

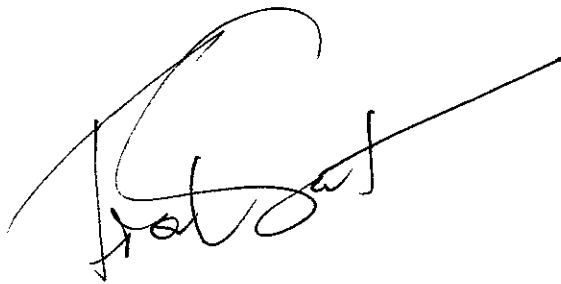
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06_0127

(FILE NO. 9043260)

**SITE 3 – TOWERS A AND B (NORTH BUILDING)
CORNER AUSTRALIA AVENUE AND PARKVIEW DRIVE, SYDNEY OLYMPIC
PARK**

I, the Minister for Planning, under section 75J of the *Environmental Planning and Assessment Act*, 1979, approve the major project referred to in Schedule 1 subject to the conditions in Schedule 2 and the Proponent's Statement of Commitments in Schedule 3.



**Frank Sartor MP
Minister for Planning**

Sydney,

21 June

2007

SCHEDULE 1**PART A—TABLE**

Application made by:	Site 3 Development Corporation Pty Ltd.
Application made to:	Minister for Planning
Major Project Application:	06_0127
On land comprising:	Site 3 at Sydney Olympic Park on the corner of Parkview Drive and Australia Avenue (Lot 79 DP 875562 and Lot 813 DP 1030022)
Local Government Area	Auburn
For the carrying out of:	<p>The construction a mixed use residential apartment building that is part 24 storeys and part 16 storeys with three basement levels comprising the following:</p> <ul style="list-style-type: none"> • 208 apartments including a mix of studios, 1, 2 and 3 bedroom apartments and 1 live/ work unit; • 4 commercial/ retail units located on the corner of the building, along Australia Avenue; • a child care centre located on Parkview Drive; and • 283 car-parking spaces over 3 basement levels (including access spaces and spaces for visitors).
Estimated Cost of Works	\$63.54 million
Type of development:	Major Project
S.119 Public inquiry held:	No
Approval date:	
Expiry:	Approval shall lapse 5 years after the determination date of this approval unless works have physically commenced on the development.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0127**Responsibility for other approvals / agreements**

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

Appeals

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

Appeals—Third Party

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

Legal notices

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

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Authority means the Sydney Olympic Park Authority.

Council means Auburn Council.

Department means the Department of Planning or its successors.

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

Environmental Assessment means the Environmental Assessment prepared by Urbis JHD, dated February 2007 and Preferred Project prepared by Urbis JHD dated May 2007.

Minister means the Minister for Planning.

MP No. 06_0127 means the Major Project described in the Proponent's Environmental Assessment Report.

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

Proponent means Site 3 Development Corporation Pty Ltd or any party acting upon this consent.

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

SOPA means the Sydney Olympic Park Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0127

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

(1) Development approval is granted only for the construction a mixed use residential apartment building that is part 24 storeys and part 16 storeys with three basement levels comprising the following:

- 208 apartments including a mix of studios, 1, 2 and 3 bedroom apartments and 1 live/work unit;
- 4 commercial/ retail units located on the corner of the building, along Australia Avenue;
- a child care centre located on Parkview Drive; and
- 283 car-parking spaces over 3 basement levels.

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

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

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

A2 *Development in accordance with Plans*

The development will be undertaken in accordance with the Environmental Assessment and all Appendices dated February 2007 prepared by Urbis JHD, except where varied by the Preferred Project Report (Version 1) submitted on 3 May 2007 and prepared by Urbis JHD or by the Preferred Project Report (Version 2) submitted on 18 May 2007 and prepared by Urbis JHD, the Proponent's Statement of Commitments included in the Preferred Project Report and the following drawings:

Architectural (or Design) Drawings prepared by Turner & Associates			
Drawing No.	Revision	Name of Plan	Date
DA_001	AD	Site Plan	5.12.06
DA_003	AL	Basement Level 3	27.04.07
DA_004	AK	Basement Level 2	27.04.07
DA_005	AK	Basement Level 1	27.04.07
DA_006	AR	Ground Floor Plan	04.05.07
DA_007	AP	Level 01	16.05.07

DA_008	AL	Level 02-06	5.12.06
DA_013	AJ	Level 07-08	5.12.06
DA_015	AI	Level 09-11	5.12.06
DA_018	AL	Level 12-13	5.12.06
DA_020	AJ	Level 14	5.12.06
DA_021	AL	Level 15	5.12.06
DA_022	AJ	Level 16	5.12.06
DA_023	AL	Level 17-20	5.12.06
DA_027	AI	Level 21	5.12.06
DA_028	AJ	Level 22-23	5.12.06
DA_030	AI	Level 24	5.12.06
DA_031	AG	Roof	5.12.06
DA_041	AF	Child Care Centre – Indicative Layout	16.05.07
DA_051	J	Section East-West	16.05.07
DA_052	F	Tunnel Sections	16.05.07
DA_100	M	West Elevation	16.05.07
DA_101	M	East Elevation	16.05.07
DA_102	N	North Elevation	16.05.07
DA_103	L	South Elevation	16.05.07
DA_104	AD	Rendered Elevations	5.12.06
DA_161	AC	Materials Precedents	5.12.06
BASIX CERTIFICATE No. 130665M dated 30 April 2007			

except for:

- (1) any modifications which are 'Exempt Development' as identified in *Sydney Regional Environmental Plan No. 24 – Homebush Bay Area* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

A3 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4 Prescribed Conditions

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 *Staging of Construction Certificates*

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

Stage 1 – Early works for construction of basement levels up to podium level (top of ground floor slab);

Stage 2 - Construction of the building structure and all remaining works;

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

B2 *Amended Ground Floor Design*

Prior to the release of the Stage 2 Construction Certificate, the Proponent shall submit to the satisfaction of the Director-General three copies of plans amending the ground floor layout to provide pedestrian access to the child care centre from the ground floor designated child care centre car parking spaces which are to be separate from the vehicular thoroughfare.

B3 *Structural Details*

Prior to issue of the Construction Certificate for each Stage, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

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

B4 *Noise Attenuation Measures*

Prior to issue of the Construction Certificate for Stage 2, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fitout of the building incorporates the recommendations of the External Noise and Vibration Assessment prepared by Acoustic Logic Consultancy (Report No. 2003749/0906A/R4/GW) and dated 21 November 2006.

A further Acoustic Report shall be prepared by a suitably qualified consultant that addresses the noise impacts from the child care centre to the residential apartments above to ensure that no adverse noise impacts occur to the residential apartments. This Acoustic Report shall be provided to the satisfaction of the Certifying Authority prior to release of the Construction Certificate and all recommendations of the Report shall be incorporated into the design of the development.

B5 *Mechanical Ventilation*

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

adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for each Stage.

B6 Stormwater and Drainage

- (1) Prior to release of the Construction Certificate for each Stage details of the proposed stormwater disposal and drainage relating to the excavation and basement structures and stormwater as it relates to the approved building on the site (MP06_0127), in accordance with SOPA's standard requirements, and to the satisfaction of RailCorp are to be submitted to and approved by SOPA. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

In particular, these details must satisfy RailCorp's requirements in relation to the following:

- (a) Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.
 - (b) During excavation the Proponent is to observe extreme care to prevent water from collecting on or near RailCorp infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were the case, the Proponent would be liable for the RailCorp expenditure involved with restoring or maintaining alternative services
 - (c) Design and construction methodology for the proposed stormwater rising main, proposed to be relocated from RailCorp's pumping station to the northern end of the site.
 - (d) That the existing rising main to be relocated shall not be de-commissioned until the new rising main has been installed to RailCorp's satisfaction, unless RailCorp advises otherwise.
 - (e) Any works within the rail corridor, including works to connect the rising main to the pumping station shall not be undertaken without prior approval from RailCorp.
 - (f) Connection to the RailCorp pumping station is not permitted.
- (2) The requirements of Sydney Water with regard to the on-site detention and disposal of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water of the stormwater disposal system must be submitted to the Certifying Authority prior to the issue of the Stage 1 consent.

B7 Sydney Water – Section 73 Certificate

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

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

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

B8 Construction Management Plan

Prior to the release of the Construction Certificate for Stage 1, the Proponent shall submit a Construction Management Plan for the approval of SOPA which will apply to each Stage of construction. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work;
- (2) contact details of site manager;
- (3) traffic and pedestrian management;
- (4) dust management;
- (5) noise and vibration management;
- (6) waste and recycling management;
- (7) erosion and sediment control measures.

The Proponent shall submit a copy of the approved Plan to the Department.

B9 Traffic and Pedestrian Management Plan

Prior to the release of the Construction Certificate for each Stage, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by SOPA. The Plan shall address, but not be limited to, the following matters:

- (1) vehicular site ingress and egress,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes,
- (4) pedestrian and traffic management methods, and
- (5) the management of pedestrian and vehicular traffic during related construction activities.

The Proponent shall submit a copy of the approved Plan to the Department.

B10 Dust Control Measures

Prior to the release of the Construction Certificate for each Stage, a Dust Management Plan detailing adequate measures to be taken to prevent dust affecting the amenity of the neighbourhood during construction, shall be prepared by a suitably qualified person and submitted to and approved by the Certifying Authority.

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

B11 Waste Management Plan

Prior to issue of the Construction Certificate for each Stage, the Proponent shall provide a Waste Management Plan addressing construction waste for the approval of the SOPA.

B12 Car Parking Spaces and Dimensions

Approval is given for 283 car parking spaces of which 10 spaces on the ground floor are to be allocated to the child care centre (maximum of 5 allocated to staff), and 4 spaces are to be allocated to the retail tenancies (1 space on the ground floor and the remaining 3 spaces in the basement) such that each tenancy has 1 space allocated to it.

The design including a bicycle storage area, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-

street car parking. The details must be submitted to and approved by the Certifying Authority prior to the Construction Certificate for each Stage being issued.

B13 Landscaping of the Site

Prior to the issue of a Construction Certificate for Stage 2, a detailed landscape plan, drawn to scale, by a landscape architect or approved landscape consultant, shall be submitted to and approved by the Certifying Authority. The tree/plant species to be planted along the rail corridor shall be demonstrated to be to the satisfaction of RailCorp and that where access to the corridor is required for planting works, prior RailCorp approval must be obtained. The plan is to include:

- (i) Location of existing and proposed structures on the site including existing trees (if applicable);
- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (iii) Location, numbers and type of plant species;
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage and watering systems;
- (vi) Details of the design, location and size of any deck areas; and
- (vii) A maintenance plan/regime.
- (viii) Details regarding the transplanting of the 2 Morton Bay Fig trees on the site, 1 must be to a new location on the subject site, and the other to a temporary holding area off site to be transplanted elsewhere.

B14 Noise and Vibration Management Plan

Prior to release of the Construction Certificate for each Stage, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Weekly noise and vibration monitoring during peak construction activity, or other such interval as agreed to by SOPA, to the satisfaction of SOPA, and reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction,
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent,

- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

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

B15 Footpath and Road Damage Bank Guarantee

Prior to release of the Construction Certificate for Stage 1 works the Proponent must provide a bank guarantee for a reasonable sum to be determined by SOPA as security for rectification of any damage to the public way and roadways adjacent to the site resulting from the works the subject of this approval. The Occupation Certificate will be released after issuing of the Occupation Certificate and upon satisfaction of the requirements of SOPA.

B16 Long Service Levy

Prior to the issue of a Construction Certificate for Stage 1, the long service levy of \$222,390.00 (0.35% of Capital Investment Value of \$63,540,000.00) payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* must be paid to Council (or, where such a levy is payable by instalments, the first instalment of the levy).

B17 Section 94 Contributions

In accordance with Division 6 of Part 4 and the Sydney Olympic Park Authority in accordance with the *Sydney Olympic Park Authority Sydney Olympic Park Master Plan Development Contributions Strategy – Briefing Note for Developers* the Proponent shall pay the following monetary contributions towards the provision of community facilities, movement systems and the urban domain.

- (1) Amount of Contribution = \$868,598.61
(based on a rate of \$3825.92/100m² x 22,703m² gross floor area including adjustment for CPI as at May 2007)
- (2) Timing and Method of Payment
The contribution shall be paid in the form of cash or bank cheque, made out to Sydney Olympic Park Authority.

Evidence of the payment to Sydney Olympic Park Authority shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 1.

B18 Reflectivity

- (a) The light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place including trains on the railway line. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for each Stage.
- (b) The Proponent must also submit any proposals to the satisfaction of RailCorp for the use of lights, signs and reflective materials whether permanent or temporary, in the proximity of RailCorp's facilities. The Certifying Authority shall not release the Construction Certificate for each Stage until RailCorp satisfaction is demonstrated.

B19 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of the Construction Certificate for each Stage a certification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B20 Fencing

The existing common boundary fence along the rail corridor is considered adequate and must remain intact throughout the excavation and construction works and thereafter. Should enhancements be desired, RailCorp must be contacted for approval on the design of the fence, and to ensure adequate safety measures are taken whilst work is carried out. RailCorp will provide supervision for the erection of the new fencing at the Proponent's cost.

As the proposed development includes a childrens' playground located above the existing tunnel portal, the existing boundary fence above this portal is not considered adequate given the proposed use of the land at this location and the likelihood of items being thrown on the rail tracks below. The current fencing above the tunnel portal is to be replaced in accordance with RailCorp's safety standards and at the Proponent's cost. Details of the type of fencing and the method of erection are to be submitted to RailCorp for review and comment prior to release of the Construction Certificate for Stage 2. RailCorp will provide supervision for the erection of the new fencing at the Proponent's cost.

B21 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all infrastructure and roads adjacent to the site including the rail infrastructure and tunnel portal. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1.

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

B22 Services Search

The proponent shall request a services search from RailCorp, to establish the existence and location of any RailCorp services and structures. Where RailCorp services are identified the proponent must discuss and agree with RailCorp how these services are to be accommodated within the development and provide written evidence of RailCorp's agreement to the Certifying Authority, prior to release of the Construction Certificate for Stage 1.

B23 Electrolysis Risk

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

B24 Risk Assessment Report

The proponent is to procure a revised Risk Assessment Report demonstrating the impact of the development on the nearby railway infrastructure and incorporating measures that will be taken to control that risk. The report is to be undertaken for all open balconies within 20m of the rail track (i.e. those located on level 1 to 11) and the assessment should be based on similar multi-storey developments across the whole rail network and to specific routes that contain sites within similar attributes with the development site and its location next to rail corridor.

The report must contain measures to mitigate the potential of objects being thrown from the balconies on levels 1 to 11. The report and any proposed mitigation measures must be demonstrated to be to the satisfaction of RailCorp, prior to release of the Construction Certificate for each Stage. Should these mitigation measures not satisfy RailCorp's requirements then the Proponent may be required to install screening or louvres as is the case with levels 12 and above.

B25 Geotechnical Report

Prior to the release of the Construction Certificate for Stage 1, the Proponent shall provide a Geotechnical Engineering report, to the Certifying Authority, demonstrating that the development has no adverse impact on the rail corridor or on the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details. The report shall include the potential impact on the rail corridor and infrastructure from excavation, and excavation-induced vibration on rail facilities, and the loadings from the development on RailCorp facilities, and shall be demonstrated to be to the satisfaction of RailCorp's Geotechnical Section.

B26 Survey

The Proponent is to provide RailCorp with an accurate survey locating the development with respect to the approved rail boundary which is to be to the satisfaction of RailCorp prior to the issue of the Construction Certificate for Stage 1.

B27 Derailment Protection

The development must be designed and constructed in accordance with RailCorp's standard 'ESC 380 – External Developments' and with the requirements of Australian Standard AS 5100-2004 – Bridge Design, as applied by ESC 380. Prior to release of the Construction Certificate for each Stage, the Proponent shall provide a report and all relevant documents to the satisfaction of RailCorp, prepared by a qualified structural engineer which demonstrates that the structural design of the development satisfies the requirements of this condition.

B28 Childcare Centre Awnings

Prior to the release of the Construction Certificate for Stage 1, the Proponent is to provide details to the satisfaction of the Certifying Authority which demonstrate that the design, material and proposed construction method of the awnings for the outdoor areas of the childcare centre are capable of withstanding an object falling from the windows and balconies above the child care centre.

B29 On-street child care drop off car spaces

Five (5) restricted parking kerbside car parking spaces are to be provided within the parking lane in Parkview Drive, to service the child care facility as a dedicated pick up and set down area. Details of the location of these spaces, all necessary signage and any other works or required traffic measures relating to the provision of these spaces, are to be approved by SOPA prior to issue of a Construction Certificate for Stage 1.

B30 Wind Report

Prior to issue of the Construction Certificate for each Stage, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fitout of the building incorporates the recommendations of the Wind Environment Study for Site 3, Sydney Olympic Park prepared by Windtech and dated May 16 2007, Report Reference No. WA219-01F03(rev2) – WE Report.

B31 Demolition, Excavation and Construction Impacts

Prior to the issue of the Construction Certificate for each Stage, the Proponent shall submit to the Certifying Authority:

- (a) a Management Plan and detailed Work Method Statements (WMS) for proposed works within, over or immediately adjacent to the rail corridor, which is demonstrated to be to the satisfaction of RailCorp.
- (b) Should, according to RailCorp's Representative acting reasonably, any unforeseen risks to rail infrastructure become apparent (eg falling material) the Proponent/Contractor will be required to submit information relating to the attenuation of that risk for approval by RailCorp's Representative.
- (c) The use of any crane, plant or machinery shall comply with the RailCorp's Electrical Safety Manual and all relevant RailCorp Standards and Guidelines. Construction equipment such as scaffolding shall not impinge over the rail corridor unless prior agreement has been obtained.
- (d) No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders are to be used within the rail corridor.
- (e) No excavation or boring is permitted within 2.0 metres (measured horizontally) of high voltage underground cable and 1.0 metre (measured horizontally) for low voltage cables.
- (f) No plant or vehicle is permitted to encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance.
- (g) No infrastructure or equipment is to be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no impact will occur to rail infrastructure. e.g. signal sighting, safety signage, emergency access.
- (h) As large-scale excavation is involved, the Proponent is required to put in place a vibration monitoring system to monitor ground movement and vibration levels on the adjoining rail corridor for the duration of the works. The accepted criteria is to be agreed to by RailCorp prior to the commencement of works.
- (i) Details of any proposed piling, sheet piling, batter and anchors should be provided to RailCorp for review and comment prior to work commencing. RailCorp may require the removal of such construction aids.

B32 Crane Operation

Prior to the issue of the Construction Certificate for each stage, the Proponent must demonstrate to the satisfaction of RailCorp that all crane and overhead wiring or transmission lines will be strictly controlled, and they must submit any proposals to RailCorp for the use of lights, signs and reflective materials. The following requirements must be complied with:

- (a) No crane or other aerial equipment is to be operated with the potential to reach over the rail corridor. If the crane is to pass over the Rail Corridor, the Proponent will be required to enter into an agreement with RailCorp, prior to the operation of the crane.
- (b) No crane or other aerial equipment is to be operated within a vertical envelope defined as three (3) metres (horizontally) from any electrified infrastructure. The Proponent will be required to gain approval, in the form of a Standard Waiver, from RailCorp prior to use, for any such intrusions.
- (c) No loads will be permitted to pass over any overhead wiring or transmission lines at any time.

B33 Physical Access to RailCorp's Facilities

The Proponent is required to enter into an agreement with RailCorp` prior to the release of the Construction Certificate for each Stage regarding any works within and/or adjacent/adjoining the rail corridor (including tunnel area).

This agreement may include, but is not limited to, the following issues:

- (a) Design, excavation and construction assessment and sign-offs;
- (b) Fencing for the playground;
- (c) Environmental, insurance and OH&S requirements;
- (d) Indemnities from claims arising out of the development;
- (e) Safeworking rules and procedures; and
- (f) Construction bonds.

Evidence of this agreement is to be provided to the Certifying Authority.

The cost of any agreement, including supervision, design checks, meetings, approvals and services searches is to be borne by the Proponent.

Both parties to the agreement shall act reasonably and RailCorp is not to unreasonably prevent an agreement from being reached. In the event that an agreement is unable to be reached, the matter is to be referred to the Director General for determination. All areas of disagreement and the position of each party are to be clearly stated to enable this determination to be made.

PART C—PRIOR TO COMMENCEMENT OF WORKS**C1 Commencement of site works**

Written notice must be given to SOPA and RailCorp at least 48 hours prior to the commencement of construction works or associated site works associated with this approval.

C2 Construction Certificate required prior to construction works

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

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

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

C3 RailCorp Access

The Proponent is to install the reconfigured RailCorp stairway connecting Parkview Drive to the rail corridor prior to the commencement of any other works on the development site. The

reconfigured stairway is to be to the satisfaction of RailCorp. No work is permitted within the rail corridor unless prior approval has been obtained from RailCorp.

C4 *Erosion and Sediment Control*

All erosion and sediment control measures are to be effectively implemented in accordance with the plan required by the Statement of Commitments.

C5 *Vehicle Cleansing*

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

C6 *Utility Services*

To ensure that utility authorities are advised of the development:

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

C7 *Excavation and Construction Impacts*

The following conditions are to be adopted:

- a) A Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment prior to the works commencing on the site. It should be noted that RailCorp's representative may impose further conditions on the methods to be used and require the provision of on-site Safe Working supervision for certain aspects of the works.
- b) Should, according to RailCorp's representative, any unforeseen risks to rail infrastructure become apparent (e.g. falling material) the Proponent will be required to submit information relating to the attenuation of that risk for approval by RailCorp's representative.
- c) The use of any crane, plant or machinery shall comply with the RIC Electrical Safety Manual and all relevant RIC Standards and Guidelines. Construction equipment such as scaffolding shall not impinge over the rail corridor, unless authorised by Railcorp.
- d) No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders are to be used within the rail corridor.
- e) No excavation or boring is permitted within 2.0 metres (measured horizontally) of high voltage underground cable and 1.0 metre (measured horizontally) for low voltage cables.

- f) No plant or vehicle is permitted to encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance.
- g) No infrastructure or equipment is to be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no impact will occur to rail infrastructure, e.g. signal sighting, safety signage, emergency access.
- h) As large-scale excavation is involved, the Proponent is required to put in place a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. Excavation shall not include the use of any explosives at any time. The plan for this is to be submitted to RailCorp for review prior to the commencement of works.

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

C8 *Contact Telephone Number*

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

PART D—DURING CONSTRUCTION

D1 *Construction Management Plan*

All works are to be carried out in accordance with the approved Construction Management Plan including but not limited to identification of hours of work, construction noise and vibration management, soil erosion and sediment control plan, air quality and dust control procedures, waste management plan, storage and handling of material, and emergency procedures.

D2 *Erosion and Sediment Control*

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

During the construction period:

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

D3 *Hazardous Materials*

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements,

particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

D4 Risk Measures

The Proponent is required to install adequate measures as per the RailCorp approved Risk Assessment report referred to in Condition B23 that prevent the throwing of objects onto the rail- corridor.

D5 Setting Out of Structures

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

D6 Approved Plans to be on-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council, SOPA or the PCA.

D7 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D8 Loading and Unloading during Construction

The following requirements apply:

- (1) all loading and unloading associated with construction must be accommodated on site;
- (2) if, during excavation, it is not feasible for loading and unloading to take place on site, a construction zone on the street may be considered by the SOPA;
- (3) if a construction zone is warranted an application must be made to the SOPA prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such a facility at various Stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

D9 Disposal of Seepage and Stormwater

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

D10 Hours of construction

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 7:00 am and 3:00 pm, Saturdays; and
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) residents and occupants of adjoining buildings likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D11 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D12 Public Way to be Unobstructed

The public way or any nominated temporary pedestrian link established during construction must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

D13 Fencing

RailCorp will provide supervision for the erection of the new fencing referred to in Condition B20 at the Proponent's cost.

D14 Railcorp Infrastructure

- (1) During each Stage of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the proponent.
- (2) During each Stage of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Proponent.
- (3) Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior approval has been obtained from RailCorp.
- (4) During excavation the Proponent is to observe extreme care to prevent water from collecting on or near RailCorp infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were the case, the Proponent would be liable for the RailCorp expenditure involved with restoring or maintaining alternative services.
- (5) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Access Deed has been entered in to with RailCorp.
- (6) Should the Proponent require access to the rail corridor, prior to entering into a Rail Deed, the proponent is required to enter into a Release and Indemnity Agreement which will cover all railway parties from possible claims whilst the proponent is carrying out any works within or adjacent to the railway corridor.
- (7) All works are to be carried out in accordance with Railway Safeworking Rules and regulations, including the network Rules and Procedures.
- (8) To ensure that graffiti can be easily removed the Proponent is required to ensure that fencing along the rail corridor is coated with anti-graffiti paint or other coating.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**F1 Staging**

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

F2 Occupation Certificate to be Submitted

An Occupation Certificate for each Stage of works must be obtained from the PCA and a copy submitted to SOPA and the Department prior to the commencement of occupation or use of the building.

F3 Post-Construction Dilapidation Reports

Prior to the issue of an Occupation Certificate for Stage 2, the Proponent is to engage a qualified structural engineer to prepare a Post-Construction Dilapidation Report detailing the structural condition of all infrastructure and roads adjacent to the site. The report shall be submitted to the satisfaction of the PCA prior to the issue of the Occupation Certificate.

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

F4 Right-of-Way

Prior to the issue of an Occupation Certificate for Stage 2, the Proponent is to register an easement or right-of-way over the land shown as "RailCorp Acces Walkway" on DA plan 006 to the satisfaction of RailCorp.

F5 Affordable Housing

The Proponent is required to provide an Affordable Housing Guarantee to the satisfaction of SOPA prior to the release of the Occupation Certificate for Stage 2. The Guarantee shall detail the provision of Affordable Housing by the Proponent as follows:

- 3 Affordable Housing Lots to be provided at the Stage 2 development of Site 3 in addition to any Affordable Housing Lots generated by the Stage 2 development; and
- 3 Affordable Housing Lots to be provided at the Stage 3 development of Site 3 in addition to any Affordable Housing Lots generated by the Stage 3 development.

F6 Allocation of Car Parking

All carparking is to be allocated and signage/linemarking implemented in accordance with Condition B12 prior to the issue of an Occupation Certificate for Stage 2.

F7 Maintenance of Development

Prior to the issue of an Occupation Certificate for Stage 2, the Proponent must provide a plan of future maintenance activities that may require access to the rail corridor. This plan will be reviewed by RailCorp to ensure that continued access by RailCorp is not impeded, and that the proposed maintenance activities can be supported.

F8 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the final Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

F9 Annual Fire Safety Statement

For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.

F10 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of the final Occupation Certificate for Stage 2.

F11 Mechanical Ventilation

Following completion, installation and testing of any mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) the Building Code of Australia;

- (2) Australian Standard AS1668 and other relevant codes;
- (3) the development consent and any relevant modifications; and
- (4) any dispensation granted by the New South Wales Fire Brigade.

F12 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate for any structural work is to be submitted to the satisfaction of the PCA prior to issue of each Occupation Certificate.

F13 Sydney Water

A Compliance Certificate issued under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* shall be submitted to the PCA prior to the issue of the Occupation Certificate for Stage 2.

PART G—POST OCCUPATION

G1 Annual Fire Safety Certification

For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.

G2 Post-Construction Dilapidation Reports

12 month after the issue of an Occupation Certificate for Stage 2, the Proponent is to engage a qualified structural engineer to prepare a 12 month Post-Construction Dilapidation Report detailing the structural condition of all infrastructure and roads adjacent to the site. The Report is to be provided to RailCorp and any damage caused by the development is to be made good to the satisfaction of RailCorp at the Proponent's cost. Documentation demonstrating RailCorp's satisfaction of this condition is to be submitted to the Director-General.

G3 Noise Control – Plant and Machinery

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:

- (1) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (2) A sound pressure level at any affected 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.
- (3) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed

structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the commencement of works.

AN2 Compliance with Building Code of Australia

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

AN3 Application for Hoardings and Scaffolding

A separate application may be required to erect a hoarding or scaffolding in a public place and reference should be made to the Authority's Guidelines for Outdoor Advertising Identification and Promotional Signage.

AN4 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from the relevant road authority:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of road authority will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of the road authority, will create significant traffic disruptions.

AN5 Movement of Trucks Transporting Waste Material

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN6 Approval under Roads Act 1993

The Proponent shall obtain, as necessary, approvals under Section 138 of the Roads Act 1993 for any works to be carried out on public roads.

AN7 Construction Inspections

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

AN8 Noise Generation

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN9 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN10 Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the SOPA for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to SOPA with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

SCHEDULE 3

PROPONENT'S STATEMENT OF COMMITMENTS

MAJOR PROJECT NO. 06_0127

1 Earthworks

1.1 Erosion and Sedimentation Control

The Proponent commits to minimising land degradation and erosion so as to protect air quality, water quality, drainage infrastructure and the visual amenity of the area.

Soil erosion and sediment control measures for construction will be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction* (NSW Department of Housing 1998).

The soil and sediment run off strategy for the development will be implemented in accordance with the recommendations of the Stormwater Management Report prepared by Connell Mott MacDonald approved as part of the Stage 1 DA. Drawings DA-C002 and DA-C003 show the proposed Erosion and Sediment Control Plans and details. The management report and drawings are resubmitted with the EA submission.

1.2 Notice to be Given Prior to Excavation

The Proponent undertakes to give the Principal Certifying Authority (PCA) and RailCorp at least 48 hours written notice prior to the commencement of excavation, shoring or underpinning works at the site.

2 Landscaping

2.1 Existing Trees

The Proponent agrees to transplanting existing Fig Trees elsewhere on the site in accordance with advice contained in Arborist's Report prepared by Urban Tree Management and submitted with the EA submission.

The Proponent agrees to carry out the above to the satisfaction of the Principal Certifying Authority prior to issue of the relevant Construction Certificate.

Refer Section 13 for Landscaping Maintenance and Irrigation.

3 Ecologically Sustainable Development (ESD)

3.1 NSW BASIX Targets

The NSW BASIX targets are as follows:

- (1) 40% reduction in potable water consumption.
- (2) 20% reduction in greenhouse gas emissions for buildings over 5 stories high.
- (3) Thermal comfort performance targets

The Proponent commits to meet a 40% reduction in water use and 20% reduction in energy.

The Proponent agrees that prior to the issue of the relevant Construction Certificate, a BASIX certificate prepared by an accredited BASIX assessor demonstrating compliance with the above requirements, will be submitted to the Principal Certifying Authority.

3.2 BASIX Water Target

The Proponent agrees to undertake the following strategies to achieve the BASIX water target of a 40% reduction in potable water consumption:

- Connection to WRAMS for:
 - Toilet flushing
 - Laundries
 - Landscape irrigation
 - Car wash bays
 - Cooling towers
- Water efficient AAA dishwashers
- Water efficient AAA toilets
- Water efficient AAA taps
- Water efficient AAA shower roses

3.3 BASIX Energy Target

The Proponent agrees to undertake the following strategies to achieve the BASIX energy target of a 20% reduction in energy use:

- Gas fired micro cogeneration system for:
 - Building base load electricity
 - Domestic hot water
 - Pool heating

Common areas:

- Best practice energy efficiency package

Individual dwellings:

- 4.5 ★Fridges
- 3 ★Dishwashers
- 3 ★Clothes dryers
- Energy efficient fluorescent light fittings to 100% of bathrooms and laundries.
- Energy efficient fluorescent light fittings to 80% of kitchens

4 Noise

4.1 Noise Assessment

The Proponent commits to preparing and submitting for approval a detailed assessment of noise emissions associated with services within the building prior to the issue of the relevant construction certificate.

The Proponent agrees that building plant will be acoustically treated to prevent noise emissions from adversely impacting the surrounding properties, either through selecting the quietest plant practicable, or treating the plant with enclosures, barriers, duct lining and silencers as required complying with the sound level requirements of the EPA. These details will be determined as a result of the above mentioned noise assessment.

4.2 Internal Noise Criteria

The Proponent commits to ensuring that the internal acoustic amenity within the apartments will meet the target criteria specified below and will be in compliance with Australian Standards 2107 by the installation of recommended glazing thicknesses; and the proposed roof construction and external walls of concrete and masonry.

Internal Noise Criteria

Location	Target	Maximum
Bedroom	Leg 35 _{dB} (A).	Leg 40 _{dB} (A).
Living Areas	Leg 40 _{dB} (A).	Leg 45 _{dB} (A).

4.3 External Noise Objectives

The proponent commits to ensuring that noise levels associated with Telstra Stadium events and the Royal Easter Show will not exceed the external noise objectives nominated in the SOPA Noise Management Guidelines for Residential Locations and will be in compliance with Australian Standards 2107.

The proponent commits that noise levels from railway-induced vibration levels will be addressed to below the required noise levels.

The proponent commits to provide an acoustic report to provide noise emission criteria for future mechanical plant selection, to comply with the provisions set by the EPA's Industrial Noise Control Manual.

The EPA recommends external noise intrusion requirement from traffic noise to a childcare outdoor area to be equal to or less than 55dB(A) L_{eq} . Internal noise levels for the childcare centre will be designed to satisfy both AS 2107:2000 "Acoustics - Recommended design sound levels and reverberation times for building interiors" and Rail Infrastructure Corporation's Interim guidelines for Proponents - Consideration of rail noise and vibration in the planning process. The proponent commits to provide an updated acoustic report showing that the aforementioned standards and guidelines have been satisfied in relation to the childcare centre prior to issue of the relevant construction certificate.

Details to satisfy Noise Assessment commitments are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant construction certificate.

5 Traffic

6.1 Traffic Management

Further to consultation with the Roads and Traffic Authority and in accordance with the Traffic and Parking Study prepared by Hutcheson Transport Solutions Pty Limited (Refer Appendix E), detailed design of the right hand turn bay and entry and exit road shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant construction certificate.

6 RailCorp

6.1 Dilapidation Surveys

The proponent commits to carrying out joint inspections of the rail infrastructure and property in the vicinity of the project with representatives from RailCorp. The inspections will be carried out prior to the issue of the relevant Construction Certificate and Occupation Certificate to the satisfaction of the Principal Certifying Authority.

6.2 Geotechnical and Structural Stability and Integrity

Prior to the issue of the relevant Construction Certificate, the Proponent commits to providing a Geotechnical Engineering report to the Consent Authority. The report will include the potential impact on the rail corridor and infrastructure from excavation, and excavation induced vibration in rail facilities, and the loadings from the development on RailCorp facilities. The Report will be referred to RailCorp's Geotechnical Section, and is to be to their satisfaction.

6.3 Use of Light and Reflective Materials

Prior to the commencement of work, the proponent commits to submitting for approval to RailCorp, any proposals for the use of lights, signs and reflective materials, whether permanent or temporary, in the proximity of the RailCorp's facilities.

6.4 Demolition, Excavation and Construction Impacts

Prior to the issue of the relevant Construction Certificate, the proponent commits to submitting to the department and RailCorp, a Risk Assessment/Management Plan and detailed Work Method Statements for the proposed works within, over or immediately adjacent the rail corridor.

The Risk Assessment Management Plan shall address the following:

- a. Unforeseen risks
- b. Use of cranes, plant and machinery
- c. Use of ladders, tapes, scaffolding and plant /machinery of conductive material
- d. Excavation and boring
- e. Plant and vehicle movements
- f. Vibration monitoring system
- g. Piling, sheet piling, batter and anchors

6.5 Cranes and Other Aerial Operations

The Proponent commits to submitting a plan to RailCorp showing all planned craneage and other aerial operations for the development prior to issue of the relevant construction certificate. The plan will show how craneage operations will not:

- a. Reach over the railway corridor
- b. Operate within a vertical envelope defined as 3 metres (horizontally) from any electrified infrastructure

6.6 Derailment

The proponent commits to ensuring the proposed building structure will be designed to meet the requirements of RailCorp's standard 'ESC 380 – *External Developments*'. A report from a suitably qualified engineer demonstrating compliance with this standard will be provided to the department and RailCorp prior to the issue of the relevant Construction Certificate.

7 Construction Management

7.1 Construction Management Plan

Prior to the commencement of any works, the Proponent undertakes to prepare a Construction Management Plan to be submitted and approved by the Principal Certifying Authority. The Plan will address, but not be limited to, the following matters were relevant:

- (1) Hours of construction work as specified in this statement of commitments
- (2) Contact details of site manager,
- (3) Traffic Management
- (4) Noise and Vibration Management,
- (5) Air Quality Management,
- (6) Water Quality Management,
- (7) Erosion and Sediment Control;
- (8) Flora and Fauna Management;
- (9) Waste Management, and

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

7.2 Traffic and Pedestrian Management Plan

As part of the Construction Management Plan, the Proponent undertakes to prepare a Traffic and Pedestrian Management Plan prepared by a suitably qualified person in consultation with SOPA. The Plan will address the following matters:

- (1) Ingress and egress of vehicles to the site;

- (2) Loading and unloading, including construction zones;
- (3) Transportation of material, including contaminated material;
- (4) Cleaning of vehicles;
- (5) Predicted traffic volumes, types and routes;
- (6) Pedestrian and traffic management methods.

7.3 Noise and Vibration Management Plan

As part of the Construction Management Plan, the Proponent undertakes to prepare a Noise and Vibration Management Plan prepared by a suitably qualified person. The Plan will address the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources;
- (2) Identification of all potentially noise sensitive properties in the surrounding areas;
- (3) The construction noise objective specified in this statement of commitments;
- (4) The construction vibration criteria specified in this statement of commitments;
- (5) Determination of appropriate noise and vibration objectives for each noise sensitive property;
- (6) Noise and vibration monitoring and response procedures;
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions;
- (8) Description of mitigation measures, management methods and procedures that will be implemented to control noise and vibration during construction;
- (9) Justification of any proposed activities outside the construction hours specified in this statement of commitments;
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, and frequency;
- (11) Procedures for notifying residents of work activities likely to affect their noise amenity;
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

7.4 Air Quality Management Plan

As part of the Construction Management Plan, the Proponent undertakes to prepare an Air Quality Management Plan prepared by a suitably qualified person in accordance with the relevant waste policy and requirements of SOPA. The Plan will address the following matters:

- (1) Monitoring procedures for gaseous and particulate emissions from the works;
- (2) Pro-active and reactive management and response mechanisms for particulates, odour and gaseous emissions;

- (3) Procedures and processes for monitoring ambient air quality impacts including (as appropriate) high volume air samplers, dust deposition gauges, olfactory observations and sampling pumps fitted with reactive tubes targeted to volatile organic compounds, including chlorinated compounds;
- (4) Provisions for review of air monitoring data as required;
- (5) Complaints management procedures in the event that air quality complaints are received;
- (6) Procedures for the minimisation of gaseous and particulate emissions from the works; and
- (7) A contingency plan should an incident or other initiating factor lead to elevated air quality impacts, whether above normal operating conditions or environmental performance goals.

7.5 Water Quality Management Plan

As part of the Construction Management Plan, the Proponent undertakes to prepare a Water Quality Management Plan prepared by a suitably qualified person in accordance with the relevant policies and requirements of SOPA. The Plan will address the following matters:

- Methods to avoid discharges to ground and/or ambient waters including methods to minimise the volume of contaminated water generated;
- Procedures for separating "clean" water from any contaminated areas;
- Details of water management measures to be implemented for clean and dirty waters;
- Calculation of a water balance for all waters generated on-site including potential volumes of groundwater and stormwater for treatment onsite or offsite, proposed discharges, recycling or reuse;
- Details of remedial actions to be taken by the proponent and site operators in response to an exceedance of the ambient water management controls, including but not limited to:
 - Use of fences/curtains;
 - Contingency actions for floor, heavy rainfall and storm surges into the work areas; and
 - Contingency actions for failure of sediment controls.
- Procedures for reviewing and updating the water management plan as works progress.

7.6 Construction Waste Management Plan

Waste storage, handling and minimisation during construction will be in accordance with Multiplex's Waste Minimisation Strategy. As part of the Construction Management Plan, the Proponent agrees to prepare a Construction Waste Management Plan.

7.7 Erosion and Sediment Control Plan

Refer section 2.1.

7.8 Supplementary Frog Habitat

In accordance with Sydney Olympic Park's Frog Management Plan, the proponent agrees to provide a frog clearance zone prior to construction commencing. Details shall be submitted and approved by the Principal Certifying Authority.

The proponent agrees to contain and treat water leaving the site to protect the "supplementary frog habitat".

7.9 Equipment Control Measures

The Proponent commits to undertake to control the movement of vehicles from work areas as follows:

- All trucks transporting solid materials should be securely and completely covered immediately after loading the material, to prevent wind blown emissions and spillage. Such covering should be maintained until immediately before unloading the trucks;
- All trucks tailgates should be securely fixed prior to loading and immediately after unloading solid material;
- All vehicles transporting materials should be operated in a manner so as to prevent any loss of materials during loading, transport and unloading activities.
- All vehicles leaving the site should have clean wheels and underbodies. A high-pressure washer may be used to effectively clean all plant prior to leaving the site.

7.10 Use of Cranes on the Site

The Proponent agrees to obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters will be complied with to the satisfaction of the Principal Principal Certifying Authority:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from SOPA:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of SOPA will create minimal traffic disruptions, and
 - (b) At least 2 weeks prior to the works for full road closures and partial road closures which, in the opinion of SOPA, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 6.30am without the prior approval of SOPA.

DURING CONSTRUCTION

8 Site Maintenance

8.1 Erosion and Sediment Control

The Proponent commits to effectively maintaining all erosion and sediment control measures 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. (Refer also to 3.1)

8.2 Disposal of Seepage and Stormwater

The Proponent agrees that any seepage or rainwater collected on-site during construction will not be pumped to the street stormwater system unless separate prior approval is given in writing by SOPA.

The proponent agrees to contain and treat water leaving the site to protect the "supplementary frog habitat".

8.3 Dust Control Measures

The Proponent agrees to take adequate measures to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) All vehicles carrying spoil or rubble to or from the site will at all times be covered to prevent the escape of dust or other material;
- (2) Covers to be adequately secured;
- (3) Cleaning of footpaths must be carried out regularly;
- (4) Roadways must be kept clean;
- (5) Gates are closed between vehicle movements;
- (6) Gates are fitted with shade cloth;
- (7) The site is hosed down when necessary; and
- (8) Wheel washes will be installed for all vehicles exiting the site.

8.4 Protection of Trees – Street Trees

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

9 Noise and Vibration

9.1 Hours of Work

The Proponent agrees that the hours of construction including the delivery of materials to and from the site will be restricted as follows:

- (1) Between 7.00am and 6.00pm, Mondays to Fridays inclusive;
- (2) Between 7.00am and 5.00pm, Saturday if the type of work is approved in the noise and vibration management plan
Otherwise 7.00am to 1.00pm
- (3) No work on Sundays and public holidays.

Works will only be undertaken outside these hours for one or more of the following reasons:

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

9.2 Construction Noise Objective

The construction noise objective is to comply with AS 2436-1981 "Guide to Noise Control on Construction".

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the Noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the noise with the construction noise objective.

9.3 Construction Vibration Criteria

Vibration caused by construction will comply with AS 2187 – 1992 :- *SAA Explosives Code, Part 2 – Use of Explosives* and AS 2670.2 – 1990 "*Evaluation of human exposure to whole body vibration, part 2: continuous and shock induced vibrations in buildings*"

These standards apply unless otherwise approved in the Construction Noise and Vibration management Plan.

10 Stormwater Management

10.1 Stormwater System

The Proponent undertakes to install a stormwater system in accordance with the Stormwater Management Plan prepared by Connell Mott MacDonald included in Volume 3 of the Environmental Assessment Report. Stormwater runoff shall be collected and piped into the existing stormwater drainage system in Australia Avenue. Refer Drawing DA-C001 for more information.

The Proponent commits not to divert additional stormwater to the existing RailCorp pumping station. Details will be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction certificate.

10.2 Design Plans

The Proponent commits to submitting final design plans of the stormwater drainage system within the site, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of SOPA to the Principal Certifying Authority prior to issue of the relevant Construction Certificate.

11 RailCorp

11.1 Physical Access to RailCorp's Facilities

The Proponent commits to not carrying out any work within the rail corridor without prior approval of RailCorp.

11.2 Graffiti

The Proponent commits to coating any fencing or building structure installed along the rail corridor with anti-graffiti paint or other coating.

11.3 Fencing

The Proponent commits to maintaining intact the common boundary fence along the rail corridor throughout the excavation and construction of the works and thereafter. Should the Proponent wish to enhance the current fence, details of the proposed enhancements and a Safety Work Method Statement detailing the method of installation will be provided to RailCorp for review and comment prior to the fencing work being undertaken.

The Proponent also commits to replacing the existing boundary fence in the proposed childrens' playground above the existing tunnel portal. Details of the proposed new fence and a Safety Work Method Statement detailing the method of installation will be provided to RailCorp for their review and comment prior to fencing work being undertaken.

11.4 Maintenance of Development

Prior to the issue of an Occupation Certificate, the Proponent commits to providing a plan for future maintenance activities that may require access to the rail corridor. The plan will be provided to RailCorp for the review and comment.

POST CONSTRUCTION

12 Waste Management

12.1 Refuse Facilities

The Proponent agrees that the management of facilities for the storage and handling of waste will be undertaken in accordance with a Waste Management Plan approved by SOPA.

Owners / tenants from each unit will be responsible for depositing waste and into the designated waste chutes located adjacent the lift lobbies on each floor of the building.

The general waste from the units will be deposited via waste chute to the central garbage and recycling rooms on the Ground Floor. Cleaning and washing facilities for empty bins will also be provided in this room by the facility managers.

The Proponent agrees that the building cleaner will be responsible for the management of the garbage rooms under instruction from the facility Manager and Owners Corporation. This will include manoeuvring the bins into position for pickup by the garbage collector, and replacing them into position after emptying.

Waste collection contractors will collect the residential waste at an agreed frequency in accordance with Auburn Council's plan's and policies.

The Waste Management Plan shall be submitted and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

12.2 Recycling Facilities

The Proponent undertakes to make recyclable waste bins available for apartments on each floor and when full these will be relocated to the central recycling facility located on Ground floor. It will be the responsibility of each owner / tenant of the units to transport recyclable waste to the bins on their respective floors.

13 Landscaping

13.1 Maintenance

The Proponent commits to a 52 week defects locality period for landscaping. The landscape contractor shall be required to undertake for regular maintenance inspections and works during this period and replace any failed plants, finishes/equipment as determined to be a defective.

Purpose: To ensure that landscaping is properly established to enable its mature and healthy growth.

13.2 Irrigation

The Proponent agrees to install an automatic irrigation system which incorporates drip irrigation fittings for the garden areas

14 Commercial Premises

15.1 Hours of Operation

The hours of operation of the retail premises shall be restricted to between 7.00am and 7.00pm, Mondays to Saturdays and 8.00am to 7.00pm Sundays and public holidays.

Any extension to these hours of operation is to be the subject of further consent. Any application for extended hours is to address the specific use(s) sought, the likely noise, traffic and amenity impacts any measures proposed to mitigate such impacts on the residential amenity of the area.

The hours of deliveries for retail and commercial premises shall be between 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays, Sundays and Public Holidays.

Noise Control – Retail and Commercial Units

The LA₁₀ noise level emitted from commercial or retail premises shall not exceed the background noise level within any habitable room of any residential premises in any Octave Band Centre Frequency (31.5 Hz – 8kHz inclusive) by more than the level specified below:

DAYS / TIMES	7.00am –	7.00pm –	11.00pm –
	7.00pm	11.00pm	7.00am
Mondays – Saturday inclusive	6dB	3dB	Not audible
Sundays & Public Holidays	6dB	3dB	Not audible

15 Noise Control

15.1 Plant and Machinery

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