

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011 and effective from 1 October 2011, I approve the project application referred to in schedule 1, subject to the conditions in schedule 2 and Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.


Deputy Director-General
Development Assessment & Systems Performance
Department of Planning & Infrastructure

Sydney

24th January 2012

SCHEDULE 1

| | |
|----------------------------|---|
| Application No.: | MP 10_0027 |
| Proponent: | Site 3 Development Company Pty Ltd |
| Approval Authority: | Minister for Planning and Infrastructure |
| Land: | 1-7 Australia Avenue, Sydney Olympic Park (Lot 2 DP1159930) |
| Project: | <p>Stages 2 and 3 of the mixed use development of Site 3, Sydney Olympic Park, including:</p> <ul style="list-style-type: none">• construction of:<ul style="list-style-type: none">• a two storey mixed use podium with commercial, retail, gymnasium and communal resident facilities with a total gross floor corridor of 2,090 sqm• a 24 storey tower and a 29 storey tower to provide a total 587 residential units with a total gross floor area of 54,176 sqm• 806 car parking spaces and 245 bicycle spaces in a basement car park• provision of open space areas• site preparation and excavation works• landscaping works. |

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DEFINITIONS

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|--------------------------|--|
| Advisory Notes | Advisory information relating to the approved project but do not form a part of this approval |
| BCA | Building Code of Australia |
| Construction | Any works, including earth and building works |
| Council | Auburn City Council |
| Department | Department of Planning & Infrastructure or its successors |
| Director-General | Director-General of the Department of Planning & Infrastructure, or nominee |
| EA | Environmental Assessment titled <i>Proposed Mixed Use Development Stages 2 & 3, 1 Australia Avenue, Sydney Olympic Park, Environmental Assessment and Appendices</i> prepared by <i>Architectus</i> , dated June 2011 |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2000 |
| Incident | A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval |
| Minister | Minister for Planning & Infrastructure, or nominee |
| PCA | Principal Certifying Authority |
| PPR | Preferred Project Report titled <i>Proposed Mixed Use Development Stages 2 & 3, 1 Australia Avenue, Sydney Olympic Park, Preferred Project Report and Appendices</i> prepared by <i>Architectus</i> , dated September 2011 and letter to the Department titled <i>MP10_0027 – Stages 2 & 3, 1 Australia Avenue Sydney Olympic Park Response to SOPA letter and Appendices</i> dated 10 November 2011 |
| Project | The project and the accompanying plans and documentation described in Schedule 2, Terms of Approval, Condition A1 |
| Proponent | Site 3 Development Company Pty Ltd, or anyone else entitled to act on this Approval |
| Reasonable and Feasible | Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build |
| SOPA | Sydney Olympic Park Authority |
| Subject Site | 1-7 Australia Avenue, Sydney Olympic Park (Lot 2 DP1159930) |
| Statement of Commitments | The proponent's Statement of Commitments in Schedule 3 |

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

TERMS OF APPROVAL

Development Description

- A1. 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 (Schedule 3).

Development in Accordance with Plans and Documents

- A2. The proponent shall carry out the project generally in accordance with the:
- (a) *Proposed Mixed Use Development Stages 2 & 3, 1 Australia Avenue, Sydney Olympic Park, Environmental Assessment and Appendices* prepared by Architectus, dated June 2011;
 - (b) *Proposed Mixed Use Development Stages 2 & 3, 1 Australia Avenue, Sydney Olympic Park, Preferred Project Report and Appendices* prepared by Architectus, dated September 2011 and letter to the Department titled MP10_0027 – Stages 2 & 3, 1 Australia Avenue Sydney Olympic Park Response to SOPA letter and Appendices dated 10 November 2011;
 - (c) The following plans:

| Architectural (or Design) Drawings prepared by Bates Smart | | | |
|---|-----------------|----------------------------|-------------|
| Drawing No. | Revision | Name of Plan | Date |
| DA00.001[D] | D | Site Plan | 04/11/11 |
| DA02.100[D] | D | Plan Basement 004 | 04/11/11 |
| DA02.101[D] | D | Plan Basement 003 | 04/11/11 |
| DA02.102[D] | D | Plan Basement 002 | 04/11/11 |
| DA02.103[D] | D | Plan Basement 001 | 04/11/11 |
| DA02.200[D] | D | Ground Floor Plan | 04/11/11 |
| DA02.201[D] | D | Plan Level 1 [Podium] | 04/11/11 |
| DA02.202[D] | D | Plan Level 2 | 04/11/11 |
| DA02.203[D] | D | Plan Level 03-11 | 04/11/11 |
| DA02.212[D] | D | Plan Level 12 | 04/11/11 |
| DA02.213[D] | D | Plan Level 13-21 | 04/11/11 |
| DA02.222[D] | D | Plan Level 22 | 04/11/11 |
| DA02.223[D] | D | Plan Level 23 | 04/11/11 |
| DA02.224[D] | D | Plan Level 24 | 04/11/11 |
| DA02.225[D] | D | Plan Level 25-26 | 04/11/11 |
| DA02.227[D] | D | Plan Level 27 | 04/11/11 |
| DA02.228[D] | D | Plan Level 28-29 | 04/11/11 |
| DA02.230[D] | D | Plan Level 30 - Plant Room | 04/11/11 |
| DA02.231[D] | D | Plan Roof | 04/11/11 |
| DA05.01[D] | D | Elevation North & South | 04/11/11 |
| DA05.02[D] | D | Elevation West Elevation | 04/11/11 |
| DA05.03[D] | D | Elevation East | 04/11/11 |
| DA06.01[D] | D | Section AA | 04/11/11 |
| DA06.02[D] | D | Section BB | 04/11/11 |
| DA06.03[D] | D | Section CC | 04/11/11 |
| DA06.04[D] | D | Section DD | 04/11/11 |
| DA06.05[D] | D | Section EE | 04/11/11 |

| Landscape and Public Domain Drawings prepared by <i>turf</i> | | | |
|--|----------|--------------------------------|----------|
| Page No. | Revision | Name of Plan | Date |
| 3 | B | MASTERPLAN | 07/11/11 |
| 4 | A | SECTION 3B | 06/04/11 |
| 6 | A | SECTION 2 | 06/04/11 |
| 7 | A | SECTION 1 | 06/04/11 |
| 8 | A | SECTION 4 | 06/04/11 |
| 9 | A | FIG TREE PARK PLANTING | 06/04/11 |
| 10 | A | PODIUM GARDEN DETAIL PLAN | 06/04/11 |
| 11 | A | SECTION 3A | 06/04/11 |
| 12 | A | PLANTING | 06/04/11 |
| 13 | A | ROOFTOP LOCATIONS AND PLANTING | 06/04/11 |

- (d) conditions of this approval; and
(e) Proponent's Statement of Commitments (Schedule 3).

except for 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.

Inconsistency between plans and documentation

- A3. If there is any inconsistency between the plans and documentation referred to above and the Statement of Commitments in Schedule 3, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

Traffic and Parking Details

- A4. A maximum of 806 car parking spaces are to be provided, including a minimum:
- 32 car parking spaces for retail and commercial use, including 2 spaces for persons with a disability; and
 - 59 adaptable spaces.

Prescribed Conditions

- A5. The proponent shall comply with the prescribed conditions under Part 6, Division 8A of the Regulation.

Development Expenses

- A6. It is the responsibility of the proponent to meet all expenses incurred in undertaking the project, including expenses incurred in complying with conditions imposed under this approval.

Limits of Approval

- A7. This approval will lapse 5 years from the date of this approval unless the building works associated with the project have physically commenced.
- A8. No strata subdivision forms part of this approval.
- A9. No retail or commercial fit-outs form part of this approval.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate

- B1. The stamped drawings must be lodged with the Certifying Authority (Auburn City Council or a private certifier) for a Construction Certificate. The proponent must supply the Department of Planning and Infrastructure and SOPA with a copy of the Construction Certificate within two days from the date of its issue.

Development Contributions

- B2. Prior to the issue of a Construction Certificate, the proponent shall comply with the relevant development contribution arrangements (with SOPA) that apply to the development which is the subject of this approval. Evidence shall be submitted to the department demonstrating compliance with this condition.

Sustainability

- B3. A BASIX certificate must be submitted to the Certifying Authority and all commitments shown on the Construction Certificate plans.

Construction Management Plan

- B4. A Construction Management Plan shall be prepared in consultation with and endorsed by SOPA's General Manager – Operations and Sustainability and submitted to the Certifying Authority prior to the issued of a Construction Certificate. The Plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):
1. **Hours of work**, which must be in accordance with the conditions of this approval;
 2. **Contact details** of the site manager and all principal contractors;
 3. **Construction Traffic Management Plan**, which is to be developed in consultation with SOPA and is to include:
 - identification of a works zone that does not unreasonably impact on Australia Avenue;
 - consideration of all Sydney Olympic Park Major Events;
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - number and frequency of vehicles accessing the site and construction vehicle routes;
 - the times vehicles are likely to be accessing the site;
 - access arrangements and traffic control, ensuring that access on surrounding road networks remains clear and unobstructed at all times;
 - assurance that all excavation and construction vehicles are contained wholly within the site and/or identified works zone at all times and have entered the site and/or works zone prior to stopping;
 - changes to on-street parking restrictions on roads;
 - management of construction traffic and car parking demand including preparation and distribution of a Travel Access Guide; and
 - management of existing vehicular and pedestrian movements / routes around the site throughout the various stages of construction.
 4. **Erosion and sediment control**, identifying appropriate measures to be installed during construction which shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom; and must include:
 - The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device.
 - The procedures to be adopted for the prevention of run-off, loose material and little from the site onto the public way.
 5. **Construction Noise and Vibration Management Plan**, is to be developed and implemented to address the relevant provisions of Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites, the Environmental Noise Management Series by DEC, NSW Interim Construction Noise Guidelines, DECC 2009, and Assessing Vibration: a technical guideline, DECCW 2006.. The Plan is to include, but no necessarily be limited to:
 - identifying specific activities that will be carried out and associated noise sources;
 - community consultation/notification and complaints monitoring system;
 - identify all potentially affected sensitive receivers;
 - noise and vibration monitoring reporting and response procedures;
 - relevant compliance standards;

- construction times;
 - description of specific mitigation treatments management measures; and
 - contingency measures where noise complaints are received.
6. **Construction waste management**, identifying options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste; and
7. **Dust control** measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.

Dilapidation Report

- B5. The proponent shall prepare a dilapidation report of public infrastructure within the vicinity of the site (including roads, gutters, footpaths, power poles, etc.) and of adjoining properties to the satisfaction of Certifying Authority prior to the issue of a Construction Certificate.

RailCorp Deed of Agreement

- B6. The proponent is required to enter into an agreement with RailCorp defining the controls to be implemented in managing access required and/or the potential impacts of the development on RailCorp, and the involvement of RailCorp staff in ensuring the appropriate safety and technical standards are complied with throughout the development.

RailCorp Services Search

- B7. Prior to the issue of a Construction Certificate the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signaling. Should rail services be identified within the subject development site the proponent must discuss with the Rail Authority as to whether these services are to be relocated or incorporated within the development site.

Stray Currents and Electrolysis from Rail Operations

- B8. The proponent must incorporate in the development all measures recommended in the letter from Savcor Art Pty Ltd titled *Stray Current Electrolysis Risk Report for Proposed Stage 2 & 3 Development, Australia Avenue, Sydney Olympic Park* dated 14 March 2011 to control that risk. A copy of this letter is to be provided to the Certifying Authority with the application for a Construction Certificate.

Rail Safety

- B9. Prior to issue of a Construction Certificate for any above ground works, the proponent is required to demonstrate that measures (e.g. awning windows, louvres, enclosed balconies, etc) will be installed for balconies, windows and other external features (e.g. roof terraces and external fire escapes) that face the rail corridor to prevent the throwing of objects onto the rail corridor.
- B10. Prior to the issuing of a Construction Certificate for any above ground works which will require a crane or other aerial operations, the proponent is to submit to the RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

Demolition, Excavation and Construction Impacts

- B11. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to the Rail Authority for review and comment on the impacts on the rail corridor. The Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

Note: No metal ladders, tapes 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.

Structural Details

B12. Prior to the issue of a relevant Construction Certificate for the relevant works, the proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practicing Structural Engineer that complies with:

- a) the relevant clauses of the BCA;
- b) the relevant approval;
- c) drawings and specifications comprising the Construction Certificate; and
- d) the relevant Australian Standards listed in the BCA (Specification A1.1).

Stormwater & Drainage

B13. Prior to the issue of a Construction Certificate, details of the proposed stormwater disposal and drainage from the development, including connection to the Sydney Olympic Park Water Reclamation and Management Scheme (WRAMS) are required, and details of the provision and maintenance of overland flow paths are required to be designed to the satisfaction of SOPA's General Manager – Operations & Sustainability and RailCorp and submitted to the Certifying Authority. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the rail corridor unless prior approval has been obtained from RailCorp. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

Public Domain and Landscape Plans

B14. Prior to the issue of a Construction Certificate for above ground works, excluding excavation and site preparation works, final detailed landscape and public domain plans shall be submitted to and approved by SOPA including identification of relevant levels.

Mechanical Ventilation

B15. All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

Disabled Access

B16. Access and facilities for people with disabilities shall be provided in accordance with Part D3 (Access for people with disabilities) of the BCA. All parking for people with disabilities shall be in accordance with AS2890.6-2009. Prior to the issue of a Construction Certificate for building works, excluding excavation and site preparation works, a certification of compliance with this condition shall be provided to the Certifying Authority from an appropriately qualified person.

Traffic, Car Parking and Access Details

B17. Prior to the issue of a Construction Certificate for building works, excluding excavation and site preparation works, plans are to identify the following traffic and parking details:

- a) all vehicles should enter and leave the site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the site in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
- b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage;

- c) appropriate pedestrian advisory signs are to be provided at the egress from the car park; and
- d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
- e) The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

Reflectivity

B18. The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issuing of a Construction Certificate for any above ground works.

B19. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the Rail Authority.

Sydney Water – Notice of Requirements

B20. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of a Construction Certificate.

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

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

Outdoor Lighting

B21. All outdoor lighting shall be designed to comply with, where relevant, AS/NZS 1158.3.1:2005 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 issuing of a relevant Construction Certificate.

PART C – PRIOR TO COMMENCEMENT OF WORKS

Notice to be Given Prior to Commencement of Works/ Excavation

C1. SOPA (SOPA's General Manager – Operations and Sustainability) shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.

Road Occupancy Licence

C2. A road occupancy licence is to be obtained from the relevant Roads Authority, if required, prior to the commencement of works for any works that may impact on traffic flows on the surrounding street network.

RailCorp Fencing

C3. Prior to the commencement of works, the proponent shall ensure appropriate fencing is installed along the rail corridor to prevent unauthorised access to the rail corridor.

Dilapidation Surveys

C4. Prior to the commencement of works, 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 proponent. The dilapidation survey will establish the extent of any

existing damage and enable any deterioration during and after construction to be observed. The timing of these surveys is to be agreed with RailCorp. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Geotechnical and Structural Stability and Integrity

- C5. The proponent shall provide a Geotechnical Engineering report to RailCorp for review by RailCorp's Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in real facilities, and loadings imposed on RailCorp Facilities by the development.

Barricade Permit

- C6. Where construction/building works require the use of a public place including a road or footpath, approval for a Permit is to be obtained from SOPA (SOPA's General Manager – Operations and Sustainability) 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.

Road/Asset Opening Permit

- C7. A Road / Asset Opening Permit must be obtained from the relevant Roads Authority, if required, prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993, and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

Vehicle Cleansing

- C8. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Utility Services

- C9. Prior to the commencement of work the proponent is to negotiate with the utility authorities (e.g. Energy Australia and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the proponent.
- C10. Any necessary alterations to public utility installations being at the proponent's/demolisher's expense and to the requirements of both SOPA and the appropriate authorities.
- C11. Where possible, all services shall be provided underground.

Contact Telephone Number

- C12. The proponent shall ensure that a 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development. The contact number shall be forwarded to SOPA, council and the department prior to commencement of works.

Haulage Routes

- C13. The routes for import of any fill materials or export of any spoil being submitted to and agreed to by the relevant road authorities prior to the commencement of haulage, if required. Unacceptable deterioration or failures within public roads attributable to these operations is to be restored to the requirements of, and at no cost to the road authorities.

PART D – DURING CONSTRUCTION

Waste

- D1. A minimum of 80 per cent of construction and demolition waste must be recycled or re-used.

Tree Protection and Planting

- D2. The transplantation of the Fig Tree shall be undertaken or supervised by a qualified Arborist or Horticulturist (minimum AQF Level 4). Any tree which is damaged during construction and is required to be removed and/or replaced during construction shall be approved by SOPA.
- D3. Tree planting shall be undertaken in accordance with the approved landscape plan.

Hours of work

- D4. The hours of excavation and work on the development must be as follows:
- (a) All excavation and construction work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools) in connection with the approved development must only be carried out between the hours of:
 - 7.00am and 6.00pm on Mondays to Fridays
 - 7.00am and 3.00pm on Saturdays
 - No work must be carried out on Sundays or public holidays.
 - (b) Works may be undertaken outside these hours 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 by SOPA's General Manager – Operations & Sustainability or his nominee.

Note: During certain major event periods (e.g. V8 Supercar event and the Royal Easter Show), access may not be available for construction and/or delivery vehicles. In such circumstances SOPA will provide a minimum of seven (7) days written notice of any requirements.

Site Notice

- D5. A site notice(s) shall be prominently displayed at the boundaries of the site for the duration of works for the purposes of informing the public of project details including, but not limited to:
- (a) details of the Builder and Structural Engineer for all stages of the project;
 - (b) the approved hours of work;
 - (c) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) to state that unauthorised entry to the site is prohibited.

Excavation

- D6. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the owners of the roadway are to be given at least 7 days notice. This notice is to include complete details of the work.

Excavated Material

- D7. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the EPA's Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.

RailCorp Facilities Access

- D8. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with the Rail Authority.

RailCorp Fencing

- D9. The proponent shall ensure appropriate fencing is maintained along the rail corridor during construction works to prevent unauthorised access to the rail corridor. If any damage to the fencing occurs during construction, the proponent shall replace the fencing and provide details of the type of fencing and the method of erection to the Rail Authority's satisfaction prior to the fencing work being undertaken. The Rail Authority may provide supervision, at the developer's cost, for the erection of the new fencing.

Noise Control

- D10. All work, including excavation and construction work must comply with the Australian Standard 2436-2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

- D11. Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.

Vibration Criteria

- D12. Vibration cause by construction at any residence or structure outside the subject site must be limited to:
- (a). for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - (b). for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472-1992, 'Evaluation of human exposure to vibration in buildings (1Hz to 80Hz)' present in the NSW Office of Environment and Heritage's 'Assessing Vibration; a technical guideline, February 2006'.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

Standards and Codes

- D13. All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

Work Cover Requirements

- D14. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hoarding Requirements

- D15. The following hoarding requirements shall be complied with:
- (a) to ensure an appropriate presentation of the construction site, suitable hoarding/fencing shall be erected around the subject site during the construction period;
 - (b) no third party advertising is permitted to be displayed on the subject hoarding/fencing;
 - (c) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and
 - (d) the placement of any hording is to be documented and presented to SOPA's General Manager – Operations & Sustainability for approval, prior to the installation of any such hoarding.

No obstruction of public way

- D16. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

Disposal of seepage and stormwater

D17. Any seepage or rainwater collected on-site during excavation shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant Authority.

Erosion and sediment control

D18. Sediment controls are to be in place for the duration of the works to ensure that no sediment, fines, and like material can enter the waterway or drainage system. The proponent is to carry out works generally in accordance with the Construction Management Plan and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

Dust Control Measures

D19. Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The proponent is to carry out works generally in accordance with the Construction Management Plan, and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

Pedestrian Access During Construction

D20. Pedestrian access along Australia Avenue is to be maintained as far as feasible throughout construction. Alternative routes, including those for persons with disabilities, shall be clearly identified and signposted for the duration of the works, and until such time as the permanent accessible paths are provided.

Setting Out of Structures

D21. The new buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels.

Directional Signage

D22. Directional signage shall be modified as required to accommodate any altered pedestrian and vehicular movements within the area. Particular attention is to be paid to:

- (a) wheelchair accessible paths of travel;
- (b) safe road crossing areas including signalised and other designated crossings;
- (c) key landmarks;
- (d) access to transport nodes including public transport; and
- (e) the vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

Traffic Movement

D23. The following traffic movement requirements shall be complied with:

- (a) All loading and unloading associated with works must occur on site.
- (b) All vehicles must enter and leave the site in a forward direction, where feasible. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the site in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
- (c) The cost of all traffic management works shall be borne by the proponent.
- (d) No trucks associated with the approved works are permitted to park or stand on public roadways.
- (e) Gates shall be closed between vehicle movements.
- (f) Movement of trucks to and from the site shall be staggered so as to limit access and egress during peak traffic periods.
- (g) The Contractor shall make provision for safe, continuous movement of traffic and pedestrians in public roads and private roads accessible to the public and erecting traffic warning signs conforming to the Roads and Traffic Authority's

General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355). Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 2002.

Approved Plans to be On-site

D24. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the department or council.

Historical Archaeological Items

D25. If any unidentified historical archaeological remains or deposits are exposed during the works excavation is to cease immediately in the affected areas and the archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified in accordance with section 146 of the NSW Heritage Act, 1977.

D26. Should any Aboriginal relics or artefacts be discovered during the course of any works on-site, then work is to cease immediately. Work may only be resumed following written consent being obtained from the Department of Environment, Climate Change and Water.

Imported Fill

D27. Any imported fill onto the site being validated to ensure its suitability for the proposed land use from a contamination perspective. Imported fill is to be certified that it is not contaminated, based upon analysis or the known past history of the site from which it is obtained.

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

Occupation Certificate

E1. An Occupation Certificate must be obtained from the PCA prior to commencement of occupation of the relevant part of the new building. A copy of the certificate shall be submitted to the department and SOPA.

Affordable Housing

E2. Prior to the issue of an Occupation Certificate, the proponent must demonstrate that three per cent of the units, or as otherwise agreed with SOPA, are provided as affordable housing and has been registered on title of a relevant strata subdivision plan for the site.

Sustainability

E3. Prior to the issue of an Occupation Certificate, the PCA shall certify all relevant commitments in the BASIX certificate have been met and obtain a BASIX completion receipt.

RailCorp Fencing

E4. To ensure that graffiti can be easily removed, the proponent is to ensure that any fencing or facades along the rail corridor located on the site are coated with anti-graffiti paint or other coating.

Traffic, Access and Parking

E5. Prior to the issue of an Occupation Certificate, appropriate signage and mitigation measures, as identified in consultation with SOPA and the Roads and Maritime Services, shall be provided to ensure that vehicles entering and exiting the site from Australia Avenue via the southern through site link (opposite Fig Tree Drive) are left in and left out only.

E6. The driveway, vehicle manoeuvring area and car parking spaces (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay

dimensions) shall be properly constructed, graded, drained, sealed, and line marked including directional arrows with impervious paving material, in accordance with the relevant Australian Standards.

Noise Control – Plant and Machinery

- E7. Prior to occupation of the building a report is to be prepared by a qualified acoustic engineer confirming that the installation and performance of the mechanical systems complies with:
- (a) the requirements of the Building Code of Australia;
 - (b) Australian Standard AS1668 and other relevant codes;
 - (c) the project approval and any relevant modifications; and
 - (d) any dispensation granted by the New South Wales Fire Brigade.

Fire Safety Certificate

- E8. A Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this approval prior to occupation of the building. A copy of the Fire Safety certificate must be submitted to the relevant authority and SOPA's General Manager – Operations & Sustainability.

Dilapidation Surveys

- E9. Prior to the issue of an Occupation Certificate, 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 proponent. The dilapidation surveys will establish the extent of any existing damage and enable any deterioration during and after construction to be observed. The timing of these surveys is to be agreed with RailCorp. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Post-construction Dilapidation Report

- E10. The proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the department and the SOPA's General Manager – Operations and Sustainability and is to:
- (a). Compare the post-construction dilapidation report with the pre-construction dilapidation report, identifying the nature and costs of damage (if any) which has occurred during and as a result of construction, and
 - (b). Have written confirmation from the relevant authority that there is no adverse structural damage to its infrastructure and roads (as far as reasonably practical) or that satisfactory arrangements have been made to remedy any damage. If this has been unreasonably delayed by the relevant authority, attempts to seek such confirmation shall be given to the satisfaction of the department.

Structural Inspection Certificate

- E11. A Structural Inspection Certificate for any structural work is to be obtained prior to occupation of the building.

Sydney Water

- E12. A Compliance Certificate issued under Part 6, Division 9, section 73 of the Sydney Water Act 1994 shall be obtained prior to occupation of the building.

Roads and Footpaths

- E13. The cost of repairing any damage caused to SOPA's or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the proponent prior to the occupation of the building.
- E14. All new roads shall be constructed in accordance with RTA guidelines and AMCORD Guidelines.

Waste Management

- E15. Prior to occupation of the building the proponent must ensure that waste handling works have been completed in accordance with the Waste Management Plan; other relevant approval conditions; and any relevant council policy.

Drainage Plan

- E16. Prior to the issuing of an Occupation Certificate for the development, the applicant shall submit to SOPA and the PCA a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the PCA.

Accessibility

- E17. Prior to issue of an Occupation Certificate, a certificate of compliance shall be prepared by an appropriately qualified person and submitted to the PCA confirming that the development complies with the requirements for access by people with disabilities under the Disability Discrimination Act 1992, Disability (Access to Premises – Buildings) Standards 2010.

Sydney Olympic Park Major Events

- E18. Prior to occupation of the building, an Operational Management Plan shall be prepared in consultation with, and endorsed by, SOPA's General Manager – Operations & Sustainability to ensure that operation across multiple sites are coordinated, and that appropriate vehicle/pedestrian access are maintained during Major Events (e.g. the Royal Easter Show and V8 Supercar race).

Maintenance

- E19. The proponent must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to the Rail Authority prior to the issuing of the Occupancy Certificate. The PCA shall not issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.

PART F – DURING OPERATIONS

Vehicle Access

- F1. All vehicles entering and exiting the site from Australia Avenue via the southern through site link (opposite Fig Tree Drive) are to be left in and left out only until this intersection becomes signalised.

Annual Fire Safety Certificate

- F2. An annual Fire Safety Statement must be given to council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

Noise Control – Operational

- F3. The use of the premises shall not cause a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.

Noise Control – Plant and Machinery

- F4. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
 - A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background

- noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
- Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

Loading and Unloading

- F5. All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

Unobstructed Driveways and Parking Areas

- F6. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

ADVISORY NOTES

Long Service Levy

- AN1. Prior to issue of a Construction Certificate, payment of the long service levy under section 34 of the *Building and Construction Industry Long Service Payment Act 1986* must be paid (or, where such a levy is payable by instalments, the first instalment of the levy).

Use of Mobile Cranes

- AN2. The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the proponent shall ensure the following matters are complied with:
- (a) 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 council:
 - at least 48 hours prior to the works for partial road closures which, in the opinion of council will create minimal traffic disruptions; and
 - at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of council, will create significant traffic disruptions;
 - (b) 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 council.

Movement of Trucks Transporting Waste Material

- AN3. 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.

Disability Discrimination Act

- AN4. This application is to comply with the Disability Discrimination Act 1992. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Building Code of Australia 2011 contains the minimum disability requirements as set out in the Disability Discrimination Act 1992. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Temporary Structures

- AN5. A Barricade/Hoarding Permit must be obtained prior to the commencement of construction works from the relevant Authority. The permit application must be

supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must also be submitted to the relevant Authority to certify the structural adequacy of the design of the temporary Barricades/Hoarding.

Structural Capability for Existing Structures

AN6. The structural capabilities of any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7. The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult the Department of Sustainability, Environment, Water, Populations and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

SCHEDULE 3

STATEMENT OF COMMITMENTS

4.2 Future application

The Proponent commits to prepare future applications for the following development:

- Fit out of the proposed retail and commercial tenancies; and
- Building identification and tenant signage;
- Strata subdivision

4.3 Prior to the issue of a Construction Certificate

The following commitments are to be satisfied prior to the issue of construction certificates:

Reflectivity

The Proponent is to adopt the recommended reflectivity mitigation measures in the assessment report prepared by Windtech and submitted with the Environmental Assessment prior to the issue of a Construction Certificate.

Wind mitigation measures

The proponent commits to adopt the recommendations of the Wind Impact Assessment prepared by Windtech and submitted with the Environmental Assessment prior to the issue of a construction certificate.

Erosion and sediment control

An Erosion and Sediment Control Plan shall be prepared, by an appropriately qualified civil engineer, and submitted to the Certifying Authority prior to the issue of a Construction Certificate. This plan should be prepared in accordance with the 'Managing Urban Stormwater-Soils and Construction Volume 1 (2004) by Landcom' (The Blue Book).

Event Information Statement

The Proponent commits to prepare an Event Information Statement to be prepared in accordance with SOPA's guidelines prior to the issue of a Construction Certificate to demonstrate that the development will not have any adverse impact on events carried out in the near vicinity of the site in terms of access and traffic.

Rail related conditions

The Proponents commits to satisfy the conditions of consent recommended by RailCorp prior to the issue of a Construction Certificate or occupation certificate outlined in the following table:

| Recommended RailCorp Condition | Construction Certificate |
|---|--------------------------|
| 1. Property & Title Search and Survey | No. 1 |
| 2. Services Search | No. 2 |
| 3. Dilapidation Surveys | No. 2 |
| 4. Noise and Vibration | No. 3 |
| 5. Stray currents and electrolysis from Rail Operations | No. 1 |
| 6. Geotechnical and structural stability and integrity | No. 3 |
| 7. Building, Balconies and Window Design | No. 2 |
| 8. Derailment Protection of Structures | No. 2 |
| 9. Use of lights and reflective materials | No. 2 |
| 10. Demolition Excavation and Construction Impacts | No. 2 |
| 11. Crane and Other Aerial Operations | No. 2 |
| 12. Drainage | No. 3 |
| 13. Physical Access to RailCorp's Facilities | No. 2 |
| 14. Graffiti, Screening and Landscaping | No. 3 |
| 15. Fencing | No. 1 |

Notes to table:

- Construction Certificate No 1: Excavation and support structures (i.e. piling where required);
- Construction Certificate No 2: Structures up to and including the podium;
- Construction Certificate No 3: Tower 1
- Construction Certificate No 4: Tower 2

4.4 Prior to the commencement of construction

Construction Management Plan

A Construction Management Plan will be prepared by Site 3 Development Company Pty Ltd prior to the commencement of works on site. This plan will include the following information:

- Proposed hours of work;
- Contact details of FDC site manager;
- Traffic Management:
- Ingress and egress of vehicles to site;
- Management of loading and unloading materials;
- Number and frequency of vehicles accessing the site;
- Changes to on-street parking restrictions on local roads;
- Management of construction traffic and car parking demand;
- Management of existing vehicular and pedestrian movements around the site throughout various stages of construction;
- Major event coordination / management;
- Dust control measures;
- Construction waste management;
- Erosion and sediment control measures;
- Construction noise and vibration management; and
- Any other relevant information relating to construction and its potential impact on the surrounding area.

Tree relocation measures

The Proponent commits to adopting the temporary and permanent relocation measures for the *Ficus macrophylla* – Morton Bay Fig, referred to as Tree No. 4 in the Arboricultural Assessment report by Urban Tree Management submitted with the Environmental Assessment.

4.5 Prior to the issue of a Subdivision Certificate

Easements

The Proponent is to provide details of all necessary easements to the PCA prior to the issue of a Subdivision Certificate for the site.

Affordable housing

The Proponent will provide 3% of the proposed units as affordable housing units. Documentary evidence that 3% of the units are to be provided as Affordable Housing in accordance with the terms of the Site 3 Development Agreement will be provided to Sydney Olympic Park Authority prior to the issue of a Subdivision Certificate. The affordable housing units are to be nominated on the strata subdivision plans.

4.6 Prior to the Issue of Occupation Certificate(s)

Embellishment of common open space areas

The common open space area at the southern end of the site will be embellished in accordance with the landscape plans prepared by Turf Design Studio and submitted with the Environmental Assessment prior to the occupation of first residential unit in Tower 2.

Embellishment of public domain interface

The interface with the footpath along Australia Avenue is to be embellished in accordance with the landscape plans prepared by Turf Design Studio and submitted with the Environmental Assessment prior to the occupation of the first residential unit in Tower 2.

Security Management Plan

The Proponent commits to prepare a Security Management Plan to minimise potential crime and to maintain safety and security for building occupants in accordance with the recommendations contained in the Environmental Assessment submitted with the Project Application.

Green Travel Plan

A Green Travel Plan will be prepared by the Proponent prior to the occupation of the first residential unit or the first retail tenancy, whichever comes first. The Green Travel Plan will address as a minimum the following matters:

- The limited street parking available in the area and detail the reasons why this is the case (i.e. availability of on-site resident parking) and the desire to promote public transport patronage;
- Rail, bus and ferry timetables;
- Details of the car share schemes available in the area;
- Details of the available regional cycleway plan and associated facilities, including details of local cycling groups in the area.

Rail related conditions

The Proponents commits to satisfy the conditions of consent recommended by RailCorp outlined in the following table:

| Recommended RailCorp Condition | Timing |
|---------------------------------------|------------------------|
| 16.Maintenance of Development | Occupation Certificate |