

# Development Consent

## Section 89E of the Environmental Planning & Assessment Act 1979

As delegate of the Minister of Planning and Infrastructure, under delegation dated 27 February 2013, I 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, and/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 project.



Chris Wilson  
Executive Director  
Development Assessment Systems and Approvals

Sydney

8 APRIL

2014

### SCHEDULE 1

<b>Application No.:</b>	SSD 5582
<b>Applicant:</b>	Lend Lease (Millers Point) Pty Limited
<b>Consent Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 5 in DP 876514
<b>Development:</b>	Fit-out and use of levels 1 to 28 of commercial building C4.

## DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
Agency Applicant	Planning and Infrastructure, or its successors Lend Lease (Millers Point) Pty Limited, or anyone else entitled to act on this Approval
BCA	Building Code of Australia
Certifying Authority	Has the same meaning as Part 4A of the EP& A Act.
Construction	Any works, including earth and building works
Council	City of Sydney Council
CPI	Consumer Price Index
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Development	The project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Director-General EIS	Director-General of Planning and Infrastructure, or nominee Environmental Impact Statement titled <i>Commercial Building C4 Westpac Group Fitout Barangaroo South</i> prepared by JBA Planning, dated July 2013
EPA	Environmental Protection Authority, or its successors
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6 pm to 10 pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this consent
Minister	Minister for Planning and Infrastructure, or nominee
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of Environment and Heritage, or its successors
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	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. Feasible relates to engineering considerations and what is practical to build.
Response to Submissions	<i>SSD 12_5582 – Response to Submissions and Amended Plans Commercial Building C4 Westpac Group Fitout (Levels 1 -28)</i> prepared by JBA Planning, dated 12 December 2013
Subject Site	Lot 5 in DP 876514

## SCHEDULE 2

### PART A - ADMINISTRATIVE CONDITIONS

#### **A1 DEVELOPMENT DESCRIPTION**

Except as amended by this consent, development consent is granted for the fit-out and use of levels 1 to 28 as commercial offices.

#### **A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION**

The development will be undertaken in accordance the following documents and plans:

<b>Environmental Impact Statement titled <i>Commercial Building C4 Westpac Group Fitout and Appendices</i>, prepared by JBA Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated July 2013</b>			
<b>Architectural Plans prepared by Normal Disney &amp; Young, Lend Lease, Warren Smith &amp; Partners and Geyer</b>			
<b>SSD 12_5582 – Response to Submissions and Amended Plans Commercial Building C4 Westpac Group Fitout (Levels 1 -28), prepared by JBA Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated 12 December 2013</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA01	D	Level 01 DA Plan	27.05.13
DA02	F	Level 02 DA Plan	28.10.13
DA03	E	Level 03 DA Plan	28.10.13
DA04	D	Level 04 DA Plan	27.05.13
DA05	D	Level 05 DA Plan	27.05.13
DA06	D	Level 06 DA Plan	27.05.13
DA07	D	Level 07 DA Plan	28.05.13
DA08	D	Level 08 DA Plan	28.05.13
DA09	A	Level 09 DA Plan	28.05.13
DA10	A	Level 10 DA Plan	28.05.13
DA11	A	Level 11 DA Plan	28.05.13
DA12	A	Level 12 DA Plan	28.05.13
DA13	A	Level 13 DA Plan	28.05.13
DA14	D	Level 14 DA Plan	28.05.13
DA15	E	Level 15 DA Plan	28.10.13
DA17	D	Level 17 DA Plan	28.05.13
DA18	D	Level 18 DA Plan	28.05.13
DA19	D	Level 19 DA Plan	28.05.13
DA20	A	Level 20 DA Plan	28.05.13
DA21	A	Level 21 DA Plan	28.05.13
DA22	A	Level 22 DA Plan	28.05.13
DA23	A	Level 23 DA Plan	28.05.13
DA23	A	Level 24 DA Plan	28.05.13
DA25	A	Level 25 DA Plan	28.05.13
DA26	D	Level 26 DA Plan	28.05.13
DA27	D	Level 27 DA Plan	28.05.13
DA28	E	Level 28 DA Plan	30.10.13

Except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

**A3 INCONSISTENCY BETWEEN DOCUMENTS**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**A4 PRESCRIBED CONDITIONS**

The applicant shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the *Building Code of Australia* (BCA).

**A5 LAPSING OF APPROVAL**

Development consent shall lapse 5 years after the determination date in Part A of Schedule 1, unless the construction works authorised by this consent have been commenced.

**A6 MEDIATION**

Where this approval requires further consent/approval from Council or another Authority, the parties shall not act unreasonably preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director General, the matter is to be referred to the Director General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

**End of Section**

## **PART B - PRIOR TO ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE**

### **B1 COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA**

Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia.

### **B2 STRUCTURAL DETAILS**

Prior to the issue of a Construction Certificate, the applicant shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA;
- (2) the relevant project approvals; and
- (3) the relevant Australian Standards listed in the BCA (Specification A1.3).

**Note:** If Construction Certificates are issued on a level by level basis, structural drawings addressing the matters outlined in items (1) to (3) above must be provided for each level the subject of the Construction Certificate.

### **B3 DISABLED ACCESS- GENERAL**

Access and facilities for people with disabilities shall be designed in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority. A copy of the report is to be forwarded to the Director-General and Council.

**Note:** If Construction Certificates are issued on a level by level basis, a certificate certifying compliance with the abovementioned requirements must be provided for each level the subject of the Construction Certificate.

### **B4 CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

Prior to the issue of a Construction Certificate, the Barangaroo South Construction Traffic Management Plan shall be updated to incorporate the Construction Traffic Management Plan provided at Appendix H of the EIS, and submitted to the relevant road authority for approval. A copy of the approved Plan must be submitted to the PCA, the RMS, Council and the Agency prior to the commencement of works.

### **B5 CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

Prior to the issue of a Construction Certificate, the Noise and Vibration Sub-Plan to the Construction Framework Environmental Management Plan Barangaroo South shall be updated to incorporate the Construction Noise and Vibration Management Plan provided at Appendix H of the EIS. A copy of the Noise and Vibration Sub-Plan and the Construction Noise and Vibration Management Plan shall be submitted to the Certifying Authority prior to the commencement of works.

### **B6 WASTE MANAGEMENT PLAN**

Prior to the issue of a Construction Certificate, the Spoil and Waste Management Sub-Plan to the Construction Framework Environmental Management Plan Barangaroo South shall be updated to incorporate the Waste Management Plan provided at Appendix H of the EIS. A copy of the Spoil and Waste Management Sub-Plan and the Waste Management Plan shall be submitted to the Certifying Authority prior to the commencement of works.

### **B7 WATER RATINGS**

All water fixtures installed within the premises are to have an AAA water rating or more. The applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

**B8 SUSTAINABILITY RATING**

The works approved under this development consent must not affect the base building, as approved under MP10\_0025 (as modified) achieving a 6-Star Green Star design rating under version 3 of the Green Building Council of Australia's Office Rating Tool. The applicant shall submit details to the Certifying Authority prior to the issue of a Construction Certificate demonstrating compliance with this requirement.

**B9 STORAGE AND HANDLING OF WASTE**

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of *City of Sydney Development Control Plan 2012*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

**End of Section**

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

### **C1 ENVIRONMENTAL PROTECTION LICENCE**

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, where 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.

### **C2 ENVIRONMENTAL MANAGEMENT PLAN**

Prior to the commencement of works, the *Construction Framework Environmental Management Plan (CFEMP) Barangaroo South Revision G*, dated 30 August 2013, shall be updated to incorporate the works approved under this development consent. The updated CFEMP must be submitted to the Certifying Authority, and a copy shall be forwarded to the Agency and the PCA prior to the commencement of works.

### **C3 NOTICE TO BE GIVEN PRIOR TO WORKS**

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of works on the site.

### **C4 CONTACT TELEPHONE NUMBER**

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.

### **C5 BARRICADE PERMIT**

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*, a Barricade Permit is to be obtained from the relevant road authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

### **C6 ROAD OCCUPANCY LICENCE**

If required, a Road Occupancy Licence must be lodged with the NSW Traffic Management Centre and approved prior to the commencement of works.

**End of Section.**

## **PART D - DURING CONSTRUCTION**

### **D1 HOURS OF WORK**

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
- (2) between 7:00 am and 5:00 pm, Saturdays; and
- (3) no work on Sundays and public holidays.

Works outside these hours are not permitted except as explicitly specified below or in other conditions and include:

- (4) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons;
- (5) emergency work to avoid the loss of lives, damage to property and/or to prevent environmental harm; and
- (6) other works expressly approved by the Director-General.

### **D2 TRAFFIC MANAGEMENT**

- (a) Personnel using stop/slow signage are not permitted in Hickson Road or Sussex Street on weekdays between the hours of 7 am to 9 am and 4 pm to 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.
- (b) 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.
- (c) To minimise impacts on public transport, trucks should avoid where possible the use of York Street to access the development site between 2 pm to 8 pm Monday to Friday.

### **D3 APPROVED PLANS TO BE ON SITE**

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 for perusal by any officer of the Agency, the relevant authority or the PCA.

### **D4 SITE NOTICE**

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) 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
- (4) 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.

### **D5 CONTACT TELEPHONE NUMBER**

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.

### **D6 NOISE MANAGEMENT**

For the duration of the works noise must be managed in accordance with the approved Construction Noise and Vibration Management Plan.

**D7 WASTE**

The applicant must ensure that all waste generated on site during construction and operation is classified in accordance with DECCW's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept waste.

**D8 WASTE MANAGEMENT PLAN**

For the duration of the works all waste must be managed in accordance with the approved Waste Management Plan.

**End of Section.**

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

### ***E1 FIRE SAFETY CERTIFICATE***

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 any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the PCA.

### ***E2 MECHANICAL VENTILATION***

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:

- (1) the Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) the development approval and any relevant modifications; and
- (4) any dispensation granted by the New South Wales Fire Brigade.

### ***E3 STRUCTURAL INSPECTION CERTIFICATE***

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:

- (1) 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
- (2) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### ***E4 WORKPLACE TRAVEL PLAN***

The Workplace Travel Plan (Revision D) prepared by Arup and dated 17 October 2013, must be revised to address the matters outlined by Transport for NSW in Schedule 3, and submitted to Transport for NSW and the Director-General prior to the issue of the first Occupation Certificate.

**Note:** Any changes to State or local transport planning strategies and/or policies that occur following the determination of this application must be incorporated into the revised Workplace Travel Plan prior to its submission to Transport for NSW and the Director-General.

**End of Section**

## **PART F - POST OCCUPATION**

### **F1 HOURS OF OPERATION**

Levels 1 to 28 are permitted to be used 24-hours-a-day, 7-days-a-week.

### **F2 ANNUAL FIRE SAFETY CERTIFICATION**

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. 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.

### **F3 LOADING AND UNLOADING**

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

### **F4 PARKING PROVISION**

All car parking, bicycle parking and loading facilities must be provided in accordance with the requirements of MP10\_0025 (as modified).

### **F5 UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS**

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

### **F6 DISABLED CAR PARKING SPACES**

At all times disabled car parking spaces shall be provided for persons with a disability. At no time shall the applicant or anyone acting on this approval, lease or sublease for use a disabled car parking space unless it is for a person with a disability.

### **F7 NOISE CONTROL – PLANT AND EQUIPMENT**

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

### **F8 STORAGE AND HANDLING OF WASTE**

The storage and handling of waste associated with the premises must comply with City of Sydney Council's *Code for Waste Handling in Buildings*. All refuse collection or loading operations, including the movement of garbage receptacles must take place on a level surface remote from gradients, ramps and steps. No waste shall be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

### **F9 FINAL WORKPLACE TRAVEL PLAN**

A final version of the Workplace Travel Plan submitted under Condition E4 must be prepared in consultation with Transport for New South Wales and submitted to the Director-General within six months of the issue of the final Occupation Certificate.

### **F10 NABERS RATING**

Within six months of the issue of the final Occupation Certificate, a copy of the documents certifying that the application achieves a 5-star NABERS rating as specified in the *Westpac Tenancy, Barangaroo South Ecologically Sustainable Design (ESD) Report Development Application* prepared by Lend Lease and dated 20 May 2013, shall be provided to the Director-General.

**End of Section**

## **ADVISORY NOTES**

### **AN1 COMPLIANCE WITH BCA**

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

### **AN2 STRUCTURAL CAPABILITY FOR STRUCTURES**

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

### **AN3 USE OF MOBILE CRANES**

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:

- (1) 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:
  - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - (b) 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.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.00am without the prior approval of the relevant authority.

### **AN4 MOVEMENT OF TRUCKS**

The applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

### **AN5 NOISE GENERATION**

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

### **AN6 DISABILITY DISCRIMINATION ACT**

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provide the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

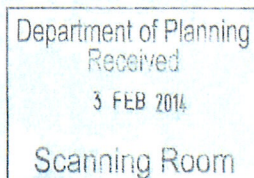
**End of Schedule 2**

## SCHEDULE 3



Cameron Sargent  
Team Leader  
Industry, Social Projects and Key Sites  
Department of Planning & Infrastructure  
23-33 Bridge Street  
Sydney NSW 2000

**Attention: Kate MacDonald**



Dear Mr Sargent,

### **Notification of Response to Submissions Report for SSD 12\_5582 – Establishment of First Use and Fit-Out of levels 1 to 28 of Commercial Building C4, Barangaroo South.**

Thank you for your letter dated 17 December 2013 requesting Transport for NSW (TfNSW) review and comment on the above mentioned subject proposal.

Transport for NSW (TfNSW), along with Roads and Maritime Services (RMS) has reviewed the submitted information including the response to Submissions Report and provides the following response in relation to the review of the workplace travel plan. TfNSW recommends that the following sections need to be updated:

- **Section 2.1 Mode Split** – Figure 1 should show the four pedestrian links referenced above the figure for clarity. It is further recommended that a pedestrian access section be included following the mode split table.
- **Section 2.2 Cycling Access**- Reference is made to the Sydney City Centre Access Strategy for further consultation (dated Sept 2013). This strategy was finalised in December 2013 and all references and figures should be updated accordingly.
- **Section 2.3.2 Ferry** – Update Sydney City Access Strategy reference to the finalised version in December 2013.
- **Section 2.3.4 North West/South West Rail Links** – Section needs to be updated to include North West Rail Link is expected to be open by the end of 2019.
- **Section 2.3** – The section is missing a subsection on bus access. New bus routes to Barangaroo are referenced in the Sydney Centre Access Strategy and should be included in this section.

18 Lee Street Chippendale NSW 2008  
PO Box K659 Haymarket NSW 1240  
T 8202 2200 F 8202 2209  
[www.transport.nsw.gov.au](http://www.transport.nsw.gov.au)  
ABN 18 804 239 602

- **Appendix B** – The 131500 website is now out of date. The new website is <http://www.transportnsw.info/>.

Should you have any questions regarding this matter, please contact Dorna Darab on 8202 2196 or [dorna.darab@transport.nsw.gov.au](mailto:dorna.darab@transport.nsw.gov.au).

Yours sincerely



29/1/14

Mark Ozinga  
**Manager, Land Use and Transport Planning  
Planning and Programs**

CD13/24852