

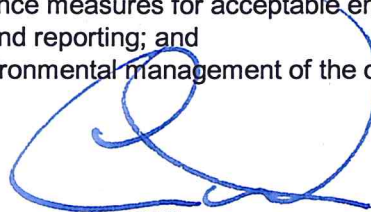
# Development consent

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

As delegate of the Minister for Planning and infrastructure, under delegation dated 27 February 2013, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Chris Wilson  
Executive Director  
Development Assessment Systems and Approvals

Sydney 4 FEBRUARY 2014

## SCHEDULE 1

<b>Application No.:</b>	SSD 13_6059
<b>Applicant:</b>	FDC Corporation Construction and Fitout Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Site 8C Murray Rose Avenue, Sydney Olympic Park (part Lot 2120 in DP 1169474)
<b>Development:</b>	Commercial and retail development, including: <ul style="list-style-type: none"><li>• excavation of two basement parking levels for 58 car spaces;</li><li>• construction of an six storey building comprising 5,533 sqm of commercial gross floor area (GFA) and 702 sqm of retail GFA; and</li><li>• subdivision into a separate allotment.</li></ul>

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	FDC Construction Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Auburn City
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act
Day Time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director approval, agreement or satisfaction	General's A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement titled <i>Proposed Six Storey Commercial Building with Two Storey basement Car Park, Associated plant and Subdivision of Lot 8C</i> , prepared by FDC, dated 10 October 2013
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Night Time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RTS	Response to Submissions letters, prepared by FDC Construction and Fitout Pty Ltd dated 27 November 2013 and Parking and Traffic Consultants dated 13 December 2013
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
SOPA	Sydney Olympic Park Authority
Subject Site	Site 8C Murray Rose Avenue, Sydney Olympic Park
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

## SCHEDULE 2

### A. ADMINISTRATIVE AND PERFORMANCE CONDITIONS

#### Development Description

A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.

#### Development in Accordance with Plans and Documents

A2. The Applicant shall carry out the project generally in accordance with the:

- a) Environmental Impact Statement titled *Proposed Six Storey Commercial Building with Two Storey basement Car Park, Associated plant and Subdivision of Lot 8C*, prepared by FDC, dated 10 October 2013;
- b) Response to Submissions letter prepared by FDC Construction and Fitout Pty Ltd dated 27 November 2013, and the *Design Report Site 8C Commercial Building Sydney Olympic Park*, prepared by Bates Smart; and
- c) following drawings, except for:
  - i) any modifications which are Exempt' or Complying Development;
  - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Bates Smart			
Drawing No.	Revision	Name of Plan	Date
A01.001	C	Site Plan	24.09.2013
A02.002	A	Basement 2 Plan	25.06.2013
A02.001	A	Basement 1 Plan	25.06.2013
A02.00	A	Ground Floor Plan	25.06.2013
A02.01	A	First Floor Plan	25.06.2013
A02.02	A	Typical Floor Plan	25.06.2013
A02.06	A	Plant Level 6	25.06.2013
A05.001	C	South Elevation	24.09.2013
A05.002	C	West Elevation	24.09.2013
A06.001	C	Section A-A	24.09.2013
A06.002	C	Section B-B	24.09.2013
A06.003	C	Section C-C	24.09.2013

#### Inconsistency between documents

A3. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

#### Lapsing of approval

A4. This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

### **Prescribed Conditions**

- A5. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

### **Director General as Moderator**

- A6. Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

### **Long Service Levy**

- A7. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline Ph 13 14 41.

### **Legal Notices**

- A8. Any advice or notice to the consent authority shall be served on the Director-General.

### **Contributions**

- A9. Consultation shall be undertaken with Sydney Olympic Park Authority to determine the contributions in accordance with Sydney Olympic Park Infrastructure Contributions Framework.

## **B. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Ecologically Sustainable Development**

- B1. The building shall achieve a minimum 5 star Green Star – Office design v3 rating and a 4.5 star NABERS office rating and shall implement the ESD initiatives outlined in a letter dated 15 May 2013, prepared by Cundall Johnston and Partners. Details are to be submitted to the Certifying Authority, prior to the issue of a Construction Certificate.

### **Public Domain Works Plan**

- B2. The Applicant is to prepare a Public Domain Works Plan and associated cross-sections, technical details and relevant schedules for materials and all urban elements in consultation with SOPA to address the public domain works including the footpath, public seating, garbage bins and signage consistent with the adjoining sites to the east at No. 7 Murray Rose Avenue and No.8 Australia Avenue. The plan is to be submitted to the satisfaction of SOPA's General Manager Operations and Sustainability, prior to the issue of a Construction Certificate for the relevant stage.

### **Stormwater Management**

- B3. Prior to the issue of a Construction Certificate, details of the proposed stormwater disposal and drainage from the development, including connection to the Sydney Olympic Park Water Reclamation and Management Scheme (WRAMS) are required, and details of the provision of maintenance of overland flow paths are required to be designed to the satisfaction of SOPA's General Manager – Operations and Sustainability and submitted to the Certifying Authority. All approved details for the disposal of stormwater and drainage are to be implemented in the development

### **Reflectivity**

- B4. The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 percent and shall be designed so as not to result in

glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

### **Ground Floor Retail Tenancies**

- B5. No greater than 20 per cent of the ground floor retail tenancies shall be in-filled with signage or non-transparent material/cladding.

### **Outdoor Lighting**

- B6. All outdoor lighting within the site shall comply with, where relevant, AS1158.3.1-2005 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 relevant Construction Certificate.

### **Access for People with Disabilities**

- B7. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and SOPA Access Guidelines 2011. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any Construction Certificate drawings.

### **Erosion and Sedimentation Control**

- B8. 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 of the Construction Certificate.

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

- B9. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of excavation to twice the maximum excavation depth. Any entry to private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate. A copy of the report is to be forwarded to the SOPA.

### **Dilapidation Surveys**

- B10. Prior to the commencement of works, during the works, prior to the issue of the Occupation Certificate, and following occupation, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the applicant. 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 these surveys is to be agreed with RailCorp. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

### **Railcorp Deed of Agreement**

- B11. The applicant is required to enter into an agreement with RailCorp defining the controls to be implemented in managing access required and/or the potential impacts of the development on RailCorp, and the involvement of RailCorp staff in ensuring the appropriate safety and technical standards are complied with throughout the development.

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

B12. Prior to the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The proponent must incorporate in the development all measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifying Authority with the application for a Construction Certificate.

## **Demolition, Excavation and construction Impacts**

B13. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to the Rail Authority for review and comment on the impacts on the rail corridor. The Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

Note: No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

## **Number of Car Spaces**

B14.

- a) A maximum of 58 car parking spaces are to be provided for the development in the basement. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- i) The layout and design of the car parking areas including driveways, grades, turn paths, sight distance, aisle widths and lengths and parking bay dimensions) be in accordance with AS 2890 parts 1, 2 and 6.

## **Number of Bicycle Spaces**

B15.

- a) A minimum of 43 bicycle parking spaces are to be provided for the development. Details (including changing facilities) shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate including
- b) The layout, design and security of bicycle facilities either on-street or off street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:
  - ii) all bicycle parking for staff must be Class 2 bicycle facilities, and
  - iii) all bicycle parking for visitors must be Class 3 bicycle rails.

## **Structural Details**

B16. Prior to the issue of a relevant construction certificate, the Applicant shall submit to the satisfaction of the certifying authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

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

## **Mechanical Ventilation**

B17. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and

amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

### **Storage and Handling of Waste**

- B18. The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:
- a) all internal walls of the storage area are rendered to a smooth surface, covered at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
  - b) include provision for the separation and storage in appropriate categories of material suitable for recycling; and
  - c) include provision for separate storage and collection of organic/food waste.

## **C. PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE**

- C1. Prior to the registration of the final subdivision plan in the Office of the Registrar-General, a part 4A certificate shall be obtained under section 109C(1)(d) of the EP&A Act.
- C2. Prior to the issue of a subdivision certificate, a survey plan and a subdivision plan must be submitted to the SOPA's General Manager Commercial and Corporate for endorsement and illustrate the following:
- (a) dimensions of the proposed allotments;
  - (b) location of all structures proposed and retained on the site;
  - (c) access points; and
  - (d) any easements, rights of way, covenants or other restrictions either existing or required on the site including any documentary easements for services, drainage, support and shelter, or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision.

## **D. PRIOR TO COMMENCEMENT OF WORKS**

### **Notice of Commencement of Works**

- D1. The Certifying Authority and SOPA shall be given written notice, at least 48 hours prior to the commencement of building or subdivision work on the Subject Site.

### **Construction Environmental Management Plan**

- D2.
- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters, where relevant:
    - i) hours of work,
    - ii) 24 hour contact details of site manager;
    - iii) traffic management, in consultation with SOPA;
    - iv) construction noise and vibration management plan, prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 – 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009),
    - v) management of dust to protect the amenity of the neighbourhood;

- vi) erosion and sediment control;
  - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  - viii) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
  - c) The Applicant shall submit a copy of the CEMP to SOPA, prior to commencement of work.

### **Waste Management Plan During Construction**

D3.

- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan shall prepared by a suitably qualified person in consultation with the SOPA, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
  - i) Recycling of demolition materials including concrete;
  - ii) Removal of hazardous materials and disposal 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
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant shall submit a copy of the Plan to the department and to SOPA, prior to commencement of work.
- d) The Applicant must notify the Roads and Maritime Services Traffic Management Centre (TMC) of the truck routes(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

### **Traffic and Pedestrian Management Plan**

D4.

- a) Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with SOPA, and where required, the approval of the council's traffic committee obtained.
- b) The Plan shall address, but not be limited to, the following matters:
  - iii) ingress and egress of vehicles to the Subject Site;
  - iv) loading and unloading, including construction zones;
  - v) predicted traffic volumes, types and routes;
  - vi) pedestrian and traffic management methods;
  - vii) construction activities during major events;
  - viii) potential impacts to pedestrian access and public transport infrastructure including rail and bus stops and measures to mitigate including the temporary relocation of services.

- c) The Applicant shall submit a copy of the final Plan to SOPA, prior to the commencement of work.

### **Utility Services**

D5.

- a) Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- b) Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

### **Sydney Water Quick Check**

D6. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will need to be appropriately stamped by the Sydney Water Quick Check agent.

Note: for further assistance please telephone 13 20 92 or refer to Sydney Water's website [www.sydneywater.com.au](http://www.sydneywater.com.au) for Quick Check agent details.

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

D7. The proponent shall provide a Geotechnical Engineering report to RailCorp for review by RailCorp's Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in real facilities, and loadings imposed on RailCorp Facilities by the development.

## **E. DURING CONSTRUCTION**

### **Hours of Work**

- E1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
  - b) between 8:00 am and 3:00 pm, Saturdays;
  - c) no work on Sundays and public holidays.
  - d) Works may be undertaken outside these hours where:
    - i) the delivery of materials is required outside these hours by the Police or other authorities;
    - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
    - iii) a variation is approved, in advance, in writing, by SOPA's General Manager Operations and Sustainability; and
    - iv) SOPA shall be advised in advance of any access for construction/delivery vehicles during major event periods (eg. V8 supercar and Royal Easter Show).

## **Erosion and Sediment Control**

- E2. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

## **Disposal of Seepage and Stormwater**

- E3. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by SOPA.

## **Approved Plans to be On-Site**

- E4. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the department, SOPA or the Certifying Authority.

## **Site Notice**

E5.

- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- b) The notice(s) is to satisfy all but not be limited to, the following requirements:
  - i) 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;
  - ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - iii) 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
  - iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

## **Protection of Trees**

E6.

- a) No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from SOPA is obtained or is required in an emergency to avoid the loss of life or damage to property.
- b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of SOPA.
- c) All trees on the Subject 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.

## **Construction Noise Management**

E7.

- a) The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved as part of the CEMP.
- b) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- c) The Applicant shall 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.
  - i) 9.00 am to 12.00 pm, Monday to Friday;
  - ii) 2.00 pm to 5.00 pm Monday to Friday; and
  - iii) 9.00 am to 12.00 pm, Saturday.
- d) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- e) Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.

## **Vibration Criteria**

- E8. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration – Effects of Vibration on Structures.
  - b) 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.
  - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
  - d) these limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP.

## **Work Cover Requirements**

- E9. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

## **Hoarding/Fencing Requirements**

E10. The following hoarding requirements shall be complied with:

- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.

- b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

### **Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics**

E11. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

### **Discovery of Aboriginal Heritage**

E12. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

## **F. PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Occupation Certificate**

F1. An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or part of the new building. A copy of the certificate shall be submitted to the department and SOPA.

### **Structural Inspection certificate**

F2. A Structural Inspection Certificate for any structural work is to be obtained prior to occupation of the building.

### **Event Impact Assessment**

F3. Prior to issuing an Occupation Certificate for the use of all or part of the building, an Event Management Statement shall be prepared in consultation with SOPA and is to be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate.

### **Workplace Travel Plan**

F4. A Green Travel Plan (Workplace Travel Plan) which complies with SOPA's Travel Plan Guidelines shall be prepared in consultation with SOPA and is to be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate.

### **Mechanical Ventilation**

F5. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- a) The Building Code of Australia;
- b) Australian Standard AS1668 and other relevant codes;
- c) The development consent and any relevant modifications; and,

- d) Any dispensation granted by the New South Wales Fire Brigade.

### **Road Damage**

- F6. 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 to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

### **Sydney Water Compliance**

- F7. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

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

### **Post-construction Dilapidation Report**

- F8. Prior to the issue of an Occupation Certificate, the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
  - a) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - b) A copy of this report is to be forwarded to SOPA.

### **Fire Safety Certification**

- F9. Prior to the issue a an Occupation Certificate, a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

### **Structural Inspection Certificate**

- F10. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any 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 SOPA after:
  - a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
  - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## **Subdivision Certificate**

- F11. Prior to the issue of the Final Occupation Certificate, evidence of the registration of the final subdivision plan in the Office of the Registrar-General, NSW Land and Property Information, is to be submitted to the Certifying Authority.

## **G. POST OCCUPATION**

### **Vehicular Access**

- G1. All vehicles entering and exiting the basement from Murray Rose Avenue must do so in a forward direction.

### **Unobstructed Driveways and Parking Areas**

- G2. 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.

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

- G3. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **External Lighting**

- G4. External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

### **Loading/Unloading**

- G5. All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

### **Access arrangements to the Right of carriageway**

- G6. Access arrangements for benefited users to the existing 6m right of carriageway along the northern boundary of the subject site are to be satisfactorily maintained in accordance with the relevant section 88B instrument.

### **Signage**

- G7. Any signage that does not form part of this approval is subject to a separate Development Application to be submitted to SOPA.

### **Ecologically Sustainable Development**

- G8. The operation of the building shall maintain the minimum 5 Star v3 Green Building Council of Australia commercial office design rating and 4.5 Star NABERS rating committed to and shall implement the ESD principles and design measures outlined within the EA.

### **Annual Fire Safety Certificate**

- G9. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety

Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

### **Noise Control – General**

G10. The use of the premise shall not cause nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

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

G11. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- Transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
- Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

## **ADVISORY NOTES**

### **Appeals**

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

### **Other Approvals and Permits**

AN2. The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

### **Responsibility for other consents / agreements**

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

### **Temporary Structures**

AN4.

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 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.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

## **Disability Discrimination Act**

AN5. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

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

AN6.

- a) The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

## **Asbestos Removal**

AN7. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

## **Site contamination issues during construction**

AN8. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the department.