

# Project Approval

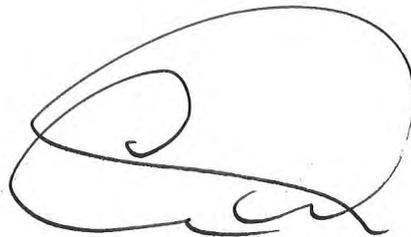
## Section 75J of the Environmental Planning & Assessment Act 1979

As delegate of the Minister for Planning and Infrastructure, I approve the Project Application referred to in Schedule 1, subject to the conditions in Schedule 2.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Preferred Project Report and the proponent's revised Statement of Commitments (Schedule 3), subject to the conditions of approval in the attached Schedule 2.

These conditions are required to:

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



Executive Director  
Development Assessment Systems & Approvals

Sydney

28 June

2013

### SCHEDULE 1

<b>Application No.:</b>	11_0002
<b>Proponent:</b>	Lend Lease (Millers Point) Pty Limited
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 5 in DP 876514
<b>Project:</b>	Erection of Residential Building R8 and Residential Building R9, comprising ground floor retail, upper level residential apartments, and public domain works.

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## DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
BCA	Building Code of Australia
Certifying Authority	Has the same meaning as in section 4 and Part 4A of the EP& A Act.
Construction	Any works, including earth and building works
Council	City of Sydney Council
CPI	Consumer Price Index
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure, or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee
EA	Environmental Assessment Report titled <i>Residential Buildings R8 &amp; R9 (MP11_0002) Barangaroo South</i> prepared by JBA Planning, dated November 2012
EPA	Environment Protection Authority, or its successors.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	Minister for Planning and Infrastructure, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment & Heritage, or its successors (formerly referred to as DECCW, Department of Environment, Climate Change and Water).
PCA	Principal Certifying Authority has the same meaning as in section 4 and Part 4A of the EP & A Act.
PPR	Preferred Project Report titled <i>Residential Building R8 &amp; R9 (MP11_0002) Barangaroo South</i> , prepared by JBA Planning, dated 10 May 2013
Project	The project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Proponent	Lend Lease (Millers Point) Pty Limited, or anyone else entitled to act on this Approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
Statement of Commitments	The proponent's Statement of Commitments in Schedule 3.
Subject Site	Lot 5 in DP 876514

**SCHEDULE 2**  
**PART A - ADMINISTRATIVE CONDITIONS**

**A1 DEVELOPMENT DESCRIPTION**

Except as amended by this approval, project approval is granted for the following:

- Demolition of any existing hardstand areas, footings or piles in the area to the west of the approved basement car park.
- Piling and associated earthworks and remediation.
- Construction and use of two new residential buildings (R8 & R9), ranging in height between 7 and 11 storeys, and with a maximum GFA of 18,079 m<sup>2</sup> comprised of:
  - 159 apartments (82 apartments within R8 and 77 apartments within R9)
  - 16,457m<sup>2</sup> of residential floor space (8,862m<sup>2</sup> within R8 and 7,595m<sup>2</sup> within R9)
  - 1622m<sup>2</sup> of retail floor space (807m<sup>2</sup> within R8 and 815m<sup>2</sup> within R9)
- Allocation of 172 residential car spaces within the basement car park for the exclusive use of R8 & R9, and 1 shared retail car space within the basement car park.
- Allocation of 159 bicycle spaces for residential use in the basement car park, and 16 for residential visitors and 5 for retail workers in the public domain.
- Temporary public domain works.
- Installation of utility services.

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

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

<b>Environmental Assessment Report titled <i>Residential Buildings R8 &amp; R9 (MP11_0002) Barangaroo South and Appendices</i>, prepared by JBA Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated November 2012</b>			
<b>Preferred Project Report titled <i>Residential Building R8 &amp; R9 (MP11_0002) Barangaroo South and Appendices</i>, prepared by JBA Urban Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated 10 May 2013</b>			
<b>Architectural Plans prepared by PTW Architects, francis-jones morehen thorp (fjmt), Lend Lease Design and Landscaping Plans prepared by Aspect/Oculus</b>			
<b>Human Health Ecological Risk Assessment prepared by AECOM dated 4 July 2011</b>			
<b>Amended Remedial Action Plan – Barangaroo – Other Remediation Works (South) Area prepared by AECOM Australia Pty Limited, dated 7 July 2011</b>			
<b>Site Auditor's letter from Mr Grahame Nyland from ENVRON dated 20 September 2012</b>			
<b>Drawing No.</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
<b>Architectural Plans – Basement</b>			
BB1_PA_R8R9_A101	03	R8 & R9 Residential Buildings Planning Application – 11_0002 Basement Level 1	18/10/2012
BB1_PA_PPR_R8R9_A102	04	R8 & R9 Residential Buildings Planning Application – 11_0002 (PPR) Basement Level 2	XX/XX/2013
BB1_PA_R8R9_A201	02	R8 & R9 Residential Buildings Planning Application – 11_0002 Cross Section 1-1	17/10/2012
BB1_PA_R8R9_A202	02	R8 & R9 Residential Buildings Planning Application – 11_0002 Longitudinal Section 2-2	17/10/2012
<b>Architectural Plans</b>			
BR8AD3000000	10	General Arrangement Plan – PPR Ground Floor Plan	21/03/2013
BR8AD3010000	11	General Arrangement Plan – PPR Level 1 Floor Plan	21/03/2013
BR8AD3020000	06	General Arrangement Plan – PPR Level	21/03/2013

		2 Floor Plan	
BR8AD3030000	05	General Arrangement Plan – PPR Level 3 Floor Plan	21/03/2013
BR8AD3040000	05	General Arrangement Plan – PPR Level 4 Floor Plan	21/03/2013
BR8AD3050000	05	General Arrangement Plan – PPR Level 5 Floor Plan	21/03/2013
BR8AD3060000	06	General Arrangement Plan – PPR Level 6 Floor Plan	21/03/2013
BR8AD3070000	06	General Arrangement Plan – PPR Level 7 Floor Plan	21/03/2013
BR8AD3080000	05	General Arrangement Plan – PPR Level 8 Floor Plan	21/03/2013
BR8AD3090000	03	General Arrangement Plan – PPR Level 9 Floor Plan	21/03/2013
BR8AD3100000	03	General Arrangement Plan – PPR Level 10 Floor Plan	21/03/2013
BR8AD3110000	03	General Arrangement Plan – PPR Level Roof Plan	21/03/2013
BR8AD4500001	03	Elevations East Elevation	21/03/2013
BR8AD4500002	03	Elevations West Elevation	21/03/2013
BR8AD4500003	03	Elevations North South Elevation	21/03/2013
BR8AD5500001	02	Sections Overall Sections Sheet 1	21/03/2013
BR8AD5500002	02	Sections Overall Sections Sheet 2	21/03/2013
BR8AD5500003	02	Sections Overall Sections Sheet 3	21/03/2013
BR8AD5500004	02	Sections Overall Sections Sheet 4	21/03/2013
AD3000000	12	Ground Floor Plan	21/03/2013
AD3010000	08	Level 1 Floor Plan	21/03/2013
AD3020000	08	Level 2 Floor Plan	21/03/2013
AD3030000	04	Level 3 Floor Plan	21/03/2013
AD3040000	04	Level 4 Floor Plan	21/03/2013
AD3050000	04	Level 5 Floor Plan	21/03/2013
AD3060000	04	Level 6 Floor Plan	21/03/2013
AD3070000	06	Level 7 Floor Plan	21/03/2013
AD3080000	06	Level 8 Floor Plan	21/03/2013
AD3090000	06	Roof Plan	21/03/2013
AD4500001	05	North Elevation	21/03/2013
AD4500002	05	East Elevation	21/03/2013
AD4500003	05	South Elevation	21/03/2013
AD4500004	05	West Elevation	21/03/2013
AD5500001	05	Section AA	19/03/2013
AD5500002	05	Section BB	19/03/2013
AD5500003	05	Section CC	19/03/2013
AD5500004	05	Section DD	21/03/2013
BR8AD0009001	06	General Arrangement Plan GFA Plans – Sheet 1	27/03/2013
BR8AD0009002	06	General Arrangement Plan GFA Plans – Sheet 2	27/03/2013
AD3100000	06	GFA Plans	28/03/2013
AD3110000	06	GFA Plans	28/03/2013
<b>Landscape Plans</b>			
BR8/9 ASK PA0001	06	Site Plan Development Sites R8 R9	22/03/2013
BR8_9-LPA-100	J	R8 + R9 Planning Application Ground Floor Plan	27/03/2013
BR8_9-LSKPA-100	H	R8 + R8 Planning Application Ground	27/03/2013

		Floor Plan	
BR8-LPA-107	E	R8 Planning Application Level 7 Plan	25/03/2013
BR8-LSKPA-107	E	R8 Planning Application Level 7 Plan	25/03/2013
BR8-LPA-108	F	R8 Planning Application Level 8 Plan	27/03/2013
BR9-LPA-101	D	R9 Planning Application Level 1 Plan	25/03/2013
BR9-LSKPA-101	D	R9 Planning Application Level 1 Plan	25/03/2013
BR9-LPA-102-103	D	R9 Planning Application Typical Level 2 & 3 Plan	25/03/2013
BR9-LSKPA-102-103	D	R9 Planning Application Typical Level 2 & 3 Plan	25/03/2013
BR9-LPA-104	D	R9 Planning Application Level 4 Plan	25/03/2013
BR9-LSKPA-104	D	R9 Planning Application Level 4 Plan	25/03/2013
BR9-LPA-105-106	D	R9 Planning Application Typical Level 5 & 6 Plan	25/03/2013
BR9-LSKPA-105-106	D	R9 Planning Application Typical Level 5 & 6 Plan	25/03/2013
BR9-LPA-107	D	R9 Planning Application Level 7 Plan	25/03/2013
BR9-LSKPA-107	D	R9 Planning Application Level 7 Plan	25/03/2013
BR9-LPA-108	D	R9 Planning Application Level 8 Plan	25/03/2013
BR9-LSKPA-108	D	R9 Planning Application Level 8 Plan	25/03/2013

except for:

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

### **A3 INCONSISTENCY BETWEEN DOCUMENTS**

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

### **A4 PRESCRIBED CONDITIONS**

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

### **A5 LAPSING OF APPROVAL**

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

### **A6 OTHER APPROVALS**

- (1) The approval of residential buildings R8 and R9 in no way implies approval for the following:
  - (a) the use and internal fit-out of the ground floor retail areas;
  - (b) the use of the public domain for outdoor seating associated with the retail areas;
  - (c) the erection of signage;
  - (d) strata or land subdivision;
  - (e) public art;
  - (f) permanent public domain works;
  - (g) road works (except the footway on the western side of Globe Street); and
  - (h) construction of any seawalls, water-based works or structures.
- (2) Separate approval(s) must be obtained from the relevant approval/consent authority for the above works and uses (where required).

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**A7 REMEDIAL ACTION PLAN (RAP) AND HUMAN HEALTH ECOLOGICAL RISK ASSESSMENT (HHERA)**

- (1) All remediation works are to be undertaken in accordance with the following Remedial Action Plan (RAP) and Human Health Ecological Risk Assessment (HHERA):
- (a) 'Amended Remedial Action Plan – Barangaroo – Other Remediation Works (South) Area,' prepared by AECOM Australia Pty Limited, dated 7 July 2011 and approved by the Minister for Planning and Infrastructure on 17 August 2011;
  - (b) 'Human Health Ecological Risk Assessment prepared by AECOM dated 4 July 2011;
  - (c) 'Site Audit Report and Site Audit Statement dated 14 July 2011 prepared by ENVIRON Australia Pty Ltd.
- (2) Within 6 months of the completion of the remediation works, and prior to the issue of any Occupation Certificate, the proponent shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA (OEH), the Director-General, the Certifying Authority, and the Council.
- (3) 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. The site audit must verify that the land is suitable for the proposed uses.
- (4) The site auditor must also verify that any excavated material for use or disposal offsite, including but not limited to the Headland Park at Barangaroo, is managed appropriately and in compliance with the relevant legislation and any relevant approved materials management plans.
- (5) On completion of remediation works, the relevant requirements of clauses 17 and 18 of *SEPP 55 - Remediation of Land*, being notification to the Council, shall be complied with.

**A8 TEMPORARY PUBLIC DOMAIN PLAN**

The proponent shall prepare a detailed temporary public domain plan in consultation with Transport for NSW, Roads and Maritime Services, Barangaroo Delivery Authority and Council. The Plan must be submitted to the Director-General for final approval. All temporary public domain works (or permanent public domain works which will be subject to a separate application) must be completed prior to the occupation of the buildings.

**A9 METRO CORRIDOR**

The proponent shall ensure that all engineering works that may impact on the interim metro corridor have prior approval from Transport for NSW. All works must be undertaken in accordance with the Department of Transport Framework Development Deed for Barangaroo dated 15 November 2011.

**A10 MEDIATION**

Where this approval requires further consent/approval from Council or another authority, the parties shall not act unreasonably preventing an agreement from being reached. In the event that an agreement is unable to be reached within 3 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

**End of Section**

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

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

Details shall be provided to the satisfaction of the Certifying Authority, with each application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the Building Code of Australia.

### **B2 STRUCTURAL DETAILS**

- (1) Prior to the issue of each 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 complies with:
- (a) the relevant clauses of the BCA
  - (b) the relevant development approval
  - (c) drawings and specifications comprising the Construction Certificate
  - (d) the relevant Australian Standards listed in the BCA (Specification A1.3).

### **B3 DETAILS OF COLOURS, MATERIALS AND FINISHES**

External building materials and finishes shall be generally in accordance with details submitted with the project application EA and PPR and generally as depicted in the sample boards of materials and colours, prepared by FJMT Architects (R8) and PTW Architects (R9).

### **B4 DETAILS OF AWNINGS**

Comprehensive design details of the proposed awnings shall be submitted to the Director-General for approval prior to the issue of the relevant Construction Certificate.

### **B5 FOOTWAY DESIGN**

- (1) Detailed design and construction documentation of the relevant footways must be prepared by a suitably qualified practising professional Civil Engineer; and where Council is the relevant road authority, the documentation is to be in accordance with the Council's '*Development Specification for Civil Works*'.
- (2) The documentation is to be submitted to and approved by the relevant road authority prior to the relevant Construction Certificate being issued. Documentation shall include but not be limited to the following:
- (a) general plan and typical cross sections showing road, and footway widths and levels, pavement configuration, batter slopes, retaining walls, kerb and gutter details
  - (b) design of pavement structure, including types of materials and layer thickness, kerb and gutter details
  - (c) detailed design documentation of how the road pavement and footways match into the existing public domain
  - (d) stormwater drainage works plan, schedule of drainage elements including pipes and pits, drainage profiles and longitudinal sections.
- (3) The works are to be completed in accordance with the approved plan.

### **B6 ALIGNMENT LEVELS, GLOBE STREET, CITY WALK, UNION STREET**

- (1) Prior to the relevant Construction Certificate being issued, footpath alignment levels for the development must be submitted to the Certifying Authority for approval. This submission must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels of 10m cross sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20m past either side of the site.

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- (2) These alignment levels are then to be incorporated into the plans submitted with the application for the relevant Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.

**B7 FOOTWAY WIDTH**

The footway width for Globe Street is to be designed to integrate with the configuration of the section of road. Details must be submitted to the relevant road authority prior to the relevant Construction Certificate being issued.

**B8 REFLECTIVITY**

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20 per cent and shall be designed so as to minimise glare. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

**B9 OUTDOOR LIGHTING**

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 Certifying Authority prior to the issue of a relevant Construction Certificate.

**B10 DISABLED ACCESS - GENERAL**

Access and facilities for people with disabilities shall be designed in accordance with Part D3 of the BCA Access Policy. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

**B11 DISABLED ACCESS – PUBLIC DOMAIN**

The temporary public domain must be designed and constructed to provide access to facilities for people with a disability in accordance with the BCA and relevant Australian Standards (including amendments). Full details of paths, proposed handrails, tactile ground indicators, ramps and the like are to be submitted to the Certifying Authority demonstrating compliance with the BCA and relevant Australian Standards prior to the relevant Construction Certificate being issued.

**B12 ACID SULPHATE SOIL MANAGEMENT PLAN**

An Acid Sulphate Soil Management 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). The Management Plan shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

**B13 PRE-CONSTRUCTION DILAPIDATION REPORTS**

If not already undertaken, the proponent is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the first Construction Certificate. A copy of the report is to be forwarded to the Director-General and Council.

**B14 STORMWATER AND DRAINAGE**

- (1) Prior to the relevant Construction Certificate being issued, details of any proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention (if required) and details of the provision and maintenance of overland flow paths must be submitted to the Certifying Authority. All details for the disposal of stormwater and drainage are to be implemented in the development.
- (2) Any proposed connection to the Council's or Sydney Water's underground drainage system will require the owner to enter into a Deed of Agreement, if required, with the Council or Sydney Water prior to the commencement of any relevant work within the public way.

- (3) The requirements of Sydney Water with regard to the on site detention of stormwater, if required, must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention, if required, must be submitted prior to the relevant Construction Certificate being issued.
- (4) Where relevant, an "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

**B15 WATER AND STORMWATER MANAGEMENT PLAN/SUB PLAN**

Prior to the issue of the relevant Construction Certificate, an updated Water and Stormwater Management Sub-Plan prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the Certifying Authority. Any effluents/liquid waste streams associated with the construction of the buildings that are directed to the site Wastewater Treatment Plant must be treated sufficiently to ensure compliance with the relevant concentration limits required by Environment Protection Licence number 13336 prior to discharge to Darling Harbour. A copy must be provided to the Director-General.

**B16 AIR QUALITY AND ODOUR MANAGEMENT SUB-PLAN**

Prior to the issue of the relevant Construction Certificate, an updated Air Quality and Odour Management Sub-Plan prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the Certifying Authority. The Sub-Plan must comply with Environment Protection Licence number 13336. A copy must be provided to the Director-General.

**B17 NOISE AND VIBRATION MANAGEMENT SUB-PLAN**

Prior to the issue of the relevant Construction Certificate, an updated Noise and Vibration Management Sub-Plan prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the Certifying Authority. The Sub-Plan must comply with Environment Protection Licence number 13336. A copy must be provided to the Director-General.

**B18 SPOIL AND WASTE MANAGEMENT SUB-PLAN**

Prior to the issue of the relevant Construction Certificate, an updated Spoil and Waste Management Sub-Plan prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the Certifying Authority. The Sub-Plan must comply with Environment Protection Licence number 13336. A copy must be provided to the Director-General.

**B19 EROSION AND SEDIMENTATION CONTROL**

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

**B20 NUMBER OF CAR SPACES**

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

<b>Car parking allocation</b>	<b>Number</b>
Residential (within level B2 of the basement car park)	172
Retail (within B2 of the basement car park)	1 <sup>1</sup>

Note 1: The retail car parking space is not for the exclusive use of R8 and R9. It is a space to be shared in equal halves with other retail uses in other buildings (approved or proposed) at Barangaroo South. Details of how this space will be shared and by which building(s) must be provided prior to the issue of the relevant Construction Certificate.

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**B21 NUMBER OF BICYCLE SPACES**

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

<b>Bicycle parking allocation</b>	<b>Number</b>
Residential (occupants) within level B1 basement car park 1 space per dwelling	159
Residential (visitors) 1 space per 10 dwellings	16
Retail 4% of workers (135 workers)	5

**B22 FACILITIES FOR CYCLISTS**

The number of storage, change room and shower facilities for the retail workers shall comply with the requirements of the *Sydney Development Control Plan 2012*.

**B23 WATER RATINGS**

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

**B24 SYDNEY WATER**

Prior to the issue of a Construction Certificate, a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* shall be obtained and a copy must be submitted to the Certifying Authority (Council or a private accredited certifier).

**B25 SUSTAINABILITY RATING**

The building shall be designed to achieve a minimum 5 Star Green Star rating under Multi-Unit Residential design version 1 of the Green Building Council of Australia's Office Rating Tool. Prior to the issue of a relevant Construction Certificate, the proponent shall submit details to the Certifying Authority demonstrating compliance with this requirement.

**B26 STORAGE AND HANDLING OF WASTE**

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

**B27 GFA CERTIFICATION**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the development of Buildings R8 & R9 at the subject site approved by this major project does not exceed 18,079m<sup>2</sup>. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate.

**B28 COMPLIANCE REPORT**

Prior to the issue of a Construction Certificate, the proponent, or any party acting upon this approval, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

**B29 BASIX CERTIFICATE**

All commitments outlined in BASIX Certificate No. 449217M\_03 required to achieve satisfactory levels of thermal comfort and water and energy ratings, shall be incorporated into the proposed development and provided to the Certifying Authority prior to the issue of a Construction Certificate.

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**B30 FOOTPATH DAMAGE BANK GUARANTEE**

- (1) If not already obtained, a Footpath Damage Bank Guarantee to cover the site frontage and areas of the public domain which may be damaged on both sides of the roads including Hickson Road, Sussex Street, Margaret Street, Shelley Street and Lime Street must be lodged with the relevant road authority. A suitable bank guarantee must be submitted in favour of the relevant road authority as security for repairing any damage to the public domain in the vicinity of the site.
- (2) The guarantee must be lodged with the relevant road authority prior to issue of the relevant Construction Certificate.

**End of Section**

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## PART C - PRIOR TO COMMENCEMENT OF WORKS

### **C1 ENVIRONMENTAL PROTECTION LICENCE**

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

### **C2 NOTICE TO BE GIVEN PRIOR TO WORKS**

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

### **C3 CONTACT TELEPHONE NUMBER**

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

### **C4 COMPLIANCE REPORT**

Prior to the commencement of works, the proponent, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

### **C5 HOARDING**

- (1) A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road and such application is to include:
  - (a) architectural, construction and structural details of the design as well as proposed artwork
  - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.
- (2) 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.

### **C6 BARRICADE PERMIT**

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

### **C7 GEOTECHNICAL REPORTS**

- (1) Prior to the commencement of any drilling/piling works on site, the proponent 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.
- (2) The recommendations of the report are to be implemented during the course of the works.

**End of Section.**

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## PART D - DURING CONSTRUCTION

### **D1 HOURS OF WORK**

- (1) The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
  - (a) between 7am and 7pm, Mondays to Fridays inclusive
  - (b) between 7am and 5pm, Saturdays
  - (c) no work on Sundays and public holidays.
- (2) Works outside these hours are not permitted except as explicitly specified below or in other conditions and include:
  - (a) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons
  - (b) emergency work to avoid the loss of lives, damage to property and/or to prevent environmental harm
  - (c) other works expressly approved by the Director-General
  - (d) out of standard hours works identified in a CNVMP approved by the Director-General.

### **D2 ENVIRONMENTAL CONSTRUCTION AND SITE MANAGEMENT PLAN**

The proponent must undertake all works in accordance with the requirements of the Environmental Construction and Site Management Plan prepared by Lend Lease dated October 2012.

### **D3 AIR QUALITY AND ODOUR MANAGEMENT SUB PLAN**

The proponent must undertake all works in accordance with the requirements of the Air Quality and Odour Management Sub-Plan approved under Condition B16 and Air Quality Impact Assessment prepared by AECOM and dated 19 November 2012. This Plan must be consistent with all of the relevant requirements of the Environment Protection Licence number 13336.

### **D4 NOISE AND VIBRATION MANAGEMENT SUB PLAN**

The proponent must undertake all works in accordance with the requirements of the Noise and Vibration Management Sub-Plan approved under Condition B17. This Plan must be consistent with all of the relevant requirements of the Environment Protection Licence number 13336.

### **D5 SPOIL AND WASTE MANAGEMENT SUB PLAN**

The proponent must undertake all works in accordance with the requirements of the Spoil and Waste Management Sub-Plan approved under Condition B18. This Plan must be consistent with all of the relevant requirements of the Environment Protection Licence number 13336.

### **D6 CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

The proponent must undertake all works in accordance with the Construction Traffic Management Plan prepared by ARUP dated 16 November 2012, except where modified below.

- (1) Under the current legislation the use of lengthy vehicles in the CBD is prohibited within certain time frames. All lengthy vehicles must comply with this regulation as stipulated in the NSW Road Rules. A map indicating the prohibited area and definitions of lengthy vehicles are included in the Road Rules.
- (2) Personnel using stop/slow signage are not permitted in Hickson Road or Sussex Street on weekdays between the hours of 7am and 9am and 4pm and 7pm. However, personnel using stop/slow signage will be permitted on Hickson Road, north of the intersection of Hickson Road and Napoleon Street, when it is required to ensure safe truck access at designated site access points, provided that vehicle queue lengths generated as a result of the traffic control do not exceed more than six vehicles in either direction.
- (3) Truck movements should be staged and coordinated to prevent trucks circling CBD streets whilst awaiting access to the site. There should be holding areas outside the CBD on the fringes or sufficient space within the site to store trucks and heavy vehicles.

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- (4) To minimise impacts on public transport, trucks should avoid where possible the use of York Street to access the development site between 6am and 10am and 2pm and 8pm Monday to Friday.

**D7 EROSION AND SEDIMENT CONTROL**

All erosion and sediment control measures, as designed in accordance with Condition B19 and D2, 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.

**D8 DISPOSAL OF SEEPAGE AND RAINWATER**

Any seepage or rainwater collected on-site during construction shall be managed in accordance with the Water and Stormwater Management Sub Plan prepared under Condition B15.

**D9 SETTING OUT OF STRUCTURES**

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

**D10 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, the relevant authority or the PCA.

**D11 SITE NOTICE**

- (1) 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
  - (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.

**D12 CONTACT TELEPHONE NUMBER**

The proponent 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.

**D13 EXTERNAL LIGHTING**

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 proponent shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

**D14 DUST CONTROL MEASURES**

- (1) 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 the best locations
- (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
- (h) cleaning of footpaths and roadways shall be carried out regularly.

#### **D15 VIBRATION CRITERIA**

- (1) Vibration caused by construction at any residence or structure outside the subject 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 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.
- (2) These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

#### **D16 VIBRATION MANAGEMENT**

Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

#### **D17 IMPACT OF BELOW GROUND (SUB-SURFACE) WORKS – NON-ABORIGINAL OBJECTS**

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

#### **D18 IMPACT OF BELOW GROUND (SUB-SURFACE) WORKS – ABORIGINAL OBJECTS**

If any Aboriginal archaeological objects are exposed during construction works, the proponent shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The proponent shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

#### **D19 RECYCLING OF CONCRETE**

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

#### **D20 CONSTRUCTION WASTE**

Construction waste classification, transportation and management should be conducted generally in accordance with the EPA's brochure titled: "*Know your responsibilities: managing waste from construction sites*" as well as the relevant waste Management conditions attached to Environmental Protection Licence No. 13336

#### **D21 WATER QUALITY**

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

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

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***D22 CONTAMINATED AND TREATED WATER***

No contaminated or treated site waters (surface, collected groundwater or contaminated construction waters) are permitted to enter Sydney Harbour unless in accordance with the conditions attached to Environmental Protection Licence No. 13336. The existing Water and Stormwater Management Sub Plan is updated to include any additional impacts arising from this proposal.

***D23 COMPLIANCE REPORT***

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

**End of Section.**

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

### **E1 FIRE SAFETY CERTIFICATE**

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

### **E2 GFA AND HEIGHT CERTIFICATION**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) and height of the development of Buildings R8 and R9 at the subject site approved by this major project does not exceed 9669m<sup>2</sup> and RL41.5 and 8,410m<sup>2</sup> and RL36 respectively. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the relevant Occupation Certificate.

#### **Notes:**

1. 'Height' (building height) is as defined in Standard Instrument – Principle Local Environment Plan.

### **E3 CAR PARKING, BICYCLE AND FACILITIES FOR CYCLISTS' CERTIFICATION**

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

### **E4 MECHANICAL VENTILATION**

- (1) Following completion, installation and testing of all the mechanical ventilation systems, the proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (a) the Building Code of Australia
- (b) *Australian Standard AS1668* and other relevant code
- (c) the development approval and any relevant modification
- (d) any dispensation granted by the New South Wales Fire Brigade.

### **E5 STRUCTURAL INSPECTION CERTIFICATE**

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

- (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings
- (b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **E6 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 to be met in full by the proponent/developer prior to the issue of any Occupation Certificate.

### **E7 GREEN STAR RATING**

Within 24 months of the issue of the final Occupation Certificate, certification is to be provided from the Green Building Council of Australia and the OEH, to the Director-General, that the development achieves a 5 Star As-Built Green Star Rating under the Green Star Multi-Unit Residential v1 tool.

### **E8 SYDNEY WATER**

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

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- (2) 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](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone 13 20 92 for assistance.
  - (3) 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.
  - (4) The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision.

**E9 POST CONSTRUCTION DILAPIDATION REPORT**

- (1) If not already obtained, the proponent shall engage a suitably qualified person to prepare post-construction dilapidation reports at the completion of the construction works. These reports are to ascertain whether the construction works caused any structural damage to adjoining buildings, infrastructure or roads. The dilapidation reports are to be prepared and submitted to the PCA:
  - (a) at the completion of all excavation and piling works associated with the construction of the residential R8 and R9 works; and
  - (b) at the completion of all construction works associated with the residential R8 and R9 works.
- (2) The PCA must compare the post construction dilapidation reports with the pre-construction dilapidation report required by Condition B9 and provide the relevant roads authority and owners with a copy of the report. A copy shall also be provided to the Director-General and the Council.

**E10 CONSTRUCTION OF PUBLIC DOMAIN WORKS**

The proponent must construct all temporary public domain works approved under Condition A8 (or permanent public domain works the subject of a separate application) prior to the issue of the first Occupation Certificate.

**E11 BASIX CERTIFICATE**

Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development approval that all design measures relevant to the stage of occupation, identified in the BASIX Certificate No. 449217M\_03 will be complied with prior to occupation.

**End of Section**

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## PART F - POST OCCUPATION

### **F1 ANNUAL FIRE SAFETY CERTIFICATION**

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

### **F2 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.

### **F3 UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS**

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

### **F4 DISABLED CAR PARKING SPACES**

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

### **F5 HOURS OF OPERATION**

The hours of operation for each retail operation shall be determined by the relevant consent authority in relation to their separate use and fit-out development applications.

### **F6 NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT**

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

- (1) Transmission of an “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- (2) A sound pressure level at the boundary of any affected receiver that exceeds the background (L<sub>A90, 15 MINUTES</sub>) 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.

### **F7 STORAGE AND HANDLING OF WASTE**

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

### **F8 COMPLIANCE REPORT**

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

**End of Section**

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## ADVISORY NOTES

### **AN1 SYDNEY WATER**

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). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate. The Section 73 Certificate shall be submitted to the PCA prior to the occupation of the development or release of the linen plan.

### **AN2 COMPLIANCE CERTIFICATE**

- (1) Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.
- (2) The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:
  - (a) the certifying authority before release of the relevant Construction Certificate
  - (b) the approval authority before the release of the relevant subdivision certificate
  - (c) the PCA prior to occupation.

### **AN3 REQUIREMENTS OF PUBLIC AUTHORITIES**

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

### **AN4 COMPLIANCE WITH BCA**

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

### **AN5 STRUCTURAL CAPABILITY FOR STRUCTURES**

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

### **AN6 USE OF MOBILE CRANES**

- (1) 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 with to the satisfaction of the PCA:
  - (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
    - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions
    - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
  - (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7 am without the prior approval of the relevant authority.

### **AN7 MOVEMENT OF TRUCKS**

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.

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## **AN8 CONSTRUCTION INSPECTIONS**

- (1) Compliance certificate/s shall be issued by the PCA 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, such as the following:
  - (a) foundations
  - (b) footings
  - (c) damp proof courses and waterproofing installation
  - (d) structural concrete, including placing of reinforcement and formwork prior to pouring
  - (e) structural beam and column framing
  - (f) timber wall and roof framing
  - (g) stormwater disposal.
- (2) Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

## **AN9 STREET NUMBERING**

- (1) Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy for street numbering, prior to the occupation of the building(s) or commencement of the use.
- (2) If street numbers or a change to street numbers is required, a separate application shall be made to Council.

## **AN10 DISABILITY DISCRIMINATION ACT**

- (1) 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*.
- (2) The proponent/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.

## **AN11 ROADS ACT 1993**

- (1) A separate approval under Section 138 of the *Roads Act, 1993* is required to undertake any of the following:
  - (a) erect a structure or carry out a work in, on or over a public road
  - (b) dig up or disturb the surface of a public road
  - (c) remove or interfere with a structure, work or tree on a public road
  - (d) pump water into a public road from any land adjoining the road
  - (e) connect a road (whether public or private) to a classified road.

## **AN12 ASBESTOS REMOVAL**

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".

## **AN13 ROAD CLOSURE**

A temporary road closure permit is to be obtained by Council/RTA prior to the closure of any roads.

## **AN14 FUTURE EASEMENT**

An easement for the balcony overhang into the public domain will need to be created when the future land subdivision application for the creation of a separate lot is lodged with the relevant consent authority.

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**End of Schedule 2**

### SCHEDULE 3 PROPONENT'S STATEMENT OF COMMITMENTS

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the following are the commitments made by Lend Lease (Millers Point) Pty Limited to manage and minimise potential impacts arising from the development.

Commitments and Requirement	Responsibility / Timing
<b>Design</b>	
1. Lend Lease commits to ensuring continuity in the design process and realisation of the submitted Residential Buildings R8 & R9 design in the completed building by ensuring that FJMT and PTW have direct involvement in the design documentation phase.	Proponent, ongoing.
2. External building materials and finishes will be generally in accordance with the materials schedule included at <b>Appendix A</b> of the Environmental Assessment Report prepared by JBA dated October 2012.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
3. External building lighting will be installed to provide interest, highlighting architectural features. No light beam will be directed beyond the site's boundaries or upwards without falling directly on a surface to minimise light pollution. Lighting will be controlled by photoelectric cells or time switches.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
4. The glazing selected for external facades will have a maximum external specular reflectance of 20%.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
<b>Public art</b>	
5. Opportunities to implement art work within the Residential Buildings R8 & R9 development will be further explored in accordance with the Public Art Strategy for Barangaroo South.	Proponent, ongoing.
<b>Ecologically sustainable development</b>	
6. Lend Lease will target the initiatives set out in the ESD Report included at <b>Appendix K</b> of the Environmental Assessment Report prepared by JBA dated October 2012.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
<b>Operational waste management</b>	
7. Residential Buildings R8 & R9 operational waste will be managed generally in accordance with the methodology outlined in the Waste Management Plan prepared by ARUP included at <b>Appendix P</b> of the Environmental Assessment Report prepared by JBA dated October 2012.	Proponent, ongoing.
<b>Infrastructure and Services</b>	
8. Appropriately sized sewer and water connections will be provided to the building in consultation and agreement with Sydney Water.	To be demonstrated by the proponent prior to release of any occupation certificate.
9. Stormwater discharge will be generally in accordance with the Stormwater Management Plan prepared by ARUP included at <b>Appendix O</b> of the Environmental Assessment Report prepared by JBA dated October 2012.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
<b>Building Code of Australia</b>	
10. The detailed design of Residential Buildings R8 & R9 will comply with all relevant BCA requirements and Australia Standards generally in accordance with the recommendations of the BCA Assessment prepared by McKenzie Group Consulting included at <b>Appendix Z</b> of the Environmental Assessment Report prepared by JBA dated October 2012.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
<b>Operational Noise and Vibration</b>	
11. Operational noise emissions from the site will comply with the noise limits and amenity and intrusiveness criteria detailed in Wilkinson Murray's Operational Acoustic Study included at <b>Appendix Y</b> of the Environmental Assessment Report prepared by JBA Planning dated November 2011.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
<b>Geotechnical and Structure</b>	
12. Further detailed geotechnical site testing will be undertaken in accordance with the requirements of Australian Standard 2159 Piling - Design and Installation and Australian Standard 3600 - Concrete Structures, to determine the exposure classification and durability design requirements. The further detailed geotechnical testing will be used to inform the detailed structural design and documentation of Residential Buildings R8 & R9.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
<b>Environmental, Construction and Site Management</b>	
13. Construction and site management relating to the construction of Residential Buildings R8 & R9 will be in generally accordance with the Environmental, Construction and Site Management Plan prepared by Lend Lease included at <b>Appendix CC</b> of the Environmental Assessment Report prepared by JBA dated October 2012 including the following: <ul style="list-style-type: none"> <li>▪ Construction Noise and Vibration Assessment prepared by Renzo Tonin, which addresses the noise and vibration impacts on and off site (refer to <b>Appendix Y</b> of the EAR);</li> <li>▪ Construction Traffic Management Plan prepared by ARUP, which addresses construction traffic impacts (refer to <b>Appendix EE</b> of the EAR);</li> <li>▪ Air Quality Impact Assessment prepared by AECOM, which addresses air quality and odour impacts (refer to <b>Appendix DD</b> of the EAR); and</li> <li>▪ Waste Management Plan prepared by ARUP which addresses construction waste management (refer to <b>Appendix P</b> of the EAR).</li> </ul>	Proponent, ongoing
14. Lend Lease commits to providing high quality hoardings around the site, including along the foreshore promenade. Hoardings will be treated with graphics and other designs consistent with an overall coordinated high quality Barangaroo communications strategy to be endorsed by the Barangaroo Delivery Authority and submitted to the Director-General.	Proponent, ongoing
<b>Piling and associated works</b>	
15. The Residential Buildings R8 & R9 Project Application works will be carried out in accordance with the Remedial Action Plan - Other Remediation Works (South) Area prepared by AECOM (including any RAP addendums that are proposed to be prepared and remedial work plan(s) as proposed to be prepared in conformance with these RAPs).	To be demonstrated by the proponent at the relevant construction certificate stage(s).
16. Lend Lease will obtain a Section A Site Audit Statement from the Site Auditor prior to the issue of an Occupation Certificate for Residential Buildings R8 & R9.	To be demonstrated by the proponent at the relevant construction certificate stage(s).