

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedules 2.

These conditions are required to:

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

Executive Director

Infrastructure and Industry Assessments

Sydney

2014

SCHEDULE 1

Application No.: SSD-5249

Applicant: Lawson Square Pty Ltd

Consent Authority: Minister for Planning

Land: Lawson Square, Redfern
Lot 18, Section C, DP 7328

Development: Additions and alterations to the two existing 12 storey office towers to create an 18 storey mixed use development comprising:

- retail and commercial uses at the ground floor of both towers and at levels 1-5 of the western tower;
- 156 residential units;
- basement car and bicycle parking; and
- public domain works.

Modification Key		
Name	Date	Details
MOD 1	29 October 2015	Amendments to the ground floor retail and commercial uses; relocation of commercial and residential uses at Levels 1-5; associated amendments to the elevations; and associated amendments to the floor space mix, unit numbers and unit mix.
MOD 2	6 April 2016	<ul style="list-style-type: none"> amendments the building envelope, increase in GFA from 12,741 sqm to 12,913 sqm, increasing the number of apartments from 157 to 162 apartments, internal and balcony reconfigurations Minor changes to the ground floor level including relocation of an existing substation, amendments to pedestrian and driveway access addition of privacy screening between the towers
MOD 3	4 August 2017	<ul style="list-style-type: none"> conversion of Levels 3 and 4 of Tower 2 from commercial to residential use the addition of 12 apartments increasing the total number of apartments from 162 to 174. amendments to external finishes including privacy screening, louvres and glazing
MOD 4	29 January 2018	internal reconfigurations to both towers to increase the total number of apartments by 7 from 174 to 181 apartments and the GFA by 60sqm to 12,973sqm.
MOD 5	21 March 2018	amendments to Tower 2 to create two roof terraces and increase the total gross floor area by 20sqm to 12,993sqm.
MOD 6	WITHDRAWN	WITHDRAWN
MOD 7	14 November 2019	changes to the use of Levels 1 to 5 in Tower 1 from residential to commercial, enlarging the size of the balconies associated with the new commercial levels and amendments to the ground floor layout of Tower 1.

SCHEDULE 2

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Lawson Square Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A3.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	City of Sydney Council
EIS	Environmental Impact Statement prepared by SJB Planning, dated February 2013
EPA	Environment Protection Authority, or its successor
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage, or its successor
Principle Certifying Authority/ PCA	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
RTS	Response to Submissions Letter by SJB Planning dated 12 September 2013 and its attachments as amended by the Addendum Response to Submissions Letter by SJB Planning dated 14 April 2014 and its Attachments
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Subject Site	Lawson Square, Redfern Lot 18, Section C, DP 7328
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
TfNSW	Transport for NSW or its successors
TMC	Traffic Management Centre or its successors

A ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

Obligation to Minimise Harm to the Environment

- A1 In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development

Development Description

- A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A3.
- A3 The Applicant shall carry out the project generally in accordance with the:
- a) Environmental Impact Statement (EIS) prepared by SJB Planning, dated February 2013;
 - b) Response to Submissions (RtS) dated 12 September 2013 prepared by SJB Planning and Revised RtS dated 14 April 2014 prepared by SJB Planning; and
 - c) **As amended by the Section 96(1A) Modification prepared by JBA dated 11 September 2015; and**
 - d) **As amended by the Section 96(1A) Modification prepared by JBA Urban Planning Consultants, dated 7 December 2015, and supporting letters prepared by Candalepas Associates dated 29 February 2016 and 3 March 2016;**
 - e) **As amended by the Section 96(2) Modification prepared by JBA Urban Planning Consultants dated 16 March 2017 and Attachments;**
 - f) **As amended by the Section 96(1A) Modification prepared by Ethos Urban dated 26 September 2017 and RtS prepared by Ethos Urban, dated 7 November 2017, with the exception of references to stratum subdivision;**
 - g) **As amended by the Section 96(1A) Modification prepared by Ethos Urban dated 7 December 2018 and amended application prepared by Ethos Urban, dated 3 February 2018;**
 - h) **As amended by the Section 96(1A) Modification prepared by Ethos Urban dated 27 June 2019 and Response to Submissions prepared by Ethos Urban, dated 27 September 2019 and updated Waste Management Plan, prepared by Candalepas Associates + Wendy Lewin, dated 22 October 2019;**
 - i) following drawings as set out in the table below, except for:
 - i) any modifications which are Exempt' or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural Drawings prepared by Candalepas Associates & Wendy Lewin			
Drawing No.	Issue	Name of Plan	Date
S96-1001	G	Site Context Analysis	09.03.2017
S96-1002	G	Streetscape Elevation	09.03.2017
S96-1101	G	Site Plan	09.03.2017

S96-1102	R	Basement & Ground Floor Plan	18.09.2019
S96-1103	R	Level 1 & Level 2 Plans	18.09.2019
S96-1104	R	Level 3 - 5 –& Level 6-11 Plans	18.09.2019
S96-1105	I	Level 12 and Level 13-14 Plans	09.11.2017
S96-1106	I	Level 15 & Level 16 Plans	09.11.2017
S96-1107	M	Level 17 & 18 Plan	13.02.2018
S96-1108	M	Roof Plan	13.02.2018
S96-1201	R	Sections – Sheet 1 Sections AA & BB	18.09.2019
S96-1202	R	Sections – Sheet 2 Section CC	18.09.2019
S96-1301	R	Elevations – Sheet 1 North Elevation	18.09.2019
S96-1302	R	Elevations – Sheet 2 Tower 1 – East & West Elevations	18.09.2019
S96-1303	M	Elevations – Sheet 3 Tower 2 – East & West Elevations	13.02.2018
S96-1304	M	Elevations – Sheet 4 South Elevation	13.02.2018
S96-1401	R	Area Calculations	18.09.2019
S96-1501	R	Unit Solar Study	18.09.2019
S96-1502	M	Solar and Shadow Studies	13.02.2018
S96-1503	G	Overshadowing Analysis – Sheet 1	09.03.2017
S96-1504	G	Overshadowing Analysis – Sheet 2	09.03.2017
S96-1851	R2	Waste Management Plan	22.10.19
Civil Infrastructure Drawings prepared by ARUP			
Drawing No.	Issue	Name of Plan	Date
222747-CDR-DRG-0401	C	Concept Stormwater Drainage Plan	10.12.12
222747-CDR-DRG-0402	A	Erosion & Sediment Control Details	28.11.12

Inconsistency between documents

- A4 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Limits of Approval

- A5 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.
- A6 This consent does not approve strata subdivision, retail fit out or commercial fit out. Separate approval/s for subdivision and fit-out of the buildings must be obtained for this development/use, if required by the EP&A Act

Prescribed Conditions

- A7 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Long Service Levy

- A8 Prior to the issue of the Construction Certificate for each stage of the development, a Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal notices

- A9 Any advice or notice to the consent authority shall be served on the Secretary.

B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Site Suitability - Contamination

- B1 The following Contamination Assessments shall be prepared prior to issue of the Construction Certificate involving any excavation:
- a) A Phase 2 Contamination Assessment shall be prepared by an appropriately qualified consultant after demolition of all structures on the site. The Assessment shall:
 - i) provide comprehensive information on any contaminants present within the soil and groundwater on the site, including location, concentration, extent and leachability (if required);
 - ii) identify potential impacts on the environment and/or human health, including any off-site impacts; and
 - iii) confirm the suitability of the site for the approved use; or
 - iv) provide sufficient information for the preparation of a Remedial Action Plan, which, upon successful implementation, would render the site suitable for the approved use;
 - b) if required, A Remedial Action Plan, which outlines the objectives and process to remediate the site, shall be prepared and be certified by an EPA-accredited site Auditor.
 - c) Remediation works shall be carried in accordance with the Remedial Action Plan prior to any excavation on the site.

Design Changes

- B2 ~~Prior to the issue of the relevant Construction Certificate, amended plans and documentation are required to be submitted to and approved by the Secretary to the Department of Planning and Environment. Plans shall include Modifications to the southern façade of Tower 2 by removing the proposed glass reinforced concrete privacy screens on the easternmost side of the façade and providing fenestration in this location.~~

Design Quality Excellence

- B3 In order to ensure the design quality of the development is retained:
- a) the design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - b) the design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project; and
 - c) evidence of the design architect's commission is to be provided to the Department prior to release of the Construction Certificate.

The design architect of the project is not to be changed without prior notice and approval of the Department.

Public Domain Plan

- B4 Prior to issue of the first Construction Certificate, detailed public domain / landscaping plans and documentation are required to be submitted to and endorsed by the City of Sydney, incorporating the following:
- a) details of all public domain works and ground level landscape works prepared in accordance with Council's Public Domain Manual;
 - b) details of provision of street trees and plantings generally in accordance with the approved plans, but also inclusion of street trees within Redfern Street Laneway;
 - c) any necessary amendments to the awning design along Redfern Street Laneway. The awning should make provision for plantings, but also ensure a continuous all weather path for pedestrians that allows for light penetration; and
 - d) visitor bicycle parking provision for a minimum of 29 spaces within the public domain and pedestrian areas surrounding the site;

The public domain plan is to be designed to take into account the findings of the wind impact assessment submitted with the RtS and demonstrate that no adverse wind impacts arise from the final design.

Roof Terrace

- B5 Prior to the issue of a Construction Certificate, a detailed landscape plan for the roof terrace is required to be submitted to, and approved by the certifying authority. The landscape plan is to incorporate appropriate plantings, materials, and finishes to demonstrate a high quality open space area is provided to meet the recreational needs of residents, and is to include privacy screening measures to prevent overlooking of adjoining dwellings at 157 Redfern Street from the terrace.
- B6 All residents of both towers are to have access to the open space area. Details of any easements, entitlements and security arrangements to ensure resident access are to be submitted to the certifying authority prior to the issue of the relevant construction certificate.

Shop Fronts

- B7 All shop front, **and commercial tenancy and lobby entrances are to provide** glazing **at the ground floor and** must be clear and untinted and must be obscured by blinds, curtains or the like. Security roller shutters must not be installed on the outside of the **glazed facades**. Any security grill is to be a dark recessive colour, located on the inside of the **façade**, must be an open grille/ see through and not a solid metal type. Details are to be submitted to and approved by Council or the certifying authority prior to a Construction Certificate being issued.

Redfern-Waterloo Authority Contributions

- B8 To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the Redfern-Waterloo Authority Contributions Plan 2006.

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

Pursuant to the Redfern-Waterloo Authority Contributions Plan 2006, a contribution in the amount of \$710,000 plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid via bank cheque for deposit into the Redfern-Waterloo Fund (towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan).

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

Phone 9841 8600 or email info@ugdc.nsw.gov.au to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.

A copy of Redfern-Waterloo Authority Contributions Plan 2006 is available for inspection at the offices of UGDC, Level 12, MLC Centre, 19 Martin Place, Sydney NSW 2000 or from the website www.ugdc.nsw.gov.au.

- B9 To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006.

In accordance with Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 the levy is 1.25% of the additional total gross floor area of the proposed development and is calculated at \$84.60 per square metre (being the rate at 1 July 2017). Between the date of determination and the date the levy is required to be paid, the levy is indexed in accordance with the Building Price Index, Sydney as published in Rawlinson's Australian Construction Handbook. This is in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 9 of the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006.

Pursuant to the Redfern-Waterloo Affordable Contributions Plan 2006, a contribution in the amount of \$85,217.80, (valid until 30 June 2018) plus indexation in accordance with the Building Price Index is to be paid via bank cheque or deposit into the Redfern-Waterloo Fund (towards the provision of affordable housing within the Redfern Waterloo area).

Proof of payment of this contribution and calculation of any indexing shall be provided to the Certifying Authority prior to the issue of a Construction Certificate. No deferred or periodic payments are permitted.

Phone 98418600 or email info@ugdc.nsw.gov.au to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.

A copy of Redfern-Waterloo Affordable Housing Contributions Plan 2006 is available for inspection at the offices of UGDC, [Level 12, MLC Centre, 19 Martin Place, Sydney NSW 2000](#) or from the website www.ugdc.nsw.gov.au

Pre-Construction Dilapidation Reports

- B10 The Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of the excavation to twice the maximum excavation depth. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for Stage 1. A copy of the report is to be forwarded to the Council and each of the affected property owners.

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

Photographic Record / Dilapidation Report – Public Domain

- B11 Prior to a Construction Certificate being issued, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:-
- a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
 - b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
 - c) Each image is to be numbered and cross referenced to a site location plan;
 - d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
 - e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Alignment Levels

B12 Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.

These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.

Outdoor Lighting

B13 All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for above ground works.

Access for People with Disabilities

B14 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

Bicycle Facilities

B15 Minimum bicycle parking on site shall be provided as follows:

- a) 60 internal spaces for residents and employees;
- b) 29 visitor bicycle parking spaces within the public domain.

B16 The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- a) all bicycle parking for residents / employees must be either Class 1 or Class 2 bicycle facilities, and
- b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

B17 Storage, change room and shower facilities for the commercial uses shall be provided and designed to comply with the NSW Planning Guidelines for Walking and Cycling. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

Car Parking

B18 Car parking on site shall be provided as follows:

- a) 18 residential car parking spaces; and
- b) 2 car share spaces.

B19 Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the PCA prior the issue of the issue of the relevant Construction Certificate:

- a) all vehicles should enter and leave the subject site in a forward direction;
- b) parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicles where applicable;
- c) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
- d) The swept path of the longest vehicle entering and exiting the Subject Site, as well as manoeuvrability through the subject site, shall be in accordance with AUSTROADS;

Footpath damage bank guarantee

B20 A Footpath Damage Bank Guarantee calculated on the total lineal metres of the public frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

Road Works

B21 All road works including regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority. New road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

Reflectivity

B22 Prior to issue of the relevant or that of above ground works Construction Certificate, the PCA is to ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20%.

Structural Details

B23 Prior to the issue of a Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:

- a) the relevant clauses of the BCA, and
- b) the development consent.

Mechanical Ventilation

- B24 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

Storage and Handling of Waste

- B25 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of City of Sydney Policy for Waste Minimisation in New Developments 2005 shall be met to the satisfaction of the Certifying Authority.

Sydney Water Notice of Requirements

- B26 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of the first Construction Certificate.

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

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

Installation of Dual-Flush Toilets

- B27 All toilets installed within the development must be of water efficient dual flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to the issue of the relevant Construction Certificate for Stage 4.

Installation of Water Efficient Taps

- B28 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details are to be submitted for the approval of the Certifying Authority, prior to the issue of the relevant Construction Certificate.

Installation of Water Efficient Urinals

- B29 New urinal suites, urinals and urinal flushing control mechanisms must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).

- B30 Systems must include “smart controls” to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to the issue of the relevant Construction Certificate.

Internal Lighting System

- B31 The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to the relevant Construction Certificate being issued.

Preservation of survey marks

- B32 All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.
- B33 Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.
- B34 At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.
- B35 A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

Railcorp Asset Requirements

- B36 The following items are to be submitted to RailCorp and Transport for NSW for endorsement prior to the commencement of works or the issuing of a Construction Certificate (whichever occurs first):
- a) The Rail Interaction Report prepared by ARUP
 - b) The Geotechnical Report prepared by ARUP
 - c) The Acoustic Report prepared by SLR Consulting
 - d) The Electrolysis Report prepared by ARUP
- B37 Works shall not commence or a Construction Certificate to be issued until written confirmation from RailCorp and Transport for NSW has been obtained confirming that the requirements of this condition have been met. Any conditions imposed by RailCorp or Transport for NSW as part of the endorsement of the above reports will also form part of this consent.
- B38 Copies of any certificates, drawings or approvals given to or issued by RailCorp must be submitted to Council for its records.
- B39 Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to RailCorp and Council. The Principle Certifying Authority is not to issue the

Occupation Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- B40 If required by RailCorp, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project (especially the retaining wall and rail track formation) is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
- B41 If required by RailCorp, prior to the issue of a Construction Certificate a Risk Assessment / Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- B42 Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

Department of Infrastructure and Transport Requirements

- B43 Construction Certificate Plans are to incorporate aviation safety lights on the buildings in accordance with the requirements of The Commonwealth Department of Infrastructure and Transport.

Noise Mitigation Measures

- B44 Details of noise mitigation measures recommended in the Acoustic Assessment prepared by SLR consulting are to be detailed on the construction certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development is required to be submitted prior to the issue of the relevant construction certificate.

Design of Corridors

- B45 Details of the design corridors at each level of the buildings are to be provided on the plans demonstrating that the corridors are open air external corridors without external enclosing walls above a height of 1.4m above the floor level.

Compliance Report

- B46 Prior to issue of a Construction Certificate the applicant shall submit to the agency a report addressing compliance with all relevant conditions of this consent.

Privacy

- B47 All windows above Level 2 in the southern façade of Tower 1 are not to include openable or clear glazing below a sill height of 1.7 metres above the finished floor level. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

C PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

- C1 Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

Demolition

- C2 Demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of any demolition.

Notice of Commencement of Works

- C3 The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the Subject Site.

Demolition, Excavation and Construction Management

- C4 Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:

- a) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of façade retention.
- b) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- c) An Excavation Work Method Statement prepared by an appropriately qualified person.
- d) A Waste Management Plan for the demolition and or excavation of the proposed development.

Such statements must, where applicable, be in compliance with AS2601-1991 Demolition of Structures, the Occupational Health and Safety Act 2000 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:

- a) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
- b) The name and address of the company/contractor undertaking demolition/excavation works.
- c) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- d) The name and address of the transport contractor.
- e) The type and quantity of material to be removed from site.

- f) Location and method of waste disposal and recycling.
- g) Proposed truck routes, in accordance with this development consent.
- h) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- i) Measures to control noise emissions from the site.
- j) Measures to suppress odours.
- k) Enclosing and making the site safe.
- l) A certified copy of the Public Liability Insurance indemnifying Council and the Department for \$10,000,000 against public prosecution for the duration of the demolition works.
- m) Induction training for on-site personnel.
- n) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
- o) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- p) Disconnection of utilities.
- q) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- r) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- s) Waterproofing of any exposed surfaces of adjoining buildings.
- t) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
- u) Working hours, in accordance with this development consent.
- v) Any Work Cover Authority requirements.

The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

Construction Noise and Vibration

C5 Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall include, but not be limited to:

- a) Identification of each work area, site compound and access route (both private and public);
- b) Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;

- c) Identification of all potentially affected sensitive receivers;
- d) The construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
- e) Assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);
- f) Where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
- g) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
- h) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
- i) Measures to monitor noise performance and respond to complaints.

The CNVMP should also include demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.

Waste Management Plan during construction

- C6 Prior to the commencement of any works on the Subject Site, a detailed Construction Waste Management Plan prepared by a suitably qualified person, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
 - a) Recycling of demolition materials including concrete; and
 - b) Removal of hazardous materials and disposal 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.

The Applicant shall submit a copy of the Plan to the Department and the Council, prior to commencement of work.
- C7 Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, 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.
- C8 The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

Construction Traffic & Pedestrian Management Plan

- C9 Prior to the commencement of any works on the Subject Site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Council, the RMS, and the Transport Management Centre.

The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the Subject Site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and
- d) pedestrian and traffic management methods.

The Applicant shall submit a copy of the final Plan to the Council, RMS and Traffic Management Centre, prior to the commencement of work.

Structural Details

- C10 Prior to the commencement of building construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- a) the relevant clauses of the BCA,
- b) the development consent, and
- c) drawings and specifications comprising the Construction Certificate.

RMS approval of Stormwater Management

- C11 Detail design plans and hydraulic calculations of any changes of the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RMS approval is issued. With regard to the Civil Works Requirement, please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

Vehicle Footway Crossing

- C12 A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

D DURING CONSTRUCTION

Hours of Work

- D1 The hours of construction and work on the development must be as follows:
- a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 6.00pm on Mondays to Fridays, inclusive, and 7.00am and 3.30pm on Saturdays, and no work must be carried out on Sundays or public holidays.
 - b) All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

Remediation

- D2 Remediation of the site, if required, shall be undertaken in accordance with the approved Remedial Action Plan.

Lighting of Site during Construction

- D3 The intensity of lighting of the site, the hours of illumination and the location of the lighting must not cause objectionable glare or injury to the amenity of the neighbourhood. If in the opinion of the PCA or the Director General, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury.

Erosion and Sediment Control

- D4 All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Waste Disposal

- D5 All waste generated on site must be classified and disposed of in accordance with the *Waste Classification Guidelines* (DECC 2008).

Approved Plans to be On-site

- D6 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

- D7 A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
The notice(s) is to satisfy all but not be limited to, the following requirements:

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

Utilities

- D8 During works within the development site, the Applicant shall ensure the work in the vicinity of Ausgrid's underground infrastructure, is undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.
- D9 The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
- D10 The relocation of any TfNSW services or infrastructure are to be at the Applicant's cost and to TfNSW requirements and standards.
- D11 All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW or RMS.

Construction Noise Management

- D12 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- D13 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D14 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- D15 Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.
- D16 All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Vibration Criteria

D17 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; and
- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6842- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
- c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan.

Work Cover Requirements

D18 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Application for Hoardings and Scaffolding on a Public place

D19 A separate application under Section 138 of the Roads Act 1993 is to be made to Council 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 in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
- b) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

D20 Should a hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant.

Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.

- D21 The hoarding must comply with the Councils policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

Barricade permit

- D22 Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

Road Occupancy License

- D23 A Road Occupancy Licence (ROL) must be obtained from the TMC for any activity likely to impact on the operational efficiency of the road network.

Covering of Loads

- D24 All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Hazardous and Industrial Waste

- D25 Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:
- a) Protection of the Environment Operations Act 1997.
 - b) Protection of the Environment Operations (Waste) Regulation 1996.
 - c) Waste Avoidance and Recovery Act 2001.
 - d) New South Wales Occupational Health & Safety Act 2000.
 - e) New South Wales Construction Safety Act 1912 (Regulation 84A-J
 - f) Construction Work Involving Asbestos or Asbestos Cement 1983).
 - g) The Occupational Health & Safety Regulation 2001.
 - h) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.

Loading and Unloading During Construction

- D26 The following requirements apply:
- a) All loading and unloading associated with construction must be accommodated on site.
 - b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

No Obstruction of Public Way

D27 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

Access driveways to be constructed

D28 Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Site Suitability - Remediation

- E1 Upon completion of any required remediation works on the Subject Site, the Applicant shall submit a site audit report and site audit statement prepared by a site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA prior to the issue of the Occupation Certificate.

Public domain works

- E2 Public domain works within the zone of influence including connections to adjacent sites are to be completed to the satisfaction of Council prior to issue of an Interim and/or Final Occupation Certificate.

Loading Dock Management

- E3 Prior to the issue of the relevant Occupation Certificate, a Loading Dock Management Plan shall be submitted to the PCA to promote safe and efficient operation of the proposed loading area and to minimise conflicts with pedestrian movements within Redfern Street Laneway. The Loading Dock Management Plan is to address the recommendations of the Traffic Assessment submitted with the RtS and shall include the following:
- a) Allocation of loading spaces;
 - b) Restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements;
 - c) Controls on duration of stays;
 - d) Measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
 - e) Controls on the placement of skips, pallets, etc.;
 - f) Procedures for tradesman access and parking;
 - g) Allocation of delivery times for residential removalists; and
 - h) Truck access routes.

Mechanical Ventilation

- E4 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the relevant Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The development consent and any relevant modifications; and
 - d) Any dispensation granted by the New South Wales Fire Brigade.

Road Damage

- E5 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 Applicant/developer prior to the issue of the final Occupation Certificate.

Registration of Easements

- E6 Prior to the issue the final Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Sydney Water Compliance

- E7 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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.

The Section 73 Certificate must be submitted to the PCA prior to issue of the occupation certificate.

Post-construction Dilapidation Report

- E8 Prior to the issue the final Occupation Certificate:
- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
 - b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) A copy of this report is to be forwarded to and each of the affected property owners

Fire Safety Certification

- E9 Prior to the issue the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council and be prominently displayed in the building.

Structural Inspection Certificate

- E10 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the relevant Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the 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.

Occupation Certificate to be Submitted

- E11 An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to the agency and SHFA prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Mechanical Ventilation

- E12 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The development consent and any relevant modifications; and,
 - d) Any dispensation granted by the New South Wales Fire Brigade

Green Travel Plan

- E13 To encourage travel modes other than private vehicle the Applicant shall prepare and implement a Green travel plan and transport access guide. Details are to be submitted to the PCA prior to the issue of the final Occupation Certificate.

Waste Management

- E14 Prior to the issue of the relevant Occupation Certificate, a detailed Waste Management Plan for operation of the site shall be submitted to the PCA.

Installation of Water Efficient Taps

- E15 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Certification is to be submitted for the consent of the Certifying Authority, prior to a relevant Occupation Certificate being issued.

Acoustic Compliance

- E16 Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Noise and Vibration Report prepared by SLR Consulting and the development achieves compliance with the requirements of State Environmental Planning Policy (Infrastructure) 2007 and other guidelines applicable to the development.

Department of Infrastructure and Transport Requirements

- E17 The proponent must arrange for a certified surveyor to notify Sydney Airport Corporation Ltd of the finished height of the building (in metres AHD) in accordance with the requirements of The Commonwealth Department of Infrastructure and Transport.

F POST OCCUPATION

Loading and Unloading

- F1 All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with the Loading Bay Management Plan required by condition E3 of this consent.
- F2 A commercial agreement shall be entered into with the relevant tenants/occupiers of the building addressing compliance with the Loading Dock Management Plan.

Unobstructed Driveways and Parking Areas

- F3 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.

Noise Control – General

- F4 The emission of noise associated with the use, the operation of any mechanical plant and equipment shall comply with the following criteria:
- a) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - b) The LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published by DECCW.
 - c) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
 - d) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected residence.

Noise Control – Mechanical Plant and Equipment

- F5 Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:
- a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
 - b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

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

Public Way to be Unobstructed

- F6 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- F7 External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Annual Fire Safety Certification

- F8 The owner of the building shall certify to the 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.

Use of Communal Terrace

- F9 All residents of both towers are to have access to the communal open space area in Tower 1. Easements, entitlements and security arrangements required by condition B6 are to be in place to ensure resident access to the communal open space.

Anti-Graffiti

- F10 Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

ADVISORY NOTES

Appeals

- AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Other Approvals and Permits

- AN2 The Applicant shall apply to the relevant authority for any necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, after hours works and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993*.
- AN3 A separate development applicant is required for fit out of individual commercial and retail tenancies within the development, except where shown on the approved plans or can be undertaken as exempt or complying development in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Responsibility for other consents / agreements

- AN4 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Temporary Structures

- AN5 An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- AN6 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

- AN7 This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- AN8 The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES)

matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

- AN9 This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

- AN10 All excavation and refurbishment works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

Site contamination issues during construction

- AN11 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.