
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06_0294

(FILE NO. S06/01244-1)

**EARLY WORKS PROJECT APPLICATION FOR A STUDIO AND OFFICE
COMPLEX AT THE AUSTRALIAN TECHNOLOGY PARK, EVELEIGH**

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 approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This consent applies to the plans, drawings and documents cited by the Proponent in its Environmental Assessment and the Proponent's Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2.

Frank Sartor MP
Minister for Planning

Sydney,

2007

SCHEDULE 1

PART A—TABLE

Application made by:	Architectus
Application made to:	Minister for Planning
Major Project Application:	MP 06_0294
On land comprising:	The location of the proposed building forms part of Lot 500 DP1033739 within the Australian Technology Park, Eveleigh
Local Government Area	City of Sydney
For the carrying out of:	'Early Works' for the construction of part 11 and part 5 storey studio and office complex, constituting site establishment, minor demolition works, remediation, excavation, drainage works and basement slab.
Estimated Cost of Works	\$11,000,000
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0294 'EARLY WORKS'

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.

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

Council means City of Sydney Council.

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 Architectus on behalf of Sydney Broadcast Property Pty Ltd and dated August 2006.

Minister means the Minister for Planning.

MP No. 06_0294 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 Architectus 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. 06_0294 'EARLY WORKS'

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

(1) Development consent is granted only to carrying out the development described in detail below and in accordance with the approved Major Project 06_0149:

Stage 1

- Site establishment (including removal of vegetation)
- Demolition (several temporary building and sheds, retaining wall)
- Temporary diversion of a stormwater pipe
- Shoring works
- Bulk excavation (approximately 45,000m³) works
- Decontamination/remediation works
- Archaeology and heritage works (if required)
- Rock anchoring
- Dewatering

Stage 2

- Detailed excavation
- Install detention tank
- Install box culvert
- Piling and pile capping
- Basement slab and lift pits

Staged Construction Certificates may be obtained for each of the above stages and are referred to in the conditions of consent below as 'Stage 1' and 'Stage 2' to reflect the above listed works for each stage.

(2) The proposed remainder of the building is subject to a separate Environmental Assessment and does not form part of this consent.

(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 for Early Works dated August 2006 prepared by Architectus Sydney Pty Ltd including all Appendices and the following drawings:

Architectural (or Design) Drawings prepared by <i>PTW Architects</i> at Appendix A of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
PA-001	A	Concrete Outline and Excavation Plans	8.8.2006
PA-002	A	Sections	8.8.2006
Stormwater Management Plan prepared by <i>Woolacotts Consulting Engineers</i> at Appendix J of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
SW2	-	Bulk Earthworks Stormwater Management Plan	August 2006
Survey Drawings prepared by <i>Rygate and Company Pty Ltd Surveyors</i> at Appendix E of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
-	-	Site Survey	-

except for:

- (1) any modifications which are 'Exempt Development' as identified in *South Sydney Local Environmental Plan 1998* 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 including the Statement of Commitments, the conditions of this consent prevail.

A4 Prescribed Conditions

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Erosion and Sedimentation Control

- (1) An Erosion and Sediment Control Plan is to be developed and incorporated into the Construction Management Plan. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom.
- (2) The Erosion and Sediment Control Plan must include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points

- (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program

Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate for site excavation.

B2 Site contamination

- (1) Prior to the issue of any Construction Certificate, the Proponent shall submit to the Certifying Authority a copy of the Remedial Action Plan provided with the Environmental Assessment (Report on Remediation Action Plan, Project 44050-2 Rev 1, dated August 2006 and prepared by Douglas Partners) and the Acid Sulphate Soil Management Plan provided with the Environmental Assessment (Report on Acid Sulphate Soil Management Plan, Project No. 44050-1, dated June 2006 and prepared by Douglas Partners). The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.
- (2) The remediation works on the site shall be completed prior to the release of the Construction Certificate for Stage 2 works and the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses

B3 Dilapidation

Dilapidation report/s shall be prepared for all adjacent buildings and roads in accordance with the Proponent's Statement of Commitments (Schedule 3). Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

B4 Structural Details

Prior to issue any Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that 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).

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 Certifying Authority.

B5 Stormwater and Drainage

- (1) Prior to release of any Construction Certificate, details of the proposed stormwater disposal and drainage relating to the excavation and basement structures and stormwater as it relates to the approved building on the site (MP06_0149), in accordance with Council's standard requirements, and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (2) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way.
- (3) The requirements of Sydney Water with regard to the on-site detention and disposal of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water of the stormwater disposal system must be submitted prior to works commencing.

B6 Geotechnical Report

Prior to release of any Construction Certificate, a Geotechnical Report in relation to the excavation and all early works prepared by a suitably qualified consultant, must be submitted to the satisfaction of the Certifying Authority and in accordance with the relevant requirements of the BCA, and a hard copy submitted to the Redfern Waterloo Authority.

B7 Statement of Compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to release of the Stage 1 Construction Certificate.

B8 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 a Stage 2 Construction Certificate.

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.

B9 Construction Management Plan

Prior to release of the Construction Certificate, the Proponent shall provide the Construction Management Plan to the Redfern Waterloo Authority, Council, the Department and the Certifying Authority in accordance with the Proponent’s Statement of Commitments (attached Schedule 3).

B10 Noise and Vibration Management Plan

Prior to release of any Construction Certificate, a Noise and Vibration 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) 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) Weekly noise and vibration monitoring during peak construction activity, or other such interval as agreed to by Council, to the satisfaction of Council, and 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.

The Proponent shall submit a copy of the approved plan to Redfern Waterloo Authority.

B11 Footpath and Road Damage Bank Guarantee

Prior to release of the Stage 1 Construction Certificate the Proponent must provide a bank guarantee for a sum to be determined by Council as security for rectification of any damage to the public way and roadways adjacent to the Australian Technology Park, Eveleigh resulting from the works the subject of this approval.

B12 Long Service Levy

Prior to the Stage 1 Construction Certificate being issued for the works approved by this development consent, the long service levy of \$38,500.00 payable 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).

B13 Excavation/Site Rectification

Prior to the Stage 1 Construction Certificate being issued, a bank guarantee in the sum of \$300,000.00 dollars is to be provided to the Department as security for the costs of site rectification works.

The Department may use the bank guarantee to ensure that in any of the following events namely:

- a) demolition of the existing site structures has commenced but not been completed;
- b) the existing sites structures have been demolished; or
- c) the site has been excavated; or
- d) the structure has commenced to be erected;

that it, or any person authorised by it, may enter the site and carry out such works at the cost of the proponent (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- e) make the building safe and attractive at ground level;
- f) allow the ground level to be landscaped and made attractive from any public vantage point; or
- g) for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
- h) in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

AND to call on such bank guarantee to cover the cost thereof.

If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Department will have the readily enforceable rights to:

- i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e - h to take place on the site; and
- ii) in the event of default, must have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

The bank guarantee shall be refunded upon completion of the ground floor level, constructed under Major Project 06_0149 for the Studio and Office Complex.

B14 Application for Hoarding

A separate application is to be made to the Redfern Waterloo Authority, and approved prior to release of any Construction Certificate, to erect an appropriate hoarding surrounding the site and such application is to have regard to Council's *Policy for the Design and Construction of Hoarding* (September 1997) and *Guidelines for Temporary Protective Structures* (April 2001).

B15 Survey

Prior to release of the Stage 1 Construction Certificate, the proponent shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. The work is to be undertaken by a registered surveyor to the satisfaction of RailCorp.

B16 Services Search

Prior to release of the Stage 1 Construction Certificate, the proponent shall request a services search from RailCorp, to establish the existence and location of any RailCorp services and structures. Where RailCorp services are identified the proponent must discuss and agree with RailCorp how these services are to be accommodated within the development.

B17 Electrolysis Risk

Prior to release of the Stage 1 Construction Certificate, the proponent is to procure a report on the Electrolysis Risk to the development from stray currents from the nearby railway infrastructure, and the measures that will be taken to control that risk. The report must be submitted to RailCorp for review.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 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 specified stage of the building work has been issued by the consent authority, Council or an accredited certifier; and
- (b) a Principal Certifying Authority has been appointed and the Council and the Redfern Waterloo Authority has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council and the Redfern Waterloo Authority 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*.

C2 Notice to be Given Prior to Excavation

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

C3 Erosion and Sediment Control

All erosion and sediment control measures, in accordance with the Proponent's Statement of Commitments (attached Schedule 3), are to be effectively implemented.

C4 Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

C5 Vehicle Cleansing

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

C6 Utility Services

To ensure that utility authorities are advised of the development:

- (1) A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (2) Prior to the commencement of work the Proponent is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

C7 Contact Telephone Number

Prior to the commencement of the works, the Proponent shall forward to the Redfern Waterloo Authority and Council a 24 hour telephone number for the site manager to be operated for the duration of the construction works.

PART D—DURING CONSTRUCTION

D1 Construction Management Plan

All works are to be carried out in accordance with the approved Construction Management Plan 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.

D2 Erosion and Sediment Control

All erosion and sediment control measures, in accordance with the Proponent's Statement of Commitments (attached Schedule 3), are to be 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 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.

D3 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 Council.

D4 Archaeological Discovery During Excavation

In accordance with the Proponent's Statement of Commitments (attached Schedule 3), should any historical records be discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Redfern Waterloo Authority and NSW Heritage Office notified immediately. If any Aboriginal archaeological relics are exposed during construction works, the Proponent shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording

D5 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, the Redfern Waterloo Authority or the Principal Certifying Authority.

D6 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.

D7 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 at the best locations,
- (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.

D8 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.

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 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.

D9 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 Acoustic Report prepared by Basset Acoustics dated 15 August 2006 (Reference: 60008801-KF001.REP(REV05).DOC) or otherwise identified in the approved Construction Noise and Vibration 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 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.

D10 Construction Noise Management

The Applicant 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.

D11 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 Noise and Vibration Management Plan.

D12 Covering of loads

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

D13 Loading and Unloading during Construction

The following requirements apply:

- (1) all loading and unloading associated with construction must be accommodated on site;

- (2) the structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development;
- (3) if, during excavation, it is not feasible for loading and unloading to take place on site, a construction zone on the street may be considered by the Redfern Waterloo Authority;
- (4) in addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level;
- (5) if a construction zone is warranted an application must be made to Redfern Waterloo Authority prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such a facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

D14 Public Way to be Unobstructed

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

PART E—PRIOR TO COMMENCEMENT OF ANY FURTHER WORKS ON THE SITE

E1 Completion Certificate to be Submitted

An Completion Certificate for each stage of the 'Early Works' must be obtained from the Principal Certifying Authority and a copy submitted to the Redfern Waterloo Authority and Council prior to the commencement of any further works on the site.

E2 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate for any structural work in either stage of development is to be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any further works on the site.

E3 Certification of Geotechnical Inspection

Prior to release of the Completion Certificate, a Geotechnical Inspection Certificate in accordance with Clause A2.2(a)(iii) of the BCA, prepared by an appropriately qualified person, must be submitted to the satisfaction of the Principal Certifying Authority and a hard copy submitted to the Redfern Waterloo Authority.

E4 Works-as-executed plan

Work-as-executed plans of the stormwater drainage system prepared and certified by a Registered Surveyor together with certification by a qualified practicing Civil Engineer with NPER registration with the Institution of Engineers Australia to verify that the required drainage works have been constructed in accordance with the approved design and relevant Australian Standards.

E5 Road Damage

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

E6 *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 Principal Certifying Authority prior to the issue of the Completion Certificate.

E7 *Validation Report*

A *Stage 4 Validation and Monitoring Report* must be submitted to the Redfern Waterloo Authority together with notice of completion of remediation pursuant to clause 18 of SEPP 55, prior to completion of each stage of the works.

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 Certifying Authority prior to the commencement of works.

AN2 *Compliance with Building Code of Australia*

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

AN3 *Application for Hoardings and Scaffolding*

A separate application may be required to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place.

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:

- (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.

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 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.

AN7 Construction Inspections

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

AN8 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.

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 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.

AN10 Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council 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 the Council 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 Proponent/owner is responsible to ensure compliance with the Disability Discrimination Act 1992 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_0294

**EARLY WORKS PROJECT APPLICATION FOR A STUDIO AND OFFICE
COMPLEX AT THE AUSTRALIAN TECHNOLOGY PARK, EVELEIGH**

STATEMENT OF COMMITMENTS

(SOURCE: ENVIRONMENTAL ASSESSMENT)

(1) APPROVED DEVELOPMENT

a) Development is to be generally in accordance with the Early Works Project Application 06-0294 and Environmental Assessment prepared by Architectus dated and drawings numbered PA-001 and PA -002 prepared by PTW Pty Ltd dated 8th August 2006 and as amended by the conditions of this approval:

b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

a) Should any historical relics be discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Redfern Waterloo Authority informed.

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

(3) CONTAMINATED WASTE

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Conservation's (DEC) waste tracking requirements. For further information contact the Department of Environment and Conservation (DEC) on 133 372.

(4) CONTAMINATION

a) The export of waste (including fill or soil) from the site is to be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Department of Environment and Conservation's (DEC) Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes.

b) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Redfern Waterloo Authority and the Principal Certifying Authority.

c) The site must be remediated in accordance with the Remedial Action Plan prepared by Douglas partners dated August 2006.

d) A *Validation and Monitoring Report* must be submitted to Redfern Waterloo Authority together with notice of completion of remediation pursuant to clause 18 of SEPP 55.

(5) CONSTRUCTION MANAGEMENT

Comply with the Construction Management Plan and the reports and their enclosures. These reports and enclosures include:

- an acoustic report on construction noise prepared by Bassett Acoustics dated 15th August 2006 and submitted with the Concept Plan.
- a traffic report prepared by Masson Wilson Twiney dated 22 August 2006 as submitted with the Concept Plan.
- the recommendations of the Heritage Impact Statement prepared by Otto Cserhalmi and Associates dated 24th August 2006 and Archaeological Assessment (and research design) prepared by Austral Archaeology dated August 2006

- the Stormwater Management Plan prepared by Woolacotts Consultant Engineers dated August 2006 and the erosion and sediment control plan as appended to the Construction management Plan.
- the Acid Sulphate Soil Management Plan dated June 2006 and Remediation Action Plan dated August 2006 prepared by Douglas Partners dated
- the environmental management and waste management provisions in the ESD Report prepared by Bassett Applied Research dated 15th August 2006.

The Construction Management Plan is to be submitted and approved by the Redfern Waterloo Authority prior to the issuing of a Construction Certificate for the early works by the certifying authority.

(6) ARCHAEOLOGY

The proponent shall provide the Redfern Waterloo Authority with a report on the archaeological features identified in any excavation work undertaken and shall undertake the site recording and investigation in accordance with the Research Design prepared by Austral Archaeology dated August 2006.

(7) STRUCTURAL CERTIFICATION FOR DESIGN – BCA CLASS 2 – 9

Prior to the issue of a Construction Certificate, 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 Certifying Authority (Council or a private accredited certifier). A copy of the certificate is to be submitted to the Redfern Waterloo Authority.

(8) CERTIFICATION OF GEOTECHNICAL INSPECTION

Prior to the issue of a Construction Certificate, a **Geotechnical Inspection Certificate** in accordance with Clause A2.2(a)(iii) of the Building Code of Australia prepared by an appropriately qualified person must be submitted to the satisfaction of the Certifying Authority and a copy submitted to Redfern Waterloo Authority.

(9) GEOTECHNICAL REPORT AND CERTIFICATION

Prior to commencement of any foundation or bulk excavation, a Geotechnical Report is to be submitted to the satisfaction of the Principal Certifying Authority (an accredited certifier) and a copy submitted to the Redfern Waterloo Authority.

(10) NOTIFICATION OF EXCAVATION WORKS

The Principal Certifying Authority and the Redfern Waterloo Authority is to be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

(11) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Waste water arising from the use is to be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

(12) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities is to be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- a) *Protection of the Environment Operations Act 1997.*
- b) *Protection of the Environment Operations (Waste) Regulation 1996.*
- c) *Waste Avoidance and Recovery Act 2001.*
- d) *New South Wales Occupational Health & Safety Act 2000.*
- e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).*
- f) *The Occupational Health & Safety Regulation 2001.*
- g) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

(13) COVERING OF LOADS

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

(14) VEHICLE CLEANSING

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

(15) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- a) All loading and unloading associated with construction is to be accommodated on site.

(16) RailCorp CONSULTATION AND APPROVAL

Other than for the purposes of archaeological investigation or physical investigation of occupations of the site the proponent shall obtain written approval from RailCorp prior to commencement of excavation work on the site and shall undertake the investigations and consultations with RailCorp in accordance with the letter from RailCorp dated 19th July 2006, as appended to the EA Report for the Early Works Project Application.

(17) DILAPIDATION REPORT

Dilapidation report/s, including a photographic survey of adjoining/nearby buildings nominated by the Redfern Waterloo Authority following receipt of its written advice, are to be prepared by an appropriately qualified structural engineer and submitted for the approval of the Redfern Waterloo Authority and the Principal Certifying Authority:

- a) prior to the commencement of demolition/excavation works; and
- b) on completion of construction demolition/excavation works.

In the case of (a), prior to the issuing of a Certificate of Construction and in the case of (b) prior to the issuing of a Certificate of Occupation for the building, or at such time(s) as the RWA may require beforehand, by notice in writing to the proponent.