

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. 246-10-2004
(FILE NO. 9036062-3)

STAGED CONSENT FOR 4 MIXED USE RESIDENTIAL TOWERS

I, the Minister for Planning, pursuant to Section 80 (4) of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of *Sydney Regional Environmental Plan No 24 (Homebush Bay Area)* determine the development application referred to in the attached Schedule 1, by granting a staged development consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions and the requirement for another development consent are:

- (1) To promote the orderly and ecologically sustainable use and development of land,
- (2) To encourage good urban design and a high standard of architecture.
- (3) To guide and co-ordinate the development of the Homebush Bay Area,
- (4) To minimise environmental impacts;
- (5) To provide clarity for further assessment of staged applications under 80(5) of the *Environmental Planning and Assessment Act 1979*.

Frank Sartor MP
Minister for Planning

Sydney, 21 Dec 2005

SCHEDULE 1

PART A—TABLE

Application made by:	Site 3 Development Company Pty Ltd Level 4, 1 Kent Street Sydney NSW 2000
Application made to:	Minister for Planning
Development Application:	DA 246-10-2004
On land comprising:	Lot 3 of unregistered plan, Australia Avenue, Sydney Olympic Park as identified in survey plan (drawing number 31462-23 dated 21.9.2004, prepared by Frank M Mason & Co Pty Limited)
Local Government Area	Auburn
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$190 000 000
Type of development:	Advertised Development
S.119 Public inquiry held:	No
BCA building class:	Not applicable
Approval Body / Bodies:	None.
Determination made on:	<i>21 December 2005</i>
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none">▪ a shorter period of time is specified by the Regulations or▪ a condition in Schedule 2, or▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 246-10-2004

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents (including another development consent pursuant to Section 80 (5)) and any other relevant approvals or agreements or both to be obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

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

Developer Contributions and Division 6 Developer Contributions

The development is likely to require the provision of, or increase the demand for, public amenities and public services within the area.

The SOPA Master Plan and the SOPA Development Contributions Strategy sets out contributions related to developer contributions for development within the Sydney Olympic Park Master Plan Area. By virtue of the nature of the parts or aspects of the development the subject of this development consent pursuant to Section 80 (4) of the Act, there is not sufficient detail to accurately determine the amount of monies required to satisfy the demand for public amenities and public services as per these contributions plans.

In these circumstances, the lack of certainty makes it premature to levy developer contributions **at this time**. Consequently, the Applicant is advised that condition(s) levying developer contributions will form part of further development consent(s) for relevant parts or aspects of the development referred to by conditions in Schedule 2 of this development consent. The Applicant shall note that any levies imposed will be in accordance with the SOPA Master Plan and the SOPA Development Contributions Strategy. These plans may be inspected at the following locations within Sydney Olympic Park Authority during its normal business hours at 7 Figtree Drive, Sydney Olympic Park 2127.

PART C—DEFINITIONS

In this consent,

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

Advisory Notes means advisory information relating to the development consent, but are not conditions of this consent.

Applicant means Site 3 Development Company as identified in Part A of this schedule or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

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

Council means Auburn Council

DA No. 246-10-2004 means the development application and supporting documentation submitted by the applicant.

Department means the Department of Planning or its successors.

Director means the Director of Urban Assessments (or its successors) within the Department.

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

Floor Plate Area means gross floor area.

Gross Floor Area means the sum of the area of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, shade devices, and any elements, projections or works outside the general lines of the outer face of the external walls, and
- (b) lift towers, cooling towers, machinery and associated plant rooms, and ancillary storage space and vertical air conditioning ducts, and
- (c) car, coach and bicycle parking that complies with the maximum requirements of DA 246-10-2004 and the Sydney Olympic Park Master Plan (as amended) and any internal access to that parking, and
- (d) space for the loading and unloading of goods (but not in the case of warehouses or distribution centres).

Height means the measurement above the natural ground level at the point being vertical distance between natural ground level and to the top most ceiling level of the top most floor.

Minister means the Minister for Planning.

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

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

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

Storey means:

- (a) the space between two floors, and
- (b) the space between any floor and its ceiling or roof above, and
- (c) building foundation areas, garages, workshops, storerooms and the like, where the height between finished ground level and the top of the floor above is 1.5 metres or more.

A storey which exceeds 3.8 metres is counted as two storeys, except for the ground floor which is to be no higher than 4.5 metres.

Sydney Olympic Park Master Plan means version of Sydney Olympic Park Master Plan adopted in May 2002.

Sydney Olympic Park Master Plan Amendment 2 (2004) means version lodged with the Department on 27 September 2004.

Team Leader means the Team Leader of the Urban Assessments branch (or its successors) within the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 246-10-2004

PART A—ADMINISTRATIVE CONDITIONS

General

A1 Development Description

A **staged development** consent pursuant to Section 80 (4) and (5) is granted to the development described in detail below:

- (1) Four towers identified as:
 - a) North buildings (A and B)
 - b) Centre buildings (C and D)
 - c) Centre building (E)
 - d) South building (F)
- (2) land uses of “residential”, “live work”, “community facility”, “childcare centre” and “retail”,
- (3) land uses totalling no more than 685 units (inclusive of 673 residential units, 6 “live/work units”, 4 retail units (if all proposed retail uses are consistent with relevant provisions of the SOPA Master Plan), 1 childcare centre and 1 community facility) with,
- (4) a maximum number of 1360 bedrooms for residential development (including all “live/work” units),
- (5) a total Gross Floor Area of no more than 79 053 square metres with floor plates as described in condition A10,
- (6) car parking with a total number of vehicles not exceeding 930 spaces.

A2 Development in Accordance with Plans

As amended by conditions elsewhere in this consent, the development of all stages shall be in accordance with development application number DA 246-10-2004 submitted by the applicant on 8 October 2004, and in accordance with the following:

Statement of Environmental Effects entitled “Stage 1 Development Application Statement of Environmental Effects Site 3 - Cnr of Australia Ave and Parkview Drive, Sydney Olympic Park, Mixed Use Residential Development” prepared by JBA Planning dated September 2004			
Architectural Drawings prepared by <i>Turner & Associates (with Fender Katsalidis)</i> of Level 1, 586 Crown Street Surry Hills.			
Drawing No.	Revision	Name of Plan	Date
DA 101	A	Envelope Parameters Level 00	24.09.2004
DA 102	C	Envelope Parameters Level 01	8.12.2004
DA 103	C	Envelope Parameters Level 02	8.12.2004

DA 104	C	Envelope Parameters Level 03-14	8.12.2004
DA 105	C	Envelope Parameters Level 15-17	8.12.2004
DA 106	C	Envelope Parameters Level 18-22	8.12.2004
DA 107	C	Envelope Parameters Level 23	8.12.2004
DA 108	C	Envelope Parameters Level 24	8.12.2004
DA 109	A	Envelope West Elevation	24.09.2004
DA 110	A	Envelope East Elevation	24.09.2004
DA 113	A	Design Principles Ground Floor	24.09.2004
DA 114	A	Design Principles: Typical Tower Level	24.09.2003
DA 115	A	Design Principle West Elevation	24.09.2004
DA 116	A	Design Principles East Elevation	24.09.2004
Shadow diagrams prepared by Turner & Associates (with Fender Katsalidis) of Level 1, 586 Crown Street Surry Hills.			
Drawing No.	Revision	Name of Plan	Date
DA 084	A	Shadow Diagrams Dec 22, 9am	25.11.2004
DA 085	A	Shadow Diagrams Dec 22, 12pm	25.11.2004
DA 086	A	Shadow Diagrams Dec 22, 3pm	25.11.2004
DA 087	A	Shadow Diagrams Jun 22, 9am	25.11.2004
DA 088	A	Shadow Diagrams Jun 22, 12pm	25.11.2004
DA 089	A	Shadow Diagrams Jun 22, 3pm	25.11.2004
DA 090	A	Shadow Diagrams Mar/Sept 22, 9am	25.11.2004
DA 091	A	Shadow Diagrams Mar/Sept 22, 12pm	Date box shown as "ZXC"
DA 092	A	Shadow Diagrams Mar/Sept 22, 3pm	25.11.2004
Survey Drawings prepared by <i>Frank M Mason & Co Pty Limited</i> of 2 Winslow Street Milsons Point and identified on plan as Lot 3 of an unregistered plan of subdivision at Australia Avenue Sydney Olympic Park Sydney.			
Drawing No.	Revision	Name of Plan	Date
31462-23	-	Plan showing relative heights and features of lot 3 of an unregistered plan of subdivision at Australia Avenue Olympic Park Sydney.	21.9.2004
31462-27	-	Plan of proposed subdivision of site three Sydney Olympic Park Australia Avenue Sydney.	10.12.2004

A3 *Lapsing of Consent*

This consent shall lapse 5 years from the date from which the Minister signed the Instrument of Consent or, as the development consent is granted under Section 80 (5) of the Act, or 2 years after the date from which a later or the latest development consent granted in accordance with the condition operates, whichever is the longer.

Subject of this consent***A4 Inconsistency between documents***

In the event of any inconsistency between:

- (1) conditions of this consent, and
- (2) the drawings or documents or both referred to in Condition A2,

then the conditions of this consent shall prevail to the extent of the inconsistency.

A5 Changes to drawings in response to consent conditions.

Where the effect of the conditions is to amend the drawings listed in A2, then these amended drawings are to be lodged demonstrating changes prior to the lodgment of any stage 2 development application, demonstrating that the proposed changes comply with the relevant consent conditions.

A6 Detailed Architectural Drawings

In order to avoid any confusion, other than those identified in Condition A2 any architectural drawings, landscape drawings, or survey drawings contained within the Statement of Environmental Effect or appendices that purport to show the detail architectural, landscaping, or surveying drawings do not form the subject of this consent.

Aspects subject of another development consent***A7 Aspects subject of another development consent pursuant to Section 80 (5)***

- (1) In accordance with Sections 80 (5) of the Act, the development or the specified part or aspect of the development, or any thing associated with the development or the carrying out of the development, for the following must be the subject of another development consent:
 - (a) Detailed design of the towers
 - (b) development for the purposes of subdivision of the Subject Site into stratum and strata lots, and
 - (c) development for the purposes of providing ancillary services and infrastructure, and
 - (d) development for the purposes of associated basement car parking and vehicular access, swimming pool, and landscaping, and
 - (e) development for the purposes of ground floor uses, consistent with the provisions of the prevailing SOPA Master Plan and
 - (f) the carrying out of any development ancillary to that required in Condition A7 (1) (a) to (d), inclusive.
- (2) To assist the consent authority (within the meaning of the Act) to grant another development consent pursuant to Section 80 (5) of the Act, the applicant may need to provide at least the following documentation:
 - (a) full and detailed plans and elevations of the development;
 - (b) a materials and finishes board with colour elevations and photomontages, where relevant,
 - (c) a statement of environmental effects
 - (d) noise impact assessments,
 - (e) an EME report, where relevant,

- (f) an accessibility report, where relevant;
- (g) a wind effects report, where relevant;
- (h) reflectivity report, where relevant;
- (i) energy efficiency report, where relevant;
- (j) solar access report, where relevant;
- (k) transport and parking plan, where relevant; and
- (l) detailed landscape plans and reports, where relevant.
- (m) Basix certification, where relevant.
- (n) clarification that the terms of condition A25 to A40 relating to requirements of Railcorp can be addressed.

A8 Street Edge Definition

Prior to or at the time of any stage 2 development application, a built form envelope compliant with these conditions of consent, must illustrate:

- a) A street wall edge along at least 50% of the site frontage of Australia Avenue of no less than 10.2 metres except for Tower A/B that is to be a minimum of 9 metres
- b) A minimum of 65% of the site frontage within set back distance (between 5 and 10 metres) of the site boundary to Australia Avenue.

Site frontage means all site frontage to Australia Avenue, excluding frontage reserved for through site links with Australia Avenue.

A9 Gross Floor Area

To avoid bulky towers, the applicant in seeking another development consent pursuant to Condition A7 shall ensure:

- a) Resulting from Condition A7 (1) and to avoid bulky towers, the gross floor area on the subject site is not to exceed 79 053 square metres.
- b) The applicant, in seeking another development consent pursuant to Condition A7, shall submit a set of A3 poly line plans identifying compliance with the above conditions.
- c) For each subsequent stage 2 development application, the applicant is to supply a set of progressive statistics that demonstrate how GFA distribution remains consistent with the intent of the stage 1 consent.

A10 Floor plates

To avoid bulky towers, and in accordance with the part 5.4.2 of the SOPA Master Plan (Amendment 2, 2004), the applicant in seeking another development consent pursuant to Condition A7 shall ensure that floor plates do not exceed:

Height (Storey)	Maximum Floor Plate (m ²)
1-6	N/A
7-16	1200m ²
17-24	900m ² for buildings up to 24 storeys, 1200m ² for buildings up to 30 storeys.
25-30	650m ²

A11 Unit Mix

Consent is granted to the following unit mix:

Unit Type	Unit Mix
1 bedroom	minimum 10%

2 bedroom	maximum 75%
3 bedroom	minimum 10%

The total number of units as described in condition A1 may be varied in accordance with the table above provided that there are no more than 1360 bedrooms across the whole site (inclusive of 6 “live work” units.)

A12 Building Height

The maximum height of the buildings shall be no greater than:

Tower	A	B	C	D	E	F
Maximum RL	RL 96.20	RL 71.40	RL 96.20	RL 114.80	RL 76.10	RL 94.70

A13 Architectural Roof Feature

The architectural roof features shall be of high architectural and urban design quality that contributes positively to the skyline and image of Sydney Olympic Park. The maximum height of the architectural roof features shall not exceed 6 metres above the top ceiling level of each building and shall contribute to building slenderness.

A14 Building separation distances

To ensure that the development complies with best practice and creates an appropriate built form, the applicant in seeking another development consent pursuant to Condition A7 is to ensure that the separation distances, clear of all building elements including balconies, are no less than:

Height (Storeys)	Minimum separation between buildings
1-6	N/A
7-18	24 metres
19-24	30 metres
25-30	36 metres

A15 Private Contributions Agreement

Prior to the issuing of a further development consent the applicant is to demonstrate by way of written letter from SOPA that they have satisfied any relevant affordable housing provisions contained within the SOPA Master Plan and Project Delivery Agreement in place at the time.

A16 Design Excellence – Towers C/D, E and F

Prior to the lodgement of development applications for buildings C/D, E and F under section 80(5) of the Act, the buildings must be the subject of separate design competitions.

The competition shall be undertaken in accordance with a brief prepared and submitted by the applicant and approved by the Director General. The composition of the judging panel shall be approved by the Minister.

The Applicant shall be responsible for the organisation of the design competition process, from initiation of the competition and preparation of the brief, through to the provision of support for the panel of judges and the award of a commission.

The applicant shall forward the report of the panel of judges shall be submitted to the Director General within 10 days of the panel's decision.

The submitted development applications must be consistent with the winning design of the respective competitions and the winning architects appointed to design team for the development applications.

A17 Architectural treatment of podium elevations facing the rail line.

Any subsequent stage 2 development application shall be of a high architectural quality facing the rail line.

A18 Materials and finishes board

In order to secure a better planning outcome in built form and urban design, the applicant in seeking another development consent pursuant to Condition A7 is to submit a set of revised plans, sections and elevations, materials and finishes (including a materials finishes board).

A19 Noise

Prior to the lodgement of any subsequent stage 2 development application for residential development:

- (1) The applicant is to demonstrate that internal acoustic amenity within the apartments is not greater than the target criteria specified below, or if likely to exceed the target, justify with reasons (such as background level of road, rail or event noise) as to why the maximum criteria is deemed appropriate in the specified apartment and as a 'percentage component' of all apartments across the development site.

Internal Noise Criteria

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

Note: For each subsequent stage 2 DA, the applicant is to identify which apartments, (regardless of the noise criteria in this consent) may exceed the prevailing Australian Standard criteria without additional acoustic treatment, particularly at event times and from rail/traffic noise. The applicant is to identify which apartments would not comply, outline what noise levels it will target and provide supporting information on why the permissible noise levels should be increased for those apartments.

- (2) The applicant is to provide an acoustic report prepared by a suitably qualified person demonstrating that any noise impacts on residents will be satisfactorily mitigated. The report will address SOPA's Noise Management Guidelines and is also to be circulated to SOPA and the lessees of the Showgrounds and Stadium Australia. The final report is to address any submissions made by SOPA and leaseholders.
- (3) The applicant is to ensure all subsequent titles shall be endorsed with advice concerning the operations of events at Sydney Olympic Park, the text of which shall be approved by the Director.

A20 Electro Magnetic Emissions (EME)

At the time of lodging any stage 2 development application, a report shall be prepared by a suitably qualified person and lodged with the Department that identifies potential electronic interference from AM radio towers located within Sydney Olympic Park.

The report is to include recommendations of any measures that should be implemented to mitigate the effects of electronic interference.

A21 Car Parking

The maximum number of car spaces shall not exceed 930 spaces as per the table below. Details confirming the parking numbers shall be submitted with any subsequent stage 2 development application.

Tower:	North Buildings (A&B)	Centre Buildings (C & D)	Centre Building (E)	South Building (F)	Total
Car Parking (including visitors)	283	407	209	31	930

- (1) The figures above include provisions for visitor spaces. Final calculations are to be generally in accordance with the SOPA Master Plan and are not to exceed the rates in part 4.6 of the SOPA Master Plan. A cumulative record of parking distribution is to be included in each subsequent stage 2 development application.
- (2) Bicycles, couriers, service vehicles, and visitor (including disabled visitor) space numbers are to be included in each subsequent stage 2 development application.

A22 Disabled car spaces

In order that disabled car spaces are available to people with permanent or temporary mobility disabilities, the applicant in seeking another development consent pursuant to Condition A7 is to identify that a proportion of visitor spaces:

- (1) Are car spaces capable or designed to provide disabled access in accordance with AS 2890, and
- (2) Remain common property wholly within the ownership of the Owner's Corporation of the Subject Site.

A23 Storage facilities

In order to provide adequate amenity to future occupants of residential buildings occupying the Subject Site, the applicant in seeking another development consent pursuant to Condition A7 is to demonstrate that the storage volume of each unit achieves the requirements of SEPP 65 (Design Quality of Residential Flat Buildings).

A24 Solar access to private open space

In order that the development provides an appropriate level of solar access to private open space for residential buildings, the applicant in seeking another development consent pursuant to Condition A7 is to demonstrate that the objectives of the Residential Flat Design Code (SEPP No. 65) regarding Daylight Access can be satisfied.

In assessing that these objectives are met, the applicant should demonstrate best practice in meeting the *'better design practice guidelines'* across a 'package' of amenity and ESD objectives.

Railcorp Conditions

A25 Property & Title Searches and Survey

The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.

A26 Dilapidation surveys

Prior to the issue of a construction certificate as part of any future development application as required by Condition A7(1)(a) for the design and construction of the proposed towers, or any other buildings to be constructed on the subject site, a joint inspection of the rail

infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant, and again at the conclusion of these works. These dilapidation surveys will establish the extent of any damage and enable any deterioration during construction to be observed. The submission of detailed dilapidation reports may be required as a result. Any damage caused by the applicant is to be made good at the applicants cost.

A27 *Noise and Vibration*

An acoustic assessment is to be submitted to the consent authority as part of any future development application as required by Condition A7(1)(a) for the design and construction of the proposed towers, or any other buildings to be constructed on the subject site. The assessment will demonstrate how the proposed development will comply with RailCorp's Interim Guidelines for Applicants, in the consideration of rail noise and vibration from the adjacent rail corridor.

A28 *Stray Currents and Electrolysis from Rail Operations*

The Applicant is to procure a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control the risk. The Applicant is advised to consult an Electrolysis expert. The expert's report must be submitted to the consent authority as part of any future development application as required by Condition A7(1)(a) for the design and construction of the proposed towers, or any other buildings to be constructed on the subject site. Prior to the issue of a construction certificate related to the aforementioned development application, the report should be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.

A29 *Geotechnical and Structural Stability and Integrity*

Prior to the issue of a construction certificate related to any future development application as required by Condition A7(1)(a) for the design and construction of the proposed towers, or any other buildings to be constructed on the subject site, the Applicant shall provide a Geotechnical Engineering report to the consent authority demonstrating that the development has no adverse impact on the rail corridor or on the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details. The report shall include the potential impact on the rail corridor and infrastructure from excavation, and excavation-induced vibration in rail facilities, and the loadings from the development on RailCorp Facilities. Prior to the issue of a construction certificate any future development application as required by Condition A7(1)(a) for the design and construction of the proposed towers, or any other buildings to be constructed on the subject site, the Report is to be referred to RailCorp's Geotechnical Section, and is to be to their satisfaction.

A30 *Building Set Backs and Design*

Prior to the submission of each subsequent development application, given the likelihood of objects being thrown onto the rail corridor from the windows and/or balconies the Applicant is required to install adequate measures that prevent the throwing of objects onto the rail corridor from any window and /or balcony. This is to apply to any windows/or balconies within 20 metres of the rail corridor facing towards the rail corridor unless a thorough risk assessment states otherwise.

A31 *Use of lights and reflective materials*

The Applicant must submit for approval any proposals to RailCorp for the use of lights, signs and reflective materials, whether permanent or temporary, in the proximity of the RailCorp's facilities prior to commencing work.

A32 Demolition, Excavation and Construction Impacts

- a) Prior to the issue of any demolition or construction certificate associated with any future development application as required by Condition A7(1)(a) for the design and construction of the proposed towers, or any other buildings to be constructed on the subject site, the Applicant is to submit to the Department and Railcorp
A Risk Assessment/Management Plan and detailed Work Method Statements (WMS) for proposed works within, over or immediately adjacent to the rail corridor. It should be noted that RailCorp's representative may impose conditions on the methods to be used and require the provision of on-site Safe Working supervision for certain aspects of the works.
- b) Should, according to RailCorp's Representative acting reasonably, any unforeseen risks to rail infrastructure become apparent (eg falling material) the Applicant/Contractor will be required to submit information relating to the attenuation of that risk for approval by RailCorp's Representative.
- c) The use of any crane, plant or machinery shall comply with the RailCorp's Electrical Safety Manual and all relevant RailCorp Standards and Guidelines. Construction equipment such as scaffolding shall not impinge over the rail corridor unless prior agreement has been obtained.
- d) No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders are to be used within the rail corridor.
- e) No excavation or boring is permitted within 2.0 metres (measured horizontally) of high voltage underground cable and 1.0 metre (measured horizontally) for low voltage cables.
- f) No plant or vehicle is permitted to encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance.
- g) No infrastructure or equipment is to be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no impact will occur to rail infrastructure. e.g. signal sighting, safety signage, emergency access.
- h) As large-scale excavation is involved, the Applicant is required to put in place a vibration monitoring system to monitor ground movement and vibration levels on the adjoining rail corridor for the duration of the works. The accepted criteria is to be agreed to by RailCorp prior to the commencement of works.
- i) Details of any proposed piling, sheet piling, batter and anchors should be provided to RailCorp for review and comment prior to work commencing. RailCorp may require the removal of such construction aids.

A33 Crane and other aerial operations

- a) Prior to the issue of any demolition or construction certificate associated with any future development application as required by Condition A7(1)(a) for the design and construction of the proposed towers, or any other buildings to be constructed on the subject site, the Applicant is to submit to Railcorp a plan showing all craneage and other aerial operations for the development.
- b) No crane or other aerial equipment is to be operated with the potential to reach over the rail corridor. If the crane is to pass over the Rail Corridor, the Applicant will be required to enter into an agreement with RailCorp, prior to the operation of the crane.
- c) No crane or other aerial equipment is to be operated within a vertical envelope defined as three (3) metres (horizontally) from any electrified infrastructure. The Applicant will be required to gain approval, in the form of a

Standard Waiver, from RailCorp prior to use, for any such intrusions.

- d) No loads will be permitted to pass over any overhead wiring or transmission lines at any time.

A34 *Drainage*

- a) Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.
- b) During excavation the Applicant is to observe extreme care to prevent water from collecting on or near RailCorp infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were the case, the Applicant/Contractor would be liable for the RailCorp expenditure involved with restoring or maintaining alternative services.

A35 *Physical Access to RailCorp's Facilities*

No work is permitted within the rail corridor at any time unless either prior approval is obtained from RailCorp or an Access Deed has been entered into with RailCorp.

- a) The cost of any Access Deed, including supervision, design checks, meetings, approvals and services searches is to be borne by the Applicant. It should also be noted that the Deed may include, but not limited to, the following issues:
 - Design, excavation and construction approval
 - Fencing for the playground
 - Environmental, insurance and OHS requirements
 - Indemnities from claims arising out of the development
 - Safeworking rules
 - Construction bonds
- b) Should the Applicant or other entities require access to the rail corridor prior to entering into a Access Deed, the Applicant is required to enter into a Release & Indemnity agreement, which will cover all railway parties from any possible claims whilst the Applicant is carrying out any work within the railway corridor.
- c) All works immediately adjacent to the rail corridor are to be carried out in accordance with railway Safeworking rules and regulations, including the Network Rules and Procedures. It should be noted that RailCorp's representative might impose conditions on the methods to be used and require the provision of on-site Safeworking supervision for certain aspects of the works that could potentially impact on RailCorp facilities

A36 *Graffiti, Screening and Landscaping*

To ensure that graffiti can be easily removed, the Applicant is to ensure that any fencing or building structure along the rail corridor is coated with anti-graffiti paint or other coating.

A37 *Fencing*

- a) The existing common boundary fence along the rail corridor is considered adequate and must remain intact throughout the excavation and construction works and thereafter. Should enhancements be desired, RailCorp must be contacted for approval on the design of the fence, and to ensure adequate safety measures are taken whilst work is carried out. RailCorp will provide

supervision for the erection of the new fencing at the Applicant's cost.

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

A38 Maintenance of Development

Prior to the issue of an occupation certificate associated with any future development application as required by Condition A7(1)(a) for the design and construction of the proposed towers, or any other building to be constructed on the subject site, the Applicant must provide a plan of future maintenance activities that may require access to the rail corridor. This plan will be reviewed by RailCorp to ensure that continued access by RailCorp is not impeded, and that the proposed maintenance activities can be supported.

A39 Services Searches

The Applicant shall request service searches from RailCorp, to establish the existence and location of any RailCorp services and structures prior to the lodgment of any subsequent development application as required by Condition A7. Where RailCorp Services are identified the Applicant must discuss and agree with RailCorp how these services are to be accommodated in the development and/or relocated into the rail corridor. The cost of relocating any services is to be borne of the Applicant.

A40 Boundary between rail corridor and proposed development

Prior to the lodgement of a subdivision application in accordance with condition A7(1)(b), the Applicant is to obtain approval from RailCorp on the location of the new property boundary along the rail corridor. All costs incurred by RailCorp associated with the boundary adjustment is to be borne by the Applicant.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Conditions for this Part.

PART C—PRIOR TO COMMENCEMENT OF WORKS

No Conditions for this Part.

PART D—DURING CONSTRUCTION

No Conditions for this Part.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

No Conditions for this Part.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

No Conditions for this Part.

PART G—POST OCCUPATION

No Conditions for this Part.

PART H—GENERAL TERMS

No Conditions for this Part.

ADVISORY NOTES

AN1 Detailed requirements to carry out development

Details on the construction, subdivision, or occupation of a building, structure, work, or land identified in this development consent will form part of another development consent pursuant to Section 80 (5) of the Act.

AN2 Development Contributions Strategy

Any subsequent development application for residential development will be subject to the requirements of the SOPA Development Contributions Strategy prepared by the Sydney Olympic Park Authority.

AN3 Reference plans

In addition to the approved plans and documents, the “indicative concept” plans identified in the table below were used to establish the conditions of this staged development consent and may provide guidance in establish building envelopes, uses, and other details for another development consent pursuant to Section 80 (5) of the Act and Condition A7, Part A of this staged development consent.

Architectural Drawings prepared by <i>Turner & Associates (with Fender Katsalidis)</i> of Level 1, 586 Crown Street Surry Hills.			
Drawing No.	Revision	Name of Plan	Date
DA 001	A	Site Plan	24.09.2004
DA 002	A	Site Analysis	24.09.2004
DA 003	B	Basement 03	24.09.2004
DA 004	B	Basement 02	24.09.2004
DA 005	B	Basement 01	24.09.2004
DA 006	B	Level 00	24.09.2004
DA 007	B	Level 01	24.09.2004
DA 008	B	Level 02	24.09.2004
DA 009	B	Level 03	24.09.2003
DA 010	B	Level 04	24.09.2003
DA 011	B	Level 05-14	24.09.2003
DA 012	B	Level 15	24.09.2004
DA 013	B	Level 16	24.09.2004
DA 014	B	Level 17	24.09.2004
DA 015	B	Level 18	24.09.2004
DA 016	B	Level 19-20	24.09.2004
DA 017	B	Level 21-23	24.09.2004
DA 018	B	Level 24	24.09.2004
DA 019	B	Level 25-29	24.09.2004
DA 020	B	Level 30	24.09.2004
DA 050	B	West Elevation	24.09.2004
DA 051	B	East Elevation	24.09.2004

DA 060	A	3D Images	24.09.2004
DA 061	A	3D Images	24.09.2004
DA 062	A	3D Images	24.09.2004
DA 063	A	3D Images	24.09.2004
DA 064	A	3D Images	24.09.2004
DA 065	A	3D Images	24.09.2004
DA 066	A	3D Images	24.09.2004
DA 067	A	3D Images	24.09.2004
DA 068	A	3D Images	24.09.2004
DA 069	A	3D Images	24.09.2004
DA 070	A	3D Images	24.09.2004
DA 071	A	3D Images	24.09.2004
DA 080	B	Shadow Diagrams	24.09.2004

END OF CONSENT CONDITIONS