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# Development Consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

We grant consent to 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 including economic and social 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.

**Member of the Commission      Member of the Commission      Member of Commission**

Sydney

2017

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### SCHEDULE 1

<b>Application No.:</b>	SSD 6965
<b>Applicant:</b>	Lend Lease (Millers Point) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Building R4B, 51A Hickson Road, Barangaroo (Lot 209 DP 1211553)
<b>Approved Development:</b>	Construction, use and fitout of a 60-storey (RL 210) mixed-use building, including: <ul style="list-style-type: none"><li>• a total GFA of 38,896 m<sup>2</sup> comprising 38,602 m<sup>2</sup> residential GFA (297 apartments) and 294 m<sup>2</sup> retail GFA;</li><li>• public domain works;</li><li>• fit-out and use of the Stage 1B basement car park for Building R4B, including 301 allocated parking spaces;</li><li>• demolition of interim basement elements; and</li><li>• a signage zone to accommodate future building identification signage.</li></ul>

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## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Lend Lease (Millers Point) Pty Ltd, or any other person carrying out any development to which this consent applies
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
BCA	Building Code of Australia
Building R4B	Building R4B as described in the EIS
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
CIV	Capital Investment Value
Commission	Planning Assessment Commission
Concept Approval/Concept Plan	Approved Concept Plan for the redevelopment the site (MP 06_0162)
Conditions of this consent	Conditions contained in Schedule 2
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	City of Sydney Council
Date of commencement	The date notified to the Department by the Applicant under Condition C1 of Schedule 2
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Evening	The period from 6 pm to 10 pm
EIS	Environmental Impact Statement entitled ' <i>Building R4A (SSD 6964) Barangaroo South</i> ' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2016
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
GFA	Gross Floor Area
Heritage Division	Heritage Division of OEH

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Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial. <i>Note: This meaning of “material harm” applies for the purpose of this approval only</i>
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
OEH	Office of the Environment and Heritage
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services
Residence	For the purposes of this instrument, a residence includes existing or approved dwellings or buildings at the date of this consent including those offering overnight accommodation
Residential use	The use of residential housing for owner occupied residential use or leasing subject to the <i>Residential Tenancies Act 2010</i>
RTS	Response to Submissions reports, prepared by JBA Urban Planning Consultants, dated February 2017
Secretary	Secretary of the Department of Planning and Environment
Secretary’s approval, agreement or satisfaction	A written approval from the Secretary (or delegate/nominee).
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children’s day care facility
Site	Land referred to in Schedule 1
SLEP 2012	Sydney Local Environmental Plan 2012
SSD	State significant development
TfNSW	Transport for New South Wales
Zone of Influence	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 established under this consent, the Applicant must implement all reasonable and feasible measures 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 Applicant, in acting on this consent, must carry out the development:

- a) in compliance with the conditions of this consent;
- b) in accordance with all written directions of the Secretary;
- c) generally in accordance with the State Significant Development Application SSD 6965; Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd dated September 2016; and
- d) generally in accordance with the Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd dated February 2017; and further information package, prepared by JBA Urban Planning Consultants dated 5 May 2017; and
- e) the following drawings:

<b>Architectural Plans prepared by Renzo Piano Building Workshop</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
BR4B_ASD_PA1_0001	18	Context Plan	08/02/2017
BR4B_ASD_PA1_0002	18	Site Plan	28/04/2017
BR4B_ASD_PA1_0004	18	Site Plan Setting Out	08/02/2017
BR4B_ASD_PA1_0005	18	Thermal Performance Assessment	08/02/2017
BR4B_ASD_PA1_1001	18	Setout Plan Basement Level B4	08/02/2017
BR4B_ASD_PA1_1002	18	Setout Plan Basement Level B3	08/02/2017
BR4B_ASD_PA1_1003	18	Setout Plan Basement Level B2	08/02/2017
BR4B_ASD_PA1_1004	18	Setout Plan Basement Level B1	20/06/2017
BR4B_ASD_PA1_1005	18	Setout Plan Basement Level B0	20/06/2017
BR4B_ASD_PA1_2000	18	Plan Ground Floor Level 00	08/02/2017
BR4B_ASD_PA1_2001	18	Plan Podium Level P1	08/02/2017
BR4B_ASD_PA1_2002	18	Plan Podium Level P2	08/02/2017
BR4B_ASD_PA1_3001	18	Plan Lower Plater Level 01	08/02/2017
BR4B_ASD_PA1_3002	18	Plan Lower Plate Level 02-03	08/02/2017
BR4B_ASD_PA1_3004	18	Plan Lower Plate Level 04-19	08/02/2017
BR4B_ASD_PA1_3020	18	Plan Plant Level 20	08/02/2017
BR4B_ASD_PA1_3021	18	Plan Lower Plate Typical 21-32	08/02/2017
BR4B_ASD_PA1_3033	18	Plan Mid Plate Level 33	08/02/2017
BR4B_ASD_PA1_3034	18	Plan Mid Plate Level 34-38	08/02/2017
BR4B_ASD_PA1_3039	18	Plan Mid Plate Level 39	08/02/2017
BR4B_ASD_PA1_3040	18	Plan Mid Plate Level 40-48	08/02/2017
BR4B_ASD_PA1_3049	18	Plan Plant Level 49	08/02/2017
BR4B_ASD_PA1_3050	18	Plan Mid Plate Level 50-55	08/02/2017
BR4B_ASD_PA1_3056	18	Plan Penthouse Level 56	08/02/2017
BR4B_ASD_PA1_3057	18	Plan Penthouse Level 57	08/02/2017
BR4B_ASD_PA1_3058	18	Plan Roof Level 58	08/02/2017
BR4B_ASD_PA1_4001	18	Elevation North – East (Park)	08/02/2017
BR4B_ASD_PA1_4002	18	Elevation West (Barangaroo Ave)	08/02/2017
BR4B_ASD_PA1_4003	18	Elevation South – East (Lift Lobby)	08/02/2017
BR4B_ASD_PA1_4004	18	Elevation South (Watermans Quay)	08/02/2017

BR4B_ASD_PA1_4005	18	North – East Enlarged Elevation (Park) – Low Rise	08/02/2017
BR4B_ASD_PA1_4006	18	North – East Enlarged Elevation (Park) – Mid Rise	08/02/2017
BR4B_ASD_PA1_4007	18	North – East Enlarged Elevation (Park) – High Rise	08/02/2017
BR4B_ASD_PA1_4008	18	West Enlarged Elevation (Barangaroo Ave) – Low Rise	08/02/2017
BR4B_ASD_PA1_4009	18	West Enlarged Elevation (Barangaroo Ave) – Mid Rise	08/02/2017
BR4B_ASD_PA1_4010	18	West Enlarged Elevation (Barangaroo Ave) – High Rise	08/02/2017
BR4B_ASD_PA1_4201	18	Signage Zone South – East Elevation	08/02/2017
BR4B_ASD_PA1_5001	18	Overall Section AA	08/02/2017
BR4B_ASD_PA1_5002	18	Overall Section BB	08/02/2017
BR4B_ASD_PA1_6001	18	Wintergarden + Balcony Façade Details	08/02/2017
BR4B_ASD_PA1_6002	18	Open Cavity Façade Details	08/02/2017
BR4B_ASD_PA1_6003	18	Penthouse North Façade Details with Wintergarden	08/02/2017
BR4B_ASD_PA1_6004	18	Penthouse North Façade Details Open Cavity Façade	08/02/2017
BR4B_ASD_PA1_6005	18	Penthouse West Façade Details	08/02/2017
BR4B_ASD_PA1_6006	18	Plant Level Façade Details	08/02/2017
BR4B_ASD_PA1_6007	18	North-West, South, and South-East Façade Details	08/02/2017
BR4B_ASD_PA1_6008	18	Podium Façade Details	08/02/2017
BR4B_ASD_PA1_6009	18	Lobby Façade Details	08/02/2017
BR4B_ASD_PA1_6010	18	Typical Retail Entry Systems	08/02/2017
BR4B_ASD_PA1_9000	18	R4B GFA Calculation	20/06/2017
<b>Landscape Drawings prepared by Grant Associates</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
RPB430-GE-R4B001-GA	S	General Arrangement	29/06/ 2017
RPB430-GE-R4A002-GRND	O	Ground Floor	29/06/2017
RPB430-GE-R4B003-PO2	P	Podium level 02	29/06/2017
RPB430-SE-R4B004	H	R4B Typical Podium Section 1	August 2016
RPB430-SE-R4B005	H	R4B Typical Podium Section 2	August 2016

## INCONSISTENCY BETWEEN DOCUMENTS

A3 If there is any inconsistency between the documents in **Condition A2**, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.

## LIMITS ON CONSENT

A4 The development consent will lapse 5 years after the determination date unless the works authorised by this development consent have been commenced.

A5 This consent in no way implies or grants approval for the following:

- a) fitout or use of any retail areas within the building;
- b) subdivision of the site or building;
- c) hours of operation of any retail areas or outdoor dining areas; and
- d) signage.

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Separate development application(s) must be lodged and consent obtained from the relevant consent authority for the above works and uses (except where exempt and complying development applies).

### **DESIGN INTEGRITY**

A6 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.

### **PRESCRIBED CONDITIONS**

A7 The Applicant shall 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.

Note: 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 shall be served on the Secretary.

**END OF PART A**

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## **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.

### **BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE**

- B2 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).

### **MAXIMUM HEIGHT**

- B3 The maximum height of the approved building must not exceed RL 210 m AHD, including plant and lift overruns, but excluding communication devices, antennas, 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.

### **GROSS FLOOR AREA (GFA) CERTIFICATION**

- B4 The GFA of the building must not exceed 38,896 m<sup>2</sup>. Details confirming compliance must be submitted to the Certifying Authority demonstrating compliance with the condition prior to the issue of any Construction Certificate.

### **STRUCTURAL DETAILS**

- B5 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.

### **DUCTED VENTILATION**

- B6 The proposed form of ducted ventilation for unit type LB-06 (up to level 9) shall also be provided to unit types LB-02 and LB-03 (up to level 9). Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **STUDY ROOM OPENINGS**

- B7 The opening to the study room located within unit type LB-05 is to have a minimum width of 1.2 m. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **SCHEDULE OF MATERIALS**

- B8 Prior to the issue of the relevant Construction Certificate a list of the final schedule of materials shall be submitted to the Secretary. The Applicant shall also submit a copy of

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the schedule of materials to the Certifying Authority with the application for the relevant Construction Certificate.

## **REFLECTIVITY**

B9 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 must be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate.

## **PRE-CONSTRUCTION DILAPIDATION REPORTS**

B10 If not already undertaken, 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 must be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate. A copy of the report is to be forwarded to the Council.

## **LIGHT SPILL**

B11 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 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.

## **BASIX CERTIFICATION**

B12 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 649694M\_03, 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.

## **SYDNEY WATER NOTICE OF REQUIREMENTS**

B13 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.

## **OUTDOOR LIGHTING**

B14 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 must be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate.

## **CAR PARK AND SERVICE VEHICLE LAYOUT**

B15 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



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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 AUSTRROADS; 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.

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

B16 To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the CPTED Report prepared by Harris Crime Prevention Services, dated February 2017, that relate to Building R4B shall be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate where reasonable.

B17 Notwithstanding **Condition B16** above, the recommendation provided in the CPTED Report relating to the closure of the Strada at night is not approved.

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

B18 The project must incorporate all design, operation and construction measures as identified in the ESD Strategy that relate to Building R4B prepared by Lendlease Design, dated 11 August 2016. Details demonstrating compliance are to be submitted to the PCA prior to the issue of the relevant Construction Certificate.

### **SUSTAINABILITY RATING**

B19 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 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.

### **NUMBER OF CAR PARKING SPACES**

B20 The maximum number of car 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.

<b>Car parking allocation</b>	<b>Number</b>
Residential	301
Retail	1

### **NUMBER OF BICYCLE PARKING SPACES**

B21 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.

<b>Bicycle parking allocation</b>	<b>Number</b>
Residential (one space per unit to be provided within individual unit basement storage areas)	297
Retail (within the basement)	1

## **FACILITIES FOR CYCLISTS**

- B22 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:
- all bicycle parking for occupants of residential buildings must be Class A bicycle facilities. Notwithstanding Class A, bicycle lockers may also be designed to allow for stand up / hanging storage of bicycles;
  - all bicycle parking for staff / employees of any land uses must be Class B bicycle facilities, and
  - all bicycle parking for visitors of any land uses must be Class C bicycle rails.
- B23 The retail units shall be afforded access to the secure basement level B0 to ensure employees have access to the secure bicycle parking spaces and end of trip facilities.
- B24 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 must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B25 Appropriate way finding signage shall be displayed indicating the way to the bicycle facilities.

## **STORAGE AND HANDLING OF WASTE**

- B26 The design and management 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 must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

## **FOOTPATH DAMAGE BANK GUARANTEE**

- B27 If not already obtained, a Footpath Damage Bank Guarantee to cover the site frontage and areas of the public domain which may be damaged on both sides of Barangaroo Avenue 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.

The guarantee must be lodged with the relevant road authority prior to issue of the relevant Construction Certificate.

## **LANDSCAPING AND PUBLIC DOMAIN**

- B28 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 integrates with the alignment levels for Watermans Quay and the surrounding Stage 1B public domain (SSD 7944).
- B29 Prior to the issue of the relevant Construction Certificate, landscape drawing(s) detailing all landscaped and public domain elements surrounding the building are to be submitted to and approved by the 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**. Interim landscaped works denoted on the approved landscape drawings are not required.

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## **MECHANICAL VENTILATION**

B30 All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## **ADAPTABLE HOUSING**

B31 Prior to issue of the relevant Construction Certificate, the Certifying Authority is to ensure the building has been designed to accommodate 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*.

## **ACCESS FOR PEOPLE WITH DISABILITIES**

B32 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.

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

B33 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.

B34 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.

B35 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).

B36 Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to the issue of the relevant Construction Certificate.

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

B37 The surface of any material used or proposed to be used for the paving of the Strada, colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with *AS/NZS 4586:2004 (including amendments) 'Slip resistance classification of new pedestrian surface materials'*.

B38 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.

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## **MECHANICAL PLANT NOISE MITIGATION**

B39 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 Industrial Noise Policy and other guidelines applicable to the development must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## **COMPLIANCE REPORT**

B40 Prior to the issue of each Construction Certificate, the Applicant, or any party acting upon this consent, must submit to the Certifying Authority, a report addressing compliance with all relevant conditions of this Part.

**END OF PART B**

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

### **NOTICE OF COMMENCEMENT OF WORKS**

- C1 The Department, the PCA and Council shall be given written notice, at least 48 hours prior to the commencement of any works on the Site.

### **CERTIFIED PLANS**

- C2 Plans certified in accordance with section 109C 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**

- C3 Prior to the commencement of 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:

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

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

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

- C4 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

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submitted to the PCA. The Sub-Plan must comply with Environment Protection Licence number 13336, where relevant. A copy must be provided to the Secretary.

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

- C5 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, where relevant. The Noise and Vibration Management 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 Secretary.

### **SPOIL AND WASTE MANAGEMENT SUB-PLAN**

- C6 Prior to the commencement of works, an updated **Spoil and 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. The Sub-Plan must comply with Environment Protection Licence number 13336, where relevant. A copy must be provided to the Secretary.

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

- C7 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 Plan must be prepared in consultation with Roads and Maritime, Transport for NSW (TfNSW) and the CBD Coordination Office.

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;
- b) haulage routes;
- c) construction vehicle access arrangements;
- d) proposed construction hours;
- e) estimated number of construction vehicle movements;
- f) details of construction activities and timing of these activities;
- g) consultation strategy for liaison with surrounding stakeholders;
- h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction works;
- i) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro. 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
- j) 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.

A copy of the final CPTMP, endorsed by the CBD Coordination Office, is to be provided to the Secretary.

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

- C8 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 DPI 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 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 Secretary.

## **CRANES**

- C9 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**

- C10 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.
- C11 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**

- C12 Prior to the commencement of works, the Applicant must ensure that the existing Environmental Protection Licence (EPL) 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**

- C13 Prior to the commencement of the works, the Applicant shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

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## **HOARDINGS**

- C14 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**

- C15 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**

- C16 Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with 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.

## **COMMUNITY CONSULTATION**

- C17 A 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.

## **COMPLIANCE REPORT**

- C18 Prior to the commencement of works, 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.

**END OF PART C**



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## **PART D DURING CONSTRUCTION**

### **HOURS OF WORK**

- D1 The hours of construction, including the delivery of materials to and from the Site, shall be restricted as follows:
- a) between 7 am and 7 pm, Mondays to Fridays inclusive;
  - b) between 7 am and 5 pm, Saturdays;
  - c) no work on Sundays and public holidays; or
  - d) works may be undertaken outside these hours where:
    - i) the delivery of vehicles, plant or materials is required outside these hours by NSW Police or other authorities for safety reasons; or
    - ii) emergency work to avoid the loss of lives, damage to property and/or to prevent environmental harm.

### **IMPLEMENTATION OF MANAGEMENT SUB-PLANS**

- D2 The Applicant shall ensure that the requirements of all environmental management sub-plans required by Part B of this consent are implemented during construction.
- D3 The CPTMP sub-plan approved under **Condition C7** shall be implemented during construction except where modified below:
- i) 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;
  - ii) personnel using stop/slow signage are not permitted in Hickson Road or Sussex Street on weekdays between the hours of 7 am and 9 am and 4 pm and 7 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;
  - iii) 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;
  - iv) truck movements to and from the site associated with the development must be minimised as far as practicable during the PM peak period;
  - v) where possible, trucks must avoid driving over areas of the site that have already been excavated, validated or re-instated to prevent cross contamination;
  - vi) all trucks associated with the development must have their loads covered to ensure trucks do not track material onto the public road network; and
  - vii) all trucks must be decontaminated in the wheel wash areas before exiting the site.

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

- D4 Any seepage or rainwater collected on-site during construction shall be managed in accordance with the Water and Stormwater Management Sub-Plan.

### **CONSTRUCTION NOISE MANAGEMENT**

- D5 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation

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measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the CEMP and CNVMP.

- D6 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D7 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 CEMP.

### **VIBRATION CRITERIA**

- D8 Vibration caused by construction at any residence or structure outside the Site must be limited to:
- for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings Effects on Structures*;
  - for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006); and
  - these limits apply unless otherwise outlined in the CEMP.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan Sub-Plan.

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

- D9 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**

- D10 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.
- D11 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.

### **COVERING OF LOADS**

- D12 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.

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## **VEHICLE CLEANSING**

D13 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## **STOCKPILE MANAGEMENT**

D14 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**

D15 Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

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

## **NO OBSTRUCTION OF PUBLIC WAY**

D16 The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

## **BUNDING**

D17 The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

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## **EROSION AND SEDIMENT CONTROL**

D18 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**

D19 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**

D20 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.

## **CONSTRUCTION WASTE**

D21 Construction waste should be managed generally in accordance with the EPA's brochure entitled "*Know your responsibilities: managing waste from construction sites*" as well as the relevant waste management conditions attached to Environmental Protection Licence No. 13336.

D22 The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's *Waste Classification Guidelines 2009* and disposed of at a facility that may lawfully accept that waste.

## **WATER QUALITY**

D23 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**

D24 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, unless otherwise agreed to in writing by the EPA.

## **ROAD OCCUPANY LICENCE**

D25 A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre for any activity likely to impact on the operation efficiency of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met.

Applicants must allow a minimum of 10 working days for processing from date of receipt. Traffic Control Plans are to accompany each ROL application.

D26 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.

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D27 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'*.

### **LOADING AND UNLOADING DURING CONSTRUCTION**

D28 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 RMS at least 8 weeks prior to commencement of work 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.
- 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.

### **COMPLIANCE REPORT**

D29 The Applicant, or any party acting upon this consent, shall, for the duration of the construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this Part.

**END OF PART D**

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## 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 38,896 m<sup>2</sup> and the height of the building does not exceed RL 210 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.

### ROAD DAMAGE

- E4 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.

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

### WATER AUTHORITY COMPLIANCE

- E5 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 issue of any Occupation Certificate.

### REGISTRATION OF EASEMENTS

- E6 Prior to the issue of the final 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.

### OBSTACLE LIGHTS

- E7 Prior to the issue of any Occupation Certificate, the building must be obstacle lit by medium intensity flashing red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to at least indicate the points or edges of the building to ensure the building can be observed in a 360° radius as per subsection 9.4.3 of the *Manual of Standards Part 139-Aerodromes* (MOS Part 139). Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS Part 139.

### LOADING DOCK AND SERVICE VEHICLE MANAGEMENT PLAN

- E8 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):

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- a) loading bay management details including service vehicle movements during peak periods;
  - b) management of incidents at the access to the basement and at the loading bays;
  - c) management of conflicts between vehicles accessing the basement and vehicle movements to/from loading bays;
  - d) management of conflicts between vehicles accessing the site and pedestrian movements adjacent to the site; and
  - e) 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 Secretary.

## **POST-CONSTRUCTION DILAPIDATION REPORT**

E9 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 Secretary and each of the affected property owners.

## **STRUCTURAL INSPECTION CERTIFICATE**

E10 A Structural Inspection Certificate or a Compliance Certificate must be submitted to 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.

## **DUCTED VENTILATION**

E11 The amendments to ducted ventilation as referred to in **Condition B6** shall be completed prior to the issue of the relevant Occupation Certificate.

## **STUDY ROOM OPENINGS**

E12 The amendments to study room openings as referred to in **Condition B7** shall be completed prior to the issue of the relevant Occupation Certificate.

## **CPTED**

E13 The applicable CPTED recommendations for the development listed within the CPTED Report, prepared by Harris Crime Prevention Services, dated February 2017 (as

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amended by **Condition B16**), must be fulfilled prior to the issue of the relevant Occupation Certificate.

### **LIGHT SPILL**

E14 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 B11**).

### **PUBLIC DOMAIN WORKS**

E15 All public domain works and landscaping within the Building R4B boundary are to be completed in accordance with the approved plans prior to the issue of the relevant Occupation Certificate. Interim public domain works denoted on the approved landscape plans are not required to be constructed.

### **ENVIRONMENTAL PERFORMANCE**

E16 Prior to the issue of the relevant Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No.649694M\_03.

E17 Prior to the issue of the final 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 B33 to B36** for the development must be fulfilled prior to the issue of the relevant Occupation Certificate.

### **DAMAGE TO PUBLIC AUTHORITY ASSETS**

E19 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 relevant Occupation Certificate.

### **MECHANICAL VENTILATION**

E20 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the PCA, prior to the issue of the relevant Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- a) the BCA;
- b) *Australian Standard AS1668* and other relevant codes;
- c) the development consent and any relevant modifications; and,
- d) any dispensation granted by the New South Wales Fire Brigade.

### **NUMBERING**

E21 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.

E22 Shops not having a direct street frontage must have their shop number clearly displayed and visible at all times on the shop front.



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## **FIRE SAFETY CERTIFICATE**

- E23 A Fire Safety Certificate shall be furnished to the PCA for all the essential fire or other safety measures forming part of this approval prior to issue of the relevant Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to the approval authority and Council by the PCA.

## **CAR PARKING, BICYCLE AND FACILITIES FOR CYCLISTS' CERTIFICATION**

- E24 Prior to the issue of any Occupation Certificate, details shall be provided to the PCA demonstrating compliance with the approved number of car parking and bicycle spaces required under **Conditions B20** and **B21**, and facilities for cyclists required under **Condition B22**.

## **TRAVEL DEMAND MANAGEMENT PLAN**

- E25 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 the Barangaroo Delivery Authority and Transport for NSW for review and submitted to the PCA.

The Plan must be consistent with the information contained in the Transport Management and Accessibility Plan, prepared by ARUP dated July 2016, 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 Secretary.

## **WASTE AND RECYCLING COLLECTION**

- E26 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 Strada, footpaths, roadways, plazas, and reserves at any time.

## **ACOUSTIC COMPLIANCE**

- E27 Prior to the issue of any Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all noise mitigation measures required under **Condition B40** and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.

## **COMPLIANCE REPORT**

- E28 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.

**END OF PART E**

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## PART F POST OCCUPATION – DURING OPERATION

### EXTERNAL LIGHTING

- F1 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

- F2 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% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

### OBSTACLE LIGHTING

- F3 Obstacle lighting must be maintained in a serviceable condition at all times. Any outage must be immediately reported to SACL.
- F4 Obstacle lighting arrangements must have remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the Obstacle Limitation Surface of an aerodrome, refer to subsection 9.4.10 of MOS Part 139.

### ANNUAL FIRE SAFETY CERTIFICATE

- F5 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.

### NOISE CONTROL – PLANT AND MACHINERY

- F6 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:
- transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
  - 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
  - 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

- F7 All loading and unloading operations associated with the site must be carried out:
- in accordance with the LDSVMP (**Condition E8**)

- 
- b) within the confines of the site, at all times and must not obstruct other properties/units or the public way.

F8 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**

F9 Waste Management shall be undertaken in accordance with the Waste Management Plan, prepared by Arup and dated July 2016, and **Condition E26**.

F10 The storage and handling of waste associated with the premises must comply with City of Sydney Council's *Policy for Waste Minimisation in New Developments 2005*.

### **USE OF COMMUNAL FACILITIES**

F11 Use of the communal facilities and podium roof terrace is restricted to residents and their guests of Building R4A, Building R4B and Building R5 only.

### **ANTI-GRAFFITI**

F12 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.

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

F13 The public way, as well as the Strada must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **CAR PARKING ALLOCATION**

F14 Accessible car parking spaces for people with mobility impairment are only to be allocated to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

F15 Stacked or tandem car parking spaces must be attached to the same unit.

### **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.

### **FUTURE SIGNAGE**

F17 All future signage, including wayfinding and under awning signage, must be consistent with the existing signage strategy for Barangaroo South.

### **COMPLIANCE REPORT**

F18 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.

**END OF PART F**

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## ADVISORY NOTES

### APPEALS

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

### OTHER APPROVALS AND PERMITS

AN2 The Applicant shall apply to the 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.

### DISABILITY DISCRIMINATION ACT

AN5 This application has been assessed in accordance with the EP&A Act. The Applicant is responsible for complying with all applicable anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### FURTHER APPROVALS

AN6 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.

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## **USE OF MOBILE CRANES**

AN7 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:

- (a) 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 Council 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 Council, will create significant traffic disruptions.
- (b) 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**

AN8 A separate approval under Section 138 of the *Roads Act 1993* is required to undertake any of the following:

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

## **TEMPORARY STRUCTURES**

AN9 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.

AN10 Structural certification from an appropriately qualified practicing structural engineer must be submitted to Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

## **SANITARY FACILITIES – FUTURE DEVELOPMENT**

AN11 The Applicant shall ensure that all future development applications for any food and drink premises within the building demonstrate the provision of sanitary facilities, including sanitary facilities for people with a disability, would comply with the BCA.

## **COST OF SIGNPOSTING**

AN12 All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

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

AN13 The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter;

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or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN14 This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.