSW, Transdev and the Design Integrity Panel during the Audit Period.

However, there have been at least fifteen community complaints received by Mirvac from the community, including one received via City of Sydney, during the Audit Period relating to a variety of issues including noise emissions during out of hours work (OOHW) and an illuminated sign on a tower crane.

The Auditors assessed the development to be compliant with SSD 49295711 with the exception of ten (10) non-compliant findings. Ten recommendations have been made in relation to the non-compliant findings, as well as twenty two recommendations in relation to opportunities for improvement.

**APPENDIX A**  
**INDEPENDENT AUDIT TABLE**

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
<b>Schedule 2 – Part A Administrative Conditions</b>					
<b>OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>					
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.	<ul style="list-style-type: none"> <li>Refer relevant Conditions as listed in findings column</li> </ul>	The Auditors observed that reasonable and practical measures have been implemented during the Audit Period to prevent or minimise material harm to the environment, e.g. sediment controls are checked weekly.	Compliant	
<b>TERMS OF CONSENT</b>					
A2	<p>The development must only be carried out:</p> <p>(a) in compliance with the conditions of this consent;</p> <p>(b) in accordance with all written directions of the Planning Secretary;</p> <p>(c) in accordance with the EIS, RtS and any RRFI;</p> <p>(d) As amended by, and generally in accordance with, the following modification applications:</p> <p>(i) Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 1 by Ethos Urban dated 14 May 2024;</p> <p>(ii) Section 4.55(1A) Modification Application – SSD 49295711 Mod 3 Harbourside Shopping Centre Redevelopment' dated 29 November 2024 and as amended by the Response to Request for Additional Information dated 3</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>NSW Government, Department of Planning and Environment, Development Consent, SSD 49295711, 04/12/23 (<b>SSD 49295711</b>)</li> <li>NSW Government, DPHI, Modification of Development Consent, SSD 49295711 MOD-1, 03/07/24 (<b>SSD 49295711 MOD-1</b>)</li> <li>NSW Government, Department of Planning, Housing and Infrastructure,</li> </ul>	The development is being carried out generally in accordance with the requirements of Condition A2 and the conditions of SSD 49295711, except for ten (10) non-compliant (NC) findings, as outlined in this table. Overall, the Auditors consider Condition A2 to be compliant.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>March 2025 and email from Ethos Urban dated 7 March 2025.</p> <p>(iii) Section 4.55(1A) Modification Application report prepared for SSD 49295711 MOD 2 by Ethos Urban dated 17 September 2024 and Response to Request for Additional Information prepared by Ethos Urban and dated 30 October 2024 and 9 January, 24 February, 20 March, 25 March and 27 March 2025;</p> <p>(e) in accordance with the approved plans in the table below: (<i>refer to table in the Consent Conditions</i>)</p>	<p>Modification of Development Consent, SSD 49295711 MOD-3, 12/03/25 (<b>SSD 49295711 MOD-3</b>)</p> <ul style="list-style-type: none"> <li>NSW Government, DPHI, Modification of Development Consent, SSD 49295711 MOD-2, 11/04/25 (<b>SSD 49295711 MOD-2</b>)</li> <li>NSW Government, DPHI, Development Consent, Consolidated Consent, SSD 49295711 MOD-2, 11/04/25 (<b>SSD 49295711 MOD-2 CC</b>)</li> </ul>			
A3	<p>The Applicant must comply with all written requirements or directions of the Planning Secretary, including in relation to:</p> <p>(a) the environmental performance of the SSD;</p> <p>(b) any document or correspondence in relation to the SSD;</p> <p>(c) any notification given to the Planning Secretary under the terms of this approval;</p> <p>(d) any audit of the construction or operation of the SSD;</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	<p>Mirvac advised that they have not received written requirements or directions from the Planning Secretary relating to SSD 49295711. On this basis, the Auditors consider Condition A3 to be not triggered during the Audit Period.</p>	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); (f) the carrying out of any additional monitoring or mitigation measures; and (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.				
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. 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.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	No inconsistencies, ambiguity or conflict have been identified during the Audit Period.	Compliant	
<b>LIMITS ON CONSENT</b>					
A5	This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.	<ul style="list-style-type: none"> <li>Ramboll Australia Pty Ltd, Independent Environmental Audit 1, SSD 49295711, Harbourside Main Works, Darling Harbour, 03/10/24</li> </ul>	This condition was found to be not triggered during the Audit Period as it had been completed in SSD 49295711, IEA 1. It will remain not triggered during future Audits.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<b>(SSD 49295711, IEA 1)</b>			
A6	<p>This consent does not approve the following:</p> <p>(a) the detailed fit-out and operation of the retail premises;</p> <p>(b) the detailed fit-out of office accommodation;</p> <p>(c) the detailed fit-out and operation of the event and conference use on level one;</p> <p>(d) the level 1 operable façade on the northeast and eastern elevations;</p> <p>(e) licenced areas or outdoor dining areas;</p> <p>(f) landscaping, fit-out and embellishment works within the public domain including:</p> <p>(i) the Waterfront Promenade, Waterfront Steps, Waterfront Garden;</p> <p>(ii) Pyrmont Steps, Bunn Street Bridge and the fit-out of Bunn Street pedestrian through site link and the two ground floor level through site links;</p> <p>(iii) event spaces and retail outdoor promenade areas;</p> <p>(iv) vehicle arrival including pick-up/drop-off area and all non-residential visitor bicycle spaces;</p> <p>(g) the northern podium lift above RL12.5 providing access /</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that Condition A6 was not triggered during the Audit Period. The development is not progressed sufficiently to require Mirvac to seek separate approvals for the listed works.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>connection between the foreshore and the Waterfront Garden;</p> <p>(h) the Public Art Strategy and the Events Management Plan; and</p> <p>(i) the installation of signage.</p> <p>Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying development applies).</p>				
<b>DESIGN EXCELLENCE AND INTEGRITY</b>					
A7	<p>The detailed design of the development and the assessment of design integrity must be carried out in accordance with the documents titled:</p> <p>(a) '<i>Harbourside Shopping Centre Redevelopment Design Integrity Report – FINAL Rev 00</i>', prepared by Urbis Pty Ltd and dated 7 November 2022 (the DIR); and</p> <p>(b) '<i>Architectural Design Competition Report Harbourside Shopping Centre</i>', prepared by Urbis Pty Ltd and dated 10 December 2021.</p>	<ul style="list-style-type: none"> <li>• Urbis, Harbourside Shopping Centre Redevelopment - Design Integrity Report, Draft Rev 00, 04/11/22</li> <li>• Urbis, Architectural Design Competition Report - Harbourside Shopping Centre, 10/12/21</li> <li>• Site visit and interview with Mirvac on 25/06/25</li> <li>• Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>• Urbis, Harbourside Design Integrity Panel Process, Indicative DIP Programme 2022</li> <li>• Urbis, Harbourside Design Integrity</li> </ul>	<p>The Auditors have not been provided with the '<i>FINAL Rev 00</i>' version of the DIR dated 07/11/22.</p> <p>Based on the findings of Conditions A8 and A9, the Auditors have no reason to believe that the development has not complied with Condition A7 of development consent during the Audit Period.</p>	Compliant	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>Panel Terms of Reference, March 2022</p> <ul style="list-style-type: none"> <li>Urbis, Harbourside Design Integrity Panel Terms of Reference, February 2024</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> </ul>			
A8	<p>The established Design Integrity Panel (DIP) outlined in the DIR must be retained throughout the detailed design and construction phases of the development. In addition:</p> <p>(a) the DIP must review the design at the following stages (as a minimum):</p> <p>(i) in response to the requirements of Condition C1 (Bunn Street through site link), Condition C3 (landscaping)</p> <p>(ii) prior to occupation;</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>Snøhetta Australia Pty Ltd and Hassell Limited (<b>Snøhetta + Hassell</b>), DIP 15 – Bunn Street Connection, 07/11/23</li> </ul>	<p>Mirvac continued to retain the DIP during the Audit Period. The DIP's Terms of Reference were updated in February 2024, which indicated that post-approval sessions would be conducted on an as-needs basis informed by the design development schedule. Documentation was provided showing that the DIP was consulted in relation to the Bunn Street through site link (Condition C1) and the landscaping works in accordance with Conditions C1 and C3, respectively. The DIP Post-Approval Session No. 1 meeting <i>"presentation also included the modifications to the landscape design sought under SSD-49295711-Mod 2 for the Panel's information"</i>.</p> <p>Mirvac advised during the previous audit that the Condition A8(a) scenarios had not been triggered during the Audit Period. However, on review of documentation, it appears that whilst no modification had been determined, modification applications were underway.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>(iii) prior to the lodgement of any modification application, which modifies the design, unless the Planning Secretary has confirmed in writing that DIP review is not required;</p> <p>(b) a design development schedule must be provided to the DIP prior to its first meeting, including details of when relevant elements of the detailed design will be available for review by the DIP;</p> <p>(c) the frequency of DIP meetings is to be agreed with the DIP and coordinated with the Applicant's program requirements as outlined in Condition b), to ensure timely advice;</p> <p>(d) the DIP must provide independent, expert and impartial advice in relation to the achievement of design excellence and ensure the design integrity of the competition winning scheme is maintained or enhanced throughout the detailed design and construction phases of the development;</p> <p>(e) the Applicant must consider the advice of the DIP and incorporate its recommendations into the development. Any departures from the DIP recommendations must be justified; and</p>	<p>(231107_DIP Session 15_V2.pdf)</p> <ul style="list-style-type: none"> <li>• Snøhetta + Hassell, DIP 15 – Bunn Street Connection, Supplementary Material, 07/11/23 (231107_DIP Session 15_Supplementary Material.pdf)</li> <li>• Snøhetta + Hassell, DIP 15 – Bunn Street Connection + Design Development, 13/12/23 (231207_MHDC_HSL +SNO_DIP 15.pdf)</li> <li>• Snøhetta + Hassell, DIP 16 – Bunn Street Connection + North Walk, February 2024 (240223_MHDC_HSL +SNO_DIP Session 16.pdf)</li> <li>• ARUP, File Note, Pedestrian Flow Review: Bunn Street Through Street Link, 20/02/24</li> <li>• Snøhetta + Hassell, DIP 17 – Bunn Street Connection +</li> </ul>	<p>There were three modifications determined during the Audit Period, as follows. Details are provided of DIP review, as available.</p> <ul style="list-style-type: none"> <li>• SSD 49295711 MOD-1, 03/07/24: No evidence of DIP review prior to lodgement provided and no evidence that the Planning Secretary confirmed in writing that DIP review was not required. However, the Department's SSD-49295711 MOD 1 Assessment Report indicated that the Department considered <i>"the façade changes are minor, align with the approved design and continue to exhibit design excellence"</i>.</li> <li>• SSD 49295711 MOD-3, 12/03/25: No evidence of DIP review prior to lodgement provided and no evidence that the Planning Secretary confirmed in writing that DIP review was not required. However, the Department's SSD-49295711 MOD 3 Assessment Report indicated that the Department considered <i>"the plant changes are minor, are consistent with the existing approved design and is imperceptible from the public domain"</i>.</li> <li>• SSD 49295711 MOD-2, 11/04/25: Review by DIP of the Bunn Street Link, which was attached to the Modification Application Report.</li> </ul> <p>Condition A8 could be considered non-compliant because the design was not reviewed by the DIP prior to the lodgement of the MOD 1 and MOD 3 applications and there was no confirmation in writing from the Planning Secretary that DIP review was not required. Mirvac advised that they consulted PMNSW who advised that DIP review was not required and that the <i>"decision on whether a modification [required] DIP presentation [rested] between PMNSW and Mirvac"</i>. That is in variance to the requirement of Condition A8(a)(ii). However, on the basis that the Department's MOD 1 and MOD 3 Assessment Reports indicated that the changes were minor and aligned or consistent with the design, the Auditors consider Condition A8 to be compliant with an OFI.</p> <p><b>Recommendation: Ensure that the DIP review modifications prior to lodgement, unless the Department (not only PMNSW) has confirmed in writing that DIP review is not required.</b></p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(f) to ensure high quality design resolution of the development, all matters identified as requiring further consideration in the DIP letter dated 4 November 2022 must be prepared for the review and advice of the DIP.	<p>North Walk For Endorsement, March 2024 (240322_MHDC_HSL +SNO_DIP Session 17_Final.pdf)</p> <ul style="list-style-type: none"> <li>• Snøhetta + Hassell, DIP 18 – Bunn Street Connection + North Walk For Endorsement, April 2024 (240418_MHDC_HSL +SNO_DIP Session 18_Final.pdf)</li> <li>• Urbis letter to Mirvac, Harbourside (SSD-7874) – Design Integrity Process – Record of Consultation – Condition C3, 08/07/24</li> <li>• Urbis letter to Mirvac, Harbourside (SSD-7874) – Design Integrity Process – Post Approval Session No. 1, 10/07/24</li> <li>• Refer to Condition A2 Evidence</li> <li>• Planning Portal, SSD-49295711-Mod-1:</li> </ul>			

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>○ Ethos Urban, Section 4.55(2) Modification Application, SSD-49295711 MOD 1, July 2024</li> <li>○ DPHI, Modification 1 of the Harbourside Redevelopment – Tower and Podium, July 2024</li> <li>• Planning Portal, SSD-49295711-Mod-2: <ul style="list-style-type: none"> <li>○ Ethos Urban, Section 4.55(2) Modification Application, SSD-49295711 MOD 1, 24/06/24</li> <li>○ DPHI, Modification 2 of the Harbourside Redevelopment – Tower and Podium, April 2025</li> <li>○ Urbis letter to Mirvac, Harbourside (SSD-7874) – Design Integrity Process – Session No. 15, 22/12/23</li> </ul> </li> </ul>			

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>Planning Portal, SSD-49295711-Mod-3:               <ul style="list-style-type: none"> <li>Ethos Urban, Section 4.55(1A) Modification Application, SSD-49295711 MOD 3, 23/01/25</li> <li>DPHI, Modification 3 of the Harbourside Redevelopment – Tower and Podium, March 2025</li> </ul> </li> <li>Snøhetta + Hassell, Response to Submission – MOD 2, July 2024</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> </ul>			
A9	The architectural design team comprising Snøhetta + Hassell is to have direct involvement in the design	<ul style="list-style-type: none"> <li>Refer to Condition A8 Evidence</li> </ul>	Documentation was provided to show that Snøhetta + Hassell continued to have direct involvement in the design process during the Audit Period.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	documentation, contract documentation and construction stages of the project, and: (a) the architectural design team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project; (b) evidence of the architectural design team's commission is to be provided to the Certifier prior to the release of the first Construction Certificate; and (c) the architectural design team is not to be changed without prior written notice and approval of the Planning Secretary.	<ul style="list-style-type: none"> <li>Mirvac, Hammertech, Site Diary, 19/06/25 (A9 Visitor signin register.jpg)</li> </ul>			
<b>STATE PLANNING AGREEMENT CONTRIBUTIONS</b>					
A10	The development must be carried out in accordance with all of the obligations referenced within the State Planning Agreement between the Minister for Planning and Mirvac Projects Pty Ltd executed on 12 July 2022.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	The Auditors have no reason to believe that the development has not complied with Condition A10 of development consent during the Audit Period.	Compliant	
<b>PRESCRIBED CONDITIONS</b>					
A11	The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	The Auditors have no reason to believe that Mirvac has not complied with the relevant prescribed conditions of development consent under EP&A Regulation 2021, Part 4, Division 2,	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
			Subdivision 1 during the Audit Period. Note, Subdivision 2 is the only subdivision of Division 2 that is considered relevant.		
PLANNING SECRETARY AS MODERATOR					
A12	In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter will be binding on the parties.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that no disputes with public authorities have occurred during the Audit Period.	Not triggered	
LEGAL NOTICES					
A13	Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that no advice or notices to the consent authority have been made during the Audit Period.	Not triggered	
EVIDENCE OF CONSULTATION					
A14	Where conditions of this consent require consultation with an identified party, the Applicant must: <ol style="list-style-type: none"> <li>consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and</li> <li>provide details of the consultation undertaken including: <ol style="list-style-type: none"> <li>the outcome of that consultation, matters resolved and unresolved; and</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>Refer to relevant Conditions as listed in findings column.</li> </ul>	<p>The Applicant is required to consult the following identified parties in relation to the specified consent condition requirements / documents:</p> <ul style="list-style-type: none"> <li>C3 – Amended plans, elevations and sections for the design, layout and integration of the Southern and Central Podium landscaping works must be prepared in consultation with the DIP, Council and Place Management NSW (<b>PMNSW</b>). Compliant.</li> <li>C4 – The amended Tree Maintenance Plan (<b>TMP</b>) must be prepared in consultation with Council. Compliant.</li> <li>C32 – The design of the Darling Drive slip lane crossover has to be prepared in consultation with the relevant road authority. Compliant.</li> </ul>	Compliant	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.		<ul style="list-style-type: none"> <li>C35 – Mirvac is required to consult Transport for NSW (<b>TfNSW</b>) as to whether Mirvac needs to prepare a Delivery and Servicing Plan or a Loading Dock Management Plan (<b>LDMP</b>). Compliant.</li> <li>C37 – An updated Operational Waste Management Plan (<b>OWMP</b>) must be prepared in consultation with Council. Compliant.</li> <li>C38 – A Flood Emergency Management Plan (<b>FEMP</b>) must be prepared in consultation with NSW State Emergency Service (<b>SES</b>) and Environment and Heritage Group (<b>EHG</b>). Compliant.</li> <li>C39 – Flood mitigation measures must be prepared in consultation with EHG. Compliant.</li> <li>C42 – A Signage Strategy must be prepared in consultation with PMNSW and Council. Not triggered.</li> <li>C45 – A Heritage Interpretation Plan (<b>HIP</b>) must be prepared in consultation with Council and PMNSW (as delegate of the Heritage Council NSW). Not triggered.</li> <li>C46 – Mirvac is required to consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the construction certificate and associated documentation and activities prior to preparation of requested documentation. Compliant.</li> <li>C52 – A detailed consultation regime is to be prepared for consultation with TfNSW for the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW. Compliant.</li> <li>D7 – Mirvac is required to consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure. Compliant.</li> <li>D26 – A Water Management Plan (<b>WMP</b>) is to be prepared for the construction phase in consultation with Department of</li> </ul>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
			<p>Planning, Industry and Environment, Water (<b>DPE Water</b>). Compliant</p> <ul style="list-style-type: none"> <li>D28 - A Construction Pedestrian and Traffic Management Plan (<b>CPTMP</b>) is to be prepared in consultation with TfNSW, Sydney Metro and the Sydney Light Rail Operator. Compliant.</li> <li>D34 - A Construction Soil and Water Management Sub-Plan (<b>CSWMSP</b>) must be prepared in consultation with PMNSW. Compliant</li> <li>E10 – The Planning Secretary is required to be consulted regarding provision of respite periods if applicable criteria in the <i>City of Sydney Construction Hours/Noise Code 1992</i> are exceeded and are giving rise to sustained complaints. Not triggered.</li> <li>F40 – The Green Travel Plan (<b>GTP</b>) is to be updated in consultation with TfNSW. Not triggered.</li> <li>F44 – A Transport Access Guide is to be prepared in consultation with TfNSW. Not triggered.</li> <li>F54 – Council’s modellers must be consulted regarding the physical and electronic CAD models. Not triggered.</li> <li>F50 – TfNSW is to be consulted on the proposed road safety mitigation measures. Not triggered.</li> <li>G12 – Mirvac must provide mitigation measures for outdoor lighting in consultation with affected landowners. Not triggered.</li> </ul> <p>Based on the available evidence, the Auditors have no reason to believe that the development has not complied with Condition A14 during the Audit Period.</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
STRUCTURAL ADEQUACY					
A15	<p>All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC. Note: Under Part 6 of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</p> <p>Note: Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.</p>	<ul style="list-style-type: none"> <li>Enstruct, Harbourside, Certificate of Design Compliance – Structural Engineering – Foundations and Micropiles, SSDA2 CC1, 29/11/23</li> <li>enstruct group pty ltd (<b>Enstruct</b>), Harbourside, CC1 Site Stability Report, 31/03/23</li> <li>McKenzie Group Construction (<b>MGC</b>), Certificate No. 211836/03, Part: Phase 1: Foundations and In-ground Services (Stormwater), 21/12/23 (<b>SSDA2 CC1</b>)</li> <li>MGC, Certificate No. 211836/04, Part: Phase 2: Structure (Basement (B5-B1) &amp; Ground Floor Slab) including services to Basement B5 to B1 (hydraulic, mechanical, fire, electrical), 31/05/24 (<b>SSDA2 CC2</b>)MGC,</li> </ul>	<p>Mirvac provided Construction Certificates (CCs) issued by McKenzie Group Construction (MGC), the principal certifier (Certifier), during the Audit Period, as referenced in Evidence Collected. We did not however, receive CC No. 211836/06, presumed to be SSDA2 CC4 but we did receive the Certifier's checklist, dated 11/11/24, for "Phase 4: Stage 1: (L04) Roof Structure &amp; Services. Stage 2: (L00-L04) Services, Structure (L05-L28) Shear Wall Infill Slab, Lift core fitout and Lift car (exclude car fitout)". We know that CC No. 211836/06 was issued in the period between November 2024 and February 2025 because it was followed by CC No. 211836/07 (SSDA2 CC5), issued on 05/05/25.</p> <p>The CCs reference Enstruct Group Pty Ltd (<b>Enstruct</b>) structural drawings and/or Design Compliance Certificate / Declarations, as relevant. However, the Auditors have not been provided with the Design Compliance Certificate / Declarations for review. Based on the Enstruct Certificate of Design Compliance provided for SSDA2 CC1, their certificates certify compliance with relevant Building Code of Australia (BCA) (i.e. NCC) requirements.</p> <p>Section 19 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, requires that "A certifier must not issue a construction certificate for building work unless— ... c) the building will comply with the relevant requirements of the Building Code of Australia as in force on the relevant date". MGC stated in each CC issued that they "certify that the work, if completed in accordance with these plans and specifications will comply with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 as referred to in Section 6.8 of the Environmental Planning and Assessment Act 1979".</p> <p>Therefore, each time the Certifier, MGC, issues a CC, they are certifying compliance with the BCA, which is part of the NCC. Based on the CCs, Condition A15 is therefore, considered compliant during the Audit Period.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>Certificate No. 211836/07, Part: Phase 5, Ground, Level 1-4: Podium Blockwork, Insulation and Shaft Walls, 05/02/24 (<b>SSDA2 CC5</b>)</p> <ul style="list-style-type: none"> <li>• MGC, Certificate No. 211836/10, Part: Phase 6 (CC 6a): L5-L6 Structure and Services (Hydraulic, Mechanical, Fire, Electrical), 31/03/25 (<b>SSDA2 CC6a</b>)</li> <li>• MGC, Certificate No. 211836/11, Part: Phase 10 (CC6B): L5-L6 Columns; L7-L44 Structure and Services (Hydraulic, Mechanical, Fire, Electrical), 08/05/25 (<b>SSDA2 CC6b</b>)</li> <li>• MGC, Certificate No. 211836/08, Part: Phase 8 (CC7): Basement (B01-B05) finishes/fit-out, 28/04/25 (<b>SSDA2 CC7</b>)</li> <li>• MGC, Certificate No. 211836/09, Part: Phase 9 (CC8):</li> </ul>			

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>Envelope and Finishes/fit-out for Podium (L00-L05), 06/05/25 (<b>SSDA2 CC8</b>)</p> <ul style="list-style-type: none"> <li>• MGC E-Memos to Mirvac: <ul style="list-style-type: none"> <li>○ 211836-SSDA02-CC01EM Rev.21.12.2023.pdf (<b>SSDA2 CC1 Checklist</b>)</li> <li>○ SSDA2-CC2(MOD) Rev.12.02.2025.pdf (<b>SSDA2 CC2 Checklist</b>)</li> <li>○ 211836-SSDA2CC3EM Rev.8.08.2024.pdf (<b>SSDA2 CC3 Checklist</b>)</li> <li>○ 211836-SSDA2CC4 Rev.22.11.2024.pdf (<b>SSDA2 CC4 Checklist</b>)</li> <li>○ 211836-SSDA2CC5EM Rev.3.02.2025.pdf (<b>SSDA2 CC5 Checklist</b>)</li> <li>○ 211836-SSDA2CC6AEM Rev.20.03.2025 _New.pdf (<b>SSDA2 CC6A Checklist</b>)</li> </ul> </li> </ul>			

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>○ 211836-SSDA2CC6BEM Rev.9.04.2025_Mirvac.pdf (<b>SSDA2 CC6B Checklist</b>)</li> <li>○ 211836-SSDA2CC7EM Rev.9.04.2025.pdf (<b>SSDA2 CC7 Checklist</b>)</li> <li>○ 211836-SSDA2CC8EM Rev.14.04.2025.pdf (<b>SSDA2 CC8 Checklist</b>)</li> <li>• Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>• MGC, Construction Certificate No. 211836/05, Part: Phase 3: Structure L00 up to and including L03 Slab and Core L00 - up to</li> </ul>			

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		the underside of L29. Services to L00- L02 (Hydraulic, Mechanical, Fire, Electrical), 12/08/24 ( <b>SSDA2 CC3</b> )			
OPERATION OF PLANT AND EQUIPMENT					
A16	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.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Scissor Lift EWP, Mirvac HS Plant Registration No. 145, Logbook #9607</li> <li>Want Access, Maintenance Inspection Report, Fleet No. 9607, Quarterly Inspection, 09/04/25</li> <li>EWP Operator's Statement of Attainment to Operate EWP</li> <li>EWP Operator Licence, Yellow Card, Expiry Date: 06/03/27</li> <li>Hoist, Mirvac HS Plant Registration No. 38, Logbook</li> <li>Hoist Operator's High Risk Work Licence</li> <li>Mirvac, Plant register.jpg (screenshot of</li> </ul>	<p>During the site inspection, randomly selected plant logbooks were checked that indicate plant safety checks were being conducted. Operators were able to show their Statement of Attainment to Operate EWP in one instance and a High Risk Work Licence for operating a Hoist, in another instance. Mirvac also check that plant safety checks are being conducted, as evidenced in Safety Observations. Environmental Observations are also conducted to check sediment and erosion controls. HSE Supervisor Inspections check a range of control measures including: pre-start records; JSEAs; hoarding and security of crane access; storage of flammable materials; and environmental controls "including but not limited to wash out facility, storm water protection, dust and other discharge management, flora protection". The observations include photographs that indicate that Mirvac check the erosion and sediment controls along the site boundaries. Mirvac conduct regular toolbox talks that discuss various health, safety and environment (HSE) topics including environmental controls such as storage of chemicals, bunding along the foreshore, groundwater treatment, drain protections, and weekly monitoring of environmental controls. The Auditors have no reason to believe that the development has not complied with Condition A16 during the Audit Period.</p>	Compliant	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>"Equipment Inductions")</p> <ul style="list-style-type: none"> <li>• Mirvac, Public Area and Workplace Shutdown or Startup Checklist, ISP-173246, 17/04/25</li> <li>• Mirvac, Observation Safety OBS-334057, 04/06/25</li> <li>• Mirvac, Observation Safety OBS-334123, 04/06/25</li> <li>• Mirvac, Observation Environment OBS-247833, 11/03/25</li> <li>• Mirvac, Supervisor HSE Inspection, ISP-207830, 17/06/25</li> <li>• FIP Electrical, Toolbox Talk, Chemical Safety, Spill Response and Reporting, 20/06/25</li> <li>• Mirvac, Toolbox Talk, Meet-473638, Safe use and management of chemicals/substances on site, 18/06/25</li> <li>• Mirvac, Harbourside Site Induction Presentation, 02/06/25</li> <li>• Mirvac Construction [training module presentation], CFA 8: Sustainability &amp;</li> </ul>			

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Environment; CRA: Environmental Management, 28/05/25 <ul style="list-style-type: none"> <li>• Mirvac, Toolbox Talk, Meet-473605, Environmental Toolbox, 20/06/25</li> <li>• Mirvac, Water Quality Register, completed 2, 19, 23 of an unspecified month and year, with photos attached</li> <li>• Mirvac Group Water Quality Discharge Procedure and Water Quality Register, completed by Coates, 02-08/06/25</li> </ul>			
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.	<ul style="list-style-type: none"> <li>• SSD 49295711</li> </ul>	Noted.	Compliant	
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	<ul style="list-style-type: none"> <li>• Site visit and interview with Mirvac on 25/06/25</li> <li>• Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that they have not received written directions from the Planning Secretary relating to SSD 49295711 during the Audit Period.  On this basis, the Auditors consider Condition A18 to be not triggered during the Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	a guideline, protocol, Standard or policy, or a replacement of them.				
<b>MONITORING AND ENVIRONMENTAL AUDITS</b>					
A19	<p>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&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.</p> <p>Note: For the purposes of this condition, as set out in the EP&amp;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.</p>		Noted.	Compliant	
<b>COMPLIANCE</b>					
A20	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with,	<ul style="list-style-type: none"> <li>Refer to Condition A16 Evidence</li> </ul>	Mirvac’s site induction training addresses key requirements many of the development consent including, for example, hours of work, traffic management, housekeeping, hazardous substances and spills, environmental controls, street parking, environmental	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	the conditions of this consent relevant to activities they carry out in respect of the development.		controls, noisy activities, community interactions, recyclable/waste separation, using compliant materials and adhering to the Environmental Management Plan. Mirvac supervisors also receive environmental management and sustainability training. Whilst the training does not specifically refer to the Development Consent conditions (whether SSD 49295711, SSD 38881729 or SSD 7874), it is considered generally adequate for the purpose of outlining the key environmental control measures. The Auditors have no reason to believe that the development has not complied with Condition A20 of development consent during the Audit Period.		
REVISION OF STRATEGIES, PLANS AND PROGRAMS					
A21	Within three months of: (a) the submission of a compliance report under this consent; (b) the submission of an incident report under this consent; (c) the submission of an Independent Audit under this consent; (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or (e) the issue of a direction of the Planning Secretary under this consent which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711, IEA 1, submitted 03/10/24</li> <li>SSD 49295711 MOD-1, approved 03/07/24</li> <li>SSD 49295711 MOD-2, approved 11/04/25</li> <li>SSD 49295711 MOD-3, approved 12/03/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent</li> </ul>	<p>During the Audit Period, an IEA report was submitted, and three modifications were approved.</p> <p>No records were provided to show that strategies, plans and programs required under this consent were reviewed within three months of the submission of SSD 49295711, IEA 1 and the approval of SSD 49295711 MOD-1, SSD 49295711 MOD-2 and SSD 49295711 MOD-3. The Department was not notified of any reviews.</p> <p>Mirvac provided an email response from the Department dated 17/07/25 regarding a "recent application for the Harbourside building (SSD-49295711-PA-33)" that Mirvac advised was related to the MOD-2 application and indicated that no further action was required. However, this does not address the requirement, which the Auditors understand is intended to prompt Mirvac to review their strategies, plans and programs following the cited triggers to check whether they need to be updated to accommodate recommended changes or new requirements and then provide proof of the review via notification of it occurring to the Department. The review and the notification must be carried out within three months of the relevant submission / approval.</p> <p>On the basis of the information provided, Condition A21 is considered non-compliant.</p> <p><b>Recommendation: Notify the Department that a review of strategies, plans and programs has been or will be carried</b></p>	Non-compliant	NC1

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</p> <ul style="list-style-type: none"> <li>Major Projects email to Mirvac, Harbourside building - (SSD-49295711-PA-33), 17/07/25</li> </ul>	<b>out each time that an IEA report is submitted, a modification approved, or a direction issued. The notification is required to be submitted to the Department within three months of the relevant occurrence.</b>		
A22	<p>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.</p> <p><i>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.</i></p>	<ul style="list-style-type: none"> <li>Refer to Condition A21 Evidence</li> </ul>	<p>Although reviews were not conducted in accordance with Condition A21, the Auditors understand that revisions of strategies, plans and programs were not required to improve the environmental performance of the development, cater for a modification or comply with a direction during the Audit Period.</p> <p>Therefore, Condition A22 is considered to be not triggered during the Audit Period.</p>	Not triggered	
<b>COMPLIANCE REPORTING</b>					
A23	Compliance Reports of the project must be carried out in accordance	<ul style="list-style-type: none"> <li>NSW Department of Planning, Industry and Environment,</li> </ul>	Compliance Reports are not required to be submitted until after operations have commenced in accordance with the CRPAR.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.	Compliance Reporting Post Approval Requirements, May 2020 ( <b>CRPAR</b> )	Therefore, Condition A23 is considered to be not triggered during the Audit Period.		
A24	Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.	<ul style="list-style-type: none"> <li>Refer to Condition A23 Evidence</li> </ul>	Refer to Condition A23 Independent Audit Findings and Recommendations.	Not triggered	
A25	The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.	<ul style="list-style-type: none"> <li>Refer to Condition A23 Evidence</li> </ul>	Refer to Condition A23 Independent Audit Findings and Recommendations.	Not triggered	
A26	Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.	<ul style="list-style-type: none"> <li>Refer to Condition A23 Evidence</li> </ul>	Refer to Condition A23 Independent Audit Findings and Recommendations.	Not triggered	
<b>INDEPENDENT ENVIRONMENTAL AUDIT</b>					
A27	Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>This Independent Audit Report (<b>IAR</b>)</li> <li>Mirvac letter to DPHI, : Harbourside</li> </ul>	<p>This Audit has been carried out generally in accordance with Condition A27 and the Independent Audit Post Approval Requirements (2020) (<b>IAPAR</b>), as presented in this Independent Audit Report (<b>IAR</b>).</p> <p>The Department endorsed the audit team as discussed in Condition A28 findings.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>Shopping Centre, Independent Environmental Audit, SSD 49295711, Stage 3, Audit 1 - Request for Condition A31 Extension, 12/08/24</p> <ul style="list-style-type: none"> <li>DPHI letter to Mirvac, Harbourside Redevelopment, Podium and Tower – First Independent Environmental Audit, Report - Further Extension Request, 13/08/24</li> <li>Mirvac letter to DPHI, Harbourside Shopping Centre, Independent Environmental Audit, SSD 49295711, Stage 3, Audit 1 - Request for Condition A31 Extension, 19/09/24</li> <li>DPHI letter to Mirvac, Harbourside Redevelopment, Podium and Tower – First Independent Environmental Audit Report, 27/11/24</li> </ul>	<p>The Department approved a different timing for this Audit as discussed in Condition A29 findings.</p> <p>The Department also approved an extension for submitting SSD 49295711, IEA 1 and the associated Response to Audit Recommendations (<b>SSD 49295711, RAR 1</b>), as discussed in Condition A31 findings. The SSD 49295711, IEA 1 and SSD 49295711, RAR 1 were submitted four business days past the Department's deadline (refer NC3).</p> <p>Overall, with respect to the audit methodology, Condition A27 is considered compliant.</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>Mirvac, Proponent Response to Audit Recommendations, Compliance with SSD 49295711, Stage 3 - Harbourside Main Works, V4, 02/10/2024 (<b>SSD 49295711, RAR 1</b>)</li> </ul>			
A28	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>DPHI letter to Mirvac, Harbourside Bulk Excavation Works – SSD 38881729, Independent Environmental Audit team request, 29/06/23</li> <li>DPHI letter to Mirvac, Harbourside Shopping Centre Redevelopment – Independent Environmental Audit team endorsement request, 03/05/24</li> <li>DPHI letter to Mirvac, Harbourside Redevelopment, Podium and Tower - First Independent Environmental Audit Report, 27/11/24</li> <li>DPHI letter to Mirvac, Harbourside Redevelopment,</li> </ul>	<p>The Department's letter dated 27/11/24 assessing SSD 49295711, IEA 1, indicated that an assistant auditor had not been endorsed and "<i>Pursuant to Condition A28 of the consent, please ensure that in future all auditors are agreed to in writing by the Planning Secretary, including where there has been a change in the proposed audit team, prior to commencement of the relevant IEA.</i>" Ramboll note that although an assistant auditor had assisted with previous IEAs of the development, a previous letter from the Department endorsing the audit team for SSD 38881729 IEAs dated 29/06/23 required "<i>that future requests for auditor approval will need to nominate a lead auditor and a potential alternative auditor (if required) – the department will not be considering five auditors (unless they are technical specialists informing the audit).</i>" For this reason, we only nominated a lead auditor and alternative lead auditor and did not include other auditors.</p> <p>The Department endorsed Ramboll's audit team for this IEA on 13/06/25. A fourth auditor was endorsed when the assistant auditor could not attend the site visit due to its unforeseen delay. Correspondence relating to the Department's endorsements of the audit team is attached in <b>Appendix B</b>.</p>	Compliant	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Podium and Tower – Revision of agreed independent audit, team and variation of timing for the second construction Independent Environmental Audit, 13/06/25 <ul style="list-style-type: none"> <li>Ramboll and DPHI emails, RE: SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation, 24/06/25</li> </ul>			
A29	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.	<ul style="list-style-type: none"> <li>DPHI letter to Mirvac, Harbourside Redevelopment, Podium and Tower – Request to vary frequency of construction phase Independent Environmental Audits, 30/10/24</li> <li>DPHI letter to Mirvac, Harbourside Redevelopment, Podium and Tower – Revision of agreed independent audit, team and variation of timing for the second construction</li> </ul>	The Department approved a change in the frequency of IEA reporting from 26 weeks to 52 weeks. The previous audit's site visit was conducted on 14/06/24 so the site visit for this audit was due to be conducted by 13/06/25.  The Department approved a request by Mirvac to vary the date of the site visit to on or before 25/06/25. The site visit was conducted in accordance with this timing. Condition A29 is therefore considered compliant.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Independent Environmental Audit, 13/06/25 <ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>			
A30	In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must: <p>(a) review and respond to each Independent Audit Report prepared under this consent;</p> <p>(b) submit the response to the Planning Secretary; and</p> <p>(c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.</p>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>SSD 49295711, RAR 1</li> <li>Post Approval Form_20241003082 818.pdf</li> <li><a href="#">SSD-49295711 - Additional Information   Harbourside by Mirvac</a></li> </ul>	<p>Mirvac prepared SSD 49295711, RAR 1 and submitted it with the IAR for the SSD 49295711, IEA 1 to the Department on 03/10/25. The IAR and RAR are available on Mirvac's Harbourside website. However, the RAR available on Mirvac's Harbourside website does not include the non-compliant findings and recommendations, only the opportunity for improvement (OFI) findings and recommendations. This may have been a collation error as the non-compliant and OFI findings were provided to Mirvac in separate worksheets within a spreadsheet.</p> <p>Overall, Condition A30 is considered compliant with an OFI recommendation.</p> <p><b>Recommendation: Update the RAR for SSD 49295711, IEA 1 on the Harbourside website so that it includes the non-compliant findings, recommendations and response. Provide a copy of the corrected RAR to the Department.</b></p>	Compliant	
A31	Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.	<ul style="list-style-type: none"> <li>DPHI letter to Mirvac, Harbourside Redevelopment, Podium and Tower – First Independent Environmental Audit – Further Extension Request, 13/08/24</li> <li>DPHI letter to Mirvac, Harbourside Redevelopment, Podium and Tower – First Independent Environmental Audit</li> </ul>	<p>The Auditors and Mirvac requested an extension for the submission of the SSD 49295711, IEA 1 and SSD 49295711, RAR 1 in accordance with Section 4.5 of IAPAR. The Department approved the extension request in writing under Condition A31 on 13/08/24 for the IAR and RAR to be submitted by 20/09/24. A further extension request was made on the 20/09/24 and approved for the IAR and RAR to be submitted by 27/09/24. The SSD 49295711, IEA 1 and SSD 49295711, RAR 1 were submitted to the Department four business days later on 03/10/24, which is therefore non-compliant.</p> <p>In regards to this Audit, Mirvac and the Auditors requested two extension requests on the 23/09/25 and then 03/10/25. The Department approved an extension request in writing under</p>	Non-compliant	NC2

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>– Additional Extension Request, 20/09/24</li> <li>• Post Approval Form_20241003082 818.pdf</li> <li>• DPHI email to Mirvac, Harbourside Shopping Centre Redevelopment - Podium and Tower - Post Approval Document Received - (SSD-49295711-PA-37), 23/09/25</li> <li>• DPHI letter to Mirvac, Harbourside Redevelopment, Podium and Tower – Request for further extension of time to submit second Independent Environmental Audit report, 08/10/25</li> </ul>	<p>Condition A31 for the IAR and RAR to be submitted by 24/10/25 (<b>Appendix B</b>).</p> <p><b>Recommendation: Improve reporting processes to allow sufficient time for the review of the IAR and preparation of the RAR.</b></p>		
A32	Notwithstanding the requirements of the Independent Audit Post Approvals Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.		Operation of the development has not commenced, therefore this condition is not triggered during the Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
REMEDIATION – REMEDIAL ACTION PLAN					
A33	<p>The Applicant must remediate and validate the site in accordance with the specifications and requirements detailed in the Remedial Action Plan prepared by JBS&amp;G dated 3 May 2022, reference number 62851/145122 (approved Remedial Action Plan) and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW EPA accredited Site Auditor Senversa dated 6 May 2022, reference Interim Advice 2. All remediation work carried out shall be in accordance with the guidelines in force under the Contaminated Land Management Act 1997. Remediation works must be undertaken by a suitably qualified and experienced consultant(s). Any new information which comes to light during remediation, demolition and construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Planning Secretary, the Site Auditor and the Principal Certifier</p> <p>Any variations to the approved Remedial Action Plan must be approved in writing by the Site Auditor and the Planning Secretary prior to the commencement of such work.</p>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>SSD 49295711, IEA 1</li> <li>JBS&amp;G, Remedial Action Plan, Harbourside Shopping Centre Redevelopment, 03/05/22, Rev 0 (<b>RAP, Rev 0, 03/05/22</b>)</li> <li>JBS&amp;G, Remedial Action Plan, Rev 1, 28/09/22 (<b>RAP, Rev 1, 28/09/22</b>)</li> <li>S18965_002_IAA No.2_Rev0.pdf, Letter from Senversa to Mirvac, Re: Review of Detailed Site Investigation and Remedial Action Plan, Interim Audit Advice No 2. – 2-10 Darling Drive, Sydney NSW, 06/05/22 (<b>IAA No.2 Rev0</b>)</li> <li>S18965_002_IAA No.2_Rev1.pdf, Letter from Senversa to Mirvac, Re: Review of Detailed Site Investigation</li> </ul>	<p>SSD 49295711, IEA 1 found that the RAP, Rev 1, 28/09/22, being a variation to RAP, Rev 0, 03/05/22, had not been “<i>approved in writing by ... the Planning Secretary</i>”. However, it had been submitted to the Department as an Appendix to the CEMP. Therefore, Condition A33 was considered compliant in SSD 49295711, IEA 1 with an OFI recommendation provided to submit RAP, Rev 1, 28/09/22 to the Planning Secretary for approval in writing.</p> <p>The Auditors understand that Mirvac have not since obtained the Department’s approval in writing of RAP, Rev 1, 28/09/22. The RAP has not been varied during the Audit Period. As the previous recommendation was an OFI, no further recommendation is made.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>and Remedial Action Plan, Interim Audit Advice No 2. – 2-10 Darling Drive, Sydney NSW, 30/09/22 (<b>IAA No.2 Rev1</b>)</p> <ul style="list-style-type: none"> <li>• Senversa letter to Mirvac, Re: Review of Interim Validation Advice 01 – Harbourside Development Site, Interim Audit Advice No 3. – 2-10 Darling Drive, Sydney NSW, 01/12/23 (<b>IAA No.3</b>)</li> </ul>			
<b>TFNSW'S CONCURRENCE REQUIREMENTS</b>					
A34	The Applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor.	<ul style="list-style-type: none"> <li>• Site visit and interview with Mirvac on 25/06/25</li> <li>• Interview with TfNSW and Transdev on 02/07/25</li> <li>• NSW Government Department of Planning, Development Near Rail Corridors and Busy Roads – Interim Guideline</li> <li>• Sydney Light Rail Interface &amp; Access Deed Poll between</li> </ul>	<p>Mirvac previously advised agreement to comply with the Altrac policies, rules and procedures.</p> <p>A footing for the Bunn Street bridge was constructed adjacent to the light rail corridor during the Audit Period under a Transdev permit. The work was conducted between approximately 12 am to 5 am.</p> <p>A post-demolition dilapidation survey was completed that included work in the light rail corridor.</p> <p>Transdev and TfNSW advised that they had good communication with Mirvac during the set-up of hoarding and installing the footing. Mirvac also communicated with Essence to review documents submitted in accordance with the Sydney Light Rail Interface &amp; Access Deed Poll (IADP).</p> <p>The Auditors have no reason to believe that the development has not complied with Condition A34 requirements during the Audit Period.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>ALTRAC Light Rail Partnership, Transdev Sydney Pty Ltd, TfNSW, Transport Asset Holding Entity of NSW dated 13/01/23 (<b>IADP</b>)</p> <ul style="list-style-type: none"> <li>Transdev, Sydney Light Rail, Interface &amp; Access Deed Poll, Harbourside – Construction Works (Stage 3), executed 19/12/23 (page 53) (<b>Stage 3 IADP</b>)</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx <ul style="list-style-type: none"> <li>Appendix A - Checklist (IADP) - New Bunn Street Bridge.pdf, IADP Stage 3, Scope of works, IADP Stage 3 Bunn Street Bridge, 20/06/24</li> <li>Essence Project Management Pty Ltd (<b>Essence</b>) letter to Mirvac, Harbourside – Developer's</li> </ul> </li> </ul>			

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>Works 1.7 Tower Crane TC4, 16/07/24</p> <ul style="list-style-type: none"> <li>Essence letter to Mirvac, Harbourside – Developer's Works 1.7 Tower Crane TC2A, 09/10/24</li> <li>Essence letter to Mirvac, Harbourside – Developer's Works 1.7 Tower Crane TC3, 09/10/24</li> <li>Essence letter to Mirvac, Harbourside – Developer's Works 1.7 Tower Crane TC5, 09/10/24</li> <li>Agenda &amp; Minutes Full CCB 20 06 2024.pdf, Agenda CCB-Meeting, 20/06/24</li> </ul>			
A35	The Applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines.	<ul style="list-style-type: none"> <li>NSW Government Transport Asset Standards Authority, Airspace and External Developments,</li> </ul>	Mirvac have advised works on site will be undertaken in accordance with the consent requirements. Mirvac have advised there have been no non-compliances which have occurred during the Audit Period and that Condition A35 was not triggered during the Audit period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Version 1.0, 01/06/21 • Refer to Condition A34 Evidence	The Auditors have no reason to believe this condition has not been met during the Audit Period.		
A36	Activities of the Applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the Applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator.	• Refer to Condition A34 Evidence	Mirvac advised that Condition A36 was not triggered because the works that were undertaken during the Audit Period did not affect and/or restrict Sydney Light Rail operations. Mirvac advised that the footing for the Bunn Street bridge was constructed between approximately 12 am to 5 am. The Auditors have no reason to believe this condition has not been met during the Audit Period.	Not triggered	
A37	The Applicant must apply to Altrac and the Sydney Light Rail Operator for any required non-scheduled network shutdowns four (4) months prior to each individual required network shutdown event. Each request for a new network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion.	• Refer to Condition A34 Evidence	Mirvac advised that Condition A37 was not triggered because no non-scheduled network shutdowns were required during the Audit Period. The Auditors have no reason to believe this condition has not been met during the Audit Period.	Not triggered	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
A38	The Applicant must provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times.	<ul style="list-style-type: none"> <li>Refer to Condition A34 Evidence</li> </ul>	<p>Mirvac have advised that safe and unimpeded access has been maintained through the use of hoarding to separate the site and pedestrian pathways. The Auditors observed the hoarding during the site visit.</p> <p>The Auditors have no reason to believe this condition has not been met during the Audit Period.</p>	Compliant	
A39	TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.	<ul style="list-style-type: none"> <li>Refer to Condition A34 Evidence</li> </ul>	<p>Mirvac were historically holding fortnightly meetings with TfNSW, Transdev and PMNSW to discuss the current development of the site. The Auditors understand that the frequency of the meetings declined for a period but that they have recommenced in recent more times. TfNSW were satisfied with the level of communications with Mirvac.</p> <p>The Auditors have no reason to believe that the development has not complied with Condition A39 requirements during the Audit Period.</p>	Compliant	
A40	All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the Applicant.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Interview with TfNSW and Transdev on 02/07/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx <ul style="list-style-type: none"> <li>Transdev, Statement of Assessment Deposit, 21/08/24</li> </ul> </li> </ul>	<p>Mirvac provided a Transdev, Statement of Assessment Deposit showing 'Rail Costs' up to July 2024. It appears that rail costs are drawn from a deposit paid by Mirvac to Transdev in March 2023 with a substantial balance remaining in August 2024.</p> <p>The Auditors have no reason to believe that the development has not complied with Condition A40 requirements during the Audit Period.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
<b>Part B Prior to the Issue of a Subdivision Certificate</b>					
COMPLIANCE WITH SSD 7874 (AS AMENDED)					
B1	Full compliance must be given to the conditions of the development consent contained within the Development Consent issued by the Minister for Planning, as subsequently amended, in relation to the development of the subject site (SSD 7874, as amended) where applicable to this subdivision.		Noted	Compliant	
LAND SUBDIVISION – SUBDIVISION CERTIFICATE					
B2	A separate application must be made online through the Planning Portal, at <a href="http://www.planningportal.nsw.gov.au">www.planningportal.nsw.gov.au</a> to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the Environmental Planning and Assessment Act 1979. Go to the “Post Consent Certificates” section on the website for Subdivision Certificates. It is recommended that the PDF versions of the subdivision, Administration sheets & Section 88B Instrument that are uploaded are between 400 & 600 dpi as these may be digitally signed.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	<p>Mirvac advised that Condition B2 is not triggered as no subdivision applications have been submitted or approved during this Audit Period.</p> <p>The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.</p>	Not triggered	
STRATA SUBDIVISION – DEVELOPMENT CONSENT					
B3	Any proposal for strata subdivision will require subsequent approval from Council, or a Registered Strata Certifier, of the Strata Plan – and issue of a Strata Certificate, under	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage</li> </ul>	<p>Mirvac advised that Condition B3 is not triggered as no proposals for strata subdivision have been submitted or approved during this Audit Period. However, Mirvac also provided a draft Strata Plan indicating progress towards meeting Condition B3 requirements.</p> <p>The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.</p>	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	the Strata Schemes Development Act 2015.	3_Audit 2_Ramboll.xlsx <ul style="list-style-type: none"> <li>2000767DSP_v.08-2024_09_27.pdf, Draft Strata Plan Administration Sheet and Plans of Subdivision</li> </ul>			
<b>FLOOR SPACE RATIO RESTRICTION</b>					
B4	<p>The following applies to Floor Space Ratio:</p> <p>(a) A Restrictive Covenant must be placed on the Titles of all of the lots in the subdivision limiting the total Gross Floor Area of the components of the building occupying all lots, taken together, to be no more than that permissible for the entire site by the approval to development application SSD 7874, or the relevant Environmental Planning Instrument in existence at the time.</p> <p>(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development applicable at the time of development consent, to the satisfaction of the Principal Certifier.</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	<p>Mirvac advised that Condition B4 is not triggered yet and will be assessed following sub-division (if undertaken) and prior to the issue of an Occupation Certificate.</p> <p>The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.</p>	Not triggered	
<b>SYDNEY WATER SECTION 73 CERTIFICATE</b>					
B5	Prior to the issue of a Subdivision Certificate (or any future Strata Certificate), a Section 73 Compliance Certificate under the Sydney Water	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	<p>Mirvac advised that Condition B5 is not triggered as no Subdivision Certificates have been issued during this Audit Period.</p> <p>The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.</p>	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.</p> <p>The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to a Subdivision Certificate being issued. A separate Section 73 certificate will not be required for the Stage 2 subdivision dedicating existing lots as public road.</p>	<ul style="list-style-type: none"> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>			
<b>BUILDING/STRATA MANAGEMENT STATEMENT</b>					
B6	The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Har</li> </ul>	<p>Mirvac advised that Condition B6 is not triggered as no subdivision applications have been submitted or approved during this Audit Period.</p> <p>The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.</p>	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	Council's satisfaction, and be submitted with the subdivision application for the stratum subdivision.	bourside_Stage 3_Audit 2_Ramboll.xlsx			
<b>STRATA TITLE PARKING SPACES AND STORAGE AREAS</b>					
B7	All parking spaces and storage areas other than visitor parking or service spaces must form part of a residential or commercial strata unit in any future strata subdivision. No parking spaces or storage spaces are to have their own individual strata title.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Har bourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>2000767DSP_v.08-2024_09_27.pdf, Draft Strata Plan Administration Sheet and Plans of Subdivision</li> </ul>	Mirvac advised that Condition B7 is not triggered as no proposals for strata subdivision have been submitted or approved during this Audit Period. However, Mirvac also provided a draft Strata Plan indicating progress towards meeting Condition B7 requirements. The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.	Not triggered	
<b>USE OF COMMON AREAS AND FACILITIES</b>					
B8	Any common areas or common facilities must be available for the use all residents of the building and must be designated as common property on any future strata subdivision of the site, with no exclusive use rights.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Har bourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>2000767DSP_v.08-2024_09_27.pdf, Draft Strata Plan Administration Sheet and Plans of Subdivision</li> </ul>	Mirvac advised that Condition B8 is not triggered as no proposals for strata subdivision have been submitted or approved during this Audit Period. However, Mirvac also provided a draft Strata Plan indicating progress towards meeting Condition B8 requirements. The plans indicate "Common Property" or "C.P." areas. The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.	Not triggered	
<b>RESTRICTION ON USE OF CAR SPACES – COMMERCIAL CAR PARKING</b>					

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
B9	Prior to the issue of an occupation certificate, a documentary Restrictive Covenant is to be created burdening all lots with car spaces, pursuant to Section 88B of the Conveyancing Act 1919, created appurtenant to Council, in terms to the satisfaction of Council, requiring the on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant, tenant or visitor to the commercial lot within the building, with the Council being the authority to release, vary or modify the restriction. The terms of the restriction must also prevent the storage of any boxes or items other than motor vehicles in the parking spaces.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that Condition B9 is not triggered as no occupation certificate has been issued during this Audit Period. The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.	Not triggered	
<b>ADDITIONAL EASEMENTS AND COVENANTS</b>					
B10	Aside from Easements mentioned in the above conditions, any further Easements and/or Covenants required as a consequence of the subdivision are to be created via Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>3455-9212-4959-v19 - Mirvac - Harbourside - Stratum Plan section 88B Instrument.doc, Draft Instrument setting out Terms of</li> </ul>	Mirvac advised that Condition B10 is not triggered as no subdivision applications have been submitted or approved during this Audit Period. However, a draft Plan of Easements was provided, indicating progress towards meeting Condition B10 requirements. The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land and Positive Covenants intended to be created pursuant to Section 88B of the Conveyancing Act 1919.			
<b>EASEMENTS RELATING TO STRATUM LOTS</b>					
B11	Documentary reciprocal easements for future services, drainage, access shared facilities, support and shelter, and emergency egress (and other similar easements as required), affecting the whole of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction. Proposed easements to be included are as shown on "Plan of Proposed Subdivision of Lots 1 TO 10 IN DP 776815 Lots 12, 12, 14, 15 & 17 IN DP 776815 and lot 2015 IN DP 1234971 being part of an agreement for lease" by Registered Surveyor Mark John Andrew, Draft – Stratum Sub, Issue 4 – printed 7 Nov 2022.	<ul style="list-style-type: none"> <li>Refer to Condition B10 Evidence</li> </ul>	Mirvac advised that Condition B11 is not triggered as no subdivision applications have been submitted or approved during this Audit Period. However, as discussed in the findings for Condition B10, a draft Plan of Easements was provided, indicating progress towards meeting Condition B11 requirements. The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.	Not triggered	
<b>SURVEY</b>					

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
B12	AT FOUNDATION STAGE – All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>2000767 DSUB AFL ISSUE04a Certification.pdf, Beverage Williams, Plan of Proposed Subdivision of Lots 1 to 10 in Lots 1 o 10 in DP 776815, Lots 12, 13, 14, 15 &amp; 17 in DP 776815 and Lot 2015 in DP 1234971, 22/03/23</li> <li>D4_240469.3005.B0 4.UPPER CORE RAFT POST-POUR WAE.240821.pdf, Total Surveying Solutions (TSS), Basement 04 Upper Core Raft Post-Pour As-Built, Drawing Number 240469.3005, 21/08/24</li> </ul>	<p>Mirvac advised during SSD 49295711, IEA 1 that Condition B12 had not been triggered as 'brickwork or wall construction' had not commenced.</p> <p>Mirvac again advised that Condition B12 was not triggered although wall construction had commenced.</p> <p>Mirvac provided two survey drawings including a survey plan in which a registered surveyor from Beverage Williams certified on 22/03/23 <i>"that we have reviewed the proposed building location and confirm that it is contained within the SSDA approved boundaries as shown herein"</i> but it does not <i>"indicate the position of external walls in relation to the boundaries of the allotments"</i>. The Auditors initially considered Condition B12 to be non-compliant because no evidence has been provided of a survey and report submitted to the Certifier indicating the position of external walls in relation to the boundaries of the allotment.</p> <p>Following factual review, Mirvac advised that the reason the external walls have not been indicated in relation to the boundaries is that the boundaries may change under the agreement with PMNSW when the construction licence transitions to a 99 year lease. Mirvac asserts that the buildings are not encroaching over the side boundaries.</p> <p>The Auditors accept Mirvac's explanation and based on the Beverage Williams certification statement, the Auditors consider Condition B12 compliant.</p> <p><b>Recommendation: Prepare a survey and report to the satisfaction of the Certifier indicating the position of external walls in relation to the boundaries of the allotment.</b></p>	Compliant	
B13	AT COMPLETION – Prior to the issue of any staged or final Occupation Certificate for a part or the whole of	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	Mirvac advised that Condition B13 is not triggered as building work construction is still in progress and Mirvac are not yet preparing to	Not triggered	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	the building – a Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the external site boundaries or proposed internal boundaries as approved by this consent must be rectified prior to the issue of a staged or final Occupation Certificate for the whole or any part of the building, or suitable easements registered on title.	<ul style="list-style-type: none"> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	<p>issue an Occupation Certificate for a part or the whole of the building.</p> <p>The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.</p>		
<b>SURVEY CERTIFICATE AT COMPLETION</b>					
B14	A survey and report, prepared by a Registered Surveyor, must be submitted at the completion of the building work detailing the location of the building in relation to the boundaries of the allotment by offset measurements and confirming whether the new construction work lies completely within the boundaries of the land.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	<p>Mirvac advised that Condition B14 is not triggered as building work is still in progress.</p> <p>The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.</p>	Not triggered	
<b>EASEMENT FOR PUBLIC ACCESS</b>					
B15	Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage</li> </ul>	<p>Mirvac advised that Condition B15 is not triggered as building work construction is still in progress and Mirvac are not yet preparing to issue an Occupation Certificate for a part or the whole of the building. However, a draft Plan of Easements was provided, indicating progress towards meeting Condition B15 requirements.</p>	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	development site as shown on “Plan of Proposed Subdivision of Lots 1 TO 10 IN DP 776815 Lots 12, 12, 14, 15 & 17 IN DP 776815 and lot 2015 IN DP 1234971 being part of an agreement for lease” by Registered Surveyor Mark John Andrew, Draft – Stratum Sub, Issue 4 – printed 7 Nov 2022.	3_Audit 2_Ramboll.xlsx <ul style="list-style-type: none"> <li>3455-9212-4959-v19 - Mirvac - Harbourside - Stratum Plan section 88B Instrument.doc, Draft Instrument setting out Terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land and Positive Covenants intended to be created pursuant to Section 88B of the Conveyancing Act 1919.</li> </ul>	The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.		
B16	Prior to the issue of an Occupation Certificate for the development or the commencement of the use, whichever occurs earlier, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Easement for Public Access, and is to require the maintenance of a	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that Condition B16 is not triggered as building work construction is still in progress and Mirvac is not yet preparing to issue an Occupation Certificate for a part or the whole of the building.  The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	\$20,000,000 public indemnity insurance policy to which Council is a named party and is to require the maintenance, upkeep, repair and lighting of the Easement for Public Access in accordance with Council's requirements and to the satisfaction of Council.				
<b>EASEMENTS FOR ACCESS</b>					
B17	Appropriate Easements for Access (or similar) are to be created over any required corridors, passages, traffic aisles, stairs and lifts, within the development that are need to provide access from (or across) one lot to another, pursuant to Section 88B of the Conveyancing Act 1919. The Easements are to be reciprocal in nature (where applicable), granting rights of access to persons and/or vehicles, and are to be created in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easement.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>3455-9212-4959-v19 - Mirvac - Harbourside - Stratum Plan section 88B Instrument.doc, Draft Instrument setting out Terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land and Positive Covenants intended to be created pursuant to Section 88B of the</li> </ul>	<p>Mirvac advised that Condition B17 is not triggered as building work construction is still in progress and Mirvac are not yet preparing to create any Easements for Access (or similar). However, a draft Plan of Easements was provided, indicating progress towards meeting Condition B17 requirements.</p> <p>The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.</p>	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Conveyancing Act 1919.			
PROTECTION OF SURVEY INFRASTRUCTURE					
B18	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.	<ul style="list-style-type: none"> <li>Letter from Beveridge Williams, SSD 7874 Redevelopment of Harbourside Shopping Centre 10 Darling Drive, Darling Harbour, 11/05/22</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
STREET ADDRESSES OF LOTS					
B19	In accordance with Clause 60 of the Surveying and Spatial Information Regulation 2017, the street addresses for each lot must be shown on the Administration Sheet for the final plan of subdivision. An application must be made to Council's Spatial Services Unit prior to the lodgement of the subdivision application, to obtain the correct street address for each lot. The street addresses allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet.	<ul style="list-style-type: none"> <li>Interview with Mirvac on Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>City of Sydney, SSD - 49295711- Street Addressing, 05/08/24</li> <li>2000767DSP_v.08-2024_09_27.pdf, Draft Strata Plan</li> </ul>	Mirvac advised that Condition B19 is not triggered as the plan of subdivision has yet to be finalised or lodged. However, Mirvac also provided a City of Sydney letter allocating street addresses and the draft Strata Plan, which indicates the street addresses of the residential lots are consistent with the City of Sydney letter. The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Administration Sheet and Plans of Subdivision			

**Part C – Prior To The Issue Of Construction Certificate****BUNN STREET THROUGH SITE LINK DESIGN AND LAYOUT**

C1	<p>Prior to the issue of the first Construction Certificate for above ground works, an amended Bunn Street through site link design and layout (Link Design) must be submitted to and approved by the Planning Secretary. The Link Design must:</p> <p>(a) be presented to the DIP for its review / consideration. The Applicant must consider the advice of the DIP and confirm how the advice has been addressed</p> <p>(b) be legible as a publicly accessible through site link and have strong civic qualities, particularly relating to its height, scale and width along the full length of the link</p> <p>(c) have an internal height appropriate to its function and to support high-quality pedestrian amenity</p> <p>(d) be open to the sky. However, the proposal may partly bridge over the link provided bridged components:</p> <p>(i) do not adversely restrict the openness and visibility of sky within the link;</p> <p>(ii) do not adversely reduce the civic quality / nature of the link, its</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>SSD-49295711-PA-16 (DPHI)</li> <li>SSDA2 CC3, 12/08/24</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>DPHI letter to Ethos Urban, Amended Design and Layout of the Bunn Street Link, 14/06/24</li> <li>Refer to Condition A8 Evidence</li> </ul>	<p>The Auditors understand that the first CC for above ground works was SSDA2 CC3 (211836/05) issued on 12/08/24.</p> <p>According to the DPHI approval letter, Mirvac submitted the Amended Design and Layout of the Bunn Street Link to the Department on 17/05/24. The Planning Secretary approved the amended design and layout plans of the Bunn Street Link, prior to the issued SSDA2 CC3, noting that the amended design:</p> <ul style="list-style-type: none"> <li>Has been prepared in consultation with and has been endorsed by the DIP.</li> <li>Contains the information required by the conditions of approval.</li> </ul> <p>Based on the documentation provided, Condition C1 is considered compliant during the Audit Period.</p>	Compliant	
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**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>legibility as a publicly accessible through site link and the provision of clear sightlines through the link;</p> <p>(iii) provide for a minimum vertical height clearance beneath any bridge of 2-3 storeys for a an appropriate distance measured from the waterfront promenade building entrance to ensure the link feels sufficiently open, internally spacious and civic in scale and character;</p> <p>(iv) ensure the majority of the link remains open to the sky;</p> <p>(v) are primarily designed for circulation/connectivity between the north and south floorplates to minimise bulk and retain openness.</p> <p>(vi) are designed to be light-weight in appearance and / or highly transparent;</p> <p>(e) ensure the destinations of the link (i.e. foreshore / Bunn Street bridge) are legible / identifiable to pedestrians when standing at the opposite entrance of the link;</p> <p>(f) provide direct, convenient and equitable access;</p> <p>(g) include opportunity for the incorporation / integration of public art and/or heritage interpretation;</p> <p>(h) include design, layout and other measures to support activation, overlooking / passive; surveillance and appropriate safety and security</p>				

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	measures to provide for a safe environmental; and (i) provide for high quality materials and finishes.				
<b>RETAIL SHOPFRONTS</b>					
C2	<p>Prior to the issue of the first Construction Certificate for external finishes, evidence must be provided to the satisfaction of the Certifier that:</p> <p>(a) the design of shopfronts provide for equitable access in accordance with relevant guidelines;</p> <p>(b) no more than 60% of the cumulative length of retail frontages fronting the Waterfront Promenade (indicated yellow in drawings 4010_00 and 4011_00) is to be comprised of a single kit-shopfront façade type;</p> <p>(c) no more than 50% of the cumulative length of retail frontages fronting secondary frontages (indicated red in drawings 4012_00 and 4013_00) is to be comprised of a single kit-shopfront façade type; and</p> <p>(d) no more than 50% of the cumulative length of retail frontages fronting edge locations (indicated blue in drawing 4014_00) is to be comprised of a single kit-shopfront façade type.</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Snøhetta + Hassell letter to Mirvac, Re: Redevelopment of Harbourside, Architectural Design Statement – SSD-49295711 - Condition 2 – Retail Shopfronts – CC8 Podium Envelope &amp; Finishes, 07/03/25</li> <li>SSDA2 CC8 Checklist, 14/04/25</li> <li>SSDA2 CC8, 06/05/25</li> <li>MGC Approved Plans (3).pdf, stamped as "Approved, "Construction Certificate No. 211836/09" (i.e. SSDA2 CC8)</li> <li>Refer to Condition C14 Evidence</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent</li> </ul>	<p>The Certifier's SSDA2 CC8 Checklist indicated that, to satisfy Condition C2(a), the certifier required the access consultant, being Philip Chun Accessibility Pty Ltd, to "provide design certification in accordance with BCA 2022 and AS 1428.1-2009", but based on the checklist, there is no evidence that it was provided to the Certifier. SSDA2 CC8 Checklist refers to a report and a final performance solution provided by the access consultant but it is unclear if those documents address Condition C2(a) to the satisfaction of the Certifier.</p> <p>Mirvac subsequently advised that "There was a request to move [the C2(a) requirement] to [a] CC8 Update: <a href="https://MIRVAC.itwocx.com/MGR-PRD-10019:3333197">https://MIRVAC.itwocx.com/MGR-PRD-10019:3333197</a>. The CC8 update was issued outside the audit period (August 25). Attached is the Design Certificate confirming that this is to be addressed outside the audit period." Based on this advice, the Auditors understand that the C2(a) was addressed in an update of CC8 outside the Audit Period and this requirement would therefore be met, albeit in a later issue of CC8. A Design Compliance Statement – Accessibility from the accessibility consultant, Philip Chun, dated 20/07/25 was also provided. Evidence of its submission to the satisfaction of the Certifier will need to be provided for the next IEA.</p> <p>The Certifier's SSDA2 CC8 Checklist indicated that to satisfy Condition C2(b), (c) and (d), the certifier required the design team to confirm these aspects. Snøhetta + Hassell confirmed in their Architectural Design Statement that the architectural design met Conditions C2(b), (c) and (d). The Certifier's SSDA2 CC8 Checklist indicated that they had received the Architectural Design Statement. However, the Certifier also noted that the statement should reference the relevant plans. The Architectural Design</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</p> <ul style="list-style-type: none"> <li>Philip Chun, Design Compliance Statement – Accessibility, 20/07/25</li> </ul>	<p>Statement does not reference plans, other than those in the Condition C2 requirement. Mirvac provided a set of architectural design plans that were stamped as approved by the Certifier for “Construction Certificate No. 211836/09” (i.e. SSDA2 CC8). The Architectural Design Statement was provided to the satisfaction of the Certifier prior to the issue of the first CC for external finishes, being SSDA2 CC8.</p> <p>Condition C2 is considered compliant with an OFI to confirm that Condition C2(a) has been completed to the satisfaction of the Certifier.</p> <p><b>Recommendation: Obtain confirmation in writing from the Certifier that MGC is satisfied that Condition C2(a) requirements have been met in the next audit period.</b></p>		
<b>PODIUM LANDSCAPING</b>					
C3	<p>Prior to the issue of the first Construction Certificate for above ground works, amended plans, elevations and sections for the design, layout and integration of the Southern and Central Podium landscaping works must be submitted to and approved by the Planning Secretary. The amended drawings must address the following:</p> <p>(a) be prepared in consultation with the DIP, Council and PMNSW;</p> <p>(b) consider the landscape plans listed at Condition A2 and associated landscaping reports;</p> <p>(c) demonstrate that proposed landscaping, tree planting and works are consistent with the Sydney Landscape Code Volume 2;</p> <p>(d) include details drawn to scale and technical specifications, by a</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>SSD 49295711-PA-20</li> <li>Snøhetta + Hassell, Approved Design – Condition C3 Satisfaction Podium Landscaping</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Urbis letter to Mirvac, Harbourside (SSD-7874) – Design Integrity Process – Record of Consultation – Condition C3, 08/07/24</li> <li>Urbis letter to Mirvac, Harbourside</li> </ul>	<p>Amended Landscape Plans were approved by the Planning Secretary on 07/08/24, which was prior to the issue of the first CC (SSDA2 CC3) for above ground works on 12/08/24. The Department noted that the amended plans:</p> <ul style="list-style-type: none"> <li>were prepared by a suitably qualified and registered team of landscape architects;</li> <li>were prepared in consultation with the DIP, Council and PMNSW;</li> <li>had demonstrated that proposed landscaping, tree planting and works are consistent with Sydney Landscape Code Volume 2;</li> <li>showed details of soil depths and volumes to support the long-term establishment of trees;</li> <li>showed typical sections through all green roofs detailing various profiles, soil build up and edge; conditions to demonstrate the proposed landscaping can be adequately maintained; and</li> <li>contained all of the information required by the conditions of approval.</li> </ul> <p>Based on the documentation provided, Condition C3 is considered compliant during the Audit Period.</p>	Compliant	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>registered landscape architect and show the following details:</p> <p>(i) details of earthworks and soil depths and volumes, including finished levels, tree pits and any mounding;</p> <p>(ii) available and adequate soil volume quantities per tree regarding on structure planting must be indicated to ensure the long term establishment of all trees;</p> <p>(iii) typical sections through all green roofs, detailing various profiles, soil buildup and edge conditions and providing:</p> <ul style="list-style-type: none"> <li>• details of any mounding on the green roof(s), noting that a typical maximum of 200mm mounding is encouraged;</li> <li>• translation of the details of product type and planter buildup set out in the landscape maintenance plan to drawn details;</li> <li>• detailed sections through the accessible roof terraces; and</li> <li>• reconsideration of the location of fences within planting to avoid small, leftover strips of planting that are hard to access and maintain as they are outside the fence.</li> </ul>	<p>(SSD-7874) – Design Integrity Process – Post Approval Session No. 1, 10/07/24</p> <ul style="list-style-type: none"> <li>• Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>• SSDA2 CC3, 12/08/24</li> </ul>			
TREE MAINTENANCE PLAN					
C4	<p>Prior to the issue of the first Construction Certificate for external finishes, an amended Tree Maintenance Plan be submitted to the</p>	<ul style="list-style-type: none"> <li>• Site visit and interview with Mirvac on 25/06/25</li> <li>• SSD 49295711</li> </ul>	<p>The Tree Maintenance Plan generally meets Condition C4 requirements.</p> <p>The City of Sydney reviewed the information provided and confirmed that they have been consulted with regarding the Tree</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>satisfaction of the Certifier. The amended TMP must address the following:</p> <p>(a) be prepared in consultation with Council and evidence of Council's endorsement provided to the Certifier;</p> <p>(b) include:</p> <p>(i) type of activities and their methodologies;</p> <p>(ii) frequency of maintenance;</p> <p>(iii) qualifications and skill level required to perform each activity;</p> <p>(c) be implemented and complied with immediately following the tree planting, and until the tree reaches the applicable minimum mature tree height and canopy width indicated in the landscape drawing LA-SSDA2-0052_00 B 'Planting Schedule' dated 13 August 2023;</p> <p>(d) newly planted tree(s) on-site must be appropriately maintained on an on-going basis;</p> <p>(e) maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree;</p> <p>(f) if the newly planted tree fails to establish or does not reach the minimum mature tree height and canopy width indicated in the</p>	<ul style="list-style-type: none"> <li>City of Sydney, Harbourside Shopping Centre Redevelopment - Podium And Tower – SSD 49295711 - Condition C4 Tree Maintenance Plan, 07/01/25</li> <li>Hassell Studio, Tree Maintenance Plan Rev No. 1, Ref, 016133, 17/12/24</li> <li>SSDA2 CC8 Checklist, 14/04/25</li> <li>SSDA2 CC8, 06/05/25</li> </ul>	<p>Maintenance Plan in accordance with Condition C4(a) and endorsed the Tree Maintenance Plan. The Certifier marked this condition as completed within the SSDA2 CC8 Checklist, dated 14/04/25, which was prior to the issue of SSDA2 CC8.</p> <p>Based on the documentation provided, Condition C4 is considered compliant during the Audit Period.</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	landscape drawing LA-SSDA2-0052_00 B 'Planting Schedule' dated 13 August 2023 it must be replaced with a tree of comparable qualities and container size of 100 litres; and (g) the conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.				
<b>EXTERNAL FACING MATERIALS AND FINISHES,</b>					
C5	Prior to the issue of the first Construction Certificate for external finishes, the Applicant must submit to the Planning Secretary for approval details of final external materials and finishes. The details must: (a) include specifications and sample board(s) for all external finishes, surfaces, colours and glazing including annotated drawings and computer-generated imagery of their application; (b) confirm the process and methods in arriving at the final choice for all materials and finishes; and (c) include detailed architectural drawings of the façade details, including glazing specification and sun shading devices. This must include snapshots at different points in the façade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Mirvac letter to DPHI, RE: Harbourside Redevelopment – SSD-49295711 Condition C5 External Facing Materials And Finishes Submission, 19/09/24</li> <li>DPHI letter to Mirvac, External Facing Materials And Finishes, 20/12/24</li> <li>Post Approval Form_20240919012 901.pdf</li> <li>SSDA2 CC8 Checklist, 14/04/25</li> </ul>	<p>Mirvac submitted a letter to the Department on 19/09/24, presenting the required information regarding the External Facing Materials and Finishes in accordance with Condition C5. The information was submitted prior to the issue of the first CC for external finishes, SSDA2 CC8. The nominee of the Planning Secretary reviewed the information and noted:</p> <ul style="list-style-type: none"> <li>it had been reviewed by the Government Architect NSW (GANSW);</li> <li>it was inspected by onsite officers from the Department, GANSW and Place Management;</li> <li>it provided specifications, sample boards and plans for all external finishes and materials on the building façade;</li> <li>it demonstrated the process used to determine the final materials and finishes proposed; and</li> <li>it set out all final specifications of colours and materials for each element of the façade.</li> </ul> <p>The Department approved the External Facing Materials and Finishes.</p> <p>Based on the documentation provided, Condition C5 is considered compliant during the Audit Period.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	Note: The plans lodged to satisfy this condition must include final specifications of colour, material and, where relevant, manufacturer.	<ul style="list-style-type: none"> <li>SSDA2 CC8, 06/05/25</li> </ul>			
C6	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.	<ul style="list-style-type: none"> <li>Refer to Condition C7 Evidence</li> </ul>	Xavier Knight investigated the podium curtain wall façade elements and found that they met the non-combustibility requirements of Clause C2D10 of the BCA (NCC 2022 Vol. 1). The information was submitted to the satisfaction of the Certifier, as evidenced in SSDA2 CC8 Checklist. The Auditors have no reason to believe that the external walls of all buildings including additions to existing buildings do not comply with the relevant requirements of the NCC. Based on the documentation provided for Condition C7, Condition C6 is considered compliant during the Audit Period.	Compliant	
C7	Prior to the issue of the first Construction Certificate for external finishes, the Applicant must submit to the satisfaction of the Certifier 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 NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Xavier Knight, Façade Non-Combustibility Statement, Design of Podium Curtain Wall Façade Elements, 10/04/25</li> <li>Post Approval Form_20250327063 409.pdf</li> <li>SSDA2 CC8 Checklist, 14/04/25</li> <li>SSDA2 CC8, 06/05/25</li> </ul>	Xavier Knight investigated the podium curtain wall façade elements and found that they met the non-combustibility requirements of Clause C2D10 of the BCA (NCC 2022 Vol. 1). The information was submitted to the satisfaction of the Certifier prior to the issue of the first CC for external finishes, SSDA2 CC8. A copy of the Façade Non-Combustibility Statement was provided to the Department on 27/03/25. Based on the documentation provided, Condition C7 is considered compliant during the Audit Period.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
<b>MAXIMUM BUILDING HEIGHT</b>					
C8	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum height of the building does not exceed RL 170 m AHD, including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Snøhetta + Hassell Letter to Mirvac, Redevelopment Of Former Harbourside Shopping Centre, SSD 49295711, Condition C8, Maximum Building Height, 20/05/2024</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>	<p>Snøhetta + Hassell confirmed in writing that that the maximum height of the building does not exceed RL 170m AHD, including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p> <p>The information was submitted to the satisfaction of the Certifier prior to the issue of SSDA2 CC3, the first CC for above ground works, on 12/08/24.</p>	Compliant	
<b>GROSS FLOOR AREA CERTIFICATION</b>					
C9	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	<p>Snøhetta + Hassell confirmed that the gross floor area (GFA) of the development does not exceed 84,211.3 m<sup>2</sup> and the non-residential GFA does not exceed 42,378 m<sup>2</sup>. Although Snøhetta + Hassell did</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed 84,211.3 m <sup>2</sup> , comprising: (a) 42,378 m <sup>2</sup> non-residential GFA (21,021 m <sup>2</sup> office GFA and 9,857 m <sup>2</sup> retail GFA and 11,500 m <sup>2</sup> for office/event and conference uses on level 1); and (b) 41,833.3 m <sup>2</sup> residential GFA.	<ul style="list-style-type: none"> <li>SSD 49295711</li> <li>Snøhetta + Hassell Letter to Mirvac, Redevelopment Of Former Harbourside Shopping Centre, SSD 49295711 MOD 2, Condition C9, 17/04/2025</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>	not explicitly confirm that the residential GFA does not exceed 41,833.3 m <sup>2</sup> , it is inferred as being the difference between the total GFA and non-residential GFA. The Certifier's Checklist for SSDA2 CC3 indicated that they received the confirmation statement from Snøhetta + Hassell dated 20/05/24 (not provided to the Auditors) and Condition C9 was "Complete", which was prior to the issue of the SSDA2 CC3. Condition C9 is considered compliant on the basis of the Certifier's satisfaction.		
<b>LONG SERVICE LEVY</b>					
C10	Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This Condition was assessed during the SSD 49295711, IEA 1 and is considered not triggered during the Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	Corporation Helpline on 131 441 or visit <a href="https://www.longservice.nsw.gov.au/bci/levy/about-the-levy">https://www.longservice.nsw.gov.au/bci/levy/about-the-levy</a> .				
<b>STATE PLANNING AGREEMENT CONTRIBUTIONS</b>					
C11	Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming monetary contributions pursuant to the provisions of the State Planning Agreement executed on 12 August 2022 have been paid.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This Condition was assessed during the SSD 49295711, IEA 1 and is considered not triggered during the Audit Period.	Not triggered	
<b>AFFORDABLE WORKSPACES</b>					
C12	Prior to the submission of the first application for the fit out of the commercial or retail floorspace, an Affordable Workspace Strategy (AWS) must be submitted to and approved by Planning Secretary. The AWS must confirm how opportunities to provide affordable workspaces were explored and/or confirm how the proposal provides for affordable workspaces and include: (a) the location, quantum, target market, management / lease / marketing of the space(s); (b) any planning mechanism for securing the spaces; and (c) how the affordable workspace(s) would be maintained / provided into the future.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that this condition has not yet been triggered. Construction of the commercial and retail areas are still in progress. The Auditors have no reason to believe that Condition C12 requirements have not been complied with during the Audit Period.	Not triggered	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
<b>STRUCTURAL DETAILS</b>					
C13	Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with: (a) the relevant clauses of the NCC; and (b) this development consent.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Mirvac tablet with Fieldwire application used for document management, containing structural drawings viewed during the site visit: <ul style="list-style-type: none"> <li>Enstruct, ST-L01-2102, Rev. 7, 10/04/25, Regulated</li> <li>Enstruct, ST-B03-2101, details blurry, Non-regulated</li> <li>Enstruct, ST-OA-0315, Rev. 7, 29/11/23</li> <li>Enstruct, ST-OA-5260, Rev 2, 29/11/23</li> </ul> </li> </ul>	<p>This Condition was assessed during SSD 49295711, IEA 1 which recommended, as an OFI, that structural drawings, and not just the Certificates of Design Compliance, be prepared and signed by a suitably qualified practicing Structural Engineer.</p> <p>A Regulated Design Record with the 'DP Full Name' completed with the name of the person authorising the drawing, in this case a practicing Structural Engineer, is considered to meet this requirement.</p> <p>Some of the structural drawings provided for review have a regulated design record, stamped as being non-regulated, that are signed by Timothy Boulton, Director of Enstruct and a suitably qualified practising Structural Engineer. This includes the proposed foundations against existing foundations overlay and some of the base reinforcement plans. However, the majority of the structural drawings provided for review do not have such a sign off.</p> <p>Mirvac site personnel use the Fieldwire application on a tablet to access documents and management system. Site personnel use it to access plans, including structural plans. Both regulated and non-regulated structural drawings were available on Fieldwire, however, the 'DP Full Name' of the person authorising the structural drawings was completed on the plans sighted during the site visit.</p> <p>The Auditors were not provided with the complete CC packages and structural drawings.</p> <p>The Auditors have no reason to believe that Condition C13 requirements have not been complied with during the Audit Period.</p>	Compliant	
<b>ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES</b>					
C14	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitably qualified professional demonstrating that the building has	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Philip Chun Accessibility Pty Ltd, DDA / Accessibility (Building Code of</li> </ul>	A suitably qualified accessibility consultant, Philip Chun Accessibility, reviewed the building design and confirmed that the works proposed will be capable of achieving compliance with the Building Code of Australia 2022 and the Premises Standards, subject to normal design development and assessment reviews required at the next stage of documentation and prior to the issue	Compliant	



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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.	<p>Australia BCA 2022), Final Report for SSDA 2 Submission, Rev. R02, 04/11/22</p> <ul style="list-style-type: none"> <li>Philip Chun Accessibility Pty Ltd, DDA / Accessibility (Building Code of Australia BCA 2022), Final Report for SSDA 2 Submission, Rev. R03, 22/01/24</li> <li>SSDA2 CC1 Checklist, 21/12/23</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>	<p>of the Construction Certification for the works. This included consideration of access for persons with disabilities.</p> <p>The Certifier's Checklist for CC3 (SSDA2 CC3 Checklist, 08/08/24) indicated that they received a design certificate from Philip Chun Accessibility dated 15/07/24 and the Certifier was satisfied that the requirement was "Complete", which was prior to the issue of SSDA2 CC3, the first CC for above ground works, on 12/08/24.</p> <p>The design certificate dated 15/07/24 has not been provided for review. However, Condition C14 is considered compliant during the Audit Period on the basis of the Philip Chun Accessibility report and the Certifier's satisfaction with the design certificate.</p>		
<b>MECHANICAL VENTILATION</b>					
C15	The premises must be ventilated in accordance with the NCC and applicable Australian Standards.	<ul style="list-style-type: none"> <li>Refer to Condition C16 Evidence</li> </ul>	Refer to the findings of Condition C16. Condition C15 is considered compliant during the Audit Period.	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
C16	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Climatech NSW Pty Ltd (<b>Climatech</b>), Mechanical Services Design Certificate, 27/02/24</li> <li>Climatech, Mechanical Services Design Certificate, 19/03/24</li> <li>Climatech, Mechanical Services Design Certificate, 02/04/25</li> <li>SSDA2 CC1 Checklist, 21/12/23</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>	<p>Climatech certified that the air conditioning and mechanical ventilation systems had been designed in accordance with the relevant Australian Standards and clauses of the BCA (i.e. NCC), as well as Conditions C16 and C17. According to SSDA2 CC3 Checklist, the Certifier received documentation from Climatech dated 31/07/24, which has not been provided to the Auditors for review. However, the documentation was accepted to the satisfaction of the Certifier, which was prior to the issue of SSDA2 CC3, being the first CC for above ground works, on 12/08/24.</p> <p>The Auditors have no reason to believe that Condition C16 requirements have not been complied with during the Audit Period.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
C17	Prior to the issue of the first Construction Certificate for above ground works, the mechanical exhaust systems and/or shafts must be designed to allow for the treatment and removal of offensive odours and particulates, and the discharge of effluent air at a height and velocity that prevents discomfort and nuisance to the public. The mechanical system must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings.	<ul style="list-style-type: none"> <li>Refer to Condition C16 Evidence.</li> </ul>	<p>Refer to the findings of Condition C16. Climatech's Mechanical Services Design Certificate certified compliance with Condition C17 requirements to the satisfaction of the Certifier prior to the issue of SSDA2 CC3, being the first CC for above ground works, on 12/08/24.</p> <p>The Auditors have no reason to believe that Condition C17 requirements have not been complied with during the Audit Period.</p>	Compliant	
REFLECTIVITY					
C18	Prior to the issue of the first Construction Certificate for external finishes, a revised Reflectivity Report must be submitted to and approved by the Planning Secretary. The Reflectivity Report must: <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified professional;</li> <li>(b) consider the report titled 'Reflectivity Analysis' prepared by</li> </ul>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>RWDI Australia Pty Ltd (<b>RWDI</b>), Reflectivity Analysis, Ref. 2105658, Version B, Final Report, 26/02/25</li> </ul>	<p>Review of the RWDI updated Reflectivity Analysis indicates that it met Condition C18 requirements. It was submitted to and approved by the Planning Secretary prior to the issue of the first CC for external finishes, SSDA2 CC8.</p> <p>The Auditors note that in the Department's approval letter, the Department required Mirvac to "<i>make the document publicly available on the project website at the earliest convenience</i>". The Reflectivity Analysis report and the cover letter are not publicly available on Mirvac's project website, except through a link to the "<a href="#">Major Projects Website</a>", which takes you to the SSD-49295711</p>	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>RWDI Australia Pty Ltd and dated 4 November 2022 and addendum statement titled 'Harbourside Redevelopment Main Works SSDA Reflectivity Analysis RWDI Project #2105658' prepared by RWDI Australia Pty Ltd and dated 29 June 2023;</p> <p>(c) demonstrate that the visible light reflectivity from building materials used on the façade of the building does not exceed 20% in accordance with the Sydney Development Control Plan 2012; and</p> <p>(d) amend the design, cladding and/or include appropriate physical mitigation measures to the northern podium elevation to prevent adverse glare to drivers on Darling Drive.</p>	<ul style="list-style-type: none"> <li>RWDI letter to Mirvac, Re: Harbourside - Solar Reflectivity Impacts (Condition C18), Letter to RWDI Project #2105658, 26/02/25</li> <li>DPHI letter to Mirvac, Updated Reflectivity Analysis, 14/03/25</li> <li>SSDA2 CC8 Checklist, 14/04/25</li> <li>SSDA2 CC8</li> </ul>	<p>'Assessment' webpage. It does not take you to the 'Post Approval' webpage where these documents are publicly available under 'Management Plans and Strategies'. It is considered that these documents should be made readily available on Mirvac's project website and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate. Based on the documentation provided, Condition C18 is considered compliant during the Audit Period with an OFI recommendation.</p> <p><b>Recommendation: Make the Reflectivity Analysis report and the cover letter publicly available on Mirvac's project website.</b></p>		
<b>SITE STABILITY AND CONSTRUCTION WORK</b>					
C19	<p>Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:</p> <p>(a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land</p>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	<p>This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.</p>	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings (c) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work (e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).				
<b>CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN</b>					
C20	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report titled 'Crime Prevention Through Environmental Design Report Version 4.0' prepared	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	by Ethos Urban and dated 04 November 2022.				
<b>ECOLOGICALLY SUSTAINABLE DEVELOPMENT</b>					
C21	Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all relevant design, construction and operation measures as identified in the ESD report titled 'ESD SSDA Report Revision R5' prepared by LCI Consultants and dated 13 July 2023.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
C22	Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the development will achieve the following a minimum Star Green Star ratings in accordance with the Green Star Buildings v1 (Green Building Council Australia): (a) Commercial Office: minimum 6-star Green Star Building v1 rating; (b) Retail: minimum 5-star Green Star Building v1 rating; and (c) Residential: minimum 5-star Green Star Building v1 rating.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
<b>BASIX CERTIFICATION</b>					
C23	The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1329072M_03 and any updated certificate issued if amendments are	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> </ul>	The BASIX Certificate No. 1329072M was updated in June 2024 and the accompanying report indicated that the BASIX water, thermal and energy targets were met. Mirvac provided the Auditors with a letter from Snøhetta + Hassell dated 24/03/25 which confirmed that all BASIX requirements had been incorporated into the architectural drawing set as they relate	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	made. Prior to the issue of the first Construction Certificate for above ground works, the BASIX Certificate must be submitted to the satisfaction of the Certifier with all commitments clearly shown on the Construction Certificate plans.	<ul style="list-style-type: none"> <li>• Snøhetta + Hassell Letter to Mirvac, 24/03/25</li> <li>• LCI Consultants letter to Mirvac, Re: Harbourside Redevelopment SSD A2 S4.55 MOD 2 Submission, Ref. 210369, 25/06/24, with attached: <ul style="list-style-type: none"> <li>○ Efficient Living Pty Ltd, NatHERS and BASIX Assessment, LCI Consultants, Proposed Residential Development, To be built at 2 – 10 Darling Street Sydney NSW 2000, Issue H, 25/06/24, with attached <ul style="list-style-type: none"> <li>▪ BASIX Certificate, Multi Dwelling, BASIX Certificate No. 1329072M_06, 24/06/24</li> </ul> </li> </ul> </li> <li>• SSDA2 CC3 Checklist, 08/08/24</li> </ul>	<p>to the CC6a structure and services scope of work. However, this was after the issue of the first CC for above ground works, understood to be SSDA2 CC3 on 12/08/24.</p> <p>The Certifier's Checklist for SSDA2 CC3 dated 08/08/24 indicated that they received an LCI document dated 28/02/24 that satisfied Condition C23 according to the Certifier.</p> <p>Based on the documentation provided, Condition C23 is considered compliant during the Audit Period.</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>SSDA2 CC6A Checklist, 20/03/25</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> <li>LCI Consultants letter to Mirvac, Re: Harbourside Redevelopment_SSD A2 S4.55 Submission, Ref. 210369, 28/02/24, with attached: <ul style="list-style-type: none"> <li>Efficient Living Pty Ltd, NatHERS and BASIX Assessment, LCI Consultants, Proposed Residential Development, To be built at 2 – 10 Darling Street Sydney</li> </ul> </li> </ul>			



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		NSW 2000, Issue G, 27/02/24, with attached <ul style="list-style-type: none"> <li>BASIX Certificate, Multi Dwelling, BASIX Certificate No. 1329072M_05, 27/02/24</li> </ul>			
<b>INSTALLATION OF EFFICIENT FIXTURES AND FITTINGS</b>					
C24	<p>Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the non-residential component of the development:</p> <p>(a) all toilets installed within the development will be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS)</p> <p>(b) all taps and shower heads installed within the development will be water efficient with at least a 3-star rating under the WELS, where available</p> <p>(c) new urinal suites, urinals and urinal flushing control mechanisms installed within the development will</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Snøhetta + Hassell Letter to Mirvac on 04/07/24</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> </ul>	Snøhetta + Hassell confirmed in a letter dated 04/07/24 that the design submission for SSDA2-CC3 1B - For Construction Certificate Approval dated 04/07/24 verifies that fixture and fittings selections are compliant with Condition C24 – as it relates to the CC3 scope of works. The Certifier indicated satisfaction with the Snøhetta + Hassell statement in SSDA2 CC3 Checklist dated 08/08/24, which was prior to the issue of the first CC for above ground works. Based on the documentation provided, Condition C24 is considered compliant during the Audit Period.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	utilise products with at least a 4-star rating under the WELS. (d) systems will reduce unnecessary flushing and will not involve the use of continuous flushing systems.	<ul style="list-style-type: none"> <li>SSDA2 CC3, 12/08/24</li> </ul>			
C25	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the internal lighting system for the commercial office spaces provides for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>FIP Electrical Memo, SSD-49295711, Condition C25. Installation of Efficient Fixtures and Fittings, Lighting Design Statement FIP/010/27 Rev 02, 21/05/24</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>	<p>FIP Electrical confirmed that, as per Condition C25, the PCA, ESD documentation, the project PDRs, the project scope of works and the electrical specifications, the lighting design, and installation for the project will comply with the requirements of efficient use of energy.</p> <p>The Certifier was satisfied with the Lighting Design Statement and marked Condition C25 as complete in the SSDA2 CC3 Checklist. Based on the documentation provided, Condition C25 is considered compliant during the Audit Period.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
MECHANICAL PLANT NOISE MITIGATION					
C26	Prior to the issue of the first Construction Certificate for external finishes and fit-out, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Letter from Acoustic Logic to Mirvac, Harbourside - SSDA2 CC1 - Condition C26 Design Certificate, 15/11/23</li> <li>Acoustic Logic, SSDA Acoustic Assessment, Revision 3, 31/10/22</li> <li>Mirvac email to MGC, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (C26, C52), 21/11/23</li> <li>MGC email to Mirvac, RE: SSDA 1 CC2 and SSDA 2 CC1 Condition Close Out, 14/02/24</li> <li>Climatech, Mechanical Services Design Certificate, 27/02/24</li> <li>Climatech, Mechanical Services Design Certificate, 19/03/24</li> <li>Acoustic Logic letter to Mirvac,</li> </ul>	<p>An Acoustic Logic engineer confirmed via letter that they assessed the requirements of Condition C26 of SSD-49295711 within relevant design documentation for the Harbourside Redevelopment. The letter confirmed that <i>"recommendations with respect to attenuation of mechanical services have been provided by this office within the project Acoustic Specification (Ref: 20220030.2/2606A/R0/LA)"</i> and that <i>"recommendations made within the specification have been made with reference to relevant guidelines, inclusive of the NSW EPA document Noise Policy for Industry, outlined within the DA Acoustic Assessment previously prepared by this office (Ref: 20220030.1/3110A/R3/LA.)"</i>. The 'Acoustic Specification' and the "relevant design documentation" referred to have not been provided to the Auditors. It is not clear whether Acoustic Logic have reviewed the design drawings to confirm that they incorporate the noise mitigation measures recommended by Acoustic Logic in the Acoustic Specification. The design certification does not indicate whether the Acoustic Logic certifier is an appropriately qualified acoustic engineer, however, the LinkedIn profile indicates he is an aeronautical engineer, so the Auditors assume he is therefore, appropriately qualified.</p> <p>The Certifier indicated that they had received Acoustic Logic's design certification and requested <i>"referenced documentation"</i>. This was subsequently received and the C26 requirement was marked as complete within the CC8a Checklist. According to SSDA2 CC8, the Certifier received <i>"Acoustic Specification Phase 5 Rev 0 prepared by Acoustic Logic dated 26 June 2024"</i> and <i>"SSDA Acoustic Assessment Rev 3 prepared by Acoustic Logic dated 31 October 2022"</i>.</p> <p>The Auditors note that the Acoustic Specification referenced by the Certifier in SSDA2 CC8 Checklist is a later version of the version referred to in Climatech's Mechanical Services Design Certificate. The Auditors also note that Climatech certified in their Mechanical Services Design Certificate on 27/02/24, again on 19/03/24 and</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Harbourside – Condition C26 Design Certification, 29/11/24 <ul style="list-style-type: none"> <li>Climatech, Mechanical Services Design Certificate, 02/04/25</li> <li>SSDA2 CC8 Checklist, 14/04/25</li> </ul>	then again on 02/04/25, that “ <i>the air conditioning and mechanical ventilation systems have been designed in accordance with ... [the] Acoustic Specification AC-SPE-0001-02 dated 22.May.2023 by ACOUSTIC LOGIC</i> ”. Given that Climatech certified that the mechanical services were designed in accordance with the Acoustic Specification and the Certifier was satisfied that Condition C26 requirements were met prior to the issue of SSDA2 CC8, the first CC for external finishes and fit-out, it is considered that Condition C26 is compliant during the Audit Period.		
<b>COMPLIANCE WITH ACOUSTIC ASSESSMENT</b>					
C27	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the report titled ‘SSDA Acoustic Assessment Revision 3’, prepared Acoustic Logic Pty Ltd and dated 31 October 2022.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Climatech, Mechanical Services Design Certificate, 27/02/24</li> <li>Acoustic Logic Letter to Mirvac, Harbourside – SSD 49295711 – Conditions C27 &amp; C49, 22/03/24</li> <li>Acoustic Logic, Harbourside, Condition C49 Acoustic Assessment, Revision 0, 04/07/24</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent</li> </ul>	Acoustic Logic advised that “ <i>acoustic design with respect to the requirements outlined in Condition C27 have been conducted</i> ”. The Certifier marked this Condition as complete. Based on the documentation provided, Condition C27 is considered compliant during the Audit Period.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx <ul style="list-style-type: none"> <li>SSDA2 CC3, 12/08/24</li> </ul>			
<b>WIND MITIGATION MEASURES</b>					
C28	<p>Prior to the issue of the first Construction Certificate for above ground works, an amended Wind Impact Assessment (WIA) must be submitted to and approved by the Planning Secretary. The WIA must:</p> <p>(a) be prepared by a suitably qualified professional;</p> <p>(b) consider the report titled 'Pedestrian Wind Environment Assessment RWDI #2105658' prepared by RWDI Australia Pty Ltd and dated 4 November 2022 and wind statements titled 'Harbourside Redevelopment Main Works SSDA Wind Impact Assessment RWDI Project #2105658' prepared by RWDI Australia Pty Ltd and dated 28 June and 2 August 2023;</p> <p>(c) undertake wind tunnel testing and assess the existing and predicted wind environment, including</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>RWDI, Wind Impact Assessment, Ref. 2105658, Version A, 04/07/24,</li> <li>RWDI letter to Mirvac, Re: Harbourside Redevelopment, Wind Impact Assessment Report, RWDI Project #2105658, 07/08/24</li> <li>DPHI Letter to Ethos Urban, Amended Wind Impact Assessment, 08/08/24</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> </ul>	<p>Mirvac provided a Wind Impact Assessment (WIA), Version A, 04/07/24 and a DPHI letter that approved the Wind Impact Assessment, Version D, 07/08/24. The Auditors have not been provided with Version D of the WIA; however, a cover letter that accompanied the WIA Version A indicated how the Version A of the report met each of the Condition C28 requirements.</p> <p>The Department's approval was received prior to the issue of SSDA2 CC3, the first CC for above ground works.</p> <p>The Auditors note that in the Department's approval letter, the Department required Mirvac to "<i>make the document publicly available on the project website at the earliest convenience</i>". The amended WIA, Version D, 07/08/24, is not publicly available on Mirvac's project website. It is also not available from the "<a href="#">Major Projects Website</a>", which is linked from Mirvac's project website.</p> <p>Only the cover letter is available on the <a href="#">Major Projects Website</a>. It is considered that if the Department requires a specific document to be made publicly available on Mirvac's project website, it should be readily available on said site and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	scenarios with and without proposed physical and landscaped mitigation measures; (d) include proposed mitigation measures to address wind impacts to the tower and podium private residential terraces / balconies, communal open spaces and any other impacted space; and (e) consider the cumulative effect of any wind mitigation measures required under the separate SSDA3 application.	<ul style="list-style-type: none"> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>	Based on the documentation provided, Condition C28 is considered compliant during the Audit Period; however, an OFI recommendation is made. <b>Recommendation: Make the DPHI approved WIA (Version D, 07/08/24) publicly available on Mirvac's project website.</b>		
<b>SYDNEY WATER ASSETS</b>					
C29	<p>Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p>Note: Sydney Water's Tap in™ in online service is available at: <a href="https://www.sydneywater.com.au/SW/plumbing-building-">https://www.sydneywater.com.au/SW/plumbing-building-</a></p>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	developing/building/sydney-water-tap-in/index.htm				
PARKING ALLOCATION AND INFRASTRUCTURE					
C30	<p>Prior to the issue of the first Construction Certificate for basement fit-out, evidence must be submitted to the satisfaction of the Certifier demonstrating that the basement car park provides for:</p> <p>(a) a maximum of 272 car parking spaces, including:</p> <p>(i) 242 residential spaces;</p> <p>(ii) 30 commercial spaces;</p> <p>(b) a minimum of 27 residential and two commercial accessible spaces</p> <p>(c) a maximum of 31 motorcycle spaces;</p> <p>(d) a minimum of three car share spaces;</p> <p>(e) a minimum of 20 service vehicle spaces; and</p> <p>(f) the following infrastructure for electric vehicles (EV):</p> <p>(i) 100% of residential apartments with car parking spaces are to include all necessary infrastructure to ensure they are capable of supporting the installation of EV charging;</p> <p>(ii) 50% of commercial parking spaces are to include all necessary infrastructure to ensure they are capable of supporting the installation of EV charging and of that 50%, 20% of commercial spaces are to be EV</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>FIP Electrical (NSW) Pty Ltd (FIP), SSDA2 CC7 CHECKLIST - BASEMENT FINISHES – ELECTRICAL SERVICES, 04/03/25</li> <li>Snøhetta + Hassell Letter to Mirvac, Re: Redevelopment of Harbourside, Architectural Design Statement – SSD-49295711 MOD 2 - Condition 30 – Parking Allocation and Infrastructure – CC7 Basement Finishes, Rev2, 16/04/25</li> <li>Snøhetta + Hassell Letter to Mirvac, Rev3, 16/04/25, which lists the “SSDA2-CC7 Drawings”</li> <li>SSDA2 CC7 Checklist, 09/04/25</li> </ul>	<p>FIP issued a statement that confirmed “<i>that the current electrical infrastructure meets the requirements of clause C30 (f) (i), (ii), and (iii)</i>”.</p> <p>Snøhetta + Hassell issued an Architectural Design Statement that verified “<i>that the developed design [achieved] the requirements of [Condition] C30 insofar as it relates to the CC7 scope of works</i>”.</p> <p>The Certifier marked Condition C30 as complete in the CC7 Checklist, which was prior to the issue of SSDA2 CC7, being the first CC for basement fit-out.</p> <p>Based on the documentation provided, Condition C30 is considered compliant during the Audit Period.</p>	Compliant	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	ready at day one (i.e. have Level 2 or higher charger fitted); and (iii) 100% of car share bays are to be EV ready at day one (i.e. have Level 2 or higher charger fitted).	<ul style="list-style-type: none"> <li>SSDA2 CC7 28/04/25</li> </ul>			
C31	<p>Prior to the issue of the first Construction Certificate for basement fit-out, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following traffic and parking requirements:</p> <p>(a) all vehicles must enter and leave the subject site in a forward direction;</p> <p>(b) all vehicles are to be wholly contained on site before being required to stop;</p> <p>(c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;</p> <p>(d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;</p> <p>(e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;</p> <p>(f) signs must be erected within the loading / unloading areas confirming</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Ptc. Letter to Mirvac, Harbourside – Construction Certificate, 06/03/25</li> <li>Climatech, Mechanical Services Design Certificate, 19/03/24</li> <li>SSDA2 CC7 Checklist, 09/04/25</li> <li>SSDA2 CC7 28/04/25</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> </ul>	<p>The Certifier's SSDA2 CC7 Checklist indicated that they received a design statement from the traffic engineer, ptc., dated 06/03/25, as well as a statement from Climatech dated 19/03/25, and marked the Condition C31 requirements as complete.</p> <p>Review of the ptc. and Climatech documents referenced by the Certifier indicated that although some of the requirements were explicitly met, others were not clearly confirmed in the documents as detailed below:</p> <ul style="list-style-type: none"> <li>(d) No information is provided about pedestrian advisory signs;</li> <li>(e) No information is provided about the cost of signposting;</li> <li>(f) No information is provided about erection of signs in the loading / unloading areas confirming the service vehicle parking is for service vehicles only;</li> <li>(g) No information is provided about appropriate signage at the basement vehicular entrance or the provision of a movement alarm to alert pedestrians when vehicles are entering / leaving the site;</li> <li>(i) The Climatech certification provided does not appear to address the basement area as the listed drawings do not appear to include basement drawings. There is also no reference to the provision of carbon monoxide monitoring sensors for the control of ventilation in the basement areas to ensure compliance with occupant health requirements.</li> </ul> <p>Mirvac provided additional documentation that addressed the above requirements as follows:</p> <ul style="list-style-type: none"> <li>Mirvac advised that "Wayfinding signage is located in CC7 updated, which is outside the audit period and therefore not assessable. A Design Development Report on the proposed wayfinding is attached for reference." The Frost*collective Design Development Report for Signage &amp; Wayfinding details</li> </ul>	Compliant	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>the service vehicle parking is for service vehicles only;</p> <p>(g) the basement vehicular entrance must include appropriate signage and a movement alarm to alert pedestrians when vehicles are entering / leaving the site;</p> <p>(h) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS; and</p> <p>(i) the basement area must be ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.</p>	<ul style="list-style-type: none"> <li>Frost*collective, Mirvac – Harbourside, Signage &amp; Wayfinding – Basement &amp; Basebuild, Design Development Report, SN-RPT-2004, Issue A, 22/05/25</li> <li>Climatech, Mechanical Services Design Certificate &amp; Compliance Declaration, 24/05/24</li> <li>MEC-B01-1201 [3] MECHANICAL SERVICES HVAC LAYOUT BASEMENT B01 PART B1, 19/03/25</li> <li>MEC-B01-1202 [4] HVAC LAYOUT BASEMENT B01 PART B2, 08/04/25</li> <li>MEC-B02-1201 [3] MECHANICAL SERVICES HVAC LAYOUT BASEMENT B02 PART B1, 19/03/25</li> <li>MEC-B02-1202 [3] MECHANICAL SERVICES HVAC</li> </ul>	<p>signage proposed signage for traffic and parking that meets (d) and (g) although the report qualifies this as “Intend to comply”, as opposed to “Compliant”. However, it does not refer to “signs ... erected within the loading / unloading areas confirming the service vehicle parking is for service vehicles only” in accordance with (f).</p> <ul style="list-style-type: none"> <li>A Climatech Mechanical Services Design Certificate &amp; Compliance Declaration dated 24/05/24 refers to mechanical services HVAC layouts for the basement levels and certifies that the ventilation has been designed in accordance with the BCA and Australian Standards, including AS1668, Parts 1 and 2. Mirvac advised that “Carbon monoxide monitoring sensors in the basement are shown in the pack labelled 'Mech Drawing CO Monitors_2025_09-10.zip'.” The drawings provided do not have a legend but they do indicate the locations of “CO”, which are assumed to be the CO monitors.</li> </ul> <p>No information is provided regarding the allocation of works/regulatory signposting costs to PMNSW, TfNSW or City of Sydney, however, there is no evidence to suggest that Mirvac would not pay for required signposting.</p> <p>The Auditors initially considered Condition C31 non-compliant. Following factual review, Mirvac maintained that Condition C31 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C31 compliant with an OFI recommendation.</p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li><b>The Certifier is to confirm that all works/regulatory signposting associated with the development will be at no cost to the relevant roads authority.</b></li> <li><b>The Certifier is to confirm that:</b> <ol style="list-style-type: none"> <li><b>signs required to comply with (d) and (g) will be included in the design as “Compliant” and not just “Intend to comply”; and</b></li> </ol> </li> </ol>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>LAYOUT BASEMENT B02 PART B2, 19/03/25</p> <ul style="list-style-type: none"> <li>• MEC-B03-1201 [2] MECHANICAL SERVICES HVAC LAYOUT BASEMENT B03 PART B1, 19/03/25</li> <li>• MEC-B03-1202 [2] MECHANICAL SERVICES HVAC LAYOUT BASEMENT B03 PART B2, 19/03/25</li> <li>• MEC-B04-1201 [2] MECHANICAL SERVICES HVAC LAYOUT BASEMENT B04 PART B1, 19/03/25</li> <li>• MEC-B04-1202 [2] MECHANICAL SERVICES HVAC LAYOUT BASEMENT B04 PART B2, 19/03/25</li> <li>• Ptc., Loading Dock, Basement, Arrival Management Plan (LDBAMP), Mirvac report, Issue 4, 27/06/23 (<b>LDMP</b>)</li> </ul>	<p><b>(ii) a sign(s) will be added within the loading / unloading areas confirming that the service vehicle parking is for service vehicles only.</b></p> <p><b>If the above requirements cannot be confirmed by the Certifier, Mirvac is to review and revise the Design Development Report for Signage &amp; Wayfinding to address these gaps to the satisfaction of the Certifier.</b></p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
DARLING DRIVE SLIP LANE CROSSOVER					
C32	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must review the design of the Darling Drive slip lane crossover and submit evidence to the Certifier confirming: (a) the design of the crossover has been prepared in consultation with the relevant roads authority; and (b) the crossover width has been minimised / reduced as much as reasonably possible.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Snøhetta + Hassell, General Arrangement - L00 Ground Plan - Part B, Drawing No. AR-L00-1102, Rev No. A, 15/05/24</li> <li><b>LDMP</b></li> <li>Mirvac email to PMNSW, 04/07/24</li> <li>At&amp;I letter to Mirvac, Re: Harbourside Shopping Centre CC3 – Condition 32, 04/07/24</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> </ul>	<p>Mirvac sent “<i>architectural plans outlining the proposed cross over design</i>” of the Darling Drive slip lanes to PMNSW for comment. Mirvac noted that the crossover width had been reduced as much as reasonably possible whilst ensuring vehicle swept path requirements were satisfied. No response from PMNSW was provided to the Auditors.</p> <p>AT&amp;I certified “<i>that AT&amp;I as Professional Civil Engineers have minimised the cross over width design from Darling Drive slip lane into the basement crossover as much as reasonably possible whilst ensuring compliance with the relevant standards and design vehicle turn paths</i>”.</p> <p>The Certifier indicated in SSDA2 CC3 Checklist dated 08/08/24 that they had received TfNSW correspondence dated 19/06/24 and the LDMP dated 27/06/23 and was satisfied that Condition C32 was complete, which was prior to the issue of SSDA2 CC3, the first CC for above ground works.</p> <p>Based on the documentation provided, Condition C32 is considered compliant during the Audit Period.</p>	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>SSDA2 CC3, 12/08/24</li> </ul>			
<b>BICYCLE PARKING AND FACILITIES</b>					
C33	<p>Prior to the issue of the first Construction Certificate for basement fit-out, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:</p> <p>(a) a minimum of 263 on-site residential bicycle parking spaces;</p> <p>(b) a minimum of 27 on-site residential visitor bicycle parking spaces;</p> <p>(c) a minimum of 223 on-site commercial staff bicycle parking spaces;</p> <p>(d) a minimum of 50 on-site retail staff bicycle parking spaces; and</p> <p>(e) provision of associated end of trip facilities for staff including a minimum of 273 personal lockers and 28 showers within changing facilities.</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Snøhetta + Hassell Letter to MGC, Re: Harbourside Shopping Redevelopment – Condition of Consent 33, 09/01/25</li> <li>Snøhetta + Hassell Letter to Mirvac, Re: Redevelopment of Harbourside, Architectural Design Statement – SSD-49295711 - Condition 33 – Bicycle Parking Facilities – CC7 Basement Finishes, 28/02/25</li> <li>Ptc. Letter to Mirvac, Harbourside – Construction Certificate, 06/03/25</li> <li>SSDA2 CC7 Checklist, 09/04/25</li> <li>SSDA2 CC7 28/04/25</li> </ul>	<p>Snøhetta + Hassell issued a statement letter dated 09/01/25 that confirmed <i>“that the bicycle parking &amp; facilities provided for in the design satisfy the requirements as outlined in Condition of Consent C33”</i>. A later Snøhetta + Hassell statement dated 28/02/25, prepared to satisfy Condition C33 requirements, verified <i>“that the developed design achieves the requirements of C33 insofar as it relates to the CC7 scope of works”</i>.</p> <p>However, ptc. indicated in Table 1 of their assessment of the car park and bicycle parking facilities, dated 06/03/25, which was later than the Snøhetta + Hassell statements, that only 214 residential bicycle parking spaces were provided and noted that <i>“The development is short of 51 residential bike spaces. However, the residential storage can be used as a bike parking space”</i>.</p> <p>The Auditors consider that utilising <i>“residential storage”</i> as a bicycle parking space does not meet the intended requirement of Condition C33.</p> <p>The Certifier’s SSDA2 CC7 Checklist indicated that they required a <i>“Design statement from Traffic Engineer/Design team to be provided by which confirms compliance with this condition to be provided”</i> but did not reference the ptc. statement as being received in relation to satisfying Condition C33. The Certifier indicated instead that they received the Snøhetta + Hassell statement dated 28/02/25 and marked Condition C33 as complete. The Auditors initially considered Condition C33 non-compliant. Following factual review, Mirvac maintained that Condition C33 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C33 compliant with an OFI recommendation.</p> <p><b>Recommendation: The Certifier is to confirm that a minimum of 263 on-site residential bicycle parking spaces, not</b></p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
			<b>including the use of residential storage spaces, have been provided in the design drawings. If there are not at least 263 residential bicycle parking spaces, review and amend the design to meet this requirement to the satisfaction of the Certifier.</b>		
C34	The layout, design and security of bicycle facilities must comply with the applicable Australian Standards.	<ul style="list-style-type: none"> <li>See Condition C30 evidence</li> </ul>	Condition C34 is considered to be linked to Condition C33, which according to the Certifier is complete. Based on the documentation provided, Condition C34 is considered compliant during the Audit Period.	Compliant	
<b>LOADING AND SERVICING MANAGEMENT PLAN</b>					
C35	<p>Prior to the issue of the first Construction Certificate for above ground works, the Applicant must consult with TfNSW whether the Applicant needs to prepare a Delivery and Servicing Plan or a Loading Dock Management Plan. Written evidence documenting the outcomes of this consultation must be provided to the satisfaction of the Certifier prior to the issue of the Construction Certificate for above ground works.</p> <p>Note: Preliminary reading is available at:  <a href="https://www.transport.nsw.gov.au/industry/freight-hub/urban-freight#:~:text=Delivery%20and%20Servicing%20Plan%20Guidance,usage%20changes%20within%20existing%20buildings">https://www.transport.nsw.gov.au/industry/freight-hub/urban-freight#:~:text=Delivery%20and%20Servicing%20Plan%20Guidance,usage%20changes%20within%20existing%20buildings</a></p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 24/06/25</li> <li>SSD 49295711</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Refer to Condition C32 Evidence</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>Mirvac and TfNSW emails, Harbourside - SSDA 2 CC3 Conditions of</li> </ul>	The Certifier indicated in SSDA2 CC3 Checklist dated 08/08/24 that they had received TfNSW correspondence dated 19/06/24; that a "LDMP [was] to be provided" and they received the LDMP prepared by ptc., dated 27/06/23. The Certifier marked Condition C35 as complete, which indicated that the Certifier was satisfied Condition C35 requirements had been met. This was completed prior to the issue of SSDA2 CC3, the first CC for above ground works. Based on the documentation provided, Condition C35 is considered compliant during the Audit Period.	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Consent, 13-19/06/24			
C36	<p>Prior to the issue of the first Construction Certificate for above ground works, and in the event that a Delivery and Servicing Plan or Loading Dock Management Plan is required in accordance with Condition C35, the required plan must be prepared by a suitably qualified person and be submitted to and approved by TfNSW via development.sco@transport.nsw.gov.au. The Plan must specify, but not be limited to, the following:</p> <p>(a) details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;</p> <p>(b) details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business;</p> <p>(c) management of queuing as a result of the proposed loading dock arrangement;</p> <p>(d) the details of alternate loading zones to redirect vehicles due to</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711, 04/12/23</li> <li>Refer to Conditions C32 and C35 Evidence</li> </ul>	<p>The Certifier indicated in SSDA2 CC3 Checklist dated 08/08/24 that they had received TfNSW correspondence dated 19/06/24; that a "LDMP [was] to be provided" and they had received the LDMP prepared by ptc., dated 27/06/23. The Certifier marked Condition C36 as complete, which indicated that the Certifier was satisfied Condition C36 requirements had been met. This was completed prior to the issue of SSDA2 CC3, the first CC for above ground works.</p> <p>The Auditors note that the LDMP was issued prior to the determination of SSD 49295711. However, the LDMP appears to be missing the following required information:</p> <ul style="list-style-type: none"> <li>C36(a) – Forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay.</li> <li>C36(c) and (d) – The LDMP indicates that vehicle queuing for the loading dock can be accommodated within the slip lane and a queuing analysis was undertaken in a Traffic Impact Assessment. No alternative loading zones are provided or other contingency measures discussed. Reliance is placed on the queuing analysis and there is a risk that it will be inadequate. The queuing analysis should be incorporated into or attached to the LDMP.</li> <li>C36(e) – Incident management is not discussed other than to say that "All hazards, accidents or 'near-misses' must be immediately reported to the relevant site personnel". Communication and contact details for the Loading Dock Manager and/or Building Security or other means for managing incidents at the access to the loading dock (e.g. boom gate Help button) could be detailed.</li> <li>C36(f) – The LDMP indicates that a booking system managed by the Loading Dock Manager will be used, which will presumably address this requirement. Section 5.3 indicates that "Only one vehicle can be manoeuvring within the loading dock area to</li> </ul>	Non-compliant	NC3

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>extensive queuing at the access to loading dock;</p> <p>(e) management of incidents at the access to the loading dock;</p> <p>(f) loading dock management details including measures to minimise freight and service vehicle movements during peak periods; and</p> <p>(g) management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock.</p>		<p><i>either enter or exit the loading bays at any one time”, which is a constraint. The Auditors are not qualified to assess if this is sufficient for managing forecast deliveries but it is considered that the LDMP could detail additional measures to manage peak periods. For example, the LDMP could: define peak periods and limit the types of deliveries/pickups during the peak periods; and provide a time schedule for anticipated regular deliveries/pickups, such as waste pickups that could be done outside the peak periods.</i></p> <ul style="list-style-type: none"> <li>C36(g) – Whilst Section 1.4 lists the LDMP objectives including “Reduce conflicts within the loading dock; Reduce conflicting occupancy within the loading dock and service bays”, it does not explicitly discuss how that will be achieved. There is no discussion of foreseeable conflicts and how they will be managed. It is unclear from the text and the attached drawings whether the users of the loading dock and commercial / residential parking areas use the same driveway and whether, for example, a queue for the loading dock will potentially prevent access to the commercial or residential parking areas.</li> </ul> <p>Condition C36 is considered non-compliant because of the identified missing information in the LDMP.</p> <p><b>Recommendation: Review and revise the LDMP so that it more fully and explicitly addresses Condition 36 requirements.</b></p>		
OPERATIONAL WASTE					
C37	<p>Prior to the issue of the first Construction Certificate for basement fit-out, the Applicant must prepare an updated Operational Waste Management Plan (OWMP). The OWMP must be submitted to and approved by the Planning Secretary and must:</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>LDMP</li> <li>Mirvac internal emails, RE: Waste Management Plan review, 21/05/24 to 08/11/24</li> </ul>	<p>The Auditors reviewed the 2025 OWMP and the LDMP, which is cross-referenced in the 2025 OWMP, and found that it adequately addressed Condition C37 requirements, including consultation with City of Sydney.</p> <p>The Auditors note though that Condition C37(d)(i) refers to the provision of dedicated space for food waste. The OWMP indicates that “<i>Food waste recycling will not be provided for the development’s residential component, as this was not a City of Sydney requirement at the time of the current design being developed, and additional provisions for the required additional</i></p>	Compliant	



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	<p>(a) be prepared by a suitably qualified professional in consultation with Council;</p> <p>(b) consider both residential and non-residential waste and recycling requirements and procedures;</p> <p>(c) meet the requirements as set out in Council's Guidelines for Waste Management in New Developments 2018;</p> <p>(d) ensure all requirements of the OWMP are implemented during construction and operation of the development and include:</p> <p>(i) dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.</p> <p>(ii) collection points for waste and recycling must be wholly located within the boundary of the development.</p> <p>(iii) the nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's Guidelines for Waste Management in New Developments 2018.</p> <p>(iv) provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.</p> <p>(v) commercial tenancies must have a commercial waste contract(s) in</p>	<ul style="list-style-type: none"> <li>Mirvac email to DPHI, RE: HARBOURSIDE REDEVELOPMENT – SSD-49295711 CONDITION C37 OPERATIONAL WASTE, 12/11/24, with attached: <ul style="list-style-type: none"> <li>Waste Audit, Mirvac Harbourside Development, Waste Management Plan for SSD 49295711, [Updated for Submission to DPHI], June 2024 (<b>2024 OWMP</b>)</li> </ul> </li> <li>Post Approval Form_20241112070 846.pdf</li> <li>Waste Audit, Operational Waste Management Plan for Construction Certificate, March 2025, 03/03/25 (<b>2025 OWMP</b>)</li> <li>SSDA2 CC7 Checklist, 09/04/25</li> <li>City of Sydney Correspondence</li> </ul>	<p><i>infrastructure cannot be accommodated in the current development without significant adverse impacts to overall site design and amenity."</i> Food waste recycling is also not considered for the commercial operations except possibly for special events. Food waste collection was raised by City of Sydney during the consultation process in early 2024 as a future State Government policy requirement. However, Mirvac took the approach that "food waste collection was not a requirement under the DCP that formed part of the brief, nor is it currently a requirement. As such, the building has not been designed to accommodate this additional waste stream, nor can this be retrospectively incorporated into the design, noting that this will have implications beyond space in the basement."</p> <p>The 2024 OWMP was approved by the Department on 17/12/24. The 2025 OWMP has not been submitted to the Department. Based on the 2024 OWMP and the Department's approval of the 2024 OWMP, the Certifier marked Condition C37 as complete in the SSDA2 CC7 Checklist.</p> <p>The NSW Government has since amended the <i>Protection of the Environment Operations Act 1997</i>, to require businesses to separate food waste and local councils to provide a food waste collection service. The new requirements transition into effect from 1 July 2026 to 1 July 2030 depending on the type of business / residential service. City of Sydney offers food scrap recycling for apartment buildings. It is considered that Mirvac will most likely need to provide segregated food waste storage in order to comply with the new legislation and therefore, provision of food waste recycling is an opportunity for improvement.</p> <p>Based on the consultation undertaken with City of Sydney and the Department's approval of the OWMP, the Auditors consider Condition C37 is compliant with an OFI recommendation.</p> <p><b>Recommendation: Consider whether food recycling services may be feasible in the future under specified circumstances and, if feasible, make provisions within the building design for the storage and collection of food waste bins. Also</b></p>		



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	place prior to commencement of business trading; (vi) the path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance. Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.	Tracking Schedule from 13/11/2023 to 30/04/2024 • DPHI Letter to Mirvac, Operational Waste Management Plan, 17/12/24	<b>consider whether the facilities will need to be upgraded to comply with the requirements of the <i>Protection of the Environment Operations Act 1997</i>.</b>		
<b>OPERATIONAL FLOOD EMERGENCY MANAGEMENT PLAN</b>					
C38	Prior to the issue of the first Construction Certificate for above ground works, a Flood Emergency Management Plan (FEMP) must be submitted to and approved by the Planning Secretary. The FEMP must: (a) be prepared by a suitably qualified and experienced person(s) in consultation with SES and EHG; (b) consider the submissions made by SES and EHG to SSD 49295711; (c) consider the advice of SES and EHG and incorporate	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>ARUP, Harbourside Shopping Centre Redevelopment, Flood Emergency Management Plan, Rev 01, 08/05/24 (<b>FEMP</b>)</li> <li>Mirvac and Department of Climate Change,</li> </ul>	The FEMP is considered comprehensive and meets Condition C38 requirements. The Department reviewed the FEMP and was satisfied that it met the requirements of Condition C38. The Department approved the FEMP in their letter dated 18/06/24 prior to the issue of SSDA2 CC3, the first CC for above ground works. The Auditors note that in the Department's approval letter, the Department required Mirvac to " <i>make the document publicly available on the project website at the earliest convenience</i> ". The FEMP is not publicly available on Mirvac's project website, except through a link to the " <a href="#">Major Projects Website</a> ", which takes you to the SSD-49295711 'Assessment' webpage. It does not take you to the 'Post Approval' webpage where the FEMP is publicly available under 'Management Plans and Strategies'. It is considered that the	Compliant	

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	<p>recommendations into the development;</p> <p>(d) addresses the provisions of the Floodplain Risk Management Guidelines (EHG);</p> <p>(e) includes details of:</p> <p>(i) the flood emergency responses for operational phase of the development;</p> <p>(ii) predicted flood levels;</p> <p>(iii) flood warning time and flood notification;</p> <p>(iv) assembly points and evacuation routes;</p> <p>(v) evacuation and refuge protocols; and</p> <p>(f) awareness training for employees and contractors, and visitors.</p>	<p>Energy, the Environment, and Water (DCCEEW) emails, RE: Harbourside SSD-49295711 Condition C38 &amp; C39 - EHG Consultation, 13/05/24</p> <ul style="list-style-type: none"> <li>DPHI Letter to Mirvac, Flood Emergency Response Management Plan, 18/06/24</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>	<p>FEMP should be made readily available on Mirvac's project website and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.</p> <p>Based on the documentation provided, Condition C38 is considered compliant during the Audit Period; however, the following OFI has been identified.</p> <p><b>Recommendation: Make the DPHI approved FEMP and flood mitigation measure documents publicly available on Mirvac's project website.</b></p>		
<b>FLOOD MITIGATION MEASURES</b>					
C39	Prior to the issue of the first Construction Certificate for above ground works, mitigation measures	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	Mirvac submitted a letter to the Department on 27/06/24 regarding Flood Mitigation Measures and then further information was provided by Mirvac to the Department on 24/07/24.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>must be submitted to and approved by the Planning Secretary. The measures must:</p> <p>(a) be prepared by a suitably qualified professional in consultation with EHG;</p> <p>(b) include appropriate mitigation measures, potentially including stormwater drainage design, to address flood impacts during the 5% AEP event at the Darling Drive roundabout; and</p> <p>(c) address the safety of pedestrians and vehicles in the vicinity of the flood storage, which may include the installation of bollards, fencing or signage or other such measures to mitigate impacts.</p>	<ul style="list-style-type: none"> <li>SSD 49295711</li> <li>Mirvac and DCCEEW emails, RE: Harbourside SSD-49295711 Condition C38 &amp; C39 – EHG Consultation, 13/05/24</li> <li>Mirvac letter to DPHI, RE: Harbourside Redevelopment SSD 49295711, Condition C39 – Flood Mitigation Measures, 27/06/24</li> <li>Mirvac letter to DPHI, RE: Harbourside Redevelopment SSD 49295711, Condition C39 – Flood Mitigation Measures, 24/07/24</li> <li>at&amp;I letter to Mirvac, Re: Harbourside Shopping Centre Flood Modelling Assessment, Ref: LTR-024-02-Darling Drive Flood Modelling 29/07/24</li> <li>DPHI, Post Approval Form_20240628014847.pdf, submission of HS_Condition</li> </ul>	<p>The Department reviewed the supplied information and indicated that the supplied information met Condition C39 requirements. The Department approved the following documents:</p> <ul style="list-style-type: none"> <li>FEMP;</li> <li>Mirvac's letter dated 24 July 2024 and all appendices;</li> <li>at&amp;I drawing 'Kerb Alignment Adjustment Flood Impact, Drawing No. 21-926-SKCC29, Issue P1, 19/07/24; and</li> <li>at&amp;I's Flood Modelling Assessment letter, 29/07/24.</li> </ul> <p>The Department approved the flood mitigation measures prior to the issue of SSDA2 CC3, the first CC for above ground works. The Certifier marked this Condition as complete in the SSDA2 CC3 Checklist.</p> <p>The Auditors note that in the Department's approval letter, the Department required Mirvac to "<i>make the document [or documents] publicly available on the project website at the earliest convenience</i>". As discussed above in relation to the FEMP, the approved documents are not publicly available on Mirvac's project website, except through a link to the "<a href="#">Major Projects Website</a>", where they are available. It is considered that they should be made readily available on Mirvac's project website in accordance with the Department's request. This is incorporated into the OFI recommendation for Condition C38.</p> <p>Based on the documentation provided, Condition C39 is considered compliant during the Audit Period.</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>C39_Flood Mitigation Measures.pdf, 28/06/24</p> <ul style="list-style-type: none"> <li>DPHI Letter to Ethos Urban, Flood Mitigation Measures, Condition C39, SSD-49295711, 31/07/24</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>			
<b>STORMWATER MANAGEMENT SYSTEM</b>					
C40	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier an operational stormwater management system for the development. The system must: (a) be designed by a suitably qualified and experienced person(s);	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>at&amp;I, Harbourside, SSDA 3, Stormwater Management Report, Ref. 21-926, Issue C, 12/05/23</li> </ul>	at&I prepared a set of five drawings (CV-DET-8340, CV-DET-8341, CV-DET-8345, CV-DET-8346, CV-DET-8347) that according to two Stormwater Management System Certificates, issued on 10/07/24 and 24/07/24, comprise the operational stormwater management system. The at&I certificates certify that the " <i>stormwater management system within [the specified] drawings ... comply with Parts B to F of Condition C40 "Stormwater Management System" of the consent</i> ". The Auditors note that the drawings provided for	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>(b) be generally in accordance with the conceptual design in the EIS;</p> <p>(c) be in accordance within Council's stormwater requirements and specifications;</p> <p>(d) be in accordance with applicable Australian Standards;</p> <p>(e) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines; and</p> <p>(f) be coordinated and appropriately connected to the stormwater infrastructure and mitigation measures within the separate SSDA3 application.</p>	<ul style="list-style-type: none"> <li>AT&amp;L Above ground tanks drawings.pdf, at&amp;I, Stormwater Drainage drawings, set of fifteen drawings, Issued for Construction, 05/07/24</li> <li>[24-07-09] SSDA 2 CC 3 - Stage 1 SF 5.pdf, at&amp;I, Stormwater Drainage Drawings WSUD SF 5, plans, set of five drawings, Issued for Construction, CV-DET-8340, CV-DET-8341, CV-DET-8345, CV-DET-8346, CV-DET-8347, 09/07/24</li> <li>at&amp;I letter to Mirvac, Re: Harbourside Shopping Centre (SSD 49295711)/ CC3 – Condition C40 Stormwater Management System Certificate, 10/07/24</li> <li>at&amp;I letter to Mirvac, Re: Harbourside Shopping Centre (SSD 49295711) Stormwater</li> </ul>	<p>review are later versions (Issue 5 to 8) than those referenced in the certificates (i.e. Rev 03).</p> <p>at&amp;I are considered suitably qualified and experienced for designing the stormwater management system.</p> <p>The Certifier's Checklist for SSDA2 CC3 indicated that they received the Stormwater Management System Certificate and plans dated 24/07/24 and Condition C40 was "Complete", which was prior to the issue of the SSDA2 CC3.</p> <p>Based on the documentation provided, Condition C40 is considered compliant during the Audit Period.</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Management System Certificate, 24/07/24 <ul style="list-style-type: none"> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>			
<b>ADAPTABLE UNITS</b>					
C41	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a report from a suitably qualified consultant that demonstrates that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Philip Chun Accessibility Pty Ltd, DDA / Accessibility (Building Code of Australia BCA 2022), Final Report for SSDA 2 Submission, Rev. R03, 22/11/24</li> <li>Philip Chun Accessibility Pty Ltd, Design Compliance</li> </ul>	Philip Chun Accessibility Pty Ltd prepared an accessibility report that assessed the design documentation for the adaptable units and certified that the design works were generally in accordance with applicable Australian Standards. Mirvac submitted the documentation to the Certifier who confirmed that the Philip Chun Design Compliance Statement is suitable and that the Condition is complete. The Certifier's Checklist for CC3 dated 08/08/24 indicated that they received the accessibility report and the Design Compliance Statement and was satisfied that the requirement was "Complete", which was prior to the issue of SSDA2 CC3, the first CC for above ground works. Based on the documentation provided, Condition C41 is considered compliant during the Audit Period.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Statement - Accessibility, 02/08/24 <ul style="list-style-type: none"> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> </ul>			
SIGNAGE STRATEGY					
C42	Prior to the submission of the first application for any signage, a Signage Strategy must be submitted to and endorsed by PMNSW. The Signage Strategy must be prepared in consultation with PMNSW and Council and include information and scale drawings of the location, type, construction, materials and total number of signs / signage zones.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>SSD 49295711 MOD-3</li> </ul>	The timing for Condition C42 was changed under SSD 49295711 MOD-3 and the Signage Strategy must now be completed prior to submission of the first application for any signage, which has yet to occur. The Auditors assume that “ <i>any signage</i> ” is intended to mean permanent signage and does not include the illuminated Mirvac sign on a tower crane. Mirvac advised that this condition has not yet been triggered during the Audit Period.	Not triggered	
AIRSPACE PROTECTION					
C43	Prior to the issue of the first Construction Certificate for above ground works, separate approval	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	Mirvac obtained DITRC / DITRDCA approvals for the tower cranes, which were submitted to the satisfaction of the Certifier prior to the	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	must be obtained from the Federal Department of Infrastructure, Transport, Regional Development and Communications (DITRC) under the Airports (Protection of Airspace) Regulations 1996 for any part of the building or any construction cranes that penetrate the Obstacle Limitation Surface.	<ul style="list-style-type: none"> <li>SSD 49295711</li> <li>SSD 49295711, IEA 1</li> <li>Australian Federal Government, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Decision Under the Airports (Protection of Airspace) Regulations 1996), File Ref. F22/1157-55, 01/11/23</li> <li>Strategic Airspace Pty Ltd letter to Mirvac, Re: Harbourside Darling Harbour — SSD 49295711: Part C Conditions (Construction Certificate), Condition C43 (Airspace Protection), 27/06/24</li> <li>Department of Infrastructure, Transport, Regional Development, Communications and</li> </ul>	<p>issue of SSDA2 CC3, the first CC for above ground works, on 12/08/24.</p> <p>Based on the documentation provided, Condition C43 is considered compliant during the Audit Period.</p>		



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>the Arts (DITRDCA) email to Strategic Airspace Pty Ltd, Decision for controlled activity at 2-10 Darling Drive, Sydney NSW - Luffing Tower Crane (TC2), 19/02/25, with attached:</p> <ul style="list-style-type: none"> <li>• DITRDCA, Decision under the Airports (Protection of Airspace) Regulations 1996, 20/02/25</li> <li>• SSDA2 CC3 Checklist, 08/08/24</li> <li>• Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>• SSDA2 CC3, 12/08/24</li> </ul>			

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
C44	The Secretary must be notified of any amendments to the approved development required by the determination of the DITRC, and any relevant approvals / modifications to existing approvals will need to be sought by the Applicant.	<ul style="list-style-type: none"> <li>Refer to Condition C43 Evidence.</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that Condition C44 was not triggered during the Audit period. This was confirmed in advice from Strategic Airspace dated 27/06/24.	Not triggered	
HERITAGE INTERPRETATION PLAN					
C45	Prior to the issue of the first Construction Certificate for SSD 49653211, a Heritage Interpretation Plan (HIP) that acknowledges the heritage of the site, including Aboriginal cultural heritage interpretation, and considers opportunities for heritage interpretation must be prepared and submitted to and approved by the Planning Secretary. The HIP must: <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced heritage practitioner in consultation with Council and PMNSW (as delegate of the Heritage Council NSW);</li> <li>(b) be coordinated with the heritage interpretation approach for the public domain components of the development, which form part of the separate SSDA3 application;</li> <li>(c) incorporate interpretive information, information on the history and significance of the site, the location, type, making materials and contents of the interpretation being proposed; and</li> </ul>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>SSD 49295711 MOD-3</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	The timing for Condition C45 was changed under SSD 49295711 MOD-3 and the HIP must now be completed prior to the issue of the first CC for SSD 49653211. Mirvac advised that this condition was not triggered during the Audit Period.	Not triggered	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(d) consider opportunities to incorporate the results of any site-specific archaeological finds / outcomes.				
TFNSW REQUIREMENTS					
PROCESS OF ENDORSEMENT OF CONDITIONS					
C46	<p>Prior to the issue of the first Construction Certificate, the Applicant must:</p> <p>(a) consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the construction certificate and associated documentation and activities prior to preparation of requested documentation;</p> <p>(b) sign Interface Assess Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;</p> <p>(c) confirm in writing with TfNSW what the relevant Construction Certificate stage will involve; and</p> <p>(d) submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement. If requested by TfNSW, a summary report for the relevant construction stage must also be provided to TfNSW to demonstrate the following:</p> <p>(i) no adverse impacts to the light rail corridor and light rail operation by</p>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	clearly identifying impacts and mitigation measures; and (ii) submitted documentation has satisfied the relevant conditions.				
C47	The Certifier is not to issue the first Construction Certificate until received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Compliant	
PRE-CONSTRUCTION WORK DILAPIDATION REPORT					
C48	If requested by TfNSW, a pre-construction work Dilapidation Report of the Sydney Light Rail and its assets must be prepared by a qualified structural engineer. If required by TfNSW, the dilapidation survey must be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
ACOUSTIC ASSESSMENT					
C49	Prior to the issue of the first Construction Certificate for above ground works, the final acoustic assessment is to be submitted to the satisfaction of the Certifier demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Acoustic Logic Letter to Mirvac, Harbourside – SSD 49295711 – Conditions C27 &amp; C49, 22/03/24</li> </ul>	Refer to the Condition C27 findings. The Acoustic Logic letter and Condition C49 Acoustic Assessment report were submitted to the satisfaction of the Certifier prior to the issue of SSDA2 CC3, the first CC for above ground works. Mirvac provided "glass technical data, which demonstrates that the glass composition incorporates the acoustic requirements into its construction methodology". Review of the glass 'Sample Submission Forms' indicate the "Glass Make Up" (e.g. "8mm Clear HS (SJ65)#2+ 12mm Argon + 11.52mm Clear HS" and the Rw (dB)	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.	<ul style="list-style-type: none"> <li>Acoustic Logic, Harbourside, Condition C49 Acoustic Assessment, Revision 0, 04/07/24</li> <li>SSDA2 CC3 Checklist, 08/08/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>SSDA2 CC3, 12/08/24</li> <li>Mirvac, Sample Submission Forms for samples of glass windows and doors: <ul style="list-style-type: none"> <li>GL-01 [01-MU2] Tower Residential Vision Glass FT-02, FT02(A), FT-05.PDF</li> <li>GL-01E [MU1] Tower Residential Spandrel Glass FT-02,</li> </ul> </li> </ul>	<p>rating of the glazing. However, the Auditors cannot easily match the sample to the corresponding Façade, Storey and Recommended Façade Minimum Glazing Construction or Recommended Door / Operable Glazing Minimum Glazing Construction in Acoustic Logic's Table 3-1 Glazing Schedule. We also note differences in the sample glass thicknesses (6mm, 8mm, 10mm) versus the recommended glass thickness (6.38mm, 8.38mm, 10.38mm). Minimum Rw (dB) ratings appear to be met. There is no evidence that glass samples for windows with recommended acoustic seals have been tested in a certified laboratory for compliance. No information has been provided regarding the method for acoustic sealing of window frames. It is also noted that whilst Apex Façade Design reviewed some of the Sample Submission Forms and confirmed that "the glass sheet is matching the requirements" it was "subject to ... acoustic calculations".</p> <p>The Auditors initially considered Condition C49 non-compliant because whilst Acoustic Logic's recommendations appear to have been incorporated into the construction of the glass windows and doors to some degree, it has not been demonstrated that their recommendations have been fully incorporated (e.g. minimum thicknesses) or carried out (e.g. laboratory testing and acoustic sealing methodology) in accordance with Condition C49 requirements.</p> <p>Following factual review, Mirvac maintained that Condition C49 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C49 compliant with an OFI recommendation.</p> <p><b>Recommendation: The Certifier to confirm that all of Acoustic Logic's recommendations for glass specifications, laboratory testing and acoustic sealing methodology are incorporated in the construction documentation. If the Certifier finds that the glass sample specifications and other relevant available documentation (e.g. certified laboratory test results) do not meet Acoustic Logic's recommendations,</b></p>		

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		FT02(A),FT-05 (GL-01E).PDF ○ GL-02 [01-MU2] Tower Residential Balcony Balustrade Glass FT-04.PDF ○ GL-03 [1-MU1] Residential Balcony Sliding Door Glass.PDF ○ GL-04 [01-MU2] Podium Commercial Vision Glass FT-22 & FT-23 (GL-04).PDF ○ GL-04C [1] Podium Commercial Spandrel Glass FT-20 & FT-22 (GL-04C).pdf ○ GL-04D [-] Podium Commercial Spandrel Glass.pdf ○ GL-04E [-] Podium Commercial Vision Glass (Linear Fritt).pdf ○ GL-05 [1-MU1] Podium Auto & Manual Sliding Door Glass.PDF	<b>develop an action plan to achieve compliance to the satisfaction of the Certifier.</b>		

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		<ul style="list-style-type: none"> <li>GL-11 [1] Bunn Street Lift Shaft Glass.pdf</li> </ul>			
ELECTROLYSIS ANALYSIS					
C50	Prior to the issue of the first Construction Certificate, the Applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the Application for the relevant Construction Certificate.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
REFLECTIVITY REPORT					
C51	Prior to the issue of the first Construction Certificate for external finishes, the Applicant must design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of, TfNSW and the Sydney Light Rail Operator.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>RWDI, Reflectivity Analysis, Ref. 2105658, Version B, Final Report, 26/02/25</li> <li>RWDI letter to Mirvac, Re: Harbourside - Solar Reflectivity Impacts (Condition C18), Letter to RWDI Project #2105658, 26/02/25</li> </ul>	<p>The Auditors understand that Condition C51 requires that lighting, signs and reflective surfaces, which may be visible from the rail corridor, have to be designed so that glare and reflectivity will be limited, to the satisfaction of TfNSW and Transdev.</p> <p>The Reflectivity Analysis conducted by RWDI assessed the <i>"maximum intensity and frequency of occurrence of reflections from the Project ... computed on 'presentation surfaces'"</i>. In other words, the Auditors understand that the analysis only assessed the reflectivity of the buildings' façade surfaces and did not consider the impact of lighting and signs, whether permanent or temporary that may be visible from the rail corridor.</p> <p>The Certifier indicated in the SSDA2 CC8 Checklist that they had received the RWDI Reflectivity Analysis <i>"dated 26/02/2025 Rev.b"</i>, <i>"email correspondence prepared by TFNSW dated 18/03/2025"</i>, <i>"email correspondence prepared by SLR [presumably the Sydney Light Rail Operator] dated 18/03/2025"</i> and based on the</p>	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>SSDA2 CC8 Checklist, 14/04/25</li> <li>SSDA2 CC8</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>Mirvac, TfNSW and Transdev emails, RE: HS - Condition C51 - Reflectivity, 26/02/25 to 18/03/25</li> </ul>	<p>documentation, marked the Condition C51 requirement as "Complete".</p> <p>The Auditors initially considered Condition C51 to be non-compliant because the potential for the design of lighting and signs to cause glare and reflections in the rail corridor has not been assessed. Following factual review, Mirvac maintained that Condition C51 was compliant on the basis that TfNSW and Transdev were satisfied and the Certifier was also satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C51 compliant.</p>		
<b>CONSULTATION REGIME</b>					
C52	Prior to the issue of the first Construction Certificate, a detailed regime is to be prepared for consultation with and approval by TfNSW for the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	



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<b>INSURANCE REQUIREMENTS</b>					
C53	Prior to the issue of the first Construction Certificate, the Applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance must not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate, the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
<b>WORKS DEED / AGREEMENTS</b>					
C54	Prior to the issue of a Construction Certificate for any works over or adjacent to the rail corridor, as referred to in the Interface & Access Deed Poll, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(a) Sydney Light Rail Operational requirements; (b) Sydney Light Rail access requirements; (c) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements; (d) indemnities and releases; (e) security of costs; (f) insurance requirements and conditions; (g) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes; (h) interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface; o Interface Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following: (i) pre and post construction dilapidation reports;				

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(ii) the need for track possessions; (iii) design and installation of lights, signs and reflective material; (iv) endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS); (v) endorsement of plans regarding proposed craneage and other aerial operations; (vi) erection of scaffolding/hoarding; (vii) Light Rail Operator's rules and procedures; and (viii) alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant. (i) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets; (j) attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor; (k) arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and				

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(l) Sydney Light Rail site works access approval and access permit to work.				
<b>PICK UP AND DROP OFF MANAGEMENT PLAN</b>					
C55	Prior to the issue of the first Construction Certificate for the Pickup and Drop off area, the Applicant must submit a Pick up and Drop off (PUDO) Management Plan prepared in consultation with and endorsed by TfNSW. The PUDO Management Plan must detail physical devices and measures to assist with the queuing management on the Darling Drive slip lane and consider the additional demand likely to be generated by the proposed event and conference uses, including during the commuter peak periods and other concurrent events within the precinct. Any physical devices and/or measures to assist queueing management must be implemented prior to the issue of the first Occupation Certificate for the podium and be maintained by the Applicant throughout the ongoing operation of the development.	<ul style="list-style-type: none"> <li>SSD 49295711 MOD-2</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Condition C55 was added in SSD 49295711 MOD-2. Mirvac advised that it was not triggered during the Audit Period.	Not triggered	
<b>Part D – Prior To The Commencement of Works</b>					
<b>NOTIFICATION OF COMMENCEMENT</b>					
D1	The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1 with respect to commencement of physical work. Operation has not yet commenced. Condition D1 was not triggered during this Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
D2	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.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>Ethos Urban, Environmental Impact Statement Redevelopment of Harbourside Shopping Centre Built Form Detailed Design (SSD 49295711) Mirvac Retail Sub SPV Pty Ltd, Version V2, 13/02/23 (<b>EIS</b>)</li> </ul>	<p>The Auditors understand that the Harbourside Shopping Centre Redevelopment construction and operation is 'staged' through the issue of different development consents. According to Section 4.13.1 and Figure 40 of the EIS, the Auditors understand that the redevelopment is staged as follows:</p> <ul style="list-style-type: none"> <li>Stage 1 – SSD 7874 – Demolition.</li> <li>Stage 2: <ul style="list-style-type: none"> <li>SSD 38881729 – Bulk Excavation Works (SSDA1)</li> <li>SSD 49295711 – Podium and Tower (SSDA2)</li> <li>SSD 49653211 – Public Domain and Bridges (SSDA3).</li> </ul> </li> </ul> <p>The EIS also refers to a staged CC strategy. The CCs refer to the CC stages as 'phases'.</p> <p>Mirvac advised during SSD 49295711, IEA 1 that the phases do not represent 'stages' in the context of Condition D2. However, Mirvac also advised for the purpose of Condition D2 staging that "<i>The department will be notified upon commencement of the internal fitout (next stage), the external façade (subsequent stage) and external works (final stage)</i>".</p> <p>Based on the available information, the Auditors consider that the next stage of the development will be the construction of the public domain and bridges under SSD 49653211, otherwise referred to as SSDA3. Therefore, as SSDA2 construction under SSD 49295711 continued during this Audit Period, no new stage commenced that required notification. Condition D2 is therefore considered compliant during the Audit Period.</p>	Compliant	
<b>ACCESS TO INFORMATION</b>					
D3	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	<ul style="list-style-type: none"> <li>Interview with Mirvac on 25/06/25</li> <li><a href="https://harboursidecommunity.mirvac.com/community-information">https://harboursidecommunity.mirvac.com/community-information</a></li> <li>SSD 49295711, IEA 1</li> </ul>	<p>SSD 49295711, IEA 1 recommended adding the Community Communication Strategy (CCS) and the Dewatering Management Plan (DMP), also known as the Water Management Plan, to the document library on the SSD 49295711 webpage. The CCS is now available on the SSD 49295711 webpage, however the DMP has not been added but is still available on the SSD 38881729 webpage.</p> <p>The Auditors note that many of the required documents are available through the "<a href="#">Major Projects Website</a>" including, for example, the modification determinations and the consolidated</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>or approved) publicly available on its website:</p> <p>(i) the documents referred to in Condition A2 of this consent;</p> <p>(ii) all current statutory approvals for the development;</p> <p>(iii) all approved strategies, plans and programs required under the conditions of this consent;</p> <p>(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;</p> <p>(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;</p> <p>(vi) a summary of the current stage and progress of the development;</p> <p>(vii) contact details to enquire about the development or to make a complaint;</p> <p>(viii) a complaints register, updated monthly;</p> <p>(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;</p> <p>(x) any other matter required by the Planning Secretary; and</p>		<p>consent, as well as some management plans. However, the Auditors note that the Department does not reliably make all of the required management plans publicly available on the Major Projects Website. Therefore, it is considered that strategies, management plans and programs required under SSD 49295711 should be provided on Mirvac's SSD 49295711 webpage, particularly in the case where the Department has required in a letter of approval that a document be made "<i>publicly available on the project website</i>". The Auditors make the following comments regarding Mirvac's project website:</p> <ul style="list-style-type: none"> <li>• The Water Access Licence, WAL44984, and Water Supply Works Approval, 10WA124897, being current statutory approvals for the development, are missing, although 10WA124897 is attached to the DMP as Appendix E. It is noted that the copy of 10WA124897 attached to the DMP was due to expire on 16/08/25.</li> <li>• The following management plans are missing: LDMP, OWMP and FEMP. However, they are available on the Major Projects Website.</li> <li>• As discussed in the findings and recommendations for Condition A30, the RAR for SSD 49295711, IEA 1 that is published on Mirvac's SSD 49295711 webpage and the Major Projects Website only shows the OFI findings and recommendations and not the non-compliant findings and recommendations. It is presumed that this was a collation error and a recommendation is made in Condition A30 to rectify this error and make the complete RAR publicly available, including on the Major Projects Website.</li> <li>• Although it appears that Complaints Registers (or Issues Register) are provided for December 2024 and January 2025, the two links only provide the November 2024 Complaints Register issued on 11/12/24. The Auditors note that Mirvac do not appear to have a consolidated, continuous Complaints/Issues Register, as collated by Ethos Urban.</li> </ul>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(b) keep such information up to date, to the satisfaction of the Planning Secretary. (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.		Overall, it is considered that Mirvac's project website generally complies with Condition D3 requirements during the Audit Period. However, the following OFI recommendations are provided: <b>Recommendation:</b> <b>1. Make the current Water Access Licence, WAL44984, and Water Supply Works Approval [10WA124897] publicly available.</b> <b>2. Make the LDMP, OWMP and FEMP publicly available on Mirvac's SSD 49295711 webpage.</b> <b>3. Review and revise the Complaints Register to provide the correct registers for December 2024 and January 2025.</b>		
SURVEY CERTIFICATE					
D4	While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier — (a) All footings/ foundations (b) At other stages of construction – any marks that are required by the principal certifier.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>D4_240469.3005.B0 4.UPPER CORE RAFT POST-POUR WAE.240821.pdf, Total Surveying Solutions (TSS), Basement 04 Upper Core Raft Post-Pour As-Built, Drawing Number 240469.3005, 21/08/24</li> <li>MGC E-Memos to Mirvac: <ul style="list-style-type: none"> <li>SSDA2 CC1 Checklist</li> <li>SSDA2 CC2 Checklist</li> <li>SSDA2 CC3 Checklist</li> </ul> </li> </ul>	Condition D4 was marked as compliant in the SSD 49295711, IEA 1, however, it was recommended that Mirvac provided the survey documentation for the footings and foundations to the Certifier and retain records for the next IEA. Mirvac provided a sample of a survey plan prepared by TSS on 21/08/24 during the Audit Period. The Certifier's checklists for SSDA2 CC1 to SSDA2 CC4 included a requirement for Mirvac to provide survey plans to the Certifier "for all footings, foundations (Each slab)" and did not mention additional marks to be surveyed. The Certifier has not confirmed in the checklists if the survey plans were provided; however, the Auditors have no reason to believe that this requirement was not met, and therefore, consider Condition D4 to be compliant during the Audit Period.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>SSDA2 CC4 Checklist</li> <li>SSDA2 CC5 Checklist</li> <li>SSDA2 CC6A Checklist</li> <li>SSDA2 CC6B Checklist</li> <li>SSDA2 CC7 Checklist</li> <li>SSDA2 CC8 Checklist</li> </ul>			
D5	Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that: (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.	<ul style="list-style-type: none"> <li>SSD 38881729, IEA 2</li> </ul>	No occupation certificate has been issued. Based on information provided for previous IEAs under SSD 38881729, the Auditors understand that there were no existing Permanent Survey Marks within the area of the development. Therefore, Condition D5 is not triggered during the Audit Period, which Mirvac confirmed.	Not triggered	
D6	Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES					
D7	<p>Prior to the commencement of works, the Applicant must:</p> <p>(a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure</p> <p>(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary, and PMNSW</p> <p>(c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.</p>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	<p>This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.</p>	Not triggered	
TRAFFIC WORKS					
D8	<p>Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and the requirements of the relevant roads authority. A Traffic Works Plan is to be prepared and submitted to the relevant roads authority for approval. The plan must include:</p> <p>(a) road, parking and traffic arrangements;</p>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> <li>Refer to Condition E35 Evidence</li> </ul>	<p>During the previous audit period, Mirvac gained approval for a Temporary Work Zone on Darling Drive which was approved through the City of Sydney Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) meeting on 14/03/24. It is considered that the Temporary Work Zone met the requirements of Condition D8.</p> <p>Mirvac advised that Condition D8 was not triggered during the Audit Period, as no new proposals have been required. The Auditors have no reason to believe Condition D8 was non-compliant during the Audit Period.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(b) signs; (c) pedestrian crossings; (d) traffic signals; and (e) any relevant approvals from TfNSW.				
CHANGES TO KERBSIDE PARKING RESTRICTIONS					
D9	A separate submission must be made to the relevant roads authority for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.	<ul style="list-style-type: none"> <li>Interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that Condition D9 was not triggered during the Audit Period. The Auditors have no reason to believe Condition D9 was non-compliant during the Audit Period.	Not triggered	
D10	All costs associated with: (a) signposting of any kerbside parking restrictions and traffic management measures associated with the development must be borne by the developer; and (b) the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the developer. The new road works must be designed and constructed in accordance with the requirements of the relevant roads authority.	<ul style="list-style-type: none"> <li>Interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that Condition D10 was not triggered during the Audit Period. The Auditors have no reason to believe Condition D10 was non-compliant during the Audit Period.	Not triggered	
VEHICLE FOOTWAY CROSSING					
D11	A separate application is to be made to, and approved by, the relevant roads authority for the construction of any proposed vehicle footway crossing or for the removal of any	<ul style="list-style-type: none"> <li>Interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Document Request_Mirvac_Har</li> </ul>	Mirvac advised that no applications for footway crossings were required during the Audit Period. The Auditors have no reason to believe Condition D11 was non-compliant during the Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	existing crossing and replacement of the footpath formation where any such crossings are no longer required.	bourside_Stage 3_Audit 2_Ramboll.xlsx			
<b>UTILITIES AND SERVICES</b>					
D12	Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>Sydney Water Corporation (<b>Sydney Water</b>), Developer Contract Plan, Case No. 201692WW, Sheets 1 to 4, Stamped as Issued for Construction by RAR (Infrastructure) Pty Ltd, 16/09/24</li> <li>Dep Consulting Pty Ltd, set of 23 drawings, Ausgrid Project No. AN-23391, Harbourside Redevelopment, Est. Two Surface Chamber Substations S.34028 &amp; S.34029, 2-10 Darling Dr, Harbourside, Submit Date: 21/11/24</li> <li>NBN, set of 12 drawings of NBN services, 11/06/24</li> </ul>	Mirvac provided Sydney Water, Ausgrid and NBN drawings that had been issued / revised during the Audit Period. Mirvac have not advised the timing of the utility works. As discussed in IEA 1 SSD 49295711, IEA 1, the Auditors understand that approvals were obtained from the service providers during a previous audit period. Given that the plans are issued by the service providers, or their approved agents, the Auditors have no reason to believe that Condition D12 has not been complied with.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
D13	Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This Condition was assessed during the SSD 49295711, IEA 1 and is considered not triggered.	Not triggered	
<b>DIAL BEFORE YOU DIG SERVICE</b>					
D14	Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>31358714 - DBYD Summary.PDF, Dial Before You Dig, Job No 31358714, Enquiry Date: 09/02/22</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>Before you dig (BYDA) report, Job dates 12/07/24 to</li> </ul>	<p>This Condition was assessed during the SSD 49295711, IEA 1. A Dial Before You Dig (DBYD) enquiry was submitted in February 2022 during a prior audit period for which utility service providers and authorities (City of Sydney) were notified and responses were received.</p> <p>The Sydney Water, NBN and Ausgrid drawing referred to in Condition D12, require that service locations be "<i>verified immediately before construction commences</i>" by using the DBYD or equivalent service.</p> <p>Mirvac provided a Before you dig (BYDA) report that was obtained by Delta Group during the Audit Period for works on Darling Drive, possibly Sydney Water connections works and/or other works. Based on the information provided, Condition D14 is considered compliant.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		17/10/24, Plans expire 08/08/24			
COMMUNITY COMMUNICATION STRATEGY					
D15	Before the commencement of construction, the Applicant must prepare a Community Communication Strategy (CCS) for the development to provide mechanisms to facilitate communication between the Applicant, PMNSW 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.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
D16	The CCS for the development must: <ul style="list-style-type: none"> <li>(a) identify people to be consulted during the design and construction phases;</li> <li>(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;</li> <li>(c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;</li> <li>(d) set out procedures and mechanisms;</li> </ul>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<ul style="list-style-type: none"> <li>• through which the community can discuss or provide feedback to the Applicant;</li> <li>• through which the Applicant will respond to enquiries or feedback from the community; and</li> <li>• 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.</li> </ul>				
D17	The CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.	<ul style="list-style-type: none"> <li>• SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
D18	Construction must not commence until the CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.	<ul style="list-style-type: none"> <li>• SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
D19	The CCS, as approved by the Planning Secretary, must be implemented throughout construction and for a minimum of 12 months following the completion of construction.	<ul style="list-style-type: none"> <li>• Site visit and interview with Mirvac on 25/06/25</li> <li>• <a href="#">Community Information   Harbourside by Mirvac</a></li> <li>• <a href="#">240801 harbourside complaints-register 2407 final.pdf</a></li> <li>• Site Notices</li> <li>• CCS, 17/11/23</li> </ul>	<p>The CCS continued to be implemented during the Audit Period, as evidenced by the Community Newsletters, which provide notice of planned activities in the month ahead and planned out of hours work (OOHW) notifications.</p> <p>However, there were fifteen (15) complaints during the Audit Period, including twelve (12) OOHW noise complaints during the Audit Period, indicating that implementation of the CCS could be improved.</p> <p>As discussed in the findings for Condition E38, a resident complained on 11/07/24 about the noise generated by the Bunn Street pedestrian bridge foundation works and in particular, that <i>"Repeated attempts to reach [the] listed out of hours contact person [were] going unanswered"</i>. Refer to the findings and recommendation for Condition E38. A notification had been</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li><a href="#">Harbourside Community   Mirvac</a></li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>Mirvac, Redevelopment of Harbourside, Re: Redevelopment of Harbourside – Out of Hours Works Friday 5 July 2024 – Monday 8 July 2024, 28/06/24</li> <li>Mirvac, Redevelopment of Harbourside, Re: Redevelopment of Harbourside Upcoming Out of Hours Crane Installation Works, 10/10/24</li> <li>Mirvac, Redevelopment of Harbourside, Re:</li> </ul>	<p>distributed to neighbours on 28/06/24 advising them of the OOHWs between 7pm Friday 05/07/24 and 5am Monday 08/07/24. The notification advised that the work was aligned with Transdev's scheduled shutdown period and provided two contact numbers: the Ethos Urban Engagement Team (1800 870 549) and an out of hours contact number for the Delta Supervisor. However, the Delta Supervisor did not answer the complainant's attempts to contact him.</p> <p>A resident complained on 13/10/24 of OOHW noise and the response indicated that there was a "lack of communication" regarding the weekend works.. However, a notification had been distributed to neighbours on 10/10/24 advising them of crane installation OOHWs between 7am to 7pm on the weekends of 12-13/10/24 and 19-20/10/24.</p> <p>Two complaints were received, including one via City of Sydney, on 12-13/11/24 regarding water connection night works, and one of the complainants indicated that they did not receive a notification of OOHW. The response indicated that their contact details were not on the email distribution list for notifications and newsletters and so the complainant was added to the list. Mirvac had distributed a notification to neighbours on 04/11/24 advising them of the Sydney Water connection works scheduled for 7pm – 5am 11-15/11/24. Review of the CCS indicates that it does not refer to the Condition E38 requirement to maintain a 24-hour contact telephone number that is continually attended by a person. Instead, it still refers to the 1800 number.</p> <p>Based on the documentation provided, it is considered that the CCS is being implemented and Condition D19 is therefore, compliant. However, improvements are needed to ensure the 24/7 complaint phone number is answered and the CCS is updated with the new phone number. Also refer to the recommendations for Conditions E4, E5 and E38.</p> <p><b>Recommendation: Review and revise the CCS to include Condition E38 requirement for a 24-hour contact number and update the contact details.</b></p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Sydney Water Connection Works for the Redevelopment of Harbourside, 04/11/24			
PRE-CONSTRUCTION DILAPIDATION REPORTS					
D20	Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
D21	The Pre-Construction Dilapidation Report is to detail 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 restrictions 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 of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	Secretary and each of the affected property owners.				
D22	In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
D23	Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	No damage to public ways, trees, footpaths, kerbs, gutters, or road carriageways was observed during the site inspection. Mirvac advised that Condition D23 was not triggered during the Audit Period.	Not triggered	
D24	The damage must be fully rectified by the Applicant in accordance with PMNSW's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.	<ul style="list-style-type: none"> <li>Refer to Condition D23 Evidence</li> </ul>	Refer to Condition D23 findings.	Not triggered	
WATER MANAGEMENT					
D25	Prior to the commencement of any demolition, earthworks or construction works or the take of water, the Applicant must obtain a Water Access Licence (WAL), unless	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>Certificate of Title, WAL44984, 29/01/24</li> </ul>	This Condition was assessed during the SSD 49295711, IEA 1 and a WAL was obtained in accordance with Condition D25. However, Condition MW8849-00001 of WAL44984 requires that water must only be taken under the WAL in accordance with the conditions of the Water Supply Works Approval 10WA124897. The 10WA124897	Compliant	

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	an exemption under the Water Management (General) Regulation 2018 applies.	<ul style="list-style-type: none"> <li><a href="#">NSW Water Register</a></li> </ul>	<p>was current during the Audit Period but may have since expired on 16/08/25 according to the NSW Water Register. Condition D25 is considered compliant during this Audit Period. However, an OFI recommendation is made to renew the Water Supply Works Approval 10WA124897 if it hasn't already been done.</p> <p><b>Recommendation: If it has not already been done, renew the Water Supply Works Approval 10WA124897 as soon as possible.</b></p>		
D26	<p>Prior to the commencement of any demolition, earthworks or construction works, the Applicant must prepare a Water Management Plan (WMP) for the construction phase in consultation with Department of Planning, Industry and Environment, Water (DPE Water). The WMP must include a construction phase monitoring program including:</p> <p>(a) a dewatering management plan that:</p> <p>(i) includes an estimate of the maximum annual volume of groundwater that would be taken during the construction phase and following construction, to determine the volume of water that must be licensed;</p> <p>(ii) includes an estimate of staged (e.g. weekly or monthly) cumulative water take;</p> <p>(iii) provides an assessment against the 'minimal impact considerations' of the Aquifer Interference Policy (2012), including a description of mitigation and remediation options</p>	<ul style="list-style-type: none"> <li>Interview with Mirvac on 25/06/25</li> <li>SSD 49295711, IEA 1</li> <li><a href="#">r07--dmp--harbourside-sydney-nsw-rev-4.pdf</a></li> </ul>	<p>This Condition was assessed during the SSD 49295711, IEA 1 with an OFI recommendation to:</p> <ul style="list-style-type: none"> <li>review and revise the DMP to provide "a baseline assessment of groundwater levels, quality and extent of saltwater influx" that is provided either within the document or attached as an appendix; and</li> <li>improve the groundwater monitoring plan, including the TARP, so that it is presented in the main body of the report and presents the required monitoring, the frequency, baseline (as appropriate), the criteria / triggers and follow-up action if a criterion/trigger is exceeded, preferably in tabular form.</li> </ul> <p>The SSD 49295711, RAR 1 indicated that Mirvac would review the WMP and update it, if deemed required. However, the DMP was not updated during the Audit Period. As it was an OFI recommendation, no further recommendation is made.</p>	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>and appropriate scientific studies to demonstrate that the impacts would not prevent the long-term viability of groundwater dependent ecosystems or significant sites if the level 1 minimal impact considerations are exceeded;</p> <p>(iv) describes how actual water take would be measured and reported;</p> <p>(v) includes a trigger action and response procedure (TARP), inclusive of agency notification, that:</p> <ul style="list-style-type: none"> <li>establishes trigger levels based on predicted take for each stage identified in (ii) above;</li> <li>describes the response actions if groundwater take reaches or exceeds the trigger levels. This should include identifying requirements for obtaining additional licenced water entitlement; re-estimating water take for both the construction and post construction phases if the volume of water extracted during the first 28 days of construction exceeds the predicted take for that period; and documenting and reporting procedures; <p>(vi) describes how the design and construction of the building/s will:</p> <ul style="list-style-type: none"> <li>prevent obstruction to groundwater flow by using sufficient permanent drainage beneath and around the outside of the structure to ensure that any groundwater mounding must</li> </ul> </li></ul>				

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	<p>not be greater than 10% above the pre-development level;</p> <ul style="list-style-type: none"> <li>• prevent any elevated water table from rising to within 1.0 m below the natural ground surface;</li> </ul> <p>(vii) details mitigation measures to limit post-construction groundwater take to less than or equal to 3 ML/year if the applicant intends to rely on an exemption under section 21(6) of the Water Management (General) Regulation 2018. This may require the structure to be fully watertight for the anticipated life of the building (including when the water table is unusually elevated); and</p> <p>(viii) documents how dewatering volumes would be reported to DPE Water during and following the cessation of dewatering activities.</p> <p>(b) a groundwater monitoring plan that:</p> <ul style="list-style-type: none"> <li>(i) provides a baseline assessment of groundwater levels, quality and extent of saltwater influx;</li> <li>(ii) outlines how groundwater take will be monitored;</li> </ul>				
<b>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</b>					
D27	<p>Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Certifier. The CEMP must address,</p>	<ul style="list-style-type: none"> <li>• Mirvac, Construction Environmental Management Plan, Rev F, 02/07/24 (<b>CEMP Rev F</b>)</li> </ul>	<p>The SSD 49295711, IEA 1 made an OFI recommendation to update the CEMP to include details on flora and fauna management; however, this has not been completed.</p> <p>The CEMP was updated on 02/07/24 following the change in Principal Contractor to Mirvac. The following comments are made:</p>	Compliant	

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	<p>but not be limited to, the following matters where relevant:</p> <p>(a) Details of:</p> <p>(i) hours of work</p> <p>(ii) 24 hour contact details of the site manager</p> <p>(iii) community consultation and complaint handling procedure</p> <p>(iv) traffic management</p> <p>(v) noise and vibration management, prepared by a suitably qualified person</p> <p>(vi) management of dust and odour to protect the amenity of the neighbourhood</p> <p>(vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site</p> <p>(viii) contamination management, including any unexpected contamination finds protocol</p> <p>(ix) waste management</p> <p>(x) external lighting in compliance with applicable Australian Standards</p> <p>(xi) flora and fauna management.</p> <p>(b) Construction Traffic and Pedestrian Management Sub-Plan</p> <p>(c) Construction Noise and Vibration Management Sub-Plan</p> <p>(d) Air Quality Management Sub-Plan</p> <p>(e) Construction Waste Management Sub-Plan</p>		<ul style="list-style-type: none"> <li>The hours of work in Section 1.5 do not indicate that work may be carried out between 5pm and 6pm on Saturday for internal works only;</li> <li>CEMP Rev F does not contain the latest version of the CPTMP Rev 3.</li> </ul> <p>Condition D27 remains compliant with an OFI recommendation:</p> <p><b>Recommendation: Update the hours of work in Section 1.5 of the CEMP to be consistent with Condition E3. Also update Appendix B to attach CPTMP Rev 3.</b></p>		

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(f) Construction Soil and Water Management Sub-Plan (g) an unexpected finds protocol for contamination and associated communications procedure (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.				
<b>CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN</b>					
D28	Prior to the commencement of any earthwork or construction, the Applicant must prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW, Sydney Metro and the Sydney Light Rail Operator and submit a copy of the final plan to TfNSW for endorsement via development.sco@transport.nsw.gov.au. The CPTMP must specify matters including, but not limited to, the following: (a) a description of the development; (b) location of any proposed work zone(s);	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	The SSD 49295711, IEA 1 made an OFI recommendation to provide a copy of the Main Works CPTMP Rev 3 to Sydney Metro and the Sydney Light Rail Operator for the opportunity to provide feedback on the management plan for the purpose of consultation. Mirvac's SSD 49295711, RAR 1 indicated that " <i>endorsement [had] been received via the delegated email</i> ". The Auditors make no further recommendation. As Condition D28 was 'completed', aside from the OFI recommendation, in the previous audit, it was not triggered during this Audit Period.	Not triggered	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(c) details of crane arrangements including location of any crane(s) and crane movement plan; (d) haulage routes; (e) proposed construction hours; (f) predicted number of construction vehicle movements, detail of vehicle types; (g) construction vehicle access arrangements and location(s) where it is proposed to park construction vehicles; (h) construction program and construction methodology, including any construction staging; (i) a detailed plan of any proposed hoarding and/or scaffolding; (j) pedestrian and traffic management measures; (k) identify any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; (l) identify cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network; (m) measures to minimise movement delays. i.e. Vehicle movements are to				

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	<p>be minimised during peak network demand periods;</p> <p>(n) details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;</p> <p>(o) proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP;</p> <p>(p) measures to avoid construction worker vehicle movements;</p> <p>(q) attend Sydney Metro West Traffic Transport Liaison Group (TTLG) which is held monthly to provide an additional mechanism of coordination between the projects. Updates of future road network changes from each project are to be conveyed at the meetings;</p> <p>(r) details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site;</p> <p>(s) consultation strategy for liaison with surrounding stakeholders, including other developments under construction; and</p> <p>(t) provide the builder's direct contact number to small businesses adjoining</p>				



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	or impacted by the construction work and the Transport Management Centre and Transport for NSW (via development.sco@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.				
<b>CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN</b>					
D29	<p>Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must include:</p> <p>(a) consideration of the Demolition, Excavation and Construction Management Plan prepared by Mirvac dated 28 October 2022 (2023/098261);</p> <p>(b) identification of the specific activities that will be carried out and associated noise sources at the site.</p> <p>(c) identification of all potentially affected sensitive residential receiver locations;</p> <p>(d) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the</p>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

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	<p>Sub-Plan, or as undertaken in the EIS;</p> <p>(e) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;</p> <p>(f) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;</p> <p>(g) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;</p> <p>(h) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;</p> <p>(i) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from</p>				

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	<p>noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;</p> <p>(j) where night-time noise management levels cannot be satisfied, a report must be submitted to and approved by the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;</p> <p>(k) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;</p> <p>(l) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;</p> <p>(m) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;</p> <p>(n) measures to monitor noise performance and respond to complaints;</p> <p>(o) measures to reduce noise related impacts associated with offsite</p>				

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	vehicle movements on nearby access and egress routes from the site; (p) procedures to allow for regular professional acoustic input to construction activities and planning; and (q) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).				
<b>AIR QUALITY MANAGEMENT SUB-PLAN</b>					
D30	Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements: (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods); (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour); (c) mission statement; (d) dust and VOCs/odour management strategies consisting of: (i) objectives and targets; (ii) risk assessment; (iii) suppression improvement plan;	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

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	(iv) monitoring requirements including assigning responsibility (for all employees and contractors); (v) communication strategy; and (vi) system and performance review for continuous improvements.				
D31	The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.	<ul style="list-style-type: none"> <li>JBS&amp;G, Mirvac Retail Sub SPV Pty Ltd Bulk Excavation Air Quality Assessment, Rev 1, 29/04/22 (<b>AQMP, Rev 1</b>)</li> <li>CEMP REV F</li> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Property Risk Australia Pty Ltd, Re: Harbourside Project – PM10 Dust Monitoring Weekly Summary (08/12/2024 – 14/12/2024), 20/12/24</li> <li><a href="#">SSD-49295711 - Additional Information   Harbourside by Mirvac</a>: Harbourside Dust Monitoring Results: weekly reports from 17/12/23 to 14/09/24</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

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D32	The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	<p>This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.</p> <p>The majority of the site is now paved and no dust or odour issues were observed during the site visit. The Auditors have no reason to believe that the Reactive Air Quality and Odour Management Plan has not been implemented and therefore, Condition D32 is considered compliant during the Audit Period.</p>	Not triggered	
<b>CONSTRUCTION WASTE MANAGEMENT SUB-PLAN</b>					
D33	<p>Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:</p> <p>(a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";</p> <p>(b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;</p> <p>(c) procedures for minimising the movement of waste material around the site and double handling;</p> <p>(d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;</p>	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	<p>This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.</p>	Not triggered	

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	(e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises; (f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises; (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum): <ul style="list-style-type: none"> <li>• a traffic plan showing transport routes within the site;</li> <li>• 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</li> <li>• the name and address of each licensed facility that will receive waste from the site (if appropriate).</li> </ul>				
CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN					
D34	Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with PMNSW and address, but not be limited to the following:	<ul style="list-style-type: none"> <li>• SSD 49295711, IEA 1</li> </ul>	This Condition was assessed during the SSD 49295711, IEA 1 with an OFI recommendation to: review and revise the CSWMP / ESCP so that stormwater drainage is managed and retained within the site boundaries during the construction, including during wet weather events, and submit the revised CSWMP / ESCP to PMNSW for the opportunity to provide feedback on the management plan for the purpose of consultation. This was not done to our knowledge. As it was an OFI recommendation, no further recommendation is made.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(a) describe all erosion and sediment controls to be implemented during construction; (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site); (c) detail all off-Site flows from the Site; (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI; and (e) include an Acid Sulfate Soils Management Plan that incorporates the recommendations of the Acid Sulphate Soils Management Plan prepared by JBS&G, reference 62851/144484 Rev 3 dated 3 November 2022 and measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.				
<b>FLOOD MANAGEMENT</b>					
D35	Prior to the commencement of any earthwork or construction, the Applicant must prepare and implement for the duration of the works:	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>Mirvac, Harbourside Site Induction Presentation, 02/06/25</li> </ul>	The SSD 49295711, IEA 1 made an OFI recommendation to review and revise procedures, such as the Harbourside Site Induction, to more comprehensively address the requirements of Condition D35 and D36, including marking of evacuation routes and refuge protocols. The SSD 49295711, RAR 1 indicated that assembly and evacuation routes were shown and that Mirvac would review and update procedures if deemed required. The Harbourside Site	Not triggered	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(a) flood warning and notification procedures for construction works on the site; and (b) evacuation and refuge protocols.		Induction Presentation was revised during the Audit Period and does not discuss flood emergency protocols. Refer to the findings and recommendation for Condition D36. No further recommendation is made. Condition D35 was not triggered during the Audit period.		
D36	The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Mirvac, Harbourside Site Induction Presentation, 02/06/25</li> </ul>	<p>Mirvac transitioned to the Principal Contractor in July 2024 and the Harbourside Site Induction presentation was updated accordingly. Slides 11 and 12 address emergency evacuation procedures and Slide 11 indicates that the muster point (i.e. assembly point) is on the grass plot in front of the Maritime Museum. However, the muster point location is not depicted on the 'Emergency Exits and Muster Point' map on Slide 12.</p> <p>Condition D36 is considered compliant during the Audit Period; however, the following OFI recommendation is provided.</p> <p><b>Recommendation: Indicate the location of the muster point on the Slide 12 map in the Harbourside Site Induction presentation.</b></p>	Compliant	
CONSTRUCTION PARKING					
D37	Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel (where required), to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
COMPLIANCE					
D38	Prior to the commencement of any earthwork or construction, the Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of,	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>Mirvac, Harbourside Site Induction</li> </ul>	Site workers continue to be made aware of and instructed to comply with relevant requirements of the consent conditions through the site induction and toolbox talks.	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	<ul style="list-style-type: none"> <li>Presentation, 02/06/25</li> <li>Mirvac Construction [training module presentation], CFA 8: Sustainability &amp; Environment; CRA: Environmental Management, 28/05/25</li> <li>Mirvac, Toolbox Talk, Meet-473605, Environmental Toolbox, 20/06/25</li> </ul>			
BARRICADE PERMIT					
D39	Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>Mirvac, Road &amp; Footway Application for Temporary Works Registration Form, Stormwater Culvert</li> </ul>	<p>Mirvac advised that work was carried out during the Audit Period that required the use of a public place. Mirvac submitted a Road &amp; Footway Application for Temporary Works Registration Form to PMNSW for the purpose of accessing the stormwater culvert that runs beneath the site, including at its western end on the footpath opposite Sofitel. The application form included an attached map indicating that an "Exclusion zone [would] be set up with hard stand barriers around the culvert manhole with Spotters in place at all times". However, the PMNSW permit / approval has not been provided. PMNSW requires that "A copy of this permit must be carried and produced upon request." Copies of all permits should be retained in a centralised file.</p> <p>The Auditors initially considered Condition D39 non-compliant. Following factual review, Mirvac provided a screenshot of the PMNSW Portal for Road Footway Occupancy for Temporary Works Permit that shows that Mirvac obtained more than forty (40) Road Footway Occupancy for Temporary Works Permits during the Audit Period. Although the approved permit for the purpose of accessing the stormwater culvert has not been provided, the Auditors accept that Mirvac have indeed been obtaining barricade permits from</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Access and Barricade, Header date: 05/12/24 Following factual review: <ul style="list-style-type: none"> <li>Mirvac email to Ramboll, screenshot of Road Footway Occupancy for Temporary Works Permit – Portal, 24/10/25</li> </ul>	PMNSW during the Audit period. Therefore, Condition D39 is considered compliant.		
<b>HOARDING</b>					
D40	An application under section 138 of the Roads Act 1993 is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include: (a) architectural, construction and structural details of the design as well as any proposed artwork (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.	<ul style="list-style-type: none"> <li>Mirvac, My Permit - Place Management NSW summary page, 19/06/24</li> <li>SSD 7874, IEA 1</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> </ul>	Mirvac previously advised that all hoarding was established and completed during demolition as part of SSD 7874, IEA 1 under the previous audit period. Hoarding application and approval documentation were previously provided and reviewed by the Auditors. Mirvac advised that “no adjustments to the hoardings over Darling Drive were carried out during the audit period”. The Auditors have no reason to believe that the development has not complied with Condition D40 during the Audit Period. Therefore, Condition D40 was not triggered during the Audit Period.	Not triggered	
<b>OUTDOOR LIGHTING</b>					
D41	Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>SSD 49295711, RAR 1</li> </ul>	This Condition was assessed as compliant during the SSD 49295711, IEA 1 with an OFI recommendation to obtain verification from FIP Electrical that outdoor lighting had been designed to comply with <i>AS 4282-2019 Control of the obtrusive effects of</i>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.	<ul style="list-style-type: none"> <li><a href="#">Complaints Register   Harbourside by Mirvac</a>: July 2024, August 2024, September 2024, October 2024, November 2024, February 2025, March 2025, April 2025, May 2025</li> <li><a href="#">Community Updates</a>: Redevelopment of Harbourside Shopping Centre, Community update – April 2025</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>City of Sydney, Notice of Determination of a Development Application, D/2024/759, 27/09/24</li> <li>City of Sydney email to Ramboll, RE:</li> </ul>	<p>outdoor lighting to the satisfaction of the Certifier. Mirvac indicated in SSD 49295711, RAR 1 that “FIP have confirmed that lighting is compliant to the minimum required lux level recommended by AS1158.3.1:2020, Lighting for roads and public spaces” and did not propose further action to confirm that the outdoor lighting complied with AS 4282-2019.</p> <p>During the Audit Period, there were three complaints, received on 06/11/24, 18/11/24, and 05/02/25, about “Disturbance to neighbouring resident/landowner amenity caused by illuminated Mirvac sign on tower crane”. It is unknown if further complaints were received in December 2024 and January 2025 as a complaints register was not available for these months. The responses to the complainants indicated that “the crane lighting [was] in accordance with City of Sydney DA approval times”. The November 2024 responses indicated that the dimming program was adjusted to: “5pm – light turns on 100% brightness; 9pm – light dims to 60% brightness; 11pm – light dims to 20% brightness; 11:59pm – light turns off”. The February 2025 response indicated that “The dimming program has now been amended to reflect a request by the landowner, and crane lights will turn off at 10pm.” The Community Update – April 2025 also indicated that “While approved illumination times are from 5:00pm to 12:00am, following community consultation, we have reduced the timeframe to between 5:00pm and 10:00pm. We hope this is a more suitable outcome for our neighbouring community.” There were no further complaints, at least to the end of May 2025 which is the latest complaints data available to the Auditors.</p> <p>Mirvac provided the City of Sydney approval conditions for the “Temporary signage on the cranes and jump form while site under construction”. Condition 5(b) of the approval specifies requirements for the signage including “At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with the latest edition of AS/NZS 4828”.</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Attention Ben Chamie - SSD-49295711 - Harbourside Shopping Centre Redevelopment - Request for Consultation, 02/07/25	<p>City of Sydney advised during consultation for this Audit (refer to <b>Section 3.5</b>) that their Construction Regulations team considered the crane signs to be a source of "<i>light pollution</i>" possibly due to complaints from residents but this cannot be verified as no further details were provided.</p> <p>Given that City of Sydney required that the illuminated sign on the tower cranes were a source of light pollution and required that the crane lighting comply with AS 4282-2019, it is considered that the illuminated sign on the tower crane is a lighting installation that is subject to Condition D41 requirements, particularly AS 4282-2019. The Auditors initially considered Condition D41 to be non-compliant because no evidence has been provided to show that the illuminated sign on the tower crane(s) complies with Condition D41. Following factual review, Mirvac advised that the tower crane lighting was temporary lighting, not permanent lighting, and subject to the City of Sydney Development Consent and not SSD 49295711. On further consideration, the Auditors accept Mirvac's justification and consider Condition D41 compliant with an OFI recommendation.</p> <p><b>Recommendation: Ensure going forward, that all new lighting installations, whether permanent or temporary, are assessed in accordance with Condition D41 requirements, including AS 4282-2019, and a record of the assessment retained.</b></p>		
REMEDICATION – UNEXPECTED FINDS PROTOCOL					
D42	Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	finds of contaminated material are encountered during works.				
REMEDICATION – SITE AUDITOR					
D43	Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the Contaminated Land Management Act 1997, has been appointed to independently review the implementation and validation of the remediation works.	<ul style="list-style-type: none"> <li>NSW Government, Department of Planning and Environment, Development Consent, SSD 38881729, 02/03/23 (<b>SSD 38881729</b>)</li> <li>SSD 38881729, IEA 2</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	
D44	The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the Contaminated Land Management Act 1997.	<ul style="list-style-type: none"> <li>Refer to Condition A33 Evidence</li> <li>Mirvac email, 25/06/25, forwarding Mirvac and JBS&amp;G emails, FW: RAP and Material Documentation, 05/05/25 to 04/06/25, with attached: <ul style="list-style-type: none"> <li>25.05.26 N3-463 Material Tracking Register.xlsx</li> </ul> </li> </ul>	Refer to Condition A33 findings. During the Audit Period, Mirvac continued to engage JBS&G to manage remediation works. The Auditors understand that JBS&G were preparing the Validation Report. The Auditors have no reason to believe that Condition D44 was not being complied with during the Audit Period.	Compliant	
REMEDICATION – INTERIM ADVICE LETTER					
D45	Upon completion of the remediation works and prior to the issue of the first construction certificate, a Letter of Interim Advice must be obtained	<ul style="list-style-type: none"> <li>Refer to Condition A33 Evidence</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>from a NSW Environmental Protection Authority accredited Site Auditor and submitted to the Planning Secretary for information.</p> <p>The letter of Interim Advice must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state the site can be made suitable for the proposed use.</p> <p>(a) in circumstances where the Letter of Interim Advice is subject to conditions that require ongoing review by the Auditor or Planning Secretary, these must be reviewed and approved by the Planning Secretary before the Letter of Interim Advice is issued.</p> <p>(b) In circumstances where the Letter of Interim Advice includes conditions and those conditions are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of the Planning Secretary (such as via s4.55 modification of the consent pursuant to the provisions of the Environmental Planning and Assessment Act 1979).</p>				
<b>REMEDIATION – VALIDATION REPORT</b>					
D46	Within one month following the completion of the remediation works for the development, a Remediation Validation Report (RVR) must be	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	The Auditors understand that JBS&G, a suitably qualified and experienced consultant, were preparing the Validation Report but that it had yet to be issued. Material was still being exported from and imported to the site in May 2025. The Auditors have no reason	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the Contaminated Land Management Act 1997.	<ul style="list-style-type: none"> <li>Mirvac email, 25/06/25, forwarding Mirvac and JBS&amp;G emails, FW: RAP and Material Documentation, 05/05/25 to 04/06/25, with attached: <ul style="list-style-type: none"> <li>25.05.26 N3-463 Material Tracking Register.xlsx</li> </ul> </li> </ul>	to believe that Condition D46 was not being complied with during the Audit Period.		
<b>PART E DURING CONSTRUCTION</b>					
APPROVED PLANS TO BE ON-SITE					
E1	A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council, PMNSW or the Certifier.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711</li> <li>Mirvac tablet with Fieldwire application used for document management</li> </ul>	Site personnel advised that copies of the approved and certified plans, specifications and documents incorporating conditions of approval and certification are electronically available onsite to all workers. Mirvac site personnel use the Fieldwire application on a tablet to access documents, including the certified plans, the Development Consent and CCs. During the site visit, the Auditors reviewed the approved and certified plans on a tablet. Condition E1 is considered compliant during the Audit Period on the basis that copies of the approved and certified plans, specifications and documents incorporating conditions of approval and certification are available electronically onsite to all workers.	Compliant	
SITE NOTICE					
E2	A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Mirvac, Site Notices</li> <li>MOD3</li> </ul>	During the previous audit period, the Delta Site Notices were considered non-compliant as the approved hours of work were not consistent with the approved hours of work. During this Audit Period, the principal contractor changed from Delta Group to Mirvac and therefore, Mirvac Site Notices replaced the Delta Group Site Notices. The Mirvac Site Notices generally	Non-compliant	NC4



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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>notice(s) is to satisfy all, but not be limited to, the following requirements:</p> <p>(a) state the name, address and telephone number of the principal certifier for the work</p> <p>(b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints</p> <p>(c) state the approved hours of work</p> <p>(d) state that unauthorised entry to the work site is prohibited</p> <p>(e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size</p> <p>(f) the notice is to be durable and weatherproof and is to be displayed throughout the works period</p> <p>(g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.</p>		<p>complied with Condition E2 requirements except for Condition E2(a), (b) and (c). The name, address and telephone number of the principal certifier and the address of the principal contractor, Mirvac, were not included. Also, the Site Notices do not indicate that work may be carried out on Saturday between 5pm and 6pm (internal works only) and "No work may be carried out on Sundays or public holidays". It was also observed that whilst the Site Notice at the Site Entry provided the newer 0455 889 510 24-hour community enquiries number, at least one other Site Notice, as well as other 'Mirvac Community Consultation Contact' notices posted on the site hoarding still provided the superseded 1800 870 549 number and had not been updated.</p> <p><b>Recommendation: Correct the Site Notices to include the name, address and telephone number of the principal certifier, the address of the principal contractor, the complete hours of construction and, where needed, update the 1800 870 549 24-hour community enquiries number with the 0455 889 510 number.</b></p>		

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HOURS OF CONSTRUCTION					
E3	<p>Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</p> <p>(a) between 7am and 7pm, Mondays to Fridays inclusive;</p> <p>(b) between 7am and 5pm, Saturdays; and</p> <p>(c) between 5pm and 6pm, Saturdays (internal works only).</p> <p>No work may be carried out on Sundays or public holidays.</p>	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac and Delta on 25/06/25</li> <li>CEMP Rev F</li> <li>Mirvac Harbourside Site Induction Presentation, Revision 03, 02/06/25</li> <li>Site Notices</li> <li><a href="#">Complaints Register   Harbourside by Mirvac</a>: July 2024, August 2024, September 2024, October 2024, November 2024, February 2025, March 2025, April 2025, May 2025</li> <li>Mirvac email, 25/06/25, forwarding Mirvac and JBS&amp;G emails, FW: RAP and Material Documentation, 05/05/25 to 04/06/25, with attached: <ul style="list-style-type: none"> <li>25.05.26 N3-463 Material Tracking Register.xlsx</li> </ul> </li> </ul>	<p>The hours of construction are specified in the CEMP Rev F, the Harbourside Site Induction and Site Notices. The Auditors note none of the documentation indicates that work may be carried out between 5pm and 6pm on Saturday for internal works only. As discussed in the findings for Condition D19, there were twelve (12) OOHW noise complaints during the Audit Period associated with the development (not including possible complaints in December 2024 and January 2025 that have not been reported in the Complaints Register). The Complaints Register reported four OOHW noise complaints associated with inground footings and installation of reinforcement concrete in July 2024 and five OOHW noise complaints were associated with late running concrete pouring (11/09/24, 13/05/25, two on 15/05/25, 29/05/25). It is understood the inground footings construction works were approved by TfNSW as OOHW to fit in with a scheduled light rail shutdown. The OOHW involved jack hammering, being high noise generating work. A complainant questioned why the work could not be carried out during standard hours and why it had to be over the weekend. A second complainant requested Mirvac to “<i>implement noise mitigation measures including no out of hours works, installation of noise barriers around the site and use of quieter machinery and construction methods</i>”. According to the Complaints Register record, Mirvac had implemented measures to minimise noise levels, which are discussed in Condition E8 findings. There were two complaints received, one via City of Sydney (CoS), in relation to Sydney Water connection works. According to the CoS record, the work involved the use of power tools and equipment, including saw cutting the roadway. CoS Rangers inspected the site at 02:06 on 13/11/24 and were informed by Mirvac that the night works were for water connection work that had been approved by PMNSW due to road closures required to complete the works. The noisier works including saw cutting the roadway were completed earlier. Mirvac provided copies of the Traffic Control Plan (TCP) and PMNSW approvals including a Road &amp; Footway Occupancy for</p>	Non-compliant	NC5

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		<ul style="list-style-type: none"> <li><a href="#">MOD 6 - Construction Hours   Planning Portal - Department of Planning and Environment</a></li> <li>City of Sydney email to Ramboll, RE: Attention Ben Chamie - SSD-49295711 - Harbourside Shopping Centre Redevelopment - Request for Consultation, 02/07/25</li> </ul>	<p>Temporary Works. The CoS Rangers did not consider themselves the appropriate authority. They called the resident back but there was no answer with the call going to message bank.</p> <p>A resident also complained directly to Mirvac regarding the water connection night works on 12-13/11/24, indicating that they were not notified of the night works, although Mirvac did notify neighbours on 04/11/24.</p> <p>Concrete pouring has continued during this Audit Period outside of approved construction hours due to rain on one occasion and concrete supply or pump issues.</p> <p>Condition E3 is considered to remain non-compliant during the Audit Period because work continued outside the approved hours of construction for various reasons that were not required by the Police or a public authority for the delivery of vehicles, plant or materials in accordance with Condition E4.</p> <p>Mirvac advised that they have submitted an application to modify Conditions E3 to E6 and E9 to allow more flexibility under specified circumstances.</p> <p>Also refer to the findings and recommendations for Condition E9 in relation to delivery of imported material.</p> <p><b>Recommendation: Investigate why the concrete pours continued outside the approved hours of construction and, based on the findings, further improve control measures, such as pump preventative maintenance, smaller concrete pour areas, concrete supply arrangements and communications to prevent work continuing outside the approved construction hours.</b></p> <p><b>Until such time as the Department approves the modification of Conditions E3 to E6 and E9, ensure that construction work is only carried out during the approved hours of construction and in accordance with Condition E4, which relates to specified deliveries and emergencies only.</b></p>		
E4	Construction activities may be undertaken outside of the hours in Condition E3 if required:	<ul style="list-style-type: none"> <li>Refer to Condition E3 Evidence</li> </ul>	Vehicles, plant, and materials have been delivered to site outside of approved hours of work in accordance with consent Condition E4 as indicated in the Community Updates. The Auditors understand that	Non-compliant	NC6

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>(a) by the Police or a public authority for the delivery of vehicles, plant or materials; or</p> <p>(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.</p>		<p>the road restrictions are required by the NSW Government and therefore, it is considered that Condition E4 is triggered and compliant in relation to those types of deliveries.</p> <p>However, other construction activities were carried out outside of approved hours of construction that did not meet Condition E4 criteria and resulted in a number of community complaints. This included the construction of the inground footings near the light rail corridor in July 2024, the Sydney Water connection works in November 2024, and the late running concrete pours.</p> <p>It is understood that the inground footings works and the Sydney Water connection works had been approved by relevant authorities including PMNSW, TfNSW, and Transdev and were required to be undertaken OOHW due to road closures or the light rail shutdown but the works do not fit the definition of <i>"delivery of vehicles, plant or material"</i>.</p> <p>Similarly, the late running concrete pours were not considered to be emergencies to <i>"avoid the loss of life, damage to property or to prevent environmental harm"</i> but the Auditors understand that the concrete pours had to continue in order to avoid damaging the integrity of the concrete and therefore, the building structure, which could be interpreted as damage to property.</p> <p>As discussed above, Mirvac has submitted an application to modify Conditions E4 and E5 to allow more flexibility under specified circumstances. However, based on the available documentation and our interpretation of Condition E4 as it is presently written, Condition E4 is considered non-compliant during the Audit Period.</p> <p><b>Recommendation: Until such time as the hours of construction conditions are modified, only carry out construction works within the approved hours of construction in accordance with Condition E3 or strictly in accordance with Conditions E4 and E6 circumstances.</b></p>		
E5	Notification of such construction activities as referenced in Condition E4 must be given to affected residents before undertaking the	<ul style="list-style-type: none"> <li>Refer to Condition E3 Evidence</li> <li>Mirvac email to Ramboll, RE: SSD</li> </ul>	Mirvac provided three examples of notifications to neighbours for OOHW during the Audit Period. They included notification of: Bunn St pedestrian bridge foundations work on 05-08/07/24; tower crane	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	activities or, in the event of an emergency, as soon as is practical afterwards.	<p>49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</p> <ul style="list-style-type: none"> <li>• Mirvac, Redevelopment of Harbourside, Re: Redevelopment of Harbourside – Out of Hours Works Friday 5 July 2024 – Monday 8 July 2024, 28/06/24</li> <li>• Mirvac, Redevelopment of Harbourside, Re: Redevelopment of Harbourside Upcoming Out of Hours Crane Installation Works, 10/10/24</li> <li>• Mirvac, Redevelopment of Harbourside, Re: Sydney Water Connection Works for the</li> </ul>	<p>installations on the weekends of 12-13/10/24 and 19-20/10/24; and Sydney Water connection works on 11-15/11/24.</p> <p>Based on the Complaints Register, there was one complaint on 13/10/24 about not receiving notification about OOHW (tower crane installation). However, Mirvac did notify neighbours on 04/11/24. A second complainant on 13/11/24 did not receive notification because they were not on the email distribution list, which was subsequently rectified.</p> <p>Condition E5 is considered compliant because Mirvac did notify neighbours before undertaking OOHW during the Audit Period.</p> <p><b>Recommendation: If a concrete pour or any other work is likely to run late and become OOHW, send an email notification to the affected residents/neighbours as soon as practical.</b></p>		

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		Redevelopment of Harbourside, 04/11/24			
E6	Despite Conditions E5, E6 and E7, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by the relevant roads authority under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Mirvac, Road &amp; Footway Application For Temporary Works Registration Form, Road Footway Occupancy for Temporary Works - Permit Management New South Wales, 12/05/25, with attached: <ul style="list-style-type: none"> <li>E6_TGS 23 _ Slip Lane Closure and Truck Entry _ exit.pdf, Traffic Guidance Scheme</li> <li>E6_SWMS_P7_0 17_4 Mirvac Harbourside _ TC3_Dismantle Rev01.pdf, Marr, Safe Work Method Statement</li> </ul> </li> </ul>	Mirvac advised that they were in the process of obtaining approval for dismantling a tower crane (Tower Crane 03) between 07:00 28/06/25 and 17:00 29/06/25 which is outside of the Audit Period. Based on the documentation provided, Condition E6 is considered compliant during the Audit Period.	Compliant	
CONSTRUCTION NOISE MITIGATION					
E7	All work, including demolition, excavation and building work, and	<ul style="list-style-type: none"> <li>Refer to Condition E3 Evidence</li> </ul>	SSD 49295711, IEA 1 found that only limited noise monitoring was undertaken during the previous audit period and recommended as	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	activities in the vicinity of the site generating noise associated with the preparation for the commencement of work in connection with the development must comply with the City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites. All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the CNVMP required by Condition D29 of this consent.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>Acoustic Logic, Harbourside, Noise Monitoring Report 27 – Sofitel, 18/03/24</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>Mirvac, Redevelopment of Harbourside, Re: Redevelopment of Harbourside – Out of Hours Works Friday 5 July 2024 – Monday 8 July 2024, 28/06/24</li> <li>Mirvac, Redevelopment of Harbourside, Re: Redevelopment of Harbourside Upcoming Out of Hours Crane</li> </ul>	<p>an OFI that if “a complainant makes more than one noise complaint and requests noise monitoring, Mirvac should consider conducting noise monitoring as requested and in accordance with the Main Works CNVMP Rev 1”. Section 14.2 of the CNVMP indicates that “investigation of a complaint shall involve where applicable, noise measurements at the affected receiver”, etc. Based on the complaint records, there was only one activity where more than one complaint was received and that was the bridge foundation OOHW which received three complaints on 7 and 8 July. No noise monitoring was conducted following receipt of the community complaints.</p> <p><b>OOHW:</b></p> <p>As discussed in the Condition E3 findings, there were a total of twelve noise complaints during the Audit Period, all related to OOHW. As no noise monitoring was conducted during the planned OOHW, it cannot be assessed whether the noise levels complied with Condition E7 noise criteria. Based on the Complaints Register and CoS complaint record, it appears that noise mitigation measures were implemented.</p> <p>During the bridge works on 5-8 July, respite periods were reportedly infeasible due to the time constraint to complete the works during the light rail shutdown. However, the “team employed strategies that aimed to minimise potential noise and vibration impacts by undertaking the most intensive works during regular hours where practical and utilising the smallest feasible construction plant to complete the works.” Similarly, during the OOH Sydney Water connection works, the noisier activities were conducted earlier in the night.</p> <p>Aside from the complaint records, no other documented information has been provided on the noise mitigation measures planned for the OOHW. The Auditors cannot verify that Section 12 of the CNVMP was implemented for each planned OOHW activity and therefore, it cannot be verified that “all feasible and reasonable noise mitigation measures [were] implemented and [that identified noisier] activities [were] managed in accordance with the management and</p>		



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		<p>Installation Works, 10/10/24</p> <ul style="list-style-type: none"> <li>Mirvac, Redevelopment of Harbourside, Re: Sydney Water Connection Works for the Redevelopment of Harbourside, 04/11/24</li> <li>Acoustic Logic, Harbourside – Northern Triangle Demolitions, Noise Monitoring Report 1 – Murray Street Residents, Rev. 0, 03/30/25</li> <li>Mirvac email to Ramboll, FW: Enviro Audit Queries, 10-11/09/25</li> </ul>	<p><i>mitigation measures identified in the CNVMP".</i> Mirvac advised however, that there were no follow-up complaints from the complainants once the complaint was resolved (e.g. added to the notifications register).</p> <p><b>Demolition work:</b></p> <p>Mirvac provided a noise monitoring report for unattended noise monitoring conducted on the former, partially removed footbridge near 50 Murray Street residences. The noise monitoring was conducted during the demolition of the remaining former shopping centre building in the northern triangle end of the site. Although demolition works were previously conducted under SSD 7874, the Auditors have assessed the monitoring report in the context of SSD 49295711, as we are not aware that a second IEA will be conducted for SSD 7874. The monitoring location was overlooking the area being demolished. The unattended noise monitoring was conducted between 29/01/25 to 10/04/25. The monitoring results indicate that noise management levels (NMLs) were exceeded most of the time during construction hours. Acoustic Logic indicated that "<i>Noise levels from construction were generally below the highly noise affected management level [HNAML, <math>L_{eq}(15min)</math> of 75 dB(A)] detailed in NSW EPA Guidelines</i>". Review of the reported graphs indicates that the HNAML was exceeded for more than two hours during daytime periods on 12 out of the 72 days (~17%). There were six days when the HNAML was exceeded for more than four hours. However, at least one respite period was typically given at about 10am on most of those days, except on 06/02/25, 18/02/25 and 28/02/25. Furthermore, according to the available Complaints Register, there were no noise-related complaints during the demolition period, which appears to indicate that the mitigation measures, such as notifications and respite periods, were effective.</p> <p><b>Summary:</b></p> <p>Based on the above information, it is considered that whilst the NMLs and the HNAML were exceeded during the demolition works during construction hours and most likely during the OOHW activities, mitigation methods were implemented (e.g. notifications,</p>		



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			<p>respite periods, scheduling noisier works during daytime hours in the case of OOHW, using smaller plant where feasible). No complaints were received during the demolition works and the complaints that were received during OOHW, generally appeared to be resolved to the satisfaction of the complainant, except for the complaint discussed in the findings for Condition E38 (refer to NC10). Condition E7 is therefore, considered compliant.</p> <p>The Auditors understand that it is good practice for organisations (e.g. TfNSW, Sydney Metro) to prepare an 'OOHW Protocol' that details a process for conducting OOHW to meet applicable requirements and reduce noise and vibration impacts on residents during the nighttime. An OOHW Protocol is an additional administrative control measure to demonstrate to residents and the Department that Mirvac will undertake all feasible and reasonable noise mitigation measures. The OOHW Protocol should be implemented and documented for each activity planned to be conducted as OOHW. Recommendations have been made to review and revise the CNVMP and CEMP, as well as prepare an OOHW Protocol, for assessing planned activities, for Condition E8. An OFI recommendation is made to improve recording of the implementation of the CNVMP Section 12 process in construction activity planning.</p> <p><b>Recommendation: Improve the construction planning process, by recording the CNVMP Section 12 assessment process that identifies the noise measures that will be used and then recording / documenting the implementation of the mitigation measures.</b></p>		
E8	The operation of high noise emission appliances, plant and/or machinery such as pile drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E and F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and	<ul style="list-style-type: none"> <li>Refer to Condition E3 Evidence</li> <li>CEMP Rev F, with attached CNVMP</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent</li> </ul>	Based on the Complaints Register and CoS complaint record, high noise generating work has been carried out during out of hours for the bridge foundations on 5-8/07/24 and Sydney Water connection works on 12/11/24. A jack hammer(s) (Group C, 85 dB(A)) was used for the bridge foundation works and a concrete saw (Group D, 80 dB(A)) was used during the water connection works.	Non-compliant	NC7

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	<p>Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites and/or any other work generating high noise impact (i.e. work exceeding a NML of 75dB(A)) are restricted to the following hours:</p> <p>(a) 8am to 12pm, Monday to Friday;</p> <p>(b) 2pm to 5pm Monday to Friday;</p> <p>and</p> <p>(c) 9am to 12pm, Saturday.</p>	<p>Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</p> <ul style="list-style-type: none"> <li>Mirvac, Redevelopment of Harbourside, Re: Redevelopment of Harbourside – Out of Hours Works Friday 5 July 2024 – Monday 8 July 2024, 28/06/24</li> <li>Mirvac, Redevelopment of Harbourside, Re: Redevelopment of Harbourside Upcoming Out of Hours Crane Installation Works, 10/10/24</li> <li>Mirvac, Redevelopment of Harbourside, Re: Sydney Water Connection Works for the Redevelopment of</li> </ul>	<p>The notification to neighbours of the bridge foundation works advised that <i>"The works will include cutting sandstone, rock hammering and removal, reinforcement and concrete placement"</i>. The notification to neighbours of the Sydney Water connection works advised that <i>"Preparatory works may be undertaken, in readiness for the road closure. The works from 7pm will involve the excavation of a trench to lay pipes for the water main connection. An excavator and sucker truck will be used for these activities. Once the pipes are laid, the road will be backfilled and reinstated. Where possible, the works will endeavour to restrict noise intensive activities between 7pm – 11pm."</i> There was no mention of concrete sawing.</p> <p>It is good that the above notification refer to the construction activities, particularly the use of high noise emission appliances, plant and/or machinery, at least in the case of the bridge foundation works.</p> <p>Section 11.5 CEMP Rev F indicates that <i>"a detailed review will be undertaken of each of the proposed activities which will occur as a part of the construction works on this project prior to commencement. ... In addition, the site working hours will be strictly enforced and all works carried out in accordance with approved DA consent conditions, Council and Regulatory codes, practices and Mirvac Noise Control Policy (refer to Appendix F)"</i>. Section 11.1 of the CNVMP requires that <i>"Where high noise generating works are proposed to be undertaken, respite hours should be implemented to reduce the impact on surrounding receivers. Limit the use of any required saw cutting or grinding activity to between 8:00am – 12:00pm and 2:00pm - 5:00pm Monday to Friday and between 9:00am - 12:00pm on Saturdays."</i></p> <p>These commitments were not implemented as intended during the Audit Period.</p> <p>The CEMP Rev F and CNVMP do not consider how OOHW that may involve high noise generating works should be managed. In light of the complaints, it is considered that these management plans require review and improvement to consider OOHW.</p>		

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		Harbourside, 04/11/24	<p>Given that residents complained of the OOHW noise, it is possible, if not likely, that the noise generated exceeded the HNAML of 75 dB(A). Whilst there were reasons for the works being conducted as OOHW as discussed in the findings and recommendations for Conditions E3 and E4, it is considered that according to Condition E8, as well as the CNVMP, the operation of high noise emission appliances, plant and/or machinery should have been restricted to the hours specified in Condition E8 and not have been conducted as OOHW. Condition E8 is therefore considered non-compliant.</p> <p><b>Recommendation: Review and revise the CEMP and CNVMP Section 12 assessment process to consider how OOHW activities will be managed, particularly activities involving use of high noise emission appliances, plant and/or machinery as specified in Condition E8. This should include a trigger action plan for conducting noise monitoring in the event of a specified number of complaints subject to specified circumstances. One way to do this is to prepare an OOHW Protocol that is attached to the CNVMP.</b></p>		
E9	The Applicant must ensure all construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under Condition E3.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li><a href="#">Complaints Register   Harbourside by Mirvac</a>: July 2024, August 2024, September 2024, October 2024, November 2024, February 2025, March 2025, April 2025, May 2025</li> <li>Mirvac email, 25/06/25, forwarding Mirvac and JBS&amp;G emails,</li> </ul>	<p>The Materials Tracking Register appears to indicate that imported materials were sometimes delivered to site between 6 am and 7am (e.g. 05/08/24, 23/08/24, 25/09/24, 16-18/10/24, 26/05/25). Assuming the recorded times are truck arrival times, they would be non-compliant with Condition E3 and E9. However, Mirvac advised and confirmed "that the times in the tracking register are not arrival times. One delivery issue occurred in October 2023, addressed to the CoS's satisfaction in 2024 and outside the [this] audit period. The Toolbox report is [...provided...]. Deliveries before construction hours are not accepted unless required by RMS or CoS". There were no complaints regarding the early arrival of trucks to the site out of hours. Therefore, the Auditors accept Mirvac's confirmation and make an OFI recommendation to improve recording of arrival times in the Material Tracking Register.</p> <p><b>Recommendation: Improve recording of truck arrival times in the Material Tracking Register to record when trucks</b></p>	Compliant	

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		<p>FW: RAP and Material Documentation, 05/05/25 to 04/06/25, with attached:</p> <ul style="list-style-type: none"> <li>○ 25.05.26 N3-463 Material Tracking Register.xlsx</li> <li>• Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>○ EPH Group, Toolbox Talk – No staging, 30/11/23</li> </ul>	<b>actually arrive at site. Ensure that trucks do not arrive out of hours, except in accordance with Conditions E4 or E6.</b>		
E10	Where all mitigation measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still: (a) exceed the applicable criteria in the City of Sydney Construction Hours/Noise Code 1992 and (b) are giving rise to sustained complaints, then the contractor must provide regular, appropriate and	<ul style="list-style-type: none"> <li>• Site visit and interview with Mirvac and Delta on 25/06/25</li> <li>• CEMP Rev F</li> <li>• <a href="#">Complaints Register   Harbourside by Mirvac</a>: July 2024, August 2024, September 2024, October 2024,</li> </ul>	<p>As discussed in the findings for Condition E7, some noise monitoring was conducted during demolition of the remaining former shopping centre building in the northern triangle end of the site between 29/01/25 to 10/04/25. The monitoring results indicate that NMLs were exceeded most of the time and the HNAML was also exceeded. However, there is no evidence that the demolition work gave rise to any noise complaints, let alone sustained noise complaints.</p> <p>Although there were complaints about noise during OOHw, the complaints were not sustained, indicating that mitigation measures</p>	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	sustained periods of respite in consultation with the Planning Secretary. Approval to vary the authorised noise and vibration levels must be received in writing by the Applicant from the Planning Secretary prior to activities being undertaken that exceed sanctioned emission levels. Such periods must be set and agreed to by the Planning Secretary.	<p>November 2024, February 2025, March 2025, April 2025, May 2025</p> <ul style="list-style-type: none"> <li>Acoustic Logic, Harbourside – Northern Triangle Demolitions, Noise Monitoring Report 1 – Murray Street Residents, Rev. 0, 03/30/25</li> <li>Mirvac email to Ramboll, FW: Enviro Audit Queries, 10-11/09/25</li> </ul>	were mostly effective. Condition E10 is therefore considered compliant.		
E11	The immediately adjoining neighbours must be given a minimum of 48 hours of notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li><a href="#">Community Updates: Redevelopment of Harbourside Shopping Centre</a>, Community update – July 2024 – June 2025</li> <li><a href="#">Complaints Register   Harbourside by Mirvac</a>: July 2024, August 2024, September 2024, October 2024, November 2024, February 2025, March 2025, April 2025, May 2025</li> </ul>	<p>Mirvac have advised that notice to adjoining neighbours is given during community update meetings which are undertaken monthly. Although the Community Newsletters indicate the activities planned for the month ahead, they do not indicate when use of high noise emission appliances / plant will commence. Notifications to neighbours were emailed to residents more than 48 hours prior to the Bunn Street bridge foundation works and the Sydney Water connection works, which both involved excavation and use of high noise emission appliances / plant. Based on the information provided, Condition E11 is considered compliant.</p>	Compliant	

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		<ul style="list-style-type: none"> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>Mirvac, Redevelopment of Harbourside, Re: Redevelopment of Harbourside – Out of Hours Works Friday 5 July 2024 – Monday 8 July 2024, 28/06/24</li> <li>Mirvac, Redevelopment of Harbourside, Re: Sydney Water Connection Works for the Redevelopment of Harbourside, 04/11/24</li> </ul>			
E12	Lighting of the site while any work is undertaken outside of the standard hours of construction must ensure that at no time must the intensity,	<ul style="list-style-type: none"> <li><a href="#">Complaints Register   Harbourside by Mirvac</a>: July 2024, August 2024,</li> </ul>	As discussed in the findings for Condition D41, there were three complaints (06/11/24, 18/11/24, 05/02/25) recorded in the Complaints Register (not including December 2024 and January	Compliant	

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	hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting. If in the opinion of PMNSW / Council as relevant, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.	<p>September 2024, October 2024, November 2024, February 2025, March 2025, April 2025, May 2025</p> <ul style="list-style-type: none"> <li>Refer to Condition D41 Evidence</li> </ul>	<p>2025 for which there was no Complaints Register) about an illuminated Mirvac sign on a tower crane.</p> <p>As discussed in the findings of Condition D41, City of Sydney indicated that the Construction Regulations team considered the tower crane signs to be a source of <i>"light pollution"</i> possibly due to complaints from residents but this cannot be verified as no further details were provided.</p> <p>Based on the community complaints received by Mirvac and City of Sydney's view that the tower crane signs were a source of <i>"light pollution"</i>, it is considered that the lighting detrimentally impacted residents and to some degree caused objectionable glare and/or injury to the amenity of the neighbourhood and/or was obtrusive light.</p> <p>In response to the complaints, Mirvac advised the complainants that the crane lighting was in accordance with the <i>"City of Sydney DA approved times"</i> and the crane lights had a dimming program that progressively reduced their intensity/brightness from 9pm until they turned off at midnight. However, following the third recorded complaint in February 2025, the <i>"dimming program has now been amended to reflect a request by the landowner, and crane lights will turn off at 10pm"</i>.</p> <p>Hence, it has been demonstrated that Mirvac varied the intensity and hours of illumination, albeit over a three to four month period, in compliance with Condition E12 requirements. On this basis, Condition E12 is considered compliant.</p> <p>Also refer to the findings and recommendations for Condition D41 (NC11), which requires outdoor lighting to be assessed in accordance with <i>AS 4282-2019 Control of the obtrusive effects of outdoor lighting</i> prior to installation of any lighting. Implementation of Condition D41 should help prevent future impacts on residents from light pollution.</p>		
E13	The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>CNVMP</li> </ul>	The CNVMP outlines the recommended construction noise level requirements during the development. As part of the assessment, the CNVMP takes into account truck movements entering the site (north along Darling Drive, where vehicles perform a U-turn	Compliant	

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	movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.	<ul style="list-style-type: none"> <li>CEMP REV F</li> </ul>	manoeuvre to be loaded) minimising the use of audible movement alarms. Mirvac have advised equipment working on site including excavators are reported to have audible alarms. On the basis of the above, the Auditors consider Condition E13 to be compliant during the Audit Period.		
E14	Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.	<ul style="list-style-type: none"> <li>Refer to Condition E7 Evidence</li> </ul>	<p>As discussed in the findings for Condition E7, no noise monitoring reports have been provided for review for the Audit Period so the Auditors are unable to assess whether noise levels met noise management levels.</p> <p>All of the twelve noise complaints arose from OOHW and, whilst it is considered likely that nighttime NMLs were exceeded, it cannot be conclusively verified. Also no occasions of sustained community complaints were identified during the Audit Period. Therefore, Condition E14 is considered to be compliant during the Audit Period.</p>	Compliant	
<b>VIBRATION CRITERIA</b>					
E15	Vibration caused by construction at any residence or structure outside the Site must be limited to: (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); (b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Main Works CNVMP Rev 1</li> <li>CEMP Rev F</li> <li><a href="#">Complaints Register   Harbourside by Mirvac</a>: July 2024, August 2024, September 2024, October 2024, November 2024, February 2025, March 2025, April 2025, May 2025</li> </ul>	No vibration related complaints were received during the Audit Period. The Auditors have no reason to believe this condition has not been complied with during the Audit Period.	Compliant	
E16	Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>CNVMP</li> </ul>	The Auditors understand that no vibratory compactors were used during the Audit Period. The Auditors have no reason to believe this condition has not been complied with during the Audit Period.	Compliant	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.	<ul style="list-style-type: none"> <li>CEMP</li> </ul>			
<b>AIR QUALITY</b>					
E17	<p>The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:</p> <p>(a) exposed surfaces and stockpiles are suppressed by regular watering;</p> <p>(b) all trucks entering or leaving the site with loads have their loads covered;</p> <p>(c) trucks associated with the development do not track dirt onto the public road network;</p> <p>(d) public roads used by these trucks are kept clean; and</p> <p>(e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.</p>	<ul style="list-style-type: none"> <li>Refer to Condition D31 Evidence</li> <li>Property Risk Australia Pty Ltd, Re: Harbourside Project – PM10 Dust Monitoring Weekly Summary (08/12/2024 – 14/12/2024), 20/12/24</li> <li><a href="#">SSD-49295711 - Additional Information   Harbourside by Mirvac</a>: Harbourside Dust Monitoring Results: weekly reports from 17/12/23 to 14/09/24</li> <li>City of Sydney emails to Ramboll, 02/07/25</li> </ul>	<p>During the site visit on 25/06/25:</p> <ul style="list-style-type: none"> <li>excavation works had already been completed;</li> <li>no stockpiles of materials were observed onsite;</li> <li>no trucks were observed entering or leaving the site except concrete trucks; and</li> <li>Darling Drive appeared clean with no evidence of significant tracking of dirt or mud.</li> </ul> <p>Mirvac provided a PM<sub>10</sub> dust monitoring report dated 20/12/24 that indicated that three of the four PM<sub>10</sub> monitors were removed from the western, southern, and eastern boundaries because excavation work in those areas had been completed and no further excavation was planned. Only the northern monitor remained operational on site. The Auditors did not sight the northern PM<sub>10</sub> monitor during the site visit. The majority of the site is now paved and no dust or odour issues were observed during the site visit, despite being a windy day to the extent that the tower cranes were not operating. The 20/12/24 PM<sub>10</sub> dust monitoring report indicated that the site's average daily and annual PM<sub>10</sub> monitoring results met the corresponding PM<sub>10</sub> criteria.</p> <p>City of Sydney advised the Auditors that their Construction Regulations Team had advised that there <i>"have been a number of dust complaints, as well as works/noise outside of hours and light pollution from crane signs"</i>. The Auditors requested the complaint records but further details regarding the dust complaints were not provided. City of Sydney appeared to have only a single complaint on record relating to the Audit Period, which was noise related. Therefore, it is difficult to assess the degree of the reported dust emissions.</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
			Given that the dust monitoring results indicate that emissions were generally below the criteria, the Auditors consider Condition E17 to be compliant during the Audit Period.		
INCIDENT NOTIFICATION, REPORTING AND RESPONSE					
E18	The Department must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> 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.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li><a href="#">Complaints Register   Harbourside by Mirvac</a>: July 2024, August 2024, September 2024, October 2024, November 2024, February 2025, March 2025, April 2025, May 2025</li> <li>Diesel overflow Notification dated 25/06/25</li> </ul>	One diesel overflow incident occurred during refuelling on 12/12/24. It was reported that <i>"During the refuelling of the tower crane, there was a spillage caused when the nozzle trigger got stuck and overfilled the fuel tank. The nozzle trigger did not auto release when the fuel level made contact with it and by the time the operator got to it, the tank overfilled. The spillage of diesel at the crane tank made its way to the ground floor slim deck below. Some of the diesel made contact with x3 workers. Approximately 7-10 litres was lost during this process"</i> . The incident was not considered by Mirvac to comprise an 'incident' as defined in SSD 49295711. No other incidents occurred during the Audit Period. Condition E18 is considered compliant during the Audit Period.	Compliant	
E19	Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.	<ul style="list-style-type: none"> <li>Refer to Condition E18 Evidence</li> </ul>	No incidents were notified during the Audit Period that required subsequent reporting.	Not triggered	
NON-COMPLIANCE NOTIFICATION					
E20	The Department must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after they identify any non-compliance.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac and Delta on 25/06/25</li> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Mirvac advised that Condition E20 was not triggered during the Audit Period. However, there were four occasions when concrete pours continued outside of approved hours (11/09/24, 13/05/25, 15/05/25, 29/05/25), therefore comprising Condition E3 non-compliances. As they are repeat non-compliances, Mirvac should have notified the Department in accordance with Conditions E20 and E21. It is also noted that a resident was unable to contact a <i>"listed out of hours contact person"</i> on 11/07/24, which is also a repeat non-compliance and therefore, could have been notified.	Non-compliant	NC8

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
			Based on the available information, Condition E20 is considered non-compliant because Mirvac did not notify the Department of the late running concrete pours (Condition E3 non-compliances) and possibly the 24-hour contact telephone number failure (possible Condition E38 non-compliance) in accordance with the requirements of Condition E20 and Condition E21. <b>Recommendation: Review why the late running concrete pours (Condition E3) and possibly the 24-hour contact telephone number failure (Condition E38) were not notified to the Department and, based on the review findings, further improve procedures so that future non-compliances will be notified.</b>		
E21	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.	<ul style="list-style-type: none"> <li>Refer to Condition E20 Evidence</li> </ul>	Mirvac did not notify the Department of any non-compliances during the Audit Period. As no notifications were made, Condition E21 was not triggered during the Audit Period.	Not triggered	
E22	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	<ul style="list-style-type: none"> <li>Refer to Conditions E18 and E20 Evidence</li> </ul>	As discussed in the findings for Conditions E18 and E20, no incidents or non-compliances were notified to the Department during the Audit Period. Condition E22 was not triggered during the Audit Period.	Not triggered	
<b>SAFework REQUIREMENTS</b>					
E23	To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>CEMP Rev F, with attached: <ul style="list-style-type: none"> <li>Mirvac, Site Security Management</li> </ul> </li> </ul>	The site is secured through hoarding and security cameras. The site can only be accessed by authorised personnel through the site office and all visitors are required to sign in on entry to the site. The vehicle entries have boom gates and are typically manned by traffic controllers. Mirvac conduct a 'Public Area and Workplace Shutdown or Startup Checklist' when the site is shutdown for a more extended period, such as the Easter public holiday. This includes checking that the	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Plan, Rev A, 21/11/23 <ul style="list-style-type: none"> <li>Mirvac, Public Area and Workplace Shutdown or Startup Checklist, ISP-173246, 17/04/25</li> <li>Mirvac, Supervisor HSE Inspection, ISP-207830, 17/06/25</li> </ul>	tower crane access points are locked and keys are removed from all plant, for example. An HSE Supervisor Inspection also checks tower crane access is secured on cessation of works. No evidence of unsafe work was observed during the site visit. The Auditors have no reason to believe that the development has not complied with Condition E23 during the Audit Period.		
<b>IMPLEMENTATION OF MANAGEMENT PLANS</b>					
E24	The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan, Heritage Interpretation Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Mirvac, Public Area and Workplace Shutdown or Startup Checklist, ISP-173246, 17/04/25</li> <li>Mirvac, Observation Safety OBS-334057, 04/06/25</li> <li>Mirvac, Observation Safety OBS-334123, 04/06/25</li> <li>Mirvac, Observation Environment OBS-247833, 11/03/25</li> <li>Mirvac, Supervisor HSE Inspection, ISP-207830, 17/06/25</li> <li>CEMP Rev F</li> <li>Main Works CPTMP Rev 3</li> <li>CNVMP, Rev 1</li> <li>AQMP, Rev 1</li> </ul>	Based on the documentation reviewed, the site visit, and interviews with Mirvac, implementation of the management plans has generally been undertaken in accordance with the consent conditions, except for the four occasions when concrete pours continued past the approved hours of construction, which were non-compliant with Condition E3 (refer to Condition E3). As discussed in the findings for Condition E7, there were twelve OOHW noise related complaints during the Audit Period and although noise measures were implemented, it is considered that the implementation and recording of Section 12 of the CNVMP could be improved. Refer to the OFI recommendation for Condition E7. Implementation of the AQMP is discussed in the findings of Condition E17, which was considered compliant. As discussed in the findings for Condition E46, review of groundwater monitoring records indicated that the groundwater monitoring is being conducted generally in accordance with the requirements of WAL44984, 10WA124897 and the DMP with recommended OFI. Refer to Condition E46 findings and recommendations. Regular 'Observations' are conducted that check that environmental controls are implemented and maintained, which is a good practice. The Auditors note that the observations appear to be focussed within the site boundary and may not include checks of the surrounding area. For example, it would be good to document	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>• ARDEM</li> <li>• Waste Management Plan Template prepared by Mirvac, V0, 09/07/18</li> <li>• Erosion and Sedimentation Control Plan prepared by at&amp;l, 11/08/23</li> <li>• Erosion and Sedimentation Control Details prepared by at&amp;l, 11/08/23</li> <li>• JBS&amp;G, Hazardous Building Materials Survey, 18/06/22</li> <li>• Remedial Action Plan prepared by JBS&amp;G, Rev 0, 03/05/22</li> <li>• Acid Sulfate Soil Management Plan prepared by JBS&amp;G, Rev 1, 04/04/22 (<b>ASSMP</b>)</li> <li>• Ongoing Site Treatment Management Plan prepared by Mirvac, Rev B, 20/10/22 (<b>OSTMP</b>)</li> <li>• Property Risk Australia Pty Ltd, Re: Harbourside Project – PM10 Dust</li> </ul>	<p>observations of the condition of Darling Drive for tracking of sediment, water quality in Darling Harbour (being a sensitive receiver), no obstruction of public ways and street trees are in good health, etc.</p> <p>Overall, Condition E24 is considered compliant with the following OFI recommendation provided.</p> <p><b>Recommendation: Incorporate checks of the surrounding environment (e.g. Darling Drive, Darling Harbour, public ways, street trees) in Environmental / HSE Observations.</b></p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Monitoring Weekly Summary (08/12/2024 – 14/12/2024), 20/12/24 <ul style="list-style-type: none"> <li><a href="#">SSD-49295711 - Additional Information   Harbourside by Mirvac</a>: Harbourside Dust Monitoring Results: weekly reports from 17/12/23 to 14/09/24</li> </ul>			
<b>SHORING AND ADEQUACY OF ADJOINING PROPERTY</b>					
E25	If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense: (a) protect and support the building, structure or work from possible damage from the excavation, and (b) where necessary, underpin the building, structure or work to prevent any such damage. Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the	<ul style="list-style-type: none"> <li>SSD 38881729, IEA 2</li> </ul>	Mirvac advised that the excavation does not extend below the base of the footing of any adjacent structures. Therefore, this condition is not triggered.	Not triggered	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	adjoining land has given consent in writing to this condition not applying.				
TREE PROTECTION					
E26	While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	Hoarding has been constructed around the perimeter of the site to prevent any damage to street trees during construction. Construction activities were not observed in the vicinity of the street trees around the outside of the southern perimeter of the site. During the site visit, the trees appeared to be in good health with no evidence of damage.	Compliant	
EROSION AND SEDIMENT CONTROL					
E27	All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Mirvac, Public Area and Workplace Shutdown or Startup Checklist, ISP-173246, 17/04/25</li> <li>Mirvac, Observation Safety OBS-334057, 04/06/25</li> <li>Mirvac, Observation Safety OBS-334123, 04/06/25</li> <li>Mirvac, Observation Environment OBS-247833, 11/03/25</li> <li>Mirvac, Supervisor HSE Inspection, ISP-207830, 17/06/25</li> </ul>	Erosion and sediment controls are prepared as part of the CEMP and erosion and sedimentation control plans. During the site visit, sediment controls, including sediment fencing and bunding and stabilised site access, were observed throughout the site and along the site boundary. Regular 'Observations' are conducted that check that erosion and sediment controls are being maintained. Overall, the Auditors consider condition E27 to be compliant.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>• CEMP Rev F</li> <li>• Erosion and Sedimentation Control Plan prepared by at&amp;I, 11/08/23</li> <li>• Erosion and Sedimentation Control Details prepared by at&amp;I, 11/08/23</li> <li>• at&amp;I letter to Mirvac, RE: 2-10 DARLING DRIVE, SYDNEY (SSDA 49295711) HARBOURSIDE SHOPPING CENTRE MAIN WORKS – EROSION AND SEDIMENT CONTROL DESIGN CERTIFICATE, 15/12/23</li> <li>• at&amp;I, CIV-DWG-OA-5000, Cover Sheet and Drawing List, Rev. A, 29/11/23</li> <li>• at&amp;I, CIV-DWG-OA-5001, General Notes and Legends, Rev. A, 29/11/23</li> <li>• at&amp;I, CIV-DWG-OA-5401, Erosion and Sedimentation Control Plan Sheet 1,</li> </ul>			



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Rev. A, 29/11/23 (ESCP Sheet 1) <ul style="list-style-type: none"> <li>at&amp;l, CIV-DWG-OA-5401 A, Erosion and Sedimentation Control Plan Sheet 2, Rev. A, 29/11/23 (ESCP Sheet 2)</li> <li>at&amp;l, CIV-DWG-OA-5402, Erosion and Sedimentation Control Details, Rev. A, 29/11/23 (ESCD)</li> </ul>			
<b>CUT AND FILL</b>					
E28	While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements: (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and (b) the classification and the volume of material removed must be reported to the Certifier.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> <li>SSD 49295711, RAR 1</li> <li>Mirvac email, 25/06/25, forwarding Mirvac and JBS&amp;G emails, FW: RAP and Material Documentation, 05/05/25 to 04/06/25, with attached:               <ul style="list-style-type: none"> <li>25.05.26 N3-463 Material Tracking Register.xlsx</li> <li>21.08.17 NEWCASTLE SAND.pdf</li> </ul> </li> </ul>	Mirvac provided the N3-463 Material Tracking Register as at 25/06/25. It shows that exported and imported materials are being tracked including: <ul style="list-style-type: none"> <li>Exported materials: Tip Name (e.g. Breen - Kurnell Landfill), material description (e.g. GSW, Concrete), quantity, and referenced Waste Classification Report and Location; and</li> <li>Imported materials: Tip Name = source location (e.g. Boral - St Peters), material description (e.g. AGG 20MM DRAIN FILTER), quantity and location.</li> </ul> SSD 49295711, IEA 1 found that Condition E28 was generally compliant with an OFI recommendation to provide the Material Tracking Register to the Certifier on a regular basis (e.g. monthly) while building work is being conducted. Mirvac's SSD 49295711, RAR 1 indicated that they would " <i>discuss with the Certifier their preferred [f]requency of receiving the Material Tracking Register</i> ". The Auditors have not been provided with confirmation on whether the Material Tracking Register was provided to the Certifier during the Audit Period and, if it was, how often it was provided. Mirvac provided an email sent by the Certifier on 15/09/25, which is outside the Audit Period, that " <i>Based on the development management plans and material tracking registers reviewed by us,</i> "	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>24.07.16 Sand High Grade Compaction. EMUQ_Blended SP 20414 (0-5,000t)_RN 112292_ITP (3).pdf</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>MGC email to Mirvac, FW: Harbourside Material Tracking Register, 15/09/25</li> </ul>	<p><i>we are generally satisfied that the soil removed/imported to site is being managed in accordance with Condition E28. We don't require receipt of the Material Tracking Register on a regular basis and instead will be provided by Mirvac from time to time upon our request."</i></p> <p>Although the Certifier's correspondence is outside the current Audit period, the Auditors accept the email as evidence that the Certifier is generally satisfied that Condition E28 requirements are being met. On this basis, Condition E28 is considered compliant.</p>		
E29	All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the EPA.	<ul style="list-style-type: none"> <li>Refer to Condition E28 Evidence</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25,</li> </ul>	<p>Mirvac provided correspondence with JBS&amp;G in which JBS&amp;G were requesting further documentation on specific imported materials reportedly used to <i>"to build up a ramp around the temporary platform that provided access over the basement and then some has been used for the encasement of electrical conduits"</i>:</p> <ul style="list-style-type: none"> <li>31.90 tonnes High Grade Compaction Sand from Boral - Emu Plains imported on 06/11/24. The High Grade Compaction Sand appears to be <i>"Material ... blended with washed glass sand"</i> that is likely to be subject to the requirements of EPA's <i>The recovered glass sand exemption 2014</i> (RRE). This RRE requires</li> </ul>	Non-compliant	NC9

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</p> <ul style="list-style-type: none"> <li>Delta Group email to Mirvac, RE: Material Tracking Register, 02/10/24 <ul style="list-style-type: none"> <li>PEPQ_20mm Drainage Aggregate_RN 111503_6 Monthly_PSD, COU, T215_18.06.24 (2).pdf</li> <li>PEPQ_10mm Drainage Aggregate_RN 111503_6 Monthly_PSD, COU, T215_24.06.24.pdf</li> <li>PEPQ_63mm Rail Ballast_SP46101_5,000t_RN 111433_ARTC Ballast Spec &amp; CRN CS 240V1.4 &amp; CRN CP 241 V1.4_18.06.24 (1).pdf</li> </ul> </li> </ul>	<p>that "At the time the recovered glass sand is received at the premises, the material must meet all chemical and other material requirements for recovered glass sand which are required on or before the supply of recovered glass sand under 'the recovered glass sand order 2014'". The Boral Test Reports (18/05/24 to 16/07/24) do not include chemical concentrations to meet Condition 7.1 of the RRE requirements. The sand appears to have been used at the site generally in accordance with Condition 7.2 of the RRE.</p> <ul style="list-style-type: none"> <li>2.00 tonnes SS2 Newcastle Sand from Skippens Landscape &amp; Building Supplies imported on 28/08/24. The laboratory analytical report provided for the SS2 Newcastle Sand is dated 2021 and was only tested for Acid Soluble Chloride, Acid Soluble Sulphate and Total Soluble Salts and not for contaminant concentrations. Insufficient information is provided to verify that the SS2 Newcastle Sand is VENM.</li> <li>108.54 tonnes 20:1 Stabilized Sand from Boral - Emu Plains imported on 06/11/24 and 13/11/24. Boral indicated that "The 20:1 stabilized sand from Emu Plains is a natural sand that is tested to the Sydney Water High Grade compaction sand as a type B material (SW 350 specification) prior to the addition of the binder and sold as a percentage added material only therefore no further testing required after stabilization." Given that other materials are added, it is not likely to be VENM. Insufficient information is provided to verify that the 20:1 Stabilized Sand is the subject of an EPA resource recovery exemption (RRE).</li> </ul> <p>Delta Group provided numerous Material Test Reports to Mirvac for imported materials including but not limited to: 10mm Drainage Aggregate; 20mm Drainage Aggregate; 63mm Rail Ballast; Blended High Grade Compaction Sand** (**Material is blended with washed glass sand); 10P Aggregate (Concrete Aggregate); 20C Concrete Aggregate. The majority of the test reports relate to physical properties of the materials such as particle size, flakiness, particle density, etc, and are not chemical composition test reports for</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>○ PTQ_DGB20_SP 49903_0-4000T_TfNSW30 51-Ed7_Class 1 Cat.B (3).pdf</li> <li>○ EMUQ_Blended High Grade Compaction Sand SP 20414 (0-5,000t)_RN 112292_ITP_16.07.24 (3).pdf</li> <li>○ DUNQ_10mm Drainage Aggregate_SP91 813_RN 113861_6 Monthly (Aug. '24) _17.09.24 (1).pdf</li> <li>○ DUNQ_DGB20_S P45006_0-4000t_TfNSW30 51 Ed7 Class1 CatB (5).pdf</li> <li>• Delta Group email to Mirvac, RE: Material Tracking Register, 15/10/24 <ul style="list-style-type: none"> <li>○ PTQ_63mm ARTC Rail Ballast -SP36104 (0-5000t).pdf</li> <li>○ PEPQ_63mm Rail</li> </ul> </li> </ul>	<p>waste classification purposes. While the test reports indicate that the materials are sourced from quarries, none of the test reports certify that the subject material is VENM or subject to a RRE, and some of the quarry materials include concrete materials, which are not VENM. A number of the quarries carry out concrete recycling businesses so unless a test report certifies that a material is VENM, natural quarried rock/stone or a RRE material, they do not meet Condition E29 requirements.</p> <p>JBS&amp;G proposed to retrospectively obtain a representative sample for one or more of the above materials in accordance with the requirements of the RAP, Rev 1, 28/09/22, and because the <i>"material brought to site is likely not accessible anymore ... [they would] have to obtain representative samples from the source site. Additionally, [JBS&amp;G asked Mirvac/Delta to] please request relevant testing and documentation from the source site from which demonstrates compliance with the applicable Resource Recover Order/Exemption – this is required for us to be able to demonstrate lawful importation to the site."</i></p> <p>It is expected that the Validation Report being prepared by JBS&amp;G will provide further documentation and details, and will be reviewed by the Site Auditor. However, based on the documentation provided, materials were imported to site without adequately verifying beforehand that the material was either VENM or subject to an EPA RRE.</p> <p>Following factual review, Mirvac maintained that Condition E29 was compliant because documentation was provided to JBS&amp;G during the Audit Period and they are preparing a Validation Report in accordance with Condition D46 that would show that Mirvac had complied with this condition. Whilst that may be the case, the Auditors are of the view that the documentation should be available on request to show that imported materials are VENM or subject to an EPA RRE. Therefore, Condition E29 is still considered non-compliant.</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Ballast_SP46101_5,000t_RN 111433_ARTC Ballast Spec & CRN CS 240V1.4 & CRN CP 241 V1.4_18.06.24 (2).pdf ○ PTQ_DGB20_SP 49901_0-4000t_TfNSW30 51Ed7 Class2 (5).pdf ○ PTQ_DGB20_SP 49903_0-4000T_TfNSW30 51-Ed7_Class 1 Cat.B (4).pdf ○ PEPQ_10P Aggregate_RN 111701_ITP & AS2758.1_AFT 2024_12.06.23 (1).pdf ○ PEPQ_10P Aggregate_RN 107182_ITP & AS2758.1_4 Monthly_13.09.23 (1).pdf ○ PEPQ_10P Aggregate_RN 107182_ITP & AS2758.1_4	<b>Recommendation: Ensure that documentation is obtained that verifies that a material is VENM or the subject of an EPA RRE, prior to it being imported.</b> <b>Ensure that required documentation for RRE materials is readily available and retained for six years in accordance with RRE requirements.</b>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>Monthly_13.09.23.pdf</li> <li>○ PEPQ_20C Aggregate_RN 111701_ITP &amp; AS2758.1_AFT 2024_26.06.23 (3).pdf</li> <li>○ PEPQ_20C Aggregate_RN 107182_ITP &amp; AS2758.1_4 Monthly_13.09.23.pdf</li> <li>○ PEPQ_20C Aggregate_RN 109792_ITP &amp; AS2758.1_4 Monthly_22.04.24.pdf</li> <li>○ PTQ_DGB20_SP 49902_0-4000t_TfNSW30 51 Ed7 Class 2.pdf</li> <li>○ DUNQ_DGS40_S P35704_0-4000t-TfNSW3051Ed7 (3).pdf</li> <li>○ Dunmore DGB20 2023.zip</li> <li>○ DUNMORE DGB20 2024.zip</li> </ul>			

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
DISPOSAL OF SEEPAGE AND STORMWATER					
E30	Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the Protection of the Environment Operations Act 1997.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711, IEA 1 Mirvac email to Ramboll, 26/09/24</li> </ul>	During the Audit Period, rainwater, seepage and/or groundwater collected at the site is pumped to an on-site dewatering treatment plant before it is discharged to a street stormwater drain in the vicinity of the Darling Drive roundabout. Based on specialist advice from JBS&G, the Auditors understand that "Construction water (inclusive of groundwater, seepage water and rainwater) is currently treated and discharged to a private stormwater asset which is owned by Place Management NSW, not the street (i.e. Council or Sydney Water) stormwater system." On the basis that the construction water, "inclusive of groundwater, seepage water and rainwater" is discharged to a private stormwater asset as opposed to a 'street stormwater system', the Auditors accept Mirvac's view that EPA approval is not required. Therefore, Condition E30 is considered compliant during the Audit Period.	Compliant	
E31	Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council / PMNSW (as relevant) must be obtained to connect or discharge site stormwater to Council's / PMNSW's (as relevant) stormwater drainage system or street gutter.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>SSD 49295711, IEA 1</li> </ul>	During the Audit Period, stormwater was collected and treated in the dewatering treatment plant before discharge to the PMNSW stormwater assets. SSD 49295711, IEA 1 previously recommended that Mirvac seek PMNSW's written approval to discharge site stormwater to the PMNSW stormwater assets as the existing approval referred only groundwater. However, Mirvac have not done this. The Auditors consider Condition E31 compliant during the Audit Period and make no further recommendation.	Compliant	
E32	A separate written approval from Council / PMNSW (as relevant) is required to be obtained in relation to any proposed discharge of groundwater into Council's / PMNSW's (as relevant) drainage system external to the site, in accordance with the requirements of section 138 of the Roads Act 1993.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	This condition was found to be compliant and completed in SSD 49295711, IEA 1. As the requirement was completed in the previous audit, it is considered not triggered during this Audit Period.	Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
E33	Contaminated groundwater must not be discharged into Council's / PMNSW's (as relevant) stormwater drainage system.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>DMP</li> <li>Mirvac, Water Quality Register, completed 2, 19, 23 of an unspecified month and year, with photos attached</li> <li>Mirvac Group Water Quality Discharge Procedure and Water Quality Register, completed by Coates, 02-08/06/25</li> </ul>	<p>Mirvac has advised that no contaminated groundwater was discharged into the stormwater drainage system during the Audit Period.</p> <p>The discharge from the dewatering treatment plant appeared to be clear at the time of the site visit.</p> <p>The Auditors have no reason to believe this condition has not been complied with during the Audit Period.</p>	Compliant	
<b>ASBESTOS</b>					
E34	The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including: (a) Work Health and Safety Regulation 2017; (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016; (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and (d) Protection of the Environment Operations (Waste) Regulation 2014.	<ul style="list-style-type: none"> <li>Mirvac email, 25/06/25, forwarding Mirvac and JBS&amp;G emails, FW: RAP and Material Documentation, 05/05/25 to 04/06/25, with attached: <ul style="list-style-type: none"> <li>25.05.26 N3-463 Material Tracking Register.xlsx</li> </ul> </li> <li>NSW EPA Public Register, Environment Protection Licence 13426</li> </ul>	<p>According to the Material Tracking Register, asbestos removal works were conducted during the Audit Period up until 29/11/24. The Material Tracking Register indicates that the asbestos waste was classified and disposed of at Bingo's Eastern Creek Landfill, which is authorised to accept asbestos waste.</p> <p>Airborne asbestos fibre monitoring was conducted during the asbestos removal works.</p> <p>Based on the records provided for review and past practice, the Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.</p>	Compliant	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>JBS&amp;G letter to Mirvac, AMR016: Airborne Asbestos Fibre Monitoring Report, Harbourside Shopping Centre Redevelopment, 2-10 Darling Drive, Sydney, NSW, 26/11/24</li> <li>JBS&amp;G letter to Mirvac, AMR017: Airborne Asbestos Fibre Monitoring Report, Harbourside Shopping Centre Redevelopment, 2-10 Darling Drive, Sydney, NSW, 02/12/24</li> </ul>			
<b>CONSTRUCTION TRAFFIC</b>					
E35	All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Mirvac email, 25/06/25, forwarding Mirvac, City of Sydney and Placemaking NSW emails, FW: Harbourside Redevelopment - Main Works Temporary Works Zone Approval,</li> </ul>	<p>Mirvac has a "Temporary Work Zone" in use to utilise a single lane on Darling Drive, which "is required for the construction of Harbourside Redevelopment". It would be returned to its original state "Following the construction completion of Harbourside Redevelopment". Mirvac have not provided the actual Temporary Work Zone permit, only 2023-2024 correspondence indicating that it was approved by the City of Sydney Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) meeting on 14/03/24. The Temporary Work Zone was in operation during the site visit, generally consistent with the plan approved by the LPCTCC. No construction vehicles were observed outside the site or the Temporary Work Zone at the time of the site visit.</p> <p>There are no recorded community complaints regarding parking of construction vehicles during the Audit Period. The Auditors have no</p>	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		21/12/23 to 19/03/24 <ul style="list-style-type: none"> <li><a href="https://meetings.cityofsydney.nsw.gov.au/mgIssueHistoryHome.aspx?IID=28706&amp;Opt=0">https://meetings.cityofsydney.nsw.gov.au/mgIssueHistoryHome.aspx?IID=28706&amp;Opt=0</a> <ul style="list-style-type: none"> <li>Local Pedestrian, Cycling and Traffic Calming Committee, Minutes of Meeting, 14/03/24</li> <li>at&amp;l, Darling Drive Temporary Works Plan, Option 1, Drawing No. 21-929-SKC104A, Issue B, Draft, Issued For Approval, 07/02/24</li> </ul> </li> </ul>	reason to believe Condition E35 was non-compliant during the Audit Period.		
ROAD OCCUPANCY LICENCE					
E36	A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Mirvac, Road &amp; Footway Application For Temporary Works Registration Form, Road Footway Occupancy for Temporary Works -</li> </ul>	According to a City of Sydney complaint record, Mirvac obtained a Road & Footway Occupancy for Temporary Works permit from PMNSW for the water connection works on 12/11/24. Mirvac also submitted a Road & Footway Application for Temporary Works on 12/05/25 for tower crane dismantling purposes. The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Permit Management New South Wales, 12/05/25, with attached: <ul style="list-style-type: none"> <li>○ E6_TGS 23 _ Slip Lane Closure and Truck Entry _ exit.pdf, Traffic Guidance Scheme</li> <li>○ E6_SWMS_P7_0 17_4 Mirvac Harbourside _ TC3_Dismantle Rev01.pdf, Marr, Safe Work Method Statement</li> <li>• City of Sydney email to Ramboll, RE: Attention Ben Chamie - SSD-49295711 - Harbourside Shopping Centre Redevelopment - Request for Consultation, 02/07/25</li> </ul>			
NO OBSTRUCTION OF PUBLIC WAY					
E37	The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with	<ul style="list-style-type: none"> <li>• Site visit and interview with Mirvac on 25/06/25</li> </ul>	Public ways were clear and unobstructed at the time of the site visit. The Auditors have no reason to believe that the development has not complied with this condition during the Audit Period.	Compliant	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.				
CONTACT TELEPHONE NUMBER					
E38	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.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li><a href="#">Community Information   Harbourside by Mirvac</a></li> <li><a href="#">240801_harbourside_complaints-register_2407_final.pdf</a></li> <li>Site Notices</li> <li>CCS, 17/11/23</li> <li>Mirvac email to Ramboll, RE: SSD 49295711, Independent Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx</li> <li>Ethos Urban email to Mirvac, FW: Harbourside   Complaints Line July</li> </ul>	<p>A resident made a complaint on 11/07/24 regarding out of hours work occurring from 05-08/07/24 and "Repeated attempts to reach [the] listed out of hours contact person [were] going unanswered". Mirvac provided the Ethos Urban emailed response to the complainant on 01/08/24, which indicated that the resident had tried to call "the site contact for Delta, who was the Principal Contractor (PC) for civil works for Harbourside up until recently ...[and that] ... Mirvac is now the PC for Harbourside, and Ethos Urban will be continuing to respond to all phone and email enquiries. Harbourside will soon be moving to a new dedicated 24/7 phone line, and we will provide more information about this to the community once all details have been confirmed. In the meantime please continue to call 1800 870 549 should you have any further concerns."</p> <p>The Auditors note that the 1800 870 549 number was only operational between 9am to 5pm and therefore, was not a 24/7 number. Based on the Community Newsletters, the community enquiries number changed from 1800 870 549 to a 24-hour number (0455 889 510) in November 2024. The Community Updates webpage shows the 0455 889 510 number. Therefore, the updated 24-hour number should prevent a repeat occurrence of the aforementioned complaint.</p> <p>However, there was a three to four month period when a 24/7 number may not have been available, except on Site Notices, depending on when the Delta Group Site Notices were replaced by Mirvac Site Notices. Ethos Urban / Mirvac did not provide an alternative 24/7 number to the complainant, such as the Mirvac personnel listed on the Site Notice.</p> <p>The Auditors also note that the Complaints Register maintained by Ethos Urban indicates that the complaint was closed on 01/08/24 but it does not explicitly indicate that the complainant was only</p>	Non-compliant	NC10

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>2024, 12/09/25, with attached:</p> <ul style="list-style-type: none"> <li>o Ethos Urban email to a Resident, Harbourside enquiry - 11 July 2024, 01/08/24</li> </ul>	<p>emailed on 01/08/24, which was 21 days after the complainant emailed Ethos Urban. This is considered inadequate. All complaints should be responded to as soon as practicable, and the response time should be recorded and monitored by Mirvac as a Key Performance Indicator (KPI) for Ethos Urban. Even if the complaint is not resolved immediately, the complainant should be called back to be assured that the issue is being investigated and then contacted again with information on how the complaint was resolved to the satisfaction of the complainant, where possible.</p> <p>In addition to the community enquiries number, the Site Notices observed during the site visit provide 24-hour contact mobile numbers for site personnel. However, it was also observed that whilst one of the Site Notices provided the newer 0455 889 510 number, at least one of the Site Notices and other 'Mirvac Community Consultation Contact' notices posted on the site hoarding listed the old 1800 870 549 number and have not been updated.</p> <p><b>Recommendation:</b>  <b>Review and update the Site Notices and other 'Mirvac Community Consultation Contact' notices posted on the site's hoarding to ensure that they all show the correct 24-hour community enquiries number.</b>  <b>Review and revise the Complaints Register maintained by Ethos Urban and record the date(s) that specific actions are undertaken, whether by Ethos Urban or Mirvac personnel, including calling a resident back, sending a follow-up email response and resolving the complaint through a specific action(s).</b>  <b>Provide instruction and training, as appropriate, to personnel that respond to complaints, to record when they respond to a complaint.</b>  <b>Mirvac to establish a process for monitoring complaint response times to ensure that all complaints are responded to as soon as practicable and within at least 24 hours.</b></p>		
COVERING OF LOADS					

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
E39	All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	The Auditors only observed concrete trucks departing the site at the time of the site visit. No evidence of spillages was observed on Darling Drive. The Auditors have no reason to believe this condition has not been complied with during the Audit Period.	Compliant	
VEHICLE CLEANSING					
E40	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.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	During the site visit, Auditors observed a wheel washing system although it was not observed in use at the time. The site's truck exit onto Darling Drive and the roundabout appeared clean at the time of the site visit. The Auditors have no reason to believe this condition has not been complied with during the Audit Period.	Compliant	
STOCKPILES					
E41	No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from Council / PMNSW (as relevant). All stockpiles of soil or other materials: (a) must be placed away from drainage lines, gutters or stormwater pits or inlets. (b) likely to generate dust or odours must be covered.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>CEMP Rev F</li> <li>AQMP, Rev 1</li> </ul>	No stockpiles were observed during the site visit as excavation work had been completed, aside from possible future service trenching. The Auditors have no reason to believe this condition has not been complied with.	Compliant	
E42	All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>CEMP Rev F</li> </ul>	No stockpiles were observed during the site visit as excavation work had been completed, aside from possible future service trenching. The Auditors have no reason to believe this condition has not been complied with.	Compliant	
IMPLEMENTATION OF NON-ABORIGINAL ARCHAEOLOGICAL PROGRAMS					

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
E43	The Applicant must carry out the excavation and construction of the development in accordance with the recommendations of the Addendum to the Archaeological Research Design (ARD) Harbourside Shopping Centre, Darling Harbour, by Curio Projects, dated November 2022. Uncovering relics or Aboriginal objects	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Curio Projects, Addendum to the Archaeological Research Design (ARD), Harbourside Shopping Centre, Darling Harbour, 04/11/22</li> </ul>	Mirvac advised that the development has continued to comply with the Addendum to the ARD. The Auditors have no reason to believe that Condition E43 was not complied with during the Audit Period.	Compliant	
E44	All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW or their delegate (PMNSW) in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW or their delegate in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW, their delegate or the Secretary of the Department of Planning and Environment.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	Mirvac advised that no relics, Aboriginal objects or archaeological deposits were unexpectedly discovered during the Audit Period.	Not triggered	
E45	In this condition: "relic" means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance; and		Noted	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #								
	“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.												
GROUNDWATER MONITORING PROGRAM													
E46	The Applicant must comply with the approved ground water monitoring program (Condition D26) for the duration of construction phase.	<ul style="list-style-type: none"><li>Site visit and interview with Mirvac on 25/06/25</li><li>Certificate of Title, WAL44984, 29/01/24</li><li><a href="#">NSW Water Register</a><ul style="list-style-type: none"><li>WAL44984</li><li>10WA124897</li></ul></li><li>Mirvac, Water Quality Register, completed 2, 19, 23 of an unspecified month and year, with photos attached</li><li>Mirvac Group Water Quality Discharge Procedure and Water Quality Register, completed by Coates, 02-08/06/25</li><li>Mirvac email to Ramboll, RE: SSD 49295711, Independent</li></ul>	<div>Coates maintained the onsite dewatering treatment plant and carried out daily monitoring during the Audit Period; however, Mirvac has taken over responsibility for maintaining the water quality monitoring records from Delta Group. Comparison of the groundwater monitoring results with the requirements of the Water Access Licence, WAL44984, the Water Supply Works Approval 10WA124897 and the DMP are provided in the following table.</div> <table><tr><th>Requirement</th><th>Provided (Yes/No/Comment)</th></tr><tr><td colspan="2"><b>WAL44984</b></td></tr><tr><td>Logbook (unless flowmeter and data logger installed)</td><td>Yes – inline flow meter installed but no data logger. The flow meter records: flowrate (l/s), velocity (m/s) and Σvolume (m³). The record of meter readings not sighted. Water Quality Register sheets record “Discharge Quantity (Litres)”, which does not appear to be cumulative.</td></tr><tr><td>Date when water taken</td><td>Yes – but some dates missing month and year</td></tr></table>	Requirement	Provided (Yes/No/Comment)	<b>WAL44984</b>		Logbook (unless flowmeter and data logger installed)	Yes – inline flow meter installed but no data logger. The flow meter records: flowrate (l/s), velocity (m/s) and Σvolume (m³). The record of meter readings not sighted. Water Quality Register sheets record “Discharge Quantity (Litres)”, which does not appear to be cumulative.	Date when water taken	Yes – but some dates missing month and year	Compliant	
Requirement	Provided (Yes/No/Comment)												
<b>WAL44984</b>													
Logbook (unless flowmeter and data logger installed)	Yes – inline flow meter installed but no data logger. The flow meter records: flowrate (l/s), velocity (m/s) and Σvolume (m³). The record of meter readings not sighted. Water Quality Register sheets record “Discharge Quantity (Litres)”, which does not appear to be cumulative.												
Date when water taken	Yes – but some dates missing month and year												



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS		COMPLIANCE STATUS	NC #
		Environmental Audit 2 - Request for Condition A31 Extension, 17/09/25, with attached: 250627_Document Request_Harbourside Stage 3_Audit 2.xlsx <ul style="list-style-type: none"> <li>• Eurofins, Environment Testing, Certificate of Analysis, Draft, 10/10/24</li> <li>• JBS&amp;G, L101: Dewatering Compliance Monitoring (27 June 2024) - Harbourside Sydney, NSW, Rev 0, 11/03/25</li> <li>• JBS&amp;G, L102: Dewatering Compliance Monitoring (July 2024) - Harbourside Sydney, NSW, Rev 0, 11/03/25</li> <li>• JBS&amp;G, L103: Dewatering Compliance Monitoring (August 2024) - Harbourside Sydney, NSW, Rev 0, 11/03/25</li> <li>• JBS&amp;G, L105: Dewatering Compliance</li> </ul>	Take (or discharge) start time Take (or discharge) end time Volume of water taken Water supply work approval no. The purpose for taking the water <b>10WA124897</b> Where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken Where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities, including: <ul style="list-style-type: none"> <li>• pump running hours</li> <li>• pump power usage or pump fuel usage</li> <li>• pump start and stop times</li> <li>• pump capacity per unit of time</li> </ul>	No – only test time is recorded No – only test time is recorded Yes – Although it is not clear how the meter reading in l/s is converted to a volume if the discharge start and stop times are not recorded. “Full tank” recorded instead of a volume on one of the Water Quality Register sheets provided. No No No – weekly meter readings are not recorded in the documents provided, only the “Discharge Quantity (Litres)”. Not required as metering equipment is installed.		

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS		COMPLIANCE STATUS	NC #
		<p>Monitoring (October 2024) - Harbourside Sydney, NSW, Rev 0, 24/02/25</p> <ul style="list-style-type: none"> <li>JBS&amp;G, L106: Dewatering Compliance Monitoring (November 2024) - Harbourside Sydney, NSW, Rev 0, 24/02/25</li> <li>JBS&amp;G, L107: Dewatering Compliance Monitoring (December 2024) - Harbourside Sydney, NSW, Rev 0, 24/02/25</li> <li>JBS&amp;G, L108: Dewatering Compliance Monitoring (January 2025) - Harbourside Sydney, NSW, Rev 0, 16/04/25</li> <li>JBS&amp;G, L110: Dewatering Compliance Monitoring (February 2025) - Harbourside Sydney, NSW, Rev 0, 11/03/25</li> <li>JBS&amp;G, L111: Dewatering Compliance Monitoring (March</li> </ul>	<p>Dewatering volumes (weekly meter readings) during the construction period</p> <p>Groundwater levels (continuous or daily measurements) during the construction period</p> <p>Water quality (weekly sampling and analysis) during the construction period</p> <p><b>DMP</b></p> <p>Daily monitoring of pH, suspended sediment</p> <p>Weekly monitoring of heavy metals, PFAS, PAHs, nutrients concentrations, pH and TSS</p>	<p>No – weekly meter readings are not recorded although dewatering volumes are recorded.</p> <p>JBS&amp;G – A graph of the continuous groundwater level monitoring data for three groundwater wells (GL1, GL2 and GL3) was provided for the period 28/09/23 to 07/11/24. It appears to show the data loggers in GL1 and GL3 stopped logging the groundwater level in September 2024.</p> <p>JBS&amp;G – Yes, the Dewatering Compliance Monitoring reports provided evidence of weekly water quality sampling and analysis, although some of the reports (e.g. L101) appeared to have been more than 7 months after the sampling.</p> <p>Coates – Yes, pH and Turbidity are generally monitored daily but TSS is only monitored intermittently.</p> <p>JBS&amp;G – Yes, the Dewatering Compliance Monitoring reports provided evidence of weekly water quality sampling and analysis,</p>		

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>2025) - Harbourside Sydney, NSW, Rev 0, 16/04/25</p> <ul style="list-style-type: none"> <li>JBS&amp;G, L112: Dewatering Compliance Monitoring (April 2025) - Harbourside Sydney, NSW, Rev 0, 05/05/25</li> <li>JBS&amp;G, L112: Dewatering Compliance Monitoring (April 2025) - Harbourside Sydney, NSW, Rev 0, 05/05/25</li> <li>62851 Water Level Workings_2025.pdf, Attachment 3 – Graph of Groundwater Monitoring Data, Groundwater Level Data – Harbourside, 28/09/23 to 07/11/24</li> <li>Mirvac, Mirvac Group Water Quality Discharge Procedure, with attached Water Quality Register, weekly during the Audit Period</li> </ul> <p>Following factual review:</p> <ul style="list-style-type: none"> <li>Mirvac email to Ramboll, 24/10/25,</li> </ul>	<p>The Auditors initially considered Condition D41 to be non-compliant because, based on the records provided for review, the groundwater monitoring is not being conducted fully in accordance with WAL44984, 10WA124897 and the DMP.</p> <p>Following factual review, Mirvac provided a photograph of the inline flow meter on the groundwater treatment plant's discharge to stormwater. It shows that water take is being monitored by metering equipment and recorded, although the meter readings are not recorded on the Water Quality Register, only Discharge Quantity. Condition E46 is considered compliant with an OFI recommendation.</p> <p><b>Recommendation: Review the 'logbook' records (i.e. Water Quality Register template) and revise it/them so that they record all of the water take data required by WAL44984, 10WA124897 and the DMP including complete date, meter readings, discharge start and stop times, the Water supply Works Approval number and the purpose for the water take. Improve recording of the data and implement a weekly data review process to check that the required information has been recorded and the metering equipment and groundwater level data loggers are operational. Maintain all of the required groundwater monitoring records / results, including logbook, groundwater quality and groundwater level monitoring in a centralised storage location.</b></p>		

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>with photograph of the inline flow meter reading on the treated effluent discharge line</p> <ul style="list-style-type: none"> <li>• Mirvac email to Ramboll, 24/10/25, with attached Mirvac Group Water Quality Discharge Procedure, with attached Water Quality Register, weekly during the Audit Period, 24/10/25: <ul style="list-style-type: none"> <li>○ Water Quality Discharge_Harb outside_4 Nov to 10 Nov 2024.doc</li> <li>○ Water Quality Discharge_Harb outside_6 Jan to 12 Jan 2025.doc</li> <li>○ Water Quality Discharge_Harb outside_03 Feb to 09 Feb 2025.doc</li> <li>○ Water Quality Discharge_Harb outside_03 Mar to 09 Mar 2025.doc</li> </ul> </li> </ul>			

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> <li>Water Quality Discharge_Harbourside_5 May to 11 May 2025.doc</li> </ul>			
TFNSW REQUIREMENTS DURING CONSTRUCTION					
E47	Construction vehicles must not be stopped or parked on Darling Drive adjacent to the development at any time without prior approval of TfNSW.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> <li>Refer to Condition E35 Evidence</li> </ul>	As discussed in the findings for Condition E35, Mirvac have a "Temporary Work Zone" in use to utilise a single lane on Darling Drive, which "is required for the construction of Harbourside Redevelopment". Concrete trucks would park there temporarily before proceeding onto the site, as necessary. The Temporary Work Zone was approved by the LPCTCC, which includes TfNSW. The Auditors have no reason to believe that Condition E47 was not complied with during the Audit Period.	Compliant	
E48	No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW.	<ul style="list-style-type: none"> <li>SSD 49295711, IEA 1</li> </ul>	Mirvac previously advised that no rock anchors/bolts will be installed into the light rail corridor. The Auditors have no reason to believe that Condition E48 was not complied with during the Audit Period.	Compliant	
E49	No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	Mirvac has advised no metal ladders, tapes and plant/machinery, or conductive material have been used within 6 horizontal meters of any live electrical equipment. However, the Bunns Street bridge foundation was installed within 6 metres of the rail corridor on 05-08/07/24. The Auditors understand that the bridge foundation works were carried out during a scheduled light rail shutdown under a Transdev permit. Therefore, it is assumed that the electrical equipment was not live at the time of these works. The Auditors have no reason to believe that Condition E49 was not complied with during the Audit Period.	Compliant	
E50	During all stages of the development extreme care must be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	Mirvac has advised there has been no pollution which has entered the Light Rail corridor. The Auditors have no reason to believe that Condition E50 was not complied with during the Audit Period.	Compliant	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	activities must remain the full responsibility of the applicant.				
E51	Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority).	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	During the site inspection it was observed that the new building is separated from the rail corridor by the western slip lane and then Darling Drive as it curves over and above the rail corridor. The Auditors have no reason to believe that condition E51 has not been complied with during the Audit Period.	Compliant	
E52	No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.	<ul style="list-style-type: none"> <li>Site visit and interview with Mirvac on 25/06/25</li> </ul>	The Bunns Street bridge foundation was installed within 6 metres of the rail corridor on 05-08/07/24. However, the Auditors understand that the bridge foundation works were carried out during a scheduled light rail shutdown under a Transdev permit, also with the approval of TNSW. The details of the construction process have not been provided and scaffolding may have used. However, as the work was carried out under a Transdev permit, it is assumed that any scaffolding would have been approved. The Auditors have no reason to believe that Condition E52 was not complied with during the Audit Period.	Compliant	
<b>PART F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE</b>					
<b>COORDINATION WITH SSDA3 PUBLIC DOMAIN WORKS</b>					
F1	Prior to the issue of any Occupation Certificate (residential, retail and office), the Occupation Certificate(s)	<ul style="list-style-type: none"> <li>Document Request_Mirvac_Harbourside_Stage</li> </ul>	Construction of the Podium and Tower is continuing and not nearing occupation yet. Mirvac confirmed that Part F conditions have yet to be triggered.	Not triggered	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	for all public domain works under SSDA3 is to be issued. Evidence of the issue of the Public Domain Occupation Certificate(s) is to be provided to the Certifier demonstrating compliance with this condition.	3_Audit 2_Ramboll.xlsx			
F2	For the avoidance of doubt, prior to the issue of the final Occupation Certificate, the Occupation Certificate for all public domain works under SSDA3 are to be issued.			Not triggered	
OCCUPATION CERTIFICATE					
F3	The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.			Not triggered	
WORKS-AS-EXECUTED PLANS					
F4	Prior to the issue of any occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the satisfaction of the Certifier.			Not triggered	
USE OF LEVEL 5 COMMUNAL OPEN SPACE					
F5	Prior to the issue of the first Occupation Certificate for the residential tower, the Applicant must submit to the satisfaction of the Certifier a Level 5 Communal Open			Not triggered	

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	Space Operational Management Plan. The plan must: (a) include physical and/or operational measures to ensure the use and operation of the space does not give rise to adverse noise impacts to nearby residential properties; (b) confirm details of the management of the space; (c) consider complaint handling and resolution; and (d) confirm that the Level 5 communal open space must only be used by residents of the residential tower and their guests.				
F6	A copy of the final Level 5 Communal Open Space Operational Management Plan must be sent to the Planning Secretary for information.			Not triggered	
NOTIFICATION OF OCCUPATION					
F7	The Department must be notified in writing at least one month prior to the proposed occupation of the development.			Not triggered	
F8	If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.			Not triggered	
GFA AND BUILDING HEIGHT CERTIFICATION					
F9	A Registered Surveyor is to certify that the development does not			Not triggered	



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	exceed the approved gross floor area and building height. Details must be provided to the Certifier demonstrating compliance with this condition prior to the issue of an Occupation Certificate.				
EXTERNAL WALLS AND CLADDING FLAMMABILITY					
F10	Prior to any Occupation Certificate being issued, evidence must be submitted to the satisfaction of the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.			Not triggered	
F11	The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.			Not triggered	
HERITAGE INTERPRETATION					
F12	Prior to the issue of any Occupation Certificate or commencement of the use, whichever is earlier, the Applicant must provide evidence to the Certifier that the Heritage Interpretation Plan has been implemented in accordance with Condition .			Not triggered	
AFFORDABLE WORKSPACES					
F13	Prior to the commencement of the use of the retail and office accommodation, the Applicant must provide evidence to the Certifier, if applicable, that any			Not triggered	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	recommendations of the Affordable Workspace Strategy has been implemented in accordance with Condition .				
<b>REFLECTIVITY</b>					
F14	Prior to the issue of any Occupation Certificate or commencement of the use, whichever is earlier, the Applicant must provide evidence to the Certifier that the development does not cause excessive glare and any necessary mitigation measures have been implemented in accordance with Condition .			Not triggered	
<b>WIND MITIGATION</b>					
F15	Prior to the issue of any Occupation Certificate or commencement of the use, whichever is earlier, the Applicant must provide evidence to the Certifier that the following wind mitigation measures have been implemented: (a) any necessary mitigation measures required in accordance with Condition ; and (b) all wind mitigation measures required to address wind impacts within the public domain surrounding the site required in accordance with the separate SSDA3 application.			Not triggered	
<b>RETAILS SHOPFRONTS</b>					
F16	Prior to the commencement of any/each retail use, the Applicant must provide evidence to the Certifier that retail shopfronts do not exceed			Not triggered	

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	the maximum shopfront proportions in accordance with Condition C2.				
OPERATIONAL WASTE MANAGEMENT					
F17	Prior to the issue of any Occupation Certificate or commencement of the use, whichever is earlier, the Applicant must provide evidence to the Certifier that the operational waste management mitigation measures have been implemented in accordance with the requirements of Condition .			Not triggered	
F18	Prior to the occupation or commencement of use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. Waste is to be stored and collected from within the curtilage of the site at all times.			Not triggered	
F19	Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.			Not triggered	
F20	Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.			Not triggered	
F21	Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage			Not triggered	

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	areas during zone collection times on collection days				
PROTECTION OF PUBLIC INFRASTRUCTURE					
F22	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <p>(a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;</p> <p>(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.</p> <p>(c) infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.</p>			Not triggered	
MECHANICAL VENTILATION					
F23	<p>Prior to occupation or commencement of use, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:</p> <p>(a) any conditions of this consent</p> <p>(b) the NCC</p> <p>(c) any applicable Australian Standards</p> <p>(d) any dispensation granted by Fire and Rescue NSW.</p>			Not triggered	

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POST-CONSTRUCTION DILAPIDATION REPORT					
F24	Before the issue of any Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether: (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.			Not triggered	
F25	Before the issue of any Occupation Certificate, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).			Not triggered	
ROAD DAMAGE					
F26	Prior to the occupation or commencement of the use, the cost of repairing any damage caused to the road authority's or other public authority's assets in the vicinity of			Not triggered	

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	the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.				
<b>FIRE SAFETY CERTIFICATION</b>					
F27	Prior to the issue of the any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.			Not triggered	
<b>STRUCTURAL INSPECTION CERTIFICATE</b>					
F28	Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and PMNSW 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			Not triggered	

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	checked with those listed on the final Design Certificate/s.				
<b>WARM WATER SYSTEMS AND COOLING SYSTEMS</b>					
F29	The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.			Not triggered	
F30	Prior to the issue of an occupation certificate associated with the Cooling Water System the occupier of the premise at which the system is installed, must notify the Council in writing on the prescribed form of the installation of all water-cooling tower systems within the premises under the Public Health Act 2010.  Note: Notification forms are available on Council's website.			Not triggered	
<b>OUTDOOR LIGHTING</b>					
F31	Prior to the occupation or commencement of use, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:			Not triggered	

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	(a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.				
<b>STORMWATER</b>					
F32	Prior to the issue of any Occupation Certificate, the Applicant must submit a copy of the stormwater drainage design plans approved with the Construction Certificate to the Certifier. The stormwater drainage design plans must be prepared by a Practicing Professional Engineer experienced in the design of stormwater drainage systems.			Not triggered	
F33	Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following: (a) maintenance schedule of all stormwater quality treatment devices; (b) record and reporting details; (c) relevant contact information; and (d) Work Health and Safety requirements.			Not triggered	



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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
<b>FLOOD MITIGATION</b>					
F34	Prior to the issue of any Occupation Certificate or commencement of the use, whichever is earlier, the Applicant must provide evidence to the Certifier that any flood mitigation measures required in accordance with Conditions and has been implemented.			Not triggered	
<b>SYDNEY WATER COMPLIANCE</b>					
F35	Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the Sydney Water Act 1994, obtained from Sydney Water Corporation.			Not triggered	
<b>UTILITY PROVIDERS</b>					
F36	Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.			Not triggered	
F37	Before the issue of any Occupation Certificate, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.			Not triggered	
<b>ENVIRONMENTAL PERFORMANCE</b>					
F38	Prior to the occupation or commencement of use, the Applicant			Not triggered	

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	is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required in accordance with Conditions and .				
<b>OPERATIONAL NOISE</b>					
F39	Prior to the issue of an Occupation Certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the report titled 'Harbourside SSDA Acoustic Assessment Revision 3' prepared by Acoustic Logic and dated 31 October 2022 (as amended by conditions of this consent) have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Acoustic Assessment.			Not triggered	
<b>GREEN TRAVEL PLAN</b>					
F40	Prior to the issue of the Occupation Certificate, the Applicant must update the Green Travel Plan (GTP) in consultation TfNSW. The GTP needs to consider: (a) Mode Share Targets - Actual numerical target mode shares be advised in the GTP for public and active transport for staff, residents and visitors using the site for short term and long term mode shares;			Not triggered	

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CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(b) Parking - Reduce car parking usage by encouraging use of sustainable modes such as public transport; (c) Parking Management Strategy - Development of a parking management strategy that prioritises use by staff, residents and visitors on a priority needs basis; (d) Health and wellbeing benefits - Alternative travel options for residents, staff and visitors health and wellbeing benefits to encourage mode shift; (e) staggering shift times - Flexible work policies; (f) Initiatives – Propose initiatives to encourage more staff to participate in sustainable transport options; (g) Implementation Plan - This Plan includes proactive tasks for completion (including initiatives), how they will be completed with set completion dates, as well as who will be doing the tasks. The Implementation Plan should include proposed short and long term initiatives; (h) Governance of Green Travel Plan -A Travel Plan Coordinator needs to be in place for the life of the development, who will manage the Implementation Plan; (i) Funding the GTP - The GTP will need to be appropriately funded and				

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	otherwise resourced, by the applicant, for a period of at least 5 years, or via an appropriate appointed entity, such as a body corporate; (j) End of Trip (EOT) Facilities - Provision of e-bike charging points on site. The locations of the end-of-trip facilities should be promoted in the Travel Access Guide (TAG); (k) Travel Access Guide (TAG) - TAG as an appendix, for residents, staff and visitors who will be using the proposed development; and (l) Monitoring and Measuring the GTP - An example of travel surveys included as an appendix of the GTP.				
F41	The Applicant must submit a copy of the final plan via development.sco@transport.nsw.gov.au for TfNSW, three (3) months prior to the occupation and prior to the issue of an occupation certificate.			Not triggered	
F42	The GTP must be implemented and updated annually to ensure sustainable transport outcomes and achieve the overall strategic planning objectives in the Future Transport 2056 and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes.			Not triggered	
F43	The GTP must be made available to the Planning Secretary upon request.			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
<b>TRANSPORT ACCESS GUIDE</b>					
F44	<p>The Applicant must prepare a Transport Access Guide in consultation with TfNSW, implement and maintain by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The following information must be submitted to the satisfaction of the Certifier prior to the issue of any Occupation Certificate for the site/use:</p> <p>The Transport Access Guide is to include (but not be limited to) the following:</p> <p>(a) information regarding lack of off-street car parking and passenger pick-up and set down areas at the development site;</p> <p>(b) suitable nearby drop-off/pick-up locations;</p> <p>(c) identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and</p> <p>(d) suitable nearby Taxi Zones.</p>			Not triggered	
<b>VEHICLE PARKING AND INFRASTRUCTURE</b>					
F45	<p>Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the vehicle parking and infrastructure requirements of Conditions C30, C31 and C32.</p>			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
F46	The three car share spaces must be: (a) retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time; (b) made available to operator(s) of car share scheme(s) without a fee or charge and be accessible to members of the car share scheme(s) at all times or alternative on-site management arrangements; (c) sign posted for use only by car share vehicles and well lit; and (d) available at the same time that the car park commences operation.			Not triggered	
F47	Residential accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.			Not triggered	
<b>BICYCLE PARKING AND END-OF-TRIP FACILITIES</b>					
F48	Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the bicycle parking and facility requirements of Condition .			Not triggered	
F49	Prior to the operation or commencement of use, bicycle way-finding signage must be installed within the site to direct cyclists from			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	footpaths to designated bicycle parking areas in accordance with details to be submitted and approved by PMNSW.				
ROAD SAFETY AUDIT					
F50	Prior to the issue of an Occupation Certificate or commencement of the use, whichever is the earlier, the Applicant must submit evidence to the satisfaction of the Certifier demonstrating that: (a) TfNSW has been consulted on the proposed road safety mitigation measures recommended by the Road Safety Audit Response contained within the report titled 'Transport Impact Assessment Issue 4', prepared by PTC Consultants and dated 27 June 2023; (b) the road safety mitigation measures, or alternative measures, have been endorsed by TfNSW; and (c) all endorsed roads safety mitigation measures have been implemented to the satisfaction of TfNSW.			Not triggered	
LANDSCAPE PRACTICAL COMPLETION REPORT					
F51	Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.				
<b>STREET NUMBERING</b>					
F52	Prior to the issue of the relevant Occupation Certificate, the Applicant must provide to the Certifier evidence that the relevant street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.			Not triggered	
<b>COMPLIANCE WITH BASIX CERTIFICATE</b>					
F53	Prior to the issue of any Occupation Certificate for the residential component of the tower, the Applicant must submit to the satisfaction of the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.			Not triggered	
<b>PHYSICAL AND ELECTRONIC MODELS</b>					
F54	Prior to the issue of any Occupation Certificate the following models must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager:			Not triggered	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>(a) an accurate 1:500 scale physical model of the development as constructed for the City Model in Town Hall House;</p> <p>(b) an accurate 1:1 electronic CAD model of the completed development for the electronic Visualisation City Model. The data required to be submitted within the surveyed location must include and identify:</p> <p>(i) building design above and below ground in accordance with the development consent;</p> <p>(ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;</p> <p>(iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.</p> <p>Note: The model(s) must:</p> <ul style="list-style-type: none"> <li>• be constructed in accordance with the Model Specifications available online at <a href="http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-">http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-</a></li> </ul>				

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>requirements Council's modellers must be consulted prior to construction of the model.</p> <ul style="list-style-type: none"> <li>• comply with all of the conditions of the Development Consent.</li> <li>• be amended to reflect any further modifications to the approval (under Section 4.55 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.</li> </ul> <p>Note: The electronic model data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file. The model must be constructed in accordance with the City's 3D CAD electronic model specification.</p>				
TFNSW REQUIREMENTS					
POST CONSTRUCTION DILAPIDATION REPORT					
F55	<p>Prior to the Issue of the Occupation Certificate, a post-construction dilapidation survey must be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and</p>			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.				
REFLECTIVITY REPORT					
F56	Prior to the Issue of the Occupation Certificate, the applicant must demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.			Not triggered	
ENTERTAINMENT AND RECREATION PRECINCT					
F57	The contracts of sale for all residential properties are to include provisions where the purchaser is required to acknowledge and agree that: (a) the land is within Darling Harbour which is a major event, entertainment and exhibition precinct; (b) entertainment and promotional events or activities and public festivals (which may include			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	fireworks, amplified sound and large crowds) are conducted at Darling Harbour; (c) the events, activities or festivals may temporarily interfere with the purchaser's use and enjoyment of the Development Land; (d) there may be noise and other disturbance from activities carried out at Darling Harbour; and (e) roads in the vicinity of the land may be temporarily closed during periods when certain events or activities occur and for the purpose of carrying out maintenance and repair.				
<b>TRAFFIC MANAGEMENT PLAN</b>					
F58	Prior to the commencement of the event and conference use on Level 1, a Traffic Management Plan (TMP) must be prepared in consultation with TfNSW and submitted to the Certifier. The TMP must consider the impacts from the operation of the event and conference space and include: (a) A detailed traffic capacity analysis (b) management and co-ordination with concurrent events in the precinct, (c) management of pick-up and drop-off operations in accordance with the PUDO management plan approved under Condition C55, (d) measures to ensure pedestrian and cyclist safety, (e) parking strategies, and			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(f) public transport coordination. The management measures must be implemented throughout the ongoing operation of the development.				
<b>PART G OCCUPATION AND ONGOING USE</b>					
ANNUAL FIRE SAFETY STATEMENT					
G1	During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	<ul style="list-style-type: none"> <li>Document Request_Mirvac_Harbourside_Stage 3_Audit 2_Ramboll.xlsx</li> </ul>	Construction of the Podium and Tower is continuing and not nearing occupation yet. Mirvac confirmed that Part G conditions have yet to be triggered.	Not triggered	
FIRE SAFETY CERTIFICATION					
G2	The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.			Not triggered	
MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE					
G3	During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).			Not triggered	
STORAGE AND HANDLING OF WASTE					
G4	All waste collection services must be undertaken in accordance with this consent.			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
G5	Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.			Not triggered	
G6	Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.			Not triggered	
G7	Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the satisfaction of Council prior to commencing operation of the business.			Not triggered	
<b>LOADING AND SERVICING MANAGEMENT</b>					
G8	All loading and unloading operations associated with the site must be carried out: (a) in accordance with the Loading and Servicing Management Plan approved in accordance with Conditions and ; (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and (c) in a manner so as not to cause inconvenience to the public or			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	detrimentally impact the amenity of the locality				
G9	The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.			Not triggered	
USE AND MANAGEMENT OF PARKING SPACES					
G10	The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.			Not triggered	
COMMUNAL OPEN SPACE OPERATIONAL MANAGEMENT PLAN					
G11	The management and use of the Level 5 community Open space must be in accordance with the Communal Open Space Operational Management Plan approved under Condition F4.			Not triggered	
ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH					
G12	External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.			Not triggered	
G13	The use and operation of the premises must not give rise to an			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	environmental health or public nuisance.				
G14	There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.			Not triggered	
NOISE CONTROL / OPERATION OF MECHANICAL PLANT AND EQUIPMENT					
G15	The operation of plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.			Not triggered	
G16	All plant and equipment used in the development, or used 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.			Not triggered	
G17	Noise from commercial plant must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the Planning Secretary. Further: (a) background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless			Not triggered	



**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	otherwise agreed by the Planning Secretary. (b) commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.				
G18	<p>An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time.</p> <p>Further:</p> <p>(a) the noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.</p> <p>(b) background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.</p> <p>Note: Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.</p>			Not triggered	
OPERATIONAL NOISE – ENTERTAINMENT					

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
G19	<p>The LAeq, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive):</p> <p>(a) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.</p> <p>(b) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.</p>			Not triggered	
G20	<p>Despite compliance with Condition G19(a), the LAeq, 15 minute noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:</p> <p>(a) the existing internal LA90, 15 minute (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,</p> <p>(b) if the LZ90, 15 minute background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band must</p>			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	become that octave's LZeq 15 minute noise criteria level.				
G21	<p>Despite Condition G19(b), the LA1 15 minute noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:</p> <p>(a) the existing internal LA90, 15 minute (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,</p> <p>(b) if the LZ90, 15 minute minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226: 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band must become that octave's LZ1 15 minute noise criteria level.</p> <p>Note: Leq, L01, and L90, metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal LA90 level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low</p>			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	noise level quiet state. External LA90 levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.				
COMMUNITY COMMUNICATION STRATEGY					
G22	The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.			Not triggered	
SIGNAGE					
G23	Any future development applications relating to signage must demonstrate consistency with the approved Signage Strategy (Condition ).			Not triggered	
ECOLOGICALLY SUSTAINABLE DEVELOPMENT					
G24	Unless otherwise agreed by the Planning Secretary, within 12 months of commencement of operation, Green Star certification must be obtained demonstrating the development operating in accordance with this consent achieves the minimum ESD sustainability targets in accordance with Condition . Evidence of the certification must be provided to the Certifier and the Planning Secretary.			Not triggered	
GREEN TRAVEL PLAN					
G25	The Green Travel Plan and Transport Access Plan approved in accordance with Condition F40 and Condition F44 must be implemented following			Not triggered	

**Table A: Compliance with SSD 49295711 – Podium and Tower - Audit Period: 15/06/24 to 25/06/25**

CONDITION	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	occupation of the development. The plans are to be reviewed and updated annually.				
FLOOD EMERGENCY MANAGEMENT PLAN					
G26	The Flood Emergency Management Plan approved in accordance with Condition must be implemented following occupation of the development.			Not triggered	
CAPACITY LIMITS OF THE EVENT AND CONFERENCE CENTRE					
G27	Commercial and business event bookings (excluding private events e.g. weddings) within the event and conference space on Level 1 are limited to a maximum of 500 patrons, unless otherwise agreed to in writing by PMNSW.			Not triggered	
G28	Noise from the event and conference space on Level 1 must comply with the limits set in the noise criteria outlined in the report titled: Harbourside – SSD 49295711 / MOD 2 – Acoustic Assessment, prepared by Acoustic Logic and dated 17 September 2024.			Not triggered	

## **APPENDIX B**

### **DEPARTMENT APPROVALS**

NSW Planning ref: SSD-49295711-PA-32

Selena Nguyen  
Assistant Development Manager  
Mirvac Retail Sub SPV Pty Limited  
ACN 122 863 521  
Level 28, 200 George Street  
Sydney NSW 2000  
13/06/2025

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Sent via the Major Projects Portal only

Subject: Harbourside Redevelopment, Podium and Tower – Revision of agreed independent audit team and variation of timing for the second construction Independent Environmental Audit

Dear Ms Nguyen

I refer to your request (SSD-49295711-PA-32) for the Planning Secretary's agreement to revise the currently approved independent audit team to conduct Independent Environmental Audits (**IEA**) of the Harbourside Redevelopment (**project**), pursuant to Schedule 2, Condition A28 of SSD-49295711 as modified (**consent**), submitted to the NSW Department of Planning, Housing and Infrastructure (**NSW Planning**) on 21 May 2025.

NSW Planning has reviewed the revised team and based on the information you have provided is satisfied that the proposed team remains suitably qualified, experienced, and independent.

In accordance with Schedule 2, Condition A29 of the consent and the *Independent Audit Post Approval Requirements* (2020) (**IAPAR**), as nominee of the Planning Secretary, I endorse the following revised independent audit team from Ramboll Australia Pty Ltd:

- Emily Rowe as lead auditor,
- Victoria Sedwick as alternative lead auditor; and
- George Black as assistant auditor.

I also note your request on 13 June 2025 to vary the date to undertake the second IEA. NSW Planning has considered the request and does not object in the circumstances.

Pursuant to Schedule 2, Condition A29 of the consent, as nominee of the Planning Secretary I require you to carry out the second IEA on or before **Wednesday 25 June 2025**.

Please ensure this correspondence is appended to each final IEA Report.

Please note that one of the lead auditors listed above must attend the relevant site inspections for each IEA, and that NSW Planning reserves the right to request an alternate auditor or audit team for future audits should it be appropriate in the circumstances.

As with our previous correspondence, the IEAs and reports must be undertaken, prepared and finalised in accordance with Schedule 2, Conditions A27, A30, A31 of the consent, the previously approved variation to IEA timing (SSD-49295711-PA-27) and the IAPARs. A failure to meet these requirements will require revision and resubmission.

Please also note that this is an agreement for the revised team listed above for the remainder of the project's construction phase only. If there are any further changes to the team or the audit organisation, a new request must be submitted and agreed to by the Planning Secretary prior to commencement of the relevant IEA.

For all future stages (any separate SSD approval, or the operational phase) of the project, you must submit a different audit organisation and team to be approved by the Planning Secretary, where required under the consent and the IAPAR.

Should you wish to discuss the matter further, please contact Samuel Condon, Senior Compliance Officer on (02) 8275 1169 or email [ompliance@planning.nsw.gov.au](mailto:ompliance@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read "G Peters Shaw".

Gabriel Peters Shaw  
Team Leader - Metro  
Compliance

As nominee of the Planning Secretary



**From:** [Gabriel Peters Shaw](#)  
**To:** [Emily Rowe](#)  
**Cc:** [Sam Condon](#); [Vanessa Perkins](#)  
**Subject:** RE: SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation  
**Date:** Tuesday, 24 June 2025 3:21:32 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

Some people who received this message don't often get email from [gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au).  
[Learn why this is important](#)

Good afternoon Emily,

Sam has filled me in on the details of your request. In the circumstances, I do not object to the one-off substitution of Vanessa Perkins in George Black's place as a part of the audit team.

Please ensure that Vanessa signs the required declaration of independence, and include this email and the declaration as a part of the final audit report.

Regards,

**Gabriel Peters Shaw**

**A/Team Leader – Metro Compliance**

Planning & Assessment | Department of Planning, Housing and Infrastructure

T 02 8837 6395 | M 0499421171 | E [gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)

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**Working days** Monday to Friday 9:00am - 5:00pm



*The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land.*

*We acknowledge the traditional custodians of the land and we show our respect for elders past and present through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

*If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).*

**From:** Emily Rowe <[EROWE@ramboll.com](mailto:EROWE@ramboll.com)>

**Sent:** Tuesday, 24 June 2025 3:10 PM

**To:** Sam Condon <[Samuel.Condon@planning.nsw.gov.au](mailto:Samuel.Condon@planning.nsw.gov.au)>

**Cc:** Vanessa Perkins <[vperkins@ramboll.com](mailto:vperkins@ramboll.com)>

**Subject:** RE: SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation

Hi Sam,  
Thank you for your prompt response.  
As discussed just now, Vanessa Perkins, will be accompanying me during tomorrow's site visit. She is filling in for George Black who was unavailable because the site visit was postponed. As you are aware, Vanessa is a certified Lead Auditor. In all other respects, the audit team remains unchanged.

Kind regards

**Emily Rowe**

Managing Consultant  
3182678 - Sydney Consulting

M +61 434 180 346  
[erowe@ramboll.com](mailto:erowe@ramboll.com)

Classification: Confidential

**From:** Sam Condon <[Samuel.Condon@planning.nsw.gov.au](mailto:Samuel.Condon@planning.nsw.gov.au)>

**Sent:** Tuesday, June 24, 2025 2:56 PM

**To:** Emily Rowe <[EROWE@ramboll.com](mailto:EROWE@ramboll.com)>

**Subject:** RE: SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation

Good afternoon Emily,

Thanks for the request. At this stage, beyond the typical conditions of consent and the IAPARs, please place a greater focus on the following areas:

1. Compliance with approved construction hours,
2. Compliance with the project's noise management levels, and actions taken when any noise complaints have been received; and
3. Compliance with the project's ERSED and dust controls.

While we have not received specific complaints, these are areas that have either been raised as an issue in the last 12 months, and that members of the community have submitted concerns as a part of public submissions related to the project's other stages.

Please also consult with City of Sydney Council, and include this (and any other responses you receive) in the final report as evidence of consultation.

Regards

**Samuel Condon**

Senior Compliance Officer

Compliance  
**Department of Planning, Housing and Infrastructure**

E [samuel.condon@planning.nsw.gov.au](mailto:samuel.condon@planning.nsw.gov.au)

[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2124

**Working days** Monday to Friday, 9:00am - 5:00pm



---

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time. If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).

The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

Please consider the environment before printing this email.

**From:** Emily Rowe <[EROWE@ramboll.com](mailto:EROWE@ramboll.com)>

**Sent:** Tuesday, 24 June 2025 2:50 PM

**To:** DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>; Sam Condon <[Samuel.Condon@planning.nsw.gov.au](mailto:Samuel.Condon@planning.nsw.gov.au)>

**Subject:** SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower  
- Request for Consultation

Hi Sam,

Please find attached a request for consultation for the next IEA of the Harbourside Shopping Centre Redevelopment.

Apologies for the late request as I had the letter ready to go last week awaiting the endorsement and then forgot to email it when I received the endorsement on 18/06/25.

As always, we will be reviewing all of the consent conditions and implementation of the management plans in accordance with IAPAR 2020. Please advise if you have additional requirements. As you are aware, we are conducting the site visit tomorrow.

Please do not hesitate to call me on 0434180346 to discuss the scope of the audit.

Kind regards

**Emily Rowe**

Managing Consultant  
3182678 - Sydney Consulting

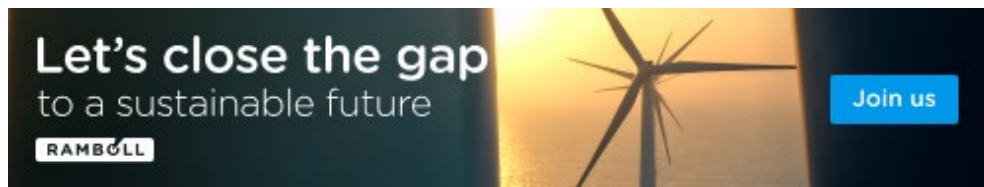
D +61 434 180 346  
M +61 434 180 346  
[erowe@ramboll.com](mailto:erowe@ramboll.com)

---

Ramboll  
Level 3, 100 Pacific Highway,  
PO Box 560,

North Sydney,  
NSW 2060,  
Australia  
<https://ramboll.com>

Ramboll Australia Pty Ltd.  
ACN 095 437 442  
ABN 49 095 437 442



Classification: Confidential

## Department of Planning, Housing and Infrastructure

NSW Planning ref: SSD-49295711-PA-37

Selena Nguyen  
Development Manager  
Mirvac Retail Sub SPV Pty Ltd  
ACN 122 863 521  
Level 28, 200 George Street  
Sydney NSW 2000  
08/10/2025

---

Sent via the Major Projects Portal only

Subject: Harbourside Redevelopment, Podium and Tower – Request for further extension of time to submit second Independent Environmental Audit report

Dear Ms Nguyen

I refer to your request and subsequent communications with the approved Independent Environmental Auditors for the Harbourside Redevelopment, Podium and Tower project (**project**), SSD-49295711 as modified (**consent**), for a further extension of time to submit the second Independent Environmental Audit (**IEA**) report and Response to Audit Recommendations (**RAR**) received by the NSW Department of Planning, Housing and Infrastructure (**NSW Planning**) on 23 September 2025.

NSW Planning understands that the reasons for the request are as follows:

1. The IEA site inspection has already occurred, and the approved auditors require more time to review the project documentation and supporting evidence.
2. Some of the audit team availabilities have been more limited beyond what was initially understood, and further time is required for a more comprehensive final IEA report and RAR.
3. The requested extension timeframe is not substantial.

NSW Planning has considered the request and the information provided and does not object in the circumstances.

In accordance with Schedule 2, Condition A31 of the consent, as nominee of the Planning Secretary I agree to a further extension of time for submission of the second IEA report and RAR until **Friday 24 October 2025**.

Should you wish to discuss the matter further, please contact Samuel Condon, Senior Compliance Officer on (02) 8275 1169 or email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Department of Planning, Housing and Infrastructure

Yours sincerely

A handwritten signature in blue ink, appearing to read "J Pope".

Julia Pope  
Team Leader Compliance - Metro  
Compliance

As nominee of the Planning Secretary

**From:** [no-reply@majorprojects.planning.nsw.gov.au](mailto:no-reply@majorprojects.planning.nsw.gov.au)  
**To:** [Selena Nguyen](#)  
**Cc:** [acella@ethosurban.com](mailto:acella@ethosurban.com)  
**Subject:** Harbourside Shopping Centre Redevelopment - Podium and Tower - Post Approval Document Received - (SSD-49295711-PA-37)  
**Date:** Tuesday, 23 September 2025 9:27:00 AM  
**Attachments:** [..datacontent\image\images\logo1644468813661.png](#)  
[Post Approval Form\\_20250922232629.pdf](#)

---

Dear Selena ,

Thank-you, your post approval document in relation to the Harbourside Shopping Centre Redevelopment - Podium and Tower has been received by the Department. Details of this document are below and in the attachment.

**Date Lodged**

23/09/2025

**Document Name**

IEA Extension Request

**Description of Document**

The purpose of this letter is to request an extension for the submission of the second Independent Audit Report (IAR) and Response to Audit Recommendations (RAR) to the Department, in accordance with Section 4.5 of IAPAR 2020 and Condition A31, SSD 49295711.

An extension is sought as the Ramboll audit team requires additional time to review resubmitted documentation and supporting evidence provided by the project team. This resubmission was necessary to address earlier audit queries and ensure all compliance requirements are fully met. Granting additional time will ensure the auditor's final report is comprehensive, accurate, and reflective of the project's current compliance status.

Mirvac is requesting an extension until Monday, 7 October 2025, subject to the Department's approval

**Applicable Conditions**

Schedule	Condition
2	A31

To sign in to your account click [here](#) or visit the [Major Projects Website](#).

Please do not reply to this email.

Kind regards

The Department of Planning and Environment



Subscribe to our [newsletter](#)

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This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

## **APPENDIX C**

### **INDEPENDENT AUDIT DECLARATION FORMS**



## INDEPENDENT AUDIT DECLARATION FORM

Project Name:	Harbourside Podium and Tower
Consent Number:	SSD 49295711
Description of Project:	Construction of the development including tower, podium and basement levels, provision of landscaping, electricity and stormwater infrastructure and subdivision of the site
Project Address:	2-10 Darling Drive, Darling Harbour and Lot 1-10, 12-15 and 17, DP 776815, Part Lot 2015, DP 1234971 and Lot 300, DP 836419.
Proponent:	Mirvac Retail Sub SPV Pty Ltd
Title of Audit:	Independent Environmental Audit 2, SSD 49295711, Harbourside Podium and Tower, Darling Harbour
Date:	24 October 2025

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

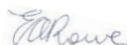
- the Audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2020)*;
- the findings of the Audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the Audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes :

- Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of Auditor: Emily Rowe

Signature:



Qualification: Bachelor of Engineering (Chemical)  
Exemplar Global Lead Auditor Certificate No.204997

Company: Ramboll Australia Pty Ltd

Company Address: PO Box 560, North Sydney NSW 2060

## INDEPENDENT AUDIT DECLARATION FORM

---

Project Name:	Harbourside Podium and Tower
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Date:	24 October 2025


---

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- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
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Name of Auditor:	Victoria Sedwick
Signature:	
Qualification:	Master of Engineering Science, Exemplar Global Lead Auditor Certificate No. 13180
Company:	Ramboll Australia Pty Ltd
Company Address:	PO Box 560, North Sydney NSW 2060

## INDEPENDENT AUDIT DECLARATION FORM

---

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- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of Auditor:	Vanessa Perkins
Signature:	
Qualification:	Bachelor of Science (Advanced), Exemplar Global Lead Auditor Certificate No. C-420260
Company:	Ramboll Australia Pty Ltd
Company Address:	PO Box 560, North Sydney NSW 2060

## INDEPENDENT AUDIT DECLARATION FORM

---

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
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Notes :

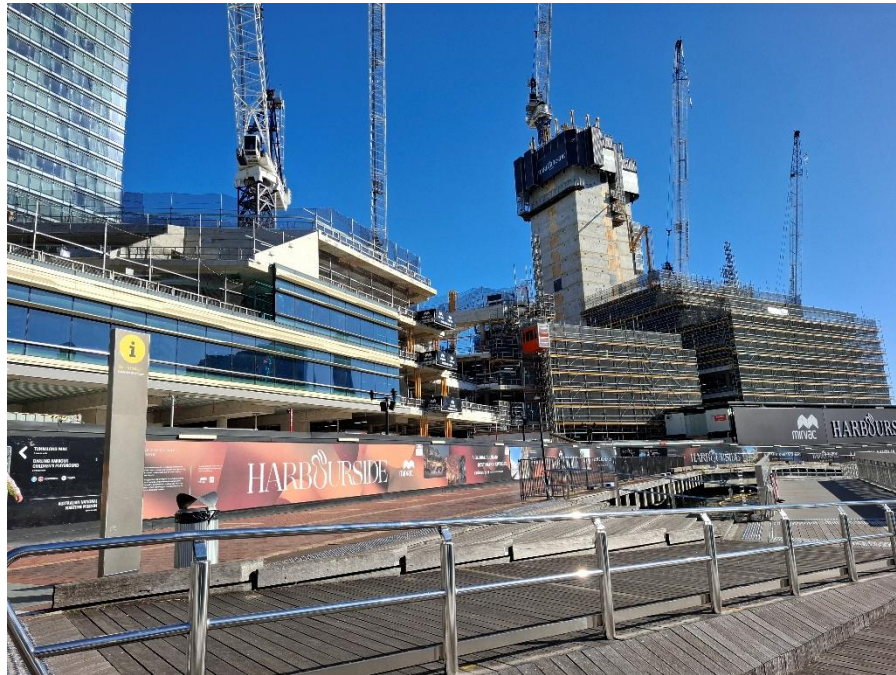
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Name of Auditor:	George Black
Signature:	
Qualification:	Master of Geology, Bachelor of Science
Company:	George Black
Company Address:	PO Box 560, North Sydney NSW 2060

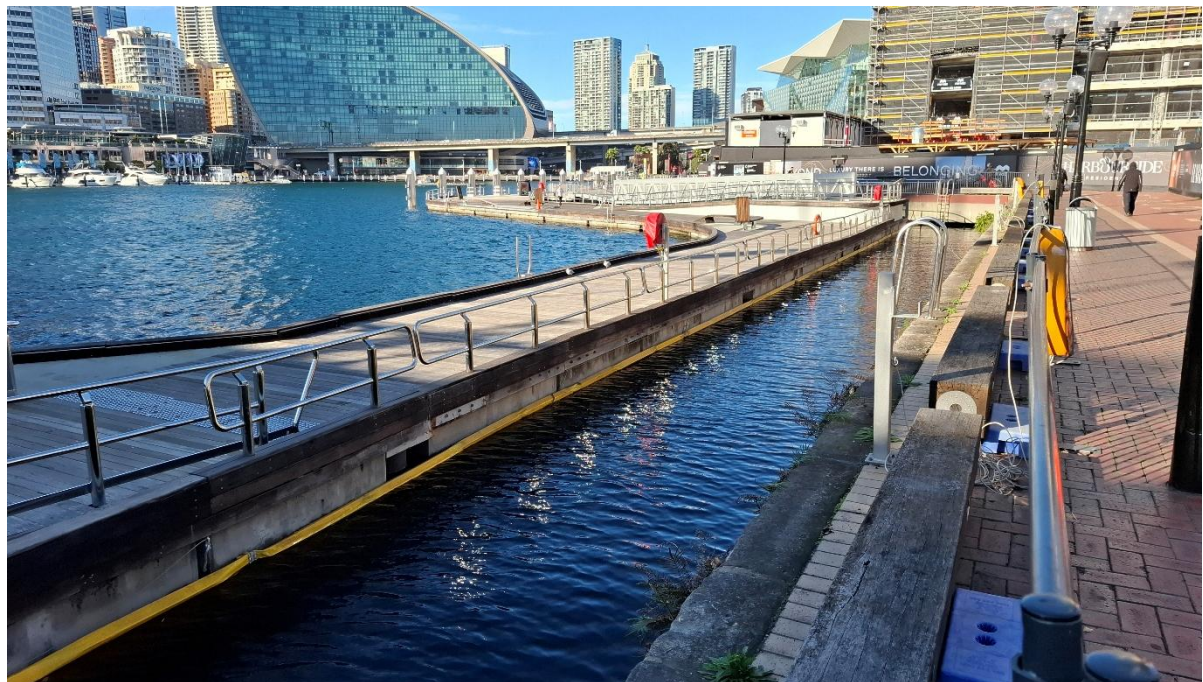
## **APPENDIX D**

### **SITE INSPECTION PHOTOGRAPHS**





1. View of the site from the Darling Harbour side, cranes not operating due to high wind speed. 25/06/25

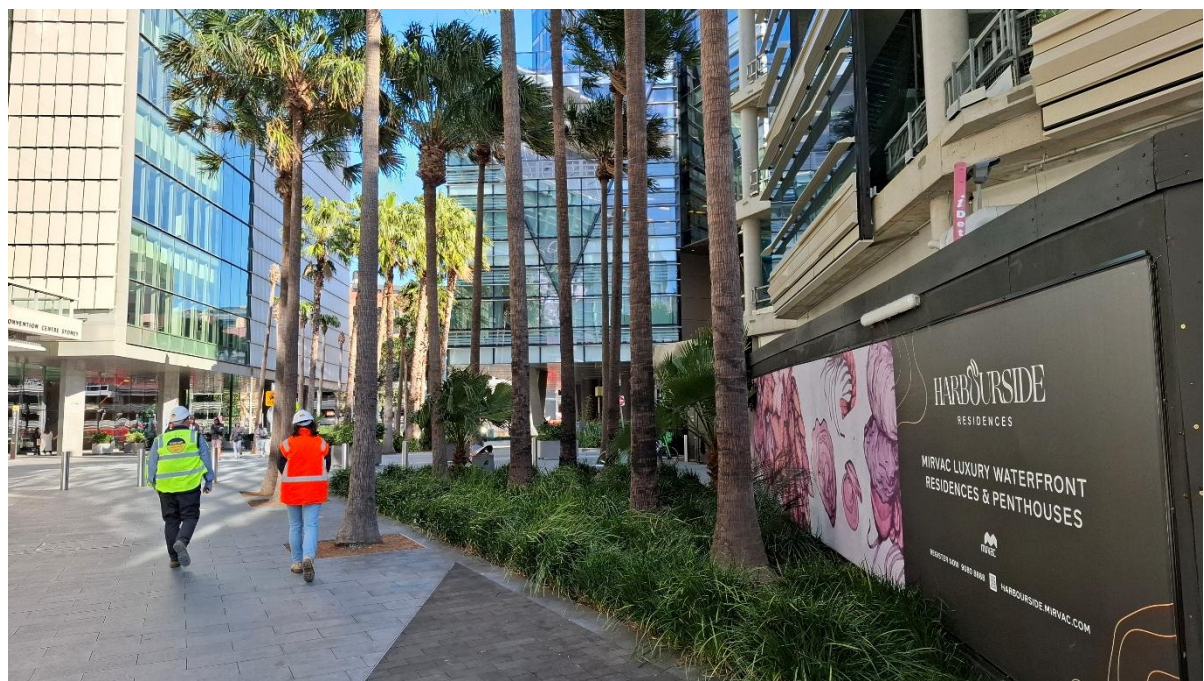


2. View of Darling Harbour waterfront. .25/06/25



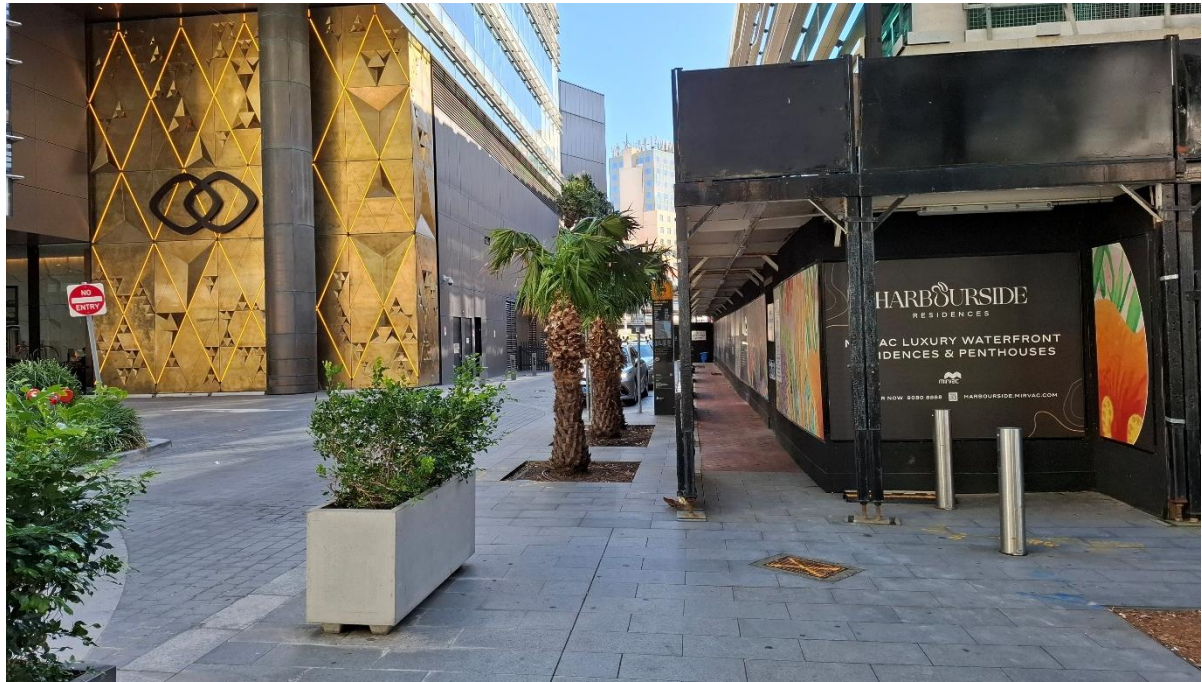


3. View of the public domain at the southern end of the site. .25/06/25



4. View of the street trees at the southern end of the site. .25/06/25





5. View of the street trees and public way opposite the Sofitel. .25/06/25



6. View of the southern end of the site with part of the façade. .25/06/25





7. View of the Darling Drive roundabout near the site's main truck exit. Sediment controls on the stormwater drain to the left. 25/06/25

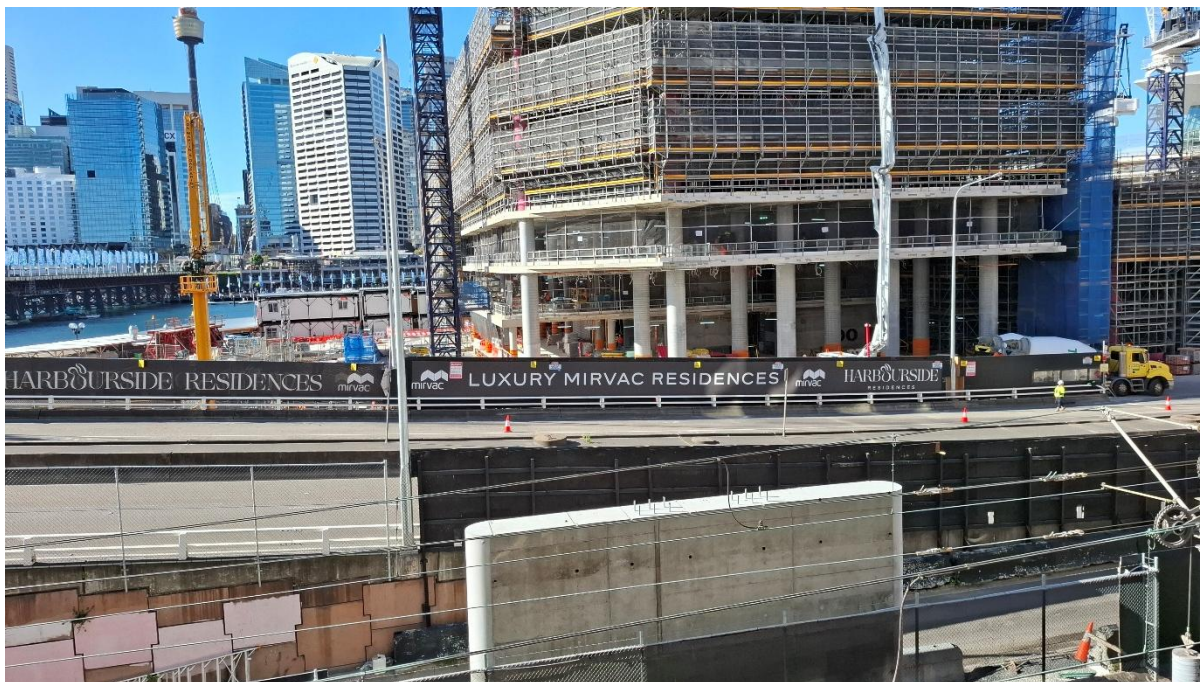


8. View to the north along Darling Drive with the site on the right. Traffic controllers at the main truck entrance behind the roundabout and near the site entrance on Darling on the right. 25/06/25



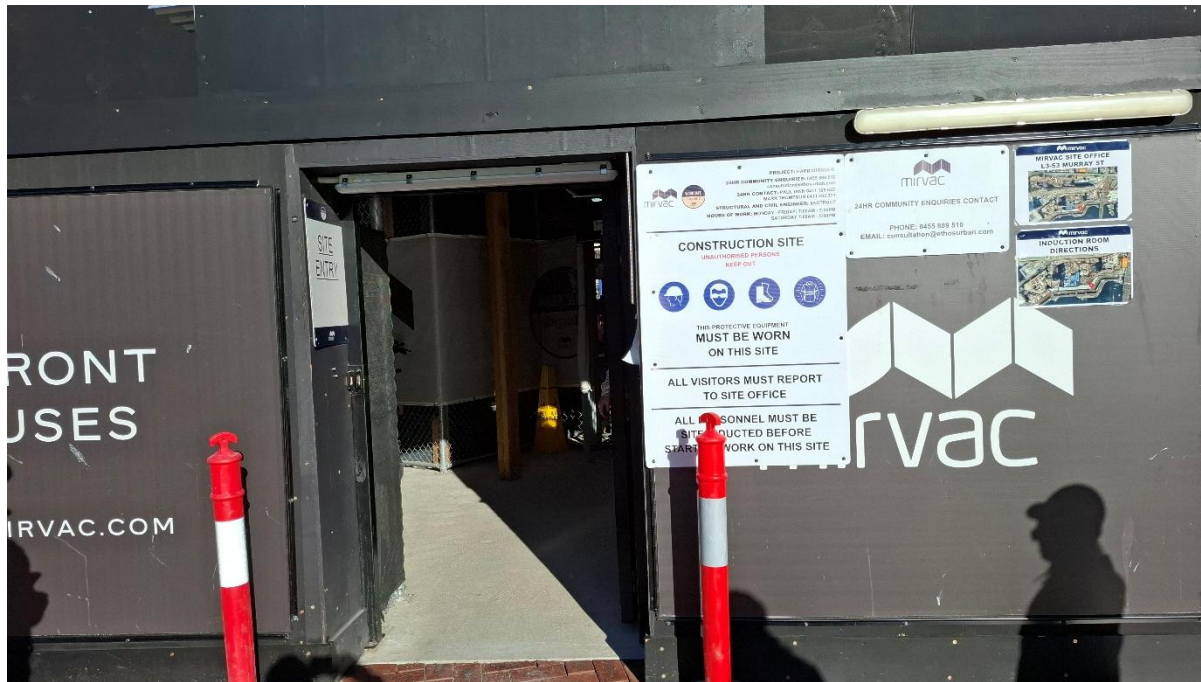


9. View of the site's truck entrance and exit on either side of Darling Drive showing the work zone on Darling Drive where the trucks can wait. No obstruction of the Sydney Light Rail. 25/06/25



10. View to the east across the light rail track and Darling Drive towards the site and Darling Drive. The footing for the Bunns Street pedestrian bridge in the foreground. 25/06/25





**11. Main pedestrian site entry on the eastern side with a Site Notice and an updated Mirvac 24hr Community Enquiries Contact phone number and email address. 25/06/25**



**12. Northern site entry with a Site Notice showing the outdated Mirvac 24hr Community Enquiries Contact phone number. 25/06/25**





13. Site truck exit with wheel wash and rumble grid. 25/06/25

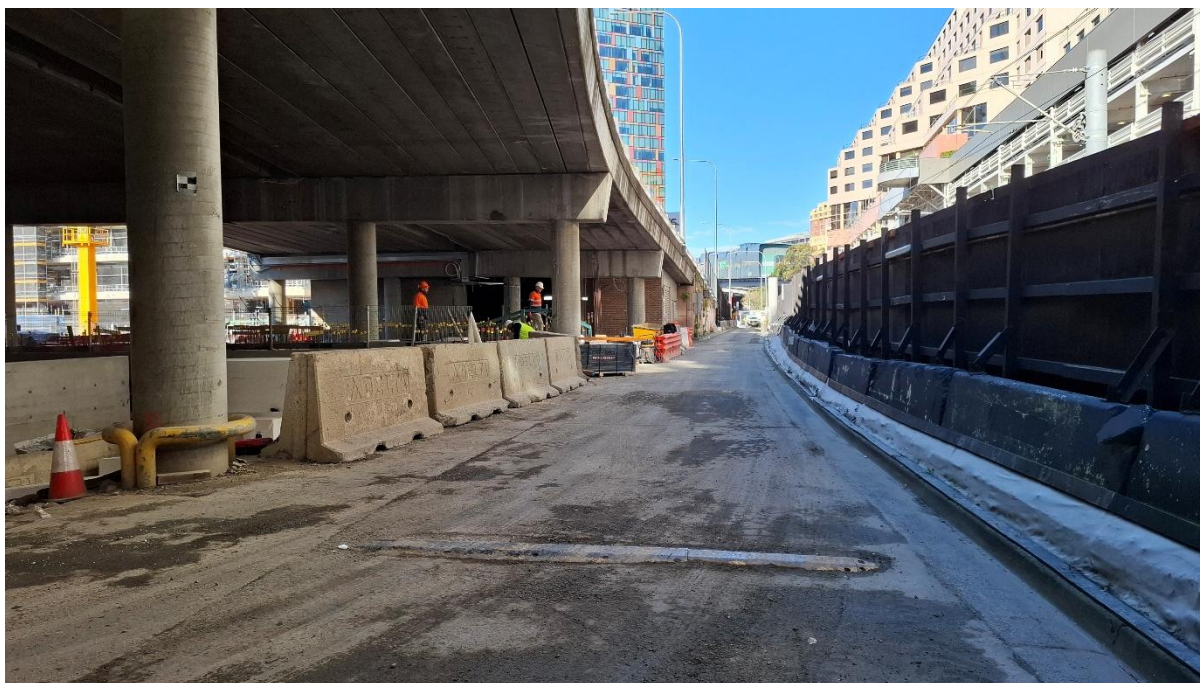


14. Sediment controls inside the eastern hoarding. 25/06/25





15. Sediment controls inside the eastern hoarding. 25/06/25



16. View to the south along the site's truck entrance under Darling Drive overpass. Sediment controls in place along the western kerb. 25/06/25





**17. Sediment controls around stormwater drain where the groundwater treatment plant discharges.**  
25/06/25



**18. Clear groundwater treatment plant discharge. Stormwater drain also has drain guard protection.**  
25/06/25





19. Part of the groundwater treatment plant. 25/06/25

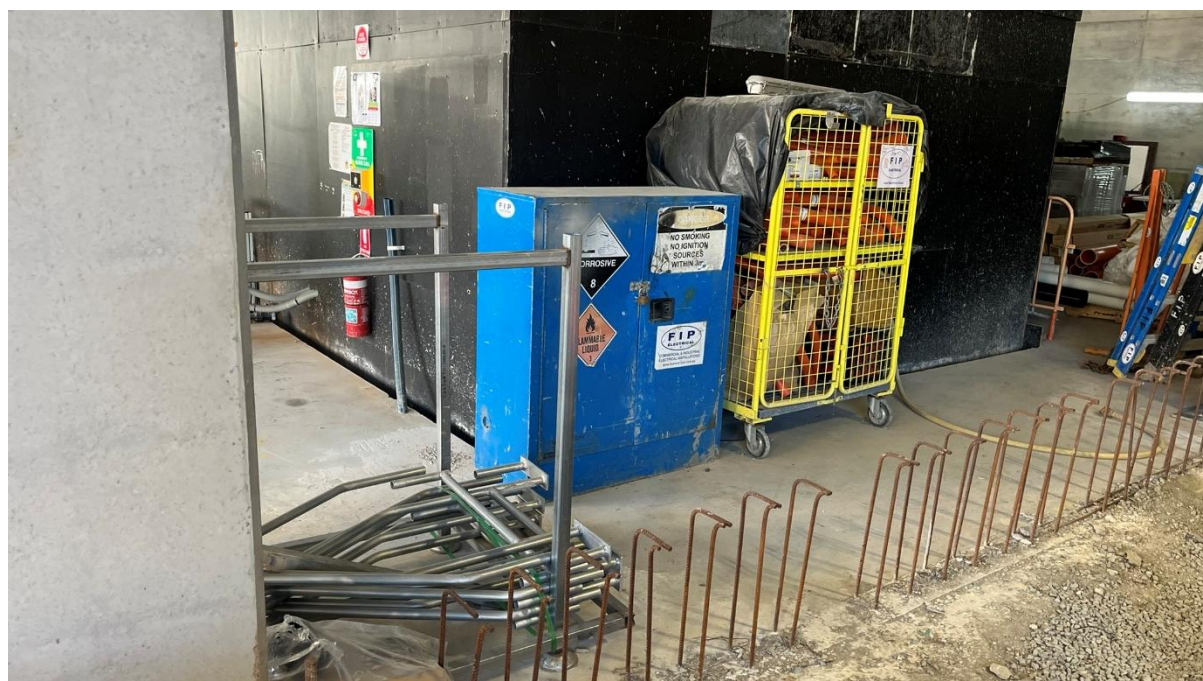


20. Storage of water treatment chemicals on a pallet bund and a nearby spill kit at the groundwater treatment plant. 25/06/25



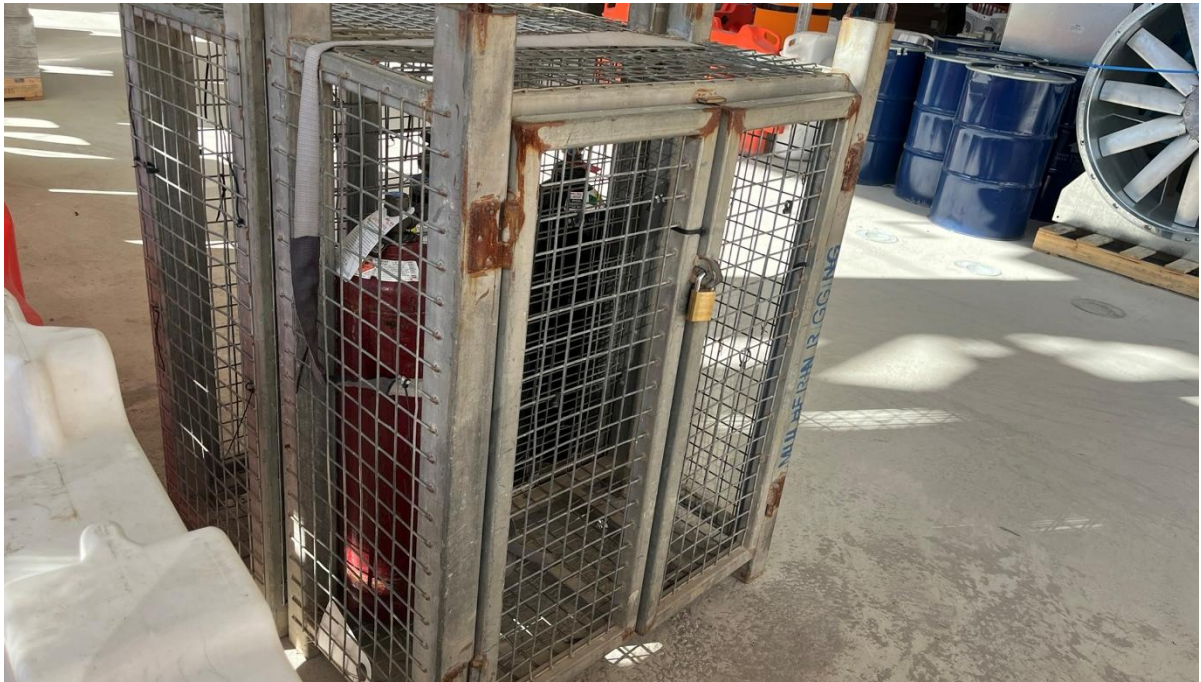


21. Self-bunded Diesel Tank with nearby spill kit. 25/06/25



22. Hazardous chemical storage cabinet. 25/06/25





23. Storage of hazardous compressed gas cylinders. Empty drums in the background. 25/06/25



24. Silica dust disposal bin. 25/06/25



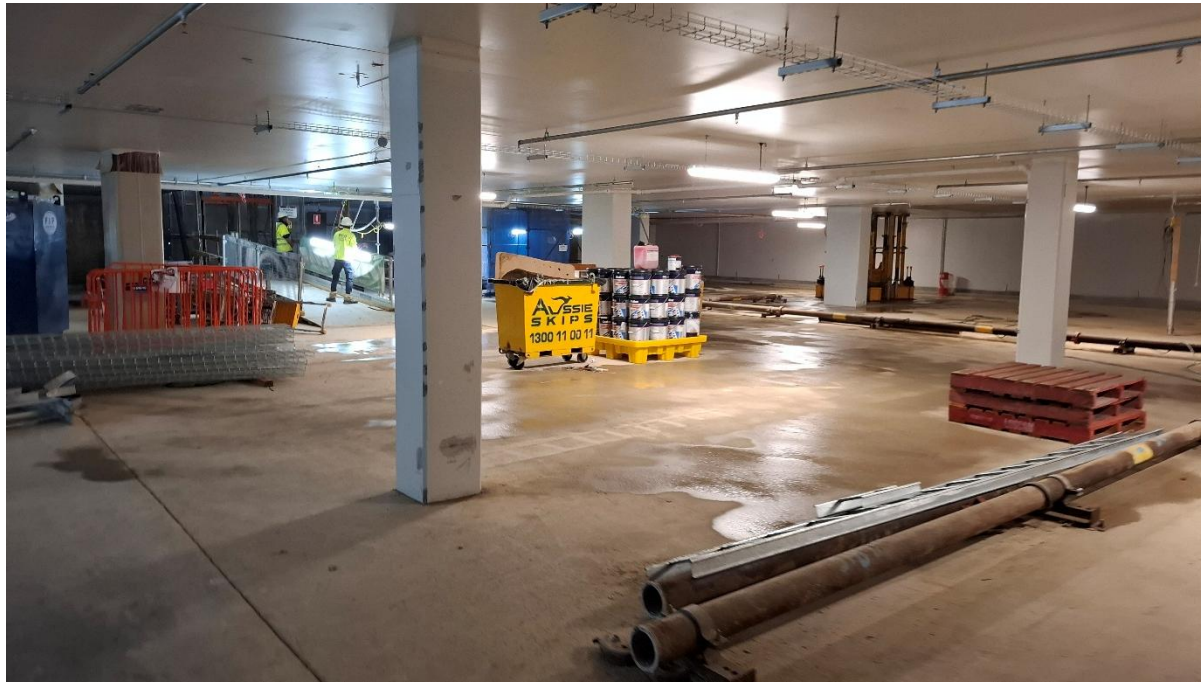


25. Tool washing area. 25/06/25

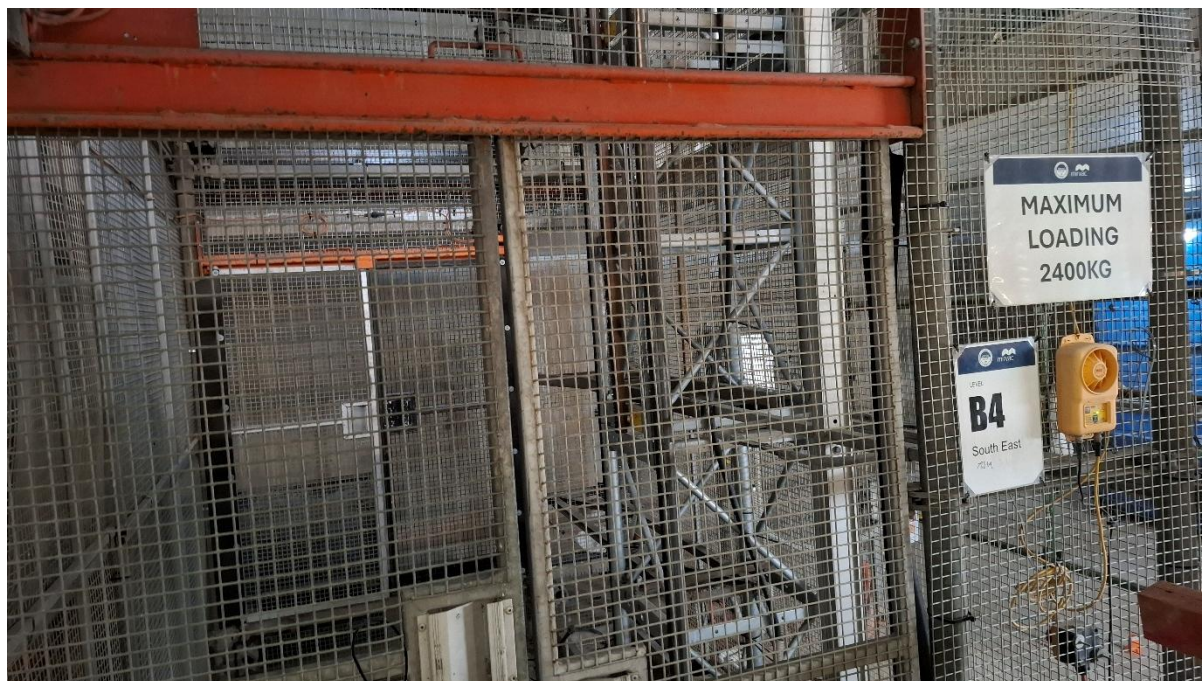


26. Groundwater extraction in the basement. 25/06/25



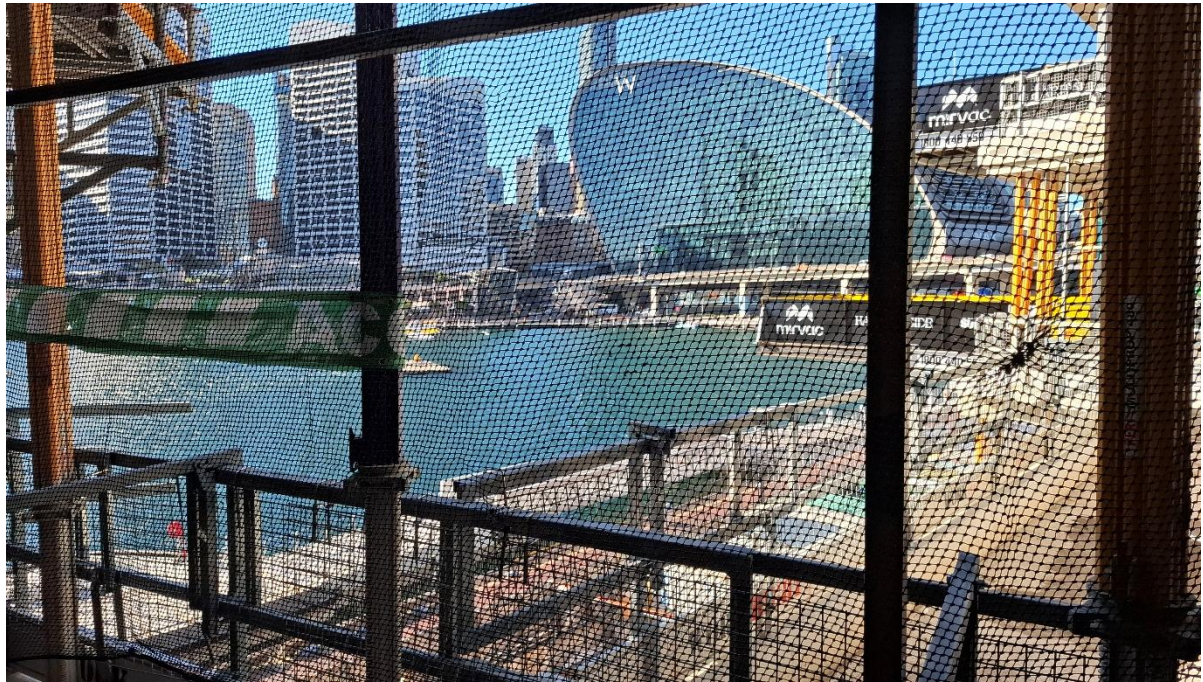


27. Basement level. Storage of chemicals on a pallet bund. 25/06/25

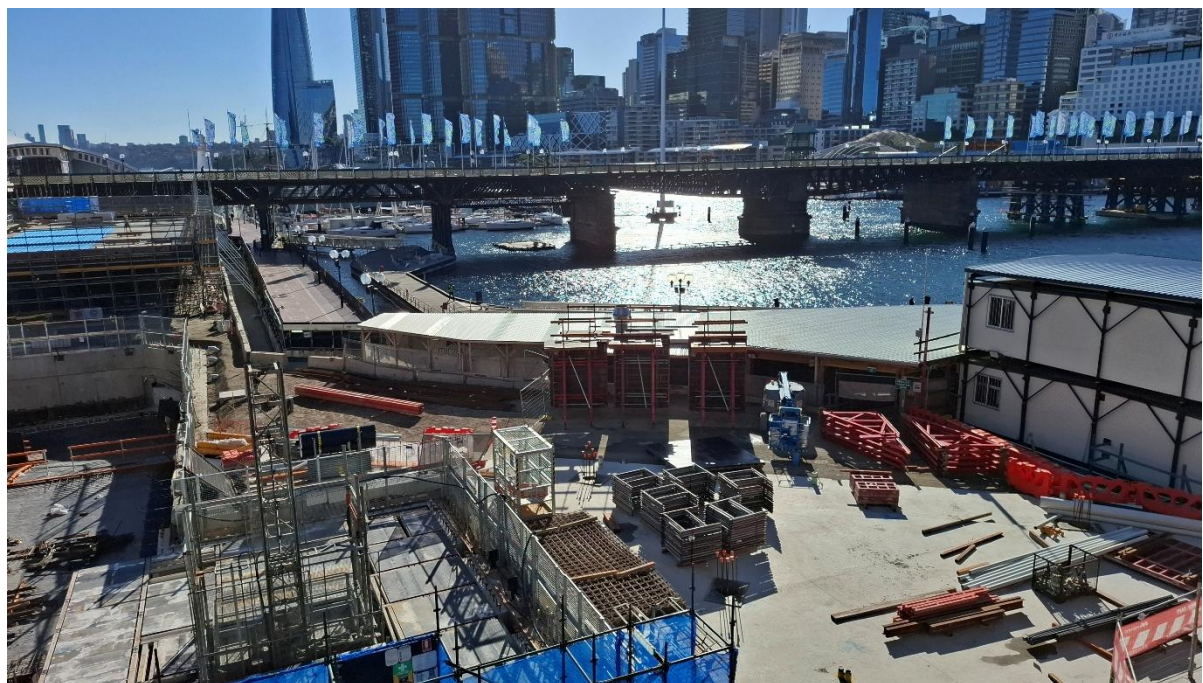


28. Basement level. Guarding around a lift. 25/06/25



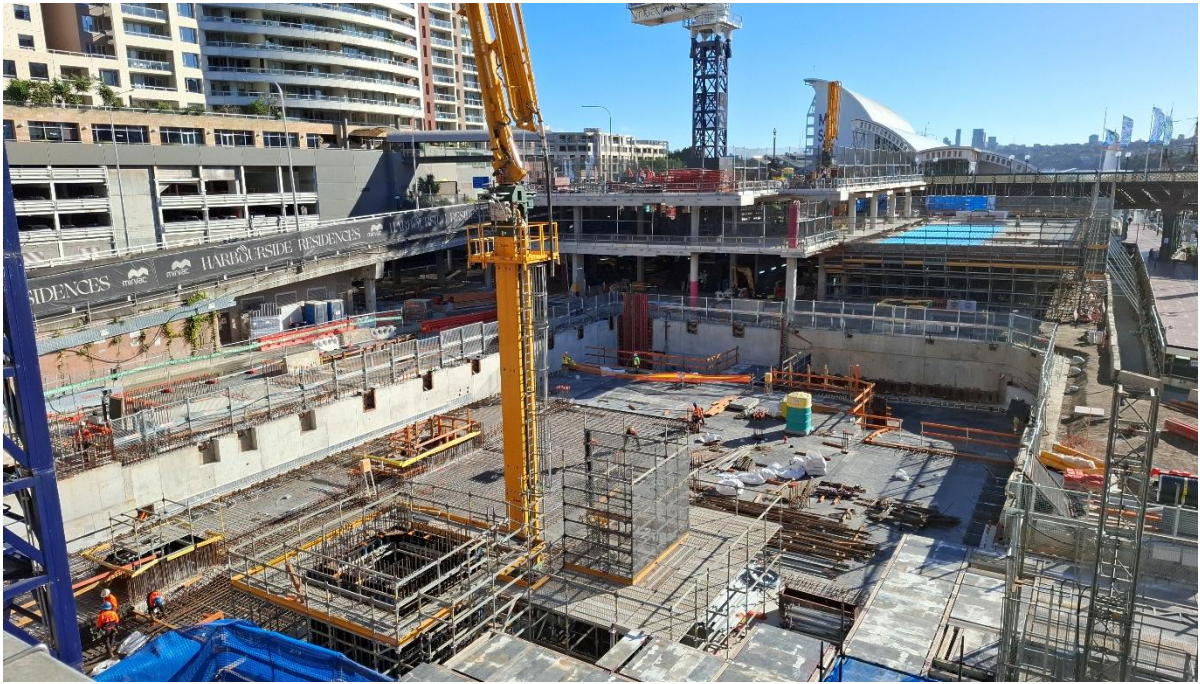


**29. Use of netting to minimise risk of windblown material. 25/06/25**



**30. View to the north from the podium building towards Pyrmont Bridge. 25/06/25**



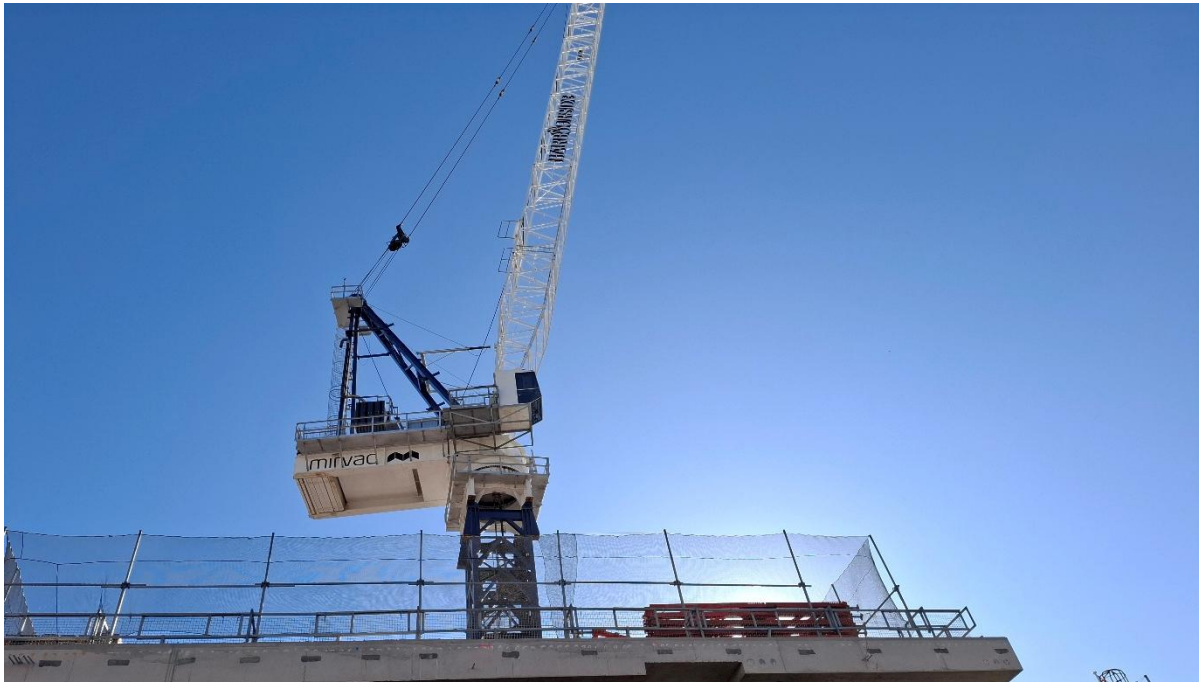


**31. View to the north from the podium building towards Pyrmont Bridge. Darling Drive overpass ramp on the left. 25/06/25**



**32. View to the west from the podium building towards Darling Drive with the Sydney Light Rail, Novotel and residences in the background. 25/06/25**





33. View of one of the tower cranes that has an illuminated 'Harbourside' sign. 25/06/25



34. Noticeboard near the main site entry for workers with posters on topics including; 'Our Community' regarding noisy management, use of public transport, reporting of complaints activities; spill kit locations map; map of GF (ground floor) access ways showing emergency exits. 25/06/25

## **APPENDIX E CONSULTATION**

**From:** [Sam Condon](#)  
**To:** [Emily Rowe](#)  
**Subject:** RE: SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation  
**Date:** Tuesday, 24 June 2025 2:56:23 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Good afternoon Emily,

Thanks for the request. At this stage, beyond the typical conditions of consent and the IAPARs, please place a greater focus on the following areas:

1. Compliance with approved construction hours,
2. Compliance with the project's noise management levels, and actions taken when any noise complaints have been received; and
3. Compliance with the project's ERSED and dust controls.

While we have not received specific complaints, these are areas that have either been raised as an issue in the last 12 months, and that members of the community have submitted concerns as a part of public submissions related to the project's other stages.

Please also consult with City of Sydney Council, and include this (and any other responses you receive) in the final report as evidence of consultation.

Regards

**Samuel Condon**

Senior Compliance Officer

Compliance

**Department of Planning, Housing and Infrastructure**

E [samuel.condon@planning.nsw.gov.au](mailto:samuel.condon@planning.nsw.gov.au)

[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2124

**Working days** Monday to Friday, 9:00am - 5:00pm



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I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time. If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).

The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its



post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

Please consider the environment before printing this email.

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**From:** Emily Rowe <EROWE@ramboll.com>

**Sent:** Tuesday, 24 June 2025 2:50 PM

**To:** DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>; Sam Condon <Samuel.Condon@planning.nsw.gov.au>

**Subject:** SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation

Hi Sam,

Please find attached a request for consultation for the next IEA of the Harbourside Shopping Centre Redevelopment.

Apologies for the late request as I had the letter ready to go last week awaiting the endorsement and then forgot to email it when I received the endorsement on 18/06/25.

As always, we will be reviewing all of the consent conditions and implementation of the management plans in accordance with IAPAR 2020. Please advise if you have additional requirements. As you are aware, we are conducting the site visit tomorrow.

Please do not hesitate to call me on 0434180346 to discuss the scope of the audit.

Kind regards

**Emily Rowe**

Managing Consultant

3182678 - Sydney Consulting

D +61 434 180 346

M +61 434 180 346

[erowe@ramboll.com](mailto:erowe@ramboll.com)

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Ramboll

Level 3, 100 Pacific Highway,

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NSW 2060,

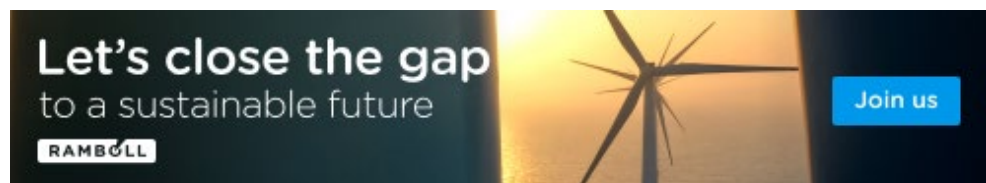
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ACN 095 437 442

ABN 49 095 437 442



Classification: Confidential

24 June 2025

Department of Planning, Housing and Infrastructure  
4 Parramatta Square  
12 Darcy Street Parramatta NSW 2150

Attention: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au);  
[Samuel.Condon@planning.nsw.gov.au](mailto:Samuel.Condon@planning.nsw.gov.au)

Dear Samuel,

**RE: Harbourside Shopping Centre (SSD 49295711), Independent  
Environmental Audit 2, Request for Consultation with DPHI**

Ramboll Australia Pty Ltd  
Level 3, 100 Pacific Highway  
PO Box 560  
North Sydney NSW 2060

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct an Independent Environmental Audit of the Harbourside Shopping Centre (Stage 3 Podium and Tower) at Darling Harbour, NSW, as required under SSD 49295711. The Audit Team is seeking to consult with the Department of Planning, Housing and Infrastructure, to obtain its input into the scope of the audit in accordance with Condition A27 of SSD 49295711 and the *Independent Audit Post Approval Requirements* (2020).

T +61 2 9954 8100  
[www.ramboll.com](http://www.ramboll.com)

Ramboll requests that you provide your requirements to Emily Rowe ([erowe@ramboll.com](mailto:erowe@ramboll.com); 0434 180 346) for the purpose of this consultation.

Ref: 318001577

Please contact the undersigned if you have any queries.

Yours faithfully,  
**Ramboll Australia Pty Ltd**



Emily Rowe (Lead Auditor)  
Managing Consultant

---

**RE: Attention Ben Chamie - SSD-49295711 - Harbourside Shopping Centre Redevelopment - Request for Consultation**

---

**From** Jessica Symons <[jsymons@cityofsydney.nsw.gov.au](mailto:jsymons@cityofsydney.nsw.gov.au)>

**Date** Wed 02/07/2025 11:33

**To** Emily Rowe <[erowe@ramboll.com](mailto:erowe@ramboll.com)>

**Cc** George Black <[GLACK@ramboll.com](mailto:GLACK@ramboll.com)>

Hi Emily

See below, I have been able to access two complaints received. I will follow up on the other complaints.

CSMs

- 12 November 2024: Caller reporting Construction Noise coming opposite their property at this time and they are using power tools and equipment, requesting for assistance asap - Referred to Rangers.  
INSPECTION: Tue 12/11/2024 @ 02:06  
On site were workers for Mirvac and Geo Survey conducting water connection works to site.  
Rangers spoke with Mirvac on site supervisor Rick KESSNER who informed night works were approved by PMNSW due to the road closures required to complete the works and that all noisy works (saw cutting of roadway) had been completed earlier and provided copies of TCP, and approvals from Place Management NSW, including Road & Footway Occupancy for temporary Works.  
\*CoS Council does not appear to be the A.R.A to deal with noise from this work, complainants to contact EPA or Place Management NSW directly.

02:29 – Customer contacted by phone, no answer call going to message bank. File closed.

- 7 March 2023: Email:  
Good afternoon.

I would like some action taken to stop the excessive noise coming from an un muffled jack hammer being used at the northern end of the site.  
Please take some interest in this matter.

9 March 2023 14:36:25 email received from customer- noise has ceased.

Kind Regards

Jessica Symons (she/her)  
Senior Planner  
Planning Assessments



Telephone: [+612 9246 7729](tel:+61292467729)  
[cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au)



---

**From:** Emily Rowe <erowe@ramboll.com>  
**Sent:** Wednesday, 2 July 2025 10:51 AM  
**To:** Jessica Symons <jsymons@cityofsydney.nsw.gov.au>  
**Cc:** George Black <GLACK@ramboll.com>  
**Subject:** RE: Attention Ben Chamie - SSD-49295711 - Harbourside Shopping Centre Redevelopment - Request for Consultation

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Jessica

Thanks for responding. Could you possibly forward the complaints register/record related to this project? Were all of the complaints passed on to Mirvac? I can then check their records against the City's records and their response.

Kind regards

**Emily Rowe**

Managing Consultant  
3182678 - Sydney Consulting

M +61 434 180 346

[erowe@ramboll.com](mailto:erowe@ramboll.com)

Classification: Confidential

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**From:** Jessica Symons <[jsymons@cityofsydney.nsw.gov.au](mailto:jsymons@cityofsydney.nsw.gov.au)>  
**Sent:** Wednesday, July 2, 2025 10:43 AM  
**To:** Emily Rowe <[erowe@ramboll.com](mailto:erowe@ramboll.com)>  
**Subject:** RE: Attention Ben Chamie - SSD-49295711 - Harbourside Shopping Centre Redevelopment - Request for Consultation

Hi Emily

Your email has been forwarded to me in Mia's absence. Thank you for your request.

I have been advised by our Construction Regulations team that have been a number of dust complaints, as well as works/noise outside of hours and light pollution from crane signs.

Let me know if you have any questions.

Kind Regards

Jessica Symons (she/her)  
Senior Planner  
Planning Assessments



Telephone: [+612 9246 7729](tel:+61292467729)  
[cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au)



The City of Sydney acknowledges the Gadigal of the  
Eora nation as the Traditional Custodians of our local area.

---

**From:** Emily Rowe <[EROWE@ramboll.com](mailto:EROWE@ramboll.com)>

**Sent:** Tuesday, 24 June 2025 3:31 PM

**To:** City of Sydney <[council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)>

**Subject:** Attention Ben Chamie - SSD-49295711 - Harbourside Shopping Centre Redevelopment - Request for Consultation

**Importance:** High

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hello Ben,

Please see the email below and the attached request.

I gather Mia is on leave and Annita helpfully suggested you may be the best person to contact in her absence. Or you can forward my request to the appropriate person.

Thanks

Emily

Kind regards

**Emily Rowe**

Managing Consultant

3182678 - Sydney Consulting

M +61 434 180 346

[erowe@ramboll.com](mailto:erowe@ramboll.com)

Classification: Confidential

---

**From:** Emily Rowe

**Sent:** Tuesday, June 24, 2025 3:13 PM

**To:** Mia Music <[mmusic@cityofsydney.nsw.gov.au](mailto:mmusic@cityofsydney.nsw.gov.au)>

**Subject:** SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation

**Importance:** High

Hi Mia,

Please find attached a request for consultation for the next IEA of the Harbourside Shopping Centre Redevelopment.

Please don't hesitate to call me if you wish to discuss the scope of the IEA.

Kind regards

**Emily Rowe**

Managing Consultant

3182678 - Sydney Consulting

M +61 434 180 346

[erowe@ramboll.com](mailto:erowe@ramboll.com)

---

Ramboll

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NSW 2060,

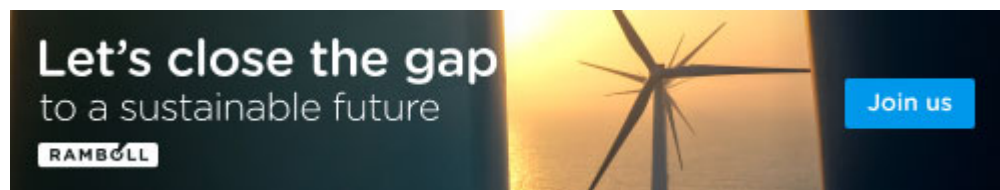
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24 June 2025

Mia Music  
City of Sydney

[MMusic@cityofsydney.nsw.gov.au](mailto:MMusic@cityofsydney.nsw.gov.au)

Dear Mia,

**RE: Harbourside Shopping Centre (SSD 49295711) Independent Environmental Audit 2  
Request for Consultation with City of Sydney**

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct an Independent Environmental Audit of the Harbourside Shopping Centre (Stage 3 Podium and Tower) at Darling Harbour, NSW, as required under SSD 49295711. The Audit Team is seeking to consult with the City of Sydney, to obtain its input into the scope of the audit in accordance with Condition A27 of SSD 49295711 and the *Independent Audit Post Approval Requirements* (2020).

Ramboll requests that you provide your requirements to Emily Rowe ([erowe@ramboll.com](mailto:erowe@ramboll.com); 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.

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Level 3, 100 Pacific Highway  
PO Box 560  
North Sydney NSW 2060

T +61 2 9954 8100  
[www.ramboll.com](http://www.ramboll.com)

Ref: 318001755-003

Please contact the undersigned if you have any queries.

Yours faithfully,  
**Ramboll Australia Pty Ltd**

A handwritten signature in blue ink, appearing to read "ERowe", is placed over a light blue rectangular background.

Emily Rowe (Lead Auditor)  
Managing Consultant



**From:** [Emily Rowe](#)  
**To:** [Yan.Xie@transport.nsw.gov.au](mailto:Yan.Xie@transport.nsw.gov.au)  
**Subject:** SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation  
**Date:** Tuesday, 24 June 2025 3:48:42 PM  
**Attachments:** [Ramboll Request for TfNSW Consultation SSD 49295711 IEA 2 20250624.pdf](#)  
[image001.png](#)

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Hi Yan,  
Please find attached a request for consultation for the next IEA of the Harbourside Shopping Centre Redevelopment. I hope that you are still the appropriate TfNSW contact for this development.  
Please don't hesitate to call me if you wish to discuss the scope of the IEA.

Kind regards

**Emily Rowe**

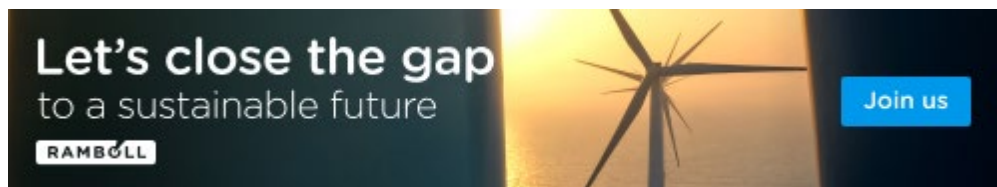
Managing Consultant  
3182678 - Sydney Consulting

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[erowe@ramboll.com](mailto:erowe@ramboll.com)

---

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Ramboll Australia Pty Ltd.  
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ABN 49 095 437 442



24 June 2025

Yan Xie  
Transport for NSW

[Yan.Xie@transport.nsw.gov.au](mailto:Yan.Xie@transport.nsw.gov.au)

Dear Yan,

**RE: Harbourside Shopping Centre (SSD 49295711) Independent Environmental Audit 2  
Request for Consultation with Transport for NSW**

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct an Independent Environmental Audit of the Harbourside Shopping Centre (Stage 3 Podium and Tower) at Darling Harbour, NSW, as required under SSD 49295711. The Audit Team is seeking to consult with Transport for NSW, to obtain its input into the scope of the audit in accordance with Condition A27 of SSD 49295711 and the *Independent Audit Post Approval Requirements* (2020).

Ramboll requests that you provide your requirements to Emily Rowe ([erowe@ramboll.com](mailto:erowe@ramboll.com); 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.


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[www.ramboll.com](http://www.ramboll.com)

Ref: 318001755-003

Please contact the undersigned if you have any queries.

Yours faithfully,  
**Ramboll Australia Pty Ltd**



Emily Rowe (Lead Auditor)  
Managing Consultant

**From:** [Emily Rowe](#)  
**To:** [Antonio Goncalves](#)  
**Subject:** SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation  
**Date:** Tuesday, 24 June 2025 3:38:46 PM  
**Attachments:** [Ramboll Request for PMNSW Consultation SSD 49295711 IEA 2 20250624.pdf](#)  
[image001.png](#)

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Hi Antonio,  
Please find attached a request for consultation for the next IEA of the Harbourside Shopping Centre Redevelopment.  
Please don't hesitate to call me if you wish to discuss the scope of the IEA.

Kind regards

**Emily Rowe**

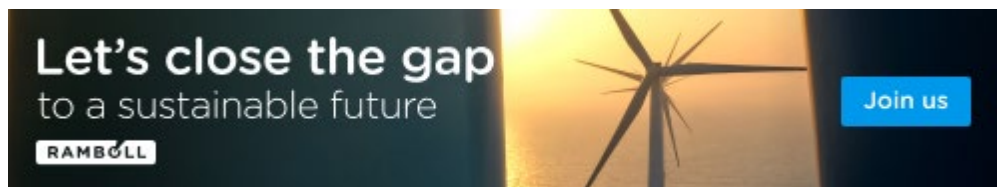
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3182678 - Sydney Consulting

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[erowe@ramboll.com](mailto:erowe@ramboll.com)

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NSW 2060,  
Australia  
<https://ramboll.com>

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ACN 095 437 442  
ABN 49 095 437 442



24 June 2025

Antonio Goncalves  
Place Management NSW

[antonio.goncalves@property.nsw.gov.au](mailto:antonio.goncalves@property.nsw.gov.au)

Dear Antonio,

**RE: Harbourside Shopping Centre (SSD 49295711) Independent Environmental Audit 2  
Request for Consultation with Place Management NSW**

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct an Independent Environmental Audit of the Harbourside Shopping Centre (Stage 3 Podium and Tower) at Darling Harbour, NSW, as required under SSD 49295711. The Audit Team is seeking to consult with the Place Management NSW, to obtain its input into the scope of the audit in accordance with Condition A27 of SSD 49295711 and the *Independent Audit Post Approval Requirements* (2020).

Ramboll requests that you provide your requirements to Emily Rowe ([erowe@ramboll.com](mailto:erowe@ramboll.com); 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.

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[www.ramboll.com](http://www.ramboll.com)

Ref: 318001577

Please contact the undersigned if you have any queries.

Yours faithfully,  
**Ramboll Australia Pty Ltd**



Emily Rowe (Lead Auditor)  
Managing Consultant

**From:** [Emily Rowe](#)  
**To:** [tim.walton@transdev.com.au](mailto:tim.walton@transdev.com.au)  
**Subject:** SSD-49295711 - Harbourside Shopping Centre Redevelopment - Podium and Tower - Request for Consultation  
**Date:** Tuesday, 24 June 2025 3:53:41 PM  
**Attachments:** [Ramboll Request for Transdev Consultation SSD 49295711 IEA 2 20250624.pdf](#)  
[image001.png](#)

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Hi Tim,  
Please find attached a request for consultation for the next IEA of the Harbourside Shopping Centre Redevelopment.  
Please don't hesitate to call me if you wish to discuss the scope of the IEA.

Kind regards

**Emily Rowe**

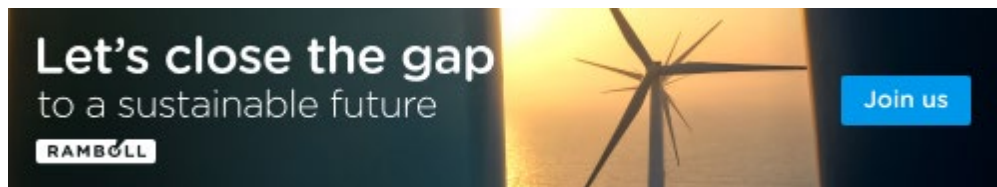
Managing Consultant  
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ABN 49 095 437 442



24 June 2025

Tim Walton  
Transdev

[tim.walton@transdev.com.au](mailto:tim.walton@transdev.com.au)

Dear Tim,

**RE: Harbourside Shopping Centre (SSD 49295711) Independent Environmental Audit 2  
Request for Consultation with Transdev**

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct an Independent Environmental Audit of the Harbourside Shopping Centre (Stage 3 Podium and Tower) at Darling Harbour, NSW, as required under SSD 49295711. The Audit Team is seeking to consult with Transdev, to obtain its input into the scope of the audit in accordance with Condition A27 of SSD 49295711 and the *Independent Audit Post Approval Requirements* (DPE, 2020).

Ramboll requests that you provide your requirements to Emily Rowe ([erowe@ramboll.com](mailto:erowe@ramboll.com); 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.

Ramboll Australia Pty Ltd  
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Ref: 318001755-003

Please contact the undersigned if you have any queries.

Yours faithfully,  
**Ramboll Australia Pty Ltd**

A handwritten signature in blue ink, appearing to read "ERowe", is placed over a light blue rectangular stamp.

Emily Rowe (Lead Auditor)  
Managing Consultant