

Consolidated Development consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I grant consent to the State significant development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

MOD 1

MOD 2

MOD 3

MOD 4

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

2018

SCHEDULE 1

Application No.: SSD 8529

Applicant: Lend lease (Millers Point) Pty Ltd

Consent Authority: Executive Director Key Sites and Industry Assessments

Land:

Building C1, Barangaroo South

Development:

Construction and use of a 7-storey retail/commercial building, including:

- a total GFA of 11,703 m², comprising of 10,995 m² commercial floor area and 708 m² retail GFA
- public domain to match the existing Stage 1A public domain works (SSD 6303)
- integration and minor alterations to the existing Stage 1A Basement (MP10_0023)
- allocation of 18 car spaces, 40 bicycle spaces and 96 lockers within the existing Stage 1A Basement
- roof top planting and solar photo-voltaic installation
- commercial signage zones to level 6 to accommodate future business identification signage.
- a ground floor interpretation zone.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Lend lease (Millers Point) Pty Ltd
Application	The development application and the accompanying drawings, plans and documentation described in Condition A2
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Construction	All physical work to enable operation
Council	City of Sydney Council
Certifying Authority	Means a person who is authorised by under section 85A to issue complying development certificates, or is authorised under section 109D to issue Part 4A certificates
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning, Industry and Environment or its successors
Development	The development described in the EIS and RTS including the works and activities associated with the C1 Building, as modified by the conditions of this consent
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	The Environmental Impact Statement titled 'State Significant Development Application (SSD 8529) <i>Commercial Building C1, Barangaroo South</i> , prepared by Ethos Urban dated 1 November 2017
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Heritage Division	Heritage Division of OEH, or its successor
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm
Land	As defined in the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident.
OEH	Office of the Environment and Heritage, or its successor
Operation	The carrying out of the approved purpose of the development upon completion of construction
PCA	Means a principal certifying authority appointed under section 109E of the EP&A Act, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building Work

POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Response to Submissions	Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
RMS	Roads and Maritime Services Division, or its successor
Secretary	Secretary of the Department, or nominee
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 consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
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
SSD	State Significant Development
Subject Site	Building C1, Barangaroo South, (Lot 214 in DP 1221076)
TNSW	Transport for NSW, or its successor
Zone of influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1 In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and 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 Schedule 1.

Terms of Consent

- A3 The development may only be carried out:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Secretary;
 - generally in accordance with the EIS and RTS; and
 - in accordance with the approved plans in the table below:

Architectural plans prepared by Tzannes			
Drawing No.	Revision	Name of Plan	Date
Basement Plans			
BCC1AD1B100	3	GA Plan – Basement Level B1	23/01/2018
BCC1AD1B125	2	Demolition Plans - Basement	23/01/2018
BCC1AD1B200	3	GA Plan – Basement 2	23/01/2018
General Plans			
BCC1AD00007	5	GFA Summary	13/03/2018
Floor Plans			
BCC1AD20000	14 15 16 17	GA Plan – Ground Floor	13/03/2018 25/10/2018 21/02/2019 07/03.20
BCC1AD20025	4	Demolition Plan – Ground Floor	23/01/2018
BCC1AD30000	8	GA Plan - Mezzanine	13/03/2018
BCC1AD30100	6	GA Plan – Level 01	13/03/2018
BCC1AD30200	6	GA Plan – Levels 02-05	13/03/2018
BCC1AD30600	6	GA Plan – Level 06	13/03/2018
BCC1AD30700	7	GA Plan - Roof	31/01/2018
Elevation Plans			
BCC1AD41000	3	South Elevation	23/01/2018
BCC1AD42000	6 10	West Elevation	08/02/2018 07/03/2020
BCC1AD43000	3 8	North Elevation	23/01/2018 30/10/2019
BCC1AD44000	7 11 18	East Elevation	31/01/2018 21/02/2019 21/01/2020

Section Plans			
BCC1AD50001	3 <u>5</u>	Section AA	23/01/2018 <u>07/03/2019</u>
BCC1AD50002	6	Section BB and CC	09/02/2018
Finishes Plans			
BCC1AD80000	3	Materials and Finishes	23/01/2018
Shopfront Modules			
BCC1ADS0010	2	Shopfront modules – Zone A	11/10/2017
BCC1ADS0011	3	Shopfront modules – Zone B	17/10/2017 <u>17/01/2019</u>
BCC1ADS0012	2	Shopfront modules – Zone C	11/10/2017
<u>BCC1ADS0013</u>	<u>3</u>	<u>Shopfront Modules – Zone D, E</u>	<u>22/01/2019</u>
BCC1ADS0015	5	Shopfront modules – Zone C Awnings	15/03/2017
Interpretation Zone			
<u>ADZ0030-10</u>	<u>A</u>	<u>C1 Façade Plan</u>	<u>27/02/2019</u>
<u>ADZ0030-11</u>	<u>A</u>	<u>C1 Façade Elevation</u>	<u>27/02/2019</u>

Secretary's Directions

- A4 Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.

The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A3(c) or A3(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A3(c) and Condition A3(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Design Integrity

- A5 Necessary arrangements must be implemented by the Applicant to ensure Tzannes and Associates are engaged in the design documentation phase to ensure the integrity design quality of the approved development is maintained through the construction phase to completion of the building works.

Prescribed Conditions

- A6 The Applicant shall comply with all relevant prescribed conditions of development consent under Clause 4.24(2) of the EP&A Act.

Development Expenses

- A7 It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Limits on Consent

- A8 This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.
- A9 This consent in no way implies or grants approval for the following:
- a) Internal fit-out of any areas within the building;
 - b) subdivision of the site or building; and
 - c) hours of operation, internal fit-out and signage for retail areas
 - d) outdoor dining areas

Separate development application(s) must be lodged and consent obtained from the relevant consent authority for the above works and uses (except where exempt and complying development applies).

Long Service Levy

- A10 For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

- A11 Any advice or notice to the consent authority must be served on the Secretary.

Review of Strategies, Plans and Programs

- A12 Within three months of:
- a) the submission of a compliance report under Condition A16 and A17 and Condition C11;
 - b) the submission of an incident report under Condition A21;
 - c) the approval of a modification to the conditions of this consent (excluding modifications under Section 4.55(1) of the EP&A Act) ; or
 - d) the issue of a direction of the Secretary under Condition A4,

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Secretary. Where revisions are required, the revised document must be submitted to the Secretary for approval within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

Evidence of Consultation

- A13 Where conditions of this consent require consultation with an identified party, the Applicant must:
- a) consult with the relevant party prior to submitting the subject document to the Secretary for approval; and
 - b) provide details of the consultation undertaken including:
 - i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
 - ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Compliance

- A14 The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Non-Compliance Notification

- A15 The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A16 The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Incident Notification, Reporting and Response

- A17 The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Condition A18, A19 and A20.

Written Incident Notification and Reporting Requirements

- A18 A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant forms the view that an incident has not occurred.

Written Incident Notification Requirements

- A19 Written notification of an incident must:
- a) identify the development and application number;
 - b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c) identify how the incident was detected;

- d) identify when the applicant became aware of the incident;
- e) identify any actual or potential non-compliance with conditions of consent;
- f) describe what immediate steps were taken in relation to the incident;
- g) identify further action that will be taken in relation to the incident; and
- h) identify a project contact for further communication regarding the incident.

Incident Report Requirements

A20 Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested. The Incident Report must include:

- a) a summary of the incident;
- b) outcomes of an incident investigation, including identification of the cause of the incident;
- c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- d) details of any communication with other stakeholders regarding the incident.

Monitoring and Environmental Audits

A21 Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Applicability of Guidelines

A22 References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

END OF PART A

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No works Prior to Construction Certificate

- B1 Works must not commence until a Construction Certificate in respect of the work has been issued.

Building Code of Australia (BCA) Compliance

- B2 The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions; or
 - b) formulating an alternative solution which:
 - i) complies with the performance requirements; or
 - ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - iii) a combination of a) and b).

External Walls and Cladding

- B3 The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

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

The Applicant must provide a copy of the documentation to the Certifying Authority and to the Secretary within seven days after the Certifying Authority accepts it.

Structural Details

- B4 Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA
 - b) the development consent.

Access for People with Disabilities

- B5 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

Maximum Height

- B6 The maximum height of the approved building must not exceed RL 33.2 m AHD, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Gross Floor Area (GFA Certification)

- B7 The GFA of the building must not exceed 11,703m². Details confirming compliance must be submitted to the Certifying Authority demonstrating compliance with the condition prior to the issues of the relevant Construction Certificate.

Schedule of Materials

- B8 Prior to the issue of the relevant Construction Certificate a list of the final schedule of materials shall be submitted to the Secretary. The Applicant shall also submit a copy of the schedule of materials to the Certifying Authority with the application for the relevant Construction Certificate.

Reflectivity

- B9 The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed to minimise glare. A report/statement demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate.

Outdoor Lighting

- B10 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 Certifying Authority prior to the issue of the relevant Construction Certificate.

Car Park

- B11 Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate:
- a) all vehicles should enter and leave the Site in a forward direction;
 - b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) must be in accordance with *AS 2890.1-2004*, *AS2890.6* for accessible spaces and *AS 2890.2-2002* for heavy vehicle usage;
 - c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
 - d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority;
 - e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the Site, must be in accordance with AUSTROADS; and

Number of Car Parking Spaces

- B12 The maximum number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Car parking allocation	Number
Commercial	17
Retail	1

Number of Bicycle Parking Spaces

- B13 The minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Bicycle parking allocation	Number
Overall	40

Facilities for Cyclists

- B14 The layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3 – 2015*.
- B15 Employees within Building C1 shall be afforded access to the secure bicycle parking spaces and end-of-trip facilities within the basement.
- B16 Storage, change room and shower facilities for use by employees shall be provided and designed in accordance with the details provided within the application. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B17 Appropriate way finding signage shall be displayed indicating the way to the bicycle facilities.

Ecologically Sustainable Development (ESD)

- B18 The project must incorporate all design, operation and construction measures as identified in the Sustainability Strategy that relate to Commercial Building C1 prepared by Lendlease Design, dated 18 October 2017. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Sustainability Rating

- B19 The building must be designed to achieve a minimum 5 Star Green Star rating under the Green Building Council of Australia Rating Tool. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit details to the Certifying Authority demonstrating compliance with this requirement. Minor amendments to the detailed design required to adapt the building to achieve 5 Star Green Star certification may be submitted to and approved by the Secretary prior to the issue of the relevant Construction Certificate. Any minor amendments to the detailed design must be demonstrably associated with the green star certification process.

Installation of Water Efficient Fixtures and Fittings

- B20 All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate being issued for above ground works.
- B21 All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate for services and finishes works.

- B22 New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B23 Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Paving Material and Tactile Ground Surface Indicators and Handrails

- B24 The surface of any material used or proposed to be used for the paving of the Strada, colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with *AS/NZS 4586:2004 (including amendments) 'Slip resistance classification of new pedestrian surface materials'*.
- B25 All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

Signage within Commercial Signage Zones

- B26 Prior to the issue of the relevant Construction Certificate, the detailed design of the all signage (eg materials, finishes, dimensions) within the commercial signage zones must be submitted to and approved by the Secretary.
- B27 Signage within commercial signage zones is to be limited to two facades of the building and one sign within each signage zone at all times.

Requirements of Public Authorities

- B28 The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) 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 are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.

Sydney Water Notice of Requirements

- B29 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of any Construction Certificate.

Pre-construction Dilapidation Report

- B30 If not already undertaken, the Applicant is to engage a qualified structural engineer 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'. The report shall be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate. A copy of the report is to be forwarded to the Barangaroo Delivery Authority.

Footpath Damage Guarantee

- B31 If not already obtained, a Footpath Damage Bank Guarantee to cover the site frontage which may be damaged and 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.

The guarantee must be lodged with the relevant road authority prior to the issue of the relevant Construction Certificate.

Mechanical Ventilation

B32 All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Mechanical Plant Noise Mitigation

B33 Details of noise mitigation measures for all mechanical plant 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 the NSW Industrial Noise Policy and other guidelines applicable to the development is required to be submitted to the Certifying Authority and the Secretary prior to the issue of the relevant Construction Certificate.

Sanitary Facilities for Disabled Persons

B34 The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Telecom

B35 Prior to the issue of a Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- i. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- ii. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act).

Co-generator exhaust

B36 Detailed roof plans showing the co-generator exhaust flues are to be submitted to the certifying authority and the Planning Secretary, prior to the issue of the relevant Construction Certificate.

END OF PART B

PART C PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

- C1 The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.

If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Community Communication Strategy

- C2 A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, City of Sydney Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following completion of construction:

The Community Communication Strategy must:

- a) identify people to be consulted during the design and construction phases;
- b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

The Community Communication Strategy must be submitted to the Secretary for approval no later than one month before the commencement of any work.

Work for the purposes of the development must not commence until the Community Communications Strategy has been approved by the Secretary, or within another timeframe agreed with the Secretary.

The Community Communication Strategy, as approved by the Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Construction Environmental Management Plan

- C3 Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** for the development and be submitted to the PCA. The CEMP must:

- a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
- b) describe all activities to be undertaken on the site during site establishment and construction of the development;
- c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
- d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- e) be prepared in consultation with the Council, EPA, RMS and TNSW and include specific consideration of measures to address any requirements of these agencies during site establishment and construction;
- f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
- g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
- h) document and incorporate all relevant environmental management plans (Conditions C4, C5, C6, C7, C8) control plans, studies and monitoring programs required under this part of the consent; and
- i) include arrangements for community consultation and complaints handling procedures during construction.

In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Secretary.

Construction Noise and Vibration Management Plan

- C4 Prior to the commencement of works, an updated **Noise and Vibration Management Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the PCA. The Plan must be consistent with and adopt all recommendations of the Barangaroo South C1 Commercial Building Construction and Operational Noise Report (prepared by Wilkinson Murray dated August 2017). The Noise and Vibration Management Plan must establish Noise Management Levels for the closest residential properties, including the provision of reasonable and feasible noise mitigation measures.

The Noise and Vibration Management Plan must also include practical measures to minimise noise impacts, specifically on Saturdays.

Prior to the commencement of works, a copy of the CNVMP must be submitted to Council and the Secretary.

Construction Pedestrian and Traffic Management Plan

- C5 Prior to the issue of the relevant Construction Certificate, a Construction Pedestrian and Traffic Management Plan for Building C1 prepared in consultation with the Sydney Coordination Office within TfNSW by a suitably qualified person for the development shall be submitted to the Barangaroo Delivery Authority and Transport for NSW for endorsement and submitted to the Certifying Authority.

The Construction Pedestrian and Traffic Management Plan must be consistent with and adopt all recommendations of the Transport Assessment prepared by ARUP dated 18 October 2017 and detail the measures that would be implemented to minimise the impact of the construction traffic on the safety and capacity of the surrounding road network.

The Construction Pedestrian and Traffic Management Plan should identify interfaces with other developments within the Barangaroo precinct and coordinated TMPs and TCPs with these developments for the duration of the works.

Prior to the commencement of works, a copy of the CPTMP must be submitted to Council and the Secretary.

Construction Air Quality Management Plan

- C6 Prior to the commencement of works, an updated **Air Quality and Odour Management Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the Environment Protection Authority (EPA) for review and submitted to the PCA. The Plan must comply with Environment Protection Licence number 13336, where relevant.

Prior to the commencement of works, a copy of the CAQOMP must be submitted to the Secretary.

Waste Management Plan

- C7 Prior to the issue of a relevant Construction Certificate, a **Waste Management Plan** for Building C1 prepared by a suitably qualified person shall be submitted to the PCA. Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the PCA.

A copy of the WMP must be submitted to the Barangaroo Delivery Authority and Secretary.

Prior to the commencement of works, a copy of the CSWMP must be submitted to the Secretary.

Water and Stormwater Management Plan

- C8 Prior to the commencement of works, an updated **Water and Stormwater Management Plan** (WSMSP) for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA for review and submitted to the satisfaction of the Certifying Authority.

The WSMSP must ensure that any effluents/liquid waste streams associated with the development that are directed to the site Wastewater Treatment Plant (WTP) would be sufficiently treated to ensure:

- (a) compliance with the relevant concentration limits required by Environment Protection Licence No. 13336 prior to discharge to Sydney Harbour; and/or
- (b) compliance with the relevant requirements of an executed Trade Waste Agreement with Sydney Water Corporation prior to discharge to sewer.

The WSMSP shall include a suitable short period intensive monitoring program to characterise key pollutants in liquid waste inflows to and discharges from the WTP associated with the development to ensure this waste is treated to an acceptable level.

Prior to the commencement of works, a copy of the WSMSP must be provided to the Secretary.

Compliance

- C9 The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Compliance Reporting

- C10 A Pre-Construction Compliance Report must be prepared for the development, and submitted to the PCA for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.

The Pre-Construction Compliance Report must include:

- a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
- b) the expected commencement date for construction.

Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Secretary.

The Construction Compliance Reports must include:

- a) a results summary and analysis of environmental monitoring;
- b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
- c) details of any review of the CEMP and associated plans as a result of construction carried out during the reporting period;
- d) a register of any modifications undertaken and their status;
- e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
- f) a summary of all incidents notified in accordance with this consent; and
- g) any other matter relating to compliance with the terms of this consent or requested by the Secretary.

Complaints and Enquiries Procedure

- C11 Prior to the commencement of construction works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - b) a postal address to which written complaints and enquiries may be sent; and
 - c) an email address to which electronic complaints and enquiries may be transmitted.

Access to Information

C12 At least 48 hours before the commencement of construction and until the completion of all works under this consent, or such other time as agreed by the Secretary, the Applicant must:

- a) make the following information and documents (as they are prepared, obtained or approved) publicly available on its website:
 - i. the documents referred to in Condition A3(c) and (d) of this consent;
 - ii. all current statutory approvals for the development;
 - iii. all approved strategies, plans and programs required under the conditions of this consent;
 - iv. regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - vi. a summary of the current stage and progress of the development;
 - vii. contact details to enquire about the development or to make a complaint;
 - viii. a complaints register, updated monthly;
 - ix. audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - x. any other matter required by the Secretary; and
- b) keep such information up to date, to the satisfaction of the Secretary.

Independent Environmental Audit

C13 No later than one month before the commencement of construction or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance with AS/NZS ISO 190-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014) and submitted to the Secretary for information.

The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

The environmental audit program of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:

- a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
- b) assesses whether the development is complying with the terms of this consent;
- c) reviews the adequacy of any document required under this consent; and
- d) recommends measures or actions to improve the environmental performance of the development, improvements to any document required under this consent.

Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

Note: The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.

Demolition Works

- C14 Demolition work must comply with the provisions of *Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001)*. The work plans by AS2601:2001 must 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 PCA prior to the commencement of works.

Hoarding

- C15 A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- a) architectural, construction and structural details of the design as well as proposed artwork; and
 - b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

Barricade Permit

- C16 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.

Road Occupancy Licence

- C17 A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

END OF PART C

PART D DURING CONSTRUCTION

Construction hours

- D1 Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- a) between 7 am and 7 pm, Mondays to Fridays inclusive;
 - b) between 7 am and 5 pm, Saturdays.
 - c) No construction work may be carried out on Sundays or public holidays, notwithstanding the out-of-hours works permitted below.

Out-of-hours construction works relating to internal services are permitted to be carried out between the following hours:

- a) between 7 pm and 7 am, Mondays to Fridays inclusive; and
- b) between 5 am and 7 pm, Saturdays and Sundays.

Out-of-hours works relating to paving works and the dismantling of tower cranes are permitted to be carried out between 8 am and 5 pm on Sundays.

The permitted occasions and months for the out-of-hours works are as follows:

<u>Works</u>	<u>Occasions</u>	<u>Months Permitted</u>
<u>Demolition of Tower Crane</u>	<u>1 Sunday</u>	<u>During July 2019 and August 2019</u>
<u>Paving Works</u>	<u>4 Sundays</u>	<u>During July 2019 and September 2019</u>
<u>Internal Services Works</u>	<u>10 weeks</u>	<u>During June 2019 to September 2019</u>

Activities may be undertaken outside of these hours if required:

- a) by the Police or a public authority (not the Applicant) for the delivery of vehicles, plant or materials; or
- b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

Rock breaking, rock hammering, sheet piling, pile driving, tile or paver sawing and similar activities may only be carried out between the following hours:

- a) 9 am to 12 pm, Monday to Friday;
- b) 2 pm to 5 pm, Monday to Friday;
- c) 9 am to 12 pm, Saturday
- d) 9 am to 12 pm, Sunday; and
- e) 2 pm to 5 pm, Sunday.

Noise and Vibration Management

- D2 The development must 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 must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **Construction Environmental Management Plan**.

- D3 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.
- D4 Heavy vehicles and oversized vehicles must not queue or idle on Hickson Road awaiting access to the Subject Site.
- D5 The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers.
- D6 Vibration caused by construction at any residence or structure outside the subject site must be limited to:
 - a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
 - b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*; and
 - c) 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.

Site Protection and Works

- D7 All adjacent building elements are to be protected during the works from potential damage.

Approved plans to be on site

- D8 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

- D9 A site notice(s) must 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, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
 - a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Site Contamination Issues During Construction

- D10 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

SafeWork NSW Requirements

- D11 To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

Hoarding/Fencing Requirements

- D12 The following hoarding requirements must be complied with:
- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
 - b) the construction site manager must be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

Implementation of Management Plans

- D13 The Applicant must ensure the requirements of the **Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Air Quality and Odour Management Plan, Waste Management Plan, Construction Pedestrian Traffic Management Plan and Water and Stormwater Management Plan** required by **Part C** of this consent are implemented during construction.

Hazardous Waste Removal

- D14 All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D15 Removal of any other hazardous building materials must be undertaken by a suitably licensed contractor.

Covering of Loads

- D16 All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

- D17 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Erosion and Sediment Control

- D18 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.

No Obstruction of Public Way

- D19 The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

Setting Out of Structure

- D20 The building shall be set out by a registered surveyor to verify the correct position of the 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.

Contact Telephone Number

- D21 The Applicant must 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.

Construction Waste

- D22 Construction waste should be managed generally in accordance with the EPA's brochure entitled "*Know your responsibilities: managing waste from construction sites*".
- D23 The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's *Waste Classification Guidelines 2014* and disposed of at a facility that may lawfully accept that waste.

Water Quality

- D24 All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the following guideline documents:
- a) *NSW Water Quality Objectives*; and
 - b) *The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000)* for the environmental values under the ANZECC guidelines.

Loading and Unloading During Construction

- D25 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 Barangaroo Delivery Authority 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.

Operation of Plant and Machinery

- D26 All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and

- b) operated in a proper and efficient manner.

Bunding

- D30 The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

Pollution of Waters

- D31 No approval is granted to pollute waters. All water discharge from the site must meet all requirements of the *Protection of the Environment Operations Act 1997*.

END OF PART D

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate

- E1 An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved building, whichever occurs first.

GFA and Height Certification

- E2 A Registered Surveyor is to certify that the GFA of the building does not exceed 11,703m² and the height of the building does not exceed RL 33.2 m AHD. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate.

Waste Management Plan

- E3 Prior to the commencement of the use, an updated **Waste Management Plan** (WMP) prepared by a suitably qualified person shall be submitted to the satisfaction of the PCA.

The WMP must outline all measures that would be implemented to ensure the effective management of operational waste associated with the development. The WMP must outline how waste would be minimised, handled, stored and disposed of in accordance with the relevant guidelines and legislation.

Prior to the commencement of use, a copy of the WMP must be submitted to the Barangaroo Delivery Authority.

Waste and Recycling Collection

- E4 Prior to the issue of any Occupation Certificate and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

Wind Mitigation Measures

- E5 Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all wind mitigation recommendations of the Wind Impact Assessment, prepared by Cermak Peterka.

Fire Safety Certification

- E6 Prior to the issue of an Occupation Certificate, a **Fire Safety Certificate** must be obtained for all the 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 be prominently displayed in the building.

Structural Inspection Certificate

- E7 A **Structural Inspection Certificate** must be submitted to the satisfaction of the PCA prior to the use of the building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority after:
- a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Car Parking, Bicycle and Facilities for Cyclists' Certification

- E8 Prior to the issue of any Occupation Certificate, details shall be provided to the PCA demonstrating compliance with the approved number of car parking and bicycle spaces required under **Conditions B12** and **B13**, and facilities for cyclists required under **Conditions B14-17**.

Sanitary Facilities for Disabled Persons

- E9 Prior to the issue of the final Occupation Certificate, details must be provided to the PCA demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and Condition B45.

Mechanical Ventilation

- E10 Following completion, installation and testing of all mechanical ventilation systems, the Applicant shall provide evidence of the satisfaction of the PCA, prior to the commencement of use, that the installation and performance of the mechanical systems complies with:
- a) Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) the development consent; and
 - d) any dispensation granted by FRNSW.

Road Damage

- E11 The cost of repairing any damage caused to Barangaroo Delivery 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 prior to the occupation/use of the building.

Protection of Public Infrastructure

- E12 Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Post-Construction Dilapidation Report

- E13 Prior to the issue of any Occupation Certificate:
- a) the Applicant must 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:
 - c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
 - d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
 - e) a copy of this report is to be forwarded to the Council and the Secretary and each of the affected property owners.

Sydney Water Compliance

- E14 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 the use of the development.

Utility Providers

- E15 Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Numbering

- E16 Prior to the issue of any Occupation Certificate, street numbers must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.
- E17 Shops not having a direct street frontage must have their shop number clearly displayed and visible at all times on the shop front.

Co-generator

- E18 The Applicant must obtain a NSW EPA Resource Recovery Order/Resource Recovery Exemption or an Environmental Protection Licence prior to the operation of the co-generator.**

END OF PART E

PART F POST OCCUPATION OR DURING USE

Hours of Operation

F1 The hours of operation shall be as follows:

Land Use	Hours of Operation
Commercial	24 hours (all days)

External Lighting

F2 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 evidence from an independent qualified practitioner, to the consent authority, demonstrating compliance in accordance with this condition.

Noise Control - Plant and Machinery

- F3 Noise associated with the operation of any plant, machinery or other equipment on the site, must not give rise to any one or more of the following:
- transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
 - a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; or
 - exhibit tonal, impulsive or other annoying characteristics

Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be above the background noise level between the hours of 12 midnight and 7 am.

Noise Control - Use

- F4 Noise emanating from the premises must not give rise to any one or more of the following:
- transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
 - the LA10 noise level must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 7 am and 12 midnight at the boundary of any affected residence;
 - the LA10 noise level emitted must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12 midnight and 7 am at the boundary of any affected residence; and
 - notwithstanding compliance with (a), (b) and (c) above, all noise associated with the premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 am.

Signage

- F5 A maximum of one sign is permitted to be erected/used on the north elevation at any one time.

Unobstructed Driveways and Parking Areas

- F6 At all times the, car parking spaces must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Loading/Unloading

- F7 All vehicles using the loading dock shall enter and exit the site in a forward motion.
- F8 All loading and unloading operations associated with the site must be carried out within the basement.

Annual Fire Safety Certificate

- F9 An annual **Fire Safety Statement** must be given to Council and the FRNSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure 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.

Handling of Waste

- F10 The removal of recycled bottles and glasses must only occur between 7 am and 8 pm weekdays and 9 am and 5 pm weekends and public holidays to avoid disruption to the area.
- F11 All waste must be collected from the basement. No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

Operation of plant and equipment

- F12 All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Odour Requirements

- F13 The use of the co-generator must not give rise to the emission of gases, vapours or other impurities which are a nuisance, injurious or prejudicial to health.
- F14 The use of the co-generator and associated equipment must not cause or permit the emission of any offensive odour from the premises as defined in the Protection of Environment Operations Act 1997.
- F15 Gaseous emissions from the use of the co-generator must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulation. Uses that produce airborne particulate matter must incorporate a dust collection system.

Design and operation of co-generator

- F16 The co-generator must be designed, installed and operated in accordance with the Noise Assessment titled 'Barangaroo South Building C1 Co-Generation Plan Noise Assessment' dated 22 February 2019. The co-generator plant must not emit low frequency noise when measured at the nearest residential receivers.

- F17** **The co-generator must be designed, installed and operated in accordance with the air quality impact assessment titled 'Used Cooking Oil Co-Generation Plan – Barangaroo South Air Quality Impact Assessment' dated 5 December 2019 and correspondence titled 'Advice Note – UCO Cogen Plant – Clarification for COS' dated 4 December 2019.**

END OF PART F

ADVISORY NOTES

APPEALS

AN1 Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

OTHER APPROVALS AND PERMITS

AN2 The Applicant must apply to NSW Heritage for any approvals under the *Heritage Act 1977* (if required), and the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

TEMPORARY STRUCTURES

AN4

- a) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

AN5 This application has been assessed in accordance with the EP&A Act. 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 BCA 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

AN6

- a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) 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.
- b) This application has been assessed in accordance with the EP&A Act. 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 EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN7 You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

END OF ADVISORY NOTES