

Development consent

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

As delegate of the Minister for Planning, under delegation dated 16 February 2015, 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.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 22 July 2016.

SCHEDULE 1

Application No.:	SSD 7033
Applicant:	Mirvac Projects Pty Ltd
Consent Authority:	Minister for Planning
Land:	Site 53, 2 Figtree Drive, Sydney Olympic Park
Development:	Construction of a mixed use development comprising four residential apartment buildings ranging in height from five to fifteen storeys, ancillary retail/commercial floor space at ground floor, three levels of basement car parking, a new access road and associated landscaping works.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Mirvac Projects Pty Ltd
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	Cumberland Council
Certification of Crown Building works	Certification under s109R of the EP&A Act
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; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
EEC	Endangered ecological community
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	<i>SSD 15_7033 Environmental Impact Statement, Site 53, 2 Figtree Drive, Sydney Olympic Park SSD 15_7033</i> , prepared by Urbis dated September 2015
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successor
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.
Response to Submissions (RtS)	Response to Submissions prepared by Urbis titled <i>SSD 7033: Response to Submissions, Site 53, 2 Figtree Drive, Sydney Olympic Park</i> dated May 2016
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Subject Site	Lot 22 in DP 787402 and Part Lot 10 in DP 1185060
SOPA	Sydney Olympic Park Authority

SCHEDULE 2

A ADMINISTRATIVE 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 Schedule 1.

Development in Accordance with Plans and Documents

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

- a) *Environmental Impact Statement, Site 53, 2 Figtree Drive, Sydney Olympic Park SSD 15_7033*, prepared by Urbis dated September 2015;
- b) *SSD 7033: Response to Submissions, Site 53, 2 Figtree Drive, Sydney Olympic Park*, prepared by Urbis and dated May 2016;
- c) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) as otherwise provided by the conditions of this consent; and
- d) the conditions of this consent.

Architectural (or Design) Drawings prepared by <i>BVN Architecture</i>:			
Drawing No.	Revision	Name of Plan	Date
DA-1002	C	Site Plan	17/03/2016
DA-2101	J	General Arrangement Plan Level B2	17/03/2016
DA-2102	J	General Arrangement Plan Level B1	17/03/2016
DA-2103	J	General Arrangement Plan Level 00	17/03/2016
DA-2104	U	General Arrangement Plan Level 01 – Ground Floor	17/03/2016
DA-2105	S	General Arrangement Plan Level 02	17/03/2016
DA-2106	U	General Arrangement Plan Level 03	17/03/2016
DA-2107	Q	General Arrangement Plan Level 04	17/03/2016
DA-2108	Q	General Arrangement Plan Level 05	17/03/2016
DA-2109	P	General Arrangement Plan Level 06	17/03/2016
DA-2110	P	General Arrangement Plan Level 07	17/03/2016
DA-2111	P	General Arrangement Plan Level 08	17/03/2016
DA-2112	P	General Arrangement Plan Level 09	17/03/2016
DA-2113	P	General Arrangement Plan Level 10	17/03/2016
DA-2114	Q	General Arrangement Plan Level 11	17/03/2016
DA-2115	O	General Arrangement Plan Level 12	17/03/2016
DA-2116	O	General Arrangement Plan Level 13	17/03/2016
DA-2117	O	General Arrangement Plan Level 14	17/03/2016
DA-2118	P	General Arrangement Plan Level 15	17/03/2016
DA-2119	G	General Arrangement Plan Roof Plan	17/03/2016
DA-2200	E	Adaptable Apartments	17/03/2016
DA-3000	G	North Elevation – Figtree Drive	17/03/2016
DA-3001	G	East Elevation – Australia	17/03/2016
DA-3002	G	West Elevation – New Street	17/03/2016
DA-3003	G	South Elevation – Linear Park	17/03/2016

DA-3100	E	General Arrangement Section 1	17/03/2016
DA-3101	E	General Arrangement Section 2	17/03/2016
Landscape (or Design) Drawings prepared by 360 Degrees:			
Drawing No.	Revision	Name of Plan	Date
LAN-A-06	E	Level 02	23/09/15
LAN-A-07	E	Level 01 Upper Ground	23/09/15
LAN-A-08	E	Level 00 Lower Ground	23/09/15
LAN-A-09	E	Typical Landscape Sections (A-A, B-B)	23/09/15
LAN-A-10	E	Typical Landscape Sections (C-C, D-D)	23/09/15
LAN-A-11	E	Typical Landscape Sections (E-E, F-F)	23/09/15
LAN-A-12	E	Typical Landscape Sections (G-G)	23/09/15
LAN-A-13	E	Typical Landscape Sections (H-H)	23/09/15
LAN-A-14	E	Typical Landscape Sections (I-I)	23/09/15
LAN-A-15	E	Typical Landscape Sections (J-J)	23/09/15
LAN-A-16	E	Typical Landscape Sections (K-K)	23/09/15
LAN-A-17	E	Planting Palette	23/09/15
LAN-A-18	E	Planting Palette	23/09/15
LAN-A-19	E	Planting Palette	23/09/15
LAN-A-20	E	Planting Palette	23/09/15

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 consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Building Code of Australia Compliance

A4. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- a) complying with the deemed to satisfy provisions, or
- b) formulating an alternative solution which:
 - i) complies with the performance requirements, or
 - ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - iii) a combination of a) and b).

Development Expenses

A5. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Lapsing of Approval

A6. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A7. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Secretary as Moderator

- A8. 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 two months or a timeframe otherwise agreed to by the Secretary, the matter is to be referred to the Secretary for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Secretary's resolution of the matter will be binding on the parties.

Long Service Levy

- A9. 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 13 1441.

Legal Notices

- A10. Any advice or notice to the consent authority shall be served on the Secretary.

Number of Car Spaces

- A11. A maximum of 501 car parking spaces are to be provided for the development of which, a maximum of 44 spaces are to be allocated to the retail use and resident visitors.

The layout and design of the car parking areas (including driveways, grades, turn paths, sight distance, aisle widths and lengths and parking bay dimensions) are to be in accordance with *AS 2890: Parking Facilities* parts 1, 2 and 6.

Number of Bicycle Spaces

- A12. A minimum of 624 bicycle parking spaces are to be provided for the development of which, a minimum 136 bicycle spaces be provided for the retail use and residential visitors

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities*.

END OF SECTION A

B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Amended Architectural Plans

B1. Prior to the issue of a relevant Construction Certificate, detailed architectural plans prepared in consultation with SOPA, shall be submitted to the Certifying Authority detailing the reinstatement of the castellated parapet design to the east building, as originally considered by SOPA's Design Review Panel.

Residential Storage

B2. Prior to the issue of a relevant Construction Certificate, detailed plans shall be submitted to the Certifying Authority demonstrating all residential apartments satisfy the minimum storage requirements in the Apartment Design Guide (ADG).

Landscaping and Public Domain Plan

B3. A detailed **Landscaping and Public Plan** prepared by a suitably qualified person in consultation with SOPA shall be submitted to the Certifying Authority for approval prior to the issue of a relevant Construction Certificate. The Plan shall include the following:

- a) a materials palette for landscaping infrastructure including pavement and pavement treatments;
- b) details of outdoor lighting;
- c) detailed sections showing levels along the view corridor;
- d) details of compliance with the *Crime Prevention Through Environmental Design* principles particularly in relation to the need for clear unobstructed sight lines through the site;
- e) the design and materials of landscape furniture, lighting, landscape infrastructure;
- f) suitable tree and plant species to be used including native species from relevant local vegetation community;
- g) details of general maintenance of landscape areas;
- h) alternative landscape treatment options to the Figtree Forecourt area including the construction of a deck, revised footpaths and the removal of any fencing to this area;
- i) detailed consideration of alternative visual treatments for the electrical substation at Figtree Drive; and
- j) detailed consideration of alternative treatment to the entry steps to Linear Park in consideration of the future redesign of the Park.

Landscaping – Sydney Trains

B4. Prior to the issue of a relevant Construction Certificate, the Applicant shall consult with Sydney Trains and provide the following details to the Certifying Authority:

- a) potential impacts from the roots and foliage of any trees on the rail corridor; and
- b) appropriate fencing to prevent unauthorised access to the rail corridor.

Materials and Finishes

B5. Prior to the issue of a relevant Construction Certificate, detailed schedule/plans and sample board of all external materials including awnings, screens, shading/sun control devices, finishes and colours shall be prepared in consultation with SOPA and submitted to the Certifying Authority and the Secretary.

BASIX

- B6. All commitments outlined in BASIX Certificate Number 650643M_04, required to achieve satisfactory levels of thermal comfort and water and energy ratings, shall be incorporated into the proposed development and provided to the Certifying Authority prior to the issue of a relevant Construction Certificate.

Road Design

- B7. Final road design plans shall be prepared by a qualified practising Civil Engineer in consultation with SOPA and submitted to the Certifying Authority prior to the issue of a relevant Construction Certificate. The plans shall include the following:
- a) kerb and gutter, stormwater drainage, relevant road width pavement including traffic facilities and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of SOPA and the RMS. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the certifying authority prior to commencement of works;
 - b) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Subject Site, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS;
 - c) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with *AS 2890.1-2004 Parking Facilities Part 1: Off-street Car Parking*, *AS 2890.6-2009 Parking Facilities Part 6: Off-street Parking for People with Disabilities* for accessible spaces and *AS 2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities* for heavy vehicle usage;
 - d) appropriate pedestrian advisory signs are to be provided at the egress from the car park areas;
 - e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
 - f) details of pedestrian access on all roads adjoining the Subject Site.

Ecologically Sustainable Development

- B8. The project shall incorporate all design, operation and construction measures as identified in the ESD Strategy prepared by Efficient Living dated 11 August 2015. Details are to be submitted to the Certifying Authority prior to the issue of a relevant Construction Certificate.

Construction Environmental Management Plan

- B9.
- a) Prior to the issue of a relevant Construction Certificate, a **Construction Environmental Management Plan** (CEMP) shall be submitted to the Certifying Authority. The CEMP 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 and TfNSW;
 - iv) construction noise and vibration through the preparation of a **Construction Noise and Vibration Management Plan** (CNVMP), prepared by a suitably qualified person, which addresses the relevant provisions of *AS 2436 – 2010 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) procedures for encountering groundwater during construction works including contact with NSW Department of Primary Industries - Water;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) segregation and management of contaminated materials and spoil stockpiles; and
 - x) external lighting in compliance with *AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting* (noting also that lighting is to be designed and controlled to minimise artificial sky glow and adverse disturbance to fauna within Bicentennial Park and Badu Mangroves).
- 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.

Traffic and Pedestrian Management Plan

B10.

- a) Prior to the issue of a relevant Construction Certificate, a **Traffic and Pedestrian Management Plan** (TPMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The TPMP must be prepared in consultation with SOPA.
- b) The Plan shall address, but not be limited to, the following matters:
- i) ingress and egress of vehicles to the Subject Site;
 - ii) loading and unloading, including construction zones;
 - iii) predicted traffic volumes, types and routes;
 - iv) pedestrian and traffic management methods;
 - v) construction activities during major events;
 - vi) details of special event and clearway conditions on surrounding roads in the vicinity of the site during special events;
 - vii) potential impacts to pedestrian access and public transport infrastructure including bus services and measures to mitigate impacts including temporary relocation of services; and
 - viii) access for owners and occupiers during special events.
- c) The Applicant shall submit a copy of the final Plan to SOPA, prior to the commencement of work.

Stormwater Management

B11. Prior to the issue of a relevant Construction Certificate, details of the proposed stormwater capture, re-use and drainage from the site, designed in accordance with the SOPA Stormwater Management and Water Sensitive Urban Design Policy 2013 to the satisfaction of SOPA, is to be submitted to the Certifying Authority. All approved details of the disposal of stormwater and drainage are to be implemented in the development. In that regard the development is to maximise the use of locally

harvested rainwater captured from the building's roof surfaces and hard paved areas for all approved rainwater uses (eg irrigation) prior to the use of any Water Reclamation and Management Scheme (WRAMS) water as a supplementary source of recycled water.

- B12. Prior to the issue of a relevant Construction Certificate, a **Stormwater Management Plan** (SMP), consistent with the SOPA *Stormwater Management and Water Sensitive Urban Design Policy 2013* and prepared by a suitably qualified person, shall be submitted to SOPA for approval. The SMP shall show:
- a) all stormwater catchments for the site;
 - b) all stormwater drainage system elements for the site including long sections for all drainage elements including hydraulic grade line calculations;
 - c) all elements of the detention system including sufficient sections and details demonstrating how the system is to operate. The entire site is to be included in the detention sizing calculations, including land to be dedicated to SOPA;
 - d) all elements of the stormwater treatment system including sufficient sections and details demonstrating how the system is to operate and the diversion flow rate into the treatment system. The entire site is to be included in the detention sizing calculations, including land to be dedicated to SOPA and any on site detention systems are not to be included in the calculations for water quality;
 - e) all calculations showing how the intent of the SOPA Stormwater Management and Water Sensitive Urban Design Policy 2013 is met;
 - f) details of all stormwater connections to the existing SOPA stormwater system; and
 - g) details of the overland flow system and calculations to demonstrate the capacity to safely convey flow through the site including DxV calculations.

Erosion and Sedimentation Control

- B13. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom.
- B14. Prior to the issue of a relevant Construction Certificate, a **Soil and Water Management Plan** shall be prepared by a suitably qualified person in consultation with SOPA. This plan shall show:
- a) the location and extent of all necessary sediment and erosion control measures for the site;
 - b) sediment basin(s) locations including details showing how runoff from the entire site will be directed to the sediment basin(s);
 - c) all relevant details and calculations of the sediment basins including sizes in accordance with the *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)*, flocculation, outlet design, all relevant sections, pump out systems, and depths;
 - d) all details of basement and other excavation pump out and dewatering treatment systems including flocculation and any proposed discharge from the site from dewatering and pump out systems;
 - e) identification and management of any stormwater run-on to the site from adjacent sites;
 - f) location of any temporary stockpiles (soil, spoil, top soil or otherwise) and accompanying sediment and erosion control measures; and
 - g) location and details of all vehicle wash down bays and associated erosion and sediment control measures such as earthen bunds.

Reflectivity

B15. Prior to the issue of a relevant construction certificate, a **Reflectivity Report** prepared by a suitably qualified person in consultation with Sydney Trains, shall be submitted to the Certifying Authority. The Report shall confirm the following:

- a) the building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers; and
- b) the design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

Outdoor Lighting

B16. All outdoor lighting within the site shall comply with, where relevant, *AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting* and *AS 4282: 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 a relevant Construction Certificate.

Access for People with Disabilities

B17. 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, DDA Access to Premises Standards (including DDA Access Code) and SOP Master Plan 2030 and the recommendations contained in the Access Review prepared by Morris Goding dated 7 August 2015 unless where there is an appropriate alternate solution as determined by a suitable qualified access consultant.

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 including how the proposed development integrates into the town centre with compliant paths of travel and services.

Building Code of Australia (alternative solutions)

B18. Any non-deemed to satisfy compliance issues are to be included as alternative solutions in the final design to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate. A copy shall be provided to the Secretary.

Structural Details

B19. 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

B20. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with AS 1668.2 and AS 3666.1 *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 relevant Construction Certificate.

Waste Management Plan

B21. Prior to the issue of a relevant Construction Certificate, the Applicant shall prepare a **Construction Waste Management Plan (CWMP)** to be submitted to the Certifying Authority. The WMP 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 requirements for the waste area are as follows:

- a) all internal walls of the storage area are to be finished to a smooth surface, covered at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and
- b) include provision for the separation and storage in appropriate categories of material suitable for recycling.

Utility Services

B22. Prior to the issue of a relevant Construction Certificate 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.

Groundwater

B23. Prior to the issue of a relevant Construction Certificate, a detailed **Groundwater Management Plan**, including baseline analysis of groundwater levels and quality and details of any proposed extraction, interception or dewatering activities and the need for any on-going monitoring in accordance with the requirements of Department of Primary Industries - Water is to be submitted to the Certifying Authority.

Pre-construction Dilapidation Report

B24. The Applicant is to engage a suitably qualified person to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all existing adjoining buildings, infrastructure and roads within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of the excavation to twice the maximum depth.

Geotechnical

B25. Prior to the issue of a relevant Construction Certificate, a detailed **Geotechnical Report** is to be submitted to the Certifying Authority addressing the potential impacts on the adjacent railway corridor, groundwater foundations and waste classification in accordance with the Report on Geotechnical Investigation prepared by Douglas Partners dated August 2014.

Sydney Trains Requirements

B26. Prior to the issue of a relevant Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- a) final Geotechnical and Structural report/drawings that are based on actual borehole testing conducting on the site closest to the rail corridor and meet Sydney Trains requirements;
- b) final construction methodology with construction details pertaining to structural support during excavation;
- c) final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor;

- d) detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains land and infrastructure;
 - e) if required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor; and
 - f) final drainage details based on the final approved development.
- B27. Prior to the issue of a relevant Construction Certificate, the Applicant is to contact Sydney Trains to determine the need for the lodgement of a Bond (including Insurance Bonds) or Bank Guarantee for the duration of the works.
- B28. Prior to the issue of a relevant Construction Certificate, the Applicant is to consult with Sydney Trains in relation to the level of public liability insurance required for works on or near the rail corridor or rail infrastructure.
- B29. Prior to the issue of a relevant Construction Certificate for any work adjacent to the rail corridor, the Applicant must consult with Sydney Trains to obtain any relevant approval/certification/endorsement required by it.

Acoustic Impacts (Sydney Trains)

- B30. Prior to the issue of a relevant Construction Certificate, the Applicant shall submit details to the Certifying Authority demonstrating how the proposed development will comply with the *Department of Planning's Development Near Rail Corridors and Busy Roads - Interim Guideline* and the recommended glazing design and other measures in the Acoustic Assessment prepared by Renzo Tonin, dated 23 July 2015 have been incorporated into the detailed design of the building.

Stray Currents and Electrolysis (Sydney Trains)

- B31. Prior to the issue of a relevant 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 Applicant 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.

Rail Safety - (Sydney Trains)

- B32. Prior to the issue of a relevant Construction Certificate, the Applicant shall detail measures which prevent the throwing of objects onto the rail corridor from balconies, windows and other external features that are within 20 metres and face the rail corridor. These measures are to comply with Sydney Trains requirements.
- B33. Prior to the issue of a relevant Construction Certificate, a Risk Assessment, Rail Safety Management Plan and detailed Safe Work Method Statements are to be prepared in consultation with Sydney Trains and submitted to the Certifying Authority.
- B34. Prior to the issue of a relevant Construction Certificate, the Applicant is to submit to the Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.
- B35. Prior to the issue of a construction certificate, the Applicant must obtain public liability insurance cover for a sum to be determined by Sydney Trains. The Applicant must provide details and endorsement by Sydney Trains to the Certifying Authority.

END OF SECTION B

C PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- C1. The Certifying Authority and SOPA shall be given written notice, at least 48 hours prior to the commencement of building and/or subdivision work on the Subject Site.

Rail Corridor Inspection (Sydney Trains)

- C2. Prior to the commencement of any works, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. A detailed dilapidation report must be submitted to Sydney Trains unless otherwise agreed to by Sydney Trains. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed.

Public Safety and Liability (Sydney Trains)

- C3. Prior to the commencement of works, the Applicant is to contact Sydney Trains to determine the need for appropriate fencing along the rail corridor to prevent unauthorised access to the rail corridor during construction.

Waste Management Plan During Construction

- C4. Prior to the commencement of any works, the Applicant shall:
- a) submit a **Construction Waste Management Plan (CWMP)**, prepared by a suitably qualified person in consultation with the SOPA, to the Certifying Authority. The CWMP shall address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete; and
 - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
 - b) provide 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) submit a copy of the Plan to the Department and to SOPA, prior to commencement of work;
 - d) notify RMS 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; and
 - e) detail the segregation and management of contaminated materials and spoil stockpiles during construction.

Sydney Water Quick Check

- C5. 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 for Quick Check agent details.

Contamination

- C6. Prior to the commencement of any works, a hazardous material survey should be undertaken. The survey should detail any unexpected finds and appropriate management measures.
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Asbestos Management Plan

- C7. Prior to the commencement of any works, the proponent must prepare and submit an **Asbestos Management Plan** (AMP) to the satisfaction of the Sydney Olympic Park Authority. The AMP shall acknowledge the possible presence of asbestos and outline measures to manage asbestos should it be encountered.

END OF SECTION C

D DURING CONSTRUCTION

Hours of Work

- D1. 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; and
 - 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; or
 - iv) SOPA shall be advised in advance of any access for construction/delivery vehicles during major event periods.

Erosion and Sediment Control

- D2. 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

- D3. 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 EPA in accordance with the *Protection of the Environment Operations Act 1997*.

Approved Plans to be On-Site

- D4. 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

- D5. 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, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and

- d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Trees

D6. The Applicant shall ensure:

- a) no street trees are 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 are 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, are to be provided to protect root system, trunk and branches, during construction, in accordance with the Arboricultural Impact Assessment prepared by Arboreport dated 10 August 2015.
- d) the removal works are undertaken by a qualified aborist recognised within the Australian Qualification Framework, with a minimum five years of continual experience within the industry of operational amenity aboriculture, and covered by appropriate and current types of insurance to undertake such works and in accordance with AS 4373:2007.

Construction Noise Management

D7.

- 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 CNVMP, approved as part of the CEMP required by condition B9.
- 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 CNVMP.
 - i) 8 am to 12 pm, Monday to Friday;
 - ii) 2 pm to 5 pm Monday to Friday; and
 - iii) 9 am to 12 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 CNVMP.
- 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

D8. Unless otherwise outlined in the CNVMP, approved as part of the CEMP required by condition B9, 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; and
- 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.

Work Cover Requirements

D9. 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

D10. 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

D11. 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

D12. 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 Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

Rail Corridor (Sydney Trains)

D13. The following restrictions apply during construction phase:

- a) no metal ladders, tapes and plant/machinery or conductive material are to be used within six horizontal metres of any live electrical equipment. This applies to 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;
- b) no rock anchors/bolts are to be installed into the rail corridor;
- c) unless advised by Sydney Trains in writing, the effect of construction induced settlement due to groundwater drawdown (potentially leading to track settlement) is to be avoided at all times;

- d) unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25 metres of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects;
- e) the Applicant is to obtain Sydney Trains endorsement prior to installation of any hoarding or scaffolding facing the common boundary with the rail corridor;
- f) drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains; and
- g) the Applicant shall undertake all measures to minimise any form of pollution entering the railway corridor.

Waste Classification

D14. A waste classification of all material to be transported off the site for disposal is to be undertaken in accordance with the Department of Environment, Climate Change and Water (2009) *Waste Classification Guidelines*. In that regard all waste is to be disposed to a facility that can lawfully receive waste and all documentation including waste classification reports, receipts and weighbridge dockets for materials disposed off-site are to be made available to SOPA if requested.

END OF SECTION D

E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate

- E1. 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.

Road Safety Audit

- E2. A detailed design road safety audit (RSA) shall be undertaken on the proposed road works (half of New Street) by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans and be submitted to the Certifying Authority and SOPA prior to the commencement of works.

Prior to the issue of the Final Occupation Certificate the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans.

Public Domain Works

- E3. Any public domain works within the zone of influence including connections to adjacent sites are to be completed to the satisfaction of SOPA prior to issue of the Final Occupation Certificate.

Green Travel Plan

- E4. A **Green Travel Plan** consistent with the objectives and measures outlined in the Transport and Traffic Assessment report prepared by GTA Consultants dated 6 August 2015 is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Final Occupation Certificate.

Mechanical Ventilation

- E5. 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 the Final 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 Fire and Rescue NSW.

Road Damage

- E6. 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 the Final Occupation Certificate.

Sydney Water Compliance

- E7. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

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

The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of the Final Occupation Certificate.

Post-construction Dilapidation Report

E8. The Applicant shall prepare a **Post-Construction Dilapidation Report**, prepared by a suitably qualified person, to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Certifying Authority at the completion of construction works, and prior to the issue of the Final Occupation Certificate. A copy shall also be forwarded to SOPA.

In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:

- a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
- b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

Fire Safety Certification

E9. Prior to the issue of any 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

E10. 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; and
- b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Utility Providers

E11. Prior to the issue of a relevant Occupation Certificate 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.

Drainage Plan

E12. Prior to the issuing of the Final Occupation Certificate for the development, the Applicant shall submit to SOPA and the Certifying Authority a **Works-as-Executed Drainage Plan** (WEDP) prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The WEDP shall be to the satisfaction of the Certifying Authority.

Road Plan

E13. Prior to the issuing of the Final Occupation Certificate for the development, the Applicant shall submit to SOPA and the Certifying Authority a **Works-as-Executed Road Plan** (WERP) (for the new street) prepared by a registered surveyor and approved by a suitably qualified and experienced design engineer. The WERP shall be to the satisfaction of the Certifying Authority.

Waste Management

- E14. Prior to the issue of the Final Occupation Certificate, a detailed **Operational Waste Management Plan** (OWMP) for the operation of the site shall be submitted to the Certifying Authority.

Sewerage Plan

- E15. Prior to the issuing of the Final Occupation Certificate, a works-as-executed sewerage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer shall be submitted to SOPA and the Certifying Authority. The works-as-executed sewerage plan shall be to the satisfaction of the Certifying Authority.

Railway Corridor - Sydney Trains

- E16. Prior to the issuing of a Final Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and SOPA. The as-built drawings are to be endorsed by a registered Surveyor confirming that there has been no encroachment onto Sydney trains rail corridor area. The Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- E17. Prior to the issuing of an Occupation Certificate, the Applicant must prepare a plan of how future maintenance of the development facing the rail corridor is to be undertaken, in consultation with Sydney Trains. The Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Water Sensitive Urban Design Assets

- E18. Prior to the issuing of a Final Occupation Certificate the Applicant is to submit an **Establishment, Handover, Operation and Maintenance Plan** (EHOMP) to SOPA and the Certifying Authority for all water sensitive urban design assets (for the life of the asset) including evidence of a maintenance contract covering the period up to the first annual general meeting of the body corporate. The Applicant must submit a renewed maintenance contract at the first annual general meeting of the body corporate for consideration.

END OF SECTION E

F POST OCCUPATION

Green Travel Plan

- F1. The Green Travel Plan, required by condition E4, shall be displayed in all common areas throughout the site for residents.

Water Sensitive Urban Design Assets

- F2. The EHOMP required by condition E18 is to include routine checking, cleaning and servicing of all devices in accordance with manufacturers recommendations and a record of all maintenance activities are to be provided to SOPA by 30 June each year.
- F3. All water sensitive design assets must be maintained on an ongoing basis, in accordance with the Establishment, Handover, Operation and Maintenance Plan. Where any component of these assets are replaced, any alternative system must achieve an equivalent pollution reduction and water management outcome.

Vehicular Access

- F4. All vehicles entering and exiting the basement must do so in a forward direction.

Unobstructed Driveways and Parking Areas

- F5. 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

- F6. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

Loading/Unloading

- F7. 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. All vehicles using the loading dock shall enter and exit the site in a forward motion.

Signage

- F8. 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

- F9. The operation of the building shall implement the ESD principles and design measures outlined within the EIS.

Annual Fire Safety Certificate

- F10. An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW 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

- F11. 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

F12. 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:

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

END OF SECTION F

ADVISORY NOTES

Appeals

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (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 (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

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

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN6.

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

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.

END OF ADVISORY NOTES