

CONSOLIDATED INSTRUMENT

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

APPROVAL OF MAJOR PROJECT NO. 06_0149

(FILE NO. S06/01244-1)

STUDIO AND OFFICE COMPLEX AT THE AUSTRALIAN TECHNOLOGY PARK, EVELEIGH

I, the Minister for Planning, under section 75J of the *Environmental Planning and Assessment Act*, 1979, approve the project referred to in Schedule 1 subject to the conditions in Schedule 2 and the Statement of Commitments of the Proponent in Schedule 3.

Frank Sartor MP
Minister for Planning

Sydney,

2007

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SCHEDULE 1

PART A—TABLE

Application made by:	Architectus
Application made to:	Minister for Planning
Major Project Application:	MP 06_0149
On land comprising:	The location of the proposed building forms part of Lot 500 DP1033739 within the Australian Technology Park, Eveleigh
Local Government Area	City of Sydney
For the carrying out of:	Project Application for a studio and office complex
Estimated Cost of Works	\$112,145,000.00
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0149

Responsibility for other approvals / agreements

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

Appeals

The Proponent 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 Regulations, 2000* (as amended).

Appeals—Third Party

A third party right to appeal to this development consent in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Certifying Authority means a Certifying Authority and has the same meaning as Part 4A of the Act.

Council means City of Sydney Council.

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Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Architectus on behalf of Sydney Broadcast Property Pty Ltd and dated August 2006 and as amended by the Preferred Project Report prepared by Architectus and dated November 2006.

Minister means the Minister for Planning.

MP No. 06_0149 means the Major Project described in the Proponent's Environmental Assessment Report.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Preferred Project means the Preferred Project report and appendices prepared by Architectus on behalf of Sydney Broadcast Property Pty Ltd and dated November 2006.

Proponent means Architectus or any party acting upon this consent.

Regulation means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

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Summary of Modifications

MP 06_0149	<p>Approved 25 January 2007</p> <ul style="list-style-type: none"> • Twelve (12) storeys including office space and plant room • Four (4) large studios and associated warehousing • 41,800m² of gross floor space • Two levels of semi-basement car parking (697 spaces), one which is for use by the occupants of the building (347 spaces) and the remaining level is for use by the landowner including visitor/public spaces (350 spaces) • A landscaped open plaza at the south-eastern end of the building adjacent to a café, retail shops and entry foyers as well as various storage and utility rooms all at ground floor level • A landscaped park at the western end of Central Avenue, to the south of the building • General office area in levels 1 to 10 of the building
MP 06_0149 MOD 1	<p>Approved 19 August 2008, for:</p> <ul style="list-style-type: none"> • Minor modifications to Façade and other elements arising from development of design and BCA compliance
MP 06_0149 MOD 2	<p>Approved 11 February 2009, for:</p> <ul style="list-style-type: none"> • Minor design modifications and the provision of major plant
MP 06_0149 MOD 3	<p>Approved by the Director on 28 February 2020, for:</p> <ul style="list-style-type: none"> • Alter the approved colour, materials and finishes schedule; and • Update the development photomontages to reflect the revised building appearance

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SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0149

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

(1) Development consent is granted only to carrying out the development described in detail below:

- Twelve (12) storeys including office space and plant room.
- Four (4) large studios and associated warehousing
- 41,800m² of gross floor space.
- Two levels of semi-basement car parking (697 spaces), one which is for use by the occupants of the building (347 spaces) and the remaining level is for use by the landowner including visitor/public spaces (350 spaces).
- A landscaped open plaza at the south-eastern end of the building adjacent to a café, retail shops and entry foyers as well as various storage and utility rooms all at ground floor level.
- A landscaped park at the western end of Central Avenue, to the south of the building.
- General office area in levels 1 to 10 of the building.

(2) The uses and fitout of the café/s including hours of operation do not form part of this consent and shall be subject to separate development applications to be lodged with the Redfern-Waterloo Authority.

(3) The proposed uses of public domain areas in association with the operation of the television studios do not form part of this consent and will be subject to separate development applications to be lodged with the Redfern-Waterloo Authority.

(4) No building identification signage is approved under this consent. Any signage for the building will be subject to separate development applications to be lodged with the Redfern-Waterloo Authority.

(5) The communications tower which extends approximately 15m above the roof of the plant room, shall be reduced in height so as to not extend greater than 5m above the roof of the plant room, such that it has a maximum height of RL 68.43.

(6) The “landscaped open roof” area (identified on Plan PA-007 ‘Floor Plan – Level 5’ Revision F dated 27.11.2006) does not have clearly delineated edges or access points and due to lack of resolution of these details, is deleted. Any use of the roof area as an outdoor terrace, shall be the subject of a future application with the Redfern Waterloo Authority.

(7) The maximum number of car spaces within the building is limited to 697. 347 of these spaces shall be for the use of the tenants and occupants of the building, whilst 350 shall be provided to the landowner for uses associated with the other buildings at the Australian Technology Park and for visitors, to be specified in a Plan of Management as required under Condition E3.

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(8) Development must be carried out consistently with the Statement of Commitments (attached Schedule 3) except as amended by the conditions of approval.

(9) These conditions of approval do not relieve the Proponent of its obligations under any other Act.

A2 Development in Accordance with Plans

The approval shall be in accordance with MP 06_0149 and with the Environmental Assessment dated August 2006 prepared by Architectus Sydney Pty Ltd including all Appendices, except where amended by the Preferred Project report and appendices dated November 2006 and prepared by Architectus Sydney Pty Ltd, and the following drawings,:

Architectural (or Design) Drawings prepared by PTW Architects & Sissons Architects at Appendix A of the Preferred Project Report as part of the s75W Modification Applications (MP 06_0149 MOD 1), (MP 06_0149 MOD 2) and (MP 06_0149 MOD 3)			
Drawing No.	Revision	Name of Plan	Date
PA-001	F P	Site Plan/Floor Plan	27.11.2006 22.12.2008
PA-002	F M	Plan Level 1 – Central Ave Level	27.11.2006 09.11.2007
PA-003	F M	Floor Plan – Mezz. Carpark level	27.11.2006 09.11.2007
PA-004	F O	Floor Plan – Level 2	27.11.2006 22.12.2008
PA-005	F M	Floor Plan – Level 3	27.11.2006 09.11.2007
PA-006	F M	Floor Plan – Level 4	27.11.2006 09.11.2007
PA-007	F M	Floor Plan – Level 5	27.11.2006 09.11.2007
PA-008	F M	Floor Plan – Level 6-11 and Level 12	27.11.2006 09.11.2007
PA-009	F P	Floor Plan – Roof Level	27.11.2006 22.12.2008
PA-010	F O	Sections A-A, B-B & C-C	27.11.2006 22.12.2008
PA-011	F O	Sections D-D & E-E	27.11.2006 22.12.2008
PA-012	F O	Section F-F	27.11.2006 22.12.2008
PA-013	F Q	Elevation North	27.11.2006 22.12.2008
PA-014	F Q	Elevation South	27.11.2006 22.12.2008
PA-015	F Q	Elevations – East & West	27.11.2006 22.12.2008
PA-034 PA-033	↓ J	Photomontage Davy Road	22.12.2008 30.01.2020
PA-032 PA-031	↓ J	Photomontage Central Avenue	22.12.2008 30.01.2020
PA-033 PA-032	↓ J	Photomontage Locomotive Street	22.12.2008 30.01.2020
PA-034 PA-035	↓ J	Photomontage Carriage Workshop	22.12.2008 30.01.2020
	A	Photomontage Locomotive Street 2	30.01.2020
Stormwater Management Plan prepared by Woolacotts Consulting Engineers at			

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Appendix J of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
SW2	-	Bulk Earthworks Stormwater Management Plan	August 2006
Materials and Finishes Board prepared by PTW Architects ATP—Seven Eveleigh External Materials and Sample Board, prepared by PTW Architects and dated July 2008 Eight Central Avenue External Materials Sample Board, prepared by Sissons Architects dated 30 January 2020			

except for:

- (1) any modifications which are 'Exempt Development' as identified in *South Sydney Local Environmental Plan 1998* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this consent.

~~(3) As modified by:~~

Architectural (or Design) Drawings prepared by PTW Architects as part of the S.75W Modification Application (MP 06_0149 MOD 1):			
Drawing No.	Revision	Name of Plan	Date
PA-001	M	Site Plan/Floor Plan	09.11.2007
PA-002	M	Plan Level 1—Central Ave Level	09.11.2007
PA-003	M	Floor Plan—Mezz. Carpark level	09.11.2007
PA-004	M	Floor Plan—Level 2	09.11.2007
PA-005	M	Floor Plan—Level 3	09.11.2007
PA-006	M	Floor Plan—Level 4	09.11.2007
PA-007	M	Floor Plan—Level 5	09.11.2007
PA-008	M	Floor Plan—Level 6-11 and Level 12	09.11.2007
PA-009	M	Floor Plan—Roof Level	09.11.2007
PA-010	M	Sections A-A, B-B & C-C	09.11.2007
PA-011	M	Sections D-D & E-E	09.11.2007
PA-012	M	Section F-F	09.11.2007
PA-013	N	Elevation North	09.11.2007
PA-014	N	Elevation South	09.11.2007
PA-015	N	Elevations—East & West	09.11.2007
PA-031	H	Photomontage Davy Road	30.07.2008
PA-032	H	Photomontage Central Avenue	30.07.2008
PA-033	H	Photomontage Locomotive Street	30.07.2008
PA-034	H	Photomontage Carriage Workshop	30.07.2008
ATP—Seven Eveleigh External Materials and Sample Board, prepared by PTW Architects and dated July 2008.			

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A3 *Inconsistency between documents*

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

A4 *Prescribed Conditions*

The Proponent shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B1 *Structural Details*

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

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Prior to works commencing, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of the Certifying Authority.

B2 *Road Design*

Prior to issue of Construction Certificate, design details and turning circles for the cul-de-sac/roundabout at the western end of Locomotive Street and details of pedestrian and cycle access shall be submitted and approved by the Redfern Waterloo Authority. A copy of the approved details shall be submitted to the Certifying Authority.

B3 *Stormwater and Drainage*

- (1) Prior to release of any Construction Certificate, details of the proposed stormwater disposal and drainage relating to the excavation and basement structures and stormwater as it relates to the approved building on the site (MP06_0149), in accordance with Council's standard requirements, and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (2) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way.

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- (3) The requirements of Sydney Water with regard to the on-site detention and disposal of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water of the stormwater disposal system must be submitted prior to works commencing.

B4 Sydney Water – Section 73 Certificate

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

B5 Construction Management Plan

Prior to release of the Construction Certificate, the Proponent shall provide the Construction Management Plan to the Redfern Waterloo Authority, Council, the Department and the Certifying Authority in accordance with the Proponent’s Statement of Commitments (attached Schedule 3).

B6 Landscaping of the Site

Prior to the issue of a Construction Certificate, a detailed landscape plan, drawn to scale, by a landscape architect or approved landscape consultant, shall be submitted to and approved by Redfern Waterloo Authority. The plan is to include landscaping of the open plaza to the east of the building, and the park at the western end of Central Avenue, to the south of the building, and shall include:

- (i) Location of existing and proposed structures on the site including existing trees (if applicable);
- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (iii) Location, numbers and type of plant species;
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage and watering systems;
- (vi) All details and recommendations contained within the Wind Environment Study for Television Studio Development, Australian Technology Park prepared by Windtech and dated July 12, 2006, Report Reference No. WA008-02F04(rev0) – WE Report; and
- (vii) a maintenance plan/ regime.

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B7 Car Parking Spaces and Dimensions

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

B8 Noise and Vibration Management Plan

Prior to release of the Construction Certificate, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Weekly noise and vibration monitoring during peak construction activity, or other such interval as agreed to by Council, to the satisfaction of Council, and reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction,
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent,
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Proponent shall submit a copy of the approved plan to the Redfern Waterloo Authority.

B9 Footpath and Road Damage Bank Guarantee

Prior to release of the Construction Certificate the Proponent must provide a bank guarantee for a sum to be determined by Council as security for rectification of any damage to the public way and roadways adjacent to the Australian Technology Park, Eveleigh resulting from the works the subject of this approval.

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B10 Long Service Levy

Prior to a construction certificate being issued for the works approved by this development consent (Capital Investment Value of \$112,145,000.00), the long service levy of \$392,507.50 payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* must be paid to Council (or, where such a levy is payable by instalments, the first instalment of the levy).

B11 Application for Hoarding

A separate application is to made to the Council, and approved prior to release of the Construction Certificate, to erect an appropriate hoarding surrounding the site and such application is to have regard to Council's *Policy for the Design and Construction of Hoarding* (September 1997) and *Guidelines for Temporary Protective Structures* (April 2001).

B12 Waste Management Plan

Prior to issue of the Construction Certificate, the Proponent shall provide a Waste Management Plan addressing demolition and construction waste for the approval of the Redfern Waterloo Authority.

B13 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B14 Acoustic Impacts

A statement prepared by an acoustic engineer shall be submitted to the Certifying Authority prior to release of the Construction Certificate indicating that the development will comply with the relevant acoustic criteria provided within the Environmental Assessment and Preferred Project including appendices, in relation to the following:

- a) Rail Noise and Vibration impacts to the building
- b) Impacts of the air conditioning and plant to be erected to the roof of the building upon the surrounding development.

The statement shall outline the specific acoustic control measures that will be incorporated into the development and shall confirm that the building will not create adverse noise impacts to surrounding development.

B15 Survey

Prior to release of the Construction Certificate, the proponent shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. The work is to be undertaken by a registered surveyor to the satisfaction of RailCorp.

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B16 Services Search

Prior to release of the Construction Certificate, the proponent shall request a services search from RailCorp, to establish the existence and location of any RailCorp services and structures. Where RailCorp services are identified the proponent must discuss and agree with RailCorp how these services are to be accommodated within the development.

B17 Electrolysis Risk

Prior to release of the Construction Certificate, the proponent is to procure a report on the Electrolysis Risk to the development from stray currents from the nearby railway infrastructure, and the measures that will be taken to control that risk. The report must be submitted to RailCorp for review.

B18 External Walls and Cladding

Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

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PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Certificate required prior to construction works

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- (a) a Construction Certificate for the building work has been issued by the consent authority, Council or a certifying authority; and
- (b) a Principal Certifying Authority has been appointed and the Department of Planning, Council and the Redfern Waterloo Authority has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council and the Redfern Waterloo Authority of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

C2 Erosion and Sediment Control

All erosion and sediment control measures, in accordance with the Proponent's Statement of Commitments (attached Schedule 3), are to be effectively implemented.

C3 Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council 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 Council.

C4 Vehicle Cleansing

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.

C5 Utility Services

To ensure that utility authorities are advised of the development:

- (1) A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

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- (2) Prior to the commencement of work the Proponent is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water and Telecommunications Carriers) 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.

C6 Contact Telephone Number

Prior to the commencement of the works, the Proponent shall forward to the Redfern Waterloo Authority and Council a 24 hour telephone number for the site manager to be operated for the duration of the construction works.

PART D—DURING CONSTRUCTION

D1 Construction Management Plan

All works are to be carried out in accordance with the approved Construction Management Plan including but not limited to identification of hours of work, construction noise and vibration management, soil erosion and sediment control plan, air quality and dust control procedures, waste management plan, storage and handling of material, and emergency procedures.

D2 Erosion and Sediment Control

All erosion and sediment control measures, in accordance with the Proponent's Statement of Commitments (attached Schedule 3), are to be 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.

During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

D3 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D4 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council, the Redfern Waterloo Authority or the Principal Certifying Authority.

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D5 Site Notice

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

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D6 Dust Control Measures

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

- (1) 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,
- (2) 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,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) 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,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D7 Hours of Work

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

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

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- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D8 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the Acoustic Report prepared by Basset Acoustics dated 15 August 2006 (Reference: 60008801-KF001.REP(REV05).DOC) or otherwise identified in the approved Construction Noise and Vibration Management Plan. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

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 objective.

D9 Construction Noise Management

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that 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 approved in the Construction Noise and Vibration Management Plan.

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D10 *Vibration Criteria*

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

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

D11 *Loading and Unloading during Construction*

The following requirements apply:

- (1) all loading and unloading associated with construction must be accommodated on site;
- (2) the structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development;
- (3) if, during excavation, it is not feasible for loading and unloading to take place on site, a construction zone on the street may be considered by the Redfern Waterloo Authority;
- (4) in addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level;
- (5) if a construction zone is warranted an application must be made to the Redfern Waterloo Authority/Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such a facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

D12 *Public Way to be Unobstructed*

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

PART E—PRIOR TO OCCUPATION

E1 *Occupation Certificate to be Submitted*

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to the Redfern Waterloo Authority and Council prior to the commencement of occupation or use of the building.

E2 *Fire Safety Certificate to be Submitted*

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

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E3 *Parking Management Plan*

Prior to the issue of an Occupation Certificate, the Proponent shall provide the following to the Department for approval:

- a) a Plan of Management for the car park which specifies the allocation of parking spaces to the tenant/occupants of the building and also to the portion of the car park provided to the landowners.
- b) the Plan of Management shall detail the proposed uses of the portion of the car park provided to the landowners, including any provision of public/visitor car parking and a nominated pricing regime for any such public/visitor car parking.
- c) The plans for the car park layout shall be amended to locate the disabled spaces in close proximity to the building entries and lifts.
- a) The 25 bicycle spaces shall be demonstrated to be capable of accommodating 50 bicycles.

E4 *Landscaping*

All landscaping in the approved plan is to be completed in accordance with the requirements of Condition B8, and the requirements of the maintenance plan commenced, prior to and Occupation Certificate being issued.

E5 *Post-construction Dilapidation Report*

- (1) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. (Note: a pre-construction dilapidation report was required prior to the commencement of 'Early Works' on the site by Condition B3 of Determination of Major Project No. 06_0294). This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B3 of Determination of Major Project No. 06_0294 for the 'Early Works', and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Department, Redfern Waterloo Authority and Council.

E6 *Structural Inspection Certificate*

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

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- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s

E7 Works-as-executed plan

Work-as-executed plans of the stormwater drainage system prepared and certified by a Registered Surveyor together with certification by a qualified practicing Civil Engineer with NPER registration with the Institution of Engineers Australia to verify that the required drainage works have been constructed in accordance with the approved design and relevant Australian Standards.

E8 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

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

E9 Sydney Water

A Compliance Certificate issued under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* shall be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

PART F—ongoing/operational conditions

F1 Truck Movements

Truck movements around the roundabout at the western end of Locomotive Street shall only take place between 8.00am and 9.00pm. There shall be NO truck movements around the roundabout between 9.00pm and 8.00am.

F2 Compliance Report

The Proponent, or any party acting upon this consent, shall submit to the Department within 12 months of the issuing of the Occupation Certificate, a compliance report addressing compliance with all relevant conditions of consent.

F3 Annual Fire Safety Certification

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

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F4 Loading and Unloading

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

ADVISORY NOTES

AN1 Compliance with Building Code of Australia

The Proponent is advised to consult with the Certifying Authority about compliance with the BCA prior to submitting the application for a Construction Certificate.

AN2 Use of Mobile Cranes

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

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from the relevant road authority:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of road authority will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of the road authority, will create significant traffic disruptions.

AN3 Movement of Trucks Transporting Waste Material

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

AN4 Approval under Roads Act 1993

The Proponent shall obtain, as necessary, approvals under Section 138 of the Roads Act 1993 for any works to be carried out on public roads.

AN5 Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction.

AN6 Noise Generation

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

AN7 Stormwater drainage works or effluent systems

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A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN8 *Temporary Structures*

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council 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.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

AN9 *Disability Discrimination Act*

The Proponent/owner is responsible to ensure compliance with the Disability Discrimination Act 1992 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.

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SCHEDULE 3

MP 06_0149

STUDIO AND OFFICE COMPLEX AT THE AUSTRALIAN TECHNOLOGY PARK,
EVELEIGH

STATEMENT OF COMMITMENTS

(SOURCE: ENVIRONMENTAL ASSESSMENT)

DRAFT

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1. APPROVED CONCEPT PLAN

This Concept Plan, of itself does not enable the construction or demolition of any structure without an approval under a Project Application being first obtained. Project Application(s) to be submitted are to be generally in accordance with the Concept Plan documentation provided in the proposed Concept Plan ref: 06_0149 and accompanying reports and documentation provided in support of the Concept Plan and in accordance with any accompanying documentation referenced in the Statement of Commitments prepared by Architectus dated August 2006 (as modified by this Preferred Project Report dated November 2006) and the drawings numbered CA-000 to CA-015 (Revision F) inclusive prepared by PTW Pty Ltd dated 14 July 2006 and as amended by any additional conditions of this approval:

2. ENVIRONMENTALLY SUSTAINABLE DESIGN

The proposed buildings is to be designed to achieve a:

- 4.5 Star AGBR rating for the office component.
- 4 Green Stars as defined by the Green Building Council of Australia rating tool.

A report that demonstrates the building's compliance with these star ratings shall be forwarded to RWA prior to the release of the Construction Certificate for the main building (not for early works).

Purpose: to achieve acceptable ESD Principles for the development

3. REFLECTIVITY

The proponent is to provide a Reflectivity Study of the building façade that demonstrates compliance with an overall maximum 20% reflectivity to support the use of the specified façade materials for the proposed building. Details (including a sample board and photographs/images) of proposed materials are also to be provided for approval by the RWA prior to the release of the Construction Certificate for construction of the relevant parts of the building.

Purpose: to minimise impacts to traffic and the public domain from uncontrolled reflected glare from the building.

4. WASTE MANAGEMENT

Prior to the release of the relevant Construction Certificate the proponent is to submit a Waste Management Plan for approval by the Redfern Waterloo Authority that addresses demolition, construction or excavation waste. The proponent is to also submit a Waste Management Plan for the operation of the building for approval by the Redfern Waterloo Authority prior to occupation of the building.

Purpose: To minimise waste generated during construction and to ensure that waste is disposed of appropriately and with the maximum amount of recycling possible, thus avoiding unnecessary use of landfill as a waste disposal option

5. LANDSCAPING AND PUBLIC DOMAIN PLAN

The proponent is to submit for approval of the Redfern Waterloo Authority prior to construction of the landscaping works a detailed landscaping plan based on the principles of the design concept provided in the report dated 21 November 2006 prepared by Context landscape architects.

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Purpose: To provide for an acceptable public domain surrounding the site

6. SITE CONTAMINATION AND REMEDIATION

The project application for the excavation and construction of the basement and any early works or preliminary works that may disturb soil other than for archaeological investigation purposes shall be carried out in accordance with a Remediation Action Plan prepared by Douglas Partners and dated August 2006.

Purpose: To provide for a safe work and public domain environment

7. RAILCORP OCCUPATIONS AND EASEMENTS

The project application for excavation shall provide for an acceptable resolution of all easements, occupations and services belonging to or servicing the needs of RailCorp to the satisfaction of RailCorp.

Purpose: To provide for protection of RailCorp services requirements.

8. PARKING

The proponent is to submit a Plan of Management for the car park to the Redfern Waterloo Authority for approval prior to the issuing of an occupation certificate for the building. The Plan is to address items 1, 2, and 3 of the SRDAC letter dated 19 October 2006.

Purpose: To provide for appropriate traffic and parking management.

9. PARKING

The layout of parking areas is to be in accordance with AS 2890.1-2004 and AS 2890.2-2002 (for heavy vehicle parking areas) where appropriate.

Purpose: To ensure access within the parking areas is sufficient.

10. CONSULTATION WITH UTILITIES

The proponent shall provide evidence to RWA of compliance with the requirements of all utility suppliers for the main building prior to commencement of construction works .

Purpose: To ensure adequate utility services for the building.

11. SIGNAGE

A signage strategy for the building will be prepared and submitted for approval of the Redfern Waterloo Authority prior to the occupation of the building by tenants.

Purpose: To provide for co-ordinated signage for the building.

12. CONSTRUCTION MANAGEMENT PLAN

Before construction commences the proponent will prepare a Construction Management Plan for approval of RWA that (as well as other relevant matters) takes into account the foreseeable status of other construction activities and conditions of the ATP site and local roads as well as the recommendations of the Varga Traffic Report dated August 2006.

Purpose: To provide for coordination of construction activities on the ATP site and surrounding streets, especially in relation to construction traffic impacts.

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