

# Development Consent – Key Sites

## ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental 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**  
**Compliance, Industry and Key Sites**

Sydney

2019

### **SCHEDULE 1**

<b>Application Number:</b>	9403
<b>Applicant:</b>	Austino Sydney Olympic Park Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	1 and 2 Murray Rose Avenue, Sydney Olympic Park (Lots 1 and 2, DP 1185060)
<b>Development:</b>	Construction of two residential apartment buildings, comprising: <ul style="list-style-type: none"><li>• <del>293</del> <b>274</b> apartments;</li><li>• <del>330</del> <b>337</b> basement car parking spaces; and</li><li>• <del>27,396</del> <b>27,566.9</b> m<sup>2</sup> of gross floor area.</li></ul>

## Summary of Modifications

<b>SSD 9403</b>	Approved by the Executive Director, Regions, Industry and Key Sites on 14 August 2019
<b>SSD 9403 MOD 1</b>	Approved by the Team Leader, Key Sites Assessments on 18 February 2022 for <ul style="list-style-type: none"> <li>Minor design changes to Site 2</li> </ul>
<b>SSD 9403 MOD 2</b>	Approved by the Director, Key Sites Assessments on 10 July 2023 for design changes including: <ul style="list-style-type: none"> <li>increase to Site 1 GFA resulting in an overall site GFA of 27,566.9 m2</li> <li>minor increase to maximum height of Site 1</li> <li>amendments to apartment layouts and unit mix</li> <li>additional enclosed communal areas</li> <li>reduction in quantity of units from 292 to 274 units</li> <li>increase in car parking spaces from 330 to 337 spaces</li> </ul>
<b>SSD 9403 MOD 3</b>	Approved by the Team Leader, Key Sites Assessments on 20 June 2025 for <ul style="list-style-type: none"> <li>Minor design changes to Site 2</li> </ul>

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form part of this consent
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>Applicant</b>	Austino Sydney Olympic Park Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	All physical work to enable operation
<b>Council</b>	City of Parramatta Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising construction of the approved residential apartment buildings, as modified by the conditions of this consent
<b>EESG</b>	Environment, Energy and Science Group for the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled '1-2 Murray Rose Avenue, Sydney Olympic Park, Environmental Impact Statement', prepared by Urbis Pty Ltd and dated 31 October 2018, and accompanying appendices submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>IECM</b>	Infrastructure Engineering and Construction Manual
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays

<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PCA</b>	Means a principal certifying authority appointed under section 6.5 of the EP&A Act, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building Work
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to Submissions (RTS)</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>SOPA</b>	Sydney Olympic Park Authority
<b>SSD</b>	State Significant Development
<b>Subject Site</b>	Land referred to in Schedule 1
<b>TfNSW</b>	Transport for New South Wales
<b>TfNSW (RMS)</b>	Transport for New South Wales (RMS)

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

**TERMS OF CONSENT**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, Response to Submissions and additional information;
  - (d) in accordance with the approved plans in the table below;
  - (e) the Section 4.55(1A) application prepared by Urbis dated December 2021 and additional documents, as amended by Response to Request for Further Information prepared by Urbis dated 4 February 2022 and appendices:
  - (f) the Section 4.55(2) application prepared by Urbis dated December 2022, as amended by Responses to Request for Further Information prepared by Urbis dated 6 April 2023, 10 May 2023 and 14 June 2023:
  - (g) the Section 4.55(1A) application prepared by HDC Planning dated 7 November 2024 and additional documents, as amended by Response to Request for Further Information prepared by RPS dated 6 May 2025.

Architectural Drawings prepared by PTW Architects			
Drawing No.	Revision	Name of Plan	Date
DA-00-0200	A	Site Plan	12/10/18
DA-00-0400	A	Demolition Plan	12/10/18
DA-00-0500	A <del>B</del> <del>C</del>	Architectural Site Plan	<del>19/03/19</del> <u>03/11/21</u> <u>30/11/22</u>
DA-10-1700	<del>B</del> <del>C</del>	S1 Level B3	<del>24/01/19</del> <u>30/11/22</u>
DA-10-1800	<del>B</del> <del>C</del>	S1 Level B2	<del>24/01/19</del> <u>30/11/22</u>
DA-10-1900	<del>D</del> <del>E</del>	S1 Level B1	<del>17/05/19</del> <u>30/11/22</u>
DA-10-2000	<del>E</del> <del>F</del>	S1 Level 00	<del>04/06/19</del> <u>30/11/22</u>
DA-10-2100	<del>D</del> <del>F</del>	S1 Level 01	<del>17/05/19</del> <u>30/11/22</u>
DA-10-2200	<del>C</del> <del>D</del>	S1 Level 02	<del>17/05/19</del> <u>30/11/22</u>

DA-10-2300	<del>B</del> <u>C</u>	S1 Level 03-05	17/05/19 <u>30/11/22</u>
<u>DA-10-2310</u>	<u>A</u>	<u>S1 Level 04-05</u>	<u>30/11/22</u>
DA-10-2400	<del>B</del> <u>C</u>	S1 Level 06	17/05/19 <u>30/11/22</u>
DA-10-2500	<del>B</del> <u>C</u>	S1 Level 07	17/05/19 <u>30/11/22</u>
DA-10-2600	<del>D</del> <u>E</u>	S1 Level 08	17/05/19 <u>30/11/22</u>
DA-10-2700	<del>D</del> <u>E</u>	S1 Level 09	17/05/19 <u>30/11/22</u>
DA-10-2800	<del>D</del> <u>E</u>	S1 Level 10	17/05/19 <u>30/11/22</u>
DA-10-2900	<del>D</del> <u>E</u>	S1 Level 11	17/05/19 <u>30/11/22</u>
DA-10-3000	<u>A</u> <u>B</u>	S1 Level 12	12/10/18 <u>30/11/22</u>
DA-10-3100	<u>A</u> <u>B</u>	S1 Roof	12/10/18 <u>30/11/22</u>
DA-10-4700	<u>C</u> <u>D</u>	S2 Level B3	19/03/19 <u>03/11/21</u>
DA-10-4800	<u>C</u> <u>D</u>	S2 Level B2	19/03/19 <u>03/11/21</u>
DA-10-4900	<del>D</del> <u>E</u> <u>F</u>	S2 Level B1	04/06/19 <u>03/11/21</u> <u>30/11/22</u>
DA-10-5000	<u>C</u> <u>D</u> <u>E</u> <u>F</u>	S2 Level 00	19/03/19 <u>03/11/21</u> <u>30/11/22</u> <u>19/07/24</u>
DA-10-5100	<del>D</del> <u>E</u> <u>F</u> <u>G</u>	S2 Level 01	17/05/19 <u>03/11/21</u> <u>30/11/22</u> <u>19/07/24</u>
DA-10-5200	<u>C</u> <u>D</u>	S2 Level 02	17/05/19 <u>03/11/21</u>

	<del>E</del> F		<del>30/11/22</del> <u>19/07/24</u>
DA-10-5300	C <del>D</del> <del>E</del> F	S2 Level 03-05	17/05/19 <del>03/11/21</del> <del>30/11/22</del> <u>19/07/24</u>
DA-10-5400	C <del>D</del> <del>E</del> F	S2 Level 06	17/05/19 <del>03/11/21</del> <del>30/11/22</del> <u>19/07/24</u>
DA-10-5500	C <del>D</del> <del>E</del> F	S2 Level 07	17/05/19 <del>03/11/21</del> <del>30/11/22</del> <u>19/07/24</u>
DA-10-5600	D <del>E</del> <del>F</del> G	S2 Level 08	17/05/19 <del>03/11/21</del> <del>30/11/22</del> <u>19/07/24</u>
DA-10-5700	C <del>D</del> <del>E</del>	S2 Level 09	17/05/19 <del>03/11/21</del> <del>30/11/22</del>
DA-10-5800	D <del>E</del> <del>F</del>	S2 Level 10	17/05/19 <del>03/11/21</del> <del>30/11/22</del>
DA-10-5900	D <del>E</del> <del>F</del>	S2 Level 11	17/05/19 <del>03/11/21</del> <del>30/11/22</del>
DA-10-6000	D <del>E</del> <del>F</del>	S2 Level 12	17/05/19 <del>03/11/21</del> <del>30/11/22</del>
DA-10-6100	D <del>E</del> <del>F</del>	S2 Level 13	17/05/19 <del>03/11/21</del> <del>30/11/22</del>
DA-10-6200	D <del>E</del> <del>F</del>	S2 Level 14	17/05/19 <del>03/11/21</del> <del>30/11/22</del>
DA-10-6300	A <del>B</del>	S2 Level 15	12/10/18 <u>03/11/21</u>

	<u>C</u>		<u>30/11/22</u>
DA-10-6400	A <u>B</u> <u>C</u>	S2 Roof	12/10/18 <u>03/11/21</u> <u>30/11/22</u>
DA-20-0000	€ <u>D</u>	Elevations S1	19/03/19 <u>30/11/22</u>
DA-20-0100	€ <u>D</u>	Elevations S1	19/03/19 <u>30/11/22</u>
DA-20-0200	€ <u>D</u>	Elevations S1	19/03/19 <u>30/11/22</u>
DA-20-0300	€ <u>D</u> <u>E</u> <u>G</u>	Elevations S2	19/03/19 <u>03/11/21</u> <u>30/11/22</u> <u>17/04/25</u>
DA-20-0400	€ <u>D</u> <u>E</u> <u>G</u>	Elevations S2	19/03/19 <u>03/11/21</u> <u>30/11/22</u> <u>17/04/25</u>
DA-20-0500	€ <u>D</u> <u>E</u> <u>G</u>	Elevations S2	19/03/19 <u>03/11/21</u> <u>30/11/22</u> <u>17/04/25</u>
DA-20-0600	€ <u>D</u> <u>E</u> <u>G</u>	Elevation – Bennelong Parkway Road	19/03/19 <u>03/11/21</u> <u>30/11/22</u> <u>17/04/25</u>
DA-30-0000	€ <u>D</u>	Sections-S1	19/03/19 <u>30/11/22</u>
DA-30-0010	A <u>B</u>	Sections-S1	19/03/19 <u>30/11/22</u>
DA-30-0100	€ <u>D</u> <u>E</u>	Sections-S2	19/03/19 <u>03/11/21</u> <u>30/11/22</u>
DA-30-0200	€ <u>D</u> <u>E</u>	Sections-S2	19/03/19 <u>03/11/21</u> <u>30/11/22</u>
DA-30-0300	A	Sections-S2	17/05/19



	<u>B</u> <u>C</u>		<u>03/11/21</u> <u>30/11/22</u>
DA-40-0000	B	Façade Finish Schedule-S1	24/01/19
DA-40-0100	<u>B</u> <u>C</u>	Façade Finish Schedule-S2	<u>24/01/19</u> <u>03/11/21</u>
DA-40-0200	A <u>B</u>	Façade Finish Schedule-S2 Central Courtyard	12/10/18 <u>03/11/21</u>
DA-50-1000	A <u>B</u>	Adaptable Units-S1	12/10/18 <u>30/11/22</u>
<del>DA-50-1001</del>	A	<del>Adaptable Units-S1</del>	12/10/18
DA-50-1100	A <u>B</u>	Silver Livable Units-S1	12/10/18 <u>30/11/22</u>
DA-50-1200	<u>B</u> <u>C</u>	Visitable Units-S1	19/03/19 <u>30/11/22</u>
DA-50-2000	A <u>B</u>	Adaptable Units-S2	12/10/18 <u>03/11/21</u>
DA-50-2001	A <u>B</u>	Adaptable Units-S2	12/10/18 <u>03/11/21</u>
DA-50-2100	A <u>B</u>	Silver Livable Units-S2	12/10/18 <u>03/11/21</u>
DA-50-2200	A <u>B</u>	Visitable Units-S2	12/10/18 <u>03/11/21</u>
DA-70-0000	A <u>B</u>	Storage Schedule_S1	19/03/19 <u>30/11/22</u>
DA-70-0100	A <u>B</u> <u>C</u>	Storage Schedule_S2	19/03/19 <u>03/11/21</u> <u>30/11/22</u>
DA-91-0000	C <u>D</u> <u>E</u>	GFA Diagrams	19/03/19 <u>03/11/21</u> <u>30/11/22</u>
DA-91-0100	C <u>D</u> <u>E</u>	GFA Diagrams	19/03/19 <u>03/11/21</u> <u>30/11/22</u>
<b>Landscape Drawings prepared by RPS</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>

L0.00	F <u>04</u> H	Coversheet <a href="#">Coversheet and Drawing Schedule</a> <a href="#">Coversheet</a>	04/07/19 <a href="#">15/11/21</a> <a href="#">14/11/22</a>
L0.01	F <u>G</u> !	Deep Soil Plan	04/07/19 <a href="#">15/11/21</a> <a href="#">14/11/22</a>
<a href="#">L0.02</a>	H	<a href="#">Specification</a>	<a href="#">15/11/21</a>
L1.01	G <u>04</u> 15	External Works – <a href="#">Level 1</a>	04/07/19 <a href="#">27/10/21</a> <a href="#">22/02/24</a>
L1.02	G <u>H</u> !	External Works	04/07/19 <a href="#">15/11/21</a> <a href="#">14/11/22</a>
L1.03	G <u>H</u> !	External Works	04/07/19 <a href="#">15/11/21</a> <a href="#">14/11/22</a>
L1.04	G <u>04</u> !	External Works – <a href="#">SOPA land</a>	04/07/19 <a href="#">27/10/21</a> <a href="#">14/11/22</a>
L1.05	G <u>H</u> !	External Works	04/07/19 <a href="#">15/11/21</a> <a href="#">14/11/22</a>
L1.06	G <u>H</u>	External Works	04/07/19 <a href="#">15/11/21</a>
<del>L1.07</del>	E <u>F</u>	<del>External Works – Roof</del>	04/07/19 <a href="#">15/11/21</a>
<del>L1.08</del> <a href="#">L1.07</a>	E <u>F</u> G	External Works	04/07/19 <a href="#">15/11/21</a> <a href="#">14/11/22</a>
<a href="#">L1.08</a>	G	<a href="#">External Works</a>	<a href="#">14/11/22</a>
<a href="#">L1.09</a>	A	<a href="#">External Works</a>	<a href="#">14/11/22</a>
<a href="#">L1.10</a>	A	<a href="#">External Works</a>	<a href="#">14/11/22</a>
<a href="#">L2.01</a>	<u>04</u> 10	<a href="#">Planting ground – Level 1</a>	<a href="#">27/10/21</a> <a href="#">22/02/24</a>
<a href="#">L2.03</a>	<u>04</u>	<a href="#">Planting roof</a>	<a href="#">27/10/21</a>

<a href="#">L2.04</a>	<a href="#">04</a>	<a href="#">Planting SOPA land</a>	<a href="#">27/10/21</a>
<a href="#">L3.01</a>	<a href="#">G</a>	<a href="#">Details</a>	<a href="#">04/07/19</a>
<a href="#">L3.01</a>	<a href="#">03</a> <a href="#">H</a>	<a href="#">Sections – Level 1</a>	<a href="#">26/08/21</a> <a href="#">14/11/22</a>
<a href="#">L3.02</a>	<a href="#">G</a>	<a href="#">Details</a>	<a href="#">04/07/19</a>
<a href="#">L3.02</a>	<a href="#">03</a> <a href="#">H</a>	<a href="#">Sections – Roof</a>	<a href="#">26/08/21</a> <a href="#">14/11/22</a>
<a href="#">L3.03</a>	<a href="#">04</a>	<a href="#">Section SOPA land</a>	<a href="#">27/10/21</a>
<a href="#">L3.04</a>	<a href="#">04</a>	<a href="#">Substation</a>	<a href="#">27/10/21</a>
<a href="#">L4.01</a>	<a href="#">03</a> <a href="#">I</a>	<a href="#">Details</a>	<a href="#">26/08/21</a> <a href="#">14/11/22</a>
<a href="#">L4.02</a>	<a href="#">04</a> <a href="#">H</a>	<a href="#">Details</a>	<a href="#">27/10/21</a> <a href="#">14/11/22</a>

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)** above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** and **A2(d)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS ON CONSENT

- A5. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.
- A6. No consent is granted for:
- (a) any remediation work at 2 Murray Rose Avenue
  - (b) any removal of trees located outside the site boundary.

#### PRESCRIBED CONDITIONS

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

#### LONG SERVICE LEVY

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### LEGAL NOTICES

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

#### DESIGN INTEGRITY

- A10. Necessary arrangements must be implemented by the Applicant to ensure PTW Architects are engaged in the design documentation phase to ensure the integrity design quality of the approved development is maintained through the construction phase to completion of the building works.

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

A11. Within three months of:

- (a) the submission of a Compliance Report under **Condition C6**;
- (b) the submission of an incident report under **Condition A18**;
- (c) the submission of a program of independent environmental audits under **Condition C8**;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under **Condition A2** which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A12. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

## EVIDENCE OF CONSULTATION

A13. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## STRUCTURAL ADEQUACY

A14. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Notes:**

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

## APPLICABILITY OF GUIDELINES

A15. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A16. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## MONITORING AND ENVIRONMENTAL AUDITS

A17. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent auditing.

**Note:** *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A18. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A19. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## **NON-COMPLIANCE NOTIFICATION**

- A20. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A21. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A22. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **OPERATION OF PLANT AND EQUIPMENT**

- A23. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

- B1. Work must not commence until a Construction Certificate in respect of the work has been issued. The Construction Certificate must be issued by an Accredited Certifier in accordance with the requirements set out in Section 6.6 of the *Environmental Planning and Assessment Act 1979*. A copy of the Construction Certificate must be provided to SOPA's Senior Manager, Planning and the Planning Secretary prior to the commencement of work.

### EXTERNAL WALLS AND CLADDING

- B2. The external walls and cladding must comply with the relevant requirements of the BCA.
- B3. Before the issue of a Construction Certificate and an Occupation Certificate for each building, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B4. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

- B5. The proposed works must comply with the applicable performance requirements of the BCA 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).

### GROSS FLOOR AREA (GFA) CERTIFICATION

- B6. The GFA of 1 Murray Rose Avenue must not exceed ~~16,202~~ **16,372.6** m<sup>2</sup>. The GFA of 2 Murray Rose Avenue must not exceed 11,194 m<sup>2</sup>. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate for each building.

### MAXIMUM HEIGHT

- B7. The maximum height of 1 Murray Rose Avenue must not exceed the heights nominated on the approved plans listed in **Condition A2(d)**. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
- B8. The maximum height of 2 Murray Rose Avenue must not exceed the heights nominated on the approved plans listed in **Condition A2(d)**. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

### COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B9. All performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Assessment, prepared by Renzo Tonin & Associates, dated 12 July 2018, must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the each building, in accordance with the requirements of (b) below and to the satisfaction of the certifying authority.
- B10. Prior to the issue of a Construction Certificate for each building, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with the requirements of the aforementioned Report.

### ROAD AND RAIL NOISE AND VIBRATION CRITERIA FOR SENSITIVE DEVELOPMENTS

- B11. The buildings must be designed and constructed so that the road traffic noise levels and the rail noise and vibration levels inside the buildings comply with the criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008). Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issuing of any Construction Certificate for each building.

### COMPLIANCE WITH WIND IMPACT ASSESSMENT

- B12. Prior to the issue of a Construction Certificate for each building, plans shall be submitted to the Certifying Authority demonstrating compliance with the recommendations of the Pedestrian Wind Environment Statement, prepared by Windtech, dated 18 October 2018.

## PUBLIC DOMAIN INTERFACE AND LANDSCAPE PLAN

B13. Detailed Public Domain Works and Landscape Plans, specifications and quality management plans must be prepared in accordance with the requirements in Section 1.10 of the Urban Elements Design Manual (UEDM) and Infrastructure Engineering and Construction Manual (IECM). The plans should also include the following additional information:

- (a) proposed landscaping and finishes for the pedestrian through-site link in 1 Murray Rose Avenue;
- (b) proposed public wayfinding and directional signage to be installed in the site; and
- (c) proposed operational and safety signage to be installed in the through-site link.

The plans must be approved by Sydney Olympic Park Authority's (SOPA) Director - Environment and Planning, prior to the issue of the relevant Construction Certificate for each building.

## NO OBSTRUCTION OF PUBLIC DOMAIN WITHOUT A WORKS PERMIT

B14. Prior to the issue of any Construction Certificate for each building, if required, the proponent must obtain a Work Permit to occupy the public way, footpaths, road reserves and the like, which must not be obstructed by any mobile cranes, materials, vehicles, refuse, skips or the like, under any circumstances, unless in accordance with the Works Permit. Non-compliance with this requirement will result in the issue of a notice by the Authority to stop all work on the site.

## INSTALLATION OF ELECTRICITY SUBSTATION KIOSKS

B15. All Ausgrid kiosks must be accommodated entirely within the site. No isolation pillars or cabinets are permitted on footpaths, in the public domain or publicly accessible areas.

The kiosks must be located, designed and screened to have minimum visual impact on the public domain. Screening of any substation kiosks located outside of buildings must be to the satisfaction of SOPA's Senior Manager, Planning.

Details of compliance must be shown on the relevant Construction Certificate plans for each building.

## PRE-CONSTRUCTION DILAPIDATION REPORT

B16. The Applicant is to engage a suitably qualified structural engineer to prepare a **Pre-Construction Dilapidation Report**, in accordance with the requirements of the Sydney Olympic Park Authority's (SOPA) IECM, detailing the current structural condition of all existing adjoining buildings, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the Certifying Authority and SOPA's Senior Manager – Engineering Services, prior to issue of the relevant Construction Certificate for each building, or any works commencing, whichever is earlier.

## OPERATIONAL STORMWATER MANAGEMENT PLAN

B17. Prior to the issue of any Construction Certificate for each building, an **Operational Stormwater Management Plan (OSMP)** must be prepared by a suitably qualified person. The **OSMP** must contain details of the proposed stormwater disposal and drainage from the development, including connection to the Sydney Olympic Park Water Reclamation and Management Scheme (WRAMS) and maximising harvesting and reuse of stormwater for development outside the WRAMS, and details of the provision of maintenance of overland flow paths.

The **OSMP** must be prepared in accordance with SOPA's Water Sensitive Urban Design (WSUD) Policy and must include the following information:

- (a) all stormwater catchments for the site;
- (b) all stormwater drainage system elements for the site including location of the stormwater discharge from the site, long sections for all drainage elements, hydraulic grade line calculations;
- (c) all elements of the detention system including sufficient sections, flood freeboards, and details demonstrating how the system operates. The entire site must 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 must operate and the diversion flow rate into the treatment system. The entire site must 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 stormwater drainage calculations and MUSIC modelling for the site;
- (f) details of all stormwater connections to the existing SOPA stormwater system;
- (g) details of the overland flow system and calculations to demonstrate the capacity to safely convey flow through the site including depth x velocity calculations; and
- (h) the maintenance and inspection schedule for the rainwater tank and Jellyfish water treatment system.

The **OSMP** must be approved by SOPA's Director, Environment and Planning, prior to the issue of any Construction Certificate for each building. All approved details in the **OSMP** are to be implemented in the development.

## **STRUCTURAL DETAILS**

- B18. Prior to the issue of the relevant Construction Certificate for each building, the Applicant must submit to the Certifying Authority, the relevant 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.

## **SCHEDULE OF MATERIALS**

- B19. Prior to the issue of the relevant Construction Certificate for each building, a list of the final schedule of materials shall be submitted to the Planning Secretary. The Applicant shall also submit a copy of the schedule of materials to the Certifying Authority with the application for the relevant Construction Certificate.

## **REFLECTIVITY**

- B20. The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 28 per cent and shall be designed to minimise glare. A report/statement demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate for each building.

## **GEOTECHNICAL DESIGN, CERTIFICATION AND MONITORING PLAN**

- B21. The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- (a) Certification that the civil and structural details of all subsurface structures are designed to:
  - provide appropriate support and retention to neighbouring property;
  - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and
  - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- (b) A **Geotechnical Monitoring Plan (GMP)** to be implemented during construction that:
  - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
  - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
  - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and
  - details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted for the approval of the Certifying Authority prior to the issue of any Construction Certificate for each building.

## **MECHANICAL VENTILATION**

- B22. All mechanical ventilation systems shall be installed in accordance with the BCA 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 Certifying Authority prior to the issue of the relevant Construction Certificate.

## **BASIX CERTIFICATION**

- B23. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~972037M\_02~~ **972037M\_03 972037M\_05**, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.



## SYDNEY WATER REQUIREMENTS

- B24. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of any Construction Certificate.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B25. The building must incorporate all design, operation and construction measures as identified in the ESD Strategy, prepared by Cardno, dated 9 August 2018, as amended by the ESD Report prepared by Eco Engineering Group, dated 15 December 2022. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## GREEN STAR DESIGN RATING

- B26. Prior to the issue of any Construction Certificate for each building, the Applicant must provide evidence of the proposed pathway to achieve a 6-Star Green Star Design and As Built rating to the satisfaction of SOPA's Director, Environment and Planning.

## HERITAGE

- B27. The recommendations of the Aboriginal Cultural Heritage Assessment Report (**ACHAR**), prepared by Artefact, dated October 2018, must be implemented as part of the detailed design assessment and implemented into the design drawings, prior to the issue of any Construction Certificate for each building. In particular, a **Heritage Interpretation Strategy (HIS)**, prepared by a suitably qualified person, must be prepared in consultation with Aboriginal stakeholders/Registered Aboriginal Parties. The **HIS** must include methods of incorporating identified Aboriginal heritage values into the design process, such as interpretative elements, signage and plantings providing information of Aboriginal lifeways within the study area and surrounding area.

Details demonstrating compliance with the recommendations of the **ACHAR** and **HIS** must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate for each building.

## NUMBER OF CAR PARKING SPACES

- B28. A maximum of ~~204~~ **210** residential car parking spaces, one manager car parking space and one accessible visitor car parking spaces are to be provided for 1 Murray Rose Avenue. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- B29. A maximum of 125 residential car parking spaces and one accessible visitor car parking spaces are to be provided for 2 Murray Rose Avenue. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## LAYOUT OF CAR PARKING AREAS

- B30. The layout of the proposed car parking areas within each building, as amended by including MOD 1 and MOD 2, (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) must be in accordance with AS 2890.1- 2004, AS2890.6- 2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## NUMBER OF BICYCLE PARKING SPACES

- B31. The minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the bicycle parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Bicycle parking allocation: 1 Murray Rose Avenue		Number
Residential		204
Visitors		<del>42</del> <b>38</b>
Bicycle parking allocation: 2 Murray Rose Avenue		Number
Residential		152
Visitors		32

## FACILITIES FOR CYCLISTS

- B32. 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 – 2015*. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate for each building.

## CONSTRUCTION WASTE MANAGEMENT PLAN

B33. Prior to the issue of any Construction Certificate for each building, the Applicant must prepare a **Construction Waste Management Plan (CWMP)** in consultation with SOPA's Senior Manager, Planning. The **CWMP** must be approved by the Certifying Authority and a copy of the approved plan must be provided to SOPA's Senior Manager, Planning. The **CWMP** must include, but is not limited to, the following information:

- (a) the estimated volume or weight of materials that will be reused, recycled or removed from the site;
- (b) on-site material storage areas during construction;
- (c) materials and methods used during construction to minimise waste;
- (d) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
- (e) nomination of the end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal; and
- (f) identification within the **CWMP** of the responsibility for the transferral of waste and recycling bins within the property to the collection point.

All requirements of the approved **CWMP** must be implemented during the demolition, excavation and construction of the development.

## CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN

B34. A **Construction Soil and Water Management Plan (CSWMP)** to manage soil and water impacts during construction of the development. The **CSWMP** must be approved by SOPA's Director, Environment and Planning, prior to the issue of a Construction Certificate for each building.

The **CSWMP** must be prepared in accordance with the provisions of the "Blue Book" Part 1 [Landcom (2004) Managing Urban Stormwater: Soils and Construction, 4th edition]. The **CSWMP** must consider likely stages of the works and provide for appropriate control of sediment and erosion for each stage and include, but not be limited to:

- (a) location and extent of all necessary sediment and erosion control measures for the site;
- (b) catchment plan;
- (c) sediment basin(s) locations including details showing how runoff from the entire site will be directed to the sediment basin(s). Requirements for sediment basins are specified below;
- (d) all relevant details and calculations of the sediment basins including sizes, depths, flocculation, outlet design, all relevant sections, pump out systems, and depths;
- (e) 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. Requirements for dewatering are specified below;
- (f) identification and management of any stormwater run-on to the site from adjacent sites;
- (g) location of any temporary stockpiles (soil, spoil, top soil or otherwise) and accompanying sediment and erosion control measures;
- (h) location and details of all vehicle wash down bays and associated erosion and sediment control measures such as earthen bunds; and
- (i) a daily and weekly site inspection checklist consistent with IECA Best Practice Erosion and Sediment Control documents.

A Sediment Basin is required for every catchment discharging from the site as part of any **CSWMP**. Sediment basin(s) are to be designed as follows:

- (a) according to the NSW Blue Book (section 6.3.4 and Appendix E). The calculations of the sediment basin size must be submitted with the **CSWMP**;
- (b) using type D soils (unless otherwise demonstrated by an analysis of site soils by a qualified geotechnical);
- (c) for all events up to the peak flow rate from the 1 in 10-year ARI event for the site for the 5-day rainfall event; and
- (d) to include a gypsum flocculent to be added to the sediment basin in accordance with Appendix E of the Blue Book (note that Alum is not to be used as a flocculent at Sydney Olympic Park).

## ADAPTABLE HOUSING

B35. Prior to issue of the relevant Construction Certificate for each building, the Certifying Authority is to ensure that the overall development been designed to accommodate a minimum of ~~27~~ **28** adaptable residential units and that the

requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming:

- (a) the required number of units are able to be adapted for people with a disability in accordance with the BCA; and
- (b) compliance with *Australian Standard AS4299 – Adaptable Housing*.

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

- B36. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate for each building, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

#### **OUTDOOR LIGHTING**

- B37. All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate for each building.

#### **MECHANICAL PLANT NOISE MITIGATION**

- B38. Details of noise mitigation measures for all mechanical plant are to be detailed on the Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development is required to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate for each building.

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)**

- B39. To minimise the opportunity for crime in accordance with CPTED principles, details of compliance with the Crime Prevention Through Environmental Design principles, informed by consultation with NSW Police, particularly in relation to the location and coverage of CCTV surveillance, lighting, mailbox security, bicycle security and general crime prevention measures for the development, must be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate for each building.

#### **REMEDIATION ACTION PLAN**

- B40. Prior to the issue of the relevant Construction Certificate for 1 Murray Rose Avenue, the Applicant must:
- (a) undertake the Data Gap Closure Investigations as outlined in the Remediation Action Plan for 1 Murray Rose Avenue, Sydney Olympic Park, prepared by EI Australia, and dated 22 May 2017;
  - (b) prepare a Data Gap Closure Investigation Report including all testing results and assessments of site condition for the review and approval of SOPA's Director - Environment and Planning; and
  - (c) based on the results of the Data Gap Closure Investigations, prepare an addendum to the Remediation Action Plan (if required) and provide a copy of this addendum for the review and approval of an EPA accredited site auditor and SOPA's Director - Environment and Planning.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate for 1 Murray Rose Avenue.

#### **WASTE STORAGE ROOMS**

- B41. The waste storage rooms within each building shall be constructed to comply with all the relevant provisions of Council's Development Control Plan 2011, including:
- (a) the size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;
  - (b) the floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
  - (c) the walls being cement rendered to a smooth, even surface and coved at all intersections;
  - (d) cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
  - (e) the room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate for each building.

#### **GARBAGE CHUTES**

- B42. All garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit

Dwellings. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate for each building.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### COMPLIANCE REPORTING

- C4. A **Pre-Construction Compliance Report** must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.
- C5. The Pre-Construction Compliance Report must include:
  - (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
  - (b) the expected commencement date for construction.
- C6. Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Secretary.
- C7. The Construction Compliance Reports must include:
  - (a) a results summary and analysis of environmental monitoring;
  - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
  - (c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
  - (d) a register of any modifications undertaken and their status;
  - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
  - (f) a summary of all incidents notified in accordance with this consent; and
  - (g) any other matter relating to compliance with the terms of this consent or requested by the Secretary.

### INDEPENDENT ENVIRONMENTAL AUDIT

- C8. No later than one month before the commencement of construction or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance

with AS/NZS ISO 19011-2014: *Guidelines for Auditing Management Systems* (Standards Australia, 2014) and submitted to the Planning Secretary for information.

- C9. The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.
- C10. The environmental audit program prepared and submitted to the Planning Secretary in accordance with **Conditions C8 and C9** above must be implemented and complied with for the duration of the development.
- C11. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:
- (a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
  - (b) assesses whether the development is complying with the terms of this consent;
  - (c) reviews the adequacy of any document required under this consent; and
  - (d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- C12. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

**Note:** *The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.*

## COMPLIANCE

- C13. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## COMPLAINTS AND ENQUIRIES PROCEDURE

- C14. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- (a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
  - (b) a postal address to which written complaints and enquiries may be sent; and
  - (c) an email address to which electronic complaints and enquiries may be transmitted.

## CERTIFIED PLANS

- C15. Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

## CONTAMINATION

- C16. A Section A Site Audit Statement certifying the site is suitable for the approved use must be submitted to the Certifying Authority prior to commencement of building works at 2 Murray Rose Avenue.
- C17. Prior to the commencement of any works, an **Unexpected Contamination Finds Protocol (UFP)**, prepared by a suitably qualified and experienced expert, shall be submitted to the satisfaction of the Certifying Authority.
- The **UFP** must be developed considering the findings of the Detailed Site Investigation Reports (dated 30 November 2017) in Appendix X of the EIS and the Remedial Action Plan (dated 4 April 2019) in Appendix K of the RTS.
- The **UFP** must be implemented for the duration of construction works.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C18. Prior to the commencement of any works for each building, 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:
- 1. hours of work;
  - 2. 24-hour contact details of site manager;
  - 3. traffic management (refer to **Condition C19**);

4. noise and vibration management, prepared by a suitably qualified person; management of dust to protect the amenity of the neighbourhood;
5. erosion and sediment control;
6. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
7. an asbestos management plan;
8. an external lighting plan, prepared in consultation with SOPA's Senior Manager Planning, and demonstrating compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
9. flora and fauna management.

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.

The Applicant shall submit a copy of the **CEMP** to the Department and to SOPA's Senior Manager Planning, prior to commencement of work.

#### **CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

C19. The Applicant shall prepare a detailed **Construction Pedestrian and Traffic Management Plan (CPTMP)** prior to commencement of work for each building. The **CPTMP** must include, but not be limited to:

- (a) identification of construction traffic routes;
- (b) details of vehicle movements to the site and ancillary facilities including parking, dedicated vehicle turning areas, and ingress and egress points;
- (c) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts;
- (d) details of management measures to minimise traffic impacts, including temporary road work traffic control measures, onsite vehicle queuing and parking areas and management measures to minimise peak time congestion and measures to ensure safe pedestrian and cycle access;
- (e) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction;
- (f) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists;
- (g) a parking strategy for construction workers;
- (h) an adaptive response plan which sets out a process for response to any traffic, construction or other incident; and
- (i) mechanisms for the monitoring, review and amendment of the Construction Traffic and Pedestrian Management Plan.

The CPTMP must be approved by SOPA's Director, Environment and Planning, prior to the issue of any Construction Certificate.

#### **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

C20. Prior to the commencement of work for each building, a **Construction Noise and Vibration Management Plan (CNVMP)** prepared by a suitably qualified person shall be submitted to the Certifying Authority. The **CNVMP** shall address (but not be limited to):

- (a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*;
- (b) identify nearby sensitive receivers and land uses;
- (c) identify the noise management levels for the project;
- (d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
- (e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
- (f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Acoustic Assessment, prepared by Renzo Tonin & Associates, dated 12 July 2018;
- (g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
- (h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of works, a copy of the CNVMP must be submitted to SOPA and the Planning Secretary.

#### **AIR QUALITY AND ODOUR MANAGEMENT PLAN**

C21. Prior to the commencement of work for each building, an **Air Quality and Odour Management Plan (AQOMP)** must be prepared and submitted to the Certifying Authority. The **AQOMP** must recommend measures to minimise and manage any odours arising from excavation, stockpiling and removal of contaminated soils including, but not limited to:

- (a) staged excavation to limit the surface area of exposed odorous material;
- (b) application of odour suppressants;
- (c) effective covering of stockpiles and truckloads of excavation spoil; and
- (d) expedited removal of odorous material from the development to a facility legally able to accept those wastes.

The **AQOMP** must include proactive and reactive management strategies, key performance indicators, monitoring measures, record keeping, response mechanisms, contingency and compliance reporting measures.

#### **ACID SULFATE SOILS MANAGEMENT PLAN**

C22. Prior to the commencement of work for each building, an **Acid Sulfate Soils Management Plan**, prepared by a suitably qualified person, shall be submitted to the Certifying Authority.

#### **UTILITY SERVICES**

- C23. Prior to the commencement of work for each building, 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.
- C24. Prior to the commencement of work for each building, written advice must 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.

#### **BARRICADE PERMIT**

C25. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

#### **ROAD OCCUPANCY LICENCE**

C26. A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.



## PART D DURING CONSTRUCTION

### DEMOLITION

- D1. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.

### HOURS OF CONSTRUCTION

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 6.00 pm, Mondays to Fridays inclusive; and
  - (b) between 7.30 am and 3.00 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday.

### IMPLEMENTATION OF MANAGEMENT PLANS

- D7. The Applicant shall ensure that the requirements of the **CEMP**, **CPTMP**, **CNVMP**, **AQOMP**, **GMP**, **CWMP**, **ACHAR**, **CSWMP**, and **Acid Sulfate Soils Management Plan** required by Part B and Part C of this consent are implemented during construction.

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- D8. The development must 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 **CEMP** and **CNVMP**.
- D9. 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*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels
- D10. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- D11. 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 the **CEMP**.
- D12. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
  - (b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*;
  - (c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6841- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment; and
  - (d) these limits apply unless otherwise outlined in the **CEMP**.

## APPROVED PLANS TO BE ON-SITE

- D13. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available to any officer of the Department, Council or the PCA.

## SITE NOTICE

- D14. A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) the notice is to be able to be read by the general public;
  - (b) the notice is to be rigid, 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 Site is not permitted.

## DISPOSAL OF SEEPAGE AND STORMWATER

- D15. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by SOPA.

## PROTECTION OF TREES

- D16. The Applicant must ensure:
- (a) no street trees are trimmed or removed unless it forms a part of this development consent or prior written approval from SOPA's Director, Environment and Planning 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's Director, Environment and Planning;
  - (c) any removal works are to be undertaken by a qualified arborist recognised within the Australian Qualification Framework, with a minimum five years of continual experience within the industry of operational amenity arboriculture and covered by appropriate and current types of insurance to undertake such works and in accordance with AS 4373:2007.

## COVERING OF LOADS

- D17. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## VEHICLE CLEANSING

- D18. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## WASTE MANAGEMENT

- D19. Notwithstanding the **CWMP** referred to in **Condition B33**, the Applicant must ensure that:
- (a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
  - (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
  - (c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;
  - (d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
  - (e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and
  - (f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

## **STOCKPILE MANAGEMENT**

D20. The Applicant must ensure that:

- (a) stockpiles of excavated material do not exceed 4 metres in height;
- (b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
- (c) suitable erosion and sediment controls are in place for stockpiles.

## **DUST CONTROL MEASURES**

D21. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

- (a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
- (d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- (g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (h) cleaning of footpaths and roadways shall be carried out regularly.

## **NO OBSTRUCTION OF THE PUBLIC WAY**

D22. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

## **DAMAGE TO THE PUBLIC WAY**

D23. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

## **BUNDING**

D24. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

## **EROSION AND SEDIMENT CONTROL**

D25. 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.

## **SETTING OUT OF STRUCTURES**

D26. The building shall be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

## **CONTACT TELEPHONE NUMBER**

D27. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

## **IDENTIFICATION AND REMOVAL OF HAZARDOUS MATERIALS**

D28. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.

## CONSTRUCTION WASTE AND CONTAMINATED SOIL

- D29. All construction waste and potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines 2009* before being transported from the site and disposed of at a facility that may lawfully accept that waste.

## IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS

- D30. If non-Aboriginal historical archaeological deposits are discovered unexpectedly during works, the deposits must be dealt with according to the unexpected finds procedure contained in the ACHAR (see **Condition B27**).
- D31. If human remains are found:
- (a) do not disturb or remove these remains;
  - (b) immediately cease all work at the location;
  - (c) notify NSW Police;
  - (d) notify DECCW's Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location; and
  - (e) do not recommence works at the location unless authorised in writing by EESG.

## IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

- D32. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and EESG informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. SOPA must also be informed. Relevant works must not recommence until written authorisation from EESG is received by the Applicant.

## ASBESTOS AND HAZARDOUS WASTE REMOVAL

- D33. All asbestos and hazardous waste removal must be undertaken in accordance with the recommendations of the Demolition/Refurbishment Hazardous Material Risk Assessment, dated March 2018, and contained in Appendix 8 of the EIS.
- D34. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D35. Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

## CONTAMINATION

- D36. During construction, the Applicant must:
- (a) undertake remediation of 1 Murray Rose Avenue in accordance with the approved Remediation Action Plan and any addendums to this plan (see **Condition B40**);
  - (b) undertake validation of the impacted soil areas in accordance with the Validation Strategy provided in the approved Remediation Action Plan and any addendums to this plan;
  - (c) prepare a Validation Report, including copies of all waste classification reports and waste disposal docket and all weighbridge dockets for all spoil transported off-site; and
  - (d) provide a copy of the Final Validation Report to SOPA's Director - Environment and Planning.
- D37. The Applicant must implement the **UFP** (see **Condition C17**) for the duration of the works. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

## SAFework NSW REQUIREMENTS

- D38. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

## HOARDING/FENCING REQUIREMENTS

- D39. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - (b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

## **LOADING AND UNLOADING DURING CONSTRUCTION**

D40. The following requirements apply:

- (a) all loading and unloading associated with construction must be accommodated on site;
- (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities; and
- (c) the structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

## **DEMOLITION AND CONSTRUCTION VEHICLES**

D41. All demolition and construction vehicles must be wholly contained within the site.

## **MANAGEMENT OF CONSTRUCTION WASTE**

D42. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### OCCUPATION CERTIFICATE

- E1. An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of either approved building. A copy of the Occupation Certificate for each building must be submitted to the Department and SOPA's Senior Manager, Planning.

### GFA AND HEIGHT CERTIFICATION

- E2. A Registered Surveyor is to certify that the GFA of 1 Murray Rose Avenue does not exceed ~~16,202~~ **16,372.6** m<sup>2</sup> and the height of the building must not exceed the heights nominated on the approved plans listed in **Condition A2(d)**. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate for 1 Murray Rose Avenue.
- E3. A Registered Surveyor is to certify that the GFA of 2 Murray Rose Avenue does not exceed 11,194 m<sup>2</sup> and the height of the building must not exceed the heights nominated on the approved plans listed in **Condition A2(d)**. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate for 2 Murray Rose Avenue.

### AFFORDABLE HOUSING

- E4. A minimum of 14 apartments must be provided as affordable housing consistent with the terms of the Planning Agreement between the Applicant and SOPA. Details demonstrating compliance must be submitted to the PCA prior to the occupation of the second building.

### CONTAMINATION

- E5. The recommendations of the Remedial Action Plan for 1 Murray Rose Avenue are to be implemented, including provision of a Section A Site Audit Statement, issued by an EPA accredited site auditor, to the PCA at the completion of remediation and validation works, certifying suitability of that part of the site requiring remediation as identified in the Remedial Action Plan for the approved use. On completion of remediation work and prior to any occupation, the relevant requirements of clauses 17 and 18 of SEPP 55 – Remediation of Land, being notification to Council (and SOPA), shall be complied with. Groundwater is not to be abstracted from the site for beneficial use.

### ROAD DAMAGE

- E6. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles.

Full restoration of the damage must be carried out to the satisfaction of SOPA's Senior Manager – Engineering Services, prior to the issue of the commencement of use of the second building.

### DRAINAGE PLAN

- E7. Prior to the issuing of the Final Occupation Certificate for each building, the Applicant shall submit to SOPA's Senior Manager, Engineering Services and the PCA 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 PCA.

### SEWERAGE PLAN

- E8. Prior to the issuing of the Final Occupation Certificate for each building, a **Works-as-Executed Sewerage Plan (WESP)** prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer shall be submitted to SOPA's Senior Manager, Engineering Services and the PCA. The **WESP** shall be to the satisfaction of the PCA.

### WATER AUTHORITY COMPLIANCE

- E9. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the PCA prior to the commencement of use for each building.

### UTILITY PROVIDERS

- E10. Prior to occupation or commencement of the use for each building, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, 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.

### CREATION OF EASEMENTS

- E11. An easement entitling Council waste contractors to enter both buildings for the purposes of garbage collection must be granted to Council by the owner of the land. The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the property by reason of the

operation of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner of the land shall indemnify the Council, its agents and persons.

#### REGISTRATION OF EASEMENTS

- E12. Prior to the issue of any Occupation Certificate for each building, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

#### POST-CONSTRUCTION DILAPIDATION REPORT

- E13. The Applicant must prepare a Post-Construction Dilapidation Report, prepared by a suitably qualified person in accordance with the requirements of SOPA's IECM, to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report must be submitted to the PCA at the completion of construction works, and prior to the issue of the Final Occupation Certificate for each building. A copy must also be forwarded to SOPA's Senior Manager – Engineering Services.

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

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

#### PUBLIC DOMAIN WORKS

- E14. All public domain works and landscaping/tree planting are to be completed in accordance with the approved plans prior to the issue of the relevant Occupation Certificate for each building.

#### PUBLIC DOMAIN AND LANDSCAPING WORKS-AS-EXECUTED PLANS

- E15. Any public domain works within the zone of influence including connections to adjacent sites, and all works for the through-site link on 1 Murray Rose Avenue must be completed to the satisfaction of SOPA's Senior Manager, Planning prior to issue of the Final Occupation Certificate for each building.

The Applicant must also submit to SOPA's Senior Manager, Planning and the PCA a Works-as-Executed Public Domain Plan and plans of the pedestrian through-site link on 1 Murray Rose Avenue, prepared by a registered surveyor.

#### WEED MANAGEMENT PLAN

- E16. Prior to the issue of an Occupation Certificate for each building, a Weed Management Plan must be submitted to the satisfaction of the PCA.

#### STRUCTURAL INSPECTION CERTIFICATE

- E17. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of each building. 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.

#### ENVIRONMENTAL PERFORMANCE

- E18. Prior to the issue of the any Occupation Certificate for each building, the Applicant shall implement the commitments outlined in BASIX Certificate No. ~~972037M\_02~~ **972037M\_05**.

#### ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E19. Prior to the issue of an Occupation Certificate for each building, evidence shall be submitted to the PCA demonstrating compliance with the recommendations and principles highlighted within the ESD Strategy, prepared by Cardno, dated 9 August 2018, **as amended by the ESD Report prepared by Eco Engineering Group, dated 15 December 2022.**

#### DAMAGE TO PUBLIC AUTHORITY ASSETS

- E20. The cost of repairing any damage caused to SOPA's or other Public Authority's assets in the vicinity of the 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 for each building.

## MECHANICAL VENTILATION

- E21. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate for each building, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
  - (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.

## NUMBERING

- E22. Prior to the issue of any Occupation Certificate for each building, street numbers and the building name must be clearly displayed at either end of the ground level frontage of each building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E23. Prior to the issue of an Occupation Certificate for each building, evidence shall be submitted to the PCA demonstrating consultation with NSW Police with regards to the location and coverage of CCTV surveillance, lighting, mailbox security, bicycle security and general crime and safety prevention for the development and compliance with **Condition B39**.

## WIND MITIGATION MEASURES

- E24. Prior to the issue of any Occupation Certificate for each building, evidence shall be submitted to the PCA demonstrating compliance with all wind mitigation recommendations of the Pedestrian Wind Environment Study, prepared by Windtech, dated 18 October 2018.

## FIRE SAFETY CERTIFICATION

- E25. Prior to the occupation or commencement of use of each building, 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 each building.

## CAR PARKING, BICYCLE AND FACILITIES FOR CYCLISTS' CERTIFICATION

- E26. Prior to the issue of any Occupation Certificate for each building, details shall be provided to the PCA demonstrating compliance with the approved number of car parking and bicycle spaces required under **Conditions B28, B29 and B31**, and facilities for cyclists required under **Condition B32**.

## TRAVEL ACCESS GUIDE

- E27. Prior to the issue of any Occupation Certificate for each building, a Travel Access Guide (TAG), must be prepared by a suitably qualified person and provided to satisfaction of the PCA. The TAG must contain measures to promote public transport use, cycling and walking.

## HERITAGE

- E28. Prior to the issue of any Occupation Certificate for each building, evidence shall be provided to the PCA demonstrating the recommendations of the **ACHAR** and **HIS** have been implemented (see **Condition B27**).

## WASTE STORAGE AREAS

- E29. Prior to any Occupation Certificate being issued for each building, a final inspection of the waste storage areas and facilities must be undertaken by a member of Council's Waste Team. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council.
- E30. Signage to encourage correct recycling and reduce contamination is required within shared waste rooms / bin storage areas. Standard signage is available through Council.

## ACOUSTIC COMPLIANCE

- E31. Prior to the issue of any Occupation Certificate for each building, evidence shall be submitted to the PCA demonstrating compliance with all noise mitigation measures required under **Conditions B9** and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.

## EVENT IMPACT ASSESSMENT

- E32. Prior to issue of an Occupation Certificate for the use of all or part of each building, an Event Management Statement must be prepared in consultation with SOPA's Senior Manager, Planning and must be submitted to the satisfaction of the PCA.



#### **EXTERNAL WALLS AND CLADDING FLAMMABILITY**

- E33. Prior to the issue of any Occupation Certificate for each building, evidence shall be submitted to the PCA demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B2**.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E34. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

#### **SECTION 88B INSTRUMENT – SYDNEY OLYMPIC PARK AUTHORITY APPROVAL**

- E35. Prior to registration of the Section 88B instrument with NSW Land Registry Services, the Section 88B instrument must be submitted to the satisfaction of SOPA's Director, Property Development.

## PART F POST OCCUPATION – DURING OPERATION

### ANNUAL FIRE SAFETY CERTIFICATE

- F1. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in each building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### NOISE CONTROL – PLANT AND MACHINERY

- F2. 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; and
  - (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.

### LOADING AND UNLOADING

- F3. All loading and unloading operations associated with the site must be carried out:
- (a) within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- F4. At all times the driveway and loading/unloading area must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- F5. All vehicles must enter and exit the site in a forward direction.
- F6. All vehicles are to be wholly contained on-site before being required to stop.

### TRAVEL ACCESS GUIDE

- F7. The TAG, required by **Condition E27**, must be displayed in all common areas throughout the site for residents. The TAG must be updated annually to reflect changes in services and the environment.

### WASTE MANAGEMENT

- F8. No waste materials are to be stored outside the buildings or approved waste storage areas at any time. All waste servicing instructions from Council must be complied with at all times, including any directives regarding the presentation of bins to a designated collection point and the maintenance of waste storage areas.
- F9. All waste generated onsite must be removed at regular intervals and no less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

### NO OBSTRUCTION OF THE PUBLIC WAY

- F10. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### EXTERNAL LIGHTING

- F11. All external lighting is to be inward facing and limited to pathways and communal areas and be in accordance with the Lighting Statement prepared by Cundall dated 20/03/2023.

### USE OF COMMUNAL FACILITIES

- F12. The use of the communal facilities within each building is restricted to the residents of each building and their guests only.

### ANTI-GRAFFITI

- F13. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

#### **PLAN OF MANAGEMENT FOR LANDSCAPE MAINTENANCE**

- F14. Within six months of the issue of the final Occupation Certificate for each building, a Plan of Management for the ongoing maintenance of landscaped areas within common communal areas is to be prepared and adopted by the Owners Corporation.

#### **IMPLEMENTATION OF WEED MANAGEMENT PLAN**

- F15. The Weed Management Plan is to be implemented in perpetuity (see **Condition E16**).

## 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.

### OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to SOPA's Public Domain unit or other relevant authority for all necessary permits, including crane permits, road opening permits, stormwater drainage, footpaths, kerb and gutter, street trees, street lighting and signage, 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.

### BUILDING PLAN APPROVAL

AN7. The approved plans must be submitted to the Sydney Water Tap in™ online service 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.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

• building plan approvals • connection and disconnection approvals • diagrams • trade waste approvals • pressure information • water meter installations • pressure boosting and pump approvals • changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tapin/index.htm>.

#### **WORKS AND SIGNPOSTING**

**AN8.** All works and signposting (including any adjustment/relocation works) shall be at no cost to TfNSW (RMS).

#### **END OF ADVISORY NOTES**

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A20 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.