

# Development Consent

## *Section 4.38 of the Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces under delegation executed on 14 September 2011, the Independent Planning Commission of NSW (the Commission), approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

[Name of Commissioner]  
Member of the Commission

[Name of Commissioner]  
Member of the Commission

[Name of Commissioner]  
Member of the Commission

Sydney

2019

File: EF19/5284

### **SCHEDULE 1**

<b>Application Number:</b>	6966
<b>Applicant:</b>	Lend Lease (Millers Point) Pty Ltd
<b>Consent Authority:</b>	The Independent Planning Commission
<b>Site:</b>	51A Hickson Road, Barangaroo (Lot 214 DP 1221076)
<b>Development:</b>	Construction, use and fitout of a 30-storey (RL 107) mixed-use building, including: <ul style="list-style-type: none"><li>• a total GFA of 19,158 m<sup>2</sup> comprising 18,287 m<sup>2</sup> residential GFA (210 apartments) and 871 m<sup>2</sup> retail GFA</li><li>• public domain works</li><li>• fit-out and use of the Stage 1B basement car park including allocation of a maximum of 143 car parking spaces, of which 9 are for Key Worker Housing</li><li>• demolition of interim basement elements</li><li>• a signage zone to accommodate future building identification signage.</li></ul>

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form part of this consent
<b>Applicant</b>	Lend Lease (Millers Point) Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CFEMP</b>	Construction Framework Environmental Management Plan
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>CNVMP</b>	Construction Noise and Vibration Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
<b>Council</b>	City of Sydney Council
<b>CPTED</b>	Crime Prevention Through Environmental Design
<b>CPTMP</b>	Construction Pedestrian and Traffic Management Plan
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions and subsequent documentation, including the works and activities comprising demolition and construction of the approved mixed-use 30-storey building, as modified by the conditions of this consent
<b>EIS</b>	The Environmental Impact Statement titled ' <i>Environmental Impact Statement, Building R5 (SSD 6966), Barangaroo South</i> ', prepared by JBA Urban Planning Consultants Pty Ltd dated 16 September 2016, and accompanying appendices submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>EESG</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>ESD</b>	Ecologically Sustainable Development
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage Division</b>	Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>iNSW</b>	Infrastructure NSW
<b>Key Worker Housing</b>	Housing for any nurse, teacher, child-care worker, ambulance officer, member of the police force, member of the fire brigade or retirees within an income of +/-50% of the median household income for the Sydney (Statistical Division) (as that division is defined for the purposes of the Australian Bureau of Statistics), as defined in the Barangaroo Housing Strategy

<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>LDSVMP</b>	Loading Dock and Service Vehicle Management Plan
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> NSW Minister for Planning and Public Spaces (or delegate)
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction
<b>OPM</b>	Operational Plan of Management
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>PCA</b>	Means a principal certifying authority appointed under section 6.5 of the EP&A Act, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building Work
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Place Management NSW</b>	Place Management Division of the Department of Planning, Industry and Environment (formerly Property NSW)
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
<b>Response to Submissions (RtS)</b>	Response to Submissions titled ' <i>Response to Submissions Building R5, Barangaroo South SSD 6966</i> ', prepared by Ethos Urban Planning Consultants Pty Ltd dated 28 November 2018, and accompanying appendices
<b>Revised Response to Submissions (RRtS)</b>	Revised Response to Submissions titled ' <i>Response to Submissions No. 2 Building R5, Barangaroo South SSD 6966</i> ', prepared by Ethos Urban Planning Consultants Pty Ltd dated 13 May 2019, and accompanying appendices
<b>SSD</b>	State Significant Development
<b>Subject Site</b>	Land referred to in Schedule 1
<b>TfNSW</b>	Transport for NSW
<b>TfNSW (RMS)</b>	Transport for NSW (Roads and Maritime Services)
<b>Zone of Influence</b>	The horizontal distance from the edge of the excavation to twice the maximum excavation depth

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS and Response to Submissions;
  - (d) in accordance with the management and mitigation measures; and
  - (e) in accordance with the approved plans in the table below:

<b>Architectural Drawings prepared by Renzo Piano Building Workshop</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
BR5 _ASD_PA1_0001	19	Context Plan	08/10/2018
BR5 _ASD_PA1_0002	19	Site Plan	08/10/2018
BR5 _ASD_PA1_0004	19	Setting Out	08/10/2018
BR5 _ASD_PA1_0005	18	Thermal Performance Assessment	29/08/2018
BR5 _ASD_PA1_1001	19	Plan Basement Level B4	15/04/2019
BR5 _ASD_PA1_1002	19	Plan Basement Level B3	15/04/2019
BR5 _ASD_PA1_1003	19	Plan Basement Level B2	15/04/2019
BR5 _ASD_PA1_1004	19	Plan Basement Level B1	15/04/2019
BR5 _ASD_PA1_1005	19	Plan Basement Level B0	15/04/2019
BR5 _ASD_PA1_2000*	20	Plan Ground Floor Level 00	15/04/2019
BR5 _ASD_PA1_2001	18	Plan Podium Level P1	29/08/2018
BR5 _ASD_PA1_2002	19	Plan Podium Level P2	15/04/2019
BR5 _ASD_PA1_3001	19	Plan Lower Plate Level 01	15/04/2019
BR5 _ASD_PA1_3002	19	Plan Lower Plate L02-14	15/04/2019
BR5 _ASD_PA1_3015	19	Plan Mid Plate Level 15-16	15/04/2019
BR5 _ASD_PA1_3017	19	Plan Lift Overrun Level 17	15/04/2019
BR5 _ASD_PA1_3018	19	Plan Upper Plate Level 18-19	15/04/2019
BR5 _ASD_PA1_3020	19	Plan Upper Plate Level 20-25	15/04/2019
BR5 _ASD_PA1_3026	18	Plan Skyhomes Level 26	29/08/2018

BR5 _ASD_PA1_3027	18	Plan Skyhomes Level 27	29/08/2018
BR5 _ASD_PA1_3028	18	Plan Roof Level 28	29/08/2018
BR5 ASD_PA1_4001	18	Elevation North – West (Park)	15/04/2019
BR5 ASD_PA1_4002	18	Elevation East (Hickson Road)	15/04/2019
BR5 ASD_PA1_4003	18	Elevation South (Watermans Quay)	15/04/2019
BR5 ASD_PA1_4004	18	Elevation South – West (Watermans Quay)	15/04/2019
BR5 ASD_PA1_4005	18	North – West Enlarged Elevation (Park) – Low Rise	15/04/2019
BR5 ASD_PA1_4006	18	North – West Enlarged Elevation (Park) – Mid Rise	15/04/2019
BR5 ASD_PA1_4007	18	East Enlarged Elevation (Hickson Park) – Low Rise	15/04/2019
BR5 ASD_PA1_4008	18	East Enlarged Elevation (Hickson Park) – Mid Rise	15/04/2019
BR5 ASD_PA1_4201	18	Signage Zone – South West Elevation	29/08/2018
BR5 ASD_PA1_4202	18	Signage Zone East Elevation (Hickson Road)	29/08/2018
BR5 _ASD_PA1_5001	19	Overall Section AA	15/04/2019
BR5 _ASD_PA1_5002	19	Overall Section BB	15/04/2019
BR5 ASD_PA1_6001	18	Balcony Primary Facade Detail	29/08/2018
BR5 ASD_PA1_6002	18	Open Cavity Primary Facade Detail	29/08/2018
BR5 ASD_PA1_6003	18	Open Cavity Primary Facade Detail – Sky Homes	29/08/2018
BR5 ASD_PA1_6004	18	Open Cavity Secondary Facade Detail	29/08/2018
BR5 ASD_PA1_6005	18	Closed Cavity Secondary Facade Detail	29/08/2018
BR5 ASD_PA1_6006	18	DGU Typical Secondary Facade Detail	29/08/2018
BR5 ASD_PA1_6007	18	Louvred Metal Cladding	29/08/2018
BR5 ASD_PA1_6008	18	Opaque Cladding	29/08/2018
BR5 ASD_PA1_6009	18	Podium Facade Detail	29/08/2018
BR5 ASD_PA1_6010	18	Lobby Facade Detail	29/08/2018
BR5 _ASD_PA1_9000	18	GFA Calculation	29/08/2018
BR5 _ASD_PA1_9001	19	GFA Calculation Plan – Sheet 1	15/04/2019
BR5 _ASD_PA1_9002	19	GFA Calculation Plan – Sheet 2	15/04/2019
BR5 _ASD_PA1_9003	19	GFA Calculation Plan – Sheet 3	15/04/2019
BR5 _ASD_PA1_9004	19	GFA Calculation Plan – Sheet 4	15/04/2019
<b>Landscape Drawings prepared by Grant Associates</b>			

Drawing No.	Revision	Name of Plan	Date
RPB430-GE-R5000-GA	R	General Arrangement	23/04/2019
RPB430-GE-R5001-GRND	O	Ground Floor	23/04/2019
RPB430-GE-R5002-PO2	N	Podium Level 02	23/04/2019
RPB430-GE-R5003-L26	N	Level 26	23/04/2019
RPB430-SE-R5004	H	Section Podium Level 02	12/08/2016
RPB430-SE-R5005	A	Section Public Domain	23/04/2019
RPB430-SE-R5006	A	Section Watermans Quay	23/04/2019
RPB430-SE-R5007	A	Section Hickson Road	23/04/2019

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

#### LAPSING OF APPROVAL

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

#### LIMITS ON CONSENT

- A6. This consent does not approve:
- strata subdivision
  - retail premises, including food and drink premises' fit-out and hours of operation
  - signage
  - outdoor dining/seating areas.

#### PRESCRIBED CONDITIONS

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### LONG SERVICE LEVY

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### LEGAL NOTICES

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

#### DESIGN INTEGRITY

- A10. Necessary arrangements must to be implemented by the Applicant to ensure Renzo Piano Building Workshop are engaged in the design documentation phase to ensure the integrity design quality of the approved development is maintained through the construction phase to completion of the building works.

#### REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A11. Within three months of:

- (a) the submission of a Compliance Report under **Conditions C4** and **C6**;
- (b) the submission of an incident report under **Condition A18**;
- (c) the submission of an Independent Audit under **Condition C8**;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under **Condition A3** which requires a review,

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

- A12. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

### EVIDENCE OF CONSULTATION

- A13. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### STRUCTURAL ADEQUACY

- A14. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Notes:**

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

### APPLICABILITY OF GUIDELINES

- A15. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A16. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### MONITORING AND ENVIRONMENTAL AUDITS

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

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

### INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A18. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A19. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## **NON-COMPLIANCE NOTIFICATION**

- A20. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A21. 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.
- A22. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **OPERATION OF PLANT AND EQUIPMENT**

- A23. 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.



## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

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

### EXTERNAL WALLS AND CLADDING

- B2. The external walls and cladding must comply with the relevant requirements of the BCA.
- B3. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B4. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

- B5. The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
  - (b) formulating an alternative solution which:
    - i) complies with the performance requirements; or
    - ii) is shown to be at least equivalent to the deemed to satisfy provision; or
    - iii) a combination of (a) and (b).

### GROSS FLOOR AREA (GFA) CERTIFICATION

- B6. The GFA of the building must not exceed 19,158 m<sup>2</sup>. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

### MAXIMUM HEIGHT

- B7. The maximum height of the approved building must not exceed RL 107 m AHD, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

### COMPLIANCE WITH WIND IMPACT ASSESSMENT

- B8. Prior to the issue of the relevant Construction Certificate, plans shall be submitted to the Certifying Authority demonstrating compliance with the recommendations of the Pedestrian Wind Environment Study, prepared by Windtech, dated 3 September 2018.

### LANDSCAPING AND PUBLIC DOMAIN

- B9. Prior to the issue of the relevant Construction Certificate, the Applicant must demonstrate to the Certifying Authority that the ground floor plane of the building and surrounding paving/public domain works suitably integrate with the alignment levels for Hickson Road, Watermans Quay and the surrounding Stage 1B public domain (SSD 7944).
- B10. Prior to the issue of the relevant Construction Certificate, landscape drawing(s) detailing all landscaped elements, including the rooftop and podium and public domain surrounding the building are to be submitted and approved by the Planning Secretary. The detailed design of the landscaping is to be generally consistent with the design expressed on the approved landscape drawings approved in **Condition A2** and Stage 1B public domain drawings (SSD 7944).

### FOOTPATH DAMAGE BANK GUARANTEE

- B11. If not already obtained, a Footpath Damage Bank Guarantee to cover the site frontage and areas of the public domain which may be damaged must be lodged with the relevant road authority. A suitable bank guarantee must be submitted in favour of the relevant road authority as security for repairing any damage to the public domain in the vicinity of the site.
- B12. The guarantee must be lodged with the relevant road authority prior to issue of the relevant Construction Certificate.

### LIGHT SPILL

- B13. Prior to the issue of the relevant Construction Certificate, a **Lighting and Light Spill Report** (LLSR), including drawings and computer-generated imagery, shall be prepared in consultation with the Sydney Observatory and submitted to and approved by the Planning Secretary. The LLSR shall analyse the impact of proposed lighting and

include recommendations and mitigation measures (where necessary) to minimise light spill impacts. The Applicant shall submit a copy of the approved LLSR with the application for the relevant Construction Certificate.

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

- B14. If not already prepared, the Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the Council and each of the affected property owners.

#### **STRUCTURAL DETAILS**

- B15. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifying Authority, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
  - (b) the development consent.

#### **SCHEDULE OF MATERIALS**

- B16. Prior to the issue of the relevant Construction Certificate a list of the final schedule of materials shall be submitted to the Planning Secretary. The Applicant shall also submit a copy of the schedule of materials to the Certifying Authority with the application for the relevant Construction Certificate.

#### **REFLECTIVITY**

- B17. The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 28 per cent and shall be designed to minimise glare. A report/statement demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate.

#### **MECHANICAL VENTILATION**

- B18. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B19. The mechanical exhaust system for the retail floorspace is to be designed to be capable of accommodating exhaust requirements in accordance with relevant Australia Standards, in order to allow for the event that the tenancy is approved for future use as a food premises or other use which requires mechanical exhaust. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

#### **BASIX CERTIFICATION**

- B20. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 649695M\_04, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)**

- B21. The building must incorporate all design, operation and construction measures as identified in the ESD Report, prepared by Lend Lease, dated 28 August 2018. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

#### **SUSTAINABILITY RATING**

- B22. The building must be designed to achieve a minimum 5 Star Green Star rating under the Design & As Built Green Building Council of Australia Rating Tool. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit details to the Certifying Authority demonstrating compliance with this requirement. Minor amendments to the detailed design required to adapt the building to achieve 5 Star Green Star certification may be submitted to and approved by the Planning Secretary prior to the issue of the relevant Construction Certificate. Any minor amendments to the detailed design must be demonstrably associated with the green star certification process.

#### **SYDNEY WATER REQUIREMENTS**

- B23. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of any Construction Certificate.

#### **INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS (NON-RESIDENTIAL USES)**

- B24. All toilets installed within the non-residential components of the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be

submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate being issued for above ground works.

- B25. All taps and shower heads installed within the non-residential components of the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate for services and finishes works.
- B26. New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Details are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B27. Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

#### NUMBER OF CAR PARKING SPACES

- B28. The maximum number of car parking spaces to be provided for the development is 143, of which 9 are for Key Worker Housing. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

#### CAR PARK AND SERVICE VEHICLE LAYOUT

- B29. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate:
  - (a) all vehicles should enter and leave the site in a forward direction;
  - (b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) must be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage;
  - (c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
  - (d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority;
  - (e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the Site, must be in accordance with AUSTROADS; and
  - (f) the basement and loading docks must be designed to enable Council's 9.25 m rigid vehicle garbage trucks to service the buildings. A minimum vertical clearance of 4 m must be provided. The vehicle turntable is to have a minimum capacity of 30 tonnes.

#### NUMBER OF BICYCLE PARKING SPACES

- B30. The minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Bicycle parking allocation	Number
Residential	210
Retail	3

#### FACILITIES FOR CYCLISTS

- B31. The layout, design and security of bicycle facilities, either on-street or off-street, must comply with the minimum requirements of Australian Standard AS 2890.3 – 2015 except that:
  - (a) all bicycle parking for occupants of residential buildings (**non-KWH**) must be Class A bicycle facilities. Notwithstanding Class A, bicycle lockers may also be designed to allow for stand up / hanging storage of bicycles;
  - (b) all bicycle parking for Key Worker Housing must be Class B bicycle facilities; and
  - (c) all bicycle parking for staff / employees of any other land uses must be Class B bicycle facilities.
- B32. The retail units shall be afforded access to the secure bicycle parking area and end-of-trip facilities.
- B33. Storage, change room and shower facilities for use by retail employees shall be provided and designed in accordance with the details provided within the application. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B34. Appropriate way finding signage shall be displayed indicating the way to the bicycle facilities.

## **STORAGE AND HANDLING OF WASTE**

B35. The design of facilities for the storage and handling of operational waste must comply with the requirements of *City of Sydney Policy for Waste Minimisation in New Developments 2005*. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

## **ADAPTABLE HOUSING**

B36. Prior to issue of the relevant Construction Certificate, the Certifying Authority is to ensure that the building has been designed to accommodate a minimum of 21 apartments (both Key Worker Housing and non-Key Worker Housing) as adaptable residential units and that the requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming:

- (a) the required number of units are able to be adapted for people with a disability in accordance with the BCA; and
- (b) compliance with *Australian Standard AS4299 – Adaptable Housing*.

## **UNIVERSAL DESIGN**

B37. Prior to issue of the relevant Construction Certificate, the Certifying Authority is to ensure that the building has been designed to accommodate a minimum of 20 per cent of the total number of Key Worker Housing and a minimum of 20 per cent of the total number of non-Key Worker Housing units incorporating the Livable Housing Guideline's silver level universal design features and that the requirements are referenced on the relevant Construction Certificate drawings.

## **ACCESS FOR PEOPLE WITH DISABILITIES**

B38. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

## **SANITARY FACILITIES FOR DISABLED PERSONS**

B39. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

## **OUTDOOR LIGHTING**

B40. All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## **MECHANICAL PLANT NOISE MITIGATION**

B41. Details of noise mitigation measures for all mechanical plant are to be detailed on the Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Noise Policy for Industry is required to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)**

B42. To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the CPTED Reports prepared by Harris Crime Prevention Services, dated February 2017 and 15 August 2018 must be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate.

## **TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

B43. The surface of any material used or proposed to be used for the paving of the colonnade, thoroughfares, plazas, arcades and the like which are used by the public must comply with *AS/NZS 4586:2004 (including amendments) 'Slip resistance classification of new pedestrian surface materials'*.

B44. All tactile ground surface indicators, handrails and other elements required to provide access into the building/property, must be located entirely within the private property boundary.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

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

### ACCESS TO INFORMATION

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

### COMPLIANCE REPORTING

- C4. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the PCA for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.
- C5. The Pre-Construction Compliance Report must include:
  - (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
  - (b) the expected commencement date for construction.
- C6. Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- C7. The Construction Compliance Reports must include:
  - (a) a results summary and analysis of environmental monitoring;
  - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
  - (c) details of any review of the CFEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
  - (d) a register of any modifications undertaken and their status;
  - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
  - (f) a summary of all incidents notified in accordance with this consent; and
  - (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

## INDEPENDENT ENVIRONMENTAL AUDIT

- C8. No later than one month before the commencement of construction or within another timeframe agreed with the Planning Secretary, a program of independent environmental audits must be prepared for the development in accordance with *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems* (Standards Australia, 2014) and submitted to the Planning Secretary for information.
- C9. The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.
- C10. The environmental audit program prepared and submitted to the Planning Secretary in accordance with **Conditions C8 and C9** above must be implemented and complied with for the duration of the development.
- C11. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:
- assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
  - assesses whether the development is complying with the terms of this consent;
  - reviews the adequacy of any document required under this consent; and
  - recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- C12. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

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

## COMMUNITY CONSULTATION AND ENGAGEMENT PLAN

- C13. An updated Community Consultation and Engagement Plan shall be prepared prior to the commencement of works and shall include how notification of residents and complaints associated with the proposal will be managed.
- C14. The updated Community Consultation and Engagement Plan must be implemented during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- C15. The updated Community Consultation and Engagement Plan must:
- identify people to be consulted during the design and construction phases;
  - set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
  - provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
  - set out procedures and mechanisms:
    - through which the community can discuss or provide feedback to the Applicant;
    - through which the Applicant will respond to enquiries or feedback from the community; and
    - 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.
- C16. The updated Community Consultation and Engagement Plan must be submitted to the Planning Secretary for information no later than one month before the commencement of any work.
- C17. The updated Community Consultation and Engagement Plan must be implemented for a minimum of 12 months following the completion of construction.

## COMPLIANCE

- C18. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## COMPLAINTS AND ENQUIRIES PROCEDURE

- C19. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

- (a) a 1300 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
- (b) a postal address to which written complaints and enquiries may be sent; and
- (c) an email address to which electronic complaints and enquiries may be transmitted.

#### **CERTIFIED PLANS**

C20. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the PCA and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

#### **CONSTRUCTION FRAMEWORK ENVIRONMENTAL MANAGEMENT PLAN**

C21. Prior to the commencement of any works, the Applicant shall prepare an updated **Construction Framework Environmental Management Plan (CFEMP)** for Barangaroo South incorporating the development to be submitted to the EPA for review and submitted to the PCA. The CFEMP must:

- (a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
- (b) describe all activities to be undertaken on the site during site establishment and construction of the development;
- (c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
- (d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- (e) include specific consideration of measures to address any requirements of the Environmental Protection Agency (EPA) during site establishment and construction;
- (f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
- (g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts;
- (h) document and incorporate all sub environmental management plans (Sub-Plans), studies and monitoring programs required under this consent; and
- (i) include arrangements for community consultation and complaints handling procedures during construction.

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

The CFEMP and any associated Sub-Plans should be revised:

- (i) at each key stage of the works;
- (ii) in response to future development consents;
- (iii) in response to major changes in site conditions or work methods; and
- (iv) in support of licence variations as necessary.

A copy of the final CFEMP is to be provided to the Planning Secretary and the EPA.

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

C22. Prior to the commencement of works, a **Construction Pedestrian and Traffic Management Sub-Plan (CPTMP)** prepared by a suitably qualified person shall be submitted to the PCA. The **CPTMP** should be prepared in consultation with iNSW, the CBD Coordination Office, TfNSW and TfNSW (RMS).

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

- (a) location of the proposed work zone(s);
- (b) location of any crane(s);
- (c) haulage routes;
- (d) construction vehicle access arrangements;
- (e) proposed construction hours;
- (f) estimated number of construction vehicle movements and detail of vehicle types, noting vehicle movements are to be minimised during peak periods;

- (g) details of construction activities and timing of these activities;
- (h) consultation strategy for liaison with surrounding stakeholders;
- (i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction works;
- (j) cumulative construction impacts of projects including Sydney Light Rail Project, Sydney Metro City and Southwest and surrounding developments. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure coordination of work activities are managed to minimise impacts on the road network; and
- (k) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts must be clearly identified and included in the CPTMP.

The Applicant shall provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within TfNSW to resolve issues relating to traffic, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

A copy of the final **CPTMP**, to be endorsed by the CBD Coordination Office prior to the commencement of works, is to be provided to the Planning Secretary.

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

- C23. Prior to the commencement of works, an updated **Noise and Vibration Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the PCA. The Sub-Plan must be consistent with and adopt all recommendations of the Operational and Construction Noise and Vibration Report (prepared by Wilkinson Murray dated July 2016) and comply with Environment Protection Licence number 13336 (if active), where relevant. The Sub-Plan must establish Noise Management Levels for the closest residential properties, including the provision of reasonable and feasible noise mitigation measures. A copy must be provided to the Planning Secretary.

#### **AIR QUALITY AND ODOUR MANAGEMENT SUB-PLAN**

- C24. Prior to the commencement of works, an updated **Air Quality and Odour Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the Environment Protection Authority (EPA) for review and submitted to the PCA. The Sub-Plan must comply with Environment Protection Licence number 13336 (if active), where relevant. A copy must be provided to the Planning Secretary.

#### **WASTE MANAGEMENT SUB-PLAN**

- C25. Prior to the commencement of works, an updated **Waste Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the PCA. A copy must be provided to the Planning Secretary.

#### **WATER AND STORMWATER MANAGEMENT SUB-PLAN**

- C26. Prior to the commencement of works, an updated **Water and Stormwater Management Sub-Plan** (WSMSP) for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA and DPIE for review and submitted to the satisfaction of the Certifying Authority.

The WSMSP must ensure that any effluents/liquid waste streams associated with the development that are directed to the site Wastewater Treatment Plant (WTP) would be sufficiently treated to ensure:

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

The WSMSP shall include a suitable short period intensive monitoring program to characterise key pollutants in liquid waste inflows to and discharges from the WTP associated with the development to ensure this waste is treated to an acceptable level.

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

#### **CRANES**

- C27. Construction cranes may be required to operate at a height significantly higher than that of the approved building and consequently, may not be approved under the *Airports (Protection of Airspace) Regulations 1996*. Separate approval must therefore be sought under the *Airports (Protection of Airspace) Regulations 1996*, prior to the commencement of works, for any cranes required to construct the building.



## **UTILITY SERVICES**

- C28. Prior to the commencement of the relevant works, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- C29. Prior to the commencement of the relevant works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

## **ENVIRONMENTAL PROTECTION LICENCE**

- C30. Prior to the commencement of works, the Applicant must ensure that the existing Environmental Protection Licence (EPL) (if active) issued to the Barangaroo Delivery Authority is varied (if required), to reflect and permit the works conducted on site. All works undertaken on site must be done in a manner which ensures compliance with EPL conditions at all times.

## **CONTACT TELEPHONE NUMBER**

- C31. Prior to the commencement of the works, the Applicant shall forward to Council and the Department a 24-hour telephone number to be operated for the duration of the construction works.

## **HOARDINGS**

- C32. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road and such application is to include:

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

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

## **BARRICADE PERMIT**

- C33. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

## **TRAFFIC WORKS**

- C34. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with TfNSW (RMS) Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

## PART D DURING CONSTRUCTION

### DEMOLITION

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

### CONSTRUCTION HOURS

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 7.00 pm, Mondays to Fridays inclusive; and
  - (b) between 7.00 am and 5.00 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday.

### IMPLEMENTATION OF MANAGEMENT PLANS

- D7. The Applicant shall ensure that the requirements of all environmental management sub-plans required by Part C of this consent are implemented during construction.
- D8. The CPTMP sub-plan approved under **Condition C22** shall be implemented during construction except where modified below:
- (a) under the current legislation the use of lengthy vehicles in the CBD is prohibited within certain time frames. All lengthy vehicles must comply with this regulation as stipulated in the NSW Road Rules. A map indicating the prohibited area and definitions of lengthy vehicles are included in the Road Rules;
  - (b) personnel using stop/slow signage are not permitted in Hickson Road or Sussex Street on weekdays between the hours of 7.00 am and 9.00 am and 4.00 pm and 7.00 pm. However, personnel using stop/slow signage will be permitted on Hickson Road, north of the intersection of Hickson Road and Napoleon Street, when it is required to ensure safe truck access at designated site access points, provided that vehicle queue lengths generated as a result of the traffic control do not exceed more than six vehicles in either direction;
  - (c) truck movements should be staged and coordinated to prevent trucks circling CBD streets whilst awaiting access to the site. There should be holding areas outside the CBD on the fringes or sufficient space within the site to store trucks and heavy vehicles;
  - (d) truck movements to and from the site associated with the development must be minimised as far as practicable during the PM peak period;
  - (e) where possible, trucks must avoid driving over areas of the site that have already been excavated, validated or re-instated to prevent cross contamination;
  - (f) all trucks associated with the development must have their loads covered or secured to ensure trucks do not track material onto the public road network; and
  - (g) all trucks must be decontaminated in the wheel wash areas before exiting the site.

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- D9. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the **CFEMP** and **CNVMP**.

- D10. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in the NSW Noise Policy for Industry), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels
- D11. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers.
- D12. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required, they must only be installed where outlined in the **CFEMP**.
- D13. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
  - for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*;
  - for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment; and

These limits apply unless otherwise outlined in the **CNVMP Sub-Plan**.

#### **APPROVED PLANS TO BE ON-SITE**

- D14. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available to any officer of the Department, Council or the PCA.

#### **SITE NOTICE**

- D15. A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- the notice is to be able to be read by the general public;
  - the notice is to be rigid, durable and weatherproof and is to be displayed throughout the works period;
  - the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

#### **DISPOSAL OF SEEPAGE AND STORMWATER**

- D16. Any seepage or rainwater collected on-site during construction shall be managed in accordance with the Water and Stormwater Management Sub-Plan.

#### **COVERING OF LOADS**

- D17. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

#### **VEHICLE CLEANSING**

- D18. 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.

#### **WASTE MANAGEMENT**

- D19. Notwithstanding the **Waste Management Sub-Plan** referred to in **Condition C25**, the Applicant must ensure that:
- construction waste should be managed generally in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites" and the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009* as well as the relevant waste management conditions attached to Environmental Protection Licence No. 13336 (if active);
  - all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
  - waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;

- (d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and
- (f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

#### **STOCKPILE MANAGEMENT**

D20. The Applicant must ensure that:

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

#### **DUST CONTROL MEASURES**

D21. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

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

#### **NO OBSTRUCTION OF THE PUBLIC WAY**

D22. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

#### **DAMAGE TO THE PUBLIC WAY**

D23. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

#### **PROTECTION OF STREET TREES**

D24. All existing street trees to be retained are to be protected during construction.

#### **BUNDING**

D25. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements (if active) and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

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

D26. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

#### **SETTING OUT OF STRUCTURES**

D27. The building shall be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

## **CONTACT TELEPHONE NUMBER**

D28. The Applicant shall 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.

## **WATER QUALITY**

D29. All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the following guideline documents:

- (a) NSW Water Quality Objectives; and
- (b) The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000) for the environmental values under the ANZECC guidelines.

## **WATER DISCHARGES**

D30. The Applicant must ensure that all surface water discharges from the site comply with:

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

## **ROAD OCCUPANCY LICENCE**

D31. A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

D32. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

D33. All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and *Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'*.

## **SAFework NSW REQUIREMENTS**

D34. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

## **HOARDING/FENCING REQUIREMENTS**

D35. The following hoarding requirements must be complied with:

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

## **LOADING AND UNLOADING DURING CONSTRUCTION**

D36. The following requirements apply:

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

## **DEMOLITION AND CONSTRUCTION VEHICLES**

D37. All demolition and construction vehicles must be wholly contained within the site.

## **OPERATION OF PLANT AND EQUIPMENT**

D38. 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.

## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### OCCUPATION CERTIFICATE

- E1. An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved building.

### GFA AND HEIGHT CERTIFICATION

- E2. A Registered Surveyor is to certify that the GFA of the building does not exceed 19,158 m<sup>2</sup> and the height of the building does not exceed RL 107 m AHD. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate.
- E3. Prior to the issue of any Occupation Certificate, a certified surveyor must provide written notification to the Sydney Airport Corporation Ltd (SACL) Airfield Design Manager of the finished height of the building.

### OPERATIONAL PLAN OF MANAGEMENT

- E4. Prior to the occupation or commencement of use, a Key-Worker Housing **Operational Plan of Management (OPM)** shall be submitted to and approved by the Planning Secretary. The **OPM** must be prepared in consultation with a community housing provider. The **OPM** shall address (but not be limited to):
- operational strategies for the proposed key worker housing, including management of any access easements proposed to be placed on title in favour of Key Worker Housing residents in any future subdivision of the building;
  - car parking arrangements for Key Worker Housing relating to levels of car sharing arrangements and persons with a disability
  - roles and responsibilities of key employees involved in the operation of the key worker housing;
  - management of Key Worker Housing communal areas and open spaces;
  - access, including lift access, loading and unloading, security and staff management, emergency management/evacuation and incident response protocols, occupational health and safety, waste management, water management, wayfinding and signage, and lighting; and
  - community consultation and complaint management.

### ROAD DAMAGE

- E5. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the commencement of use (see also **Condition E22**).

*Note: Should the cost of damage repair work not exceed the road maintenance bond, the bond will automatically be called up to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.*

### LOADING DOCK AND SERVICE VEHICLE MANAGEMENT PLAN

- E6. Prior to the issue of the relevant Occupation Certificate, a Loading Dock and Service Vehicle Management Plan (LDSVMP), prepared by a suitably qualified person in consultation with the TfNSW CBD Coordination Office, must be submitted to the PCA. The LDSVMP must outline all measures to be implemented to ensure the safe and efficient operation of the loading dock and to minimise disruption to car park operation and the adjacent road network. The LDSVMP must include (but not be limited to):
- loading bay management details including management of service vehicle movements during peak periods and impacts on traffic flow in Watermans Quay;
  - management of access, queueing and incidents at the access to the basement and at the loading bays via the single driveway entry/exit towards the western end of Watermans Quay, including details of alternate car parking locations and loading zones to redirect vehicles in the case of any extensive queueing at the access to the car park and loading dock, to ensure there is no requirement for any loading/service vehicles to wait on public streets to enter the site;
  - details of how the loading area will be managed and use by all building tenants;
  - management of conflicts between vehicles accessing the basement and vehicle movements to/from loading bays;
  - management of conflicts between vehicles accessing the site and pedestrian movements adjacent to the site; and
  - details of the largest vehicle accessing the site, and management of vehicles too large to service the development within the loading dock area (i.e. vehicles larger than a standard Medium Rigid Vehicle).

A copy of the LDSVMP must be provided to the Planning Secretary. The Plan must be implemented by the Applicant following the issue of an Occupation Certificate.

#### **WATER AUTHORITY COMPLIANCE**

- E7. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifying Authority prior to the commencement of use.

#### **UTILITY PROVIDERS**

- E8. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

#### **REGISTRATION OF EASEMENTS**

- E9. Prior to the issue of the relevant Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

#### **POST-CONSTRUCTION DILAPIDATION REPORT**

- E10. Prior to the issue of the final Occupation Certificate:
- (a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
  - (b) the report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) A copy of this report is to be forwarded to the Council and the Planning Secretary and each of the affected property owners.

#### **STRUCTURAL INSPECTION CERTIFICATE**

- E11. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **CPTED**

- E12. The relevant and reasonable CPTED recommendations for the development listed within the CPTED Report, prepared by Harris Crime Prevention Services, dated 15 August 2018 (as amended by **Condition B42**), must be fulfilled prior to the issue of the final Occupation Certificate.

#### **LIGHT SPILL**

- E13. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the LLSR (see **Condition B13**).

#### **TREE PLANTING, LANDSCAPING AND PUBLIC DOMAIN WORKS**

- E14. All tree planting, landscaping and public domain works approved by **Condition A2**, must be completed in accordance with the approved plans, including the revised detailed landscape plan (see **Condition B10**), prior to the issue of the relevant Occupation Certificate.
- E15. All public domain works and landscaping within the Building R5 boundary, and works relating to the raising of Hickson Road and surrounding public domain, are to be completed in accordance with the approved plans prior to the issue of the relevant Occupation Certificate.

## ENVIRONMENTAL PERFORMANCE

- E16. Prior to the issue of any Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No. 649695M\_04.
- E17. Prior to the issue of any Occupation Certificate, the Applicant is to provide to the PCA, documentation certifying the development has achieved a minimum 5 star Multi-Unit Residential v1 design tool rating as established by the Green Building Council of Australia.
- E18. All non-residential environmental commitments referred to in **Conditions B24 to B27** for the development must be fulfilled prior to the issue of the relevant Occupation Certificate.

## TRAVEL DEMAND MANAGEMENT PLAN

- E19. Prior to the issue of any Occupation Certificate, an updated **Travel Demand Management Plan** for Barangaroo South prepared by a suitably qualified person incorporating the development shall be submitted to iNSW and Transport for NSW for review and submitted to the PCA.
- E20. The Plan must be consistent with the information contained in the Transport Management and Accessibility Plan, prepared by ARUP dated July 2016 and addendum letter prepared by Arup dated 11 July 2018, and outline all measures, including car sharing, to support sustainable modes of travel to Barangaroo and reduce car dependency. A copy must be provided to the Planning Secretary.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E21. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with the recommendations and principles highlighted within the ESD Report, prepared by Lend Lease, dated 28 August 2018 (see **Condition B22**).

## DAMAGE TO PUBLIC AUTHORITY ASSETS

- E22. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of the final Occupation Certificate (see also **Condition E5**).

## MECHANICAL VENTILATION

- E23. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- the BCA;
  - Australian Standard AS1668* and other relevant codes;
  - the development consent and any relevant modifications; and,
  - any dispensation granted by the New South Wales Fire Brigade.

## NUMBERING

- E24. Prior to the issue of any Occupation Certificate, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.
- E25. Shops not having a direct street frontage must have their shop number clearly displayed and visible at all times on the shop front.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E26. Prior to the issue of an Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating the relevant recommendations provided in the CPTED Reports prepared by Harris Crime Prevention Services, dated February 2017 and 15 August 2018 have been implemented, in accordance with **Condition B42**.

## WIND MITIGATION MEASURES

- E27. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all wind mitigation recommendations of the Pedestrian Wind Environment Study, prepared by Windtech, dated 3 September 2018 (see **Condition B8**).

## FIRE SAFETY CERTIFICATION

- E28. Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.



### **SANITARY FACILITIES FOR DISABLED PERSONS**

- E29. Prior to occupation and commencement of the use, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **Condition B39**.

### **BICYCLE AND FACILITIES FOR CYCLISTS CERTIFICATION**

- E30. Prior to the issue of the relevant Occupation Certificate, details shall be provided to the PCA demonstrating compliance with the approved number of bicycle spaces required under **Condition B30** and facilities for cyclists required under **Condition B31** to **B34**.

### **WASTE AND RECYCLING COLLECTION**

- E31. Prior to the issue of any Occupation Certificate and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

### **ACOUSTIC COMPLIANCE**

- E32. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all noise mitigation measures required under **Condition B41** and to ensure the development achieves compliance with the requirements of the NSW Noise Policy for Industry and other guidelines applicable to the development.

### **EXTERNAL WALLS AND CLADDING FLAMMABILITY**

- E33. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the PCA demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B2**.

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E34. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### **COMPLIANCE REPORT**

- E35. Prior to the issue of any Occupation Certificate, the Applicant, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

## PART F POST OCCUPATION – DURING OPERATION

### OPERATIONAL PLAN OF MANAGEMENT

F1. The OPM (see **Condition E4**) and all relevant plans must be fully implemented during use of the premises.

### ANNUAL FIRE SAFETY CERTIFICATE

F2. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### EXTERNAL LIGHTING

F3. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit evidence from an independent qualified practitioner, to the consent authority, demonstrating compliance in accordance with this condition.

### STORAGE OF HAZARDOUS OR TOXIC MATERIAL

F4. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

### NOISE CONTROL – PLANT AND MACHINERY

F5. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- (b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
- (c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

### LOADING AND UNLOADING

F6. All loading and unloading operations associated with the site must be carried out:

- (a) in accordance with the **LDSVMP (Condition E6)**
- (b) within the confines of the site, at all times and must not obstruct other properties/units or the public way.

F7. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

### WASTE MANAGEMENT

F8. Waste Management shall be undertaken in accordance with the Waste Management Plan, prepared by Arup and dated July 2016, and **Condition E31**.

F9. The storage and handling of waste associated with the premises must comply with Council's *Policy for Waste Minimisation in New Developments 2005*.

### NO OBSTRUCTION OF THE PUBLIC WAY

F10. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### CAR PARKING ALLOCATION

F11. Accessible car parking spaces for people with mobility impairment are only to be allocated to **Key Worker Housing or non-Key Worker Housing** 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.

F12. Tandem car parking spaces must be attached to the same unit.

### **USE OF COMMUNAL FACILITIES**

F13. Use of the communal open space is restricted to residents and their guests of Building R4A, Building R4B and Building R5 only.

### **OUTDOOR FURNITURE**

F14. Lightweight furniture is not permitted within communal open spaces and balconies unless securely attached to the floor slab. Use of loose glass-tops and lightweight sheets or covers is not permitted.

### **ANTI-GRAFFITI**

F15. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

### **PLAN OF MANAGEMENT FOR LANDSCAPE MAINTENANCE**

F16. Within six months of the issue of the final Occupation Certificate, a Plan of Management for the ongoing maintenance of landscaped areas within common communal areas is to be prepared and adopted by the Owners Corporation and Key Worker Housing provider.

### **COMPLIANCE REPORT**

F17. The Applicant, or any party acting upon this approval, shall submit to the Department a report addressing compliance with all relevant conditions of this approval.

## ADVISORY NOTES

### APPEALS

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

### OTHER APPROVALS AND PERMITS

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

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

### REQUIREMENTS OF PUBLIC AUTHORITIES

AN4. Public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia, AGL, etc.) may have requirements in regard to the connection to, relocation or adjustment of services affected by the construction of the development.

### TEMPORARY STRUCTURES

AN5. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

AN6. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

### DISABILITY DISCRIMINATION ACT

AN7. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### FURTHER APPROVALS

AN8. The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- (a) Fit-out and use of the retail tenancies (except for the public amenities) - the Applicant shall seek development consent prior to occupation and use of individual retail tenancies. Development applications for any food premises shall comply with the requirements of *AS 4674 Design, Construction and Fit-out of Food Premises, The Food Act 2003* and *Food Safety Standards*.
- (b) The Applicant shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fit-out of Food Premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

### USE OF MOBILE CRANES

AN9. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (c) (For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
  - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of the relevant road authority will create minimal traffic disruptions; and

- (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of the relevant road authority, will create significant traffic disruptions.
- (d) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7 am without the prior approval of the relevant authority.

### **ROADS ACT 1993**

AN10. A separate approval under Section 138 of the *Roads Act 1993* is required to undertake any of the following:

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

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

AN11. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN12. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of the Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **BUILDING PLAN APPROVAL**

AN13. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

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

### **WORKS AND SIGNPOSTING**

AN14. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**END OF ADVISORY NOTES**

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A20 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.