

Modification pursuant to Section 75W

Yulang Pub Sydney Olympic Park



August 2011



Section 75W Submission

prepared in respect of Project Application
MP08_0174 for the Development of the

Yulang Pub Sydney Olympic Park

August 2011

1 Introduction

This report has been prepared by Helen Mulcahy Urban Planning on behalf of the Sydney Olympic Park Authority (SOPA). The report constitutes an application made pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and seeks approval for a modification of the project approval issued by the Minister for Planning on 2 September 2009 in respect of Major Project Application 08_0174.

Section 75W of the EP&A Act sets out the parameters under which the Minister may modify a Project Approval, and provides that:

(1) *In this section:*

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

Modification of approval means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
 - (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.
- (2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.
- (5) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- (6) Subsection (5) does not apply to a request to modify:
- (a) an approval granted by or as directed by the Court on appeal, or
 - (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

SOPA, in its capacity as the Proponent requests that the Minister for Planning and Infrastructure, as the consent authority, approve the proposed modifications to the project application under Section 75W of the EP&A Act 1979.

This report describes the proposed modification, and includes an assessment of the proposal in accordance with the Director General's Environmental Assessment Requirements (DGR's) issued under Part 3A of the EP&A Act on 2 December 2008 for the original application. A copy of the DGRs is included at **Appendix 1**.

Reference should also be made to the Environmental Assessment prepared by Helen Mulcahy Urban Planning to accompany the original application (dated February 2009).

1.1 Background

On 2 September 2009, the Minister for Planning granted approval, subject to conditions, to MP 08_0174 for:

Construction of a two storey building (as per BCA definition) with basement level, with intended use as a pub / restaurant.

Condition A4 of the aforementioned approval identifies SOPA as the consent authority (under Part 4 of the *Environmental Planning and Assessment Act 1979*) for all future works including:

- fitout
- hours of operation
- use of premises as a place of public entertainment
- installation of bollards, planters, any umbrellas, awnings or other shade structures or other forms of weather protection or other outdoor seating areas; and
- building identification signage.

The proposed modified proposal sits entirely within the extent of the original Project Application site as currently approved and legally described as Part Lot 201 DP 1041756 – refer Location Plan at *Figure 1*.

A copy of the Project Approval is included at **Appendix 2**.



Figure 1 Location Plan

2 Need for Modification of the Project Approval

SOPA has identified the need to expand the range of uses of the premises to include a function centre in order to optimise the commercial viability of the Project in the current economic climate.

It should be noted that no modifications to the scale, form or envelope of the building as approved are proposed.

2.1 Overview of Proposed Modification

The proposed modifications to the approved MP 08_0174 seek to modify the description of the development (Part A Table, Schedule 1) as noted in **red** text below:

PART A – TABLE

Application made by:	Sydney Olympic Park Authority
Application made to:	Minister for Planning
On land comprising:	Part Lot 201 DP 1041756 Located at the corner of The Yulang and Olympic Boulevard, Sydney Olympic Park
Local Government Area:	Auburn Council
For the carrying out of:	Construction of a two storey building (as per BCA definition) with basement level, with intended use as a pub / restaurant / function centre
Estimated cost of works	\$7.3 million
Type of development:	Major Project
Determination made one:	2 September 2009
Determination:	Project approved subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

It is also noted that there is a minor discrepancy between the Conditions of approval and the Statement of Commitments, specifically Condition D1 and Point 14 in the Statement of Commitments, however as the Conditions of the Approval prevail it is not considered necessary to seek a formal amendment in this instance.

3 Environmental Assessment

This section of the report describes and assesses the relevant matters for consideration set out in the Director General's Requirements issued on 2 December 2008 for MP 08_0174.

3.1 Relevant Legislation

The legislative structure has not changed since the original approval was issued, with the exception of the listing of the Olympic Cauldron on the State Heritage Register. The following table identifies the relevant legislation and provides a brief comment pertinent to this application.

Table 3.1 Summary of Relevant Legislation

Legislation	Comment
Threatened Species Conservation Act 1995	No threatened species or endangered communities have been identified on, or in close proximity to, the subject site.
Environmental Planning and Assessment Act 1979	The development was approved by the Minister for Planning pursuant to Section 75J(2) of the EP&A Act on 2 September 2009 following a detailed Environmental Assessment prepared in accordance with the Director General's Requirements issued on 2/12/08.
Sydney Olympic Park Authority Act 2001	The site is located within the boundaries of Sydney Olympic Park and the Authority has identified it as a Development Site.
Heritage Act 1977	The Heritage Act applies to the heritage buildings, landscapes and artefacts within Sydney Olympic. No known items of European or indigenous heritage have been identified in the past in this location. However it is noted that the Olympic Cauldron (located at the northern end of Cathy Freeman Park – formerly known as The Overflow) was placed on the State Heritage Register on 10 September 2010.

3.1.1 Heritage

The proposed modification of the Project Approval entails the introduction of an additional use of the premises (function centre). As this will not alter the physical relationship of the building as approved to the Cauldron (located some 140 metres to the north) or the fundamental nature of the use, no specific heritage impact assessment is considered necessary.

3.2 Statutory Considerations

Since project approval was granted, the statutory context has altered to the extent that:

- (i) the primary environmental planning instrument (EPI) applicable to development at Sydney Olympic Park is SEPP (Major Development) 2005 (which replaced Sydney Regional Environmental Plan No. 24 – Homebush Bay); and
- (ii) Sydney Olympic Park Master Plan 2030 has been adopted (previously SOP Master Plan 2002).

Accordingly it is considered appropriate to address the relevant provisions of the SEPP and Master Plan 2030.

3.2.1 SEPP (Major Development) 2005

Part 23 of State Environmental Planning Policy (Major Development) 2005 (the Major Projects SEPP) sets out the zoning and development controls within Sydney Olympic Park.

The subject site is zoned B4 Mixed Use, the objectives of which are as follows:

- (a) *to protect and promote the major events capability of the Sydney Olympic Park site and to ensure that it becomes a premium destination for major events,*
- (b) *to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling,*
- (c) *to ensure that the Sydney Olympic Park site becomes an active and vibrant town centre within metropolitan Sydney,*
- (d) *to provide for a mixture of compatible land uses,*
- (e) *to encourage diverse employment opportunities,*
- (f) *to promote ecologically sustainable development and minimise any adverse effect of land uses on the environment,*
- (g) *to encourage the provision and maintenance of affordable housing.*

Permissibility

The land use table provides that:

- (2) *Development for any of the following purposes is permitted without consent on land within Zone B4 Mixed Use:*

environmental protection works; recreation areas.
- (3) *Except as otherwise provided by this Part, development for any of the following purposes is permitted with consent on land within Zone B4 Mixed Use:*

roads; any other development not specified in subclause (2) or (4).
- (4) *Development for any of the following purposes is prohibited on land within Zone B4 Mixed Use:*

bulky goods premises; caravan parks; industries; moveable dwellings; resource recovery facilities; restricted premises; rural industries; sex services premises; truck depots; warehouse or distribution centres.

As both the approved development (pub and restaurant) and the proposed additional use as a function centre are not specified in either subclause (2) or (4), they constitute permissible uses in the B4 Zone with consent.

Consent Authority

Clause 5 of Schedule 3 of the SEPP provides that the Minister is the consent authority for development within Sydney Olympic Park, including any associated subdivision of land that has a capital investment value of more than \$10 million, pursuant to Part 3A of the Act.

The Minister was the consent authority under the applicable statutory provisions at the time the original application was made and is therefore the consent authority for any modification to the existing approval.

Public Utility Infrastructure

Clause 23 provides that development consent must not be granted unless the consent authority is satisfied that any public utility infrastructure (water, electricity etc) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The site has access to all utility services.

Major Events Capability

Clause 24(2) provides that the consent authority must be satisfied that during major events held within the Sydney Olympic Park site:

- (a) *traffic generated by the development is likely to cause the local road network and connections to the regional road network to become saturated or otherwise fail, and*
- (b) *the development is likely to prevent the effective management of crowd movement and transport services, and*
- (c) *the development is likely to compromise the effective functioning of major event infrastructure, and*
- (d) *the development conflicts with the emergency management plans of government agencies or the emergency evacuation plans of major event venues.*

It should be noted that Operational Provisions for the Yulang Pub (refer **Appendix 3**) were prepared by SOPA to accompany the original Project Application which:

- (i) identify the constraints within which the facility will operate, and
- (ii) will also be enshrined in any lease agreement with the ultimate operator of the facility.

SOPA has confirmed that these Provisions remain valid in relation to the proposed modification of the consent which will allow expansion of the range of approved uses on the site and will be applied to any future lease agreement.

Transport

Clause 25 requires the consent authority to consider and be satisfied that the development includes measures to promote public transport use, cycling and walking.

The Traffic and Transport Assessment prepared by ARUP and which accompanied the original Project Application gave careful consideration to patron access in both event and non-event mode. The original assessment of traffic and transport is considered to be relevant to the proposed additional use of the premises as a function centre, particularly since the quantum of floor space within the approval building will not alter (ie. the capacity of the building will not increase).

In **non-event mode**, typical patronage levels were estimated at 100 for mid-week and up to 300 on busy Fridays or weekend evenings. For 300 patrons, the following assumptions were made:

- 50% are already at Sydney Olympic Park
- 80% drive / 20% Public Transport
- Car occupancy of 2.0 persons / vehicle
-

The patronage levels translate to a demand for 60 parking spaces. It is anticipated that these cars would park in the surrounding streets or in one of the public car parks elsewhere at Sydney Olympic Park.

It should be noted that there are more than 500 kerbside parking spaces in the immediate vicinity of the Yulang Pub with between 1 and 2 hours free, all of which are available outside of event mode. A further 5,000 plus spaces are available in various public car parks within a 5 minute walk of the facility.

In **event mode** it is anticipated that the majority of patrons of the facility will already have travelled to Sydney Olympic Park for an event and will not therefore generate additional demand. Parking for others will be as for event mode and may entail a walk from more distant public car parks.

As detailed in the original Project Application, **staff** will be encouraged to use public transport, it is estimated that up to a maximum of 20 staff vehicles will require on-site parking in reasonable proximity to the site (particularly night time staff). These staff vehicles will demand parking within SOP as is the case with all staff located at Sydney Olympic Park. However, it is not expected that the approved use as amended will place an unreasonable additional demand on existing public parking available at SOP.

Its proximity to the major transport nodes within the town centre precinct will encourage the use of public transport.

Master Plan

Clause 26 requires the consent authority to consider the relevant provisions of a master plan. Further discussion in this regard is provided in Section 3.2.2 of this Statement.

Development within an environmental conservation area

Clause 29 sets out the extent of works which may be carried out on land within an environmental conservation area. Subclause (4) provides that consent must not be granted for development on land to which this clause applies if the development would significantly reduce the ecological value of that environmental conservation area.

The subject site is not located in, or in proximity to, an environmental conservation area.

Exempt development

The approved development as modified does not constitute exempt development under the provisions of Section 76 of the Act.

Complying development

The approved development as modified does not satisfy the complying development provisions of Section 76A of the EP&A Act.

3.2.2 Master Plan 2030

The Yulang Pub site is located within the Sydney Showground Precinct. Relevant development controls are as follows:

- FSR 1.5:1
- Land Use – Entertainment
- Building Heights – 2 storeys
- Building Zones and Setbacks – Build-to line (Olympic Boulevard and The Yulang) minimum 90%

The approved development is consistent with these development controls. The proposed modification to include an additional use as a function centre does not alter the physicality of the development and is therefore consistent.

4 Conclusion

The assessment of the proposed modification made pursuant to Section 75W of the Environmental Planning and Assessment Act has demonstrated that it will have no adverse environmental impacts that cannot be managed or mitigated.

The modifications are required to expand the range of entertainment-related uses on the site and optimise the commercial viability of the development, particularly in view of the current economic climate.

It is therefore requested that the Minister or his delegate approve the modification detailed in this application.

APPENDIX 1

Director General's Requirements MP08_0174
Department of Planning

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	MP08_0174
Project	Project application comprised of following: Construction of a two storey pub/restaurant with basement kitchen and amenities
Location	The Yulang, Olympic Boulevard, Sydney Olympic Park.
Proponent	Sydney Olympic Park Authority
Date issued	
Expiry date	(If the environmental assessment is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment.)
Key issues (Core)	<p>The Environmental Assessment (EA) must address the following key issues:</p> <ol style="list-style-type: none"> 1. Relevant EPI's policies and Guidelines to be Addressed Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including: <ul style="list-style-type: none"> • SEPP (Major Projects) 2005 • SREP24 – Homebush Bay Area • SREP 55 Remediation of Land • Sydney Olympic Park Master Plan 2002 • Draft Sydney Olympic Park Master Plan 2030 • Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance. 2. Built Form <ul style="list-style-type: none"> • The proposal shall address the height, bulk and scale of the proposed development within the context of the locality. • Demonstrate that proposal does not have unacceptable levels of impacts on views and overshadowing of adjoining sites and public domain. 3. Urban Design Address design quality with specific consideration of the façade, massing, setbacks, building articulation, use of appropriate colours, materials/finishes, landscaping, safety by design and relationship to public domain. 4. Amenity The proposal must address solar access, acoustic privacy, visual privacy, view loss and wind impacts and achieve a high level of environmental amenity. 5. Car parking / Traffic Impacts (Construction and Operational) The proposal must demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines. The EA shall also provide a Traffic Impact Study prepared in accordance with the RTA's Guide to Traffic Generating Developments, considering traffic generation, any required road / intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages as well as the management of traffic, access, and parking during special events. Particular

	<p>regard must be given for the operation of the subject site during road closures during special events.</p> <p>6. Ecologically Sustainable Development (ESD) The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.</p> <p>7. Contributions The EA shall address provision of public benefit, services and infrastructure having regard to the Council's Section 94 Contribution Plan and/or details of any Voluntary Planning Agreement.</p> <p>8. Contamination The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55.</p> <p>9. Consultation Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</p>
<p>Key Issues (Optional) – to be applied where relevant.</p>	<p>Heritage The EA shall provide assessment of potential archaeology of the site.</p> <p>Drainage The EA shall address drainage/flooding issues associated with the development/site, including: stormwater, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.</p> <p>Utilities In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.</p> <p>Staging The EA must include details regarding the staging of the proposed development (if proposed).</p>
<p>Deemed refusal period</p>	<p>60 days</p>

Plans and Documents to accompany the Application

General	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A thorough site analysis including site plans, areal photographs and a description of the existing and surrounding environment; 3. A thorough description of the proposed development; 4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed; 5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 6. The plans and documents outlined below; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP; and 9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.
Plans and Documents	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of the land, boundary measurements, area (sq.m) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. • all levels to be to Australian Height Datum. 2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc). 3. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes. 4. Architectural drawings at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • detailed floor plans, sections and elevations of the proposed buildings; • elevation plans providing details of external building materials and colours proposed; • fenestrations, balconies and other features; • accessibility requirements of the Building Code of Australia and the Disability Discrimination Act; • the height (AHD) of the proposed development in relation to the land; • the level of the lowest floor, the level of any unbuilt area and the level of the ground;

	<ul style="list-style-type: none"> any changes that will be made to the level of the land by excavation, filling or otherwise;. <p>5. Other plans (to be required where relevant):</p> <ul style="list-style-type: none"> Stormwater Concept Plan - illustrating the concept for stormwater management; Erosion and Sediment Control Plan - plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; Geotechnical Report - prepared by a recognised professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons; View Analysis - Visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed building envelopes in particular having regard to the siting, bulk and scale relationships from key areas; Landscape Plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site. Shadow Diagrams - showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm. Arborist Report - detailing protective measures for the trees to be retained on or in the vicinity of the site. Signage Strategy - full details including dimensioned plans and elevations to scale of all proposed signage.
Documents to be submitted	<ul style="list-style-type: none"> 1 copy of the EA, plans and documentation for the Test of Adequacy; 12 hard copies of the EA (once the EA has been determined adequate); 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size.

APPENDIX 2

Project Approval MP08_0174
Minister for Planning

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 08_0174

(FILE NO. S08/01421)

YULANG PUB

CORNER OF THE YULANG AND OLYMPIC BOULEVARD

SYDNEY OLYMPIC PARK

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act 1979*, section 75J (2) determine the major project referred to in the attached Director General's Environmental Assessment Report, by **giving of approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment and the Proponent's Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2.



Kristina Keneally
Minister for Planning
Sydney, 2 Sept.

2009

SCHEDULE 1**PART A - TABLE**

Application made by:	Sydney Olympic Park Authority
Application made to:	Minister for Planning
On land comprising:	Part Lot 201 DP 1041756 Located on the corner of The Yulang and Olympic Boulevard, Sydney Olympic Park
Local Government Area	Auburn Council
For the carrying out of:	Construction of a two storey building (as per BCA definition) with basement level, with intended use as a pub/ restaurant
Estimated cost of works	\$7.3 million
Type of development:	Major Project
Determination made on:	
Determination:	Project approved subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with section 75Y of the EP&A Act.

PART B — NOTES RELATING TO THE DETERMINATION OF MP NO. 08_0174***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 Regulation 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 approval:

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

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the EP&A Act

Council means Auburn Council.

CPI means Consumer Price Index.

DECC means the Department of Environment and Climate Change

Department means the Department of Planning or its successors.

Director General means the Director General of the Department.

Environmental Assessment means the Environmental Assessment dated February 2009, prepared by Helen Mulcahy Urban Planning Pty Ltd, including Appendices 1-20.

EP&A Act means the *Environmental Assessment and Planning Act 1979*

Minister means the Minister for Planning.

MP No. 08_0174 means the Major Project described in the Proponent's Environmental Assessment.

Proponent means Sydney Olympic Park Authority

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

SOPA means the Sydney Olympic Park Authority

Sydney Olympic Park Development Contributions Strategy means the version of Sydney Olympic Park Development Contributions Strategy adopted in November 2002.

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. 08_0174****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 documentation

The development will be undertaken in accordance with the following documents:

- (1) The Environmental Assessment dated February 2009, prepared by Helen Mulcahy Urban Planning Pty Ltd, including Appendices 1-20.
- (2) The Proponent's Statement of Commitments (Schedule 3)
- (3) The Proponent's Response to Submissions, dated 5 June 2009
- (4) The External Colours and Finishes Selection Board prepared by Bates Smart (undated)
- (5) The following drawings prepared by Bates Smart:

Architectural (or Design) Drawings prepared by Bates Smart			
Drawing No.	Revision	Name of Plan	Date
AR EA 1 01	01	Site Plan	13 February 2009
AR EA 1 02	01	Landscape Plan	13 February 2009
AR EA 1 03	01	Signage elevations	13 February 2009
AR EA 2 01	01	Level 001 Basement Floor Plan	13 February 2009
AR EA 2 02	01	Level 00 Ground Floor Plan	13 February 2009
AR EA 2 03	01	Level 01 First Floor Plan	13 February 2009
AR EA 2 04	01	Roof Plan	13 February 2009
AR EA 2 05	01	Accessible amenities layout	13 February 2009
AR EA 5 05	01	Sections AA + BB	13 February 2009
AR EA 6 01	01	North + south elevations	13 February 2009
AR EA 6 02	01	West + east elevations	13 February 2009

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 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail.

A4 Additional Approvals Required

Approval is not granted or implied for any of the following:

- (a) fit out
- (b) hours of operation
- (c) use of the premises as a Place of Public Entertainment
- (d) installation of bollards, planters, any umbrellas, awnings or other shade structures or other form of weather protection or outdoor seating areas
- (e) building identification signage.

A separate application shall be submitted to SOPA in accordance with Part 4 of the EP&A Act, for any of the above-mentioned works and uses.

A5 Prescribed conditions

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

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Place of Public Entertainment

Should the venue be proposed to be used as a Place of Public Entertainment, a separate Development Consent is to be obtained from SOPA under Part 4 of the EP&A Act prior to the issue of the Construction Certificate for the base building to ensure that its design meets the BCA requirements for a Place of Public Entertainment. Drawings approved under any POPE consent shall supersede the relevant drawings in Condition A2.

B2 Roof plan

A final revised roof plan shall be submitted to SOPA for approval prior to issue of a Construction Certificate. The revised roof plan should demonstrate how the roof plan has been screened and integrated within the design of the building.

B3 BCA Compliance

Evidence demonstrating that the proposal complies with the BCA is to be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B4 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, accredited practising Structural Engineer that complies with:

- (1) the relevant clauses of the BCA
- (2) the relevant approval
- (3) drawings and specifications comprising the Construction Certificate
- (4) 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.

B5 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).

B6 Footpath and Surrounding Infrastructure Damage Bank Guarantee

Prior to issue of a Construction Certificate the Proponent must provide a bank guarantee to SOPA for an amount determined by SOPA's General Manager, Operations & Sustainability as security for rectification of any damage to the public way.

B7 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 the Certifying Authority prior to the issue of a Construction Certificate. In the event that the maximum 20% light reflectivity cannot be achieved to satisfy Part J of the BCA, the BCA shall prevail.

B8 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3.1 *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 a Construction Certificate.

B9 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B10 Access for Persons with a Disability

Prior to issue of a Construction Certificate, the Proponent must provide a certificate of compliance, prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the requirements for access by people with disabilities under the Building Code of Australia, the *Disability Discrimination Act 1992*, SOPA's Access Guidelines 2008 and that the recommendations of the "Access Review" prepared by Morris-Godding Accessibility Consulting, dated 18 February 2009 (Appendix 10 of the EA), have been implemented.

B11 Construction Management Plan

Prior to issue of a Construction Certificate, a Construction Management Plan must be submitted to and approved by SOPA. The Plan shall include, but not be limited to, the following matters which are to be addressed by a suitably qualified person:

- (1) **Program and timing of works**
- (2) **Hours of work**, which must be in accordance with the conditions of this approval
- (3) **Contact details** of the site manager and all principle contractors
- (4) **Construction traffic management**, which is to be developed in consultation with SOPA, and is to include:
 - construction vehicle routes
 - 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 assessing the site
 - management of existing vehicular and pedestrian movements / routes around the site throughout the various stages of construction
- (5) **Erosion and sediment control**, identifying appropriate measures to be installed during construction which shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom.
- (6) **Construction noise management**, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise 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*.
- (7) **Construction waste management**, identifying options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste.
- (8) **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 physical barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.
- (9) **Arborist report**, detailing how trees that have been identified for retention in the Landscape Plan (AR EA1 02 rev. 1, prepared by Bates Smart, dated 13 February 2009) will be protected. The report must be approved by SOPA prior to the commencement of construction. All approved protection measures must be maintained for the duration of the works.
- (10) **Environmental Management Plan**, in accordance with Section 4 of the NSW Environmental Management System Guidelines (1998) to maintain environmental standards during the construction phase.
- (11) **Major event management** – construction management measures during major event mode.

B12 Landscape Management Plan

A detailed Landscape Plan must be submitted to the satisfaction of SOPA to ensure that the interface with the public domain is appropriately managed and designed.

B13 Removal of 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 construction. 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 Certifying Authority prior to the removal of any hazardous materials.

B14 Environmental Site Assessment

The conclusions and recommendations of the "Stage 2 Environmental Site assessment for the proposed Yulang Pub Development, Sydney Olympic Park Environmental and Geotechnical Report" (Appendix 2 of the EA) prepared by Bates Smart dated 13 February 2009 are to be adopted and implemented on site to the satisfaction of SOPA.

B15 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 to the satisfaction of SOPA's General Manager, Operations & Sustainability. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

B16 Water Reclamation and Management System

The building shall be connected to the Water Reclamation and Management Scheme (WRAMS) and details shall be provided to the satisfaction of the General Manager, Operations and Sustainability of the Sydney Olympic Park Authority, prior to the issue of a Construction Certificate.

B17 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 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 buildings, driveway or landscape design.

B18 Utility Services

- (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) The Proponent is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water and Telecommunications Carriers) in connection with the augmentation, relocation and/or adjustment of the services. Any costs for the augmentation, relocation and/or adjustment of these services are to be the responsibility of the Proponent.

B19 Ecologically Sustainable Development (ESD) – Commercial

The Proponent must ensure that the recommendations contained in the *Environmental Management Plan*, prepared by Arup and dated August 2008 (Appendix 8 of the EA) are implemented during the construction and operation of the development.

B20 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:

- (1) hand wash basins rated to WELS 4 Star
- (2) sink taps rated to WELS 4 Star
- (3) showerheads rated to WELS 4 Star
- (4) dual flush toilets rated to WELS 4 Star
- (5) urinals should be waterless or sensor rated to WELS 5 Star,
- (6) 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.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Commencement

The erection of a building must not be commenced until:

- (1) Place of Public Entertainment approval has been obtained (if POPE required).
- (2) Detailed plans and specifications have been endorsed with a Construction Certificate (by the Certifying Authority or an accredited certifier).
- (3) The person having benefit of the approval has appointed a 'Principal Certifying Authority' and has notified the Department and SOPA of the appointment.
- (4) The person having benefit of the approval has given at least 2 days notice to SOPA of their intention to commence the development works the subject of this consent.

C2 Notice to be Given Prior to Excavation

The Certifying Authority and SOPA shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C3 Contact Telephone Number

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

C4 Application for Hoardings and Scaffolding on a Public Place

A separate application is to be made to SOPA for a permit to erect a hoarding or scaffolding in a public place.

C5 Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval for a Works 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's General Manager, Operations & Sustainability.

C6 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.

PART D - DURING CONSTRUCTION

D1 Hours of Work

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
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the 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) special consideration is granted by SOPA.

D2 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.

D3 Erosion and Sediment Control

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

D4 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.

D5 Setting Out of Structures

The building shall be set out by a registered land surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels and dimensions. The registered land surveyor shall submit a plan to the Certifying Authority certifying that structural works are in accordance with the approved Project Application.

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, SOPA or the Certifying Authority.

D7 Contact Telephone Number

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

D8 External Lighting

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

D9 Protection of Trees

All street trees identified for retention in the Landscape Plan (AR EA1 02 rev. 1, prepared by Bates Smart, dated 13 February 2009) are to be suitably protected by way of tree guards, barriers or other measures as necessary during construction. Any street tree that is not approved for removal, which is damaged or removed during construction, shall be replaced, to the satisfaction of SOPA.

D10 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.

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 Environmental Assessment or otherwise identified 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 Construction Noise Management

The Proponent shall:

- (1) Schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) Ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.
- (3) The Proponent (or its representatives) will maintain regular communications with SOPA, adjoining landowners and other stakeholders throughout the construction phase to ensure that the impacts to the surrounding area associated with construction activities on the site are minimised.

D13 Heritage Impact of Below Ground (Sub-surface) Works – Relics

If any archaeological relics of state significance are uncovered, excavation must stop immediately and the Heritage Council of NSW shall be informed in accordance with section 146 of the *Heritage Act 1977* and Department of Planning shall be notified immediately. Further approval may need to be obtained as changes to the design and scope of the proposed works may be required depending upon the significance of the relics found.

D14 Excavation – Aboriginal objects

Should any Aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the *National Parks and Wildlife Service shall be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.*

D15 Recycling of Concrete

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the Certifying Authority.

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**E1 Occupation Certificate to be Submitted**

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to the Department and SOPA prior to the commencement of occupation or use of the building.

E2 Operational Management Plan

The Proponent must prepare an Operational Management Plan to the satisfaction of SOPA. The Plan must describe the range of measures that will be implemented to manage the operational issues of the development, including, but not limited to:

- (1) management of the premises and its access during major and special events
- (2) measures to manage any operational conflicts with the hosting of major and special events, with particular reference to the Royal Easter Show and demonstrating adequate consultation with NSW Royal Agricultural Society
- (3) scheduling of deliveries and servicing to avoid major events
- (4) measures to ensure that deliveries do not impact on urban elements of Olympic Boulevard and the Yulang
- (5) measures to ensure any ongoing operational impacts on surrounding sensitive receivers are minimised
- (6) waste management, addressing the following matters:
 - (a) the types and quantities of waste to be generated during event and non-event mode
 - (b) how any waste generated and/ or stored on site will be assessed, classified and managed for disposal or reuse in accordance with DECC's Waste Classification Guidelines Part 1: Classifying Wastes (April 2008) and the *Protection of the Environment Operations Act 1997*
 - (c) how such waste will be managed in accordance with the objectives of the *Waste Avoidance and Resource Recovery Act 2001*
 - (d) waste transport and handling arrangements.

E3 Pedestrian Management Plan

The Proponent must prepare and implement a Pedestrian Management Plan to the satisfaction of SOPA, including:

- (1) pedestrian lines, during event and non-event mode
- (2) footpath and pedestrian crossing provisions, including measures to cater for pedestrian movements across Olympic Boulevard and access to the premises during event and non-event mode.

E4 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 a Final Occupation Certificate. The work place

Travel Plan must be prepared in accordance with any travel management guidelines or policy prepared by SOPA.

E5 *Reallocation of car parking spaces*

The re-allocation of the two existing car spaces on Olympic Boulevard to a loading zone, in accordance with the Traffic and Transport Assessment prepared by Arup, dated February 2009 (Appendix 7 of the EA) must be approved by SOPA prior to the commencement of occupation.

E6 *Fire Safety Certificate*

A Fire Safety Certificate shall be furnished to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and SOPA by the Principal Certifying Authority.

E7 *Food premises and food handling*

- (1) Prior to the commencement of food handling operations, the proprietor of the food premises shall notify and register the food premises with the NSW Health Department at www.foodnotify.nsw.gov.au prior to the opening of the premises.
- (2) Prior to the commencement of food handling operations, the proprietor of the food premises shall notify the NSW Health Department of the following information:
 - Contact details of the food business including the name of the food business and the name and address of the proprietor;
 - The nature of the food business; and
 - The location of all food premises of the food business within the jurisdiction of NSW Health.
- (3) Prior to issue of an Occupation Certificate, Council's Health & Building Compliance Unit (Health Section) shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

E8 *Mechanical Ventilation*

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the Principal 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 and other relevant Standards
- (3) the conditions of approval and any relevant modifications
- (4) any dispensation granted by the New South Wales Fire Brigade.

E9 *Restrictions on title*

- (1) Evidence that all relevant restrictive covenants have been applied for to the Land Titles Office prior to the issue of the Final Occupation Certificate.

These requirements are to be enforced through the following:

- (a) Restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act 1919*,
- (b) Restriction on use to all lots comprising in part or whole car parking spaces in any subsequent strata subdivision of the building,

- (c) 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's General Manager, Operations & Sustainability. All costs associated with the above requirements are to be borne solely by the Proponent.

E10 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

E11 Road 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/developer prior to the issue of any Occupation Certificate.

E12 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 Certifying Authority prior to the issue of the Final Occupation Certificate.

E13 Safety and Security

CCTV cameras must be installed in key areas including the basements, service areas, and the main lobby on the ground floor and adequate lighting is to be provided within and surrounding the building, including under the balconies.

E14 Environmental Management

Prior to issue of a Final Occupation Certificate a statement is to be prepared by an appropriately qualified person and submitted to the Principal Certifying Authority confirming that the development complies with the management strategies prepared in accordance with this approval.

E15 Easements

Prior to the issue of a Final Occupation Certificate, the Proponent shall provide to the Principal Certifying Authority evidence that all easements required by this approval, and other consents, have been registered on the certificate of title.

PART F - POST OCCUPATION

F1 Annual Fire Safety Certification

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

F3 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out only within the designated loading area on Olympic Boulevard.

F4 Public Way to be Unobstructed

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

F5 Noise Control - Operational

- (1). Noise caused by activities at the premises must comply with the following criteria:
 - (a) The use must not result in the transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
 - (b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise being emitted from the use.
 - (c) The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
 - (d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
- (2). The playing of amplified music or entertainment is not permitted at any time on any external terrace, including surrounding deck areas.

F6 Noise Control – Plant and Machinery

Noise associated with mechanical plant must 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 licensed 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.

F7 Maximum population of licensed premises

For licensed premises, in addition to the sign showing the licensee's name, there must be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs must not exceed 600mm in height or width in total.

F8 Environmental Management

A Building Users Guide is to be produced to provide relevant building operations information to the building users, occupants and tenants representatives in accordance with the Management Strategy contained in the Environmental Management Plan by Arup dated August 2008 (Appendix 8 of the EA).

F9 Compliance Report

The Proponent, or any party acting upon this approval, shall submit to the Department a report addressing compliance with all relevant conditions of this Part, within 12 months of obtaining a Final Occupation Certificate.

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 following matters shall be complied with to the satisfaction of the 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 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 *Construction Inspections*

Compliance certificate/s shall be issued by the Principal Certifying Authority or Accredited Certifier (where relevant) and submitted to SOPA in accordance with the critical stage inspections required by the Section 109E (3)(d) of the *Environmental Planning and Assessment Act 1979* and Clause 162A of the *Environmental Planning and Assessment Regulation 2000* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN4 *Prescribed Condition for Shoring*

Where the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

See Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.

AN5 *Stormwater drainage works or effluent systems*

For works that involve water supply, sewerage and stormwater drainage work or management of waste, as defined by section 68 of the *Local Government Act 1993*, a Construction Certificate will not be issued until prior separate approval to do so has been granted by SOPA under section 68 of that Act. Applications for these works must be submitted on SOPA's standard section 68 application form accompanied by the required attachments and the prescribed fees.

SCHEDULE 3

MAJOR PROJECT NO. S08_0174

PROPONENT'S STATEMENT OF COMMITMENTS

General

1. The development will be carried out generally in accordance with the plans and material submitted as part of this Environmental Assessment for Major Project No. 08_0174, as described in:
 - (a) the Environmental Assessment Report prepared by Helen Mulcahy Urban Planning (and accompanying Appendices), dated February 2009;
 - (b) Architectural Drawings prepared by Bates Smart; and
 - (c) Landscape Concept Plan prepared by Bates Smart.
2. The Proponent is committed to the principles of sustainability as defined in the Local Government Act 1993. The construction and operation of the proposed commercial office building will be undertaken in accordance with SOPA's Environmental Guidelines and Sustainability Strategy.

Public Domain

3. Any existing public domain infrastructure damaged due to construction works, will be replaced or repaired to the condition in which the infrastructure was found immediately prior to the commencement of works. The repair / replacement will be completed in accordance with SOPA's requirements prior to the issue of the Occupation Certificate.

ESD / Sustainability

4. The construction and operation of the building will be undertaken in accordance with the recommendations of the Design Environmental Management Plan prepared by ARUP (dated August 2008) so as to achieve energy and water consumption reduction targets as well as other ESD initiatives.

Tree Management

5. All works will be completed in accordance with SOPA's Tree Protection Guidelines.
6. An arborist experienced in tree relocation will be engaged prior to the commencement of work on the site to provide advice on the four (4) trees required to be removed to accommodate the proposed development.
7. The Arborist will be present to supervise the removal and replanting of the four (4) trees as well as any excavation, trenching or tunneling within the Primary Root Zone of any retained trees in the immediate vicinity. The Site Arborist will supervise the root mapping works required prior to commencement of site preparation works.

Noise and Vibration

8. A Noise and Vibration Management Plan will be prepared by a suitably qualified consultant and will be submitted to and approved by the PCA.

Contamination

- 9 An inspection and test program including a contingency plan will be designed and implemented during earthworks, setting out the procedures to be followed in the event that any as yet unidentified potentially contaminated material is identified.
- 10 Any soil requiring disposal off-site will be classified in accordance with NSW EPA (1999) Environmental Guidelines: Assessment, Classification and Management of Liquid and non-liquid wastes.

Archaeology

- 11 Should any archaeological features be discovered during excavation, works will cease and the findings will be reported to and assessed by an archaeologist at the time of discovery.

Services

- 12 The relocation of any services displaced as a result of the construction will be undertaken in consultation and after agreement with the relevant service provider and SOPA. Relocation of all services off-site will be completed prior to commencement of construction works.

Construction

- 13 Prior to the commencement of construction, a Construction Management Plan will be prepared and submitted to SOPA for approval. The Plan will include:
 - A site specific Soil Erosion and Sediment Control Plan
 - Hours of Operation during Construction
 - Air quality / dust control procedures
 - Noise management procedures
 - Waste Management Plan for the Construction Phase
 - Storage and handling of materials procedures
 - Details of hoardings and site sheds
 - Existing public art protection procedures
 - Existing trees protection procedures
 - Dilapidation report on existing trees, pavements, artworks and other site elements
 - Procedures to be implemented during events, including pedestrian movements, signage etc
 - Environmental training and awareness
 - Emergency procedures
- 14 General construction hours will be as follows:

Monday to Friday	7.00am to 6.00pm
Saturday	7.00am to 1.00pm
Sundays / Public Hol.	Nil
- 15 Hours of work may be varied as required to minimize impacts on special events such as State of Origin or the Easter Show. It is noted that works may be undertaken outside the hours specified above in instances where:
 - The delivery of materials is required outside these hours by the Police or other authorities;
 - It is required in an emergency to avoid the loss of life, damage to property and / or to prevent environmental harm;
 - The work is approved through the Construction Noise and Vibration Management Plan; and
 - Residents 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.

-
- 16 A Construction Traffic Management Plan will be prepared and submitted to SOPA for approval prior to commencement of works on site. The Plan will detail the means of controlling the flow of traffic throughout the construction phase.

BCA

- 17 The architectural drawings will be subject to review to enable compliance with the deemed-to-satisfy provisions of the BCA, or compliance with the relevant provision through an alternate solution.
- 18 All works will comply with the provisions of the BCA either in terms of the deemed-to-satisfy provisions or by way of an alternate solution.

Operation

- 19 An Operational EMP will be required to be prepared by the successful operator of the facility and submitted to SOPA for approval. The OEMP must demonstrate that the building achieves appropriate environmental standards as described in:
- The Design Environmental Management Plan, Waste Management Plan and Sustainable Building (ESD) Report prepared by ARUP; and
 - The Operational Provisions for Yulang Pub prepared by SOPA.

APPENDIX 3
Operational Provisions for Yulang Pub
SOPA



Sydney Olympic Park Authority, 7 Figtree Drive, Sydney Olympic Park NSW 2127

OPERATIONAL PROVISIONS FOR YULANG PUB

1. Objectives:

Establish operational conditions for the Yulang Pub.

Create vibrant active street frontages along Olympic Boulevard, Yulang and The overflow.

Maintain high quality footpaths and public thoroughfares.

Enable the development to operate in various modes, including day-day tourist and local uses; and large number of visitors in major event mode.

2. Application

These provisions apply to the proposed Yulang Pub development, surrounding park and street frontages.

3. Lease Boundaries

Major event special lease boundary (refer to attachment A)

4. Servicing

Deliveries

- Deliveries to the pub are to be from the service entry at the Northwest corner of the pub. Vehicles are to be parked in the loading zone at the kerb side of Olympic Boulevard. No service delivery vehicles are allowed on the footpath.
- Deliveries will be limited to those times and conditions outlined in attachment B. A spreadsheet showing all events in 2008 that restrict access and parking to Olympic Boulevard between Grand Parade and Dawn Fraser Avenue is included as a guide to proponents.
- All deliveries and materials handling equipment crossing the Olympic Boulevard footpath, must not damage or impact on the existing fig trees, tree grates, street furniture and pavers.

Garbage

- A provision has been made for approximately 12 garbage containers up to 110 litres capacity to be stored in the basement garbage storeroom. Containers can be moved to the Olympic Boulevard kerb side collection point via the good lift and service entry.
- All bins are to be bought out immediately before and taken back immediately after collection.

5. Commercial Outdoor Seating

- For the day- day license areas, refer to Sydney Olympic Park Commercial Outdoor Seating Policy
- The use of Olympic Boulevard footpath for commercial outdoor seating may be suspended to facilitate Major Events or for road and service works.

6. Public Art

The Yulang overlooks 'The Stride', a major public art installation that commemorates Cathy Freeman's gold medal winning 400 metre run at the 2000 Olympic games. The curtilage and presentation of the artwork should not be adversely impacted by the pub operation.

ATTACHMENT A – Yulang Pub Operational Plan

KEY

- Major Events Licence Area
- Existing 2p Parking Zone
- 'The Stride' Public Art Curtilage Zone



SOPA

**ATTACHMENT B – Yulang Pub Propose Delivery Schedule +
Sydney Olympic Park 2008 events calendar**

Proposed Yulang Pub Delivery Schedule – Attachment B

Day	General Delivery Times	Exceptions
Monday to Friday	06:00am to 2:00pm	There are currently up to 4 annual events where no deliveries can be made after 12:00 (midday) Monday to Friday. Access can be provided with contact with Security Rangers up to 3:00pm on these exception days.
Saturday	06:00am to 12:00pm	There are currently 3 events through the course of the year where no deliveries can be made on Saturday after 06:00am. Access between midnight and 06:00am can be provided with contact to Security Rangers.
Sunday	06:00am to 09:00am	There are currently 5 events through the course of the year where no deliveries can be made on Sunday after 06:00am. Access between midnight and 06:00am can be provided with contact to Security Rangers.
Public Holiday	Nil	
Easter Show Period	Nil	For up to 35 days deliveries need to be managed by exception via Security Rangers. Access can only be provided by Rangers between 01:00am and 08:00am on these days.
Notes	1/ Operator of Yulang Pub to be included in Traffic Manager's road closure email list, this provides on site contacts with road closure details in the month prior to event. 2/ Access to road closure areas by Security Rangers need to be at specific times and there may be delays of up to 10 minutes for the rangers to respond to requests. 3/ An agreed delivery management plan needs to be agreed with SOPA for safety of pedestrians.	
Disclaimer	Please note that the number of events listed above are indicative only and will be subject to change depending on the events secured by Sydney Olympic Park venues.	

Date	Venue Name	Event Name	Arrival Time	Start Time	Finish Time	Patrons	Road Closure Time
Minor Event Stadium							
08-Jan-08	ANZ Stadium	KFC Twenty20 - NSW SpeedBlitz Blues V Queensland	17:30	19:00	21:45	25000	15:00
10-Jan-08	ANZ Stadium	KFC Twenty20 - NSW SpeedBlitz Blues V WA	17:30	19:00	21:45	15000	15:00
01-Mar-08	ANZ Stadium	NRL Charity Shield - South Sydney Rabbitohs v St George Illawarra Dragons	18:00	20:00	21:40	27500	15:30
02-Mar-08	ANZ Stadium	NRL Pre Season Trial - Mitsubishi Electric Bulldogs v Penrith Panthers	16:30	18:30	20:10	7500	14:00
14-Mar-08	ANZ Stadium	NRL Round 1 - South Sydney Rabbitohs v Roosters	17:15	19:30	21:25	32500	14:45
15-Mar-08	ANZ Stadium	NRL Round 1 - Pirtek Parramatta Eels v Bulldogs	15:15	17:30	19:10	22500	12:45
30-Mar-08	ANZ Stadium	NRL Round 3 - Mitsubishi Electric Bulldogs v Tigers	12:45	15:00	16:40	22500	10:15
04-Apr-08	ANZ Stadium	NRL Round 4 - Mitsubishi Electric Bulldogs v Roosters	17:15	19:30	21:25	32500	14:45
05-Apr-08	ANZ Stadium	NRL - St George Illawarra Dragons v Sharks	15:15	17:30	19:10	17500	12:45
14-Apr-08	ANZ Stadium	NRL Round 5 - South Sydney Rabbitohs v Sharks	16:45	19:00	20:40	17500	14:15
19-Apr-08	ANZ Stadium	NRL Round 6 - Mitsubishi Electric Bulldogs v Dragons (Heritage Round)	15:15	17:30	19:10	17500	12:45
25-Apr-08	ANZ Stadium	NRL Round 7 - St George Illawarra Dragons v Roosters	13:00	15:15	17:00	22500	10:30
03-May-08	ANZ Stadium	NRL Round 8 - Proton Wests Tigers v Broncos	18:15	20:30	22:10	12500	15:45
04-May-08	ANZ Stadium	NRL Round 8 - South Sydney Rabbitohs v Cowboys	12:45	15:00	16:40	9000	10:15
10-May-08	ANZ Stadium	NRL Round 9 - Mitsubishi Electric Bulldogs v Panthers	17:15	19:30	21:10	12500	14:45
11-May-08	ANZ Stadium	NRL Round 9 - Pirtek Parramatta Eels v Dragons	12:45	15:00	16:45	22500	10:15
17-May-08	ANZ Stadium	NRL Round 10 - St George Illawarra Dragons v Storm	17:15	19:30	21:10	10000	14:45
26-May-08	ANZ Stadium	NRL Round 11 - Mitsubishi Electric Bulldogs v Sharks	16:45	19:00	20:40	12500	14:15
01-Jun-08	ANZ Stadium	NRL Round 12 - South Sydney Rabbitohs v Dragons	11:45	14:00	15:40	17500	9:15
07-Jun-08	ANZ Stadium	NRL Round 13 - Mitsubishi Electric Bulldogs v Knights	15:15	17:30	19:10	12500	12:45
15-Jun-08	ANZ Stadium	NRL Round 14 - Proton Wests Tigers v Eels	12:45	15:00	16:40	17500	10:15
20-Jun-08	ANZ Stadium	NRL Round 15 - St George Illawarra Dragons v Panthers	17:15	19:30	21:10	12500	14:45
21-Jun-08	ANZ Stadium	NRL Round 15 - Mitsubishi Electric Bulldogs v Raiders	15:15	17:30	19:10	12500	12:45
23-Jun-08	ANZ Stadium	NRL Round 15 - South Sydney Rabbitohs v Titans	16:45	19:00	20:40	12500	14:15
07-Jul-08	ANZ Stadium	NRL Round 17 - Mitsubishi Electric Bulldogs v Rabbitohs	16:45	19:00	20:40	12500	14:15
12-Jul-08	ANZ Stadium	NRL Round 18 - South Sydney Rabbitohs v Eels	17:15	19:30	21:10	13500	14:45
19-Jul-08	ANZ Stadium	NRL Round 19 - Mitsubishi Electric Bulldogs v Warriors	17:15	19:30	21:10	12500	14:45
20-Jul-08	ANZ Stadium	NRL Round 19 - South Sydney Rabbitohs v Tigers	12:45	15:00	16:40	12500	10:15
28-Jul-08	ANZ Stadium	NRL Round 20 - St George Illawarra Dragons v Bulldogs	16:45	19:00	20:40	12500	14:15
02-Aug-08	ANZ Stadium	NRL Round 21 - South Sydney Rabbitohs v Warriors	17:00	19:30	21:10	11000	14:30
03-Aug-08	ANZ Stadium	NRL Round 21 - Proton Wests Tigers v Bulldogs	11:45	14:00	15:40	13500	9:15
17-Aug-08	ANZ Stadium	NRL Round 23 - South Sydney Rabbitohs v Sea Eagles	12:45	15:00	16:40	11000	10:15
23-Aug-08	ANZ Stadium	NRL Round 24 - DOUBLE HEADER Wests Tigers v Sea Eagles & Bulldogs v Eels	15:15	17:30	21:10	30000	12:45
24-Aug-08	ANZ Stadium	NRL Round 24 - South Sydney Rabbitohs v Raiders	11:45	14:00	15:40	9000	9:15
30-Aug-08	ANZ Stadium	NRL Round 25 - St George Illawarra Dragons v Eels	17:15	19:30	21:10	12500	14:45
31-Aug-08	ANZ Stadium	NRL Round 25 - Mitsubishi Electric Bulldogs v Broncos	12:45	15:00	16:40	9000	10:15
30-Dec-08	ANZ Stadium	KFC Twenty20 Big Bash - SpeedBlitz Blues v WA	17:30	19:00	21:45	12000	15:00
Major Events Stadium							
24-Jan-08	ANZ Stadium	Concert - The Police	17:30	18:30	23:00	40000	12:00
23-Feb-08	ANZ Stadium	AFL NAB Cup - Sydney Swans	6:00	19:00	21:15	5000	12:00
12-Apr-08	ANZ Stadium	AFL - Sydney Swans v West Coast Eagles	15:10	19:10	21:40	57500	12:00
18-May-08	ANZ Stadium	AFL - Sydney Swans v Essendon	22:45	14:10	16:40	37500	12:00
21-May-08	ANZ Stadium	State of Origin 1 - NSW v QLD	18:00	20:00	21:40	57500	12:00
22-Jun-08	ANZ Stadium	FIFA World Cup Qualifier - Socceroos v China	16:00	18:00	20:00	70000	12:00
28-Jun-08	ANZ Stadium	Bundaberg Rum Series - Qantas Wallabies v France	18:00	20:00	21:40	45000	12:00
02-Jul-08	ANZ Stadium	State of Origin 3 - NSW v QLD	17:30	20:00	21:40	70000	12:00
05-Jul-08	ANZ Stadium	AFL - Sydney Swans v Collingwood	15:45	19:10	21:40	57500	12:00
26-Jul-08	ANZ Stadium	Bundaberg Rum Series Bledisloe Cup - Qantas Wallabies v All Blacks	18:00	20:00	21:40	75000	12:00
16-Aug-08	ANZ Stadium	AFL - Sydney Swans v Geelong	16:00	19:10	21:40	52500	12:00
06-Sep-08	ANZ Stadium	AFL Elimination Final - Sydney Swans v North Melbourne	17:30	19:30	22:00	32000	12:00
05-Oct-08	ANZ Stadium	2008 NRL Telstra Premiership Grand Final	11:45	17:15	19:00	83000	6:00
27-Nov-08	ANZ Stadium	Concert - Andre Rieu	20:00	20:00	23:00	37500	12:00
28-Nov-08	ANZ Stadium	Concert - Andre Rieu	20:00	20:00	23:00	37500	12:00
29-Nov-08	ANZ Stadium	Concert - Andre Rieu	20:00	20:00	23:00	37500	12:00
Public Domain Events							
29-Feb-08		Bump in for Weetbix Kids Tryathlon					12:00
01-Mar-08		Bump in for Weetbix Kids Tryathlon					All Day
02-Mar-08		Weetbix Kids Tryathlon	6:00	8:00	11:30	5000	All Day
08-Mar-08		Bicycle NSW Event - The Gear Up Girl	6:00	6:00	20:00	0	6:00
18-May-08		RSPCA Million Paws Walk	8:00	10:00	14:00	5000	6:00
31-Aug-08		Pride for Parkinson's Walk	8:00	8:00	16:00	0	6:00
06-Sep-08		Bump in for Fathers Day Five					12:00
07-Sep-08		Fathers Day 5 Fun Run	7:00	7:00	13:00	1000	All Day
12-Oct-08		Juvenile Diabetes Research Foundation (JDRF) Walk to Cure Diabetes	8:30	10:00	14:00	7000	6:00
17-Oct-08		Bump in for Cycling Weekend					12:00
18-Oct-08		Triathlon Pink	7:00	7:00	16:00	3000	All day
19-Oct-08		City of Sydney Spring Cycle	6:00	6:00	23:59	5000	All Day
26-Oct-08		Convoy for Kids	6:00	8:00	16:00	2000	1:00
Other Events							
25-Jan-08	Showground	Big Day Out 2008	11:00	11:00	23:59	55000	6:00
06-Mar-08	Showground to	Start of bump for Royal Easter Show 2008					6:00
10-Apr-08	Showground	Finish of bump out Royal Easter Show 2010					
19-Oct-08	Acer Arena	2008 ARIA AWARDS	15:30	17:30	21:15	9000	14:30