

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF SITE 13 MIXED USE DEVELOPMENT

Major Project No. 06_0176

I, the Deputy Director General, as delegate for the Minister for Planning, having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the EP&A Act), determine pursuant to section 75J(1) of the EP&A Act to **give approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) encourage good urban design and a high standard of architecture;
- (c) encourage ecologically sustainable development principles;
- (d) adequately mitigate the environmental impacts of the development;
- (e) reasonably protect the amenity of the local area; and
- (f) protect the public interest.



Richard Pearson
Deputy Director General
Development Assessment & Systems Performance

Sydney,

23rd May

2010

SCHEDULE 1

PART A — TABLE

Application made by:	OD Partnership
Application made to:	Minister for Planning
Major Project Number:	MP 06_0176
On land comprising:	Part Lot 201, DP 1041756 Site 13, Olympic Boulevard, Sydney Olympic Park
Local Government Area	Auburn
For the carrying out of:	<ul style="list-style-type: none"> One four-storey and one five-storey commercial office building above a single level of basement parking with a maximum height of 20.95 metres, including: <ul style="list-style-type: none"> basement car park catering for 100 car parking spaces, 9 motorcycle spaces and 46 bicycle spaces; office space, retail, café, courtyard and lobby areas behind a transitional colonnade space; 20 visitor bicycle spaces; and a loading/unloading area on the ground floor; office space on Levels 1, 2, 3 and 4; total GFA of 14,476m² on a site area of 4,658m² (FSR of 3.1:1); and the subdivision of the development site, Lot 2003, from Lot 201 DP 1041756.
Capital Investment Value	\$32 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2
Date of commencement of approval:	This approval commences on the date of this approval
Date approval is liable to lapse	5 years from the date of this approval unless the building works associated with the project have substantially commenced

PART B — NOTES RELATING TO THE DETERMINATION OF MAJOR PROJECT NO. 06_0176

Responsibility for other consents/agreements

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

Legal Notices

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

Inconsistencies between documents

In the event of any inconsistency between the conditions to this major project approval and the approved plans and documentation described in Schedule 2 and the Statement of Commitments in Schedule 3, the conditions in this major project approval prevail.

PART C - DEFINITIONS

In this approval the following definitions apply:

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
BCA	Building Code of Australia
Certifying Authority	Has the same meaning as Part 4A of the EP& A Act.
Construction	Any works, including earth and building works
Council	Auburn Council
CPI	Consumer Price Index
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water or its successors
Department	Department of Planning or its successors
Director General	Director-General of the Department of Planning, or nominee
EA	Environmental Assessment titled <i>Site # 13 Sydney Olympic Park, Major Project 06-0176 for Commercial Offices, Part 3A Environmental Assessment Report Vol 1</i> , dated June 2008
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	Minister for Planning, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PPR	<i>Site 13 Sydney Olympic Park, Part 3A Major Project Application No. 06-0176 for Commercial Offices, Preferred Project Report</i> dated February 2010.
Project	The project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Proponent	OD Partnership, or anyone else entitled to act on this Approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RTA	Roads and Traffic Authority
SOPA	Sydney Olympic Park Authority
Statement of Commitments	The proponent's Statement of Commitment in Schedule 3
Subject Site	Lot 201 DP 1041756

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT 06_0176

PART A—ADMINISTRATIVE CONDITIONS

A1. Development Description

Except as amended by the conditions of this approval, approval is granted only to carrying out the development as described in Schedule 1, and development must be carried out consistently with the Statement of Commitments (attached as Schedule 3).

These conditions of approval do not relieve the proponent of its obligations under the EP&A Act and any other Act.

A2. Development in Accordance with Plans and Documents

The development will be undertaken in accordance the following drawings and documents:

<i>Site # 13 Sydney Olympic Park, Major Project 06-0176 for Commercial Offices, Part 3A Environmental Assessment Report Vol 1 and Appendices prepared by Colston Budd Hunt & Kafes Pty Ltd on behalf of OD Partnership, dated June 2008</i>			
<i>Site 13 Sydney Olympic Park, Part 3A Major Project Application No. 06-0176 for Commercial Offices, Preferred Project Report and Attachments prepared by Colston Budd Hunt & Kafes Pty Ltd on behalf of OD Partnership, dated February 2010</i>			
Architectural (or Design) Drawings prepared by Bates Smart			
Drawing No.	Revision	Name of Plan	Date
AR EA 2 01	6	Basement Plan L001	27.07.09
AR EA 2 03	9	Ground Floor Plan L00	09.12.09
AR EA 2 04	4	Typical Floor Plan L01-L03	21.04.10
AR EA 2 05	3	Floor Plan L04.	27.07.09
AR EA 2 06	2	Floor Plan L05	22.06.09
AR EA 2 7	2	Roof Plan L06	22.06.09
AR EA 2 11	2	Ground Floor Loading Dock Plan Garbage collection diagram	22.06.09
AR EA 5 01	3	East Elevation	15.02.10
AR EA 5 02	1	North Elevation	10.10.08
AR EA 5 03	1	West Elevation	10.10.08
AR EA 5 04	3	South Elevation	15.02.10
AR EA 5 05	3	West Elevation – Internal Courtyard	15.02.10
AR EA 6 01	-	Section AA	May 14, 2008
AR EA 6 02	1	Section BB	15.02.10
AR EA 7 01	1	Façade Section Details	10.10.08
AR EA 7 11	1	Vertical Fin Details	10.10.08
AR EA SK 01	3	Staging Plans Stage 1 Ground Floor Plan - L00	15.02.10
AR EA SK 02	1	Staging Plans Stage 1 North Elevation	13.10.08

Material and Finishes Board prepared by <i>Bates Smart</i>			
Drawing No.	Revision	Name of Plan	Date
-	-	External Materials and Finishes Board	February 2010
Landscape Plans prepared by <i>TDS + JAAA</i>			
Drawing No.	Revision	Name of Plan	Date
DAL2	E	Landscape Plan with Surrounds	10.12.09
DAL3	F	Landscape Plan	21.01.10
DAL4	F	Stage 1 Temporary Landscape Over Slab	10.12.09
DAL5	E	Boulevard Entry Elevation	21.01.10
DAL6	B	Section A & B	06.11.08
DAL7	C	Section C	20.01.10
DAL8	D	Section D	20.01.10
DAL9	C	Section E	20.01.10
DAL10	B	Section F	06.11.08
DAL11	B	Section G	06.11.08
DAL12	D	Section H	10.12.09
DAL13	B	Design Precedents	06.11.08
Subdivision Plan prepared by <i>Hard & Forester</i>			
Drawing No.	Revision	Name of Plan	Date
112028003	01	Plan Showing Existing Detail, Proposed Building & Proposed Boundaries for Site 13	13.01.2009
All conditions of this approval			

except for:

- (1) any modifications which are 'Exempt and Complying Development' 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. Additional Approvals Required

Separate applications are required for the fit-outs, signage and detailed operations of the retail tenancies, unless identified as Exempt or Complying Development.

A4. Prescribed Conditions

The proponent shall comply with the prescribed conditions under Part 6, Division 8A of the EP&A Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Secondary Loading Bay

The proponent shall investigate providing a secondary loading bay in the landscaped area north of the substation and west of the retail tenancy, for smaller service vehicles and also providing access to the service corridors. Prior to issue of a Construction Certificate, the proponent is to provide to the satisfaction of the Department, justification as to why a loading bay cannot be accommodated in that location or provide sufficient plans identifying the location of the loading area and access to the service corridors. The proponent shall also demonstrate that any new loading area has been design in accordance with AS 2890.1-2004 and AS 2890.2-2002 for commercial vehicle usage.

B2 Landscape Plan

A detailed Landscape Plan shall be submitted to the satisfaction of the Executive Manager Urban Planning and Design of SOPA prior to issue of a Construction Certificate and should provide additional tree planting at a

minimum height of 6 metres on the western boundary of the site to provide adequate mitigation of channelling winds in accordance with the Wind Assessment prepared by CPP, dated May 2008.

B3 Public Domain Strategy

The proponent must prepare a Public Domain Strategy in consultation with SOPA and to the satisfaction of the Executive Manager Urban Planning and Design of SOPA, prior to the issue of a Construction Certificate.

B4 Electrolysis Protection

Prior to issue of a Construction Certificate, the proponent shall demonstrate to the satisfaction of the Certifying Authority, that the recommendations of Corrosion Control Engineering in a letter dated 27 February 2008 have been incorporated into the design of the building, including either the installation of heavy plastic membrane to isolate the concrete slabs and piers or use of high strength, high cover waterproof concrete.

B5 Construction Certificate

The stamped drawings must be lodged with the Certifying Authority (Minister for Planning via the Department of Planning, Sydney Olympic Park Authority, or a Private Accredited Certifier) for a Construction Certificate for each stage of the project. The proponent must supply the Department of Planning and SOPA with a copy of any Construction Certificate within two days from the date of its issue.

B6 Structural Details

Prior to the issue of a Construction Certificate for the relevant works, the proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practicing Structural Engineer that complies with:

- a) the relevant clauses of the BCA,
- b) the relevant approval,
- c) drawings and specifications comprising the Construction Certificate, and
- d) the relevant Australian Standards listed in the BCA (Specification A1.3).

Prior to work 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.

B7 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 AS1668.1&2 and AS3666 Part 1 *Air Handling and Water Systems of Buildings – Microbial control, design installation and commissioning*, 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 the relevant works.

B8 Long Service Levy

Prior to the issue of a Construction Certificate, evidence of the payment of the long service levy under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* must be provided to the Certifying Authority (or, where such a levy is payable by instalments, the first instalment of the levy).

B9 Stormwater & Drainage

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

B10 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B11 Reflectivity

The light reflectivity from building materials used on the facades of the buildings must 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. A statement demonstrating compliance with these requirements is to be submitted to the satisfaction of RailCorp and the Certifying Authority prior to the issue of a Construction Certificate. In the event that the maximum 20% light reflectivity cannot be provided to satisfy Part J of the BCA, the BCA shall prevail.

B12 Monetary Contributions

In accordance with the *Development Contributions Strategy - Briefing Note for Developers, Sydney Olympic Park Master Plan Development (November 2002)*, the proponent shall pay a total of \$529,387 to SOPA, subject to indexation (the change in CPI between May 2002 and the date of approval). The proponent shall consult with SOPA to determine the final amount payable and the timing of payment(s).

The contribution shall be paid in the form of cash or bank cheque, made out to the Sydney Olympic Park Authority (SOPA). For accounting purposes, the contribution may require separate payment for each of the categories and you are advised to check with SOPA. Evidence of the payment to SOPA shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

B13 Sydney Water – Notice of Requirements

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). 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 any Construction Certificate for the development.

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.

B14 Traffic and Parking Details

Prior to the issue of a Construction Certificate for the new building, plans are to be submitted to the satisfaction of the General Manager, Operations and Sustainability of SOPA for approval and the Certifying Authority identifying the following traffic and parking details:

- (1) All vehicles should enter and leave the site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the site in a forward direction then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing.
- (2) Car parking and loading areas associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for commercial vehicle usage.
- (3) Appropriate pedestrian advisory signs are to be provided at the egress from the car park and loading area.
- (4) All works/regulatory signposting associated with the proposed developments shall be at no cost to the RTA.

B15 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA, SOPA's Access Guidelines and the recommendations contained within the *Accessibility Review* prepared by Morris-Good Accessibility Consulting, dated 5 August 2009. Prior to the issue of a Construction Certificate, a certification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B16 Water saving devices

Water saving devices shall be installed in all areas of the development to reduce water consumption and promote energy efficiency, and all new fixtures and fittings are to achieve the following WELS rating and performance:

- (a) hand wash basins rated to WELS 4 Star;
- (b) sink taps rated to WELS 4 Star;
- (c) showerheads rated to WELS 4 Star;
- (d) dual flush toilets rated to WELS 4 Star;
- (e) urinals should be waterless or sensor rated to WELS 5 Star; and
- (f) dishwashers rated to WELS 4 Star.

Details of the above are to be included in the specifications which are to form part of the Construction Certificate for the premises.

B17 Noise Management

Prior to the issue of a Construction Certificate, the proponent must provide a statement from an accredited acoustic consultant confirming that environmental noise emissions from mechanical and air conditioning plants will comply with the NSW Industrial Noise Policy and the design of the building will satisfy the internal noise criteria and ground-borne noise criteria in accordance with recommendations in the Site 13, Sydney Olympic Park, Rail Noise & Vibration Assessment for Development Application prepared by Renzo Tonin & Associates, dated 6 March 2008 and the recommendations in Site 13 Sydney Olympic Park Measurements of Events Noise Impacting on Proposed Commercial Development prepared by Renzo Tonin & Associates, dated 13 May 2008.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Vibration Management

Prior to the commencement of works, the proponent must provide a statement from an accredited vibration consultant confirming that safe work distances have been established or a vibration monitor has been installed in accordance with recommendations in the Site 13, Sydney Olympic Park, Rail Noise & Vibration Assessment for Development Application prepared by Renzo Tonin & Associates, dated 6 March 2008 and Vibration assessment - Site 13 SOP advice provided in an email by Renzo Tonin & Associates, dated 7 March 2008.

C2 Construction Management Plan

A Construction Management Plan shall be prepared in consultation with SOPA and submitted to the General Manager, Operations and Sustainability of SOPA for approval prior to the commencement of works. The Plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):

- (1) **Hours of work**, which must be in accordance with the conditions of this approval;
- (2) **Contact details** of the site manager and all principle contractors;
- (3) **Traffic management**, which is to be developed in consultation with SOPA, and is to include:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - number and frequency of vehicles accessing the site;
 - the times vehicles are likely to be accessing the site;
 - changes to on-street parking restrictions on local roads;
 - management of construction traffic and car parking demand including preparation and distribution of a Travel Access Guide; and
 - management of existing vehicular and pedestrian movements / routes around the site throughout the various stages of construction;
- (4) **Erosion and sediment control**, identifying appropriate measures to be installed during construction which shall be designed in accordance with in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom;
- (5) **Construction noise and vibration management**, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments

management measures and procedures to be implemented, and address any other relevant provisions of Australian Standard 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*;

- (6) **Construction waste management**, identifying options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste;
- (7) **Dust control** measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed and covered as required; and
- (8) **Major event management** – construction management measures during major event mode.

C3 *Pre-construction Dilapidation Report*

Prior to commencement of the new building works the proponent must prepare a Pre-construction Dilapidation Report detailing the current structural condition of all existing and adjoining public domain, public infrastructure, SOPA assets and public roads. The report shall be submitted to the satisfaction of the Certifying Authority and advise SOPA in writing and/or photographs of any signs of existing damage to SOPA's roadway, footway, or verge prior to the commencement of any building/demolition works.

C4 *Aerial Operations*

Prior to commencement of work the proponent shall submit to RailCorp a plan showing all craneage and other aerial operations for the development.

C5 *Geotechnical Engineering Report*

Prior to commencement of works the proponent shall provide a final Geotechnical Engineering report to RailCorp.

C6 *Commencement of site works*

Written notice must be given to SOPA at least 48 hours prior to the commencement of construction works or associated site works associated with this approval in accordance with Section 81A (2) (b1) of the EP&A Act.

C7 *Barricade Permit*

Where construction/building works require the use of a public place including a road or footpath, approval for a Permit is to be obtained from SOPA 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 SOPA.

C8 *Road/Asset Opening Permit*

A Road / Asset Opening Permit must be obtained from SOPA prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993, and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

C9 *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/associated with the construction of the development. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

C10 *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 (e.g. 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 proponent.

(3) Prior to commencement of works a full risk study must be completed by AGL.

C11 *Removal of Waste Materials*

All waste materials shall be analysed to provide a final waste classification prior to removal 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 are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any waste materials.

C12 *Tree Protection*

Prior to commencement of works, tree protection zones, including fencing shall be installed in accordance with the Aboricultural Assessment prepared by Urban Tree Management Australia Pty Ltd, dated 10 June 2008.

C13 *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 and continually attended by a person with authority over the works for the duration of the construction works.

PART D—DURING CONSTRUCTION

D1 *Tree Protection*

During excavation and construction, tree protection works outlined in the Aboricultural Assessment prepared by Urban Tree Management Australia Pty Ltd, dated 10 June 2008 shall be complied with, in particular the works are to be located in accordance with the Tree Protection Plan.

D2 *Approved Plans to be On-Site*

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

D3 *Hours of Work*

All building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 1.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays except with the written approval of the General Manager, Operations and Sustainability of SOPA.

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby premises unless otherwise approved in the Construction Management Plan.

D4 *Noise Control*

- All work, including excavation and construction work must comply with the Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents, and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.
- The construction activities shall be undertaken in accordance with noise mitigation measures recommended in the Construction Management Plan.

D5 Standards and Codes

All building works shall be constructed in accordance with safe work practices and complying with the relevant adopted Australian Standards, Codes of Practice and the current Building Code of Australia.

D6 WorkCover Requirements

To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant WorkCover requirements and the *Occupation Health and Safety Act 2000* and *Occupational Health and Safety Regulation 2001*.

D7 Covering of Loads

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

D8 Erosion and Sedimentation Control

Sediment controls are to be in place for the duration of the works to ensure that no sediment, fines, and like material can enter the waterway or drainage system. The proponent is to carry out works generally in accordance with the Construction Management Plan and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

D9 Dust Control Measures

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

- (1) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (2) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (3) all materials shall be stored or stockpiled at the best locations;
- (4) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (5) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (6) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- (7) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (8) cleaning of footpaths and roadways shall be carried out regularly.

D10 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 the General Manager, Operations and Sustainability of SOPA.

D11 Stormwater Pits

Any existing stormwater pits that do not comply with AS 3500 will be upgraded as part of the development.

D12 Setting Out of Structures

The new 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 is to also verify existing and proposed ground levels to ensure all accessible paths of travel will achieve compliance with *Australian Standard 1428.1 Design for Access and Mobility*.

D13 Protection of Street and On-site Trees

All street trees that are being retained as identified in the Landscape Plan with Surrounds prepared by TDS + JAAA and in the Arboricultural Assessment prepared by Urban Tree Management Australia Pty Ltd shall be protected at all times during construction in accordance with recommendations of the Arboricultural Assessment

prepared by Urban Tree Management Australia Pty Ltd, dated 10 June 2008. Any tree on the footpath to be retained, which is damaged or removed during construction shall be replaced, to the satisfaction of SOPA.

D14 *Ecologically Sustainable Development (ESD)*

The proponent must ensure that the recommendations contained in Site 13 SOPA ESD Initiatives prepared by Cundall, dated June 2008, and Information Paper 1: ESD Strategies to Achieve a 4 Star Green Star v3 Rating prepared by Cundall, dated 5/09/2008 are implemented during the construction of the development.

D15 *Impact of Below Ground (Sub-surface) Works – Relics*

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

D16 *Excavation – Aboriginal objects*

Should any Aboriginal objects be discovered then all works are to cease immediately and DECCW shall be informed. Work may only be resumed following written consent being obtained from DECCW.

PART E—PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

E1 *Subdivision Certificate*

- (1) The works-as-executed and final plan of subdivision, including any easement, right of carriageways, building management statements shall be submitted to the Certifying Authority for endorsement prior to registration of the subdivision certificate.
- (2) Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the EP&A Act for each stage of the subdivision.

E2 *General Easement/ R.O.W. Provision and Certification*

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to the Certifying Authority that all physical structures are fully contained within the proposed allotment or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Certifying Authority.

E3 *Car parking restrictions*

The on-site and off-site car parking spaces are not to be used by those other than an occupant, tenant, patron or visitor of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (1) Restrictive covenant placed on title pursuant to section 88B of the *Conveyancing Act 1919*,
- (2) Restriction on use to all lots comprising in part or whole car parking spaces in any subsequent strata subdivision of the building, and
- (3) Sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of SOPA prior to issue of an Occupation Certificate. All costs associated with the above requirements are to be borne solely by the proponent.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 *Retail Development Strategy*

A Retail Development Strategy shall be submitted to SOPA Executive Manager, Urban Planning and Design for approval prior to issue of any Occupation Certificate.

F2 *Travel Management Plan*

A Work Place Travel Management Plan is to be prepared by an appropriately qualified travel management consultant prior to the issue of an Occupation Certificate. The Work Place Travel Management Plan must be prepared in accordance with any travel management guidelines.

F3 *Safety and Security*

CCTV cameras must be installed in key areas including the basements, service areas, car park entrance and the main lobby on the ground floor and adequate lighting is to be provided within the basement car parking.

F4 *Occupation Certificate to be Submitted*

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

F5 *Fire Safety Certificate*

A Fire Safety Certificate shall be furnished to the Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to NSW Fire Brigades, SOPA and Council in accordance with the EP&A Regulations.

F6 *Mechanical Ventilation*

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

- (1) the Building Code of Australia;
- (2) Australian Standard AS1668 Part 1 & 2 and other relevant codes;
- (3) the development approval and any relevant modifications; and
- (4) any dispensation granted by the New South Wales Fire Brigade.

F7 *Structural Inspection Certificate*

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

F8 *Accessibility*

Prior to issue of an Occupation Certificate a certificate of compliance is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the recommendations in the *Accessibility Review* prepared by Morris-Good Accessibility Consulting, dated 5 August 2009, and complies with the requirements for access by people with disabilities under the Building Code of Australia, *Sydney Olympic Park Authority Access Guidelines 2008* and the *Disability Discrimination Act 1992*.

F9 *Sydney Water*

A Compliance Certificate issued under Part 6, Division 9, Section 73 of the *Sydney Water Act 1994* shall be submitted to the Certifying Authority prior to the issue of the Occupation Certificate for the development.

F10 *Outdoor Lighting*

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3.1: 2005 Lighting for Roads and Public Spaces - Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate and prior to operation of any outdoor lighting.

F11 *Waste Management*

Prior to an Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan.

F12 Food Premises

The construction, fit out and finishes or any proposed commercial food premises shall comply with Standard 3.2.3 of the *Australian and New Zealand Standards Food Code* under the *Food Act 2003* and *AS 4674-2004 Construction and Fit out of Food Premises*. Certification is to be provided from a competent consultant to satisfaction of the Certifying Authority with compliance of these standards prior to issue of the Occupation Certificate.

F13 Post-construction Dilapidation Report

The proponent, or any party acting upon this approval, is to prepare a post-construction dilapidation report at the completion of all construction works. This report is to ascertain whether the construction works created any structural or visual damage to adjoining public domain, public infrastructure and roads. In ascertaining whether adverse structural or visual damage has occurred to adjoining public domain, SOPA assets and public roads, the Certifying Authority must:

- Compare the post construction dilapidation report with the pre-construction dilapidation report required by Condition C3;
- Obtain written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads;

The report is to be submitted to the Certifying Authority prior to the issue of an Occupation Certificate. A copy of this report is to be forwarded to SOPA and any other relevant agency.

F14 Infrastructure Damage

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

F15 Drainage Plan

Prior to the issuing of an Occupation Certificate for the development, the applicant shall submit to SOPA, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Certifying Authority.

PART G—POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS

G1 Car parking

(1) The maximum number of car spaces to be provided for the development shall be 100 car spaces on-site and 240 car spaces in SOPA public car parks for the first 5 years of operation.

(2) The maximum number of car spaces to be provided for the development shall be 100 car spaces on-site after the first 5 years of operation and a maximum of 81 car spaces off-site in SOPA public car parks, subject to any licence arrangement with SOPA.

G2 Ecologically Sustainable Development (ESD)

The proponent must ensure that the recommendations contained in Site 13 SOPA ESD Initiatives prepared by Cundall, dated June 2008, and Information Paper 1: ESD Strategies to Achieve a 4 Star Green Star v3 Rating prepared by Cundall, dated 5/09/2008 are implemented during operation of the development.

G3 Noise Control – Operational

The use of the premises shall not cause a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.

G4 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 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.
- (3) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

G5 *Public Domain and Parking Areas to be Unobstructed*

- (1) The public domain, including all laneways, driveways and parking areas shall be unobstructed at all times by any materials, vehicles, refuse, skips or the like, under any circumstances except in accordance with a Works Permit or development consent issued by SOPA.
- (2) Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

G6 *Annual Fire Safety Certification*

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

G7 *Loading and Unloading*

All loading and unloading associated with the premises (including retail premises) must be undertaken in designated loading zones and/or loading bays. Loading and unloading may be restricted during major events in which case servicing of the premises may be required outside of major event periods.

G8 *Waste Management*

No waste is to be stored on the footpaths or public domain areas of Sydney Olympic Park. All waste (including retailing waste) is to be stored and disposed from within the base building's bin collection area.

ADVISORY NOTES

AN1 *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 proponent shall ensure the following matters are complied with:

- (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 4 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 7.30am without the prior approval of SOPA.

AN2 *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.

AN3 *Disability Discrimination Act*

This application is to comply with the *Disability Discrimination Act 1992*. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

SCHEDULE 3

MP 06_0176

SITE 13 MIXED USE DEVELOPMENT, SYDNEY OLYMPIC PARK

PROPONENT'S STATEMENT OF COMMITMENTS

Management/mitigation measures		Timing
1.	Urban Design Excellence	
1.1	Use of high quality materials and finishes on external and rooftop surfaces	D + C
1.2	All fit-out of ground floor areas is to be closely controlled by the Joint Venture to achieve results as for #1.1	D + C
1.3	All ground-scape materials shall meet the same objectives, as seamlessly as possible with adjoining public domain treatments	D + C
2.	Infrastructure and Services	
2.1	The identification of all existing services infrastructure to date will be verified, and planning and design of any new works will be undertaken in consultation with relevant service providers and SOPA	Ongoing
2.2	All services are to be as inconspicuous as possible	Ongoing
3.	Traffic and Parking	
3.1	Carparking is to be accessed and laid out in accordance with AS2890	D + C
3.2	Adequate motor bike and bicycle facilities will be provided and maintained	D + C
3.3	Approval for any works within SOPA roadways will be obtained from SOPA	D + C
3.4	Carpark access and security is to be closely managed by the building owner/managing agent	D + C
4.	Construction management	
4.1	Construction management is to be in accordance with the Environmental Site Management Plan at Annexure K, as modified by any subsequent Plan as may be required by condition of Project Approval	D + C
4.2	The building and appurtenant works are to be constructed in accordance with the approved drawings, and to the highest achievable standard of finishes and workmanship	D + C & ongoing
5.	Stormwater management	
5.1	Stormwater impacts during construction will be controlled in accordance with the concept plan at Annexure C and the Environmental Site Management Plan at Annexure K, or as subsequently required to be modified by condition of approval	D + C
5.2	Stormwater following completion of site works will be dealt with by new stormwater infrastructure to be approved by SOPA	D + C
6.	ESD and energy management systems	
6.1	The principles outlined in the Cundall ESD report at Annexure G are to be followed, to ensure an ongoing commitment to ESD performance is achieved	D + C & ongoing
6.2	This will also apply to tenant fit-outs of floorspace	Ongoing

7.	Landscaping	
7.1	Trees identified as worthy and capable of retention, are to be protected during site works	D + C
7.2	New plantings and hard landscaping are to be in accordance with a detailed landscape plan to be prepared by a suitably qualified professional and approved by SOPA generally in accordance with the Landscape Concept Plan at Attachment D to this EA Report	D + C & ongoing
8.	Interim occupation	
8.1	Staged occupation of the development will only be undertaken in accordance with a proper Interim Occupation Certificate that is preceded by suitable documentation demonstrating that access, parking and servicing can be achieved in accordance with Australian Standards and parking rates, and that the second stage area will be suitably screened to eye-level view.	D + C
9.	Waste management	
9.1	Waste Management will be dealt with in accordance with the relevant section of the Environmental Site Management Plan at Annexure K to this report, supplemented if necessary by a more detailed Management Plan that might be required by condition of approval	D + C & ongoing
9.2	The building owner will ensure that operational waste will be appropriately stored and collected on-site from purpose-designed areas, and that recycling opportunities will be suitably provided on-site.	D + C & ongoing
10.	Plan of Subdivision	
10.1	The developer will prepare a final plan of subdivision and Section 88B instrument (or equivalent), based on the draft plan of subdivision contained at Attachment B.	OC
10.2	That plan will be registered prior to occupation, and may require subsequent strata subdivision(s).	OC

D + C = Design drawings + construction phase

Ongoing = Building management following OC

OC = Occupation Certificate