

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06_0273

(FILE NO. S06/00819-1)

SITE 4B, 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) approve the major project referred to in Schedule 1 subject to the conditions in Schedule 2 and the proponents Statement of Commitments in Schedule 3.

Frank Sartor MP
Minister for Planning

Sydney, 2007

SCHEDULE 1

PART A—TABLE

Application made by:	Bovis Lend Lease
Application made to:	Minister for Planning
Major Project Application:	MP 06_0273
On land comprising:	Olympic Boulevard, Sydney Olympic Park Lot 60 DP 786296 & Pt Lot 50 DP 1045522
Local Government Area	Auburn
For the carrying out of:	Construction of a 7 storey commercial office building and associated landscaping works. The ground floor will contain a café and a retail/commercial space. 369 car parking spaces over 5 basement levels will be provided.
Estimated Cost of Works	\$84,613,718
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	19 October 2007
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0273

Responsibility for other consents / 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 Regulation, 2000* (as amended).

Appeals—Third Party

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

Legal notices

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

PART C—DEFINITIONS

In this approval,

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 approval.

Council means Auburn Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

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

Environmental Assessment means the Environmental Assessment prepared by Helen Mulcahy Urban Planning and dated March 2007.

Minister means the Minister for Planning.

MP No. 06_0273 means the Major Project described in the Proponent's Environmental Assessment.

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

Preferred Project Report means the report prepared by Helen Mulcahy Urban Planning and dated July 2007, following the exhibition of the Site 4B Sydney Olympic Park Concept Design in September 2006, receipt of public submissions, and consultations with the Department of Planning.

Proponent means Bovis Lend Lease or any party acting upon this approval.

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

SOPA means the Sydney Olympic Park Authority.

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. 06_0273

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

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

- 5 basement car park levels with 369 car parking spaces;
- Ground floor comprising café, retail/commercial space, lobby and loading dock;
- 6 levels of commercial office space with a gross floor area of 24,143 sq.m;
- Landscape treatment of the public domain between the subject site and the Sofitel Hotel; and
- Removal of 22 trees.

(2) The fitout, hours of operation and detailed operations of the retail tenancies do not form part of this approval and shall be subject to separate development applications lodged with SOPA.

(3) Development must be carried out consistently with the Statement of Commitments (attached Schedule 3) except as amended by the conditions of approval.

(4) These conditions of approval do not relieve the Proponent of its obligations under any other Act.

A2 *Development in Accordance with Plans*

The development will be undertaken in accordance with the Environmental Assessment dated March 2007 prepared by Helen Mulcahy Urban Planning including all Appendices and the Proponent's Statement of Commitments (Schedule 3), as modified by the Preferred Project Report prepared by Helen Mulcahy Urban Planning and dated July 2007 and the following drawings:

Architectural (or Design) Drawings prepared by Bates Smart at Appendix 1 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
AR-EA-2.01	Rev B	Basement Level 001 Plan	13 July 2007
AR-EA-2.02	Rev B	Basement Level 004-002 Plan	13 July 2007
AR-EA-2.03	Rev B	Basement Level 005 Plan	13 July 2007
AR-EA-2.04	Rev B	Level 00 Plan	13 July 2007
AR-EA-2.05	Rev B	Level 01 Plan	13 July 2007
AR-EA-2.06	Rev B	Level 02-03 Plan	13 July 2007
AR-EA-2.07	Rev B	Level 04 Plan	13 July 2007
AR-EA-2.08	Rev B	Level 05 Plan	13 July 2007
AR-EA-2.09	Rev B	Level 06 Plan	13 July 2007

AR-EA-2.10	Rev B	Level 07 Plan	13 July 2007
AR-EA-2.11	Rev B	Roof Plan	13 July 2007
AR-EA-5.01	Rev B	Elevation North	13 July 2007
AR-EA-5.02	Rev B	Elevation East	13 July 2007
AR-EA-5.03	Rev B	Elevation South	13 July 2007
AR-EA-5.04	Rev B	Elevation West	13 July 2007
AR-EA-6.01	Rev B	Section A-A	13 July 2007
AR-EA-6.02	Rev B	Section B-B	13 July 2007
Landscape Drawings prepared by Aspect Studios Sydney at Appendix 3 of the Preferred Project Report, dated July 2007.			
Drawing No.	Revision	Name of Plan	Date
26045-DD01	Rev G	Landscape Plan	July 2007

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) either commercial or retail use of the ground level tenancy fronting Olympic Boulevard is permitted for the first 3 years of the building's occupation, in accordance with Drawing No. AR-EA-2.04 – Floor Plan Level00, after which the tenancy shall only be used for retail purposes;
- (3) 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, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4 *Prescribed Conditions*

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 *Staging of Construction Certificates*

Separate Construction Certificates may be obtained relating to the following Stages of development, as approved:

Stage 1 – Early works including bulk excavation, shoring, piling, footings and in-ground services;

Stage 2 - Building structure and basement services;

Stage 3 - Façade, services and ESD;

Stage 4 - Public Domain Works.

The following conditions relate to each Stage and must be completed, unless otherwise stated, prior to the issue of a Construction Certificate for each Stage.

B2 *Amended Plans*

The Olympic Boulevard building frontage at ground level shall consist entirely of retail use. This is to be achieved by reconfiguring the internal partition and having an area not less than the existing retail space proposed (120m²) and with a minimum depth of 10m.

B3 *Outdoor Lighting*

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

B4 *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 the Stage 2, 3 and 4 Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B5 *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 the Stage 1 Construction Certificate.

B6 *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 Stage 1 Construction Certificate.

A copy of the report is to be forwarded to the Department, RailCorp and SOPA.

B7 *Traffic & Pedestrian Management Plan*

Prior to the issue of the Stage 1 Construction Certificate, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying 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,
- (4) pedestrian and traffic management methods, and
- (5) relationship with adjacent development sites.

The Proponent shall submit a copy of the approved plan to the Department and SOPA.

B8 *Acoustic Assessment*

A further acoustic assessment is to be submitted to the Department prior to the issue of the Stage 3 Construction Certificate, demonstrating how the proposed development will comply with RailCorp's Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor.

B9 Erosion and Sediment Control

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

B10 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the table below. All car spaces are to be located within the 5 basement car park levels. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Stage 2 Construction Certificate.

Car parking allocation	Number
Retail car parking spaces	6
Commercial Spaces	358
Number of retail and commercial car spaces to be disabled spaces	5
TOTAL SPACES	369

B11 Number of Bicycle Spaces

A minimum of 76 bicycle spaces are to be provided for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Stage 2 Construction Certificate.

B12 Number of Loading Bays

A minimum of 2 loading bays are to be provided for the development. Details of the loading arrangements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Stage 2 Construction Certificate.

B13 Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 2004 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 2004 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of the Stage 2 Construction Certificate.

B14 Landscape Plan

In accordance with the Proponent's Statement of Commitments, final design details of the proposed public domain materials and finishes shall be prepared:

Details shall be submitted to and approved by the Certifying Authority prior to the issue of the Stage 4 Construction Certificate.

B15 Public Art

Final details of the nature and mode of construction for the proposed public art installation at Site 4B shall be prepared and submitted to SOPA for approval prior to the issue of the Stage 4 Construction Certificate.

B16 *Materials*

The Proponent shall submit final details of the ability of the final materials palette selected to achieve ESD principles as described in the ESD Report prior to the issue of a Stage 3 Construction Certificate.

B17 *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 the Stage 3 Construction Certificate.
- (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 the Stage 3 Construction Certificate.

B18 *DEUS Rating*

The design of the building shall achieve a 4.5 star rating under the NSW department of Energy, Utilities and Sustainability’s (DEUS’s) Australian Building Greenhouse Rating. Prior to the issue of the Stage 3 Construction Certificate, the Proponent shall submit to the Certifying Authority the following information:

- (1) Evidence that a Commitment Agreement has been entered into with DEUS, to deliver this star rating for the base building (central services such as air conditioning, lifts and common lighting and common areas of the building) or for the whole building where the Proponent is to occupy the building; and
- (2) An independent energy assessment that follows the guidelines in DEUS’s *Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review* and the *Energy Efficiency Design Review.xls* (spreadsheet) (the Proponent should contact SEDA to obtain the current version of these documents.)
- (3) A computer building simulation prepared in accordance with the guidelines of DEUS’s Validation Protocol for the Use of Computer Building Simulation in Commitment Ratings (Proponents should contact DEUS to obtain the current version of this document.) The computer building simulation is required to demonstrate to the satisfaction of the Director that the building can reasonably be expected to achieve the proposed rating under realistic operating conditions.

B19 *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 the Stage 2 and Stage 3 Construction Certificate.

B20 *Sydney Water – Section 73 Certificate*

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1.

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

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

B21 *Long Service Levy*

Prior to the issue of the Stage 1 Construction Certificate, the long service levy under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* must be paid to Council (or, where such a levy is payable by instalments, the first instalment of the levy).

B22 *Monetary Contributions*

In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay the following monetary contributions:

(1) Amount of Contribution

Contribution Category	Rate of Contribution	Amount
Childcare	\$573 per 100 sq.m	\$138,339.39
Public Transport – Railway Station	\$1,445 per 100 sq.m	\$348,866.35
Public Transport – Transitway	\$362 per 100 sq.m	\$87,397.66
Roads & Traffic Management	\$1,152 per 100 sq.m	\$278,127.36
Workplace Travel Plans	\$28 per 100 sq.m	\$6,760.04
Streetscapes	\$97 per 100 sq.m	\$23,418.71
TOTAL		\$882,910

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to the Sydney Olympic Park Authority (SOPA). For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with SOPA.

Evidence of the payment to SOPA shall be submitted to the Certifying Authority prior to the issue of the Stage 1 Construction Certificate.

(3) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations at the time of payment.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 *Notice to be Given Prior to Excavation*

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

C2 *Structural Details*

Prior to the commencement of construction, 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,

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- (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).

Prior to works commencing, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of the PCA.

C3 Noise and Vibration Management Plan

A revised Noise and Vibration Management Plan, to be prepared by a suitably qualified consultant, will be submitted to and approved by the Department prior to the issue of a Construction Certificate.

This will address, but not be 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.

The Proponent shall submit a copy of the approved plan to SOPA.

C4 Contact Telephone Number

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

C5 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant

legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C6 *Site Audit*

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

C7 *Joint Inspection with RailCorp*

Prior to the commencement of works and during works, a joint inspection of the rail infrastructure and property in the vicinity of the project will 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 will be agreed with RailCorp. The submission of a detailed dilapidation report will also be required.

C8 *Risk Assessment and Management Plan*

A Risk Assessment and Management Plan, and detailed Safe Work Method Statements for the proposed works should be submitted to RailCorp for review and comment prior to works commencing on site.

C9 *Piling and RailCorp*

Details of any proposed piling, sheet piling, batter and anchors are to be provided to RailCorp for review and comment prior to work commencing. RailCorp might require the removal of such construction aids.

C10 *Environmental Site Assessment*

The recommendations of the Additional Environmental Site Assessment, prepared by Coffey Geotechnics Pty Ltd and dated 30 May 2007, are to be adopted and implemented on site.

C11 *Construction Certificate required prior to construction works*

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- (a) a Construction Certificate for each Stage of the building work has been issued by the consent authority, SOPA or a certifying authority; and
- (b) a Principal Certifying Authority has been appointed and the Department of Planning, SOPA and RailCorp has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to SOPA of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

PART D—DURING CONSTRUCTION

D1 *Erosion and Sediment Control*

All erosion and sediment control measures, as designed in accordance with Condition B7, 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.

During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council or SOPA must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

D2 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.

D3 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.

D4 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, SOPA or the PCA.

D5 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.

D6 Contact Telephone Number

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D7 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Proponent

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

D8 *Protection of Trees – Street Trees*

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of SOPA.

D9 *Protection of Trees – On-site Trees*

In accordance with the Arboricultural Impact Assessment dated November 2006, all trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D10 *Dust Control Measures*

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled in locations that minimise impact from dust,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D11 *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 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays and days specified by SOPA for special events.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and

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- (4) residents 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.
 - (5) extended work hours as may be approved by SOPA from time to time in accordance with SOPA "Code of Development Construction Practice".

D12 *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 5th week to the 26th 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 Environmental Assessment or otherwise identified in the approved Construction Noise and Vibration Management Plan. The Proponent 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 Noise and Vibration 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.

D13 *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 Noise and Vibration 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 Noise and Vibration Management Plan.

D14 *Mitigation of Construction Noise Impacts*

The Proponent (or its representatives) will maintain regular communications with SOPA, adjoining landowners and other stakeholders throughout the construction phase to ensure that the impacts to the surrounding area associated with construction activities on Site 4B are minimised.

D15 *Vibration Criteria*

Vibration caused by construction at any 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

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- (2) for human exposure to vibration, the evaluation criteria presented in Australian Standard AS 2670.2–1990: Evaluation of human exposure to whole-body vibration, Part 2: Continuous and shock induced vibration in buildings (8Hz to 80 Hz).

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

D16 *Electrolysis Report*

The Proponent is to employ the Electrolysis Mitigation measures recommended by the Corrosion Control Engineering Report dated 21 December 2006, or an alternate solution submitted to and endorsed by RailCorp.

D17 *Excavation – Aboriginal Objects*

Should any Aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

D18 *Excavation – Historical Relics*

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

D19 *Recycling of Concrete*

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

D20 *Excavation and RailCorp*

No excavation or boring will occur within 2.0m (measured horizontally) of high voltage underground cable, and 1.0m (measured horizontally) for low voltage cables.

PART E—RESTRICTION ON TITLE

E1 *Car parking restrictions*

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (1) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,
- (2) restriction on use to all lots comprising in part or whole car parking spaces in any subsequent strata subdivision of the building, and
- (3) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of SOPA. All costs associated with the above requirements are to be borne solely by the Proponent.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Staging

Separate Occupation Certificates may be obtained relating to the stages of the development as identified in Condition B1 of this consent. However, no separate occupation of the carpark is permitted prior to occupation of the building.

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 issue of an Occupation Certificate for Stage 3. A copy of the Fire Safety certificate must be submitted to the approval authority and SOPA by the PCA.

F3 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to SOPA and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

F4 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 Final Occupation Certificate.

F5 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of each 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 approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F6 Structural Inspection Certificate

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

- (1) 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,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F7 Road Damage

The cost of repairing any damage caused to SOPA or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is be met in full by the Proponent/developer prior to the issue of the Final Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, SOPA will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

F8 Registration of Easements

Prior to the issue of the final Occupation Certificate, the Proponent shall provide to the PCA evidence that all easements required by this approval, and other consents have been or will be registered on the certificates of title.

F9 Post-construction Dilapidation Report

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works and prior to the issue of the Final Occupation Certificate. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) 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:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B4, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and SOPA.

F10 Heritage Interpretation Strategy and Plan

An Interpretation Strategy and Plan should be prepared, and implemented, following the completion of the works. This Strategy shall be in accordance with the Heritage Office guidelines and the approved Plan should be implemented prior to the issue of the Final Occupation Certificate.

F11 Joint Inspection with RailCorp

Prior to the issue of the Final Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project will 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 will be agreed with RailCorp. The submission of a detailed dilapidation report will also be required.

F12 Restrictions on title

All relevant restrictive covenants are to be registered on title prior to the issue of the Final Occupation Certificate.

PART G—POST OCCUPATION

G1 Annual Fire Safety Certification

The owner of the building shall annually certify to SOPA 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.

G2 *Loading and Unloading*

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

G3 *Unobstructed Driveways and Parking Areas*

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

G4 *Hours of Operation – Retail*

The hours of operation shall be restricted to between:

Day	Commencement time	Cessation time
Monday to Thursday	7am	9pm
Friday	7am	11pm
Saturday	7am	11pm
Sunday	8am	9pm
Public Holidays	8am	9pm

Extended hours for special events:

- (1) Are to be nominated by SOPA limited to up to 10 days per year to 12pm for all days as nominated by SOPA.
- (2) Other hours are subject to separate approvals.

G5 *Noise Control – Plant and Machinery*

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

G6 *Public Way to be Unobstructed*

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

G7 *Ground floor retail use*

The ground floor retail/commercial tenancy which fronts Olympic Boulevard is permitted for use as either a retail or commercial tenancy for the first three years from the date of occupation of the building, after which only retail uses are permitted within this tenancy.

G8 *Compliance Report*

The Proponent, or any party acting upon this approval, shall submit to the Department a report addressing compliance with all relevant conditions of this Part, within 12 months of obtaining an Occupation Certificate.

ADVISORY NOTES

AN1 *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 Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN2 *Compliance with Building Code of Australia*

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

AN3 *Application for Hoardings and Scaffolding*

A separate application shall be made to SOPA for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with appropriate SOPA guidelines;
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

AN4 *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 with to the satisfaction of the PCA:

- (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 SOPA:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of SOPA 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 SOPA, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of SOPA.

AN5 *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.

AN6 *Construction Inspections*

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to SOPA in accordance with the mandatory inspection requirements of the *Building Legislation*

Amendment—Quality of Construction Act, 2002 for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Services,
- (7) Façade systems, and
- (8) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN7 *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.

AN8 *Street Numbering*

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with SOPA guidelines, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers are required, a separate application shall be made to SOPA.

AN9 *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 SOPA under Section 68 of that Act. Applications for these works must be submitted on SOPA's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN10 *Temporary Structures*

An approval under Section 68 of the Local Government Act 1993 must be obtained from 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.

AN11 *Disability Discrimination Act*

The proposal is to comply 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.

SCHEDULE 3

MP 06_0273

**CONSTRUCTION OF COMMERCIAL 7 STOREY OFFICE BUILDING AND
ASSOCIATED LANDSCAPING WORKS**

SITE 4B, SYDNEY OLYMPIC PARK

STATEMENT OF COMMITMENTS

(SOURCE: ENVIRONMENTAL ASSESSMENT)

STATEMENT OF COMMITMENTS

General

1. The development will be carried out generally in accordance with the plans and material submitted as part of this Environmental Assessment for Major Project No. 06_0273, as described in:

- (a) the Environmental Assessment Report prepared by Helen Mulcahy Urban Planning (and accompanying Appendices), dated January 2007 and the Preferred Project Report dated June 2007;
- (b) Architectural Drawings prepared by Bates Smart; and
- (c) Landscape Plans prepared by Aspect Sydney.

2. The Proponent is committed to the principles of sustainability as defined in the Local Government Act 1993. The construction and operation of the proposed commercial office building will be undertaken in accordance with SOPA's Environmental Guidelines and Sustainability Strategy.

3. The visible light reflectivity from building materials used on the facades of the building will not exceed 20% and will be designed so as not to result in glare that causes any nuisance or interference to any person or place.

4. Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours will be submitted to SOPA's Design Review Panel for review and comment prior to installation of the elevational treatments.

Public Domain

5. Any existing public domain infrastructure damaged due to construction works, will be replaced or repaired to the condition in which the infrastructure was found immediately prior to the commencement of works. The repair / replacement will be completed to the satisfaction of SOPA prior to the issue of the Occupation Certificate.

6. The construction and operation of the commercial office building will be undertaken in accordance with the recommendations of the ESD Report prepared by Bovis Lend Lease (dated 6 October 2006) so as to achieve energy and water consumption reduction targets as well as other ESD initiatives.

Tree Management

7. An arborist experienced in tree retention on building sites will be engaged prior to the commencement of work on the site. The Site Arborist will be required to monitor the impact of the building works on the trees and provide quarterly reports to the PCA and the Proponent on the condition of the trees. Any recommendations in the quarterly reports relating the protection and / or management of the trees will be implemented.

8. The Site Arborist will be present to supervise any excavation, trenching or tunnelling within the Primary Root Zone of any retained trees on adjoining properties. The Site Arborist will supervise the root mapping works required prior to commencement of site preparation works.

Noise and Vibration

9. A revised Noise and Vibration Management Plan will be prepared by a suitably qualified consultant and will be submitted to and approved by the PCA prior to the Construction Certificate being issued.

10. Plastic sheeting shall be installed below the concrete slab but not below footings because of bearing pressure requirements. To increase corrosion protection below footings the cover to reinforcement will be increased from the provisions included in the Concrete Structures Code.

11. All reinforcement below ground will be embedded in concrete providing at least a B1 exposure classification for durability in accordance with the Concrete Structures Code.

12. 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 will 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 will be agreed with RailCorp. It is noted that the submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

13. A Risk Assessment / Management Plan and detailed Safe Work Method Statements for the proposed works will be submitted to RailCorp for review and comment prior to the works commencing on site. It is noted that RailCorp's representative may impose conditions on the methods to be used and require the provision of on-site Safe Working supervision for certain aspects of the works.

14. No excavation or boring will occur within 2.0m (measured horizontally) of high voltage underground cable and 1.0m (measured horizontally) for low voltage cables.

15. As large-scale excavation is involved, the Proponent will install a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. The plan for this will be submitted to RailCorp for review prior to the commencement of works.

16. Details of any proposed piling, sheet piling, batter and anchors will be provided to RailCorp for review and comment prior to work commencing. RailCorp may require the removal of such construction aids.

Transport

17. Secure parking for bicycles will be provided in the basement.

18. All deliveries and service vehicles to the site will use the loading dock accessed via the driveway from Herb Elliott Avenue.

19. Access, servicing and parking layout arrangements will be provided in accordance with AS2890.1(2004) and AS2890.2(2002).

Contamination

20. An inspection and test program including a contingency plan will be designed and implemented during earthworks, setting out the procedures to be followed in the event that any as yet unidentified potentially contaminated material, including asbestos is identified.

21. Any soil requiring disposal off-site will be classified in accordance with NSW EPA (1999) Environmental Guidelines: Assessment, Classification and Management of Liquid and non-liquid wastes.

Archaeology

22. Should any archaeological features be discovered during excavation, works will cease and the findings will be reported to and assessed by an archaeologist at the time of discovery.

Services

23. The relocation of any services displaced as a result of the construction will be undertaken in consultation and after agreement with the relevant service provider and SOPA. Relocation of all services off-site will be completed prior to commencement of construction works.

Construction

24. Prior to the commencement of construction, a Construction Management Plan will be prepared and submitted to SOPA for approval. The Plan will include:

- A site specific Soil Erosion and Sediment Control Plan
- Hours of Operation during Construction
- Air quality / dust control procedures
- Noise management procedures
- Waste Management Plan for the Construction Phase
- Storage and handling of materials procedures
- Details of hoardings
- Procedures to be implemented during events, including pedestrian movements, signage etc
- Environmental training and awareness
- Emergency procedures

25. Construction hours for early works (first 12 months) will be as follows:

Monday to Friday 6.00am to 6.00pm

Saturday 6.00am to 4.00pm

Sundays / Public Hol. Nil

It is noted that any variation to the approved hours as included in the SOPA Interim Code of Development Construction Practice would be subject to SOPA approval.

26. General construction hours will be as follows:

Monday to Friday 7.00am to 6.00pm

Saturday 7.00am to 1.00pm

Sundays / Public Hol. Nil

27. Hours of work may be varied as required to minimize impacts on special events such as State of Origin or the Easter Show. It is noted that works may be undertaken outside the hours specified above in instances where:

- The delivery of materials is required outside these hours by the Police or other authorities;
- It is required in an emergency to avoid the loss of life, damage to property and / or to prevent environmental harm;
- The work is approved through the Construction Noise and Vibration Management Plan; and
- Residents 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.

28. A Construction Traffic Management Plan will be prepared and submitted to SOPA for approval prior to commencement of works on site. The Plan will detail the means of controlling the flow of traffic throughout the construction phase.

29. The Proponent (or its representatives) will maintain regular communications with SOPA, adjoining landowners and other stakeholders throughout the construction phase to ensure that the impacts to the surrounding area associated with construction activities on Site 4B are minimised.

BCA

30. The architectural drawings will be subject to review to enable compliance with the deemed-to-satisfy provisions of the BCA, or compliance with the relevant provision through an alternate solution.

31. All works will comply with the provisions of the BCA either in terms of the deemed-to-satisfy provisions or by way of an alternate solution.

Operation

32. An Operational EMP will be prepared and submitted to SOPA for approval. The OEMP must demonstrate that the building achieves appropriate environmental standards to no less than currently required by SOPA.