

Development consent

Section 89E of the Environmental Planning and Assessment Act 1979

The Planning Assessment Commission grants 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 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.

2016

SCHEDULE 1

Application No.: SSD 7317

Applicant: Mirvac Projects Pty Ltd

Consent Authority: Minister for Planning

Land: Australian Technology Park, Eveleigh

Lot 8 in DP 1136859 (Building 3), Lot 9 in DP 1136859 (Building 1), Lot 10 in DP 1136859 (Existing Channel 7 / Media City building & surrounds), Lot 12 in DP 1136859 (Building 2) and PT 4007 in DP 1194309 (Public domain and streets).

Development: Commercial campus at the Australian Technology Park, including:

- site preparation works, site clearance, excavation and remediation;
- construction of three mixed use buildings with a total gross floor area (GFA) of 107,427m², comprising:
 - Building 1 for commercial/office, retail and child care uses (GFA of 46,830m² / height of nine storeys);
 - Building 2 for commercial/office and retail uses (GFA of 56,686m² / height of seven storeys);
 - Building 3 for retail, gym, child care, community office and commercial uses (GFA of 3,911m² / height of four storeys).
- car and bicycle parking;
- landscaping, road and public domain works; and
- building identification signage zones.

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Mirvac Projects Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act
Construction	Any works, including earth and building works
Council	City of Sydney Council
Department	Department of Planning and Environment or its successors
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015
EPA	Environment Protection Authority, or its successor
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
GFA	Gross Floor Area
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage, or its successor
Public Way	Public roads and footpaths surrounding the subject site, including Henderson Road, Garden Street, Alexander Street, Cornwallis Street and Rowley Lane
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
RMS	Roads and Maritime Services Division, Department of Transport or its successor
RTS	Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2016
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Subject Site	Lot 8 in DP 1136859 (Building 3), Lot 9 in DP 1136859 (Building 1), Lot 10 in DP 1136859 (Existing Channel 7 / Media City building & surrounds), Lot 12 in DP 1136859 (Building 2) and PT 4007 in DP 1194309 (Public domain and streets).
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.
Sydney Trains	Sydney Trains or its successors
TfNSW	Transport for NSW or its successors
TMC	Transport Management Centre or its successors

SCHEDULE 2

A ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

Terms of Consent

- A1 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in **Condition A2**.
- A2 The Applicant shall carry out the project generally in accordance with the:
- State significant development application and conditions of consent (SSD 7317);
 - Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015;
 - The Remedial Action Plan entitled 'Australian Technology Park Remedial Action Plan, 2 Locomotive Street, Eveleigh NSW dated 15 June 2016 and prepared by JBS&G;
 - The Site Audit Report entitled 'Site Audit Report - Remedial Action Plan for Australian Technology Park dated June 2016 and prepared by Graeme Nyland of Ramboll Environ Australia Pty Ltd;
 - Response to Submissions (RtS) and Amended Proposal prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2016;
 - Additional information submitted subsequent to the RtS; and
 - following drawings as set out in the table below, except for:
 - any modifications which are Exempt or Complying Development;
 - otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by fjmt and SISSONS			
Drawing No.	Rev	Name of Plan	Date
Fjmt-AR-DWG-G1000	DA2	Drawing List	18.05.16
Fjmt-AR-DWG-G1001	DA1	Site Plan	27.04.16
Fjmt-AR-DWG-G1002	DA1	Site Analysis	27.04.16
Fjmt-AR-DWG-G1003	DA1	Site Retail Plan UG + LG	27.04.16
Building 1			
Fjmt-AR-DWG-1100L	DA2	Lower Ground GA Plan	18.05.16
Fjmt-AR-DWG-1100M	DA2	Mezzanine GA Plan	18.05.16
Fjmt-AR-DWG-1100U	DA0	Upper Ground Floor Plan	17.12.15
Fjmt-AR-DWG-11001	DA0	Level 01 Plan	16.12.15
Fjmt-AR-DWG-11002	DA0	Level 02 Plan	16.12.15
Fjmt-AR-DWG-11003	DA0	Level 03 Plan	16.12.15
Fjmt-AR-DWG-11004	DA0	Level 04 Plan	16.12.15
Fjmt-AR-DWG-11005	DA0	Level 05 Plan	16.12.15
Fjmt-AR-DWG-11006	DA0	Level 06 Plan	16.12.15
Fjmt-AR-DWG-11007	DA0	Level 07 Plan	16.12.15
Fjmt-AR-DWG-11008	DA1	Level 08 Plant GA Plan	27.04.16
Fjmt-AR-DWG-11009	DA1	Roof Plan	27.04.16
Fjmt-AR-DWG-11050	DA1	Elevations – South & East	27.04.16
Fjmt-AR-DWG-11051	DA1	Elevations – North & West	27.04.16

Fjmt-AR-DWG-11052	DA0	Sections	16.12.15
Fjmt-AR-DWG-11053	DA1	Sections	27.04.16
Building 2			
Fjmt-AR-DWG-2100L	DA0	Lower Ground Plan	16.12.15
Fjmt-AR-DWG-2100M	DA0	Mezzanine Floor Plan	16.12.15
Fjmt-AR-DWG-2100U	DA1	Upper Ground Plan	27.04.16
Fjmt-AR-DWG-21001	DA0	Level 1 Plan	16.12.15
Fjmt-AR-DWG-21002	DA0	Level 2 Plan	16.12.15
Fjmt-AR-DWG-21003	DA0	Level 3 Plan	16.12.15
Fjmt-AR-DWG-21004	DA0	Level 4 Plan	16.12.15
Fjmt-AR-DWG-21005	DA0	Level 5 Plan	16.12.15
Fjmt-AR-DWG-21006	DA0	Level 6 Plan	16.12.15
Fjmt-AR-DWG-21007	DA0	Roof Plan	16.12.15
Fjmt-AR-DWG-21050	DA0	Elevations – North & West	17.12.15
Fjmt-AR-DWG-21051	DA0	Elevations – South & East	17.12.15
Fjmt-AR-DWG-21052	DA0	Sections	16.12.15
Fjmt-AR-DWG-21053	DA0	Sections	16.12.15
Fjmt-AR-DWG-21054	DA0	Sections	16.12.15
Building 3			
SisArch-AR-DWG-3100B	DA0	Below Ground GA Plan	15.12.15
SisArch-AR-DWG-3100G	DA1	Ground Level GA Plan	28.04.16
SisArch-AR-DWG-31001	DA0	Level 01 GA Plan	15.12.15
SisArch-AR-DWG-31002	DA1	Level 02 GA Plan	06.05.16
SisArch-AR-DWG-31003	DA0	Level 03 GA Plan	15.12.15
SisArch-AR-DWG-31004	DA0	Level 04 Plant GA Plan	15.12.15
SisArch-AR-DWG-31005	DA0	Roof Plan	15.12.15
SisArch-AR-DWG-31050	DA0	Elevations	15.12.15
SisArch-AR-DWG-31060	DA0	Elevations	15.12.15
Public Domain / Landscape Drawing prepared by Aspect Studios			
Drawing No.	Rev.	Name of Plan	Date
14080_LA_001	Response to Council	Landscape Master Plan	May 2016

Inconsistency between documents

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Limits of Consent

- A4 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.
- A5 This consent does not approve the following components of the development:
- (a) fit out of the commercial floor space in Building 1 and Building 2;
 - (b) fit out and operation of the child care centres in Building 1 and Building 3 (noting that this consent approves the general configuration of internal and external space, having regard to **Condition A16**);
 - (c) fit out and operation of all retail floor space, including the supermarket in Building 2;
 - (d) fit out and operation of the commercial floor space and gym in Building 3; and
 - (e) outdoor seating.
- Separate approval/s from the relevant consent authority is required.

Prescribed Conditions

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

Long Service Levy

- A7 Prior to the issue of the Construction Certificate for each stage of the development, a Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal notices

- A8 Any advice or notice to the consent authority shall be served on the Secretary.

Obligation to Minimise Harm to the Environment

- A9 In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006

- A10 To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.

In accordance with *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*, the levy is 1.25% of the additional total gross floor area (GFA) of the proposed development and is calculated at \$82.30 per square metre (being the rate at 1 July 2016). Between the date of determination and the date the levy is required to be paid, the levy is indexed in accordance with the Building Price Index, Sydney as published in Rawlinson's Australian Construction Handbook. This is in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and Clause 9 of the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.

Pursuant to the *Redfern-Waterloo Affordable Contributions Plan 2006*, a contribution in the amount of \$8,841,242 (current until 30 June 2017) plus indexation in accordance with the Building Price Index is to be paid via bank cheque or deposit into the Redfern-Waterloo Fund (towards the provision of affordable housing within the Redfern Waterloo area).

Proof of payment of this contribution to the UrbanGrowth NSW Development Corporation (UGDC) and calculation of any indexing, shall be provided to the Certifying Authority prior to the issue of the first Construction Certificate. No deferred or periodic payments are permitted.

Email info@ugdc.nsw.gov.au or phone 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.

A copy of Redfern-Waterloo Affordable Housing Contributions Plan 2006 is available on the website www.ugdc.nsw.gov.au.

Redfern-Waterloo Authority Contributions Plan 2006

A11 To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the *Redfern-Waterloo Authority Contributions Plan 2006*.

The levy is to be calculated as 2% of the proposed cost of development, indexed between the date of determination and the date the levy is required to be paid in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 10 of *Redfern-Waterloo Authority Contributions Plan 2006*.

Pursuant to the *Redfern-Waterloo Authority Contributions Plan 2006*, a contribution amount of \$9,528,926 (less the calculated value of works-in-kind as set out below) plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid via bank cheque for deposit into the Redfern-Waterloo Fund (towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan).

Pursuant to the *Redfern-Waterloo Authority Contributions Plan 2006*, the contribution is partially provided as a works-in-kind offer made to the Minister as part of the application for consent. The value of the works-in-kind offer is calculated as 50% of the indicative cost of the public domain works and community facilities (an amount of \$6,046,500), as set out in Table 2 (page 55) of the Response to Submissions, May 2016.

Proof of payment of this contribution to the UGDC shall be provided to the Certifying Authority prior to the issue of the first Construction Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to Construction Certificate, written verification of this should be provided by UrbanGrowth NSW Development Corporation and provided to the Certifier. No deferred or periodic payments are permitted.

Email info@ugdc.nsw.gov.au or phone 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.

A copy of Redfern-Waterloo Authority Contributions Plan 2006 is available for inspection at the offices of UGDC, Suite 3220, Bay 4 Locomotive Workshop 2 Locomotive Street Eveleigh NSW 2015 or from the website www.ugdc.nsw.gov.au.

Community Access Plan

A13 Prior to the issue of the first Construction Certificate for Building 2, the applicant shall prepare a Community Access Plan (CAP) demonstrating arrangements for local community access to facilities within the ATP, including (but not limited to) the community office space in Building 3,

children's play areas, tennis and multipurpose courts, external gym equipment, playing fields, BBQ, external fitness equipment, public domain seating areas and wifi. This plan is to be prepared in consultation with Council and submitted to the Secretary for approval. The CAP shall set out arrangements for the community to book and use the facilities within the ATP, ensuring that:

- (a) the booking system is publicly accessible;
- (b) facilities shall be provided free of cost to the community; and
- (c) facilities shall be available to the community 7 days a week.

Future northern pedestrian / cycle connections

A14 The applicant shall consult with UrbanGrowth NSW to facilitate future northern pedestrian / cycle connections over the railway line, and in particular the applicant shall accommodate the southern landing of any proposed connection within the ATP and integrate these within the public domain and existing pedestrian / cyclist connections.

Airspace Protection (Building 1)

A15 For the purposes of controlled activities within the protected airspace of Sydney Airport, Building 1 must not exceed a maximum height of 57.9m AHD, inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, lighting rods, any roof top garden plantings, exhaust flues etc.

Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the building (see **Condition B63**).

Future assessment of the child care centres

A16 Future development applications for the fit out and operation of the approved child care centres shall be accommodated by a detailed plan of operation and management, to be taken into consideration in the assessment of future applications by the consent authority. The plan of operation and management for the child care centre in Building 1 shall demonstrate suitable arrangements for children to have safe access to external areas with solar access within the wider ATP precinct, to the satisfaction of the consent authority.

Staging

A17 The development may be constructed in stages, as outlined within the EIS referred to in Condition A2. A Construction Certificate may be obtained for each of the following stages:

Building 1 Stage 1: All ground works, including sub-structure, lower ground slab, all in ground services, lift and stair cores to level 1;
 Stage 2: Structure works
 Stage 3: Building services and finishes
 Stage 4: Façade works
 Stage 5: External works

Building 2 Stage 1: All ground works, including sub-structure, lower ground slab, all in ground services, lift and stair cores to level 1;
 Stage 2: Structure works
 Stage 3: Building services and finishes
 Stage 4: Façade works
 Stage 5: External works

Building 3 Stage 1: All ground works, including sub-structure, lower ground slab, all in ground services, lift and stair cores to level 1;
Stage 2: Structure works
Stage 3: Building services and finishes
Stage 4: Façade works
Stage 5: External works

Public domain area 1: Entry Garden, Innovation Plaza, Central Avenue north of Building 1 and recreation zone south of Building 1
Stage 1: Civil works (below finished level)
Stage 2: Landscaping (above finished level)

Public domain area 2: Locomotive Street, Mitchell Way, Village Square, Vice Chancellor's Oval (Eveleigh Green), remainder of Central Avenue and Davy Road.
Stage 1: Civil works (below finished level)
Stage 2: Landscaping (above finished level)

End of Section

B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Works Prior to Construction Certificate

B1 Work must not commence until a relevant Construction Certificate has been issued.

Amended Plans

B2 Prior to the issue of the first Construction Certificate for Building 1, amended architectural plans / elevations and supporting documentation shall be submitted to the satisfaction of the Secretary demonstrating that the form of Building 1 has been amended so that all residential windows that directly face Henderson Road on buildings to the south of Henderson Road receive at least two hours of direct sunlight between 9am and 3pm on 21 June.

The amendments to the form of Building 1 shall not result in an increase to the approved GFA and shall be consistent with the following concept diagrams prepared by fjmt (as attached as Appendix 1):

- SSDA Draft Planning Conditions – Proposed Modified Envelope 1/2, dated 29.08.2016;
- SSDA Draft Planning Conditions – Proposed Modified Envelope 2/2, dated 29.08.2016;
- and
- associated direct sunlight analysis and comparison diagrams.

B3 Prior to the issue of the first Construction Certificate for the relevant building, amended architectural plans / elevations and documentation shall be submitted for approval by the Secretary showing:

- (a) removal of the external car park and canopy to the west of Building 1 and replacement with suitable landscaping, including mature trees, to visually screen the adjacent child care centre and provide pedestrian connectivity;
- (b) removal of the substation at the south east corner of Building 3, or its relocation within the building fabric, and amendments to the eastern elevation stair / lift core of Building 3 to increase activation of the Vice Chancellor's Oval;
- (c) relocation of the loading dock entrance in Building 2 to be consolidated with the vehicle entrance in Building 2; and
- (d) measures to limit construction vehicle access via the space between Building 1 and the Alexandria Child Care Centre and measures (such as acoustic barriers, air quality controls and/or periods of respite) to protect the amenity of the child care centre against any impacts of construction vehicles, including noise, vibration, dust and air pollution.

Voluntary Planning Agreement

B4 A Voluntary Planning Agreement in accordance with the public benefit offer dated 8 August 2016 between the applicant (or its nominated entity) and the Council of the City of Sydney shall be prepared, publicly exhibited, executed and registered on the title of the land with the Office of Land and Property Information.

The Voluntary Planning Agreement, as executed, must be registered on the title of the land prior to the issue of the first Construction Certificate for any façade works.

A copy of the executed Voluntary Planning Agreement shall be submitted to the Secretary.

Compliance with the Building Code of Australia (BCA)

B5 Details should be provided to the satisfaction of the PCA, with the application for the relevant Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the EP&A Regulation in relation to the requirements of the Building Code of Australia (BCA).

Reflectivity

B6 The building materials used on the facades of the approved building shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. To achieve this, the building shall have a maximum normal specular reflectivity of visible light in accordance with the Sydney DCP of 20%. As set out in Reflectivity Report (Rev 3) prepared by Surface Design, dated 16 December 2015, further assessment and potentially further glare amelioration devices will be required at the following facades:

- a) Façade Aspect 260 of Building 1;
- b) Façade Aspect 342 of Building 1;
- c) Façade Aspect 163 of Building 2;
- d) Façade Aspect 343 of Building 2; and
- e) Façade Aspect 253 of Building 3.

A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the PCA and a copy to the Secretary prior to the issue of a relevant Construction Certificate for above ground works. This is to include a statement from the original building architect demonstrating that any amelioration devices will not adversely impact on the architectural and design intentions of the project.

Light Spill

B7 Prior to the issue of the relevant Construction Certificate for Building 1, a Lighting and Light Spill Report (LLSR), including drawings and computer generated imagery, shall be prepared and submitted to the satisfaction of the PCA and a copy issued to the Secretary. The LLSR shall analyse the potential impact of lighting on nearby residential properties and include recommendations and mitigation measures to minimise light spill impacts.

Crime Prevention through Environmental Design (CPTED)

B8 To minimise the opportunity for crime in accordance with CPTED principles, the recommendations provided in the CPTED Report prepared by JBA Urban Planning Consultants, dated December 2015 shall be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate.

Car Parking

B9 A maximum total of 729 new car parking spaces shall be provided, comprising:

- (a) 198 car parking spaces in Building 1;
- (b) 489 car parking spaces in Building 2; and
- (c) 42 on-street car parking spaces within the ATP.

B10 Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the PCA and copy to the Secretary prior to the issue of the relevant Construction Certificate:

- (a) all vehicles should enter and leave the subject site in a forward direction;
- (b) all vehicles are to be wholly contained on site before being required to stop;
- (c) parking associated with the proposal (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS/NZS 2890.6:2009 and AS 2890.2-2002;
- (d) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
- (e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
- (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, shall be in accordance with AUSTRROADS.

Loading Dock Management Plan

- B11 Prior to the issue of the relevant Construction Certificate, a Loading Dock Management Plan shall be prepared in consultation with Council and submitted to the Secretary for approval to promote safe and efficient operation of the proposed loading area and to minimise conflicts with pedestrian movements. The Loading Dock Management Plan shall include the following:
- (a) allocation of loading spaces;
 - (b) restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements;
 - (c) controls on duration of stays;
 - (d) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs;
 - (e) controls on the placement of skips, pallets, etc.;
 - (f) procedures for tradesman access and parking;
 - (g) allocation of delivery times for residential removalists; and
 - (h) truck access routes.

Bicycle Parking and Facilities

- B12 Minimum of 643 on-site bicycle parking shall be provided as follows:
- (a) 606 employee/staff bicycle spaces within Building 1 and Building 2;
 - (b) 37 visitor spaces within the public domain.
- B13 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 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities* except that:
- a) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
 - b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.
- B14 A minimum of 542 lockers and 64 showers shall be provided in accordance with the application. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for services and finishes works.

Community Liaison Group

- B15 Prior to the issue of the first Construction Certificate, the applicant shall establish a Community Liaison Group (CLG), in consultation with Council, comprising representatives of potentially affected properties, local residents, businesses and the Alexandria Child Care Centre. The applicant will ensure that the Group:
- (a) establishes a terms of reference at its first meeting, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording / distribution of comments and outcomes;
 - (b) meets at least once prior to finalising the CFEMP and then monthly during construction (or as agreed by the CLG);
 - (c) receives 24 hour contact details and location of site offices and a 24 hour phone number;
 - (d) provides comment on the community consultation and engagement plan (**Condition C9**) and CFEMP (**Condition B16**);
 - (e) has access to the Site Manager to raise any concerns and bring to his attention any complaints;
 - (f) is kept up to date on the progress of construction and resolution of all complaints through a complaints register;
 - (g) prepares a record of each meeting, which is sent to Council; and
 - (h) ensures that site clearing / demolition and construction related issues and impacts are raised and dealt with expeditiously and cooperatively.

Construction Framework Environmental Management Plan

- B16 Prior to the issue of the first Construction Certificate, the applicant shall prepare an updated Construction Framework Environmental Management Plan (CFEMP) to be submitted to the PCA and the Secretary. The CFEMP shall be prepared in consultation with the Community Liaison Group (see **Condition B15**) and must:
- describe the relevant stages and phases of construction, including work program outlining relevant timeframes for each stage/phase;
 - describe all activities to be undertaken on the site during site establishment and construction of the development;
 - clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting, such as contamination impacts;
 - 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;
 - include specific consideration of measures to address any potential impacts identified in the assessment of the project and the EPA during site establishment and construction;
 - describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
 - 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;
 - document and incorporate all sub environmental management plans (Sub-Plans), studies and monitoring programs required under this consent; and
 - 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.

Construction Noise and Vibration Management Sub-Plan

- B17 Prior to the issue of the relevant Construction Certificate, the applicant must prepare and implement a detailed Construction Noise and Vibration Management Sub-Plan (CNVMP) prepared by a suitably qualified person, to be submitted to the PCA and the Secretary. The Sub-Plan must include:
- identification of the specific activities that will be carried out and associated noise sources at the premises;
 - identification of all potentially affected sensitive receiver locations, including surrounding residents, businesses and the Alexandria Child Care Centre;
 - quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
 - the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA *Interim Construction Noise Guideline* (ICNG), as reflected in conditions of approval;
 - prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;

- (f) an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, and in particular when objectives are predicted to be exceeded;
- (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction, as set out in the Noise and Vibration Assessment, prepared by Renzi Tonin and Associates;
- (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following should be considered and implemented where practicable; reduce hours of construction, the provision of respite from noisy/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
- (i) where night-time noise management levels cannot be satisfied, a report shall be submitted to the Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
- (j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
- (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;
- (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (m) measures to monitor noise performance and respond to complaints;
- (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
- (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
- (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. tool box talks, meetings etc).

Air Quality Management Sub-Plan

- B18 Prior to the issue of the relevant Construction Certificate, an Air Quality Management Sub-Plan (AQMSP) must be prepared for the project and submitted to the PCA and the Secretary. The Sub-Plan must include, as a minimum:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (the Approved Methods);
 - (b) contain relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour), including consideration of any contaminated materials;
 - (c) contain a mission statement;
 - (d) contain dust and VOCs/odour management strategies consisting of
 - (i) objectives and targets;
 - (ii) risk assessment;
 - (iii) suppression improvement plan.
 - (e) set out monitoring requirements including assigning responsibility (for all employees and contractors);
 - (f) contain a communication strategy; and
 - (g) include a performance review system for continuous improvements.

The Sub-Plan must detail management practices to be implemented for all dust and VOC/odour sources at the site. The Sub-Plan must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (e.g frequency, duration and method of monitoring) to be undertaken for the project, taking into particular consideration potential contaminated materials.

The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

Waste Management Sub-Plan

- B19 Prior to the issue of the relevant Construction Certificate, a revised Waste Management Sub-Plan must be developed for the project by a suitably qualified person and shall be submitted to the PCA and Secretary. The Sub-Plan must include, as a minimum, the following elements:
- (1) A Stockpile, Contamination Soil and Sediment Management Plan including:
 - (a) the exact locations where contaminated waste material (including Acid Sulphate Soils if found) and non-contaminated waste material will be stockpiled. Contaminated and non-contaminated waste material must be stockpiled separately and the designated areas must be clearly marked and labelled (on plans and on the ground);
 - (b) details of how the stockpiled waste material will be kept separate from non-contaminated waste material;
 - (c) details of how run-off from stockpiled waste material will be kept separate from non-contaminated runoff;
 - (d) the maximum proposed heights and volumes for each stockpile to reduce the potential for dust and odour and greater detail on stockpile stabilisation and covering to minimise odour and vapour emissions;
 - (e) procedures for minimising the movement of waste material around the site and double handling; and
 - (f) additional information detailing how materials proposed to be recycled/reused will be segregated on the site during operations. Particularly in relation to those wastes categorised as 'Building' waste.
 - (2) A detailed plan for in-situ classification of waste material, including the sampling locations and sampling regime that will be employed to classify the waste, particularly with regards to the identification of contamination hotspots.
 - (3) A commitment to retaining all sampling and classification results for the life of the project to demonstrate compliance with the EPA's Classification Guidelines.
 - (4) Details in relation to any Concrete Crushing and Screening Plant to be installed at the site and its use, including (at a minimum):
 - (a) location and specifications of the plant;
 - (b) estimated quantities of concrete to be crushed per day;
 - (c) measures to be employed to prevent or minimise the emission of dust from the crushing activity; and
 - (d) measures that will be employed to prevent or minimise the emission of noise from the crushing activity.
 - (5) Details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
 - (a) a traffic plan showing transport routes within the site;
 - (b) location of stockpiles at each stage as they migrate within the site;
 - (c) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - (d) the name and address of each licensed facility that will receive waste from the subject site (if appropriate).
 - (6) Details of the de-watering process, including the specifications for any on-site water treatment plant.
 - (7) A contingency plan for any event that may affect excavation and contaminated soil treatment operations at the site, particularly in relation to the expected volumes of materials excavated/generated at the site.

Construction Pedestrian and Traffic Management Sub-Plan

- B20 Prior to the issue of the relevant Construction Certificate, a Construction Pedestrian and Traffic Management Plan (CPTMP) prepared by a suitably qualified person shall be submitted to the PCA and Secretary. The Plan must be prepared in consultation with Roads and Maritime, the CBD Coordination Office of TfNSW and Council.

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) details of construction activities and timing of these activities;
- b) ingress and egress of construction vehicles is to primarily use Davy Road;
- c) predicted construction traffic movements, types and routes;
- d) construction impacts on the road network, bus stops and the safety of pedestrians/cyclists;
- e) pedestrian/cyclist and traffic management measures; and
- f) identify and address the cumulative impacts associated with the construction of other projects within the vicinity of the site.

Stormwater and Water Management Sub-Plan (Construction)

- B21 Prior to the issue of the relevant Construction Certificate, the Applicant must develop and provide to the PCA and Secretary, a comprehensive Stormwater and Water Management Sub-Plan (SWMSP) prepared by a suitably qualified person.

The SWMSP must ensure that groundwater, surface water or leachate arising from the works must be collected, managed and/or treated in a manner that ensures that it can be legally discharged to sewer or waters. The SWMSP must ensure that:

- (a) all water discharged from the site complies with relevant requirements;
- (b) no contaminated water may be re-used on site for dust suppression or other activities without being treated;
- (c) any water treatment plant must be designed to remove all relevant contaminants to levels agreed by the Site Auditor; and
- (d) untreated water must be held on site until results from monitoring are available for review and agreed by the Site Auditor.

The Sub-Plan must include a detailed proposal for monitoring water quality. The monitoring program must include at least an on-site program for waters held on site prior to discharge and an ambient monitoring program that checks water quality. The monitoring on-site program needs to cover all types of water on the site that needs to be discharged including clean stormwater, higher turbidity stormwater from areas without much soil contamination, stormwater that has been in contact with contaminated areas and contaminated groundwater from excavations.

The monitoring of ambient waters program must include an up and downstream/tide sampling location around the discharge structure as well as a reference location. Water to be discharged must be monitored on a daily basis for the first two weeks of operations. The monitoring frequency of subsequent discharges must not be less than weekly unless otherwise agreed by the Site Auditor and/or permitted by licence conditions.

Acid Sulphate Soils Management Sub-Plan

- B22 Prior to the issue of the relevant Construction Certificate, an Acid Sulphate Soil Management Sub-Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate*

Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998) and submitted to the PCA.

Asbestos Management Sub-Plan

- B23 Prior to the issue of the relevant Construction Certificate, an Asbestos Management Sub-Plan prepared by a suitably qualified person for the development shall be submitted to the PCA and Safework NSW for review and copy provided to Secretary. The Sub-Plan must:
- (a) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;
 - (b) identify any known or potential areas of concern on site for asbestos containing materials;
 - (c) outline the procedures for identification, handling, disposal and/or re-use of asbestos containing materials;
 - (d) ensure that all asbestos would be handled and disposed of by a suitably licensed asbestos removalist in accordance with the relevant guidelines and legislation;
 - (e) ensure an induction process is in place for site workers and visitors regarding the identification of asbestos and the formal procedures to be followed in the event that asbestos is identified on site;
 - (f) ensure that the development would comply with the requirements of this consent;
 - (g) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and
 - (h) outline the procedures for soil validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.

Pre-Construction Dilapidation Reports

- B24 If not already done so, the Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for below ground works. A copy of the report is to be forwarded to the PCA and each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

Structural Details

- B25 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA;
 - b) the development consent; and
 - c) drawings and specifications comprising the Construction Certificate; and

- d) the relevant Australian Standards listed in the BCA

Mechanical Ventilation

- B26 All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with relevant Australian Standards, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate. The PCA must be satisfied that the proposed system is leading industry standard in terms of environmental performance.

Storage and Handling of Waste

- B27 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within each Building for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of City of Sydney *Policy for Waste Minimisation in New Developments 2005* shall be met to the satisfaction of the PCA.

Sydney Water Assets

- B28 Prior to issue of the first Construction Certificate, the Applicant is required to demonstrate that the development will not interfere with the operation of and accessibility to Sydney Water's assets (including water, sewer and stormwater).

Sydney Water Notice of Requirements

- B29 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 the first Construction Certificate. The Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au or call 13 20 92.

Please make early contact with the Coordinator, as it may require water and waste water pipes can be time consuming and may impact on other services and buildings, driveway or landscape design.

Installation of Water Efficiency Measures

- B30 All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.
- B31 All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the PCA, prior to issue of the relevant Construction Certificate for services and finishes works.
- B32 New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B33 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 PCA, prior to the issue of the relevant Construction Certificate.

Environmental Performance

- B34 The Applicant is to provide documentation, prepared by a suitably qualified consultant, indicating that the design of the development is capable of achieving the following environmental standards or higher where recommended by the relevant regulatory body, such as the Green Building Council of Australia:

Building	Min Green Star Rating V1	Min NABERS Energy	Min NABERS Water
Building 1	6 stars	5 stars	4 stars
Building 2	6 stars	5 stars	4 stars
Building 3	5 stars	4.5 stars	3.5 stars

Evidence of the project's consistency with the above principles shall be provided to the PCA prior to the relevant Construction Certificate for above ground works.

Internal and Outdoor Lighting Systems

- B35 The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during off-peak / non-working hours. Details of the internal lighting system must be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.
- B36 All outdoor lighting shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of a relevant Construction Certificate.

Rainwater, Stormwater and Drainage Management

- B37 Prior to the issue of a Construction Certificate for Building 1 structure works, the applicant is to prepare a detailed rainwater harvesting and recycled water reuse (RH&RWR) strategy for the ATP precinct. The strategy is to include an analysis of existing RH&RWR infrastructure at all locations within the ATP precinct, an analysis of relevant leading industry best practice and identify opportunities to implement enhancements to RH&RWR use in Building 1, Building 2 and Building 3 as part of the development (such as increased rainwater storage tanks or connection into an integrated RH&RWR system throughout the ATP precinct). This strategy is to be prepared in consultation with Council and submitted to the satisfaction of the Secretary.
- B38 The requirements of the relevant Water Authority with regard to the detention of stormwater must be ascertained and complied with. Evidence of the approval of the relevant Water Authority to the detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- B39 Any proposed connection to the relevant Water Authority's underground drainage system will require the owner to enter into a Deed of Agreement with the relevant Water Authority and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier.

Erosion and Sediment Control

- B40 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom and the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney). Details

are to be included in the CFEMP submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

Access for People with Disabilities

- B41 Prior to the issue of the relevant Construction Certificate, detailed design documentation demonstrating compliance with the recommendations of the Access Review (Revision v2), prepared by Morris Goding Accessibility Consulting, dated 10 December 2015 shall be provided to the satisfaction of the PCA. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

Compliance Report

- B42 Prior to the issue of each Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

Development adjacent to a rail corridor (including the underground tunnels)

- B43 Prior to the issue of the first Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
- (a) final geotechnical and structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor;
 - (b) final construction methodology with construction details pertaining to structural support during excavation;
 - (c) final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor;
 - (d) detailed survey plan showing the relationship of the proposed developed with respect to Sydney Trains land and infrastructure;
 - (e) if required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor; and
 - (f) final drainage details based on the final approved development.
- Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.
- B44 Prior to the issue of the first Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- B45 Prior to the issue of the first Construction Certificate a Risk Assessment, Rail Safety Management Plan, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B46 Prior to the issue of the first Construction Certificate, the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the

Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- B47 Prior to the issue of the first Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B48 Prior to the issue of the relevant Construction Certificate, an acoustic assessment is to be submitted to the Secretary demonstrating how the proposed development will comply with the Department of Planning's document titled Development Near Rail Corridors and Busy Roads-Interim Guidelines.
- B49 Prior to the undertaking of works or the issuing of the first Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- B50 Prior to the undertaking of works or the issuing of the first Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

Heritage Interpretation

- B51 Prior to the issue of the first Construction Certificate for Building 2, Stage 1 of the Heritage Interpretation Plan shall be submitted to the Secretary for approval, upon receipt of advice from the Heritage Council NSW. This plan shall be prepared in accordance with the Applicant's Heritage Impact Statement and addendum, the ATP Conservation Management Plan and relevant NSW Heritage Division guidelines. It shall outline interpretation elements for inclusion into the detailed design of the new buildings and landscaping works, including the reuse and interpretation of the Foundry Wall and methods to retain and interpret moveable and social heritage within the precinct. It shall be prepared in consultation with the Heritage Council and other stakeholders, including former workers, Aboriginal stakeholders, volunteers, the local community and relevant railway associations, and document the findings and recommendations raised in consultation.

Remediation

- B52 Prior to the issue of the relevant Construction Certificate for Building 2 (Lot 12), an assessment of the extent of volatile organic compounds and the potential to impact the proposed development on Lot 12 must be undertaken in accordance with the requirements of the Section B Site Audit Statement, prepared by G Nyland of Ramboll Environ (the Site Auditor) and dated 24 June 2016. A copy of the assessment must be submitted to the Site Auditor for review and submitted to the Certifying Authority. A copy is to be submitted to the Secretary.
- B53 Prior to the issue of the relevant Construction Certificate, a Remediation Environmental Management Plan (REMP) prepared by a suitably qualified person must be submitted to the

Certifying Authority. The plan shall be prepared for each development stage to ensure the works and management are specific to each developable area and must:

- (a) outline the environmental monitoring and management measures to be implemented during the remediation and construction works on the site;
- (b) be consistent with and adopt all recommendations of the Remedial Action Plan prepared by JBS&G dated 15 June 2016 and reflect the requirements of Clause 17 and Clause 18 of SEPP 55; and
- (c) provide contingency measures to manage unexpected finds of contaminated materials, beyond that anticipated at the site.

Work Health Safety Management Plan

B54 Prior to the issue of the Construction Certificate, a Work Health Management Plan prepared by a suitably qualified person for the development shall be submitted to the NSW Health and Safe Work NSW for review and submitted to the Certifying Authority and Secretary. The plan must:

- (a) ensure the development complies with the relevant requirements of the Work Health and Safety Regulation 2011;
- (b) detail all pollutant management measures and controls to be implemented during construction to minimise potential impacts on health for nearby sensitive receivers and workers on or adjacent to the site including engineering controls, safe work practices, safe work methods statements, hygiene and decontamination procedures and personal protective equipment requirements;
- (c) ensure an induction process is in place for site workers and visitors regarding the safe work practices and methods to be followed to minimise the potential for human exposure to pollutants;
- (d) consistent with any recommendation of Human Health Risk Assessment, December 2015; and
- (e) Provide contingency measures to manage unexpected finds of contaminated materials, beyond that anticipated at the site.

Bus Access for Special Events

B55 Prior to issue of the relevant Construction Certificate, the applicant shall submit a plan to TfNSW demonstrating that the access and internal roads within the ATP are capable of accommodating busses to serve special events.

Arborist assessment

B56 Prior to issue of the first Construction Certificate, an Arborist report shall be prepared, in consultation with Council, by an appropriately qualified Arborist including an assessment of the age, health, condition and significance of individual trees and recommendations for retention, relocation or removal. The report shall provide details of measures to ensure the health of relocated trees and protection measures for all trees to be retained/relocated during construction.

Wind Impacts

B57 Prior to issue of a relevant Construction Certificate, the wind assessment shall be reviewed and updated with wind tunnel modelling to demonstrate acceptable amenity levels for:

- (a) walking throughout the public domain;
- (b) standing at building entrances; and
- (c) seating in all potential outdoor seating areas.

The wind assessment shall be updated to provide additional method(s) / treatments(s) / measures(s) to achieve the above comfort levels, if required. Should additional measures be

required on the building facades, a statement from the architect shall be provided certifying that the mitigation measures have been integrated into the design of the building and maintain the integrity of the facades and overall building design.

The updated wind assessment, modelling, amended plans and architectural statement shall be submitted for the Secretary's approval.

Public Art Strategy

- B58 A public art strategy shall be prepared in consultation with Council. The public art strategy shall be submitted for the Secretary's approval prior to issue of the relevant Construction Certificate.

Utility Services

- B59 Prior to the issue of a relevant Construction Certificate, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of any services affected by the construction of the development.
- B60 Prior to issue of a relevant Construction Certificate, the Applicant shall consult with Ausgrid on any structural or design measures which need to be taken to minimise any associated risks for future building occupants in relation to Electromagnetic Field (EMF) Radiation and possible explosion/fire within the Ausgrid Central Zone Substation.

Improved Connectivity to Redfern Station

- B61 Prior to the issue of the relevant Construction Certificate, the applicant shall prepare design options for improved and safer pedestrian connectivity between Redfern Station and the site (i.e. along part of Cornwallis Street/Marian Street), in consultation with relevant authorities and stakeholders, including TfNSW, Urban Growth NSW and Council.

Following consultation and resolution with relevant authorities and stakeholders, the applicant shall submit a final design proposal for improved pedestrian connectivity for approval by the Secretary, with copies to each of the relevant authorities/stakeholders. Any agreed measure/s is to be implemented prior to issue of the first Occupation Certificate on the site.

Airspace Protection

- B62 Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the approved controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations, therefore Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

End of Section

C PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- C1 The PCA shall be given written notice, at least 48 hours prior to the commencement of building works on the Site, including any excavation, shoring or underpinning works.

Certified Plans

- C2 Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and copy to the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

Contact Telephone Number

- C3 Prior to the commencement of the works, the Applicant shall forward to the PCA and Department a 24 hour telephone number to be operated for the duration of the construction works.

Structural Details

- C4 Prior to the commencement of building construction (excluding early works), the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- a) the relevant clauses of the BCA;
 - b) the development consent; and
 - c) drawings and specifications comprising the Construction Certificate.

Associated Roadway Costs

- C5 All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed generally in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'.

Utility Services

- C6 Prior to the commencement of work, the applicant is to obtain written approval from the utility authorities (electricity supply authority, an approved telecommunications carrier and an approved gas carrier, where relevant) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Barricade Permit

- C7 Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

Hoarding

- C8 A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- a) architectural, construction and structural details of the design as well as proposed artwork

- 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.

Community Consultation and Engagement Plan

- C9 Prior to the commencement of works, a community consultation and engagement plan shall be prepared, in consultation with Council and the Community Liaison Group (See **Condition B15**), and submitted for approval to the Secretary. The plan is to include details of how surrounding properties will be notified and complaints handled during construction.

Geotechnical Reports

- C10 Prior to the commencement of any drilling/piling works on site, the Applicant shall submit to the PCA, the results of a detailed geotechnical investigation on the site. The report is to address such matters as:
- a) appropriate drilling methods and techniques
 - b) vibration management and monitoring
 - c) dilapidation survey
 - d) support and retention of excavated faces
 - e) hydrogeological considerations.

The recommendations of the report are to be implemented during the course of the works.

Development adjacent to a rail corridor (including the underground tunnels)

- C11 Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- C12 Prior to the commencement of works the Applicant shall peg-out the property boundary interfacing with the rail corridor. This work is to be undertaken by a registered surveyor.
- C13 Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from the requesting Agency and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- C14 Prior to the commencement of works the Applicant shall obtain as services search from Sydney Trains indicating the location of any services or facilities (eg powerlines). In the event any services are identified the protection of these shall be in accordance with Sydney Trains requirements.

Archaeology

- C15 All archaeological works shall be in accordance with approved methodology outlined in Heritage Impact Statement ATP Development prepared by Curio Projects Pty Ltd dated December 2015 (Appendix G of the Environmental Impact Statement) and the addendum dated April 2016.

- C16 Prior to the commencement of the proposed works, all contractors and relevant personnel involved must be made aware of the existence of any potential and historical archaeological remains at the site by way of an induction prepared by a nominated archaeologist. The induction must also make the personnel aware of the possibility that as yet unidentified archaeological remains may still exist and of the requirements of S146 of the Heritage Act 1977 in relation to archaeological relics in the event that they are uncovered.
- C17 Where substantial intact archaeological relics of State or local significance are discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Heritage Act 1977. Depending on the nature of the discovery, additional assessment may be required prior to the recommencement of excavation in the affected area.
- C18 If substantial archaeological remains, relics or deposits are uncovered, then work must cease in the affected area and the Heritage Council and Department of Planning & Environment must be notified. Works should proceed only following written advice from DPE about appropriate management of these remains. An archaeological Excavation Director must also be engaged to undertake archaeological monitoring of the excavation works associated with the project and an archaeological salvage program as necessary. A methodology and archaeological Research Design should be prepared to guide such investigations and should be provided for the approval of the NSW Heritage Council or its Delegate ahead of commencement of any archaeological monitoring and archaeological salvage. The nominated Excavation Director must meet the NSW Heritage Council Criteria for excavation of State significant archaeology.
- C19 Within 1 year of any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared by the Excavation Director and lodged with the Heritage Council of NSW, Council and the Department of Planning & Environment. The Applicant shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations. The final excavation report shall include the following:
- (a) An executive summary of the archaeological programme;
 - (b) Due credit to the client paying for the excavation, on the title page;
 - (c) An accurate site location and site plan (with scale and north arrow);
 - (d) Historical research, references, and bibliography;
 - (e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
 - (f) Nominated repository for the items;
 - (g) Detailed response to research questions (at minimum those stated in the Department of Planning & Infrastructure approved Research Design);
 - (h) Conclusions from the archaeological programme. This information must include an assessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the site; and
 - (i) Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

Discovery of Aboriginal Heritage

- C20 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information

Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

Demolition

- C21 Any demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of any demolitions.

Compliance Report

- C22 Prior to the issue of each Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

Airspace Protection

- C23 The applicant must advise Airservices at least 3 business days prior to the controlled activity commencing for Building 1 by emailing pds.obs@airservicesaustralia.com and quote SY-CA-301.

End of Section

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 7.30am and 5.30pm, Mondays to Fridays inclusive;
 - b) between 7.30am and 3.30pm, Saturdays;
 - c) no work on Sundays and public holidays;
 - d) works may be undertaken outside these hours where:
 - i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iii) a variation is approved in advance in writing by the Secretary (or nominee).
- D2. The following works may be undertaken outside the hours of work (**Condition D1**) and may occur on a 24-hour-a-day, 7-days-of-the-week basis:
- a) essential maintenance (e.g. dust suppression and emergency works);
 - b) internal fit out, furnishings, such as assembling furniture, electrical and painting, as long as this is not audible outside of the building;
 - c) delivery of materials as required by police/RMS for safety reasons;
 - d) works to various authorities' utilities; and
 - e) environmental monitoring equipment.

Works in Accordance with Sub-Plans

- D3. The Applicant must undertake all works in accordance with the requirements of the:
- a) CFEMP approved under **Condition B16**. The CFEMP must document and incorporate all Sub-Plans required under this consent;
 - b) CNVMP approved under **Condition B17**;
 - c) AQMSP approved under **Condition B18**. The Applicant must also not cause or permit the emission of offensive odour beyond the boundary of the site;
 - d) Waste Management Sub-Plan approved under **Condition B19**;
 - e) CPTMP approved under **Condition B20**, except where modified below;
 - f) SWMSP approved under **Condition B21**;
 - g) Acid Sulphate Soils Management Sub-Plan approved under **Condition B22**;
 - h) Asbestos Management Sub-Plan approved under **Condition B23**, and the following:
 - i) all excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with Safe Work Australia's NOHSC: Code of Practice for the Safe Removal of Asbestos 2005;
 - ii) an asbestos clearance certificate (or certificates) prepared by a suitably licenced asbestos removalist shall be provided to the Department and the Principal PCA upon completion of all asbestos removal works. The Applicant shall ensure that the asbestos removal works comply with the relevant requirements of the *Work, Health and Safety Regulation 2011*; and
 - iii) the Applicant must ensure that any asbestos contained in excavated material that is proposed for re-use on site meets the requirements of the EPA and in consultation with the Site Auditor.

Remediation

- D4. The Proponent shall undertake the remediation works in accordance with the endorsed Site Audit Report, Remedial Action Plan and Remedial Strategy (**Condition A2**). Any amendments to the approved Remedial Strategy must be approved by the Site Auditor.

Erosion and Sediment Control

- D5. All erosion and sediment control measures, as designed in accordance with **Condition B41**, 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.

Waste Classification and Disposal

- D6. The Applicant must ensure that all waste generated by the development is classified and disposed of in accordance with the EPA's *Waste Classification Guidelines 2009*. These Guidelines may indicate the material will need to be immobilised prior to disposal. If this is the case, the Applicant must apply to the EPA for a site specific immobilisation approval.

Water Quality

- D7. All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Alexandra Canal estuarine waters in accordance with the Table of Water Quality Limits in Schedule 2 and 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.

Survey Certificate

- D8. A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building works certifying the location of the building in relation to the boundaries of the allotment.

Utilities

- D9. The Applicant shall be responsible for all public utility adjustment / relocation works, necessitated by the development and as required by the various public utility authorities and / or their agents.

Vibration Criteria

- D10. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings*. Effects on Structures;
 - b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006);
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
 - d) these limits apply unless otherwise outlined in the CNVMP (**Condition B17**).

The Applicant must undertake trial testing of vibration intensive equipment that is identified as having the potential to exceed the vibration criteria identified in **Condition B17** to ensure it is not exceeded at any residence or structure outside the subject site.

Construction Noise Criteria

- D11. 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) or within the noise limits predicted in the applicant's Noise and Vibration Report that formed part of the EIS. All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the

construction noise management levels shall be identified and managed in accordance with the CNVMP approved under **Condition B17**.

- D12. 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), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D13. 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 CNVMP approved under **Condition B17**.
- D14. 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 site.
- D15. 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 2436-2010 'Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites' or this consent where different.

Safe Work Australia Requirements

- D16. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Safe Work Australia requirements.

Hazardous and Industrial Waste

- D17. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and the NSW Work Cover Authority pursuant to the provisions of the following:
- Protection of the Environment Operations Act 1997;*
 - Protection of the Environment Operations (Waste) Regulation 1996;*
 - Waste Avoidance and Recovery Act 2001;*
 - New South Wales Occupational Health & Safety Act 2000;*
 - New South Wales Construction Safety Act 1912 (Regulation 84A-J;*
 - Construction Work Involving Asbestos or Asbestos Cement 1983);*
 - The Occupational Health & Safety Regulation 2001; and*
 - The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

Covering of Loads

- D18. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

- D19. 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

- D20. The Applicant must ensure that:
- stockpiles of excavated material do not exceed 4 metres in height;
 - stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
 - suitable erosion and sediment controls are in place for stockpiles.

Dust Control Measures

- D21. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:
- a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
 - d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
 - e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
 - g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
 - h) cleaning of footpaths and roadways shall be carried out regularly.

No Obstruction of Public Way

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

External Lighting

- D23. 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 to the PCA evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.
- D24. The intensity of lighting of the site, the hours of illumination and the location of the lighting must not cause objectionable glare or injury to the amenity of the neighbourhood. If in the opinion of the Certifying Authority or the Secretary, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury.

Bunding

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

Site Notice

- D26. 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:
- (a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period
 - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any

- inquiries, including construction/noise complaint are to be displayed on the site notice;
and
(d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Contact Telephone Number

- D27. 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.

Approved Plans to be On-Site

- D28. 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 Department or the PCA.

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

- D29. If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council of NSW is received by the Applicant.

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

- D30. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the Office of Environment and Heritage informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from Office of Environment and Heritage is received by the Applicant.

Compliance Report

- D31. 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.

Development adjacent to a rail corridor (including the underground tunnels)

- D32. All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- D33. No rock anchors/bolts are to be installed into the rail corridor.
- D34. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- D35. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
- D36. Sydney Trains are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- D37. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and

catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

- D38. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- D39. No scaffolding is to be used within 25m of the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- D40. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to Sydney Trains for review.

Protection of Trees

- D41. No street trees within the Public Way are to be trimmed or removed unless it forms a part of this development consent or prior written approval from the relevant Authority is obtained or is required in an emergency to avoid the loss of life or damage to property.
- D42. All street trees within the Public Way shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of the relevant Authority.
- D43. All trees on the subject site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Hoarding Requirements

- D44. The following hoarding requirements shall be complied with:
- (a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
 - (b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

Road Occupancy License

- D45. A Road Occupancy Licence (ROL) must be obtained from the TMC for any activity likely to impact on the operational efficiency of the Public Way road network.

End of Section

E POST CONSTRUCTION

Remediation and Site Validation

- E1. Within 6 months of the completion of the remediation works on site, and prior to the issue of any Occupation Certificate, the Applicant shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA, the Secretary, the Certifying Authority, and the Council. The validation and audit process may occur progressively to the satisfaction of the site auditor.
- E2. A Section A Site audit statement must be prepared at the end of each stage of development certifying the suitability of the land for the proposed use.
- E3. The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the EPA to issue Site Audit Statements.
- E4. The site auditor must also verify that any excavated material disposed off-site, has been appropriately classified, validated, managed and the relevant approvals obtained in accordance with the relevant legislation and any relevant approved materials management plan/s.
- E5. On completion of remediation works, the Council shall be notified in accordance with the relevant requirements of Clauses 17 and 18 of SEPP 55 - Remediation of Land.

End of Section

F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Development adjacent to a rail corridor (Sydney Trains)

- F1 Prior to the issuing of an Occupation Certificate, the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easement. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Airspace Protection

- F2 Prior to the issuing of an Occupation Certificate for each building, the certified surveyor is to notify the airfield design manager (in writing) of the finished height of each building.

Heritage Interpretation

- F3 Prior to the issue of the first Occupation Certification for Building 2, the Applicant shall submit Stage 2 of the Heritage Interpretation Plan for approval by the Secretary, upon receipt of advice from the Heritage Council NSW. This plan shall be prepared in accordance with Stage 1, the Applicant's Heritage Impact Statement and addendum, the ATP Conservation Management Plan and relevant NSW Heritage Division guidelines. Stage 2 shall be prepared in consultation with the Heritage Council and other stakeholders, including former workers, Aboriginal stakeholders, volunteers, the local community and relevant railway associations, and document the findings and recommendations raised.
- F4 Prior to the commencement of the use, the Applicant shall implement the proposals and recommendations of the approved Heritage Interpretation Plans (Stage 1 and Stage 2).

Sydney Water Compliance

- F5 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation (See **Condition B29**).

Contamination - Long Term Environmental Management Plan

- F6 Prior to the issue of an Occupation Certificate, the Applicant shall prepare and implement a Long Term Environmental Management Plan (LTEMP), to the satisfaction of the Secretary. The plan shall be prepared by a suitably qualified and experienced person, be submitted to an EPA Accredited Site Auditor for review within one months of the completion of remediation works, unless otherwise agreed by the Secretary. The LTEMP shall include, but not be limited to:
- (a) a description of the nature and location of any contamination remaining on site;
 - (b) provisions to manage and monitor any remaining contamination;
 - (c) a groundwater monitoring program to assess the potential impact of fill material placed below ground water;
 - (d) mechanisms to report results to relevant agencies;
 - (e) triggers that would indicate if further remediation is required; and
 - (f) details of any contingency measures that the Applicant would carry out to address any ongoing contamination.
- Upon completion of the remediation works, the Applicant shall manage the site in accordance with the LTEMP and any on-going maintenance of remediation notice issued by the EPA under the CLM Act.

Signage Zones

- F7 Details of the final signage design, content and illumination (if proposed) within the approved signage zones are to be submitted to the Secretary for approval prior to the installation and display of any signage.

Occupation Certificate

- F8 An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Public Domain Works

- F9 The works to the public domain are to be completed in accordance with the approved plans prior to the issue of a final Occupation Certificate.

CPTED

- F10 Prior to the issue the relevant Occupation Certificate details shall be submitted to the satisfaction of the PCA that the CPTED works have been completed in accordance with **Condition B8**.

Loading Dock Management

- F11 Prior to the issue the relevant Occupation Certificate, details shall be submitted to the satisfaction of the PCA that the Loading Dock Management Plan has been implemented in accordance with **Condition B11**.

Mechanical Ventilation

- F12 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 the relevant Occupation Certificate, that the installation and performance of the all 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 and having regard to any approvals issued by the Independent Liquor and Gaming Authority (ILGA).

Environmental Performance

- F13 Prior to the issue the relevant Occupation Certificate, the Applicant shall provide details to the PCA and Secretary demonstrating that the development has been constructed to meet or exceed the environmental performance required in **Condition B34**.

Work Place Travel Plan

- F14 Prior to issue of the first Occupation Certificate, the applicant shall prepare a Work Place Travel Plan (WPTP), in consultation with Council and TfNSW, and submit this to the Certifying Authority. The WPTP shall be included in the staff induction and aim to:
- (a) facilitate the sustainable and safe travel of staff;
 - (b) raise awareness and inform employees and visitors of sustainable transport options;
 - (c) continually seek to increase modal share by public transport, cycling and walking to work;
 - (d) provide appropriate facilities at the site to enable staff and visitors to commute by sustainable transport modes, including lockers, showers and potentially public transport subsidies;

- (e) reduce the number of car journeys associated with business travel by staff and visitors, such as flexible working arrangements; and
- (f) establish a mechanism for monitoring mode share of employees and visitors annually, and ensure that sufficient facilities are provided to meet the demand for sustainable travel choices, including facilities for visitors within the public domain.

Post-Construction Dilapidation Report

F15 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 is 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 Secretary and each of the affected property owners.

Fire Safety Certification

F16 Prior to the issue the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and PCA and be prominently displayed in the building.

Structural Inspection Certificate

F17 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the relevant 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 PCA 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.

Waste Disposal

F18 All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).

F19 Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

F20 Prior to the issue the relevant Occupation Certificate details shall be submitted to the satisfaction of the PCA that waste handling works have been completed in accordance with **Condition B19**.

Acoustic Compliance

F21 Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Noise and Vibration Report (and

addendum), prepared by Renzo Tonin, submitted as part of the EIS and the development achieves compliance with the requirements of State Environmental Planning Policy (Infrastructure) 2007 and other guidelines applicable to the development.

Registration of Easements

F22 Prior to the issue of the relevant Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Improved Connectivity to Redfern Station

F23 Prior to the issue of the first Occupation Certificate, the applicant shall provide to the PCA evidence that the measures to improve pedestrian connectivity between the site and Redfern Station (i.e. along part of Cornwallis Street/Marian Street), as identified through Condition B61, have been implemented.

End of Section

G POST OCCUPATION

Environmental Performance

- G1 Within 12 months of occupation, the applicant shall provide certification from the Green Building Council of Australia to the PCA (copy to the Department) indicating that the development achieves the minimum requirements in **Condition B34**.

Work Place Travel Plan

- G2 The applicant shall implement the Work Place Travel Plan (WPTP) (see **Condition F14**), ensuring that its annual review results in sufficient facilities being provided to meet the demand for sustainable travel choices, including facilities for visitors within the public domain.
- G3 The applicant shall implement wayfinding strategies in consultation with Council and TfNSW to assist with the increasing mode share of walking and cycling. This shall include signage to other destinations external to the site, including transport nodes and tourist destinations.

Unobstructed Driveways and Parking Areas

- G4 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.

Public Way to be Unobstructed

- G5 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- G6 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 to the PCA evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Loading and Unloading

- G7 All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with the requirements of **Condition B11**.

Car Parking Not to be used as Commuter Parking

- G8 The car parking spaces in Building 1 and Building 2 shall only be used by employees or visitors of Building 1, Building 2 or Building 3. The car parking spaces shall not be used as commercial commuter car park.

Noise Control – General

- G9 The emission of noise associated with the use, the operation of any mechanical plant and equipment shall comply with the following criteria:
- (a) the LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence;
 - (b) the LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published by DECCW;

- (c) the background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise; and
- (d) the use of the premises shall be controlled so that any emitted noise is at a level so as not to create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected residence.

G10 An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:

- a) where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead;
- b) the LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed; and
- c) the LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with any building mechanical services operating normally and with the air-conditioning equipment normally servicing the affected residence operating on a medium setting.

G11 An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that:

- a) the LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed;
- b) the LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating;
- c) the use of the premises shall be controlled so that any emitted noise is at a level so as not to create an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* to any affected residence;
- d) in this clause, the term 'noise level emitted from the use' means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq,15minute when the use is not in operation; and
- e) in circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

Noise Control – Mechanical Plant and Equipment

G12 Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- (a) transmission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver; and
- (b) a sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with 'assessing Vibration; Technical Guidelines' – DEC (EPA) AS1055 for sound level measurements

Anti-Graffiti

G13 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 places is to be removed within 48 hours.

Annual Fire Safety Certification

G14 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.

End of Section

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).

Permits

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

Responsibility for other consents / agreements

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

Temporary Structures

- AN4 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 Building Code of Australia.
- AN5 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

- AN6 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 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- AN7 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; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN8 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.

Asbestos Removal

- AN9 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

Site contamination issues during construction

- AN10 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.