

Project Approval

Section 75J of the Environmental Planning & Assessment Act 1979

As delegate for the Minister for Planning and Infrastructure under delegation executed on 18 April 2012, 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.

SHaddadi
Director-General

Sydney *24th April*

2012

SCHEDULE 1

Application No.:	11_0044
Proponent:	Lend Lease (Millers Point) Pty Limited
Approval Authority:	Minister for Planning
Land:	Lot 5 in DP 876514
Project:	Construction of commercial building C3, allocation of car parking spaces, temporary public domain works, remediation and associated works.

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 Council	Any works, including earth and building works 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>Commercial Building C3 (MP11_0044) Barangaroo South</i> prepared by JBA Planning, dated November 2011
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>Commercial Building C3 (MP11_0044) Barangaroo South</i> , prepared by JBA Planning, dated February 2012
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:

- piling and associated earthworks and remediation
- construction and use of a new commercial building (C3) with a maximum GFA of 115,448 m² comprised of:
 - 7,021m² of retail floor space
 - 105,488m² of commercial floor space
 - 1,145m² office lobby
- allocation of 117m² of floor space within basement car park
- allocation of 1,677m² on podium level 3 for potential use as a child care centre
- operation and use of car parking spaces (175 commercial, 8 for all other uses) allocated to C3 within part of the basement car park
- 401 bicycle spaces (65 temporarily located in the landscaped forecourt adjacent to Hickson Road, and 336 located in the basement car park (the construction of which is subject of the Basement Car Park Approval)
- pedestrian and cycle access and circulation arrangements
- signage zones on the building façade to accommodate building and business identification signage
- temporary works and uses including:
 - creation of a temporary forecourt and landscaping along Hickson Road
 - surfacing of the surrounding streets and laneways including part of Globe Street, part of City Walk and part of Shelley Lane
 - hoardings.
- installation of utility services.

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

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

Environmental Assessment Report titled <i>Commercial Building C3 (MP11_0044) Barangaroo South and Appendices</i>, prepared by JBA Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated November 2011			
Preferred Project Report titled <i>Commercial Building C3 (MP11_0044) Barangaroo South and Appendices</i>, prepared by JBA Urban Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated February 2012			
Architectural Plans prepared by Rogers Stirk Harbour + Partners, Lend Lease design, Landscaping Plans prepared by Aspect/Oculus			
Drawing No.	Issue	Name of Plan	Date
Architectural Plans – Podium and Tower			
RSHP-A-C3-0001	C	Project Cover Sheet	24/02/2012
RSHP-A-C3-2100-P-00	B	Context Plan	24/02/2012
RSHP-A-C3-2200-P-00	B	Site Plan	24/02/2012
RSHP-A-C3-2300-P-00	B	Site Analysis	24/02/2012
RSHP-A-C3-2400-P-00	B	Site Plan – Setting Out	24/02/2012
RSHP-A-C3-3100-P-00	B	Plan – Ground Floor Level 0	24/02/2012
RSHP-A-C3-3101-P-01	B	Plan – First Floor Level 1	24/02/2012
RSHP-A-C3-3102-P-02	B	Plan – Second Floor Level 2	24/02/2012
RSHP-A-C3-	C	Plan – Setback Floor Level 3	24/02/2012

3103-P-03			
RSHP-A-C3-3104-P-04	B	Plan – Low Rise Office Floor Level 4	24/02/2012
RSHP-A-C3-3105-P-05	B	Plan – Low Rise Office Floor Level 5	24/02/2012
RSHP-A-C3-3106-P-06	B	Plan – Low Rise Office Floor Level 6	24/02/2012
RSHP-A-C3-3107-P-07	B	Plan – Low Rise Office Floor Level 7	24/02/2012
RSHP-A-C3-3108-P-08	B	Plan – Low Rise Office Floor Level 8	24/02/2012
RSHP-A-C3-3109-P-09	B	Plan – Low Rise Office Floor Level 9	24/02/2012
RSHP-A-C3-3110-P-10	B	Plan – Low Rise Office Floor Level 10	24/02/2012
RSHP-A-C3-3111-P-11	B	Plan – Low Rise Office Floor Level 11	24/02/2012
RSHP-A-C3-3112-P-12	B	Plan – Low Rise Office Floor Level 12	24/02/2012
RSHP-A-C3-3113-P-13	B	Plan – Low Rise Office Floor Level 13	24/02/2012
RSHP-A-C3-3114-P-14	B	Plan – Low Rise Office Floor Level 14	24/02/2012
RSHP-A-C3-3115-P-15	B	Plan – Low Rise Office Floor Level 15	24/02/2012
RSHP-A-C3-3116-P-16	B	Plan – Low Rise Office Floor Level 16	24/02/2012
RSHP-A-C3-3117-P-17	B	Plan – Low Rise Client and Transfer Floor Level 17	24/02/2012
RSHP-A-C3-3118-P-18	B	Plan – Plant Floor Level 18	24/02/2012
RSHP-A-C3-3119-P-19	B	Plan- Mid Rise Office Floor Level 19	24/02/2012
RSHP-A-C3-3120-P-20	B	Plan – Mid Rise Office Floor Level 20	24/02/2012
RSHP-A-C3-3121-P-21	B	Plan – Mid Rise Office Floor Level 21	24/02/2012
RSHP-A-C3-3122-P-22	B	Plan – Mid Rise Office Floor Level 22	24/02/2012
RSHP-A-C3-3123-P-23	B	Plan – Mid Rise Office Floor Level 23	24/02/2012
RSHP-A-C3-3124-P-24	B	Plan – Mid Rise Office Floor Level 24	24/02/2012
RSHP-A-C3-3125-P-25	B	Plan – Mid Rise Office Floor Level 25	24/02/2012
RSHP-A-C3-3126-P-26	B	Plan – Mid Rise Office Floor Level 26	24/02/2012
RSHP-A-C3-3127-P-27	B	Plan – Mid Rise Office Floor Level 27	24/02/2012
RSHP-A-C3-3128-P-28	B	Plan – Mid Rise Office Floor Level 28	24/02/2012
RSHP-A-C3-3129-P-29	B	Plan – Mid Rise Office Floor Level 29	24/02/2012
RSHP-A-C3-3130-P-30	B	Plan – Mid Rise Office Floor Level 30	24/02/2012
RSHP-A-C3-	B	Plan – Mid Rise Office Floor Level 31	24/02/2012

3131-P-31			
RSHP-A-C3-3132-P-32	B	Plan – Mid Rise Office Floor Level 32	24/02/2012
RSHP-A-C3-3133-P-33	B	Plan – Mid Rise Client Floor Level 33	24/02/2012
RSHP-A-C3-3134-P-34	B	Plan – Plant Floor Level 34	24/02/2012
RSHP-A-C3-3135-P-35	B	Plan – High Rise Office Floor Level 35	24/02/2012
RSHP-A-C3-3136-P-36	B	Plan – High Rise Office Floor Level 36	24/02/2012
RSHP-A-C3-3137-P-37	B	Plan – High Rise Office Floor Level 37	24/02/2012
RSHP-A-C3-3138-P-38	B	Plan – High Rise Office Floor Level 38	24/02/2012
RSHP-A-C3-3139-P-39	B	Plan – High Rise Office Floor Level 39	24/02/2012
RSHP-A-C3-3140-P-40	B	Plan – High Rise Office Floor Level 40	24/02/2012
RSHP-A-C3-3141-P-41	B	Plan – High Rise Office Floor Level 41	24/02/2012
RSHP-A-C3-3142-P-42	B	Plan – High Rise Office Floor Level 42	24/02/2012
RSHP-A-C3-3143-P-43	B	Plan – High Rise Office Floor Level 43	24/02/2012
RSHP-A-C3-3144-P-44	B	Plan – High Rise Office Floor Level 44	24/02/2012
RSHP-A-C3-3145-P-45	B	Plan – High Rise Office Floor Level 45	24/02/2012
RSHP-A-C3-3146-P-46	B	Plan – High Rise Office Floor Level 46	24/02/2012
RSHP-A-C3-3147-P-47	B	Plan – High Rise Office Floor Level 47	24/02/2012
RSHP-A-C3-3148-P-48	B	Plan – High Rise Client Floor Level 48	24/02/2012
RSHP-A-C3-3149-P-49	B	Plan – Lower Plant Floor Level 49	24/02/2012
RSHP-A-C3-3150-P-50	B	Plan – Upper Plant Floor Level 50	24/02/2012
RSHP-A-C3-3151-P-51	B	Plan – Roof Level 51	24/02/2012
RSHP-A-C3-3152-P-52	B	Plan – Upper Roof Level 52	24/02/2012
RSHP-A-C3-3300-P-A	B	GFA – Plans - Atypical Floors: Level GD-03, 18, 33, 48, 49, Rf	24/02/2012
RSHP-A-C3-3310-P-L	B	GFA – Plans - Low Rise Office Floors: Levels 04-17	24/02/2012
RSHP-A-C3-3320-P-M	B	GFA – Plans - Mid Rise Office Floors: Levels 19-32	24/02/2012
RSHP-A-C3-3330-P-H	B	GFA – Plans - High Rise Office Floors: Levels 34-47	24/02/2012
RSHP-A-C3-4100-S-AA	B	Section AA	24/02/2012
RSHP-A-C3-4110-S-CC	B	Section CC	24/02/2012
RSHP-A-C3-	B	Section BB	24/02/2012

4120-S-BB			
RSHP-A-C3-5100-E-N	B	Elevation North	24/02/2012
RSHP-A-C3-5110-E-S	B	Elevation South	24/02/2012
RSHP-A-C3-5120-E-E	B	Elevation East	24/02/2012
RSHP-A-C3-5130-E-W	B	Elevation West	24/02/2012
RSHP-A-C3-5200-E-N	B	North Elevation Signage Zone	24/02/2012
RSHP-A-C3-5210-E-S	B	South Elevation Signage Zone	24/02/2012
RSHP-A-C3-5220-E-E	B	East Elevation Signage Zone	24/02/2012
RSHP-A-C3-5230-E-W	B	Elevation West (Signage Zone)	24/02/2012
RSHP-A-C3-6100-D-W	B	Detailed Bay Glazed Lift Façade	24/02/2012
RSHP-A-C3-6110-W	B	Detailed Bay Structural Brace Plant Level	24/02/2012
RSHP-A-C3-6120-S	B	Detailed Bay Typical South Façade Office Floor + Plant Level	24/02/2012
RSHP-A-C3-6130-E	B	Detailed Bay Typical East \ West Façade Office Floor	24/02/2012
RSHP-A-C3-6140-N	B	Detailed Bay Typical North Façade Office Floor	24/02/2012
RSHP-A-C3-6150-D-N	B	Detailed Bay Vertical Village	24/02/2012
PTW-A-C3-7100-P-00	A	Detailed Bay – Podium East – Shelly Lane PTW Architects	24/02/2012
PTW-A-C3-7110-P-00	A	Detailed Bay – Podium East – City Walk PTW Architects	24/02/2012
TCA-A-C3-7200-P-00	A	Detailed Bay – Podium West Tony Caro Architects	24/02/2012
Architectural Plans – Basement			
LLd_A_C3_3090	02	C3 Commercial Building Project Application MP11_0044 (PA3) PPR Basement Level 1	
LLd_A_C3_3091	02	C3 Commercial Building Project Application MP11_0044 (PA3) PPR Basement Level 2	
LLd_A_C3_3092	02	C3 Commercial Building Project Application MP11_0044 (PA3) PPR Basement Level 3	
LLd_A_C3_3098_A	02	C3 Commercial Building Project Application MP11_0044 (PA3) PPR Cross Section 1-1	
Landscape Plans			
BC3-LD2-00-00-00	F	C3 Planning Application Ground Floor Plan	20/02/2012
BC3-LD2-00-00-01	A	C3 Planning Application Temporary Bicycle Parking Detail Plan	20/02/2012
BC3-LD2-03-00-00	G	C3 Planning Application Level 3 Podium Plan	20/02/2012
BC3-LD3-07-00-	C	C3 Planning Application Typical External	13/10/2011

00		Planters	
BC3_LD3-19-00-00	C	C3 Planning Application Terrace Plan	13/10/2011
BC3-LD3-36-00-00	A	C3 Planning Application Terrace Plan	13/10/2011
BD3-LSK-PA1-00-00	D	C3 Planning Application Ground Floor Plan	20/02/2012
BC3-LSK-PA1-00-03	D	C3 Planning Application Level 3 Podium Plan	20/02/2012
BC3-LD5-00-00-00	-	C3 Planning Application Landscape Sections/Elevations	09/11/2011
BC3-LSK-PA1-00-800	-	C3 Planning Application Landscape Sections/Elevations	09/11/2011

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 the C3 commercial building in no way implies automatic approval for the following:
 - (a) the internal fit-out of the commercial office spaces and retail units
 - (b) the internal fit-out, use and operation of the child care centre
 - (c) the use of signage zones on the podium as identified in Statement of Commitment 5
 - (d) the use of the basement car park as a public car park.
- (2) Separate approval(s) must be obtained from the relevant approval/consent authority for the above works and uses (where required).
- (3) In addition, the following approvals must be obtained separately:
 - (a) the detailed design of the temporary wind structures and temporary structures shall be developed in consultation with the Council and Transport for New South Wales, and submitted to the Director-General for approval prior to the installation of the temporary public domain works. In addition, the proponent shall submit a revised wind report, to the satisfaction of the Director-General, demonstrating that the installation of the temporary wind structures will ensure compliance with the 'comfort' criteria and the 15m/s 'safety criterion' outlined in the *Environmental Wind Report – Project Application*, prepared by ARUP and dated 31 October 2011, at all test locations
 - (b) a separate approval must be obtained from the relevant authorities for:

- (i) the reconfiguration of the intersection of Hickson Road and Napoleon Street, including the installation of traffic signals
- (ii) if required, installation of any pedestrian management measures at the intersection of Hickson Road and Napoleon Street while construction works are being undertaken, should there be a need to redirect all pedestrian movements from western side of Hickson Road.
- (c) the detailed design of the building identification signage and business identification signage is to be submitted for the approval of the Director-General prior to the issue of the relevant Construction Certificate
- (d) drawings of the final layout for Building C3 car parking and bicycle spaces are to be submitted to the Director-General for approval prior to the issue of the relevant construction certificate.

Note: The Urban Design Controls adopted by the Barangaroo Concept Plan, as modified, require that signage is not to exceed 60m² per sign.

A7 REMEDIATION 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 Assessments (HHERA):
 - (a) 'Human Health and Ecological Risk Assessment, Declaration Site (Development Works) Remediation Works Area – Barangaroo', prepared by AECOM Australia Pty Limited, dated 9 June 2011
 - (b) 'Human Health and Ecological Risk Assessment Addendum, Other Remediation Works (South) Barangaroo', prepared by AECOM Australia Pty Limited, dated 4 July 2011.
 - (c) 'Amended Remedial Action Plan, Barangaroo – ORWS Area', prepared by AECOM Australia Pty Limited, dated 7 July 2011, and as approved by the Minister for Planning and Infrastructure on 17 August 2011.
- (2) Within 6 months of the completion of the remediation works on site, and prior to the commencement of construction/site works at and above ground level, 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 REVISION TO STATEMENT OF COMMITMENTS

The proponent shall amend the Statement of Commitments referenced in Schedule 3 of this approval to include a requirement that it undertake consultation with the Council prior to the lodgement of a future application for the final public domain works. In the event that the Council does not support the final public domain works, the proponent shall provide the department with information detailing the aspects of the proposal that the Council does not support prior to the lodgement of the application.

A9 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

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* 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

- (1) 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 Rogers Stirk Harbour & Partners (November 2011), Tony Caro Architects (Podium Finishes North West, West and South Elevations - February 2012) and PTW Architects (Podium Finishes East, South and North Elevations - February 2012).
- (2) Final design details of the awnings, construction banners, and roof feature including, where relevant, their proposed external materials and finishes, schedules and a sample board of materials and colours, shall be submitted to and approved by the Director-General prior to the issue of the relevant Construction Certificate for the relevant works.

B4 TEMPORARY GROUND ANCHORS, SHORING AND PERMANENT BASEMENT RETAINING WALLS AFFECTING THE ROAD RESERVE

- (1) For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the *Roads Act 1993* must be lodged with the relevant road authority.
- (2) For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):
- (a) Prior to the relevant Construction Certificate being issued, the following documents must be submitted to the Certifying Authority and a copy to the relevant road authority:
 - (i) dilapidation Report of adjoining buildings/structures
 - (ii) evidence that public utility services have been investigated.
 - (b) If adjoining a Public Way:
 - (i) evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the relevant road authority, valid for at least the duration of the project. The original document must be submitted to the relevant road authority
 - (ii) bank guarantee in accordance with the relevant road authorities fees and charges. The original document must be submitted to relevant road authority.
 - (c) Prior to commencement of work:
 - (i) the location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with
 - (ii) the following documents must be submitted to and approved by the Certifying Authority and a copy to the relevant road authority:
 - structural drawings and certification as prescribed elsewhere in this approval
 - geotechnical report and certification as prescribed elsewhere in this approval.

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- (d) Prior to issue of the final Occupation Certificate, the Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been completed in accordance with the following:
- (i) all ground anchors must be de-stressed and isolated from the building prior to completion of the project
 - (ii) the temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m
 - (iii) all timber must be removed
 - (iv) all voids must be backfilled with stabilised sand (14 parts sand to 1 part cement)
 - (v) all costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this approval.
- (e) The Bank Guarantee may be released after the Civil Engineer submits certification to the PCA and the relevant road authority that all the works described in (4) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the relevant road authority.

B5 ROAD AND FOOTWAY WIDTH

The road widths and footways for Globe Street, City Walk, Shelley Lane and the southern lane are to be designed to integrate with the configuration of the existing sections of road. Details must be submitted to the relevant road authority prior to the relevant Construction Certificate being issued.

B6 ROAD DESIGN

- (1) Detailed design and construction documentation of the relevant roads and 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.

B7 ALIGNMENT LEVELS, GLOBE STREET, CITY WALK, SOUTHERN LANE, SHELLEY LANE

- (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.
- (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.

B8 CHANGES TO KERBSIDE PARKING RESTRICTIONS

Prior to the issue of the relevant Construction Certificate, a separate submission must be made to the relevant road authority for approval for any changes to kerbside parking arrangements.

B9 COST OF SIGNPOSTING

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

B10 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.

B11 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.

B12 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.

B13 DISABLED ACCESS – PUBLIC DOMAIN

The 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.

B14 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.

B15 PRE-CONSTRUCTION DILAPIDATION REPORTS

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.

B16 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.

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- (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.

B17 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (1) Prior to the issue of the relevant Construction Certificate an updated Construction Traffic Management Plan shall prepared in consultation with Transport for NSW and submitted to and approved by the relevant road authority. The updated Construction Traffic Management Plan shall incorporate:
 - (a) the requirements identified at conditions D4(b), (c) and (e) of the project approval for Bulk Excavation and Basement Car Parking, MP10_0023
 - (b) a temporary pedestrian crossing across Hickson Road in close proximity to the cruise passenger terminal to allow for pedestrians to cross safely to the eastern side of Hickson Road
 - (c) installation of pedestrian management measures at the intersection of Hickson Road and Napoleon Street while construction works are being undertaken (or until traffic signals are installed), should there be a need to redirect all pedestrian movements from western side of Hickson Road.
- (2) The proponent shall submit a copy of the updated plan to the department and to Council.

B18 WATER AND STORMWATER MANAGEMENT PLAN/SUB PLAN

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

B19 CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

Prior to the issue of a relevant Construction Certificate, a Construction Noise and Vibration Management Plan prepared in accordance with the Statement of Commitments in Schedule 3 shall be submitted to the EPA for review and comment and submitted to the Certifying Authority. This Plan must be consistent with all of the relevant requirements of the Environment Protection Licence number 13336.

B20 WASTE MANAGEMENT PLAN

Prior to the issue of a relevant Construction Certificate, an updated Waste Management Plan prepared by a suitably qualified person shall be submitted to the EPA for their review and comment, and approved by the Certifying Authority. This Plan must be consistent with all of the relevant requirements of the Environment Protection Licence No. 13336.

B21 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.

B22 NUMBER OF 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.

Car parking allocation	Number
Commercial	175
All other uses	8
Shared loading dock/spaces	36

B23 NUMBER OF BICYCLE SPACES

A minimum of 401 bicycle spaces are to be provided for the development, of which 336 are to be permanently located within the basement car park, and 65 are to be temporarily located within the landscaped forecourt fronting Hickson Road, until such time as the land is developed for its permanent use. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate.

B24 FACILITIES FOR CYCLISTS

The number of storage, change room and shower facilities shall comply with the requirements of the *Draft Sydney Development Control Plan 2010*.

B25 NUMBER OF LOADING BAYS

A maximum number of 36 loading bays of a suitable size are to be made available for the use of the future tenants of commercial building C3. The space shall be located in a position that has easy and close access to a lift. Details of the loading arrangements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B26 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.

B27 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).

B28 SUSTAINABILITY RATING

The building shall be designed to achieve a minimum 6 Star Green Star design rating under version 3 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.

B29 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.

B30 GFA CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the development of Building C3 at the subject site approved by this major project does not exceed 115,448m². Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate.

B31 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.

B32 DRIVEWAY CROSSOVERS

All driveway crossovers, including those for service vehicles, must be designed in accordance with the Sydney Streets Design Code. All crossovers should be designed to give pedestrians priority and with no grade change for pedestrians.

End of Section

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 ENVIRONMENTAL CONSTRUCTION AND SITE MANAGEMENT PLAN

Prior to the commencement of works, the proponent must prepare an updated Environmental Construction and Site Management Plan (ECSMP) consistent with the Statement of Commitments in Schedule 3. The updated ESMP is to be submitted to the Director-General for approval.

C3 NOTICE TO BE GIVEN PRIOR TO WORKS

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

C4 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.

C5 REMOVAL OF HAZARDOUS MATERIALS

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C6 SITE AUDIT

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

C7 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.

C8 FOOTPATH DAMAGE BANK GUARANTEE

- (1) 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 a Construction Certificate.

C9 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 place 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.

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- (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.

C10 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.

C11 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.

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 approved by the Director-General.

D3 EROSION AND SEDIMENT CONTROL

All erosion and sediment control measures, as designed in accordance with Condition B21, 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.

D4 DISPOSAL OF SEEPAGE AND RAINWATER

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 the relevant authority.

D5 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.

D6 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.

D7 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.

D8 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.

D9 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.

D10 PROTECTION OF STREET TREES

- (1) All street trees shall be protected at all times during construction. In the event that any tree on the footpath is damaged or removed during construction it shall be replaced to the satisfaction of the relevant authority.
- (2) In addition, existing trees should be managed in accordance with the approved Tree Management Plan, and a qualified Aborist with a minimum Australian Qualification Framework (AQF) of Level 5 in Arboriculture shall be appointed to ensure trees are maintained and protected in accordance with AS4790-2009: *Protection of Trees on Development Sites*, and AS4373-2007: *Pruning of Amenity Trees*.

D11 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (1) Construction works will be undertaken generally in accordance with the Construction Traffic Management Plan (Revision A) prepared by Arup dated 7 November 2011, except where modified elsewhere in this condition.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

D12 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 must 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

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- (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.

D13 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.

D14 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.

D15 NOISE MANAGEMENT

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

D16 AIR EMISSIONS MANAGEMENT

For the duration of the works air emissions must be managed in accordance with the recommendations outlined in Part 8 of the Air Quality Impact Assessment prepared by AECOM and dated 9 November 2011.

D17 WASTE

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

D18 WASTE MANAGEMENT PLAN

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

D19 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.

D20 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.

D21 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.

D22 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.

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 Building C3 at the subject site approved by this major project does not exceed 115,448m² and RL 219 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 (Local Environmental Plans) Order 2006.
2. The maximum height is RL 219 in relation to the protection of air space for Sydney airport as advised by the Commonwealth Department of Transport and Infrastructure on 23 February 2012, in relation to the *Airports (Protection of Airspace) Regulation 2006*.

E3 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.

E4 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.

E5 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.

E6 GREEN STAR RATING

Prior to the issue of the final Occupation Certificate, certification is to be provided from the Green Building Council of Australia, and the OEH, to the satisfaction of the Certifying Authority, that the development achieves a 6 star Green Rating as specified in the ESD Report prepared by Arup and dated 26 October 2011.

E7 SYDNEY WATER

- (1) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.
- (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 then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

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- (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.

E8 POST CONSTRUCTION DILAPIDATION REPORT

- (1) 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 all the basement, commercial building C3, commercial building C4 and commercial building C5 works
 - (b) at the completion of all construction works associated with the basement and commercial building C3, commercial building C4 and commercial building C5.
- (2) The PCA must compare the post construction dilapidation reports with the pre-construction dilapidation report required by Condition B15 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.

E9 CONSTRUCTION OF TEMPORARY PUBLIC DOMAIN WORKS

The proponent must construct all temporary public domain works identified in drawing numbers BC3-LD2-00-00-00 Revision F, BC3-LSK-PA1-00-00 Revision D, and BC3-LD2-00-00-01 Revision A, prior to the issue of the first Occupation Certificate.

End of Section

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 and the child care facility, shall be determined by the relevant consent/approval authority in relation to their separate fit-out development applications.

F6 NOISE CONTROL – PLANT AND EQUIPMENT

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

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 POST-CONSTRUCTION WIND TESTING

Following the construction of all buildings at Barangaroo South, the proponent shall undertake wind testing to confirm that the application complies with the 'comfort' criteria and the 15m/s 'safety criterion' outlined in the *Environmental Wind Report – Project Application*, prepared by ARUP and dated 31 October 2011, at all test locations. In the event that any non-compliances are found, the proponent shall implement appropriate wind mitigation measures to the satisfaction of the Director-General.

F9 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

ADVISORY NOTES

AN1 FURTHER APPROVALS

- (1) The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):
 - (a) Shop fit-out - the proponent shall seek development consent prior to occupation and use of individual tenancies. Development applications for food premises shall comply with the requirements of *AS 4674 Design, Construction and Fit-out of Food Premises*, *The Food Act 2003* and *Food Safety Standards*
 - (b) The proponent shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fitout of Food Premises*. The proponent shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

AN2 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.

AN3 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.

AN4 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.

AN5 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.

AN6 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.

AN7 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.

AN8 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.

AN9 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.

AN10 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.

AN11 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.

AN12 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.

AN13 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

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- (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.

AN14 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".

AN15 ROAD CLOSURE

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

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 Ltd to manage and minimise potential impacts arising from the development.

Commitments and Requirement	Responsibility / Timing
Design	
1. Lend Lease commits to ensuring continuity in the design process and realisation of the submitted Commercial Building C3 design in the completed building by ensuring that Rogers Stirk Harbour +Partners has 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 Appendix J 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).
3. The public domain within the Commercial Building C3 site will be generally in accordance with the Landscape Design Statement prepared by Aspect Oculus included at Appendix K and the Public Domain Plan prepared by Aspect Oculus included at Attachment F of the PPR prepared by JBA Planning. The final selection of plantings within the framework of the Public Domain Plan and Landscape Design Statement will take into consideration suitability having regard to the potential impacts resulting from the construction of nearby buildings. The Public Domain Plan will be fully integrated with the Barangaroo South Public Domain Guidelines, once finalised by the Technical Working Group.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
4. Temporary landscaping and lighting will be provided within the Commercial Building C3 site generally in accordance with the Temporary Public Realm plan prepared by Aspect Oculus included at Attachment F of the PPR prepared by JBA Planning. The final selection of plantings within the framework of the Temporary Public Realm Plan will take into consideration suitability having regard to the potential impacts resulting from the construction of nearby buildings.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
5. The Architectural Drawings prepared by Rogers Stirk Harbour +Partners included at Attachment B of the PPR prepared by JBA Planning illustrate the maximum extent of signage zones for the tower facades. Within the maximum extent of signage zones: <ul style="list-style-type: none"> ▪ no more than two (2) building identification and/or business identification signs will be provided at high level on a maximum of two (2) facades of the building; and ▪ a maximum of two (2) building identification and/or business identification signs will be provided at podium level on a maximum of two facades of the building, ▪ a maximum of two (2) secondary building identification and/or business identification signs will be provided at podium level for each facade of the building. The final form and content of any proposed building and business identification signage will be the subject of a separate future	To be demonstrated by the proponent at the relevant construction certificate stage(s).

application (if required under relevant legislation).	
6. External and internal lighting will be provided around and throughout the building in accordance with AS 1680 and the BCA.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
7. Internal light fittings within the commercial and retail areas will comply with NABERS and Green Star targets.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
8. Specialist lighting will be provided within the building's entrance lobby to enhance the visual environment at ground level.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
9. 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).
10. Photovoltaic arrays will be provided at the roof level of the building	To be demonstrated by the proponent at the relevant construction certificate stage(s).
11. A complete electronic security system will be provided for the base building including a central supervisory system, access control system, CCTV system, intruder alarm system and intercommunication system.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
12. The detailed design of Commercial Building C3 will address the recommendations of the Wind Report prepared by CPP included at Appendix P 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).
13. The design of any temporary structures that may be required (depending on the construction staging of the adjoining future buildings within Block 2 of Barangaroo South) to mitigate wind impacts will be submitted prior to the issue of a Construction Certificate relating to works at the ground plane.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
Future separate applications	
14. Future planning approvals will be sought for the following where required: <ul style="list-style-type: none"> Fit out of the commercial office space; Fit out and operation of the retail units; Fit out and operation of the child care centre; and Installation of any site wide infrastructure. 	Proponent, ongoing.
Public art	
15. Opportunities to implement art work within the Commercial Building C4 development will be further explored in accordance with the Public Art Strategy for Barangaroo South.	Proponent, ongoing.
Ecologically sustainable development	
16. Commercial Building C3 will be designed to achieve a 6 Star Green Star Office Design rating. In order to achieve a 6 Star Green Star Office Design rating, Lend Lease will target the initiatives set out in the ESD Report prepared by ARUP included at Appendix W 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).
17. Commercial Building C3 will achieve the ESD Performance Indicators for potable water consumption, reduction in flow to sewer, reductions in Greenhouse Gas emissions, use of renewable energy, micro climate, landscaping, transport, and waste as detailed in the approved Concept Plan (Mod 4) Statement of Commitments.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
Operational waste management	
18. Commercial Building C3 operational waste will be managed generally in accordance with the methodology outlined in the Waste Management Plan prepared by ARUP included at Appendix L of the Environmental Assessment Report prepared by JBA Planning dated November 2011.	Proponent, ongoing.
Building Services and Fire Safety	
19. Electrical services will be completed in accordance with the relevant standards and applicable statutory requirements.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
20. The detailed design of mechanical services will satisfy the relevant requirements of AS 1668.1-1998 and AS1688.2 - 1991 as applicable.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
21. Fire detection, emergency warning and fire protection systems will be installed to comply with BCA requirements and other relevant legislation, generally in accordance with the measures outlined in Section 6 of the Building Services Report included at Appendix M 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).
22. A detailed Fire Safety Strategy will be prepared and submitted as part of the relevant Construction Certificate documentation. The Fire Safety Strategy will be prepared in consultation with the NSW Fire Brigade, building certifiers, and relevant stakeholders.	To be prepared and submitted as part of the documentation for the relevant Construction Certificate (s).
Infrastructure and Services	
23. Appropriately sized new 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.
24. Stormwater discharge will be generally in accordance with the Stormwater Management Plan prepared by ARUP included at Appendix O 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).
25. A suitably sized rainwater tank is to be provided for the collection and re-use of rainwater flows from the building's roof areas.	To be demonstrated by the proponent at the relevant construction certificate stage(s).

Accessibility	
26. The detailed design of Commercial Building C3, including access, emergency egress, paths of travel, lifts, ramps, stairs, accessible toilets, accessible parking, lighting and signage, will generally comply with the recommendations set out in the Accessibility Report prepared by Morris-Goding Accessibility Consulting included at Appendix AA 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).
Building Code of Australia	
27. The detailed design of Commercial Building C3 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 Appendix Z of the Environmental Assessment Report prepared by JBA Urban Planning Consultants dated November 2011.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
Operational Noise and Vibration	
28. 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 Appendix Y 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).
29. Commercial Building C3 will be designed in accordance with Australian Standard 2107 Internal Design Sound Levels to ensure appropriate internal amenity is achieved.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
30. The detailed design of Commercial Building C3 will meet the vibration levels specified in the DECCW Assessing Vibration technical guideline.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
Travel Demand	
31. Lend Lease will prepare a Work Place Travel Plan for Commercial Building C3 to be completed prior to the first occupation certificate for the commercial tenant occupation.	To be prepared by the proponent prior to the first occupation certificate for the commercial tenant occupation.
Geotechnical and Structure	
32. 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 Commercial Building C3.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
33. The structural design and documentation of Commercial Building C3 will comply with all relevant Australian Standards and the BCA as outlined in the Structural Engineering Report prepared by ARUP included at Appendix BB 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).
Environmental, Construction and Site Management	
34. Construction and site management relating to the construction of Commercial Building C3 will be in generally accordance with the Environmental, Construction and Site Management Plan prepared by Cardno & Lend Lease included at Appendix CC of the Environmental Assessment Report prepared by JBA Planning dated November 2011 including the following: <ul style="list-style-type: none"> Construction Noise and Vibration Assessment prepared by Wilkinson Murray, which addresses the noise and vibration impacts on and off site (refer to Appendix EE of the EARI); Construction Traffic Management Plan prepared by ARUP, which addresses construction traffic impacts (refer to Appendix T of the EARI); Air Quality Impact Assessment prepared by AECOM, which addresses air quality and odour impacts (refer to Appendix FF of the EARI); and Waste Management Plan prepared by ARUP which addresses construction waste management (refer to Appendix L of the EARI). A requirement for preparation of a site wide strategy relating to the preparation of post construction dilapidation reports that includes a requirement for the Proponent to engage a suitably qualified person to prepare a post-construction dilapidation report: <ul style="list-style-type: none"> At the completion of all excavation and piling works associated with the construction of the basement, Commercial Building C3, Commercial Building C4 and Commercial Building C5 works; and At the completion of all construction works associated with the construction of the basement, Commercial Building C3, Commercial Building C4 and Commercial Building C5 works. In the event that barging of soil is undertaken, requirements for: <ul style="list-style-type: none"> Management of Spillage of spoil during loading / movement of barges; Procedures in the event of an incident (such as a fuel spill or collision with structures / vessels on the water); and Reporting of any incidents, (such as a fuel spill) on the water. A requirement that Lend Lease notify and consult with the Harbour Master prior to material being loaded for transport via the water from the site, particularly in relation to vessel movements. 	Proponent, ongoing
35. Lend Lease commits to providing high quality hoardings around the site, including along the foreshore walk. 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
Consultation	

36. Lend Lease will continue to undertake consultation in relation to the proposed Commercial Building C3 in accordance with the methodologies identified at Table 2 of the Environmental Assessment Report prepared by JBA Planning dated October 2011.	Proponent, ongoing
Piling and associated works	
37. The Commercial Building C3 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).
38. Lend Lease will obtain a Section A Site Audit Statement from the Site Auditor prior to the issue of an Occupation Certificate for Commercial Building C3.	To be demonstrated by the proponent at the relevant construction certificate stage(s).
Rail Corp 33kV Power Line	
39. Detailed plans demonstrating that the proposed development will have no impact on RailCorp 33KV power cable will be provided to RailCorp.	To be demonstrated by the proponent at the relevant construction certificate stage(s).