Development consent

Section 89E of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, under delegation dated 16 February 2015, 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.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 28 April 2017

SCHEDULE 1

Application No.: SSD 7445

Applicant: Ecove Group Pty Ltd

Consent Authority: Minister for Planning

Land: Site 9, Corner Olympic Boulevard and Sarah Durack Avenue, Sydney Olympic Park

Development: Construction of a 39 storey mixed use development comprising 229 residential apartments, commercial and retail floor space, associated car parking spaces, a pedestrian through-site link and public domain improvements.
## DEFINITIONS

<table>
<thead>
<tr>
<th>Advisory Notes</th>
<th>Advisory information relating to the consent but do not form a part of this consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Ecove Group Pty Ltd</td>
</tr>
<tr>
<td>Application</td>
<td>The development application and the accompanying drawings plans and documentation described in Condition A2</td>
</tr>
<tr>
<td>Construction</td>
<td>Any works, including earth and building works</td>
</tr>
<tr>
<td>Council</td>
<td>City of Parramatta Council</td>
</tr>
<tr>
<td>Certification of Crown Building works</td>
<td>Certification under s109R of the EP&amp;A Act</td>
</tr>
<tr>
<td>Certifying Authority</td>
<td>Means a person who is authorised by or under section 109D of the EP&amp;A Act to issue a construction certificate under Part 4A of the EP&amp;A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works</td>
</tr>
<tr>
<td>Day time</td>
<td>The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays</td>
</tr>
<tr>
<td>Department</td>
<td>Department of Planning and Environment or its successors</td>
</tr>
<tr>
<td>EEC</td>
<td>Endangered ecological community</td>
</tr>
<tr>
<td>Evening</td>
<td>The period from 6 pm to 10 pm</td>
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<tr>
<td>Environmental Impact Statement (EIS)</td>
<td>SSD 7445 Environmental Impact Statement, Site 9, Sydney Olympic Park, prepared by JBA dated April 2016</td>
</tr>
<tr>
<td>EPA</td>
<td>Environment Protection Authority, or its successor</td>
</tr>
<tr>
<td>EP&amp;A Act</td>
<td>Environmental Planning and Assessment Act 1979</td>
</tr>
<tr>
<td>EP&amp;A Regulation or Regulation</td>
<td>Environmental Planning and Assessment Regulation 2000</td>
</tr>
<tr>
<td>Minister</td>
<td>Minister for Planning, or nominee</td>
</tr>
<tr>
<td>NCC</td>
<td>National Construction Code</td>
</tr>
<tr>
<td>Night time</td>
<td>The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays</td>
</tr>
<tr>
<td>OEH</td>
<td>Office of the Environment and Heritage, or its successor</td>
</tr>
<tr>
<td>Reasonable and Feasible</td>
<td>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.</td>
</tr>
<tr>
<td>Response to Submissions (RtS)</td>
<td>Response to Submissions prepared by JBA titled SSD 7445 Response to Submissions, Site 9, Sydney Olympic Park dated February 2017.</td>
</tr>
<tr>
<td>RMS</td>
<td>Roads and Maritime Services Division, Department of Transport or its successor</td>
</tr>
<tr>
<td>Secretary</td>
<td>Secretary of the Department of Planning and Environment, or nominee/delegate</td>
</tr>
<tr>
<td>Secretary’s approval, agreement or satisfaction</td>
<td>A written approval from the Secretary (or nominee/delegate). Where the Secretary’s approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary 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.</td>
</tr>
<tr>
<td>Sensitive receiver</td>
<td>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</td>
</tr>
<tr>
<td>Subject Site</td>
<td>Part Lot 2004 in DP 1192085</td>
</tr>
<tr>
<td>SOPA</td>
<td>Sydney Olympic Park Authority</td>
</tr>
</tbody>
</table>
SCHEDULE 2

A  ADMINISTRATIVE 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 Schedule 1.

Development in Accordance with Plans and Documents

A2. The Applicant shall carry out the development in accordance with the:

a) Environmental Impact Statement, Site 9, Sydney Olympic Park prepared by JBA and dated April 2016;

b) SSD 7445: Response to Submissions, Site 9, Sydney Olympic Park, prepared by JBA and dated October 2016;

c) SSD 7445: Response to Submissions Addendum, Site 9, Sydney Olympic Park, prepared by JBA and dated February 2017

d) following drawings, except for:

i) any modifications which are Exempt or Complying Development;

ii) as otherwise provided by the conditions of this consent; and

e) the conditions of this consent.

<table>
<thead>
<tr>
<th>Architectural (or Design) Drawings prepared by Bates Smart:</th>
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<tbody>
<tr>
<td><strong>Drawing No.</strong></td>
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<td>DA01.001</td>
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<td>DA02.028</td>
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</tbody>
</table>
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 consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Development Expenses

A4. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Lapsing of Approval

A5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.
Prescribed Conditions
A6. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

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 13 1441.

Legal Notices
A8. Any advice or notice to the consent authority shall be served on the Secretary.
B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Works Prior to Construction Certificate
B1. Work must not commence until a relevant Construction Certificate has been issued.

Amended Architectural Plans
B2. Prior to the issue of a Construction Certificate, the following amended architectural plans / elevations and documentation shall be prepared for review and endorsement of the Sydney Olympic Park Design Review Panel and submitted to the Secretary:

(a) the materiality and design of the parapet shall be redesigned so that it is expressed as an architectural feature, clearly distinct from the residential levels below, and does not read as a continuation of the building facade; and

(b) a visual analysis demonstrating that the redesigned parapet in accordance with (a) above screens the apartment on Level 39, so that it will not be readily visible and will not read as a legible part of the building from surrounding streets and future developments immediately to the north and south.

National Construction Code Compliance
B3. All aspects of the building design shall comply with the applicable performance requirements of the National Construction Code of Australia to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

a) complying with the deemed to satisfy provisions, or

b) formulating an alternative solution which:
   i) complies with the performance requirements, or
   ii) is shown to be at least equivalent to the deemed to satisfy provision, or
   iii) a combination of a) and b).

Contamination
B4. The Applicant must engage a Site Auditor, accredited under the Contaminated Land Management Act 1997 (CLM Act) to provide independent advice on suitability of the site for the approved land use and the suitability of the proposed engineering and management response to address the potential risks associated with landfill gas. The following site audit statements and interim site audit services should be issued:

a) a Section B Site Audit Statement, issued prior to remediation works and prior to commencement of construction works that certifies the appropriateness of the following detailed plans: remediation action plan, risk assessment and landfill gas system design and landfill gas Risk management plan for the site;

b) a Section B Site Audit Statement, issued following remediation and construction works but prior to the occupancy certificate being issued, certifying that the land can be made suitable for its uses subject to implementation of the above plans;

c) interim Site Audit Advices, issued annually until a Section a Site Audit Statement has been issued. The Interim Site Audit Statement should certify that the implementation of the above plans is appropriate and that the objective of the plans is being met; and

d) a Section A Site Audit Statement, issued three years after the first Interim Site Audit Advise has been issued. The Site Audit Statement should certify that the site is suitable for its uses subject to the ongoing implementation of above plans.
Landfill Gas Management

B.5. Prior to the issue of a relevant Construction Certificate the Applicant must submit the Landfill Gas Risk Management Plan to the EPA Site Auditor for review and approval. A copy of the Site Auditors advice shall be provided to SOPA’s Executive Director – Operations for information.

Prior to the commencement of construction works, the final detailed design of the building and the landfill gas mitigation system must be submitted to the EPA Site Auditor for review and approval. A copy shall be submitted to SOPA’s Executive Director – Operations for information.

Compliance with SOPA Remediated Land Management Plan and Contaminated Lands Management Act

B.6. The Applicant must ensure that all works and remediated lands are undertaken strictly in accordance with SOPA’s Remediated Land Management Plan and Contaminated Lands Management Act Notice Number 28040.

Final Validation Plan

B.7. Prior to the issue of a relevant Construction Certificate, a Final Validation Plan shall be prepared by a suitability qualified person and submitted to NSW EPA accredited Site Auditor for approval. A copy shall be submitted to SOPA’s Executive Director – Operations for information.

Landscaping and Public Domain Plan

B.8. A detailed Landscaping and Public Domain Plan (LPDP) prepared by a suitably qualified person in consultation with SOPA shall be submitted to the Certifying Authority for approval prior to the issue of a relevant Construction Certificate. The LPDP shall include the following:

a) a materials palette for landscaping infrastructure including pavement and pavement treatments, which is coordinated with the paving finishes and other public domain elements in Sydney Olympic Park;

b) details of outdoor lighting;

c) details of compliance with the Crime Prevention Through Environmental Design principles particularly in relation to the need for clear unobstructed sight lines through the site;

d) the design and materials of landscape furniture, lighting, landscape infrastructure;

e) suitable tree and plant species to be used including native species from relevant local vegetation community; and

f) details of general maintenance of landscape areas.

Materials and Finishes

B.9. Prior to the issue of a relevant Construction Certificate, detailed schedule/plans and sample board of all external materials including awnings, screens, shading/sun control devices, finishes and colours shall be prepared in consultation with SOPA and submitted to the Certifying Authority and the Secretary.

BASIX

B.10. All commitments outlined in BASIX Certificate Number 703663M required to achieve satisfactory levels of thermal comfort and water and energy ratings, shall be incorporated
into the proposed development and provided to the Certifying Authority prior to the issue of a relevant Construction Certificate.

Car Parking and Access

B11. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority and copy to the Secretary prior to the issue of the relevant Construction Certificate:
(a) all vehicles should enter and leave the car park in a forward direction;
(b) all vehicles are to be wholly contained on site before being required to stop;
(c) parking associated with the proposal (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with Parking Facilities Part 1: Off-Street Car Parking AS 2890.1-2004, AS/NZS 2890.6:2009 and Parking facilities Off-street commercial vehicle facilities AS 2890.2-2002;
(d) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
(e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
(f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, shall be in accordance with AUSTROADS.

B12. A maximum of 353 car parking spaces are to be provided for the development, comprising:
(a) 34 commercial spaces;
(b) 15 retail spaces; and
(c) 304 residential spaces.

Bicycle Parking and Facilities

B13. A minimum of 399 bicycle parking spaces are to be provided for the development, comprising:
(a) 282 bike spaces (residential component);
(b) 57 residential visitor spaces (49 internal and 8 external); and
(c) 60 commercial spaces (20 internal and 40 external visitor).

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of AS 2890.3 – 2015 Parking Facilities Part 3: Bicycle Parking Facilities.

B14. A minimum of 13 showers shall be provided for the commercial and retail tenancies in accordance with the application. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for services and finishes works.

Ecologically Sustainable Development

B15. The project shall incorporate all design, operation and construction measures as identified in the ESD Strategy prepared by ARUP dated 7 March 2016. Details are to be submitted to the Certifying Authority prior to the issue of a relevant Construction Certificate.

Installation of Water Efficiency Measures

B16. All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the Certifying Authority, prior to the issue of the relevant Construction Certificate being issued for above ground works.
B17. All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the Certifying Authority, prior to issue of the relevant Construction Certificate for services and finishes works.

Construction Environmental Management Plan

B18.

a) Prior to the issue of a relevant Construction Certificate, a **Construction Environmental Management Plan** (CEMP) shall be submitted to the SOPA’s Executive Director – Operations for approval. The CEMP shall include, but not be limited to, the following matters, which are to be addressed by a suitably qualified person:

i) details on type, depth and extent of excavation and piling works;

ii) hours of work;

iii) 24-hour real time contact details of site manager and out of hours’ contacts;

iv) Traffic and Pedestrian Management Plan;

v) Erosion and Sediment Control Plan;

vi) Construction Noise and Vibration Management Plan;

vii) Stockpile management;

viii) Asbestos Management Plan;

ix) Soil and Water Management Plan

x) Landfill Gas Risk Management Plan – including environmental, human health and explosion risks associated with emissions and exposure to landfill gas and trace gases during construction works and appropriate preventative and/or action controls and monitoring schedule for during construction works prepared by a suitably qualified person in the field of landfill gas risk management. A copy to be provided to the Department of Planning;

xi) Groundwater / Leachate Management Plan – providing details on any proposed dewatering activities on site, if applicable, interception of groundwater/leachate and removal of groundwater/leachate when constructing piles for the building foundations;

xii) Unexpected finds protocol;

xiii) Air Quality Management Plan to prevent impacts on sensitive receivers located near the site in relation to dust emissions;

xiv) Soil and Water Management Plan;

xv) Noise Impact Management Plan;

xvi) Dangerous Goods/Chemical Waste Management Plan;

xvii) Dust and Odour Management Plan;

xviii) Occupational Health and Safety Management Plan;

xix) Community Health & Safety Management Plan;

xx) Construction Waste Management Plan;

xxi) Major Events Management Plan; and

xxii) external lighting in compliance with AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting* (noting also that lighting is to be designed and
controlled to minimise artificial sky glow and adverse disturbance to fauna within Bicentennial Park and Badu Mangroves).

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.

**Construction Traffic and Pedestrian Management Plan**

**B19.**

a) Prior to the issue of a relevant Construction Certificate, a **Construction Traffic and Pedestrian Management Plan** (TPMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The TPMP must be prepared in consultation with SOPA.

b) The TPMP 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) details of special event and clearway conditions on surrounding roads in the vicinity of the site during special events;
   
vii) potential impacts to pedestrian access and public transport infrastructure including bus services and measures to mitigate impacts including temporary relocation of services; and
   
viii) access for owners and occupiers during special events.

c) The Applicant shall submit a copy of the final Plan to SOPA, prior to commencement of work.

**Stormwater Management**

**B20.** Prior to the issue of a relevant Construction Certificate, a **Stormwater Management Plan** (SMP), consistent with the SOPA Stormwater Management and Water Sensitive Urban Design Policy 2013, prepared by a suitably qualified person, shall be submitted to SOPA; s Executive Director – Operations for approval. The SMP shall show:

a) all stormwater catchments for the site;

b) all stormwater drainage system elements for the site including long sections for all drainage elements including hydraulic grade line calculations;

c) all elements of the detention system including sufficient sections and details demonstrating how the system is to operate. The entire site is to be included in the detention sizing calculations, including land to be dedicated to SOPA;

d) all elements of the stormwater treatment system including sufficient sections and details demonstrating how the system is to operate and the diversion flow rate into the treatment system. The entire site is to be included in the detention sizing calculations, including land to be dedicated to SOPA and any on site detention systems are not to be included in the calculations for water quality;

e) all calculations showing how the intent of the SOPA Stormwater Management and Water Sensitive Urban Design Policy 2013 is met;
f) details of all stormwater connections to the existing SOPA stormwater system; and

g) details of the overland flow system and calculations to demonstrate the capacity to safely convey flow through the site including DxV calculations; and

h) a detailed Stormwater Management Strategy, consistent with SOPA’s Stormwater Management & WSUD Policy 2016, prepared by a suitably qualified person which details how the development is to maximise the use of locally harvested rainwater captured from the building’s roof surfaces and hard paved areas for all approved rainwater uses (e.g. irrigation) prior to the use of any Water Reclamation and Management Scheme (WRAMS) water as a supplementary source of recycled water.

Erosion and Sedimentation Control


B22. Prior to the issue of a relevant Construction Certificate, a Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified person in consultation with SOPA. This SWMP shall include:

a) the location and extent of all necessary sediment and erosion control measures for the site;

b) sediment basin(s) locations including details showing how runoff from the entire site will be directed to the sediment basin(s);

c) all relevant details and calculations of the sediment basins including sizes in accordance with the *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)*, flocculation, outlet design, all relevant sections, pump out systems, and depths;

d) all details of basement and other excavation pump out and dewatering treatment systems including flocculation and any proposed discharge from the site from dewatering and pump out systems;

e) identification and management of any stormwater run-on to the site from adjacent sites;

f) location of any temporary stockpiles (soil, spoil, top soil or otherwise) and accompanying sediment and erosion control measures; and

g) location and details of all vehicle wash down bays and associated erosion and sediment control measures such as earthen bunds.

Reflectivity

B23. Prior to the issue of a relevant construction certificate, a Reflectivity Report prepared by a suitably qualified person, shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The Report shall confirm the building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers.

Outdoor Lighting

B24. All outdoor lighting within the site shall comply with, where relevant, *AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting* and *AS 4282: 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 relevant Construction Certificate.
Access for People with Disabilities

B25. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the National Construction Code, DDA Access to Premises Standards (including DDA Access Code) and SOP Master Plan 2030 and the recommendations contained in the Access Report prepared by Accessibility Solutions (NSW) Pty Ltd dated 25 July 2016 unless where there is an appropriate alternate solution as determined by a suitable qualified access consultant.

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 including how the proposed development integrates into the town centre with compliant paths of travel and services.

National Construction Code (alternative solutions)

B26. Any non-deemed to satisfy compliance issues are to be included as alternative solutions in the final design to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate. A copy shall be provided to the Secretary.

Mechanical Ventilation

B27. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the National Construction Code and shall comply with AS 1668.2 and AS 3666.1 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 relevant Construction Certificate.

Pre-construction Dilapidation Report

B28. The Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report for approval by the Certifying Authority prior to the issue of the Construction Certificate detailing the current structural condition of all existing adjoining buildings, infrastructure and roads.

Acoustic Impacts

B29. Prior to the issue of a relevant Construction Certificate, the Applicant shall submit details to the Certifying Authority demonstrating how the proposed development will comply with the Department of Planning’s Development Near Rail Corridors and Busy Roads - Interim Guideline and the recommended glazing design and other measures in the Acoustic Assessment prepared by Renzo Tonin, dated 8 July 2016 have been incorporated into the detailed design of the building.

Compliance Report

B30. Prior to the issue of each Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.
C PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

C1. The Certifying Authority, SOPA and the Department shall be given written notice, at least 48 hours prior to the commencement of building and/or subdivision work on the Subject Site.

Certified Plans

C2. Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the Certifying Authority and copy to the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

Contact Telephone Number

C3. Prior to the commencement of the works, the Applicant shall forward to the Certifying Authority and Department a 24 hour telephone number to be operated for the duration of the construction works.

Approved Plans to be On-Site

C4. 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 by any officer of the Department, SOPA or the Certifying Authority.

Site Notice

C5. 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, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
   a) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
   b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
   c) 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
   d) 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.

Structural Details

C6. Prior to the commencement of construction (excluding early works), the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
   a) the relevant clauses of the NCC;
   b) the development consent; and
   c) drawings and specifications comprising the Construction Certificate.

Utility Services

C7. Prior to the commencement of work, the Applicant is to obtain written approval from the utility authorities (electricity supply authority, an approved telecommunications carrier
and an approved gas carrier, where relevant) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

**Hoarding**

C8. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

a) architectural, construction and structural details of the design as well as proposed artwork; and

b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

**Waste Management Plan During Construction**

C9. Prior to the commencement of any works, the Applicant shall:

a) submit a *Construction Waste Management Plan* (CWMP), prepared by a suitably qualified person in consultation with the SOPA, to the Certifying Authority. The CWMP shall address, but not be limited to, the following matters:

i) recycling of demolition materials including concrete; and

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) provide 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) submit a copy of the Plan to the Department and to SOPA, prior to commencement of work;

d) notify RMS 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; and

e) detail the segregation and management of contaminated materials and spoil stockpiles during construction.

**Sydney Water Quick Check**

C10. 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.*
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; and
   c) no work on Sundays and public holidays; or
   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; or
      ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
      iii) a variation is approved, in advance, in writing, by SOPA’s Executive Director – Operations; or
      iv) SOPA shall be advised in advance of any access for construction/delivery vehicles during major event periods.

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 EPA in accordance with the Protection of the Environment Operations Act 1997.

Contamination

D4. Prior to the commencement of construction works, the final detailed design of the building & landfill gas mitigation system must be submitted to the EPA Site Auditor for review and approval. A copy shall be submitted to SOPA’s Executive Director – Operations

Trees

D5. The Applicant shall ensure:
   a) no street trees are 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 are protected at all times during construction, in accordance with SOPA’s Tree Protection on Constructions Guidelines. 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, are to be provided to protect the root system, trunk and branches during construction;
d) any service connections within the tree protection zone must be supervised by a consulting Arborist and be aligned to minimise loss of root plate using manual trenching and/or boring; and

e) the removal works are undertaken by a qualified arborist recognised within the Australian Qualification Framework, with a minimum five years of continual experience within the industry of operational amenity arboriculture, and covered by appropriate and current types of insurance to undertake such works and in accordance with AS 4373:2007 Pruning of Amenity Trees.

Construction Noise Management

D6.

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 CNVMP, approved as part of the CEMP required by condition B18.

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 CNVMP.

i) 8 am to 12 pm, Monday to Friday;

ii) 2 pm to 5 pm Monday to Friday; and

iii) 9 am to 12 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 CNVMP.

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

D7. Unless otherwise outlined in the CNVMP, approved as part of the CEMP required by condition B18, 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; and

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.
Work Cover Requirements

D8. 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.

Hoardings/Fencing Requirements

D9. The following hoarding requirements shall be complied with:
   a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
   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

D10. 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

D11. 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 Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

Waste Classification

D12. Waste classification of all material to be transported off the site for disposal is to be undertaken in accordance with the Department of Environment, Climate Change and Water (2009) Waste Classification Guidelines. In that regard all waste is to be disposed to a facility that can lawfully receive waste and all documentation including waste classification reports, receipts and weighbridge docket for materials disposed off-site are to made available to SOPA if requested.
PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate

E1. An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or part of the new building. A copy of the certificate shall be submitted to the Department and SOPA.

Public Domain Works

E2. All public domain works including connections to adjacent sites are to be completed to the satisfaction of SOPA prior to issue of the Final Occupation Certificate.

Travel Access Plan

E3. A Travel Access Plan is to be prepared and submitted to the satisfaction of the Certifying Authority prior to the issue of the Final Occupation Certificate.

Acoustic Compliance

E4. Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating compliance with all recommendations of the Noise and Vibration Report (and addendum), prepared by Renzo Tonin, submitted as part of the EIS and the development achieves compliance with the requirements of State Environmental Planning Policy (Infrastructure) 2007 and other guidelines applicable to the development.

Mechanical Ventilation

E5. 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 the Final Occupation Certificate, that the installation and performance of the mechanical systems complies with:

a) the National Construction Code;

b) The use of Ventilation and Air-conditioning in buildings Set AS1668 and other relevant codes;

c) the development consent and any relevant modifications; and

d) any dispensation granted by the Fire and Rescue NSW.

Road Damage

E6. 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 the Final Occupation Certificate.

Sydney Water Compliance

E7. 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 Final Occupation Certificate.

Post-construction Dilapidation Report

E8. The Applicant shall prepare a Post-Construction Dilapidation Report, prepared by a suitably qualified person, to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Certifying Authority at the completion of construction works, and prior to the issue of the Final Occupation Certificate. A copy shall also be forwarded to SOPA.

In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:

a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and

b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

Fire Safety Certification

E9. Prior to the issue of any 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

E10. 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; and

b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Utility Providers

E11. Prior to the issue of a relevant Occupation Certificate 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.

Drainage Plan

E12. Prior to the issuing of the Final Occupation Certificate for the development, the Applicant shall submit to SOPA and the Certifying Authority a Works-as-Executed Drainage Plan (WEDP) prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The WEDP shall be to the satisfaction of the Certifying Authority.

Waste Management

E13. The Applicant shall prepare a Waste Management Plan (WMP) to be submitted to the Certifying Authority for approval prior to occupation. The WMP shall provide details of
the operational waste management measures for the site and 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 requirements for the waste area are as follows:

a) all internal walls of the storage area are to be finished to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and

b) include provision for the separation and storage in appropriate categories of material suitable for recycling.

Sewerage Plan

E14. Prior to the issuing of the Final Occupation Certificate, a Works-as-Executed Sewerage Plan (WESP) prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer shall be submitted to SOPA and the Certifying Authority. The WESP shall be to the satisfaction of the Certifying Authority.
F POST OCCUPATION

Travel Access Plan

F1. The Travel Access Plan, required by condition E3, shall be displayed in all common areas throughout the site for residents.

Contamination

F2. Prior to the issue of an Occupation Certificate, a Long-Term Site Management Plan prepared by a suitably qualified person with proven experience in landfill gas management shall be submitted to the EPA Site Auditor for approval and a copy to be provided to SOPA’s Executive Director – Operations for information. The Long-Term Site Management Plan shall give consideration to, but not limited to, details on:
- sub slab monitoring;
- indoor air monitoring;
- gas monitoring and alarm system(s) in lift shafts;
- operation of permanent gas monitoring and alarm systems;
- trigger and alarm levels; and
- alarm response and contingency procedures.

Establishment, Handover, Operation and Maintenance Plan

F3. All water sensitive design assets must be maintained on an ongoing basis, in accordance with the Establishment, Handover, Operation and Maintenance Plan. Where any component of these assets are replaced, any alternative system must achieve an equivalent pollution reduction and water management outcome.

Vehicular Access

F4. All vehicles entering and exiting the car parking area must do so in a forward direction.

Unobstructed Driveways and Parking Areas

F5. 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.

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.

Loading/Unloading

F7. All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

Signage

F8. Any signage that does not form part of this approval is subject to a separate Development Application to be submitted to SOPA.

Ecologically Sustainable Development

F9. The operation of the building shall implement the ESD principles and design measures outlined within the EIS.
Annual Fire Safety Certificate

F10. An annual Fire Safety Statement must be given to SOPA and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for fire safety have been inspected and at the time of inspection can operate to the required minimum standard.

Noise Control – General

F11. The use of the premise shall not cause nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

Noise Control – Plant and Machinery

F12. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

a) transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;

b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; or

c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.
ADVISORY NOTES

Appeals
AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (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 (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
   b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 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 EP&A Act. 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 BCA 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 (EPBC Act) 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 EP&A Act. 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 EPBC Act does not have application. The EPBC 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.

END OF ADVISORY NOTES