



**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
Stage 1A & Stage 2
Mixed Commercial and Retail Development
Site 43/44, Sydney Olympic Park
(SSD 12_5677) & (SSD 12_5676)**



Stage 1A



Stage 2

Director-General's
Environmental Assessment Report
Section 89E of the
Environmental Planning and Assessment Act 1979
December 2013

ABBREVIATIONS

Applicant	Capital Corporation Properties Pty Ltd
CIV	Capital Investment Value
Consent	Development Consent
Council	Auburn City Council
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EIS	Environmental Impact Statement
EPA	Environmental Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Auburn Local Environmental Plan 2010
LGA	Auburn Local Government Area
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SOP	Sydney Olympic Park
SOPA	Sydney Olympic Park Authority
SOP Master Plan	Sydney Olympic Park Master Plan 2030
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

HYPERLINKS

[Hyperlinks](#) (CTRL + click to access) are included in this document to allow quick navigation to explanations and interpretations of commonly used legal, scientific or industry terms / phrases used in this document. The explanations / interpretations appear in the glossary appendix. Be sure to print the relevant glossary appendix to enable interpretation of these terms or phrases when printing the main body of the report.

Cover Photographs: Photomontages of the Stage 1A and Stage 2 buildings

© Crown copyright 2013
Published December 2013
NSW Department of Planning and Infrastructure
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

This report is an assessment of two State significant development (SSD) applications lodged concurrently by Capital Corporation Properties Pty Ltd for two eight storey mixed commercial and retail developments at No. 6 Australia Avenue and No. 2 Herb Elliot Avenue, Sydney Olympic Park (SOP).

The subject site is known as Site 43/44 in the Sydney Olympic Park (SOP) Master Plan 2030 which is located within the 'Central Precinct' of SOP. The site is located in the Auburn Local Government Area.

This assessment relates to the Stage 1A building in the southern portion of the site, which will provide for an extension of the building form approved in Stage 1, and the Stage 2 building in the western portion of the site.

The project has a Capital Investment Value (CIV) of \$10.8 m and \$40.5 m for Stage 1A and Stage 2, respectively.

The department publicly exhibited both applications from 8 August 2013 until 6 September 2013 and received 3 submissions, including two from public authorities and one public submission. The key issues raised in the submissions related to traffic impacts and car parking.

The applicant submitted a Response to Submissions providing additional information to address the issues raised during the exhibition period.

The department has considered the merits of the proposal in accordance with relevant matters under Section 79C, the objects of the Environmental Planning and Assessment Act 1979 and Ecologically Sustainable Development. The department has also taken into consideration the issues raised in the submissions.

The department is satisfied the proposal is generally consistent with the planning and design principles and controls in the SOP Master Plan applying to the site.

The proposed development will provide additional commercial and retail uses within an emerging employment and mixed use centre and contribute to the creation of a vibrant town centre as envisaged under the SOP Master Plan.

The department therefore considers the project to be in the public interest and recommends that both applications be approved, subject to conditions.

1. PROPOSED DEVELOPMENT AND SITE DESCRIPTION

1.1 The Proposal

Capital Corporation Properties Pty Ltd (the Applicant) proposes the construction of two eight storey mixed commercial and retail buildings and basement parking at SOP.

Two SSD applications have been lodged concurrently for Stage 1A (SSD 12_5677) which is an extension to the approved Stage 1 building in the southern portion of the site and Stage 2 (SSD 12_5676) in the western portion of the site. Refer to **Figure 1** below which shows the layout of the site.

The construction of future Roads 10 and 16 (as shown in **Figure 1**) and the associated works does not form part of the current Stage 1A and Stage 2 applications, and will be undertaken separately by the SOPA.

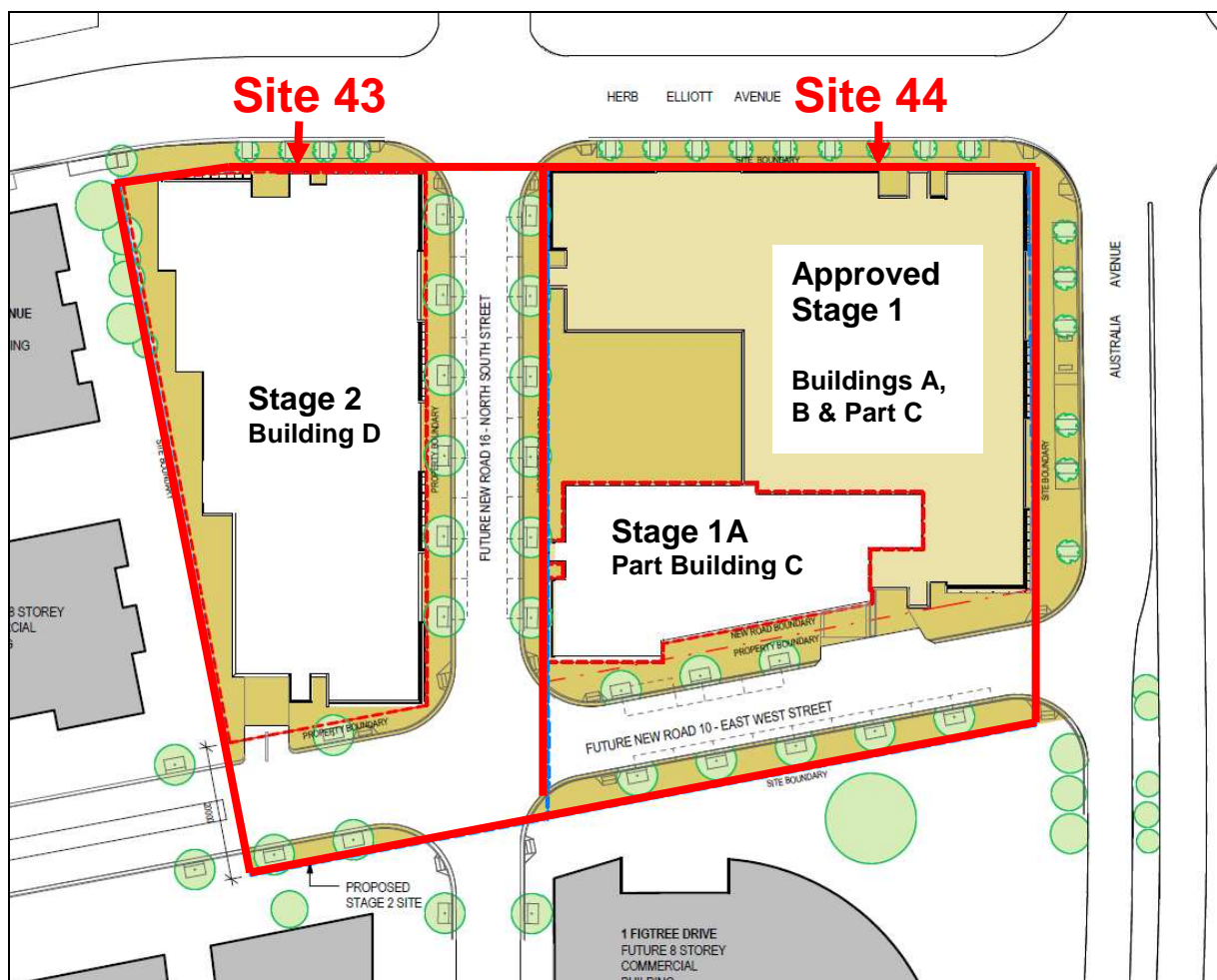


Figure 1: Proposed Site Layout

1.2 Site Description and Surrounding Development

The site is located at the south-western corner of Australia Avenue and Herb Elliot Avenue, Sydney Olympic Park, within the Auburn Local Government Area (LGA). The site is approximately 14 km west of the Sydney CBD and 8 km east of the Parramatta CBD. The site is legally described as Lot 56 in DP 773763 and Part Lot 72 in DP 1134933 and has an area of around 12,022 sqm. The project location is shown in **Figure 2**.

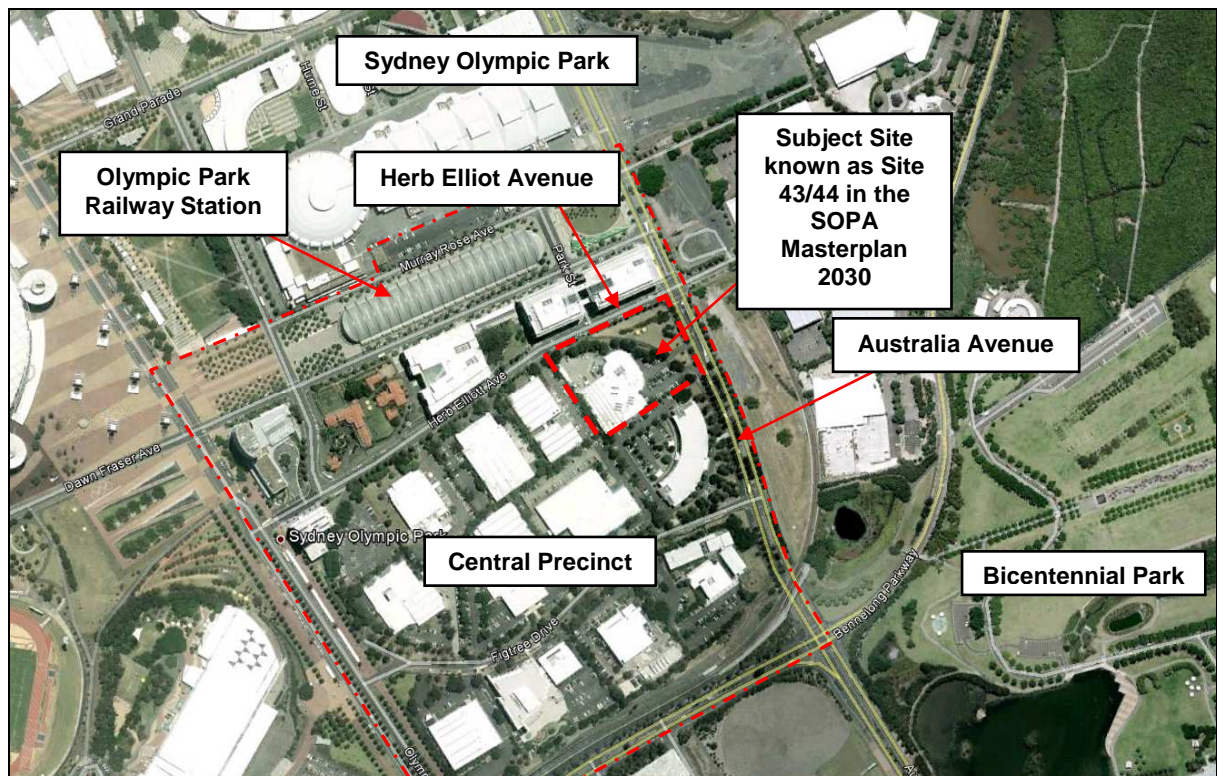


Figure 2: Project Location

The site has an approximate 84 m frontage to Australia Avenue and an approximate 130 m frontage to Herb Elliot Avenue. The site is occupied by an existing two storey commercial office / warehouse building with associated at-grade car parking and rear loading dock area, as shown in **Figure 3**. Additionally, the site contains a triangular shaped park at the corner of Australia Avenue and Herb Elliot Avenue, as shown in **Figure 4**. An aerial photo view of the existing site layout is shown in **Figure 5**.



Figure 3: Existing Office/Warehouse Building



Figure 4: Existing Triangular Park

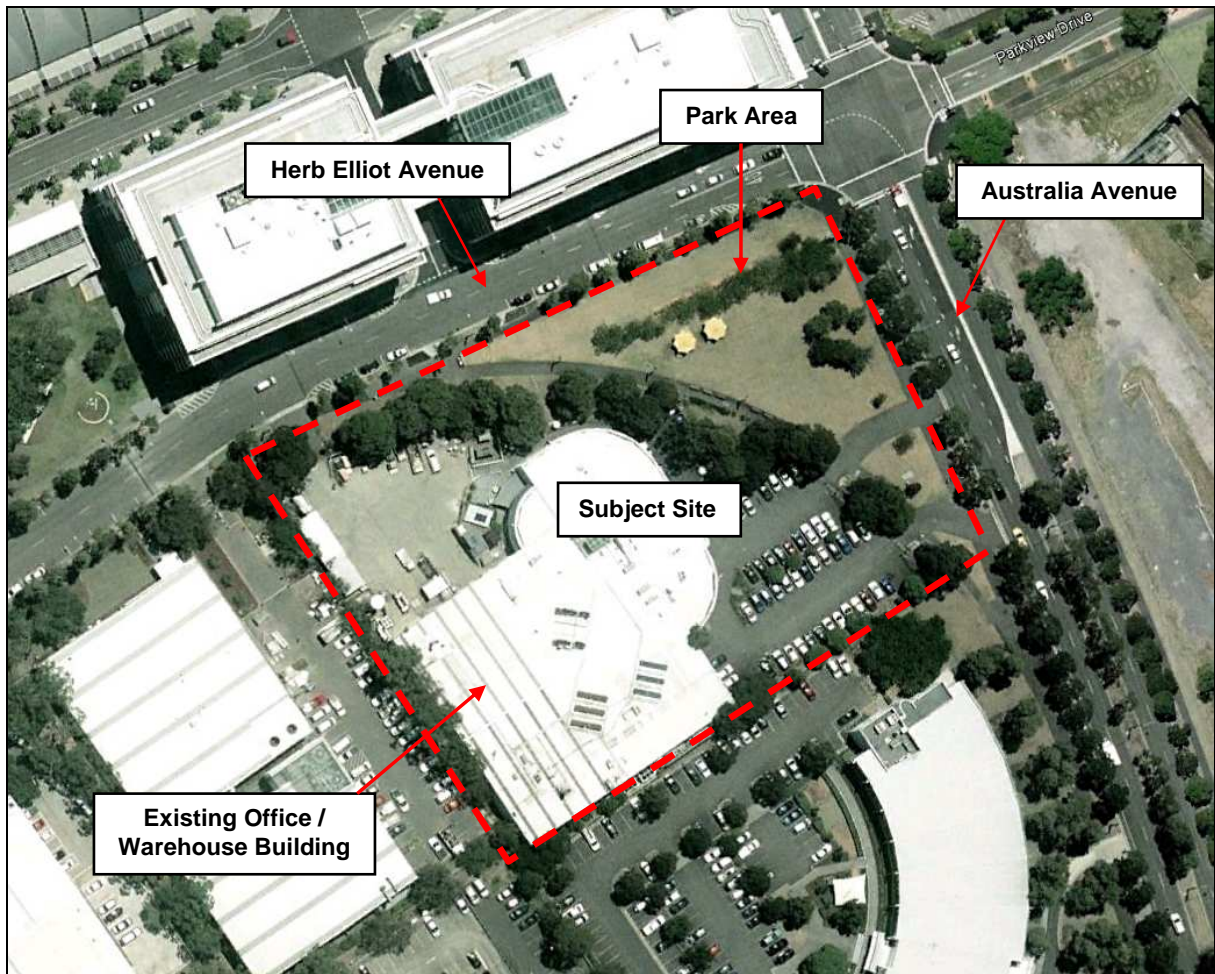


Figure 5: Existing Site Layout

1.3 Approval History

Sydney Olympic Park Masterplan 2030

The SOP Master Plan sets out the planning controls to guide the future development of SOP.

The Sydney Olympic Park Authority (SOPA) is the agency responsible for managing the future development of SOP in accordance with the SOP Master Plan.

The subject site is described as Site 43/44 in the 'Central Precinct' which is an emerging high density mixed use precinct comprising commercial, retail and residential uses.

The future development of the subject site has been subject to a 'Design Competition' in accordance with the SOP Master Plan. Stage 1 has already been approved for a mixed commercial and retail development in the north-western part of the site (refer to the discussion below regarding the Stage 1 approval).

The proposed Stage 1A and Stage 2 applications are the remaining building and car parking components of the specific master plan for the site (completion of Building C, Building D and associated basement car parking).

The demolition of the existing office/warehouse building on the site was recently approved by SOPA under a separate development application (DA 09-05-2013).

Stage 1 Mixed Commercial Retail Development

On 31 July 2013, the then Deputy Director-General, Development Assessment and Systems Performance, under delegation from the Minister for Planning and Infrastructure, approved a major project application (MP 10_0168) for Stage 1 comprising an eight storey mixed commercial and retail development in the north-western portion of the site. Refer to **Figure 6**.

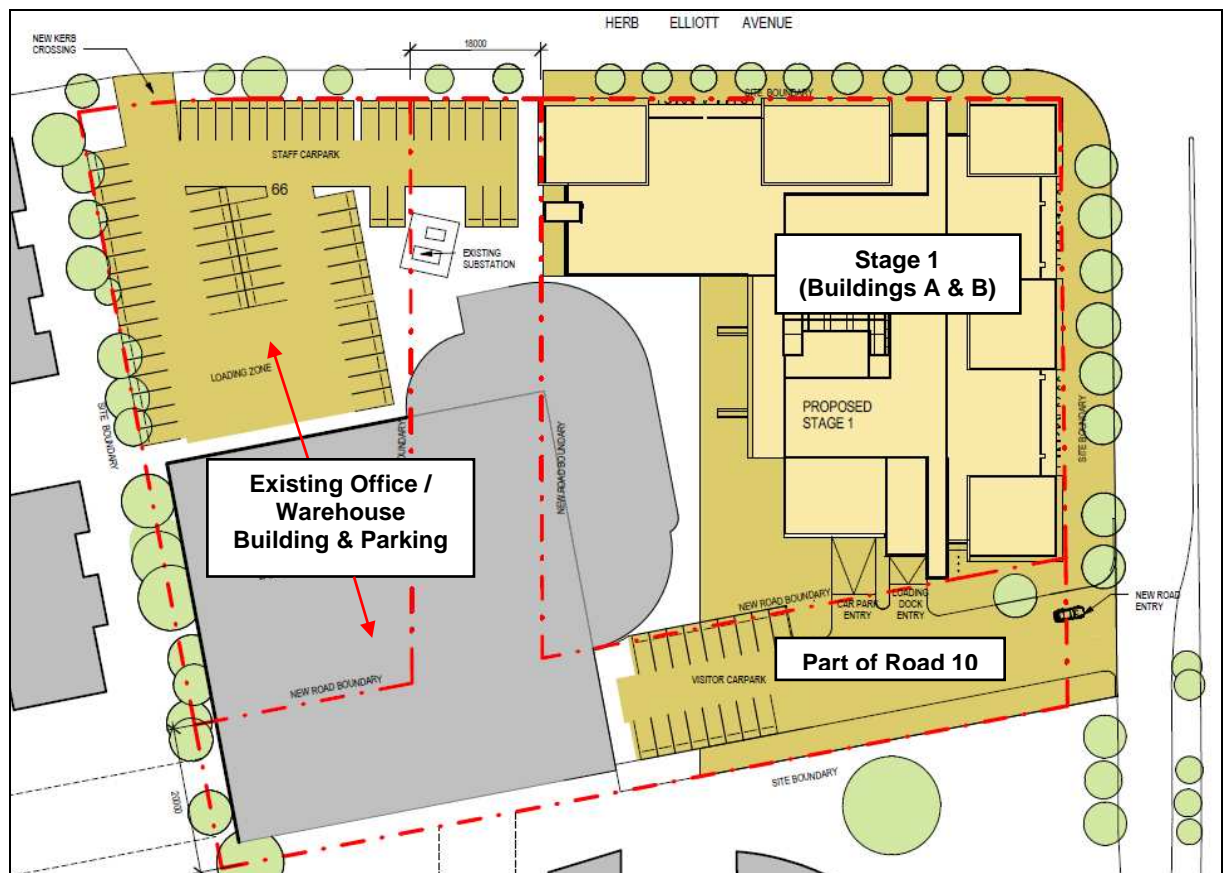


Figure 6: Approved Stage 1 Project Layout

Stage 1 Mixed Commercial Retail Development (Modification)

On 14 August 2013, the Director, Industry, Social Projects and Key Sites, under delegation from the Minister for Planning and Infrastructure, approved a section 75W modification (MP10_0168 MOD 1) for the Stage 1 project, including an additional 55 car spaces, increased GFA and changes to the landscape courtyard and design modifications.

1.5 Key Development Components and Features

A detailed breakdown of the key development components is provided in **Table 1**.

Table 1: Key Development Components

	Stage 1A	Stage 2
Project Summary	<ul style="list-style-type: none"> • construction of the remaining portion of Building C and its use for commercial offices and retail tenancies; • redistribution of car spaces provided in Stage 1 (as modified) and Stage 2, and their allocation to the Stage 1A building; and • provision of nine at-grade visitor bicycle parking spaces. 	<ul style="list-style-type: none"> • construction of Building D and its use for commercial offices and retail tenancies; • excavation and construction of new basement parking over two levels for 222 car spaces; • two new driveways, one to connect with the New Road 10 and one to Herb Elliot Avenue; and • site landscaping.
Gross Floor Area (sqm)	6,917 (commercial - 6,489) (retail - 428)	17,152 (commercial - 15,657) (retail - 1,495)
No. of storeys	8	8
Height	32.35 m (top of plant)	32.35 m (top of plant)
Capital Investment Value	\$10.8 m	\$40.5 m
Car Spaces	70 (commercial - 63) (retail - 7)	205 (commercial - 196) (retail - 9)

The proposed ground level layout and the typical floor levels are shown in **Figures 7 to 10** and the elevations of the proposed new buildings are depicted in **Figures 11 to 14**.

Design Features

The proposed Stage 1A development is an extension to the approved Stage 1 development which will increase the commercial floor plates by 936 sqm per floor. The floor levels, roof level and building heights are consistent with the level and heights approved in Stage 1. The ground floor will contain retail space to activate the street frontage and adjacent courtyard space. A through site link at ground level is provided between Stage 1A and Stage 1 but the buildings are connected as one building overhead at the upper levels. This provides for pedestrian permeability to and from the courtyard that connects New Road 10 to Australia Avenue and provides a visual break in the building mass.

The proposed Stage 2 building responds to the shape of the site that runs north-south. The proposed building fronts the New Road 16 with a main entrance foyer sited centrally to the building. The ground floor will have retail space at ground level which will activate the street frontages and provides opportunities for restaurants/cafes and outdoor seating. A pedestrian crossing will connect the foyer to the courtyard located opposite across the New Road 16.

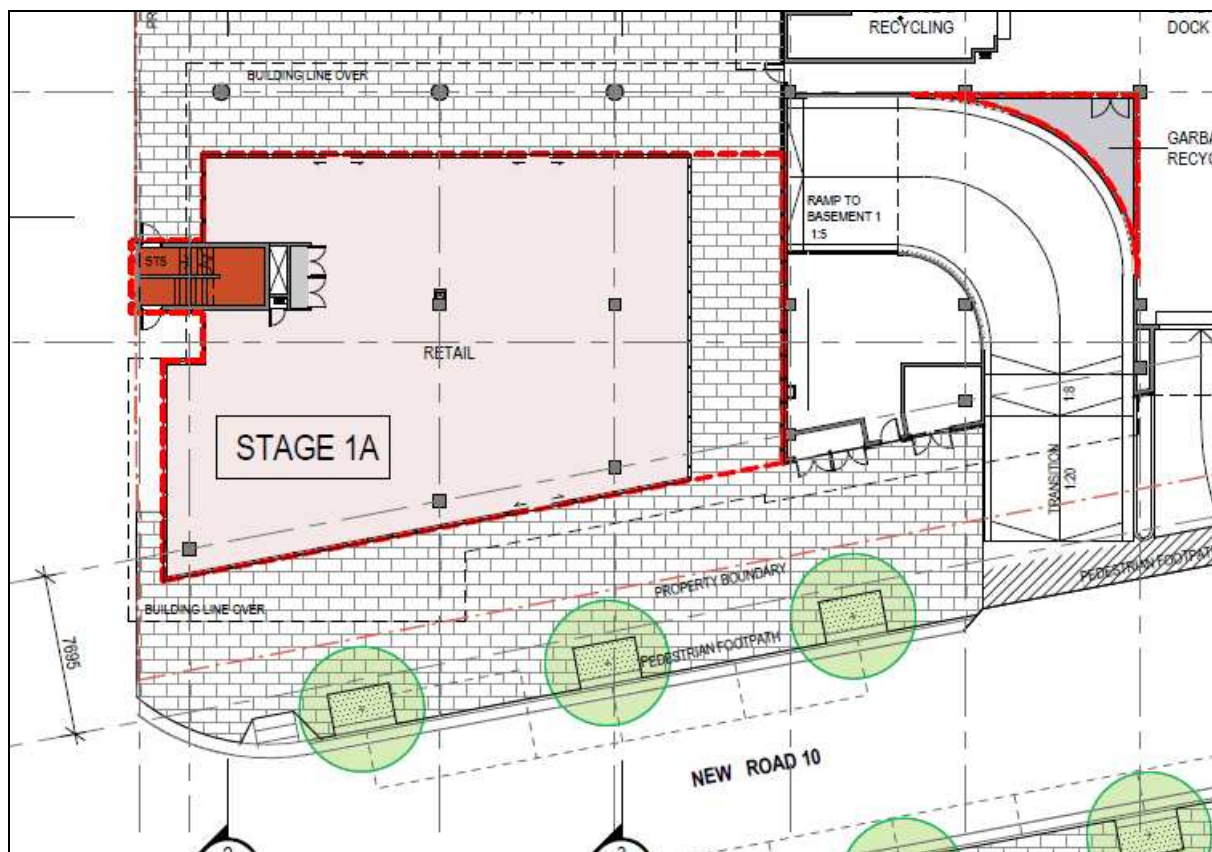


Figure 7: Stage 1A – Ground Floor Plan

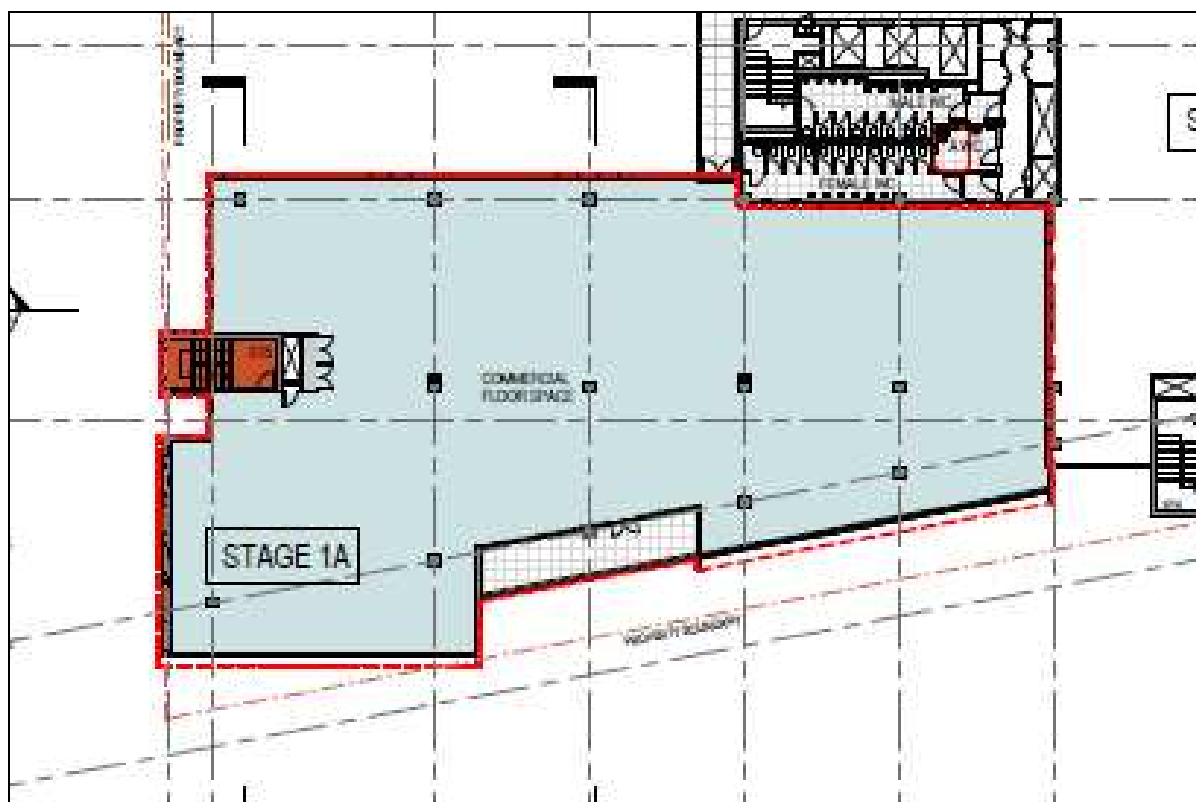


Figure 8: Stage 1A – Typical Floor Level



Figure 9: Stage 2 – Ground Floor Plan

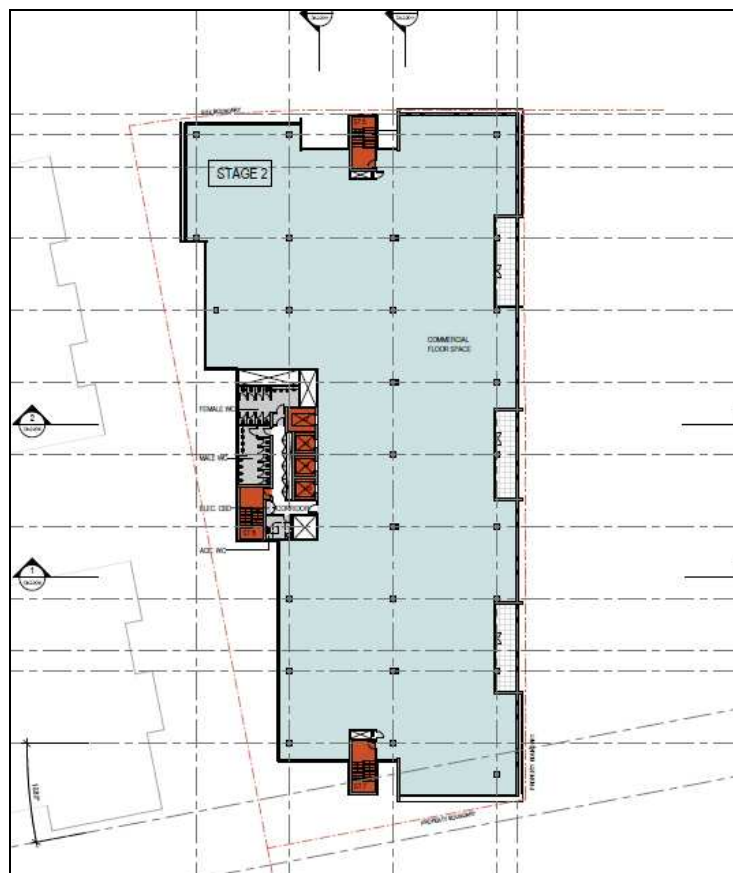


Figure 10: Stage 2 – Typical Floor Level

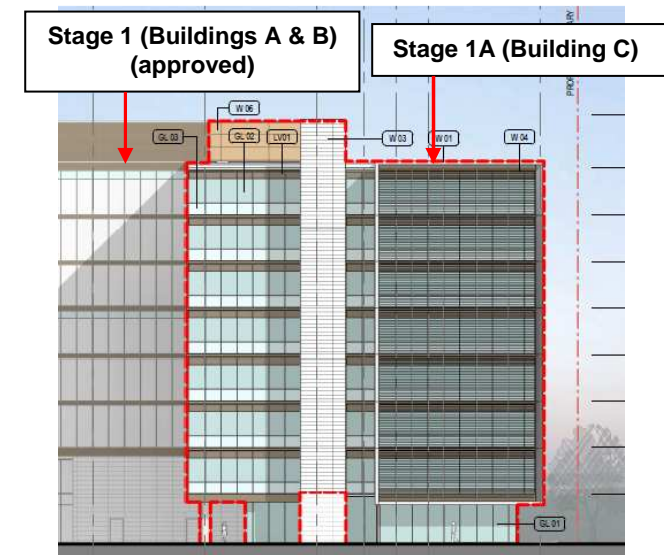
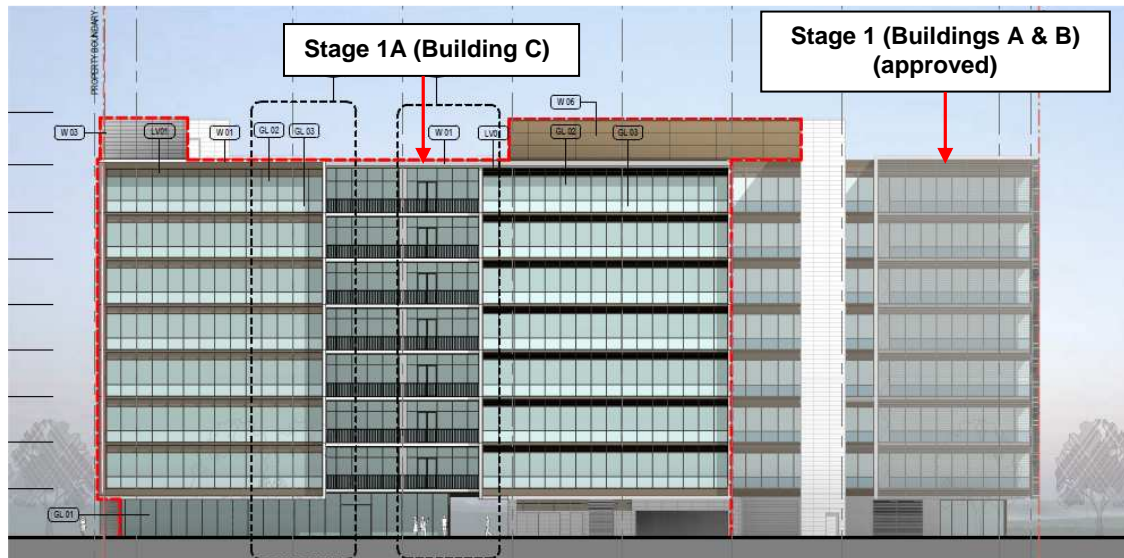


Figure 11: Stage 1A (Building C) South Elevation

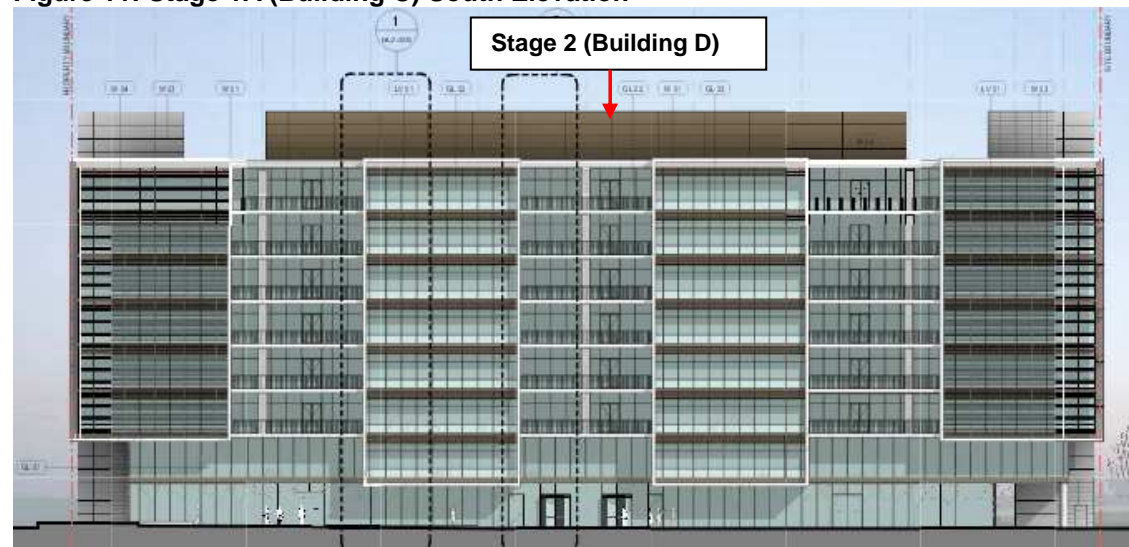


Figure 13: Stage 2 (Building D) East Elevation

Figure 12: Stage 1A (Building C) West Elevation

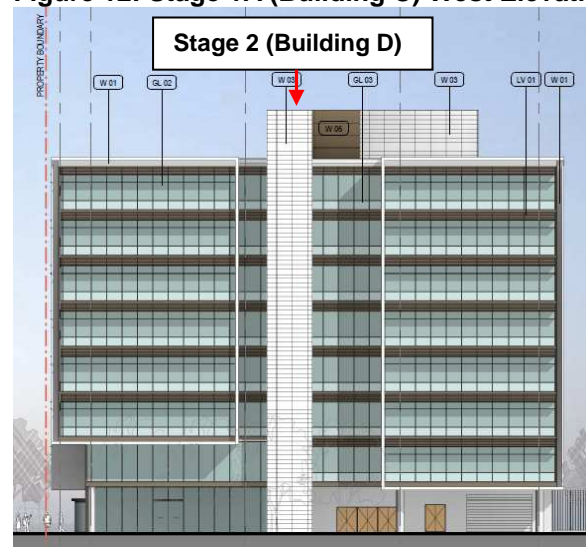


Figure 14: Stage 2 (Building D) North Elevation

2. STATUTORY AND STRATEGIC CONTEXT

2.1 SEPP (State and Regional Development) 2011

The proposals are for State significant development because they are developments with capital investment values of more than \$10 m on land identified as being within the Sydney Olympic Park Site, under Clause 2(f) of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011. Therefore, the Minister for Planning and Infrastructure is the consent authority.

2.2 Consent Authority

On 27 February 2013, the Minister for Planning and Infrastructure [delegated responsibility](#) for the determination of State significant development under Division 4.1 of Part 4 of the EP&A Act to the Executive Director, Development Assessment Systems and Approvals. The proposals comply with the terms of that delegation as Auburn City Council has not made an objection, a political disclosure statement has not been made and there are less than 25 public submissions on the proposals in the nature of objections.

2.3 Permissibility and Zoning

The site is zoned B4 Mixed Use under State Environmental Planning Policy (Major Development) 2005. The proposed mixed commercial and retail developments are permissible with consent under clause 9(3) of Part 23 of Schedule 3 of State Environmental Planning Policy (Major Development) 2005.

2.4 Environmental Planning Instruments

The department's consideration of relevant EPIs (including SEPPs) and the SOP Master Plan is provided in Appendix B. The proposals are generally consistent with the relevant requirements of the EPIs and the SOP Master Plan.

2.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the [objects of the EP&A Act](#) as set out in Section 5 of the Act. The development complies with the relevant objects because:

- the subject site will be developed in an orderly manner in accordance with the SOP Master Plan;
- the subject site is located in an existing urban area and will not have any adverse environmental impact; and
- the proposed buildings will incorporate ESD measures and achieve a 5 star green office rating.

2.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of [Ecologically Sustainable Development](#) (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

The department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts. The development is consistent with ESD principles as described in the applicant's EISs, which has been prepared in accordance with the requirements of Schedule 2 of the Regulation. ESD is also considered further in Section 4.2.4 of this report.

2.7 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

2.8 Strategic Context

The department considers the proposed development is consistent with and/or supports the following state and regional strategies:

NSW State Plan

- The proposed development will contribute to the growth and development of SOP which is a key vision in the NSW State Plan;
- The proposed development will increase employment in an established centre with good access to public transport; and
- The proposed buildings exhibit a high standard of environmental design.

Draft Metropolitan Plan for Sydney 2031

- The proposed development will create employment opportunities in SOP which is identified as a 'Specialised Centre' in the Draft Metropolitan Plan 2031;
- The proposal will also continue to support the growth of SOP as a sporting and recreational centre undergoing renewal since the Sydney Olympic Games in year 2000 by clustering business activities around areas with existing transport capacity; and
- The proposed development will strengthen SOP's role as a major employment area, and contribute towards the target of providing capacity for at least 14,000 more jobs in SOP by 2031.

Draft West Subregional Strategy

- The proposed development will provide local employment opportunities within the Auburn LGA, and a direct investment in the region of \$10.8 million CIV for Stage 1A and \$40.5 million CIV for Stage 2.

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1 Exhibition

In accordance with s.89F of the EP&A Act, cl.83 of the EP&A Regulation, the Director-General has made the applications and accompanying information publicly available for at least 30 days following the date of first publication (see **Table 2**).

Table 2: Exhibition Details

Exhibition/Notification	Medium	Dates
Publicly exhibited	Department of Planning and Infrastructure Information Centre, Auburn Council, Sydney Olympic Park Authority and on the department's website	8 August 2013 to 6 September 2013
Newspaper notice	Sydney Morning Herald (SMH) and Daily Telegraph (DT)	SMH and DT published 7 August 2013
Written notices to	Landholders, public authorities, local community groups	31 July 2013 for public authorities and 2 August 2013 for landowners

The department received two submissions from public authorities during the exhibition, including a submission from SOPA and a combined submission from Transport for NSW

(TfNSW) and Roads and Maritime Services (RMS). Additionally, the department received one submission from the general public during the exhibition.

A summary of the issues raised in submissions is provided in Sections 3.2 and 3.3 below.

3.2 Public Authority Submissions

A summary of submissions received from public authorities is provided below:

Sydney Olympic Park Authority (SOPA)

SOPA has indicated that they are satisfied with both applications and suggested the following information be provided to enable a proper assessment of both developments:

- intersection diagrams with all turning movements and SIDRA intersection data;
- analysis of the performance of the intersections at Herb Elliot Ave/Park St/New Road 16 and New Rd 10/Australia Avenue, particularly during the PM peak period as well as during mid-week major events; and
- clarification in terms of whether the glazing thicknesses of the buildings have considered potential noise emissions from major events.

Conditions of consent relating to the following matters were suggested by SOPA:

- submission of a management and maintenance plan for all water sensitive urban design assets, including the gross pollutant traps;
- submission of a final stormwater plan, construction management plan and a waste management plan identifying and dealing with asbestos contaminated waste;
- a requirement for all vehicles entering and leaving the Herb Elliot Avenue loading area in a forward direction;
- a requirement for a maximum 25 per cent of retail glazing to be in-filled;
- provision of details of the proposed stormwater and drainage measures;
- a limit on the construction hours; and
- submission of a workplace travel plan, event impact statement and a public domain interface plan.

Transport for NSW and Roads and Maritime Services

Transport for NSW and Roads and Maritime Services reviewed both applications and provided a consolidated response as follows:

- the car trip generation rate for the commercial component of the development should be based on the RMS's Guide for Traffic Generating Developments (2 per 100 sqm GFA);
- no survey data or reference is documented for the trip rate of 3 trips per space/hour for the retail and supermarket components;
- the intersection of Australia Avenue/Bennelong Parkway/Sarah Durack Avenue is likely to operate beyond its capacity;
- the traffic reports should consider the impact of other approved/ planned development within Sydney Olympic Park;
- the applications should demonstrate that the potential traffic impacts from the proposal do not detrimentally impact on bus services in the vicinity of the site; and
- clarification should be provided as to whether the noise and vibration impact assessments have taken into account the proximity of the railway station.

The following conditions of consent were suggested by TfNSW and RMS:

- detailed design plans of the intersection of Australia Avenue / New Road 10 should be submitted to the RMS for review prior to commencement of any road works;
- a requirement for the layout of the proposed car parking areas associated with the proposed development to be in accordance with AS 2890 Parts 1, 2 and 6;
- a requirement for all works and regulatory signposting associated with the proposed development shall be at no cost to the RMS; and

- submission of a Construction Traffic Management Plan.

The department has given consideration to the comments and recommended conditions provided by SOPA and TfNSW/RMS and is satisfied the applicant's RtS and additional information has satisfactorily addressed the matters raised by both agencies. Further consideration of the issues is provided in **Section 4.2.1**. The department has also included a number of the recommended conditions in the consent.

3.3 Public Submission

One public submission was received during the exhibition which did not object, but raised concerns with the provision of car parking, and requested that the applicant comply with the applicable car parking rates in the SOP Master Plan. This issue is addressed in Section 4.2 of this report.

3.4 Applicant's Response to Submissions

The applicant provided a Response to Submissions (RtS) which addressed the issues raised in the submissions. The department is satisfied that the RtS satisfactorily addresses the issues raised.

4. ASSESSMENT

4.1 Section 79C Evaluation

Table 4 identifies the matters for consideration under s. 79C that apply to State significant development, in accordance with s. 89H of the EP&A Act. The table also represents a summary for which additional information and consideration is provided for in **Section 4.2** (Key and Other Issues), and relevant appendices or other sections of this report and the EIS are referenced in the table. The EIS has been prepared by the applicant to consider these matters and those required to be considered in the DGRs and in accordance with the requirements of s. 78(8A) of the EP&A Act and Schedule 2 of the Regulation.

Table 4: s79C(1) Matters for Consideration

<u>s. 79C(1) Evaluation</u>	Consideration
(a)(i) any environmental planning instrument	Complies. Consideration of relevant EPI's has been undertaken in Appendix B.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 provides that development control plans do not apply to State significant development. Notwithstanding, consideration of the Sydney Olympic Park Masterplan 2030 (deemed a DCP) has been undertaken in Appendix B.
(a)(iiia) any planning agreement	The applicant will pay a contribution to SOPA under the Sydney Olympic Park Infrastructure Contribution Framework (ICF) via a Voluntary Planning Agreement (VPA) and the construction of the future Road 10 and Road 16 will be funded from the ICF pool of funds.
(a)(iv) the Regulations	The development applications satisfactorily meet the relevant requirements of the EP&A Regulation, including the procedures relating to development applications (Part 6 of the EP&A Regulations), public participation procedures for SSD's and Schedule 2 of the EP&A Regulation relating to environmental impact statements. Refer to Section 2.7 of this report.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered in Section 4.2 of this report.
(c) the suitability of the site for	The suitability of the site has been considered in Section 4.2.7 of

the development	this report.
(d) any submissions	Consideration has been given to submissions received during the exhibition of the applications in Section 3 of this report. Key issues raised in submissions have been considered further in Section 4.2 of this report.
(e) the public interest.	The public interest of the development has been considered in Section 4.2.8 of this report
Biodiversity values exempt if: (a) On biodiversity certified land? (b) Biobanking Statement exists?	Not applicable. Not applicable.

4.2 Key Issues

The department considers the key environmental assessment issues for both applications to be:

- transport;
- built form and urban design; and
- amenity impacts.

4.2.1 Transport

Traffic Generation

The impacts from traffic generation for the entire development of Site 43/44 (Stage 1, 1A and 2) were assessed as part of the approved Stage 1 application. The net additional traffic generation assessed in the approved Stage 1 application was 410 vehicles per hour (vph) during the AM peak and 461 vph during PM peak period.

The traffic assessment undertaken in the approved Stage 1 application has been revisited in the applications for Stage 1A and 2. The applicant's revised traffic assessment predicts the increase in traffic generation is equivalent to 337 vph during the AM peak and 402 vph during the PM peak. This represents a reduction of 18 per cent in the AM peak and 13 per cent in the PM peak when compared to the original traffic assessment undertaken as part of the approved Stage 1 application. The department notes the reduction is due to changes in land use composition, floor areas and the existing traffic generation from the warehouse, which was excluded in the original modelling exercise.

The traffic assessment also includes an examination of the distribution of traffic generated by the full development of the site on the existing road network to ascertain the impact on key intersections in the area. The traffic assessment concludes that the external road network can generally accommodate the additional traffic generated by development of the entire site, except for the M4 Off-ramp which currently operates at a level of Service F which will continue. In addition, the intersection of Australia Avenue and Sarah Durack Avenue would reduce slightly to a level of service D in the PM peak period, due to the southbound vehicles using Australia Avenue increasing queue lengths.

The RMS take an opposing view in relation to traffic generation and consider that the overall development could potentially generate more than 800 vph during the PM peak period. RMS also consider that the intersection at Australia Avenue/Bennelong Parkway/Sarah Durack Avenue will operate beyond its capacity at full development of the subject site.

The main reason for the discrepancy relates to the use of a different traffic generation rate for the commercial component. The applicant's estimation of traffic generation is based on trips

per parking space (0.8 trips/space/hr) whereas the RMS assessment is based on trips as a function of floor area (2 trips/100 sqm GFA).

The applicant argues that the rate adopted by the RMS in the *Guide to Traffic Generating Developments* is based on outdated surveys which do not take into account the significant increase in peak spreading due to the increase in part-time and casual workforce population, and the behavioural response to increased traffic congestion on the road network. The applicant also advises that the RMS rate does not take into account the suppressed parking supply which is 50 per cent of the RMS parking rate and underpins the RMS traffic generation rate.

The RMS considers a 'trip per space assessment' does not take into account additional trips that may occupy on street parking. However, the department notes the on-site parking is predominantly for tenants who will be discouraged from using on-street parking due to the short term parking restrictions.

The department also notes that recent surveys undertaken by the applicant's traffic consultant for other similar sites at SOP demonstrate a reduced traffic generation compared to the RMS standard trip rate adopted in the assessment resulting in a satisfactory outcome for all intersections. The department also notes that even though these results have not been relied upon in the assessment, they nevertheless indicate a satisfactory outcome for all intersections. The department considers the methodology adopted in the applicant's traffic assessment for the commercial component is reasonable.

In addition, RMS is concerned that there was no survey data provided to support the trip rate of 3 trips/space/hr adopted in the applicant's traffic assessment for the retail and supermarket components. The RMS have adopted a traffic generation rate for the supermarket and retail components of 15.5 vph/100 sqm and 4.6 vph/100 sqm, respectively, in accordance with the *Guide to Traffic Generating Developments*.

The applicant's traffic consultant has advised that the retail rate of 3 trips/space was adopted in the original traffic assessment for approved Stage 1 development. The department notes that the parking supply has been reduced and that the RMS assessment based on trips as a function of floor area does not appear to take this aspect into consideration. The department agrees that the reduced parking on the site will generate lower traffic movements and assist in promoting alternative modes of travel. The department also notes that the retail component is relatively small in area and is likely to service the day to day needs of residents and workers within walking distance of the site. The department considers the methodology adopted in the applicant's traffic assessment for the retail component is reasonable.

The department's view is that the discrepancy in the calculation of traffic generation between the applicant's traffic consultant and the RMS should be considered in the context of traffic generated by the full development of the entire precinct. Whilst the maximum commercial development planned in the SOP Master Plan cannot be supported by the current levels of public transport use and the current road network, the infrastructure included in the *Sydney Olympic Park Infrastructure Contribution Framework* has been generally designed to cater for development envisaged under the SOP Master Plan. Furthermore, the department notes that the anticipated transport demands will be met through a number of initiatives including implementation of travel demand strategies, and the upgrade of intersections and other transport enhancements for the entire precinct. The department therefore considers the proposed traffic impacts to be acceptable.

Additional Traffic Analysis

RMS requested a cumulative assessment of other approved/planned developments within SOP. The applicant's traffic consultant considers that it is unnecessary to consider the development in a 'strategic planning context' as this should be the responsibility of council, RMS and SOPA. The department agrees with the applicants view and therefore no cumulative assessment is warranted in this particular case.

RMS also recommends further assessment of the intersection of Homebush Bay Drive/Australia Avenue/Underwood Road in the wider locality. However, the applicant's traffic consultant considers the subject intersection, as well as other critical strategic intersections in the wider locality, will need to be assessed over time to ensure they can operate satisfactorily once the planned developments are established. The department agrees with the applicant's traffic consultant that there are a number of stakeholders that should be involved in this process and that it should not be a constraint to this particular development. The department therefore does not agree any further assessment of this intersection is warranted in this case.

SOPA has requested intersection diagrams and turning movements associated with the performance of the key intersections. This information was provided in the applicant's RtS. SOPA has also stated that no analysis had been undertaken on the anticipated intersection performance of Herb Elliot Ave/Park St/New Road 16 or New Road 10/Australia Avenue. The department notes that the performance of the intersection of New Road 10/Australia Avenue has been assessed in the original traffic assessment for the approved Stage 1 for the entire site. The function, traffic implications and performance of New Road 16 and its intersection with Herb Elliot Avenue has also been assessed during the development of the Masterplan. The applicant's traffic consultant considers the intersection will perform at a satisfactory level of service with minimal delays under normal traffic conditions. Notwithstanding, the department considers that additional modelling of the intersection should be undertaken prior to the issue of a Construction Certificate so that any minor amendments to the future intersection layout can be identified at the detailed design stage.

SOPA have also requested that modelling of the intersection be undertaken to identify its future operation during major events. The department agrees with the applicant's response that this is a traffic management issue that requires a holistic assessment of the entire SOPA precinct. The department therefore does not consider that the assessment should be undertaken as part of this particular development.

Car Parking

The car parking for the entire development of the site will be delivered in two separate stages. The first stage will involve the construction of Basement level 1 which comprises 278 spaces. These spaces will service Stage 1 and 52 of the proposed 70 spaces for Stage 1A. The remaining 18 spaces for Stage 1A will be delivered during construction of the Stage 2 basement car park.

A maximum of 89 spaces is permitted under the SOP Master Plan for Stage 1A based on a GFA of 6,489 sqm for the commercial component and 409 sqm for the retail component. A total of 70 spaces will be allocated to Stage 1A. A maximum of 210 spaces is permitted for Stage 2 based on a GFA of 15,657 sqm for the commercial component and 712 sqm for the retail component. A total of 205 spaces will be provided for Stage 2.

The applicant identified a discrepancy in the total number of car spaces over the entire site in the original EIS submitted with both SSD applications. The original EIS states that there would be a total of 504 spaces for the entire site. However, the actual number of spaces to be provided is 501. The department considers this to be a minor discrepancy and agrees with

the applicant's traffic assessment that the revised total of 501 spaces will continue to comply with SOPA's maximum car parking rates and there will be no adverse impact arising from the reduction. The department considers the provision of parking for both stages of the development is acceptable. The revised breakdown of car spaces for the entire site is provided in **Table 2** below.

Table 2: Breakdown Floor Areas and Parking

Land Use	Area	SOPA parking rates	Maximum permissible	Proposed spaces
Stage 1				
Commercial	16,425	1/80 sqm	205	205
Supermarket	475	1/25 sqm	19	19
Retail	109	1/50 sqm	2	2
Sub-total			226	226
Stage 1A				
Commercial	6,489 GFA	1/80 sqm	81	63
Retail	409 NLA	1/50 sqm	8	7
Sub-total			89	70
Stage 2				
Commercial	15,657	1/80 sqm	196	196
Retail	712	1/50 sqm	14	9
Sub-total			210	205
TOTAL			525	501

Bicycle Parking

The SOPA bicycle parking rates of 1 per 150 sqm for staff and 1 per 750 sqm for visitors applies to the site. Stage 1A will require a minimum of 52 spaces. A total of 64 bicycle spaces will be provided for Stage 1A. Some of these spaces will be provided as part of the modification works to the basement. A total of 9 spaces will be provided as part of this development for Stage 1A. Stage 2 will require a minimum of 104 bicycles for staff and 21 spaces for visitors. A total of 133 commercial spaces and 22 visitor spaces will be provided for Stage 2. The proposal satisfies SOPA's minimum bicycle requirements.

4.2.2 Built Form and Urban Design

Design Excellence and Design Competition

In accordance with the MD SEPP, development consent must not be granted for the erection of a new building at SOP unless the consent authority has considered whether the proposed development exhibits design excellence. The SOP Masterplan identifies the subject site 43/44 as a 'Design Competition' site and a design competition was held on 31 May 2010.

In selecting the preferred proposal by Architectus, the Design Competition Jury made a number of recommendations in relation to façade treatment, materials and finishes, use of a green wall, lift access in Stage 1A, roof treatment and road construction and on-street parking.

The Stage 1A and Stage 2 proposals are generally consistent with the preferred design with the exception of some minor changes to the layout, footprint and facades of the new buildings.

The Stage 1A proposal includes minor changes to the building footprint, which now provides a straight edge to the plaza, minor changes to the through site link at ground level, relocation of a stairwell to the western elevation, and additional articulation and modulation of the facades, including balconies along the southern facade.

The Stage 2 proposal also includes some minor departures from the preferred design, with the addition of a central foyer on the ground floor, minor relocation of the lift core and WC area, and additional articulation and modulation of the facades, including balconies along the eastern facade.

The department considers that the changes to the design provide greater articulation, modulation and animation when the buildings are viewed from the public domain. The visual impact associated with the rooftop of both buildings from neighbouring sites has been addressed by incorporating a circular pattern which provides visual interest. The proposed plant rooms and lift overrun have now been consolidated in the centre of the roof to reduce their visibility from the public domain. The originally proposed green wall elements have been removed given they would be problematic from a building management and maintenance perspective.

The department notes that SOPA raised no objection with the design of the Stage 1A or Stage 2 proposals and raised no objection to the proposed minor departures from the preferred design.

The department is satisfied that the overall arrangement and layout of the proposed Stage 1A and Stage 2 building footprints is generally consistent with the preferred design, and the minor changes outlined above are largely in response to the Design Competition Jury's recommendations. The proposals will achieve a high standard of architectural design and the external appearance of the buildings will improve the quality and amenity of the public domain. The articulation, form, heights, massing, palette of materials and design elements are also consistent with the contemporary architectural expression of the approved Stage 1 development. It is also noted that the Stage 1A and Stage 2 proposals incorporate a number of ecologically sustainable development initiatives (refer to discussion in **Section 4.2.3**).

The department is therefore satisfied that the Stage 1A and Stage 2 proposals would exhibit design excellence, having regard to the relevant considerations in the MD SEPP.

Height, Bulk and Scale

The MD SEPP permits a maximum Floor Space Ratio (FSR) for the subject site of 3.5:1 and building height of 35 m. The SOP Master Plan also specifies a maximum FSR of 3.5:1 and building height of 8 storeys. The total FSR for the entire site as approved in Stage 1 and now proposed in Stage 1A and 2 is equivalent to an FSR of 3.47:1. The height of the proposed buildings in Stage 1A and Stage 2 will be a maximum of 8 storeys or 33.6 m. The Stage 1A and Stage 2 proposals therefore comply with the key built form controls in the MD SEPP and the SOP Master Plan.

The height, bulk and scale of the proposals is consistent with the desired future large scale mixed commercial and retail character of the site and the surrounding 'Central Precinct' under the SOP Masterplan. The department notes that the proposed buildings are generally consistent in form and scale with the adjacent commercial buildings to the north which are eight storeys in height.

In addition to the key built form controls, the SOP Master Plan also includes a number of other additional detailed building form controls and guidelines relating to the building zone, building depth, rooftop service zone, building separation, design excellence, and building expression. The department has undertaken an assessment of the proposals against these additional building form controls and guidelines in **Appendix B** of this report.

The department is satisfied that the proposed height, bulk and scale of the proposed Stage 1A and Stage 2 proposals comply with the relevant controls in the MD SEPP and the SOP

Master Plan and is consistent with the desired future form and scale of development on the site.

Public Domain

Both the Stage 1A and Stage 2 proposals incorporate retail tenancies and entry to the basement car park areas at ground level, and the remaining seven levels above comprise the commercial floor space areas. The Stage 1A proposal also incorporates a through site link on the ground level which provides pedestrian access between the plaza and the future Road 10, and the Stage 2 proposal (Building D) incorporates a reception foyer, lift access area, plant and a loading zone on the ground floor. The public domain elements for both stages generally comply with the relevant public domain and urban design controls in the SOP Master Plan.

As identified in **Section 1.3** of this report, the construction of Roads 10 and 16 and the associated kerb, foot paths, gutters, lighting, drainage and landscaping on the road verges does not form part of the current Stage 1A and Stage 2 applications, and will be undertaken by SOPA via a separate approval.

Additionally, the landscaping and treatment of the public domain areas in the immediate vicinity of the Stage 1A proposal was considered and approved as part of the Stage 1 Section 75W modification application. The approved landscaping and public domain works included paved treatments, provision of a central planter box in the public plaza, lighting and integrated seating and shading.

The Stage 2 proposal details some minor public domain works in the immediate vicinity of the building, including paved and asphalt treatments and some additional plantings. The proposed landscaping and public domain works for Stage 2 will form a continuation of the landscaping approved for Stages 1 and 1A and will connect the various active frontages of the development.

The department is satisfied that the proposed public domain treatments satisfactorily complement the development and are consistent with the existing public domain environment in the surrounding locality.

In accordance with the recommendations of SOPA, the department has recommended a condition requiring the preparation of a public domain interface plan which will link the public domain works for Stage 1A and Stage 2 with the public domain and streetscape works to be undertaken by SOPA along new Roads 10 and 16.

4.2.3 Amenity Impacts

Visual Impacts

The proposed development will not have any significant impacts on key views and vistas within the precinct. There is some potential view loss from the lower levels of the approved residential towers (up to 30 storeys) to the west at Nos. 1-11 Australia Avenue. However, the department considers the view impacts to be minor in the context of the views retained by the majority of apartments over the development site and to the east towards Sydney CBD skyline. In any event any potential view loss is not unreasonable given the proposals consistency with the maximum building height, FSR and upper level building setback controls applicable to the site.

Overshadowing

The proposed development in Stages 1A and 2 will result in additional overshadowing compared to the existing and approved buildings due to the increased height and scale of development proposed for the site.

The shadows diagrams submitted with the application illustrate that at 9:00 am during the winter solstice, the shadows cast by the Stage 1A development will mainly fall on the adjoining new Road 10 and Road 16 and partly affect the northern elevation of the proposed building in Stage 2. However, the shadows will move further east by midday and mainly affect the adjoining new Road 10 to the south and part of the car park on the existing commercial site at 1 Figtree Drive. At 3:00 pm during the winter solstice, the shadows cast by the building will mainly affect Australia Avenue to the west.

The shadow diagrams submitted with the application illustrate that at 9:00 am during the winter solstice the shadows cast by the Stage 2 development will mainly fall on the adjoining site to the west which is earmarked for future commercial development under the SOP Master Plan. However, the shadows will move further east by midday and mainly affect adjoining Road 10. At 3:00 pm the shadows cast will mainly affect the adjoining Road 10 and the car park on the existing commercial site at 1 Figtree Avenue.

The department notes that the development in Stages 1A and 2 would not adversely affect solar access of the central courtyard, which is the primary public domain area of the development on the site.

The department considers that there will be minimal impact to adjoining properties from overshadowing. In any event the level of overshadowing is expected through the proposal's consistency with the maximum building height, FSR and building setback controls applicable to the site and is therefore acceptable.

Visual Privacy

The Stage 1A building will have a 20 m setback to the boundary at No. 1 Figtree Avenue afforded by the adjoining road reserve on the southern side of the building. The internal courtyard adjoining the northern side of the building provides a separation of approximately 25m to the approved Stage 1 development. The adjoining road reserve to the west (Australia Avenue) provides a setback of about 20 m.

The Stage 2 building will have a 20 m separation to the boundaries of neighbouring properties to the north, east and south afforded by the adjoining road reserves. The western building setback to the boundary varies between approximately 3 m to 6 m. The department notes that the adjoining site to the west is planned for commercial development under the SOP Master Plan.

The department considers that the expectation for visual privacy between commercial buildings is lower than for residential development and the proposed separation to the western boundary is therefore acceptable.

Wind

A separate Pedestrian Wind Statement was provided for the Stage 1A and Stage 2 applications. The Statements indicate that both sites are potentially exposed to the adverse wind conditions due to a number of factors such as the orientation/alignment of the roads and potential accelerations around the corners of the development.

The Statements conclude that the wind conditions for all trafficable outdoor areas within and around the site will be adequate subject to densely foliating trees being retained in the final design of the development. The public domain landscape measures for Stage 1A are included in the approved Stage 1 application. However, the department considers the Public Domain Interface Plan for Stage 2 should incorporate landscape measures to mitigate wind impacts. A condition to that effect is recommended on the development consent.

Noise and Vibration

The main sources of noise affecting the subject site is traffic along Herb Elliot Avenue, train noise and vibration from the rail corridor across Australia Avenue, major event noise and plant and machinery.

An Acoustic Assessment undertaken by Acoustic Logic was submitted with the application for Stage 1A and 2. In order to comply with the requirements of *AS2107-2000 and Development Near Rail Corridors and Busy Roads-Interim Guidelines*, the acoustic assessment recommends that all glazing and doors are fitted with acoustic seals and glazing achieves a minimum thickness of 10mm to minimise external noise intrusion into the building. The acoustic treatments are also sufficient to minimise noise intrusion from major events which have been taken into account in the acoustic assessment. The department notes that SOPA will continue to use 'Public Positive Covenants' to ensure landowners and lessees acknowledge potential noise impacts from major events.

In addition, the train vibration measurements undertaken as part of the Acoustic Assessment for both Stage 1A and Stage 2 indicates compliance with *BS 6472:1992 Evaluation of Human Exposure to Vibration in Buildings*.

The department considers the acoustic impacts have been adequately addressed for both applications.

4.2.4 Other

Compliance with the MD SEPP and the Master Plan 2030

A comprehensive assessment of Stage 1A and Stage 2 proposals against the relevant provisions of the MD SEPP SOP Master Plan is provided in **Appendix B** of this report. Both applications comply with the building height and floor space ratio controls in the MD SEPP and the SOP Master Plan. The key areas of non-compliance are discussed below.

Setbacks

The SOP Master Plan requires a nil building setback to the boundary along Herb Elliot Avenue and Australia Avenue. The ground floor of the Stage 2 (Building D) proposal will be setback 7.2 m to 8.2 m from the Herb Elliot Avenue boundary which represents a departure from the control. In addition, a 3 m building setback applies to new Road 10. The ground floor of the Stage 2 (Building D) proposal is set back more than 3 m to the new Road 10, however, the building encroaches the 3m setback at the upper levels where the building extends to the boundary. The ground floor of the Stage 1A (Building C) proposal is set back more than 3 m to the new Road 10, however, the building encroaches the 3 m setback at the upper levels, where the building extends to the boundary.

The applicant justifies the departure from the setback controls on the basis the development has been subject to a design competition and the proposed departures have already been endorsed by a Design Competition Jury. Additionally, the applicant identified that the departure from the setback controls is justified as the allotment is irregular in shape and the

design of the development would visually reinforce and define the street edges and the street corners.

The department considers the departure from the setback controls to be minor in nature given that the encroachment occurs at the upper levels of the buildings, and the ground floor levels would still generally comply and provide suitable pedestrian footpath access, landscaping and amenity. The department also agrees the design has been scrutinised through a design competition process and is therefore acceptable. It is therefore not considered necessary to require the applicant to revise the design to comply with the setback control. The department notes that SOPA raised no objection to the proposed departures from the setback controls.

It is also noted that the approved Stage 1 application (Buildings A & B) (as modified) also included a departure from the setback controls to the new Road 10, with the same level of encroachment at the upper levels as that proposed in the current Stage 1A and Stage 2 proposals.

Building Depth

The building depth control specifies that commercial buildings should have a preferred maximum depth of 25 m. Whilst the Stage 1A proposal has a maximum building depth of 24 m, and the majority of the Stage 2 proposal has a maximum building depth of 24 m, the northern portion of the Stage 2 is 34.6 m. The applicant justifies the departure from the setback controls on the basis the development has been subject to a design competition and the proposed departures have already been endorsed by a Design Competition Jury. The department considers the departure from the building depth controls to be minor in nature given that it occurs only in a small portion of the northern portion of the Stage 2.

Ecologically Sustainable Development

The proposed development for both Stage 1A and 2 will achieve a 5 Star Green Office Rating and a 5 star NABERS. The following key ESD initiatives will be adopted in the detailed design of both buildings:

- use of effective shading devices on the façade;
- provision of natural daylight through an atriums;
- implementation of carbon dioxide monitoring and control system;
- use of efficient air conditioning and lighting systems; and
- a rainwater recycle system.

The department considers the proposed ESD measures will assist to minimise the consumption of resources, water and energy.

Construction Impacts

The applications for both Stage 1A and Stage 2 include a Construction Management Plan which sets out measures that will be adopted to minimise impacts to the surrounding area during the construction phase from noise and vibration.

In addition, the acoustic assessment submitted for both applications identifies the relevant noise and vibration criteria in particular the *NSW EPA Interim Construction Noise Guideline* and *Australian Standard 2436-1981 Guide to Noise Controls on Construction Maintenance and Demolition Site*. The Acoustic Assessment recommends a detailed Noise and Vibration Management Plan to be undertaken at the Construction Certificate stage. The department

considers that this is adequate to address potential noise and vibration impacts to the surrounding area during the construction phase.

It is proposed to submit a detailed Construction Management Traffic Plan to SOPA and the principal certifying authority for approval as part of the Construction Certificate stage. The department considers this is adequate to address the traffic management at the construction stage.

Suitability of the Site

The site is considered suitable for the proposed development because:

- it will contribute towards the emerging high density mixed use Central Precinct within SOP;
- it is accessible to public transport services, including the Sydney Olympic Park Railway Station and bus services on Australia Avenue and Murray Rose;
- it does not contain any areas of ecological significance and is located outside identified contaminated areas within SOP; and
- it is well serviced by utilities, including water, gas, electricity and telecommunications.

Public Interest

The proposed development will provide a number of significant social and economic benefits for the region by:

- providing additional commercial uses within the growing employment and mixed use centre of Sydney Olympic Park;
- providing a complementary mix of land uses, including a retail land uses, which will contribute towards servicing the demand generated by the development itself as well as the broader precinct;
- promoting more employees to use sustainable travel modes, including public transport, walking and cycling;
- incorporating ecologically sustainable development initiatives in the design, construction and on-going operation of the development;
- contributing towards the target of providing at least 14,000 more jobs in Sydney Olympic Park by 2031, through the provision of 46 construction jobs and 713 operational jobs for Stage 1A and 108 construction jobs and 1591 operational jobs for Stage 2; and
- increasing investment opportunities for the region, including \$10.8 million capital investment value for the Stage 1A proposal and \$40.5 million capital investment value for Stage 2 proposal.

Given the residual impacts associated with the development can be mitigated and managed, the department considers the proposal to be in the public interest.

5. CONCLUSION AND RECOMMENDATION

5.1 Conclusion

The proposed Stage 1A and Stage 2 applications are the remaining building and car parking components of Site 43/44 in the SOP Master Plan.

The department is satisfied the design and layout of is generally consistent with the planning and design principles and controls in the SOP Master Plan.

The department has reviewed the EIS and considered the submissions in relation to both applications for Stage 1A and Stage 2. The issues raised in the submissions have been carefully considered and all relevant environmental issues associated with the proposal have been thoroughly assessed.

The department is of the view that the recommended conditions will adequately mitigate any environmental impacts of the proposal.

The proposals will provide additional commercial and retail uses within an emerging employment and mixed use centre and contribute to the creation of a vibrant town centre envisaged under the SOP Master Plan. The department therefore considers the proposal is in the public interest.

Accordingly the department recommends that both SSD applications for Stage 1A and Stage 2 be approved, subject to conditions.

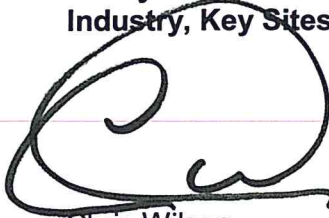
5.2 Recommendation

It is recommended that the Executive Director, Development Assessment Systems and Approvals:

- **consider** the findings and recommendations of this report;
- **approve** the development application under Section 89E of the EP&A Act; and
- **sign** the attached development consents (refer to **Tags A** and **B**).

Endorsed by:

 20/12/13.
Chris Ritchie
Policy & Assessment Lead
Industry, Key Sites & Social Projects

 23.12.13
Chris Wilson
Executive Director
Development Assessment Systems and Approvals

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Infrastructure's website as follows.

1. Environmental Impact Statements

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5676

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5677

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5676

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5677

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5676

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5677

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND DCP(S)

The primary controls guiding the assessment of the proposal are:

- a) State Environmental Planning Policy (State and Regional Development) 2011
- b) State Environmental Planning Policy (Major Development) 2005
- c) State Environmental Planning Policy No.55 – Remediation of Land
- d) State Environmental Planning Policy (Infrastructure) 2007
- e) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- f) Sydney Olympic Master Plan 2030

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify State significant development (SSD) and State significant infrastructure (SSI) and provide the necessary functions to joint regional planning panels to determine development applications.

The proposed Stage 1A and Stage 2 proposals are for SSD in accordance with s. 89C of the Environmental Planning and Assessment Act 1979 (EP&A Act) because they are developments that have capital investment values of more than \$10 million on land identified as being within the Sydney Olympic Park Site, under clause 2(f) of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy (Major Development) 2005 (MD SEPP)

The aims of the MD SEPP are to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State, and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public

purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

SOP is identified as a State Significant Site under the MD SEPP, and Part 23 of Schedule 3 of the MD SEPP identifies a number of provisions relating to the carrying out of development within SOP, which are considered below.

Clause 7 Lane Use Zones

Pursuant to clause 7(2), Part 23, Schedule 3 of the MD SEPP, a consent authority must have regard to the objectives for development in a zone when determining applications. Consideration of the Stage 1A and Stage 2 development proposals against the objectives of the B4 Mixed Use Zone is provided below.

Clause 9 Zone B4 Mixed Use

The subject site is zoned B4 Mixed Use under the MD SEPP. The objectives of the B4 Mixed Use Zone are:

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

The proposed Stage 1A and Stage 2 development proposals are consistent with the objectives of the B4 Mixed Use Zone as the developments:

- would not adversely affect the major events capabilities of Sydney Olympic Park;
- are located in close proximity to accessible public transport services;
- provide a mixture of compatible land uses;
- incorporate a number of ESD initiatives; and
- would generate construction and operational employment opportunities.

The proposed Stage 1A and Stage 2 mixed commercial and retail development proposals are permissible with consent under Clause 9(3) of Part 23 of Schedule 3 of the MD SEPP.

Clause 16 Subdivision – Consent Requirements

Subdivision of land within the Sydney Olympic Park requires consent, with the exception of subdivision which relates to widening a public road, minor boundary realignment, lot consolidation, rectifying an encroachment on a lot, creating a public reserve or exercising a lot to be used for public purposes.

Subdivision of the site has been undertaken via a separate development application with Sydney Olympic Park Authority (DA 10-07-2013).

Clause 18 Height of Buildings

The height of a building on any land within the Sydney Olympic Park site is not to exceed the maximum height shown for the land on the Height of Buildings Map or the Reduced Level Map, whichever is applicable. The site has a maximum height of 33 m on the Height of Buildings Map.

Both the Stage 1A building and the Stage 2 building have maximum heights of 32.35 (to top of plant), and would therefore comply with the 33 m height limit.

19 Floor space ratio

The maximum floor space ratio for a building on any land within the Sydney Olympic Park site is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The Floor Space Ratio Map identifies that the site has a FSR control of 3.5:1 for the site.

The total Site 43/44 development (Stage 1 (as modified), Stage 1A and Stage 2) would result in a total FSR of 3.47:1, and would therefore comply with the 3.5:1 FSR control.

20A Demolition Requires Consent

The demolition of a building or work requires consent, unless it is identified as exempt development in an applicable environmental planning instrument.

Sydney Olympic Park Authority (SOPA) has recently approved a separate development application (DA 09-05-2013) to demolish the existing warehouse buildings located on the site.

22 Exceptions to development standards—other development

Development consent may be granted for development, even though the development would contravene a development standard imposed by the MD SEPP or any other environmental planning instrument, provided the consent authority considers a written request from the applicant that seeks to justify the contravention of the development standard, the proposal is in the public interest and the concurrence of the Director-General is obtained.

The proposed Stage 1A and Stage 2 mixed commercial and retail development proposals would not contravene any development standards imposed by the MD SEPP or any other environmental planning instrument, therefore the applications do not seek any exceptions to the applicable development standards.

23 Public utility infrastructure

The consent authority is required to be satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The EIS's and appendices for the Stage 1A and Stage 2 proposals identify that the site has access to a full range of utility services, including potable and no-potable water, sewer, gas and electricity. A condition has also been included requiring the applicant to consult and obtain written advice from various utility service providers regarding connection, relocation and/or adjustment of any services affected by the development.

24 Major events capability

The consent authority is required to consider impacts of the proposal during major events held within the Sydney Olympic Park site, including consideration of traffic, crowd management, functioning of major event infrastructure, and emergency evacuation plans.

The EIS's were accompanied by a Preliminary Construction Traffic Management Plan which includes management measures to control construction related impacts on the operation of major events (such as maintaining footpath access during major events). Additionally, the EIS's were accompanied by an Acoustic Report which addresses potential noise generated by major events on building occupants.

The department has recommended the preparation of an Event Management Statement in consultation with SOPA prior to the issue of an Occupation Certificate.

25 Transport

Development consent must not be granted for development on land within the Sydney Olympic Park site unless the consent authority is satisfied that the development includes measures to promote public transport use, cycling and walking.

The site is highly accessible to public transport services with the Sydney Olympic Park Railway Station located 200 m to the north-west of the site and bus services on Australia Avenue and Murray Rose within walking distance of the site.

The applicant has also committed to the preparation of a Transport Access Guide / Workplace Travel Plan to promote public transport use, cycling and walking.

26 Master Plan

Development consent must not be granted for development on land within the Sydney Olympic Park site to which a master plan applies unless the consent authority has considered that Master Plan.

Detailed consideration of the relevant provisions of the Masterplan is provided below within **Appendix B**.

30 Design excellence

Development consent must not be granted for development that is the erection of a new building or external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence,

In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters:

- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- whether the form and external appearance of the building will improve the quality and amenity of the public domain;
- whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency; and
- if a competition is held in relation to the development, the results of the competition.

Development consent must not be granted for a new building identified as requiring a design competition in a master plan unless a design competition has been held in relation to the proposed development.

Section 4.6.10 of the SOP Master Plan identifies Site 43/44 as a 'Design Competition Site', requiring a proposed development to be the subject of a design competition. Accordingly, a design competition was held in accordance with a brief prepared by the proponent and endorsed by the Competition Jury on 31 May 2010 and approved by the Director-General, Department of Planning and Infrastructure.

Detailed consideration of the proposal is provided in Section 4.2.2 of this report, and on the basis of this assessment, the department is satisfied that the proposed Stage 1A and Stage 2 development proposals exhibit design excellence.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) is the primary environmental planning instrument guiding the remediation of contaminated land in NSW. SEPP 55 aims to:

- provide a state-wide planning approach to the remediation of contaminated land;
- identify when consent is required or not required for a remediation work;
- specify certain considerations that are relevant to applications for consent to carry out remediation work; and
- require that remediation work meet certain standards and notification requirements.

Clause 7 of SEPP 55 identifies that a consent authority must not consent to the carrying out of any development on land unless:

- it has considered whether the land is contaminated;
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Both applications for Stage 1A and 2 were accompanied by a Phase 1 Preliminary Environmental Assessment Report (Phase 1 Report) by Environmental Investigation Services (EIS) which accompanied the approved Stage 1 application and applies to the entire Site 43/44. The Phase 1 Report provides an assessment of the likelihood of contamination of sub-surface soils on the site and assigns a waste classification to the soils to be excavated. It also includes a soil sampling program involving 8 boreholes across the site.

The Phase 1 Report identified a number of potential sources of contamination at the site, including:

- potentially contaminated imported fill material;
- potential asbestos contamination associated with demolition of the former site building/sheds;
- historical use of the site for commercial/industrial purposes; and
- historical activities such as use of pesticides.

The Phase 1 Report identified that elevated concentrations of contaminants were not encountered in the soil samples analysed in the investigation. All results were below the site assessment criteria, and based on the results, EIS are of the opinion that the potential for significant widespread soil contamination at the site is relatively low. Additionally, asbestos was not detected above any reporting limits.

Fill material encountered during the investigations have been classified as 'general solid waste (non-putrescible)' in accordance with the Waste Classification Guidelines 2009. The Phase 1 Report recommended that the fill material be disposed of at a suitably licensed NSW (EPA) landfill.

Other material proposed to be removed from the site, including the natural silty clay and underlying shale bedrock would be considered virgin excavated natural material (VENM), and is appropriate for reuse at other sites or may be disposed of at a licensed NSW (EPA) landfill.

The Phase 1 Report concluded that the entire site can be made suitable for the proposed multi-storey commercial development provided that the following recommendations are implemented:

- During demolition and excavation works, the site should be inspected by experienced environmental personnel to assess any unexpected conditions or subsurface facilities appropriate adjustment of the works program and schedule in relation to the changed site conditions. EIS deems this inspection necessary due to the unknown location of previous UST associated with the state abattoir. Any unexpected or unusual subsurface features (including underground storage tanks, colored or odorous soil) should be reported to EIS immediately.
- A hazardous building materials survey is undertaken of all site buildings and structures prior to demolition.
- All excavated soil is disposed off site appropriately.

Demolition of the existing buildings on the site has been approved by Sydney Olympic Park Authority under a separate development application (DA 09-05-2013), therefore the recommendation for a hazardous building materials survey does not apply to the current Stage 1A or Stage 2 applications. The department considers the recommendation for a site inspection by experienced environmental personnel applies to Stage 2 application which involves excavation for a basement. However, the department does not consider this recommendation applies to the Stage 1A application given the excavation for a basement has already been approved as part of Stage 1.

The department has considered the findings of the Phase 1 Report in the approved Stage 1 application, and acknowledges that the potential for significant soil contamination within the entire site is low. The applicant has committed to undertaking the recommendations of the Phase 1 Report as part of the mitigation measures, and the department has recommended an appropriate condition for the Stage 2 application.

The department is satisfied that the proposal for Stage 1A and 2 adequately address the requirements of SEPP 55, and that the site would be suitable for the proposed commercial and retail uses prior to commencement of use.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of public infrastructure across the State and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure, such as classified road and rail corridors.

In accordance with clause 104 (Traffic-generating development) of the Infrastructure SEPP, the proposed developments were referred to the Roads and Maritime Services (RMS) for comment. The key issues raised by RMS have been addressed in **Section 4.2.1** of this report.

In response to the comments received, the applicant prepared a revised traffic assessment report that has demonstrated that the proposed development can be accommodated within the existing road network.

State Environmental Planning Policy (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Harbour REP) aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations.

Although the Harbour REP applies to the entire Sydney catchment area (including the subject site) and provides a number of broad planning principles in clause 13 of the Harbour REP, it primarily provides planning provisions relating to the foreshores and waterways area of the Harbour REP. The subject site is not located within the foreshores and waterways area.

Both applications for Stage 1A and 2 include the provision of stormwater drainage which would provide for the controlled management of stormwater and runoff from the site. The site is a significant distance from the immediate waterways or foreshore areas and is unlikely to be visible from Homebush Bay and Parramatta River, given the high rise residential development under construction to the east, which will screen views of the site from the water and foreshore areas. Accordingly, the proposed development is unlikely to impact on the visual qualities of Sydney Harbour.

The department therefore considers that Stage 1A and Stage 2 are consistent with the relevant planning principles of clause 13 of the Harbour REP.

Sydney Olympic Master Plan 2030

SOP Master Plan 2030 was adopted by the Minister for Planning on 10 March 2010 and supersedes Sydney Olympic Park Master Plan 2002. SOP Master Plan aims to ensure SOP becomes an active and vibrant town within Metropolitan Sydney and protect the role of SOP as a premier destination for cultural, entertainment, recreation and sporting events.

SOP Master Plan provides specific design controls regarding sustainability, public domain, event controls, land use and density, building form and amenity, access and parking, transport strategies and infrastructure, landscaping and community infrastructure controls would apply.

Assessment of Stage 1A and Stage 2 Applications Against SOP Masterplan		
Controls and Guidelines	Applicable Requirements	Compliance & Comments
4.2 Sustainability		
4.2.1 Controls	- ESD consultant as core member of project team.	Yes
	- Connect to SOP's recycled water system.	Yes
	- Priorities sustainable material selection.	Yes
	- Non-residential development: achieve v3, 5 star (min) GreenStar Green Building Council of Australia rating, and 4.5 Star NABERS Energy rating (see Table 4.1)	Yes – A condition has also been recommended for the development of both stages to comply with green star rating and ESD strategies.
	- Consideration of sea level change	N/A due to generous distance separation form Parramatta River and Sydney Harbour.
4.3 Public Domain		
4.3.1 Controls	- Set aside land for streets, parks, through-site links and public spaces as shown on the site boundaries for the Central Precinct.	Yes – The design of the Site 43/44 development has set aside land for two new streets (Road 10 and Road 16), consistent with the site boundary plans for the Central Precinct. However, the Stage 1A and Stage 2 applications relate only to the buildings and minor landscaping in the immediate vicinity of the buildings. The construction of Roads 10 and 16 and the associated kerb, foot paths, gutters, lighting, drainage and landscaping on the road verges will be undertaken separately by SOPA. The preparation of a Public Domain Interface Plan is a condition on the recommended approval.
	- Design and build streets in accordance with SOPA guidelines, codes and standards.	N/A – refer to above comment
	- Provide a continuous and accessible pedestrian network.	N/A - The construction of foot paths along the road verges will be undertaken by SOPA and will incorporate paved areas to all street frontages and a pedestrian crossing over Road 16 connecting the Stage 2 building with the Stage 1 plaza.
	- Reduce width of vehicle crossings and provide pedestrian crossings at every arm of an intersection.	N/A - the Stage 1A and Stage 2 applications relate only to the buildings and minor landscaping in the immediate vicinity of the buildings. Notwithstanding, the construction of Roads 10 and 16 and the

		associated kerb, foot paths, gutters, lighting, drainage and landscaping on the road verges will be undertaken by SOPA and vehicle crossings will have a width of 6 m and a pedestrian crossing will be provided over Road 16 connecting the Stage 2 building with the Stage 1 plaza. A public domain interface plan will also be prepared by the applicant.
	- Paved footpaths width on public streets 1.8m (min).	N/A - the Stage 1A and Stage 2 applications relate only to the buildings and minor landscaping in the immediate vicinity of the buildings. Notwithstanding, the paved areas and footpaths to street frontages (to be undertaken by SOPA) will exceed 1.8 m in width.
	- Standards for furniture & lighting in UEDM 2009.	N/A - the Stage 1A and Stage 2 applications relate only to the buildings and minor landscaping in the immediate vicinity of the buildings.
	- Standards for signage in UEDM & Guidelines for Outdoor Advertising, Identification & Promotional Signage 2002.	N/A - the Stage 1A and Stage 2 applications relate only to the buildings and minor landscaping in the immediate vicinity of the buildings.
	- Urban domain to receive 2 hours (min) of direct sunlight daily between 9am and 3pm (30 June).	Yes – the Stage 1 plaza is the main urban domain area of the site, and whilst the approved Stage 1 development will have some overshadowing impacts on the plaza, the Stage 1A and Stage 2 proposals to the south and west of the plaza respectively, will have minimal overshadowing impacts on the plaza.
	- Provide weather protection at communal entrances.	Yes – entries to the Stage 1A and Stage 2 proposals are setback from the general building line and will have adequate weather protection beneath the building overhang.
	- Maximize surveillance / views of public domain from building.	Yes – views would be available from the buildings to the surrounding public streets and the plaza.
	- Activate GF levels with retail uses as shown in <i>Figure 4.1</i> .	Yes – retail uses are proposed on the ground floor levels of the Stage 1A and Stage 2 proposals in accordance with Figure 4.1 of the SOP Masterplan.

	- Introduce multiple entrances wherever possible.	Yes – the Stage 1A and Stage 2 proposals incorporate building entrances from the Herb Elliot Avenue, the new Road 10 and Road 16.
	- Shops/ food outlets to have display window of 5m (min) or 80% of the frontage (whichever is larger).	Yes – the ground floor retail areas of the Stage 1A and Stage 2 proposals are glazed along the full extent of the retail frontages.
	- Divide large facades into smaller sections and ensure architectural detailing incorporates good materials and details of interest to pedestrians.	Yes – the facades of the Stage 1A (Building C) and Stage 2 (Building D) proposals is segmented by the inclusion of both horizontal and vertical design elements to break down the scale of their frontages.
	- Glaze GF windows/doors and provide good lighting at night.	Yes – the ground floor retails areas and building entry areas of the Stage 1A and Stage 2 proposals will be glazed.
	- Commercial outdoor seating to support food and beverage outlets is encouraged to activate the public domain. This will require a separate consent and in all cases pedestrian circulation and amenity will take priority over outdoor seating.	Yes – the ground floor retails areas of the Stage 1A and Stage 2 proposals could potentially accommodate cafes with outdoor seating.
	- Provide awnings as nominated to the full extent of the street frontage of non-residential buildings in the locations nominated in <i>Figure 4.1</i> (requires awnings along the Herb Elliot Avenue frontage, part of the Australia Ave frontage and the Future Road 10 and Road 16 frontages).	No – Awnings are not proposed, however the proposed building overhangs and entrance foyers would provide shelter for pedestrians along the street frontages.
	- Ensure trees and vegetation does not block lighting or the field of vision of pedestrians in the public domain.	N/A - Landscaping along the road frontages is to be undertaken by SOPA separately, having regard to lighting and field of vision for pedestrians in the public domain.
	- Good lighting & encourage activity adjacent to pedestrian bridges, enclosed pathways, stairways.	Yes – the Stage 1A and Stage 2 proposals provide opportunities for good surveillance of the public domain areas.
	- Make public spaces attractive & comfortable through location / design of seating, lighting, amenities.	N/A – the Stage 1 plaza (approved) would be the main urban domain area of the site, and will incorporate hard and soft landscaping features to make this area attractive and comfortable through the provision of seating, lighting, amenities.

	- Comply with SOPMP 2030 Urban Art Strategy	N/A – Site 43/44 is not identified as a public art site in the SOP Master Plan.
	- Reserve 3% (min) of off-street parking as accessible spaces (see SOP Urban Design Access Report Jan 2007).	N/A – Street parking is managed by SOPA.
4.4 Event Access and Closures		
4.4.1.1 & 4.4.1.2	- Maintain vehicle access to site during events. Access points to be located away from affected streets. Typical street closures in <i>Figure 4.3</i> .	Yes – vehicle access will be maintained on the streets surrounding Site 43/44, and access points to the site are not in the vicinity of streets affected by the typical road closures in <i>Figure 3.4</i> of the SOP Master Plan.
4.4.1.6	- Event Impact Statement to include information set out in Appendix A. (SOPA will assess applications in accordance with MEIA Guidelines)	Yes – an Event Impact Assessment will be prepared for the Stage 1A and Stage 2 proposals which will address the information set out in Appendix A of the SOP Masterplan.
4.5 Land Use and Density		
4.5.1	- Comply with <i>Figure 4.1 & Figure 4.4 & Table 4.2</i> (for the relevant precinct)	Yes – the Stage 1A and Stage 2 proposals comply with the permitted land uses in <i>Figure 4.1 & Figure 4.4 & Table 4.2</i> of the SOP Master Plan.
	- Depth of GF active uses: 3m (min)	Yes – Ground level uses have a minimum depth of 3 m.
4.5.2	- Calculated according to boundaries in relevant FSR Plan.	Yes - The total Site 43/44 development FSR has been calculated according to the boundaries in the FSR Plan for the central precinct.
	- Max. FSR granted only when building zone, depth, height, separation, setback, open space & DSZ controls are satisfied.	N/A - The total Site 43/44 development (Stage 1 (as modified), Stage 1A and Stage 2) does not achieve the maximum 3.5:1 FSR control.
	- Commercial Development: consent authority to determine whether adequate capacity exists within the transport and road networks.	Yes – A detailed assessment of traffic impacts associated with the Stage 1A and Stage 2 proposals on the surrounding road network has been undertaken and on the basis of this assessment, the department determined that the additional traffic can be accommodated within the existing network.

	<ul style="list-style-type: none"> - Bonus FSR of 1.25:1 (max) may be permitted for residual sites if amalgamated with adjacent lots. Applies to existing leased sites fragmented by new street alignments that satisfy the following criteria: <ul style="list-style-type: none"> • <u>Commercial sites</u>: Boundaries < 30m <u>or</u> area < 3000m² • <u>Residential sites</u>: Boundaries < 20m <u>and</u> area < 1000m² 	N/A - The Stage 1A and Stage 2 proposals do not seek approval to exceed the FSR control.
4.6 Building Form and Amenity		
4.6.1 Development Site Controls	<ul style="list-style-type: none"> - Create the sites shown in the Site Boundaries Plan for the relevant precinct. 	Yes - The Stage 1A and Stage 2 proposals align with the site boundaries plan for the Central Precinct.
4.6.2 Building Zone	<ul style="list-style-type: none"> - Locate buildings within the building zone indicated on the relevant Building Zone and Setback Plan. 	No - The Stage 1A and Stage 2 proposals generally align with the building zone plan. However, the non-compliance with the setback controls is discussed in Section 4.2.4.
	<ul style="list-style-type: none"> - Provide site-links & view corridors as indicated in relevant Precinct Control (see <i>Section 5</i>). - Note: It is not intended that the entire zones are built over. Final footprint determined by controls for setback, FSR, open space etc. 	N/A – No site-links or views corridors are indicated on the precinct control plans, however the Stage 1A proposal includes a through site link at ground level, connecting Road 10 with the plaza.
	<ul style="list-style-type: none"> - Ensure building layouts optimize solar access, natural light, cross ventilation, usable communal outdoor areas and views. 	Yes - The Stage 1A and Stage 2 proposals are orientated to the north and east to align with the street edges and provide solar access.
4.6.3 Building Depth	<ul style="list-style-type: none"> - Commercial buildings (without atria and light wells): preferred max. depth 25m. 	No – Whilst the Stage 1A proposals has a maximum building depth of 24 m, and the majority of the Stage 2 has a maximum building depth of 24 m, the northern portion of the Stage 2 proposal has a maximum building depth of 34.8 m. Refer to Section 4.2.4 of the report.
	<ul style="list-style-type: none"> - Commercial buildings (up to 8 storeys): All workstations to be not more than 12m from external window/ atrium. 	Yes – Given the Stage 1A proposals has a maximum building depth of 24 m, and the majority of the Stage 2 has a maximum building depth of 24 m (with the exception of the northern portion) the work stations can be configured to comply with the condition.

	- Basement parking to be concentrated under building footprint.	Yes – The basement car parking for Stage 1A was approved as part of Stage 1 (as modified), and the basement car parking for Stage 2 is concentrated beneath the building footprint.
4.6.4 Building Height	- Comply with the heights nominated in the Building Heights Plan for the Central Precinct.	Yes – The Stage 1A and Stage 2 proposals comply with the 8 storey height limit.
	- Comply with minimum floor to ceiling heights in <i>Table 4.3</i> , which are generally: <ul style="list-style-type: none"> ▪ 3.3m for Ground Floors; ▪ 2.7m for Above Ground Floors. 	Yes – The Stage 1A and Stage 2 proposals comply with the minimum ceiling heights (ground floor – 3.75 m and above ground floors – 3.5 m)
4.6.5 Rooftop Services Zone (RSZ)	- RSZ height: 5m (max)	Yes – The Stage 1A and Stage 2 roof plant has a maximum height of 4 m.
	- RSZ setback from parapet: 3m (min)	Yes – The Stage 1A and Stage 2 roof plant is setback more than 3 m from the parapet.
	- RSZ area (above the max. building height) 80% (max) of footprint.	Yes – The Stage 1A and Stage 2 roof plant does not exceed 80 percent of the building footprint area.
	- Design lift towers, machinery plant rooms, stacks, vent pipes and television antennae to minimise their visibility and size.	Yes – The Stage 1A and Stage 2 roof plant is proposed to be screened from views within an enclosure.
	- Rooftop structures to be integrated with the overall building design.	Yes – The Stage 1A and Stage 2 roof plant is integrated with the overall building design and proposed to be screened from views within an enclosure.
4.6.6 Building Separation	- Ensure that courtyards and atria in commercial buildings have a minimum width of 9m (min)	N/A - The Stage 1A and Stage 2 proposals do not include courtyards (note: a courtyard/plaza was included as part of the Stage 1 application (as modified)).
	- Separation between commercial buildings facing habitable rooms in residential buildings: 24m (min)	Yes – Closest residential building to the Stage 1A and Stage 2 proposals is the residential building to the east of Stage 1 (as modified), which is over 24 m from both the Stage 1A and Stage 2 proposals.
	- Comply with the building setbacks indicated on the Building Zone and Setback Plan for the relevant precinct. (Build to line (minimum 90%) along Herb Elliot Avenue and Australia Avenue, Setback of 3 m to the new Road 10)	No - The ground floor of the Stage 2 proposal is set back 7.2 m to 8.2 m from the Herb Elliot Avenue boundary, however the upper floors extend generally to the building line (the Stage 1A and

		Stage 2 proposals do not front Australia Avenue). Additionally, the ground floor of the of the Stage 2 proposal is set back more than 3 m to the new Road 10, however, the building encroaches on the 3 m setback at the upper levels where, where the building extends to the boundary. The ground floor of the Stage 1A proposal is set back more than 3 m to the new Road 10, however, the building encroaches on the 3 m setback at the upper levels, where the building extends to the boundary. Refer to Section 4.2.4.
	- Ensure building facades reinforce the street alignment.	Yes – The facades of the Stage 1A and Stage 2 buildings address and define the public street frontages.
	- Above ground articulation in the form of balconies, sunscreens and bay windows and the like may extend 300 mm into the front setback zone.	Yes – The Stage 1A and Stage 2 proposals incorporate a mixture of sun shades and balconies on the buildings which extend within the setbacks along some street frontages.
4.6.9 Accessibility Controls	- Disability Access Strategy to be prepared and submitted to the satisfaction of SOPA and the consent authority to satisfy <i>SOP Access Guidelines (May 2011)</i> and <i>AS 4299 – 1995: Adaptable Housing</i> (for residential developments).	Yes – The Stage 1A and Stage 2 proposals included Accessibility Reports which identify that compliance with statutory requirements, pertaining to site access, common area access, accessible parking and adaptable units, can be readily achieved.
	- Apartments with potential for future conversion to commercial use to be contiguous with external footpath levels.	
	- Ensure equitable access to the main entrance from both the street and car parking areas.	
	- Ensure car parking provisions comply with relevant Australian Standards.	
	- Keep accessible parking spaces at the most convenient place.	
4.6.10 Design Excellence	- All sites nominated in <i>Figure 4.6</i> must demonstrate that the proposed design is the result of a design competition undertaken prior to the application process.	Yes - The SOP Master Plan identifies Site 43/44 as a 'Design Competition Site', requiring the development of the site to be the subject of a design competition. A design competition was held for the development of the site on 31 May 2010.
	- Consent must not be granted to a new building on the sites nominated in <i>Figure 4.6</i> Design Competition Sites Plan unless	Yes – detailed consideration of the design competition and design excellence has been

	the consent authority has considered whether the proposed development exhibits design excellence and is the result of a design competition staged prior to the lodgment of a development application or project application.	undertaken in Section 4.2.2 of this report, and on the basis of this assessment, the department is satisfied the Stage 1A and Stage 2 proposals exhibit design excellence.
	- Applicants must satisfy the requirements for design competition processes outlined in <i>Appendix A</i> .	Yes - A design competition was held for the development of the site on 31 May 2010.
	- If the consent authority is satisfied that the proposed development exhibits design excellence and is based upon the preferred scheme resulting from a design competition, a bonus floor space allocation of up to 10 per cent may be permitted for buildings over 8 storeys.	N/A – The Stage 1A and Stage 2 proposals are 8 storeys in height.
4.6.11 Building Expression	- Ensure building facades are well modulated and scaled to reflect the aspect, uses and streetscape.	Yes – The Stage 1A and Stage 2 proposals are considered to be well modulated with strong vertical elements articulating and segmenting the façade.
	- Design building façades to create well defined and integrated streetscape.	Yes - The articulation, palette of materials and design elements used on the façades of the Stage 1A and Stage 2 proposals is generally consistent with the contemporary architectural expression of the approved Stage 1 development, and will integrate with other commercial development in the precinct.
	- Ensure prominent elements are well articulated, including the ground floor, roofs, windows, doors, balconies and shading devices.	Yes – The fire stairs and building entries are well defined and the retail frontages are clearly distinguished from the upper level commercial office floors in the external expression of the Stage 1A and Stage 2 proposals.
	- Provide modulation such as thickened walls, blade walls, fenestrations to building frontages.	Yes – The Stage 1A and Stage 2 proposals have incorporated numerous thickened walls, blade walls, fenestrations to building frontages which achieves a high level of modulation.
	- Provide appropriate forms of sun shading to screen eastern, northern and western sun.	Yes – The Stage 1A and Stage 2 proposals have incorporated sun shading along glazed areas which also forms part of the overall architectural features of the buildings.

	<ul style="list-style-type: none"> - Ensure main building entrances are level with adjacent footpaths. 	Yes – The building entrances to the Stage 1A and Stage 2 proposals is directly accessible adjacent to public street frontages.
4.6.12 Safety & Security	<ul style="list-style-type: none"> - Design buildings to contribute to natural surveillance of adjacent streets / public space. 	Yes – The Stage 1A and Stage 2 buildings are orientated to address the existing and future surrounding public streets.
	<ul style="list-style-type: none"> - Ensure ramps have direct access to building entrances from the street and are visible from the street. 	N/A – No ramps are proposed for the Stage 1A and Stage 2 proposals.
	<ul style="list-style-type: none"> - Ground floor uses to open directly onto the street and have a clear visual connection with the street. 	Yes – The retail uses on the ground floor level of the Stage 1A and Stage 2 buildings are directly accessible to/from the existing and future surrounding public streets, and will have a clear visual connection with the street.
4.6.13 Light Well	<ul style="list-style-type: none"> - Fully open to the sky. - Minimum width 9m 	N/A – No light wells or atriums are proposed for the Stage 1A and Stage 2 proposals.
4.6.14 Cross-Ventilation	<ul style="list-style-type: none"> - Design site, building layout, and individual apartments to promote, capture and guide natural breezes. - Apartment layout and locate doors/ operable windows to maximize natural ventilation opportunities. - Minimise mechanically ventilated bathrooms/ laundries - Commercial office development should have capacity for openable windows. 	Yes – Whilst the buildings would be predominantly mechanically ventilated, doors from the office floors out to the balconies would provide an opportunity for some natural ventilation.
4.6.15 Noise	<ul style="list-style-type: none"> - SOPA will continue to use 'Public Positive Covenants' to ensure landowners & lessees acknowledge potential events noise impacts. - New development to acknowledge it will be located within a major sport and entertainment events precinct that may be subject to high noise events from time to time. - Acoustic Report to assess suitability of proposed development, land use conflicts and noise impacts. Applicant is responsible to incorporate appropriate measures to mitigate those impacts. - Noise Impact Assessments to measure ambient noise levels at noise sensitive premises during representative periods. - Plant rooms designed to comply with NSW Industrial Noise Policy. 	Yes – The Stage 1A and Stage 2 applications are accompanied by an acoustic impact assessment which address potential noise generated by typical events and recommends a number of measures to mitigate noise impacts.

	<p>Late Night Events</p> <ul style="list-style-type: none"> - Events (11pm to 6am) not permitted without existing approvals, or take place within a venue/building designed to manage noise impacts. <p>Commercial Development</p> <ul style="list-style-type: none"> - Comply with maximum internal noise criteria in <i>Table 4.5</i> (45dBA – Day & Evening). 	
<p>4.6.16 Waste Management</p>	<p>For DAs</p> <ul style="list-style-type: none"> - WMP to be submitted with all DA's to the satisfaction of SOPA. 	Yes – The Stage 1A and Stage 2 applications are accompanied by preliminary Waste Management Plans.
	<ul style="list-style-type: none"> - WMP to demonstrate application of hierarchy principles of avoidance, reduction, re-use, recycling. See Environmental Guidelines 2008. 	Yes - Preliminary Waste Management Plans were submitted with the Stage 1A and Stage 2 applications which identified the waste management principles. Notwithstanding, the recommended conditions require further detailed construction and operational Waste Management Plans to be prepared which will address the relevant waste management provisions in the SOP Master Plan.
	<p>Design & Construction</p> <ul style="list-style-type: none"> - Minimise waste during the design of a building. 	
	<ul style="list-style-type: none"> - Prioritise the procurement of: <ul style="list-style-type: none"> ▪ Modular and prefabricated building and fitout components; ▪ Sustainable building materials; and ▪ Incorporate re-used or recycled materials such as steel and concrete. 	
	<ul style="list-style-type: none"> - 80% (min) of construction and demolition waste must be recycled or re-used. 	
	<ul style="list-style-type: none"> - Include space for on-site waste management infrastructure that maximises the opportunities for the sorting and segregation of waste materials. 	
	<ul style="list-style-type: none"> - Locate waste management areas (WMA), including collection point, out of public areas so as to not cause offence with regard to smell, visual amenity and noise. 	
	<ul style="list-style-type: none"> - Locate WMA wholly within building. 	
	<ul style="list-style-type: none"> - WMA to allow collection vehicles to enter/ exit in forward direction. 	
	<p>Retail Developments</p> <ul style="list-style-type: none"> - Ensure that all retail developments designate on-site communal 	

	WMA for sorting, storage & recycling back-of-house waste. - Include provision for the collection and recycling of back-of-house food collection.	
	Retail & Commercial Operations - Minimise operational waste by: • avoiding the uses of packaging materials or using materials that are easily recycled • Separating and recovering paper and food waste. - Design waste management infrastructure to be consistent with relevant NSW Government Guidelines. - Locate garbage & recycling areas away from openable windows to habitable rooms and away from street frontages. - Sink food waste disposal units are not permitted due to high organic load they place on the water recycling system.	
4.7 Access and Parking		
4.7.1 Access and Parking Controls	Vehicle Access & Servicing - All parking is to be underground, except Sites 45, 46 & 47 where interim at grade parking is permissible as part of staging strategy for future residential development.	Yes – All car parking for the Stage 1A and Stage 2 proposals will be underground (Stage 1A basement car parking was approved in Stage 1 (as modified)). Some additional on street car parking will be provided by SOPA as part of the construction of Road 10 and Road 16.
	- Vehicle access points are to be designed to satisfy relevant Australian Standards.	Yes – the recommended conditions will require that all vehicle access points satisfy relevant Australian Standards.
	- Locate vehicle access points as indicated on the relevant precinct plans.	No – The preferred vehicular access points to the site identified in the precinct plans is from the new Road 16, where as the new driveways are proposed along the north and south (along Herb Elliot Avenue and the new Road 10). The proposed departure from the preferred vehicular access points is intended to separate vehicles and services vehicles from the main public domain and pedestrian areas of the development. The departure is acceptable.
	- To improve safety and public domain amenity, vehicle access points are to be physically separate and clearly distinguishable	Yes - Vehicle access points for the Stage 1A and Stage 2 proposals are physically separate and

	and designed and built with clear sight lines for drivers and pedestrians.	clearly distinguishable and designed with clear sight lines for drivers and pedestrians.
	- To minimise visual intrusion and optimise active street frontages, driveways are to be as narrow as possible and have a garage door at the building line.	Yes – The proposed vehicle driveways have been minimized, whilst still complying with relevant Australian Standards.
	- Minimise the width of driveways and blank walls to the public domain by consolidating car access, docks, servicing and waste disposal.	Yes – Whilst the width of driveways has been minimized, cars access and entry to the loading dock areas will be via separate driveways.
	- Servicing for retail and commercial developments is not permitted from streets required for servicing major events.	Yes – All site servicing, including retail and commercial, will be undertaken from the driveway on Herb Elliot Avenue. Whilst part of Herb Elliott Avenue is identified as being used for charter bus parking during major events, it is expected that the access will not be obstructed and service vehicles will be able to access the loading area, noting that this is the current arrangement for the existing ware house / office development on the site.
	Vehicle Parking - Non-residential developments – Provide car parking at the maximum rates in <i>Table 4.10</i> .	Yes – The proposed development will comply with the maximum parking rates.
	Bicycle Access & Parking - Bicycle parking facilities to comply with AS 2890.3 -1993 and at the nominated minimum rate – 1 space/150m ² (permanent) and 1 space/750m ² (visitor) - Bicycle parking (non-commercial) at the rates in <i>Table 4.12</i> . - Build bike lanes as shown in street sections & plans.	Yes – adequate bicycle parking will be provided to comply with the minimum requirements.
	- Change rooms, showers and lockers for people walking, running or cycling to work are to be provided close to bicycle parking facilities to encourage sustainable transport options.	Yes – A condition is recommended requiring details to be provided as part of the Construction Certificate for Stage 2.
4.8 Transport Strategies and Infrastructure		
4.8.1 Transport Strategies and Infrastructure Controls	- All non-residential developments in the town centre are required to prepare and implement a Work Place Travel Plan (WPTP). WPTP to comply with SOPA's <i>Travel Plan Guidelines</i> .	Yes – The recommended conditions require the preparation of a Transport Access Guide / Workplace Travel Plan.

4.9 Landscape and Site		
4.9 Landscape and Site Controls	<ul style="list-style-type: none"> - Retain existing significant mature trees in Significant Tree Register & other significant site features. - Transplant mature trees if they must be moved. 	No tree removal is proposed under the Stage 1A or Stage 2 applications, however, a number of existing significant trees will be retained on / adjacent to the site.
	Open Space <ul style="list-style-type: none"> - Design open space to create a high quality address and setting for buildings, and to complement the adjacent public domain. - Provide setbacks as required in the Building Zone and Setback Plan for the relevant precinct. - Landscaping of front setback area (if applicable): 50% (min) 	No – The landscaping for Stage 1A was approved as part of Stage 1 (as modified), and the landscaping for Stage 2 comprises paving and planting around Building D that will form a continuation of the materials and planting palette in the Stage 1 landscaping. The Stage 1A and Stage 2 proposals do not comply with the relevant setback controls for the precinct (further discussion provided in the precinct controls section of this table below). Additionally, the front setback to Herb Elliot Avenue will not be planted and will comprise hard surface to serve as a pedestrian thoroughfare. Notwithstanding, street trees will be provided along the road reserve.
	Safety and Security <ul style="list-style-type: none"> - To reinforce territory, ensure site boundaries and private and communal space boundaries are clearly defined and secure. - Ensure common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks, are overlooked to provide passive surveillance - Provide direct, well lit access between car parks and dwellings, car parks and lift lobbies, and to all apartment entrances - Ensure all communal and public site areas have clear sight lines and minimize opportunities for concealment. 	Yes – The Stage 1A and Stage 2 proposals have clearly defined public domain spaces and provide adequate surveillance and sightlines (no private open spaces are associated with the Stage 1A and Stage 2 proposals). The building entrance to office space in Stage 1A is provided through the Stage 1 via the courtyard and the entrance to Stage 2 is provided via a central lobby, located opposite the courtyard in Stage 1. All car parking for the Stage 1A and Stage 2 proposal is provided via basement car parking with secure lift access.
	Deep Soil Zone <ul style="list-style-type: none"> - Site's open space area to be DSZ: 20% (min) - Area included as DSZ to have dimension: 2m (min) - Consolidate areas of DSZ within sites and between adjacent sites. - Basement parking to be predominantly within building footprint. - 1 large tree (min) with mature height 12m (min) is to be planted 	No – The public domain and landscaping for Stage 1A was approved under the Stage 1 application, and the Stage 2 proposal does not comply with the minimum 20 per cent DSZ in the landscaping, or the minimum dimensions for DSZ. Notwithstanding, the basement car parking is contained predominately within the proposed building footprints, a mature tree will be retained in the courtyard in Stage 1, and

	in DSZ per 60m ² of OS.	trees will be planted along the road verges. The non-compliance is acceptable.
	<p>Stormwater Management for OS</p> <ul style="list-style-type: none"> - Retain SW by collecting from roofs/ hard surfaces; maximizing porous areas/ DSZ; drain paved areas to adjacent vegetation. - Protect SW quality by providing sediment filters/ traps/ basins for hard surfaces; treatment of SW collected in sediment traps on soils containing dispersive clay. 	Yes – The Stage 1A and Stage 2 proposals incorporate storm water harvesting and the protection of storm water quality through the measures detailed in the Integrated Water Management Report (including a four stage treatment process).
	<p>Planting</p> <ul style="list-style-type: none"> - Prioritise drought tolerant plant species - Comply with minimum soil dimensions in <i>Table 4.14</i>. 	No – The public domain and landscaping for Stage 1A was approved under the Stage 1 application, and the Stage 2 proposal incorporates some minimal planting of tree and other vegetation in planter boxes which will provide adequate soil provisions to ensure ongoing viability. Additional planting will be undertaken by SOPA along the road verges.
Central Precinct Controls and Guidelines	Applicable Requirements	Compliance & Comments
FSR	<p>Floor space ratio to comply with those shown in <i>Figure 5.6</i></p> <ul style="list-style-type: none"> - Maximum 3.5:1 FSR 	Yes - The total Site 43/44 development (Stage 1 (as modified), Stage 1A and Stage 2) would result in a total FSR of 3.47:1.
Land Use	<ul style="list-style-type: none"> - Land uses to comply with those shown in <i>Figure 5.7</i>. <ul style="list-style-type: none"> ▪ Commercial - Childcare centres are to be incorporated into Sites 41, 42, 43 or 44. - Minimum 50% of ground floor GFA to be retail uses concentrated along Herb Elliot Avenue frontage to ensure active frontages. 	Yes - The Stage 1A and Stage 2 proposals comprise a mix of commercial and retail land uses (no child care centre proposed). Whilst a retail tenancy is proposed along Herb Elliot Avenue in the Stage 2 proposal, it does not comprise 50 percent of the street frontage (as loading dock access is proposed along that frontage).
Building Height	<p>Building heights to comply with those shown in <i>Figure 5.8</i></p> <ul style="list-style-type: none"> - 8 storeys 	Yes - The Stage 1A and Stage 2 proposals are 8 storeys in height.
Building Zone and Setback	<ul style="list-style-type: none"> - Development to be in accordance with building zones and setbacks shown in <i>Figure 5.6</i> <ul style="list-style-type: none"> ▪ <i>Front Setback – 3m (southern boundary line)</i> ▪ Build to line – min 90% (Herb Elliot & Australia Avenues) 	No - The ground floor of the Stage 2 proposal (Building D) is set back 7.2 m to 8.2 m from the Herb Elliot Avenue boundary, however the upper floors extend generally to the building line (the Stage 1A and Stage 2 proposals do not front

	<ul style="list-style-type: none"> - Building is not permitted in the easements, setbacks or public land dedicated for public domain, land dedicated for ICF Funded Streets or easements dedicated for development funded streets. - Provide through-site links where indicated 	<p>Australia Avenue). Additionally, The ground floor of the of the Stage 2 proposal (Building D) is set back more than 3 m to the new Road 10, however, the building encroaches on the 3 m setback at the upper levels where, where the building extends to the boundary. The ground floor of the Stage 1A proposal (Building C) is set back more than 3 m to the new Road 10, however, the building encroaches on the 3 m setback at the upper levels, where the building extends to the boundary.</p>
Event Controls	<ul style="list-style-type: none"> - Ensure all developments can accommodate the changes to access required and are designed and built to accommodate public domain closures. - Locate the vehicle access points as detailed in Figure 5.7. 	<p>No – The preferred vehicular access points to the site identified in Figure 5.7 is from the new Road 16, whereas the new driveways are proposed along the north and south (along Herb Elliot Avenue and the new Road 10). The proposed departure from the preferred vehicular access points is intended to separate vehicles and services vehicles from the main public domain and pedestrian areas of the development. Additionally, an Event Impact Assessment will be prepared for the Stage 1A and Stage 2 proposals which will address the information set out in Appendix A of the SOP Masterplan.</p>

APPENDIX C GLOSSARY

Accredited Assessment under the EPBC Act.

If the project involves a “controlled action” under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the project can be assessed as an accredited assessment under the EPBC Act. This means that separate assessment processes are not required under both the EPBC Act and the EP&A Act, and the NSW assessment process has been accredited by the Commonwealth. However, the Commonwealth Minister for the Environment maintains an independent approval role, and the Commonwealth provides input to certain stages of the assessment process

Where a controlled action is involved the department has consulted with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) throughout the assessment process.

Delegated Authority

On 27 February 2013, the Minister for Planning and Infrastructure delegated his functions under s. 89E of the *Environmental Planning and Assessment Act 1979*, to the Executive Director, Development Assessment Systems and Approvals, to determine applications where:

- (a) the relevant council has not made an objection, and
- (b) a political disclosure statement has not been made, and
- (c) there are less than 10 public submissions in the nature of objections.

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water,*

- cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) the protection, provision and co-ordination of communication and utility services,*
 - (iv) the provision of land for public purposes,*
 - (v) the provision and co-ordination of community services and facilities, and*
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) ecologically sustainable development, and*
 - (viii) the provision and maintenance of affordable housing, and*
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
 - (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Relevant Environmental Planning Instruments.

These are EPIs that are required to be taken into consideration in the assessment of the project under s. 79C. A detailed evaluation of each is provided at Appendix B.

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (c) the suitability of the site for the development,*
 - (d) any submissions made in accordance with this Act or the regulations,*
 - (e) the public interest.*

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or*
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.*

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

2013

SCHEDULE 1

Application No.:	SSD 12_5676
Applicant:	Capital Corporation Properties Pty Ltd
Consent Authority:	Minister for Planning and Infrastructure
Land:	No. 2 Herb Elliot Avenue, Sydney Olympic Park (Lot 56 DP 773763 & Part Lot 72 DP 1134933)
Development:	<p>Stage 2 - mixed commercial and retail development, including:</p> <ul style="list-style-type: none">• excavation of two basement parking levels for 223 car spaces;• construction of an eight storey building comprising 15,657 sqm of commercial gross floor area (GFA) and 1,495 sqm of retail GFA;• two new driveways to New Road 10 and Herb Elliot Avenue; and• associated landscaping.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Capital Corporation Properties Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Auburn City
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act
Day Time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director	A written approval from the Director- General (or nominee/delegate)
General's approval, agreement or satisfaction	Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement titled <i>Proposed Mixed Commercial & Retail Development 2 Herb Elliot Avenue, Sydney Olympic Park (Stage 2, Site 43/44) Environmental Impact Statement</i> , prepared by Architectus Group Pty Ltd, dated July 2013
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Night Time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RTS	Response to Submissions report titled <i>Proposed Mixed Commercial and Retail Development Stages 1A and 2, Site 43/44, Sydney Olympic Park Response to Submissions Report</i> prepared by Architectus Group Pty Ltd dated October 2013
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
RMS	Roads and Maritime Services Division, Department of Transport or its successor
SOPA	Sydney Olympic Park Authority
Subject Site	No. 2 Herb Elliot Avenue, Sydney Olympic Park
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

SCHEDULE 2

A. ADMINISTRATIVE AND PERFORMANCE CONDITIONS

Development Description

- A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.

Development in Accordance with Plans and Documents

- A2. The Applicant shall carry out the project generally in accordance with the:
- a) Environmental Impact Statement titled *Proposed Mixed Commercial & Retail Development 2 Herb Elliot Avenue, Sydney Olympic Park (Stage 2, Site 43/44) Environmental Impact Statement*, prepared by Architectus Group Pty Ltd, dated July 2013;
 - b) Response to Submissions report titled *Proposed Mixed Commercial and Retail Development Stages 1A and 2, Site 43/44, Sydney Olympic Park Response to Submissions Report* prepared by Architectus Group Pty Ltd, dated October 2013; and
 - c) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Architectus Group Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
DA-2-0001	B	Site Survey	20.06.2013
DA-2-003	B	Site Analysis Plan	20.06.2013
DA-2-0005	B	Site Plan	20.06.2013
DA-2-0020	B	GFA Plans	20.06.2013
DA-2-0021	B	NLA Plans	20.06.2013
DA-2-1001	C	Basement Level 1	24.09.2013
DA-2-1000	B	Basement Level 2	20.06.2013
DA-2-1002	B	Ground Floor Plan	20.06.2013
DA-2-1004	B	Level 1 Plan	20.06.2013
DA-2-1005	B	Typical levels	20.06.2013
DA-2-1006	B	Plant Level Plan	20.06.2013
DA-2-1007	B	Roof Plan	20.06.2013
DA-2-2000	B	Elevations	20.06.2013
DA-2-2001	B	Elevations	20.06.2013
DA-2-2010	B	Sections	20.06.2013
DA-2-2011	B	Sections	20.06.2013
DA-2-2020	B	Façade Details Sections & Elevations	20.06.2013
DA-2-2021	B	Façade Details Sections & Elevations	20.06.2013
DA-2-3000	B	Shadow Studies	20.06.2013
DA-2-3001	B	Shadow Studies	20.06.2013

Landscape Drawings prepared by Scott Carver Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
106	B	Stage 2 - Landscape Plan	1.07.13

Inconsistency between documents

- A3. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Lapsing of approval

- A4. This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

Prescribed Conditions

- A5. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Director General as Moderator

- A6. Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

Long Service Levy

- A7. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline Ph 13 14 41.

Legal Notices

- A8. Any advice or notice to the consent authority shall be served on the Director-General.

Contributions

- A9. Consultation shall be undertaken with Sydney Olympic Park Authority to determine the contributions in accordance with Sydney Olympic Park Infrastructure Contributions Framework.

B. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Ecologically Sustainable Development

- B1. An Environmental Management Plan shall be prepared outlining all design, operational and construction measures required to achieve a minimum 5 star green star rating. Details of the measures are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Public Domain Interface Plan

- B2. The Applicant is to prepare a Public Domain Interface Plan and associated cross-sections, technical details and relevant schedules for materials and all urban elements in consultation with SOPA to address all outstanding issues with the public domain, such as, but not limited to, material and finishes selection, lighting and landscaping, including tree planting to mitigate wind impacts to pedestrians. The plan is to be submitted to the satisfaction of SOPA's General Manager Operations and Sustainability, prior to the issue of a Construction Certificate for the relevant stage.

Stormwater Management

- B3. 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) for water supply and details of the provision of maintenance of overland flow paths are required to be designed to the satisfaction of SOPA's General Manager – Operations and Sustainability and submitted to the Certifying Authority. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

Reflectivity

- B4. The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 percent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Ground Floor Retail Tenancies

- B5. No greater than 20 per cent of the ground floor retail tenancies shall be in-filled with signage or non-transparent material/cladding.

Outdoor Lighting

- B6. All outdoor lighting within the site shall comply with, where relevant, AS1158.3.1-2005 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 issue of a Construction Certificate.

Access for People with Disabilities

- B7. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and SOPA Access Guidelines 2011. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any Construction Certificate drawings.

Erosion and Sedimentation Control

- B8. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Pre-Construction Dilapidation Reports

- B9. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of excavation to twice the maximum excavation depth. Any entry to private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate. A copy of the report is to be forwarded to the SOPA.

Number of Car Spaces

B10.

- a) A maximum of 196 car parking spaces for the commercial component and 9 spaces for the retail component are to be provided for the development in the basement. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- i) The layout and design of the car parking areas including driveways, grades, turn paths, sight distance, aisle widths and lengths and parking bay dimensions) be in accordance with AS 2890 parts 1, 2 and 6.

Number of Motorcycle Spaces

B11.

- a) A minimum of 12 motorcycle spaces are to be provided for the development in the basement. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Number of Bicycle Spaces

B12.

- a) A minimum of 113 bicycle parking spaces for staff and 22 bicycle parking spaces for visitors are to be provided for the development. Details (including changing facilities) shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate including
- b) The layout, design and security of bicycle facilities either on-street or off street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:
 - ii) all bicycle parking for staff must be Class 2 bicycle facilities, and
 - iii) all bicycle parking for visitors must be Class 3 bicycle rails.

Number of Loading Bays

B13. A minimum of one loading bay is to be provided for the development. The loading bay shall be capable of accommodating an 8.8m Medium Rigid Vehicle (MRV) and designed in accordance with Australian Standard 2890.2. Details of the loading arrangements shall be prepared by a suitably qualified person and submitted to the Certifying Authority, prior to the issue of a Construction Certificate.

Structural Details

- B14. Prior to the issue of a relevant construction certificate, the Applicant shall submit to the satisfaction of the certifying authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA, and
 - b) the development consent

Mechanical Ventilation

B15. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Storage and Handling of Waste

- B16. The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:
- a) all internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - b) include provision for the separation and storage in appropriate categories of material suitable for recycling; and
 - c) include provision for separate storage and collection of organic/food waste.

Road/Intersection Design

- B17. The design of the entry/exit to the car park at New Road 10 and the loading area at Herb Elliot Avenue shall be designed in consultation with the SOPA. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- B18. Undertake further analysis in relation to the performance of the future intersection at New Road 16 and Herb Elliot Avenue and, if necessary, provide details to the Certifying Authority of any amendments to the intersection layout in consultation with Roads and Maritime Services and SOPA.

C. PRIOR TO COMMENCEMENT OF WORKS

Demolition

- C1. Any demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

Notice of Commencement of Works

- C2. The Certifying Authority and SOPA shall be given written notice, at least 48 hours prior to the commencement of building or subdivision work on the Subject Site.

Construction Environmental Management Plan

- C3.
- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters, where relevant:
 - i) hours of work,
 - ii) 24 hour contact details of site manager;
 - iii) traffic management, in consultation with SOPA;
 - iv) construction noise and vibration management plan, prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 – 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009),
 - v) management of dust to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;

- viii) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The Applicant shall submit a copy of the CEMP to SOPA, prior to commencement of work.

Waste Management Plan During Construction

C4.

- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan shall prepared by a suitably qualified person in consultation with the SOPA, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - i) Recycling of demolition materials including concrete;
 - ii) Removal of hazardous materials and disposal an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant shall submit a copy of the Plan to the Department and to SOPA, prior to commencement of work.
- d) The Applicant must notify the Roads and Maritime Services Traffic Management Centre (TMC) of the truck routes(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

Traffic and Pedestrian Management Plan

C5.

- a) Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with SOPA, and where required, the approval of the council's traffic committee obtained.
- b) The Plan shall address, but not be limited to, the following matters:
 - i) ingress and egress of vehicles to the Subject Site;
 - ii) loading and unloading, including construction zones;
 - iii) predicted traffic volumes, types and routes;
 - iv) pedestrian and traffic management methods;
 - v) construction activities during major events;
 - vi) potential impacts to pedestrian access and public transport infrastructure including rail and bus stops and measures to mitigate including the temporary relocation of services.
- c) The Applicant shall submit a copy of the final Plan to SOPA, prior to the commencement of work.

Utility Services

C6.

- a) Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- b) Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Sydney Water Quick Check

- C7. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will need to be appropriately stamped by the Sydney Water Quick Check agent.

Note: for further assistance please telephone 13 20 92 or refer to Sydney Water's website www.sydneywater.com.au for Quick Check agent details.

D. DURING CONSTRUCTION

Hours of Work

- D1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 3:00 pm, Saturdays;
 - c) no work on Sundays and public holidays.
 - d) Works may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii) The work is approved by the Director General or their nominee; and
 - iv) SOPA shall be advised in advance of any access for construction/delivery vehicles during major event periods (eg. V8 supercar and Royal Easter Show).

Erosion and Sediment Control

- D2. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- D3. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by SOPA.

Approved Plans to be On-Site

- D4. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, SOPA or the Certifying Authority.

Site Notice

D5.

- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Protection of Trees

D6.

- a) No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from SOPA is obtained or is required in an emergency to avoid the loss of life or damage to property.
- b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of SOPA.
- c) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Construction Noise Management

D7.

- a) The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved as part of the CEMP.
- b) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- c) The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
 - i) 9.00 am to 12.00 pm, Monday to Friday;
 - ii) 2.00 pm to 5.00 pm Monday to Friday; and
 - iii) 9.00 am to 12.00 pm, Saturday.
- d) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.

- e) Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.

Vibration Criteria

- D8. Vibration caused 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 – Effects of Vibration on Structures.
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
 - d) these limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP.

Work Cover Requirements

- D9. 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/Fencing Requirements

- D10. The following hoarding requirements shall be complied with:
- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
 - b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

- D11. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

- D12. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

Environmental Site Investigations

- D13. The site shall be inspected by a suitably experienced environmental specialist during the excavation works for the basement to assess any unexpected conditions or subsurface facilities in accordance with the *Stage 1 Preliminary Environmental Site Assessment*, dated October 2010, prepared by Environmental Investigation Services.

E. PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Water Management

- E1. Prior to the issuing of any Occupation Certificate, a plan of the operation and maintenance for all water sensitive urban design assets, including gross pollutant traps, for the life of the asset shall be prepared. The plan must include routine checking, cleaning and servicing of all devices in accordance with the manufacturers recommendations and evidence of a maintenance contract covering at least the first two year period. A copy of the maintenance plan and contract must be provided to the SOPA.

Event Impact Assessment

- E2. Prior to issuing an Occupation Certificate for the use of all or part of the building, an Event Management Statement shall be prepared in consultation with SOPA and is to be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate.

Workplace Travel Plan

- E3. A Green Travel Plan (Workplace Travel Plan) which complies with SOPA's Travel Plan Guidelines shall be prepared in consultation with SOPA and is to be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate.

Mechanical Ventilation

- E4. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The development consent and any relevant modifications; and,
 - d) Any dispensation granted by the New South Wales Fire Brigade.

Road Damage

- E5. The cost of repairing any damage caused to SOPA or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to the issue of any Occupation Certificate.

Sydney Water Compliance

- E6. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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.

The Section 73 Certificate must be submitted to the PCA prior to issue of the occupation certificate.

Post-construction Dilapidation Report

- E7. Prior to the issue of an Occupation Certificate, the Applicant 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.

- a) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- b) A copy of this report is to be forwarded to SOPA.

Fire Safety Certification

- E8. Prior to the issue of an Occupation Certificate, a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

Structural Inspection Certificate

- E9. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and SOPA after:
- a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
 - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F. POST OCCUPATION

Loading and Unloading

- F1. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.

Vehicular Access

- F2. All vehicles entering and exiting the loading area from Herb Elliot Avenue must do so in a forward direction.

Unobstructed Driveways and Parking Areas

- F3. 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.

Noise Control – Plant and Machinery

- F4. Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall comply with the requirements of the NSW Industrial Noise Policy (Environmental Protection Authority, 2000).

Storage of Hazardous or Toxic Material

- F5. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious

materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Way to be Unobstructed

- F6. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- F7. External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

ADVISORY NOTES

Appeals

- AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

Other Approvals and Permits

- AN2. The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Responsibility for other consents / agreements

- AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Temporary Structures

- AN4.
- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
 - b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

- AN5. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN6.

- a) 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.
- b) 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 Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population 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.

Asbestos Removal

AN7. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

Site contamination issues during construction

AN8. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

2013

SCHEDULE 1

Application No.:	SSD 12_5677
Applicant:	Capital Corporation Properties Pty Ltd
Consent Authority:	Minister for Planning and Infrastructure
Land:	No. 6 Australia Avenue, Sydney Olympic Park (Part Lot 56 DP 773763 & Part Lot 72 DP 1134933)
Development:	<p>Stage 1A - mixed commercial and retail development, including:</p> <ul style="list-style-type: none">• construction of an eight storey building comprising 6,489 sqm of commercial gross floor area (GFA) and 428 sqm of retail GFA;• redistribution of car spaces provided in the approved Stage 1 modification application and the Stage 2 State significant development application and allocation to Stage 1A; and• provision of 9 at-grade visitor bicycle spaces.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Capital Corporation Properties Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Auburn City
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act
Day Time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director	A written approval from the Director- General (or nominee/delegate)
General's approval, agreement or satisfaction	Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement titled <i>Proposed Mixed Commercial & Retail Development 6 Australia Avenue, Sydney Olympic Park (Stage 1A, Site 43/44) Environmental Impact Statement</i> , prepared by Architectus Group Pty Ltd, dated July 2013
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Night Time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RTS	Response to Submissions report titled <i>Proposed Mixed Commercial and Retail Development Stages 1A and 2, Site 43/44, Sydney Olympic Park Response to Submissions Report</i> prepared by Architectus Group Pty Ltd dated October 2013
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
RMS	Roads and Maritime Services Division, Department of Transport or its successor
SOPA	Sydney Olympic Park Authority
Subject Site	No. 6 Australia Avenue, Sydney Olympic Park
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

SCHEDULE 2

A. ADMINISTRATIVE AND PERFORMANCE CONDITIONS

Development Description

- A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.

Development in Accordance with Plans and Documents

- A2. The Applicant shall carry out the project generally in accordance with the:
- a) Environmental Impact Statement titled Proposed Mixed Commercial & Retail Development 6 Australia Avenue, Sydney Olympic Park (Stage 1A, Site 43/44) Environmental Impact Statement, prepared by Architectus Group Pty Ltd, dated July 2013;
 - b) Response to Submissions report titled Proposed Mixed Commercial and Retail Development Stages 1A and 2, Site 43/44, Sydney Olympic Park Response to Submissions Report prepared by Architectus Group Pty Ltd dated October 2013; and
 - c) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Architectus Group Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
DA-1A-0001	B	Site Survey	20.06.2013
DA-1A-002	B	Site Analysis Plan	20.06.2013
DA-1A-0004	B	Site Plan	20.06.2013
DA-1A-0020	B	GFA Plans	20.06.2013
DA-1A-0021	B	NLA Plans	20.06.2013
DA-1A-1002	B	Ground Floor Plan	20.06.2013
DA-1A-1003	B	Level 1 Plan	20.06.2013
DA-1A-1004	B	Level 2 Plan	20.06.2013
DA-1A-1005	B	Typical Levels	20.06.2013
DA-1A-1006	B	Plant Level Plan	20.06.2013
DA-1A-1007	B	Roof Plan	20.06.2013
DA-1A-2000	B	Elevations	20.06.2013
DA-1A-2001	B	Elevations	20.06.2013
DA-1A-2010	B	Sections	20.06.2013
DA-1A-2020	B	Façade Details Sections & Elevations	20.06.2013
DA-1A-2021	B	Façade Details Sections & Elevations	20.06.2013
DA-1A-3000	B	Shadow Studies	20.06.2013
DA-1A-3001	B	Shadow Studies	20.06.2013

Inconsistency between documents

- A3. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Lapsing of approval

- A4. This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

Prescribed Conditions

- A5. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Director General as Moderator

- A6. Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

Long Service Levy

- A7. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline Ph 13 14 41.

Legal Notices

- A8. Any advice or notice to the consent authority shall be served on the Director-General.

B. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Ecologically Sustainable Development

- B1. An Environmental Management Plan shall be prepared outlining all design, operational and construction measures required to achieve a minimum 5 star green star rating. Details of the measures are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Stormwater Management

- B2. 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) for water supply and details of the provision of maintenance of overland flow paths are required to be designed to the satisfaction of SOPA's General Manager – Operations and Sustainability and submitted to the Certifying Authority. All approved details for the disposal of stormwater and drainage are to be implemented in the development

Reflectivity

- B3. The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 percent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Ground Floor Retail Tenancies

- B4. No greater than 20 per cent of the ground floor retail tenancies shall be in-filled with signage or non-transparent material/cladding.

Outdoor Lighting

- B5. All outdoor lighting within the site shall comply with, where relevant, AS1158.3.1-2005 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 issue of a Construction Certificate.

Access for People with Disabilities

- B6. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and SOPA Access Guidelines 2011. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any Construction Certificate drawings.

Number of Car Spaces

B7.

- a) A maximum of 63 car parking spaces for the commercial component and 7 spaces for the retail component are to be provided for the development in the basement. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- i) The layout and design of the car parking areas including driveways, grades, turn paths, sight distance, aisle widths and lengths and parking bay dimensions) be in accordance with AS 2890 parts 1, 2 and 6.

Number of Bicycle Spaces

B8.

- a) A minimum of 9 bicycle parking spaces for visitors are to be provided at ground level. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- b) The layout, design and security of bicycle facilities either on-street or off street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:
 - i) all bicycle parking for staff must be Class 2 bicycle facilities, and
 - ii) all bicycle parking for visitors must be Class 3 bicycle rails.

Structural Details

- B9. Prior to the issue of a relevant construction certificate, the Applicant shall submit to the satisfaction of the certifying authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA, and
 - b) the development consent

Mechanical Ventilation

- B10. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Storage and Handling of Waste

- B11. The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:
- a) All internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - b) Include provision for the separation and storage in appropriate categories of material suitable for recycling; and
 - c) Include provision for separate storage and collection of organic/food waste.

C. PRIOR TO COMMENCEMENT OF WORKS

Demolition

- C1. Any demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

Notice of Commencement of Works

- C2. The Certifying Authority and SOPA shall be given written notice, at least 48 hours prior to the commencement of building or subdivision work on the Subject Site.

Construction Environmental Management Plan

- C3.
- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters, where relevant:
 - i) hours of work;
 - ii) 24 hour contact details of site manager;
 - iii) traffic management, in consultation with SOPA;
 - iv) construction noise and vibration management plan, prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 – 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009);
 - v) management of dust to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - viii) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
 - b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
 - c) The Applicant shall submit a copy of the CEMP to the Department and to SOPA, prior to commencement of work.

Waste Management Plan during construction

C4.

- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan shall be prepared by a suitably qualified person in consultation with the SOPA, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - i) Recycling of demolition materials including concrete;
 - ii) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant shall submit a copy of the Plan to the Department and to SOPA, prior to commencement of work.
- d) The Applicant must notify the Roads and Maritime Services Traffic Management Centre (TMC) of the truck routes(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

Traffic and Pedestrian Management Plan

C5.

- a) Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with SOPA, and where required, the approval of the council's traffic committee obtained.
- b) The Plan shall address, but not be limited to, the following matters:
 - i) ingress and egress of vehicles to the Subject Site;
 - ii) loading and unloading, including construction zones;
 - iii) predicted traffic volumes, types and routes;
 - iv) pedestrian and traffic management methods;
 - v) construction activities during major events; and
 - vi) potential impacts to pedestrian access and public transport infrastructure including rail and bus stops and measures to mitigate including the temporary relocation of services.
- c) The Applicant shall submit a copy of the final Plan to SOPA, prior to the commencement of work.

Utility Services

C6.

- a) Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- b) Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Sydney Water Quick Check

- C7. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will need to be appropriately stamped by the Sydney Water Quick Check agent.

Note: for further assistance please telephone 13 20 92 or refer to Sydney Water's website www.sydneywater.com.au for Quick Check agent details.

D. DURING CONSTRUCTION

Hours of Work

- D1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 3:00 pm, Saturdays;
 - c) no work on Sundays and public holidays;
 - d) Works may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii) The work is approved by the Director General or their nominee;
 - iv) SOPA shall be advised in advance of any access for construction/delivery vehicles during major event periods (eg. V8 supercar and Royal Easter Show).

Erosion and Sediment Control

- D2. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- D3. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by SOPA.

Approved Plans to be On-site

- D4. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, SOPA or the Certifying Authority.

Site Notice

- D5.
- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
 - b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

- ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- iii) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Protection of Trees

D6.

- a) No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from SOPA is obtained or is required in an emergency to avoid the loss of life or damage to property.
- b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of SOPA.
- c) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Construction Noise Management

D7.

- a) The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved as part of the CEMP.
- b) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- c) The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
 - i) 9.00 am to 12.00 pm, Monday to Friday;
 - ii) 2.00 pm to 5.00 pm Monday to Friday; and
 - iii) 9.00 am to 12.00 pm, Saturday
- d) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- e) Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.

Vibration Criteria

D8. Vibration caused 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 – Effects of Vibration on Structures.

- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
- c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- d) these limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP.

Work Cover Requirements

- D9. 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/Fencing Requirements

- D10. The following hoarding requirements shall be complied with:
- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
 - b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

- D11. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

- D12. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

E. PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Water Management

- E1. Prior to the issuing of any Occupation Certificate, a plan of the operation and maintenance for all water sensitive urban design assets, including gross pollutant traps, for the life of the asset shall be prepared. The plan must include routine checking, cleaning and servicing of all devices in accordance with the manufacturers recommendations and evidence of a maintenance contract covering at least the first two year period. A copy of the maintenance plan and contract must be provided to the SOPA.

Event Impact Assessment

- E2. Prior to issuing an Occupation certificate for the use of all or part of the building, an Event Management Statement shall be prepared in consultation with SOPA and is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Occupation Certificate.

Workplace Travel Plan

- E3. A Green Travel Plan (Workplace Travel plan) which complies with SOPA's Travel Plan Guidelines shall be prepared in consultation with SOPA and is to be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate.

Mechanical Ventilation

- E4. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The development consent and any relevant modifications; and,
 - d) Any dispensation granted by the New South Wales Fire Brigade.

Road Damage

- E5. The cost of repairing any damage caused to SOPA or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

Sydney Water Compliance

- E6. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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.

The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of the Occupation Certificate.

Post-construction Dilapidation Report

- E7. Prior to the issue of an Occupation Certificate, the applicant 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.
- a) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - b) A copy of this report is to be forwarded to the Department and SOPA.

Fire Safety Certification

- E8. Prior to the issue of an Occupation Certificate, a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

Structural Inspection Certificate

- E9. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and SOPA after:
- a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
 - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F. POST OCCUPATION

Loading and Unloading

- F1. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.

Unobstructed Driveways and Parking Areas

- F2. 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.

Noise Control – Plant and Machinery

- F3. Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall comply with the requirements of the NSW Industrial Noise Policy (Environmental Protection Authority, 2000).

Storage of Hazardous or Toxic Material

- F4. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Way to be Unobstructed

- F5. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- F6. External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

ADVISORY NOTES

Appeals

- AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

Other Approvals and Permits

AN2. The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Responsibility for other consents / agreements

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Temporary Structures

AN4.

- c) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- d) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN5. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN6.

- a) 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.
- b) 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 Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population 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.

Asbestos Removal

AN7. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

Site contamination issues during construction

- AN8. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.