

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF MAJOR PROJECT NO. 05\_0056**

**(FILE NO. 9040697)**

**SOFITEL HOTEL, OLYMPIC BOULEVARDE, SYDNEY OLYMPIC PARK**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J Clause (2) determine the major project proposal referred to in the attached Director-General's Environmental Assessment Report, by **granting consent** to the major project referred to in the attached Schedule 1 except as varied by the conditions of consent in the attached Schedule 2.

This consent applies to the plans, drawings and documents cited by the Proponent in its Environmental Assessment and identified in the attached Schedule 2 and the Proponent's Statement of Commitments, subject to the conditions of approval in the attached Schedule 2.

Frank Sartor MP  
**Minister for Planning**

Sydney,

2006

## SCHEDULE 1

### PART A—TABLE

<b>Application made by:</b>	TAHL Homebush Pty Ltd
<b>Application made to:</b>	Minister for Planning
<b>Major Project Application:</b>	MP 05_0056
<b>On land comprising:</b>	Site 4 Town Centre Precinct, Sydney Olympic Park Lot 50 DP 1045522 Lot 6001, DP 1018860, Lot 60 DP 786296 and Lot 5200 DP 1009021
<b>Local Government Area</b>	Auburn
<b>For the carrying out of:</b>	Construction of an 18 storey five star hotel including 212 hotel rooms above a four level podium. The podium will contain lobby, bar, retail outlet, kitchen, conference facilities, hotel services, gymnasium, hotel administration, hotel suites and guest rooms. 120 car spaces over two basement levels will be provided.
<b>Estimated Cost of Works</b>	\$45,000,000
<b>Type of development:</b>	Major Project
<b>S.119 Public inquiry held:</b>	No

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 05\_0056

#### Responsibility for other approvals / agreements

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

#### Appeals

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

#### Appeals—Third Party

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

#### Legal notices

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

### PART C—DEFINITIONS

In this consent,

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

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

**Authority** means the Sydney Olympic Park Authority.

**Council** means Auburn Council.

**Department** means the Department of Planning or its successors.

**Director** means the Director of the Urban Assessments (or its successors) within the Department or the nominees of the Director.

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

**Environmental Assessment** means the Environmental Assessment prepared by MG Planning Pty Ltd, dated March 2006 and amendments prepared by MG Planning Pty Ltd dated April 2006.

**Minister** means the Minister for Planning.

**MP No. 05\_0056** means the Major Project described in the Proponent's Environmental Assessment Report.

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

**Proponent** means TAHL Homebush Pty Ltd or any party acting upon this consent.

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

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

## SCHEDULE 2

### RECOMMENDED CONDITIONS OF APPROVAL

#### MAJOR PROJECT NO. 05\_0056

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1 Development Description**

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

- excavation for the provision of two levels of basement car parking;
- construction of basement car parking to provide 120 car spaces and a linking tunnel to neighbouring hotels; and
- construction of an eighteen storey building that will be a five star hotel including:
  - At ground level: hotel lobby, bar, retail outlet, restaurant and kitchen,
  - Level 1: conference facilities and hotel services,
  - Mezzanine Level: gymnasium and hotel administration, and
  - Levels 2 to 18: hotel suites and guest rooms (totalling 212 rooms).

##### **A2 Development in Accordance with Plans**

The development will be undertaken in accordance with the Environmental Assessment dated March 2006 prepared by MG Planning Pty Ltd, amendments prepared by MG Planning Pty Ltd dated April 2006, the Proponent's Response to Submissions dated 7 June 2006 prepared by MG Planning Pty Ltd, the Proponent's Statement of Commitments included in the Environmental Assessment prepared by MG Planning Pty Ltd dated April 2006 and the following drawings:

<b>Architectural (or Design) Drawings prepared by <i>PTW Architects and Reid Campbell (NSW) Pty Ltd</i></b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
EA-00	F	Cover Sheet and Location Plan	Nov 2005
EA-01	F	Site Analysis Plan	Nov 2005
EA-02	F	Site Plan	Nov 2005
EA-03	F	Basement Car Park level B2 Plan	Nov 2005
EA-04	F	Basement Car Park level B1 Plan	Nov 2005
EA-05	J	Ground Floor Plan	Nov 2005
EA-06	F	Level 1 Floor Plan	Nov 2005
EA-07	F	Mezzanine Level Floor Plan	Nov 2005
EA-08	F	Level 2 Floor Plan	Nov 2005
EA-09	F	Level 3 Floor Plan	Nov 2005
EA-10	F	Level 4 Floor Plan	Nov 2005
EA-11	F	Levels 5-15 Typical and Level 16 Floor Plans	Nov 2005
EA-12	E	Roof Plant Level Floor Plan and Roof Plan	Nov 2005

EA-13	F	Preliminary North and West Elevations	June 2006
EA-14	F	Preliminary South and East Elevations	June 2006
EA-15	F	Section AA	Nov 2005
EA-16	E	Section BB	Nov 2005
EA-22	F	Detailed Façade Studies Sheet 2	Feb 2006
EA-23	F	Detailed Façade Studies Sheet 3	Feb 2006
<b>Site survey prepared by <i>Hard &amp; Forester Consulting Surveyors</i></b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
111491001	00	Proposed Sofitel site in relation to proposed rail loop	30/11/05

except for:

- (1) any modifications which are 'Exempt Development' as identified in *Sydney Regional Environmental Plan No. 24 – Homebush Bay Area* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this consent.

### **A3 Inconsistency between documents**

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

### **A4 Prescribed Conditions**

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

## **PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Design Details**

#### **B1 Details of Materials, Colours and Finishes**

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours, shall be submitted to and approved by the Director prior to the issue of a Construction Certificate for above ground works.

#### **B2 Outdoor Lighting**

All outdoor lighting shall comply with the relevant Australian Standards. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

#### **B3 Internal Lighting**

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 for the approval of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

#### **B4 Reflectivity**

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

#### **B5 Disabled Access**

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

#### **B6 Acid Sulphate Soil Management Plan**

An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

#### **B7 Pre-Construction Dilapidation Reports**

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

A copy of the report is to be forwarded to the Director and SOPA.

### **Traffic & Parking**

#### **B8 Car Park and Service Vehicle Layout**

- (1) The layout of the car park shall comply with the relevant Australian Standard AS2890.1: *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The layout of any service vehicle areas shall comply with the relevant Australian Standard AS2890.2: *Off Street Parking Part 2 – Commercial Vehicles Facilities* where relevant.
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below ground works.

### **Landscaping**

#### **B9 Landscape Plan**

In accordance with the Proponent's Response to Submissions dated 7 June 2006, a landscape plan incorporating the following shall be prepared:

- (1) The proposed replacement of the existing spotted gums along Herb Elliott Avenue with identical species in accordance with the Sydney Olympic Park Authority's requirements.

Details shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

## **Ecologically Sustainable Development (ESD)**

### ***B10 Water Reclamation and Management Scheme***

Provision is to be made for connection to the Sydney Olympic Park Water Reclamation and Management Scheme (WRAMS) to the satisfaction of SOPA

### ***B11 Water saving devices***

- (1) All toilets installed within the development must be of water efficient dual-flush capacity with a minimum "AAA" rating. The details must be submitted for the approval of the Certifying Authority, prior to the issue of a Construction Certificate for above ground works.
- (2) All taps and shower heads installed must be water efficient with a minimum "AAA" rating. The details are to be submitted for the approval of the Certifying Authority, prior to the issue of a Construction Certificate for above ground works.

### ***B12 Energy Star Ratings***

The detailed design of the hotel shall be executed in accordance with the initiatives and undertakings set out in the Design Environmental Management Plan prepared by Cundall in accordance with the Authority's Sustainability Strategy. Any variations to the initiatives or targets detailed in the approved Design Environment Management Plan require the prior approval of the Manager, Environmental Policy, Sydney Olympic Park Authority.

## **Health**

### ***B13 Mechanical Ventilation***

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 Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### ***B14 Design of Food Premises***

The fitout of the food premises shall be carried out in accordance with *The National Code for the Construction and Fitout of Food Premises*. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### ***B15 Plan stamping by Sydney Water for new buildings***

The relevant approved plan, which shows the building footprint, must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or

easements, and if further requirements need to be met prior to the issue of a Construction Certificate.

For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

## **Impacts on Rail Infrastructure and Facilities**

### ***B16 Property and Title Searches and Surveys***

In accordance with the Proponent's Response to Submissions dated 7 June 2006, the Proponent is required to provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.

### ***B17 Stray Currents and Electrolysis from Rail Operations***

In accordance with the Proponent's Response to Submissions dated 7 June 2006, the Proponent is to procure a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control the risk. The Proponent is advised to consult an Electrolysis expert. The expert's report must be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.

### ***B18 Geotechnical and Structural Stability and Integrity***

In accordance with the Proponent's Response to Submissions dated 7 June 2006, a geotechnical report is needed to evaluate the impact of the development on the rail tunnel below the subject site. The report must also evaluate the impacts of excavation on any surrounding infrastructure including roads. The Proponent shall submit a Geotechnical Report for review by RailCorp and the Authority to ensure that the proposed development is structurally sound and will not jeopardise the structural integrity of the existing rail tunnel or any surrounding infrastructure including roads.

### ***B19 Track Possessions and Power Outages***

In accordance with the Proponent's Response to Submissions dated 7 June 2006, should the proposed construction and installation work require track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to RailCorp's facilities) a Deed must be entered into with RailCorp enabling this work to be planned and to proceed in a safe manner. The Proponent must contact the Rail Corridor Management Group (RCMG) if such a Deed is required.

### ***B20 RailCorp Deed***

In accordance with the Proponent's Response to Submissions dated 7 June 2006, RailCorp facilities must be protected and adverse effects as a result of the development avoided. Should the development impact RailCorp facilities, access to RailCorp facilities, require track possession, and/or power outages, the proponent is required to enter into an agreement with RailCorp defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp and RailCorp facilities, and the involvement of RailCorp staff in ensuring the appropriate safety and technical standards are complied with throughout the development.

## **Compliance**

### ***B21 Compliance Report***

Prior to the issue of any Construction Certificates, the Proponent, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

## **PART C—PRIOR TO COMMENCEMENT OF WORKS**

### ***C1 Site Audit***

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

### ***C2 Construction Management Plan***

All works are to be carried out in accordance with the approved Construction Management Plan required by the Proponent's Statement of Commitments (attached Appendix 3) which will include details of the construction process including, but not limited to:

#### **(i) Erosion and Sediment Control**

An Erosion and Sediment Control Plan including soil erosion and sediment control measures designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom;

#### **(ii) Excavation Works**

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

#### **(iii) Demolition Works**

Any demolition work shall comply with all relevant standards including the provisions of Australian Standard AS2601: *The Demolition of Structures*. The work plans required by AS2601: 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 works.

#### **(iv) Noise and Vibration Management Plan**

A Noise and Vibration Management Plan addressing but not limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,

- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

and including but not limited to identification of hours of work, construction noise and vibration management, soil erosion and sediment control plan, air quality and dust control procedures, waste management plan, storage and handling of material, and emergency procedures.

#### **(v) Hazardous Materials**

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

#### **(vi) Setting Out of Structures**

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

#### **(vii) Structural Works**

Prior to the commencement of any structural works, the Proponent shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

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

#### **(viii) Approved Plans to be On-site**

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

**(ix) Contact Telephone Number**

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

**(x) Site Notice**

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

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

**(xi) Disposal of Seepage and Stormwater**

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

**(xii) Hours of Work**

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

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

Works may be undertaken outside these hours where:

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

### **(xiii) Construction Noise Objective**

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

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

Background noise levels are those identified in the in the approved Construction Management Plan. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

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

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

### **(xiv) Construction Noise Management**

The Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Management Plan:
  - (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Management Plan.

### **(xv) Vibration Criteria**

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

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

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

### **(xvi) Traffic and Pedestrian Management Plan**

Prior to the commencement of any works on the site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person to be submitted to and approved by the Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site;
- (2) loading and unloading, including construction zones;
- (3) predicted traffic volumes, types and routes; and
- (4) pedestrian and traffic management methods.

## **Impacts on Rail Infrastructure and Facilities**

### ***C3 Dilapidation Surveys***

In accordance with the Proponent's Response to Submissions dated 7 June 2006, prior to the commencement of works, during works, prior to the issue of the Occupation certificate, and following occupation, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during and after construction to be observed. The timing of the surveys is to be agreed with rail. The submission of detailed dilapidation reports may be required as a result.

### ***C4 Demolition, Excavation and Construction Impacts***

In accordance with the Proponent's Response to Submissions dated 7 June 2006, the following conditions are to be adopted where necessary and where comment or approval from RailCorp is required, RailCorp is to respond to correspondence and inquiries initiated by the Proponent within 28 days. RailCorp will be notified of the conditions of consent upon determination.

- a) 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 prior to the works commencing on the site. It should be noted that RailCorp's representative may impose further conditions on the methods to be used and require the provision of on-site Safe Working supervision for certain aspects of the works.
- b) Should, according to RailCorp's representative, any unforeseen risks to rail infrastructure become apparent (e.g. falling material) the Proponent will be required to submit information relating to the attenuation of that risk for approval by RailCorp's representative.
- c) The use of any crane, plant or machinery shall comply with the RIC Electrical Safety Manual and all relevant RIC Standards and Guidelines. Construction equipment such as scaffolding shall not impinge over the rail corridor.
- d) No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders are to be used within the rail corridor.
- e) No excavation or boring is permitted within 2.0 metres (measured horizontally) of high voltage underground cable and 1.0 metre (measured horizontally) for low voltage cables.
- f) No plant or vehicle is permitted to encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance.
- g) No infrastructure or equipment is to be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no impact will occur to rail infrastructure, e.g. signal sighting, safety signage, emergency access.

- h) As large-scale excavation is involved, the Proponent is required to put in place a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. The plan for this is to be submitted to RailCorp for review prior to the commencement of works.
- i) Details of any proposed piling, sheet piling, batter and anchors should be provided to RailCorp for review and comment prior to work commencing. RailCorp may require the removal of such construction aids.

## **Compliance**

### ***C5 Compliance Report***

Prior to the commencement of works, the Proponent, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

## **PART D—DURING CONSTRUCTION**

### **Ecologically Sustainable Development**

#### ***D1 Recycling of Concrete***

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

### **Engineering**

#### ***D2 Road Damage***

The cost of repairing any damage caused to the Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent prior to the occupation or use of the works.

### **Public Access**

#### ***D3 Public Way to be Unobstructed***

The public way or any nominated temporary pedestrian link established during construction must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

## **Compliance**

#### ***D4 Compliance Report***

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

## **PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION**

There are no conditions of consent relevant to this section.

## **PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Occupation Certificate**

#### ***F1 Occupation Certificate to be Submitted***

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

### **Engineering**

#### ***F2 Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to occupation of the works. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

#### ***F3 Annual Fire Safety Statement***

For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.

#### ***F4 Mechanical Ventilation***

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:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

#### ***F5 Structural Inspection Certificate***

A Structural Inspection Certificate or a Compliance Certificate for any structural work is to be submitted to the satisfaction of the PCA prior to use of the premises.

#### ***F6 Sydney Water***

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

#### ***F7 Traffic management***

In accordance with the Proponent's Statement of Commitments, Commitment 4.13, FFF, an Operational Environmental Management Plan is to be completed prior to occupation and submitted to the satisfaction of the Authority prior to occupation. The Operational Environmental Management Plan is to include a traffic management plan for special events developed in consultation with SOPA.

## **PART G—POST OCCUPATION**

### **Fire Safety**

#### **G1 Annual Fire Safety Certification**

The owner of the building shall certify to relevant authority 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.

### **Noise**

#### **G2 Noise Control – Plant and Machinery**

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (1) Transmission of “*offensive noise*” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (2) A sound pressure level at any affected 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.
- (3) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

### **Compliance**

#### **G3 Compliance Report**

The Applicant, or any party acting upon this consent, shall submit to the Department a report three months post occupation addressing compliance with all relevant conditions of this consent.

### **ADVISORY NOTES**

#### **AN1 Signage**

A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of the relevant authority prior to the erection or display of any such signs.

#### **AN2 Requirements of Public Authorities for Connection to Services**

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

public authorities are to be submitted to the satisfaction of the PCA prior to the commencement of works.

### ***AN3 Compliance with Building Code of Australia***

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

### ***AN4 Application for Hoardings and Scaffolding***

A separate application may be required to erect a hoarding or scaffolding in a public place and reference should be made to the Authority's Guidelines for Outdoor Advertising Identification and Promotional Signage.

### ***AN5 Use of Mobile Cranes***

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

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

### ***AN6 Movement of Trucks Transporting Waste Material***

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

### ***AN7 Approval under Roads Act 1993***

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

### ***AN8 Construction Inspections***

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

### ***AN9 Noise Generation***

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

### ***AN10 Stormwater drainage works or effluent systems***

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

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

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

### ***AN11 Temporary Structures***

An approval under Section 68 of the Local Government Act 1993 must be obtained from the SOPA for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

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

### ***AN12 Disability Discrimination Act***

This major project 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 proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### ***AN13 Compliance with National Code for Construction and fitout of food premises***

An Applicant shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fitout of Food Premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

### ***AN14 Place of Public Entertainment***

Where necessary, an approval from the relevant authority under Section 68 of the Local Government Act 1993 must be obtained for a "Place of Public Entertainment Licence" prior to the use of the premises for public entertainment commencing. The Proponent shall provide evidence of receipt of the approval to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

### ***AN15 Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

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.

This major project 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

proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent 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.