

# Development consent

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

As delegate of the Minister for Planning, under delegation dated 11 October 2017, 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 20 December 2017

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### SCHEDULE 1

<b>Application No.:</b>	SSD 7942
<b>Applicant:</b>	URBN Surf (Sydney) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Pod B, P5 Car Park, Hill Road, Sydney Olympic Park (Lot 71 DP 1191648)
<b>Development:</b>	Construction and operation of an open water surf sports lagoon facility

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	URBN Surf (Sydney) Pty Ltd
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Construction	Any works, including earth and building works
Council	City of Parramatta Council
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; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
DPI	Department of Primary Industries, or its successor
Evening	The period from 6 pm to 10 pm
EIS	The Environmental Impact Statement entitled ' <i>URBN SURF Sydney – Pod B P5 Carpark, Hill Road, Sydney Olympic Park – Environmental Impact Statement for State Significant Development (SSD 7942)</i> ', prepared by SJB Planning and dated June 2017 and accompanying attachments
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial. <i>Note: This meaning of "material harm" applies for the purpose of this approval only</i>
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays

OEH	Office of Environment and Heritage, or its successor
Reasonable	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.
RAP	Remedial Action Plan
RTS	The Response to Submissions report entitled ' <i>Response to Submissions - State Significant Development (SSD 7942): URBNSURF Sydney, Pod B P5 Carpark, Hill Road, Sydney Olympic Park</i> ', prepared by URBN Surf (Sydney) Pty Ltd and dated 26 October 2017 and accompanying attachments
RMS	Roads and Maritime Services, or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	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.
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
Site	Land referred to in Schedule 1
SOPA	Sydney Olympic Park Authority, or its successor
TNSW	Transport for NSW, or its successor
Zone of influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth

## SCHEDULE 2

### A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

#### TERMS OF CONSENT

- A2. The Applicant, in acting on this consent, must carry out the development:
- a) in compliance with the conditions of this consent;
  - b) in accordance with all written directions of the Secretary;
  - c) generally in accordance with the State Significant Development Application SSD 7942 and EIS;
  - d) generally in accordance with the RTS; and
  - e) the following drawings:

<b>Architectural (or Design) Drawings prepared by MJA Studio</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA.00	E	Cover Page	22.09.2017
DA.01	C	Location Plan	06.04.2017
DA.02	C	Existing Site Context	06.04.2017
DA.03	C	Existing Site Topography	06.04.2017
DA.04	C	Existing Services Map	06.04.2017
DA.05	C	Proposed Demolition Plan	06.04.2017
DA.06	C	Proposed Subdivision Plan	06.04.2017
DA.07	E	Proposed Site Plan	20.06.2017
DA.08	D	Overshadowing Diagrams	14.06.2017
DA.09	D	Lower Level Plan	22.09.2017
DA.10	F	Proposed Ground Level Plan	22.09.2017
DA.11	F	Proposed Upper Level Plan	22.09.2017
DA.12	D	Proposed Roof Plan	14.06.2017
DA.13A	D	Dimension Plan	14.06.2017
DA.13B	D	Proposed Fencing and Secure Perimeter Plan	14.06.2017
DA.14	D	E-House and Water Treatment - Proposed Building Floor Plans	14.06.2017
DA.15	D	Workshop and Surf Academy – Proposed Building Floor Plans	14.06.2017
DA.16	F	Change Rooms and Rentals – Proposed Building Floor Plans	22.09.2017
DA.17	E	Café, Ticketing and Retail – Proposed Ground Floor Plans	14.06.2017
DA.18	F	Bar and Alfresco – Proposed Building Floor Plans	22.09.2017
DA.19	D	Bar and Alfresco – Proposed Buildings Sections	14.06.2017
DA.20	E	Siteplan Components	20.06.2017
DA.20B	E	Aerial View – Proposed Site Plan	20.06.2017

DA.21	D	Site Sections – A, B, C	14.06.2017
DA.22	D	Site Sections – 1, 2, 3	14.06.2017
DA.23	D	Hill Rd Edge Condition	14.06.2017
DA.24	D	Ring Road Edge Condition 1	14.06.2017
DA.25	D	Ring Road Edge Condition 2	14.06.2017
DA.26	C	Built Form Elevations	06.04.2017
DA.27	C	Material Palette	06.04.2017
DA.28	C	Built Form Image – Entry View	06.04.2017
DA.29	C	Built Form Image – The Sidepath	06.04.2017
DA.30	C	Built Form Image – The Service Yard	06.04.2017
DA.31	C	Built Form Image – The Lagoon Wall	06.04.2017
DA.32	C	Built Form Image – The Cove Lounge	06.04.2017
DA.33	C	Built Form Image – The Promenade	06.04.2017
DA.34	C	Built Form Image – The Hill	06.04.2017
DA.35	C	Built Form Image – Upstairs View	06.04.2017
DA.36	D	Built Form Image – Aerial View	14.06.2017

### INCONSISTENCY BETWEEN DOCUMENTS

- A3. If there is any inconsistency between the documents in **Condition A2**, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.

### LIMITS ON CONSENT

- A4. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.
- A5. This consent in no way implies or grants approval for the following:
- subdivision of the site or building; and
  - the entry signage (and associated landscaping features) shown in the Landscape Masterplan in Attachment 6 of the RTS.

Separate development application(s) must be lodged and consent obtained from the relevant consent authority for the above works and uses (except where exempt and complying development applies).

### 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.

Note: 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.

### END OF SECTION A

## **B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE**

B1. Work must not commence until a Construction Certificate has been issued.

### **BUILDING CODE OF AUSTRALIA COMPLIANCE**

B2. The proposed works must comply with the applicable performance requirements of the BCA 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).

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.

### **STRUCTURAL DETAILS**

B3. Prior to the issue of any 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.

### **EXTERNAL WALLS AND CLADDING FLAMMABILITY**

B4. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Certifying Authority must:

- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

### **SIGNAGE PLAN**

B5. A **Signage Plan** must be prepared including final details of façade building identification signage. The signage must be generally consistent with the details provided in the Architectural Drawings in Attachment 1 of the RTS. The signage must also be consistent with the *Sydney Olympic Park Authority Guidelines for Outdoor Advertising, Identification and Promotional Signage* (October 2002). The Signage Plan must be submitted to and approved by SOPA and a copy provided for the Secretary's information prior to the issue of the relevant Construction Certificate for signage installation.

## LANDSCAPING PLAN

B6. A detailed **Landscaping Plan** prepared by a suitably qualified person in consultation with Council and to the satisfaction of SOPA shall be submitted to the Certifying Authority for approval prior to the issue of a relevant Construction Certificate. The Plan shall be generally in accordance with the Landscape Masterplan in Attachment 6 of the RTS and include the following:

- a) final details of all landscaping and public domain works;
- b) a materials palette for all landscape furniture and features;
- c) the design, finish and materials of all landscape furniture and features (seats, benches, shading devices, awnings etc), outdoor lighting and landscape infrastructure;
- d) a high level of shading in the eastern lagoon deck area, the children's play area and activity node areas;
- e) provision of a toddler pool, adventure playground, mini half pipe skate ramp (or similar) and climbing wall as part of the lagoon-side features;
- f) an entry plaza finished with permeable pavement which provides a high level of integration with the adjacent public domain and public access from the Holker Busway;
- g) a car park with clearly demarcated pedestrian access paths, directional signage and balanced lighting;
- h) measures to ensure existing large mature screening trees on the site boundaries are retained (where possible) and supplemented with additional local endemic plantings such as Sydney Turpentine Ironbark Forest on the northern and eastern boundaries;
- i) ensure all landscaping plantings are primarily drawn from native vegetation communities located near the subject site consistent with the recommendations of the Flora and Fauna Assessment in Attachment 10 of the EIS; and
- j) details for on-going maintenance of landscape areas.

A copy of the approved Landscaping Plan must be provided to the Secretary.

## PUBLIC DOMAIN INTERFACE PLAN

B7. Prior to the issue of a relevant Construction Certificate, the Applicant is to prepare a **Public Domain Interface Plan** (PDIP) in consultation with SOPA. Final plans shall be submitted for the approval of SOPA's Executive Director – Operations. A copy of the approved PDIP must be provided to the Secretary.

## MATERIALS AND FINISHES

B8. Prior to the issue of a relevant Construction Certificate, detailed schedule/plans and a sample board of all external materials including, finishes and colours shall be prepared in consultation with SOPA and submitted to the Certifying Authority and the Secretary.

## REFLECTIVITY

B9. The visible light reflectivity from building materials used on the facades of any buildings shall not exceed 20 per cent and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

B10. The detailed design of the development shall incorporate the recommendations of the Ecologically Sustainable Development Review in Attachments 7a and 7b of the EIS. Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a relevant Construction Certificate.

## **INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS**

- B11. 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 to the Certifying Authority prior to the issue of the relevant Construction Certificate being issued for above ground works.
- B12. 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 to the Certifying Authority prior to issue of the relevant Construction Certificate for services and finishes works.
- B13. New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B14. Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## **CAR PARKING**

- B15. A minimum of 159 car parking spaces shall be provided in the southern portion of the site for public use.
- B16. Seven staff car parking spaces shall be provided in the main service yard.
- B17. The layout and design of the car parking areas (including driveways, grades, turn paths, sight distance, aisle widths and lengths and parking bay dimensions) are to be in accordance with AS 2890: *Parking Facilities parts 1, 2 and 6*.
- B18. The swept path of the longest vehicle (including semi-trailers and garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, shall be in accordance with AUSTROADS.
- B19. Loading areas shall be designed in accordance with the provisions of AS 2890.2 in regard to the loading dock height, and with the access and parking standards of AS 2890.1, AS 2890.2 and AS 2890.6.

## **BICYCLE PARKING**

- B20. A minimum of 25 bicycle parking spaces are to be provided for the development. Five of these spaces are to be provided for staff parking in a secure undercover location within the staff areas of the development.

The layout, design and security of all bicycle facilities either on-street or off-street must comply with the minimum requirements of AS 2890.3 – 1993 *Parking Facilities Part 3: Bicycle Parking Facilities*.

## **CONSTRUCTION VEHICLE ACCESS TO THE HOLKER BUSWAY**

- B21. Prior to the issue of any Construction Certificate, the Applicant shall obtain a permit from SOPA for any construction vehicles required to access to the Holker Busway.

## **EROSION AND SEDIMENTATION CONTROL**

- B22. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom.



## **OUTDOOR LIGHTING**

- B23. All outdoor lighting (including any signage illumination) 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.

- B24. The Applicant shall ensure that:

- a) outdoor lighting complies with lighting plans in Attachment 8a, 8b and 8c of the RTS;
- b) unless otherwise agreed in writing by SOPA, all lighting is designed in a manner that excludes upwards-pointing lights, and minimises light spill to Narawang Wetland and Haslams Creek habitats;
- c) the luminaire design of sports lighting poles is fitted with cut-off fixtures such that all light is directed downwards to the facility; and
- d) outdoor security and display lighting is fitted with cut-off fixtures such that light is directed at the target area only.

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. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

## **CONSTRUCTION AND FIT-OUT OF FOOD PREMISES**

- B26. The construction, fit-out and finishes of any food premises must comply with Standard 3.2.3 of the *Australian and New Zealand Food Standards Code* under the *Food Act 2003* all relevant Australian Standards and the provisions of the BCA. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate relating to the construction and fit-out of any food premises.

## **COOL ROOMS**

- B27. Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA.

## **GREASE TRAPS**

- B28. A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. Installation of the grease trap must comply with the requirements of Sydney Water.

Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

## **MECHANICAL VENTILATION**

- B29. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.
- B30. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified

person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

### **INTERLOCKS – MECHANICAL VENTILATION**

- B31. Interlocks shall be installed to the kitchen mechanical ventilation system to ensure that the system is not operated unless the filters are correctly installed and enhanced filtration and odour systems are fully functional and operational.

### **SANITARY FACILITIES – FOOD PREMISES**

- B32. The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the BCA, Part F 3.1, 4.8 and 4.9.

### **SANITARY FACILITIES FOR DISABLED PERSONS**

- B33. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Updated plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **UTILITY SERVICES**

- B34. Prior to the issue of a relevant Construction Certificate 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.

### **SYDNEY WATER ASSETS**

- B35. Building plans must be stamped and approved by Sydney Water prior to the issue of a Construction Certificate, due to the proximity of works to Sydney Water assets.

For further assistance, please visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

### **PRE-CONSTRUCTION DILAPIDATION REPORT**

- B36. The Applicant is to engage a suitably qualified person to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all existing adjoining buildings, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the SOPA and the Department.

### **GEOTECHNICAL ASSESSMENT**

- B37. The detailed design of the development shall incorporate the recommendations of the Geotechnical Assessment in Attachment 5 of the EIS. Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a relevant Construction Certificate.

### **PATRON SAFETY**

- B38. The Applicant must ensure the wave generator is designed to ensure patron safety at all times and so that persons using the wave pool cannot come in to contact with moving mechanical parts. Documentation demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a relevant Construction Certificate.

## **COMPLIANCE REPORT**

B39. 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.

**END OF SECTION B**

## C PRIOR TO COMMENCEMENT OF WORKS

### NOTICE OF COMMENCEMENT OF WORKS

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

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. Prior to the commencement of works, the Applicant shall prepare and implement a final **Construction Environmental Management Plan** (CEMP). The CEMP is to be prepared in accordance with the Department's *Guideline for the Preparation of Environmental Management Plans 2004*. The CEMP must include, but not be limited to:
- a) an outline of all environmental management practices and procedures that are to be followed during construction;
  - b) a description of activities to be undertaken during construction of the proposal (including staging and scheduling);
  - c) the hours of work permitted for construction activities under the consent;
  - d) a description of the roles and responsibilities for relevant employees involved in the construction of the proposal, including emergency and out-of-hours contact details, relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors, are aware of their environmental and compliance obligations under these conditions of approval;
  - e) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase;
  - f) incorporate all relevant management measures identified in the CEMP in Attachment 4 of the RTS and the RAP in Attachment 3 of the RTS;
  - g) a **Soil and Water Management Plan**;
  - h) a **Groundwater and Leachate Management Plan**;
  - i) a **Major Events Management Plan**;
  - j) a **Traffic and Pedestrian Management Plan** prepared in consultation with SOPA, TNSW, Council and RMS, to ensure traffic and access controls are implemented to avoid or minimise impacts on traffic, pedestrian and cyclist access, and the amenity of the surrounding environment;
  - k) a **Noise and Vibration Management Plan** prepared in consultation with SOPA, to detail how construction noise and vibration impacts will be minimised and managed;
  - l) an **Air Quality Management Plan** to detail how construction impacts on local air quality will be minimised and managed. This Plan must include identification of potential sources of airborne pollutants and how these will be monitored and managed;
  - m) a **Waste Management Plan** to detail how waste (including contaminated waste and potential acid sulphate soils) would be managed, classified, handled, reused and disposed of during construction;
  - n) an **Asbestos Management Plan** to detail procedures should asbestos be detected on site;
  - o) an **Unexpected Finds Protocol** to establish a response should unexpected waste and/or contamination (including landfill gas) be encountered;
  - p) a **Fauna Management Plan** which incorporates all relevant recommendations and mitigation measures outlined in the Flora and Fauna Assessment in Attachment 10 of the EIS, particularly in relation to the minimisation and management of potential impacts on fauna using swales on site and the Green and Golden Bell Frog; and

- q) community consultation and complaints management measures, including measures to consult with TNSW's Parramatta Light Rail Team and ensure the team is updated on key construction milestones.

The CEMP must include procedures for its periodic review and update (including updating the required sub-plans), as necessary.

The CEMP must be submitted for the approval of the SOPA, prior to the commencement of works. A copy of the approved CEMP must be provided to SOPA and the Secretary.

## SOIL AND WATER MANAGEMENT

- C3. Prior to the commencement of works, the Applicant shall prepare and implement a **Soil and Water Management Plan** to manage soil and water impacts during construction of the proposal. The Plan must:
- a) be prepared in accordance with the provisions of the Landcom's *'Blue Book, Part 1, Managing Urban Stormwater: Soils and Construction 2004 (4th edition)'*;
  - b) consider likely stages of the works and provide for appropriate control of sediment and erosion for each stage and include, but not be limited to:
    - i. location and extent of all necessary sediment and erosion control measures for the site;
    - ii. all relevant details and calculations of the sediment basins including sizes, depths, flocculation, outlet design, all relevant sections, pump out systems, and depths;
    - iii. location of any temporary stockpiles (soil, spoil, top soil or otherwise) and accompanying sediment and erosion control measures;
    - iv. location and details of all vehicle wash down bays and associated erosion and sediment control measures such as earthen bunds;
    - v. a daily and weekly site inspection checklist consistent with IECA Best Practice Erosion and Sediment Control documents.
  - c) include a suitable water quality run-off monitoring program.

The Plan must be approved by SOPA's Director, Planning and Environment, prior to the commencement of works.

## GROUNDWATER AND LEACHATE MANAGEMENT

- C4. Prior to the commencement of works, the Applicant shall engage a suitably qualified expert to prepare a **Groundwater and Leachate Management Plan** detailing how potentially contaminated groundwater and leachate would be managed during construction. The Plan must be prepared in consultation with DPI and approved by SOPA's Director, Planning and Environment, prior to the commencement of works. The Plan must be implemented for the duration of works.

## MAJOR EVENTS MANAGEMENT

- C5. Prior to the commencement of works, the Applicant shall prepare and implement a **Major Events Management Plan** to detail how construction activities will be managed during Major Events. The Major Events Management Plan must be approved by SOPA's Director, Planning and Environment, prior to the commencement of works.

## CONTAMINATION

- C6. Suitable measures to protect the integrity of the contamination containment cell in the southern portion of the site must be incorporated into the Construction Environmental Management Plan (refer to Condition C2).

## ASBESTOS MANAGEMENT PLAN

- C7. Prior to the commencement of works, the Applicant shall prepare and implement an **Asbestos Management Plan** to detail procedures should asbestos be detected on the site. The Plan must be approved by SOPA's Director, Environment and Planning, prior to the commencement of works. The Plan must be implemented for the duration of works. The Plan must:
- a) incorporate all requirements for asbestos management outlined in the CEMP in Attachment 4 of the RTS and the RAP in Attachment 3 of the RTS;
  - b) be consistent with all requirements of SafeWork Australia's codes of practice '*How to Safely Remove Asbestos 2011*' and '*How to Manage and Control Asbestos in the Workplace 2011*';
  - c) be consistent with all requirements of WorkCover NSW's '*Managing asbestos in or on soil 2014*';
  - d) identify any known or potential areas of concern on site for asbestos containing materials;
  - e) outline the procedures for identification, handling, disposal and/or re-use of asbestos containing materials;
  - f) ensure that all asbestos would be handled and/or disposed of by a suitably licensed asbestos removalist in accordance with the relevant guidelines and legislation;
  - g) ensure an induction process is in place for site workers and visitors regarding the identification of asbestos and the formal procedures to be followed in the event that asbestos is identified on site;
  - h) include measures to ensure workers on site wear personal protective equipment;
  - i) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas;
  - j) outline the procedures for soil validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates;
  - k) ensure compliance with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos; and
  - l) ensure satisfaction of the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 '*asbestos wastes*'.

## GREEN AND GOLDEN BELL FROG MANAGEMENT

- C8. The Construction Environmental Management Plan (refer to Condition C2) must incorporate suitable measures to:
- a) monitor for the presence of Green and Golden Bell Frogs on site during and immediately after high rainfall events; and
  - b) prevent Green and Golden Bell Frogs from entering the site during construction by installing temporary frog exclusion fencing (such as sediment fencing) or similar, particularly during and immediately after high rainfall events and during mating season.

## CERTIFIED PLANS

- C9. 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

- C10. Prior to the commencement of any 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**

- C11. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, SOPA or the Certifying Authority.

## **HOARDING**

- C12. 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.

## **BARRICADE PERMIT**

- C13. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

## **ROAD OCCUPANCY LICENCE**

- C14. A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

## **END OF SECTION C**

## **D DURING CONSTRUCTION**

### **CONSTRUCTION MANAGEMENT**

- D1. The **Construction Environmental Management Plan** (refer to Condition C2) and all relevant sub-plans must be fully implemented for the duration of construction.

### **HOURS OF WORK**

- D2. The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
- a) between 7 am and 5 pm, Mondays to Saturday;
  - b) no work on Sundays and public holidays; and
  - c) 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.

SOPA shall be advised in advance of any access for construction/delivery vehicles during major event periods.

### **REMEDIATION**

- D3. All remediation works are to be undertaken under the supervision of a suitably qualified and experienced expert (or experts) in accordance with the Remedial Action Plan (dated October 2017) in Attachment 3 of the RTS.

### **CONTAMINATION**

- D4. Suitable measures to protect the integrity of the contamination containment cell in the southern portion of the site must be implemented for the duration of works.
- D5. 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.

### **ASBESTOS MANAGEMENT**

- D6. All works involving the removal, handling and/or disposal of asbestos must only be undertaken by a suitably qualified expert who holds a current Class A Asbestos Removal Licence from SafeWork NSW and removal must be carried out in accordance with Safe Work Australia's NOHSC: Code of Practice for the Safe Removal of Asbestos 2005 and the approved RAP (refer to Condition D3).
- D7. An asbestos clearance certificate (or certificates) prepared by a suitably licenced asbestos removalist shall be provided to the Department and the Principal Certifying Authority upon completion of all asbestos removal works. The Applicant shall ensure the asbestos removal works comply with the relevant requirements of the *Work, Health and Safety Regulation 2011*.
- D8. All works involving the removal, handling and/or disposal of asbestos must be undertaken in accordance with the approved Asbestos Management Plan for the development (refer to Condition C7).

### **EROSION AND SEDIMENT CONTROL**

- D9. 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.

## BUNDING

- D10. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

## WATER DISCHARGE LIMITS

- D11. Any water to be discharged from the site, including any groundwater, surface water or stormwater must comply with the following standards:

Total suspended solids (TSS)	<50mg / litre
pH	pH 6.5-8.5
Oil and grease	No visible sheen on released waters
All other contaminants	ANZECC 95% limits for protection of ecosystem health

- D12. No approval is granted to pollute waters. All water discharge from the site must meet all requirements of the *Protection of the Environment Operations Act 1997*.

## FAUNA MANAGEMENT

- D13. During construction, a suitably licenced and experienced ecologist must be on site prior to and during the removal of the vegetated swales, for the purpose of locating and relocating fauna inhabiting these swales. Removal of the swales is not to occur on days when the maximum temperature is forecast to exceed 32 degrees Celsius, to avoid distress to fauna during searching and relocation. All release sites for salvaged fauna are to be approved by Sydney Olympic Park Authority.

## TREE PROTECTION AND REMOVAL

- D14. The Applicant shall ensure:

- 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;
- all street trees not removed as part of this consent are 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;
- all trees on the 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 root system, trunk and branches, during construction; and
- tree 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.

## CONSTRUCTION NOISE MANAGEMENT

- D15. The Applicant shall ensure:

- 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 C2;
- 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; and
  - 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

- D16. Unless otherwise outlined in the CNVMP, approved as part of the CEMP required by Condition C2, 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.

## SITE NOTICE

- D17. 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.

## **VEHICLE ACCESS TO THE HOLKER BUSWAY**

D18. All construction vehicles accessing the site via the Holker Busway must have a valid access permit issued by SOPA.

## **LOADING AND UNLOADING**

D19. All loading and unloading associated with construction must be accommodated on site.

## **NO OBSTRUCTION OF PUBLIC WAY**

D20. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

## **COVERING OF LOADS**

D21. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## **VEHICLE CLEANSING**

D22. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## **STOCKPILE MANAGEMENT**

D23. The Applicant must ensure that:

- a) stockpiles of excavated material do not exceed 4 metres in height;
- b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
- c) suitable erosion and sediment controls are in place for stockpiles.

## **DUST CONTROL MEASURES**

D24. Adequate dust control measures shall be detailed in the CEMP for the development (refer to Condition C2) and implemented to prevent dust from affecting the amenity of the neighbourhood during construction.

## **WORK COVER REQUIREMENTS**

D25. 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**

D26. 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**

D27. If substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

## **DISCOVERY OF ABORIGINAL HERITAGE**

- D28. 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**

- D29. A waste classification of all material to be transported off the site for disposal is to be undertaken in accordance with the EPA's *Waste Classification Guidelines 2009*. 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 dockets for materials disposed off-site are to be made available to SOPA if requested.

## **END OF SECTION D**

## **E 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 development. A copy of the certificate shall be submitted to the Department and SOPA.

### **SITE VALIDATION**

- E2. Prior to the issue of any Occupation Certificate, the Applicant shall engage a suitably qualified and experienced contamination expert to submit a detailed Validation Report prepared in accordance with the Department of Urban Affairs and Planning's *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land 1988* and the OEH's *Guidelines for Consultants Reporting on Contaminated Sites 1997* to the EPA, SOPA, the Secretary, the Certifying Authority and the Council. The Validation Report must verify the site is suitable for the proposed uses and that any excavated material re-used on site or disposed off-site, has been appropriately classified, validated, managed and the relevant approvals obtained in accordance with the relevant legislation and any relevant approved materials management plan/s.
- E3. On completion of remediation works, the relevant requirements of clauses 17 and 18 of State Environmental Planning Policy No. 55 – Remediation of Land shall be complied with.

### **OPERATIONAL PLAN OF MANAGEMENT**

- E4. Prior to the issue of the Final Occupation Certificate, the Applicant shall prepare and implement a final Operational Plan of Management (OPM). The OPM must address / include, but not be limited to:
- a) roles and responsibilities of key employees involved in overseeing the management and operation of the development;
  - b) the statutory approvals applying to the operation of the development;
  - c) detail how the environmental performance of the development would be monitored and managed, and identify what actions would be taken to address potential impacts;
  - d) a **Water Management Plan**;
  - e) a **Noise Management Plan**;
  - f) a **Traffic Management Plan**;
  - g) a **Green Travel Plan**;
  - h) a **Landscaping Management Plan**;
  - i) a **Waste Management Plan**;
  - j) a **Major Events Management Plan**;
  - k) a **Long-Term Environmental Management Plan**;
  - l) event management (for ancillary events held on site), pest fauna management, staff and security, occupation health and safety, patron safety (including provision of a suitable number of lifeguards on site in accordance with the relevant guidelines and legislation), emergency evacuation and incident response, lighting management, responsible service of alcohol and food management, infrastructure and services management, wayfinding and signage (including safety signage) and on-going maintenance of plant and equipment;
  - m) community consultation and complaints management.

The OPM must include procedures for its periodic review and update (including updating the required sub-plans), as necessary.

The OPM must be prepared in consultation with SOPA and submitted for the approval of the Certifying Authority, prior to the issue of the Final Occupation Certificate. The Certifying Authority must not approve the OPM unless all relevant sub plans have been approved as required by this consent. A copy of the approved OPM must be provided to SOPA and the Secretary.

#### **WATER MANAGEMENT PLAN**

- E5. Prior to the commencement of use, the Applicant shall engage a suitably qualified expert to prepare a **Water Management Plan** detailing how all water (stormwater, wastewater, lagoon water discharge etc) would be managed during operation. The Plan must be prepared in consultation with DPI and Council and be approved by SOPA's Director, Environment and Planning, prior to the issue of the Final Occupation Certificate. The Plan must:
- a) be generally consistent with the Integrated Water Cycle Management in Attachment 6 of the EIS;
  - b) comply with SOPA's water policy requirements to the satisfaction of SOPA;
  - c) include measures to ensure compliance with Conditions F16 to Condition F22 of this consent;
  - d) include measures to ensure all water management infrastructure is suitably and maintained for the life of the development;
  - e) include a suitable lagoon cleaning and water quality monitoring program for the lagoon itself, as well as off-site discharge of stormwater and lagoon water; and
  - f) include suitable contingency measures to deal with unexpected events (e.g. emergency lagoon discharge).

#### **NOISE MANAGEMENT PLAN**

- E6. Prior to the commencement of use, the Applicant shall engage a suitably qualified expert to prepare a **Noise Management Plan** for the operation of the development. The Plan must be approved by SOPA's Director, Environment and Planning, prior to the issue of the Final Occupation Certificate. The Plan must:
- a) outline all noise management and mitigation measures to be implemented during operation of the facility to ensure compliance with the noise limits in this consent, including during events held on site; and
  - b) include a suitable noise monitoring program.

#### **TRAFFIC MANAGEMENT PLAN**

- E7. Prior to the commencement of use, the Applicant shall engage a suitably qualified expert to prepare a **Traffic and Parking Management Plan** for the operation of the development. The Plan must be prepared in consultation with the RMS and TNSW and be approved by SOPA's Director, Environment and Planning, prior to the issue of the Final Occupation Certificate

#### **ACCESS TO THE HOLKER BUSWAY**

- E8. Prior to the issue of any Occupation Certificate, the Applicant shall obtain a permit or permits from SOPA for any staff and service vehicles required to access to the Holker Busway during on-going operations.

#### **GREEN TRAVEL PLAN**

- E9. A **Green Travel Plan** to promote non-private vehicle transport for employees and visitors to the site is to be submitted to the satisfaction of SOPA and a copy provided for the Secretary's information prior to the issue of the Final Occupation Certificate.

## **PUBLIC DOMAIN WORKS**

- E10. Any public domain works within the zone of influence including connections to adjacent sites are to be completed to the satisfaction of SOPA prior to issue of the Final Occupation Certificate.

## **LANDSCAPING MANAGEMENT PLAN**

- E11. A **Landscaping Management Plan** detailing arrangements for the on-going maintenance and management of all landscaping associated with the development shall be submitted to the satisfaction of the Certifying Authority and a copy provided for SOPA's and the Secretary's information prior to the issue of the Final Occupation Certificate.

## **MECHANICAL VENTILATION**

- E12. 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 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 Fire and Rescue NSW.

## **ROAD DAMAGE**

- E13. The cost of repairing any damage caused to SOPA or other Public Authority's assets in the vicinity of the 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**

- E14. 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](http://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**

- E15. 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 of the report must be forwarded to the SOPA and the Department.

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**

- E16. 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**

- E17. 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**

- E18. Prior to the issue of a relevant Occupation Certificate, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, 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**

- E19. 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 civil engineer. The WEDP shall be to the satisfaction of the Certifying Authority.

## **SCOUR PROTECTION**

- E20. Adequate scour protection must be installed at the stormwater discharge / outlet point at Nuwi Wetland prior to the initial filling of the Lagoon. This must be consistent with DPI's *Guidelines for Outlet Structures on Waterfront land 2012* and must be installed to the satisfaction of and be approved by SOPA's Director, Environment and Planning, prior to the initial filling of the lagoon

## **WASTE MANAGEMENT**

- E21. Prior to the issue of the Final Occupation Certificate, a detailed **Waste Management Plan** for the operation of the development shall be submitted to the Certifying Authority.

## **MAJOR EVENTS MANAGEMENT**

- E22. Prior to the issue of the Final Occupation Certificate, the Applicant shall prepare and implement a **Major Events Management Plan** to detail how the operation of the development will be managed during Major Events. The Major Events Management Plan must be approved by SOPA's Director, Planning and Environment, prior to the issue of the Final Occupation Certificate.

## **LONG-TERM MANAGEMENT OF CONTAMINATION**

- E23. Prior to the issue of an Occupation Certificate, a **Long-Term Environmental Monitoring and Management Plan** prepared by a suitably qualified and experienced contamination expert shall be submitted to SOPA's Director, Environment and Planning and the EPA for information. The Plan must:



- a) be consistent with the recommendations outlined in Section 4.5 of the RAP (dated October 2017) in Attachment 3 of the RTS;
- b) incorporate the post-remediation asbestos management measures outlined in Section 2.5 of the CEMP in Attachment 3 of the RTS;
- c) document the surveying of capped areas of asbestos contamination on the site including maps or diagrams and monitoring locations;
- d) detail the protocol to be followed and remedial measures to be implemented should there be a breach of the cap during operations;
- e) include details for on-going management, monitoring and maintenance of the cap, including periodic inspections to evaluate the integrity of the cap;
- f) outline all measures to be implemented to prevent future users of the site from potential exposure to capped asbestos; and
- g) frequency, monitoring and reporting requirements.

## EVENT MANAGEMENT PLANS

E24. Prior to any event or multiple concurrent events to be held on site where the total patron numbers would exceed 500 people, the Applicant must notify the SOPA's Precinct Operations Unit.

If requested by SOPA's Precinct Operations Unit, the Applicant must prepare and submit an **Event Management Plan** to the satisfaction of SOPA's Precinct Operations Unit which includes / addresses, but is not necessarily limited to, the following information:

- a) expected patron numbers;
- b) event register and timetable, including hours of operation;
- c) bump-in and bump-out requirements;
- d) running order of event and production schedules;
- e) a **Risks and Safety Plan**;
- f) overall event layout and operation;
- g) measures to ensure conflicts with major events held in Sydney Olympic Park are avoided where possible;
- h) a **Traffic and Pedestrian Management Plan** prepared by a suitably qualified expert outlining all traffic and pedestrian management and mitigation measures to be implemented during events minimise impacts on traffic, pedestrian and cyclist access, and the amenity of the surrounding environment. The Plan must also address management of car parking, vehicle routes and queuing.
- i) a **Noise Management Plan** prepared by a suitably qualified expert outlining all noise management, mitigation and monitoring measures to be implemented during events to ensure compliance with noise limits in this consent, including limiting the use of outdoor amplified music and outdoor speakers. The Plan must include noise monitoring from the nearest sensitive receiving environments during events if requested by SOPA;
- j) security and staff management, lighting management, emergency management/evacuation and incident response protocols, responsible service of alcohol and food management, patron safety, safety signage, occupational health and safety, infrastructure and services management, waste management, water management and details of use of any temporary event structures; and
- k) procedures for community consultation and complaints management.

The Applicant must submit the Event Management Plan to SOPA's Precinct Operations Unit seven (7) days prior to the event taking place. The Applicant must appropriately reference plans and include the dimensions of any proposed road blockage areas and temporary

structures and include supporting details such as bump-in and bump out schedule, utilities required and set-up requirements.

### **SEWERAGE PLAN**

- E25. Prior to the issuing of the Final Occupation Certificate, a works-as-executed sewerage plan 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 works-as-executed sewerage plan shall be to the satisfaction of the Certifying Authority.

### **PEST FAUNA MANAGEMENT**

- E26. The Operational Plan of Management (refer to Condition E6) shall identify pest fauna management measures to be applied during the operation of the facility. Such measures shall be designed to minimise harm to fauna and shall be approved by SOPA's Director, Environment and Planning. Pest fauna includes waterbirds, scavenging ibis, and biting insects.

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- E27. Prior to the issue of the Final Occupation Certificate, the Applicant is to provide documentation to the Certifying Authority demonstrating the detailed design of the development has incorporated, and would operate in accordance with, the recommendations of the Ecologically Sustainable Development Review in Attachments 7a and 7b of the EIS.

### **GEOTECHNICAL ASSESSMENT**

- E28. Prior to the issue of the Final Occupation Certificate, the Applicant is to provide documentation to the Certifying Authority demonstrating the detailed design of the development has incorporated the recommendations of the Geotechnical Assessment in Attachment 5 of the EIS.

### **PATRON SAFETY**

- E29. Prior to the issue of the Final Occupation Certificate, the Applicant is to provide documentation to the Certifying Authority demonstrating the wave generator has been designed to ensure patron safety at all times and so that persons using the wave pool cannot come in to contact with moving mechanical parts.

### **COMPLIANCE REPORT**

- E30. Prior to the issue of each Occupation 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.

**END OF SECTION E**

## F POST OCCUPATION OR DURING USE

### OPERATIONAL MANAGEMENT

- F1. The **Operational Plan of Management** (refer to Condition E6) and all relevant sub-plans must be fully implemented during use of the premises.

### HOURS OF OPERATION

- F2. The development shall operate from 6 am to 10 pm 7 days-a-week.
- F3. Notwithstanding Condition F2 above, the café, restaurant and alfresco bar in the Main Entry Building may operate from 6 am to 12 midnight on Fridays and Saturdays only.

### NOISE LIMITS

- F4. The Applicant must ensure noise generated by the use of development does not exceed the noise limits outlined in Table 1 below at any receiver location.

Table 1: Noise Limits (dB(A))

Receiver Location	Day Leq (15 minute)	Evening Leq (15 minute)	Night Leq (15 minute)
Nearest residence (Blaxland Avenue, Newington)	45	45	40
Sydney BMX Track (when in use)	55		

**Note:**

- To identify a receiver location, refer to in Attachment 7 of the RTS; and
- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) outlined in the EPA's NSW Industrial Noise Policy.

### NOISE CONTROL – GENERAL

- F5. 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

- F6. 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.

### NOISE CONTROL – AMPLIFIED MUSIC OUTDOORS

- F7. No amplified music shall be played outdoors before 8 am or after 10 pm (all days).

*Note: this condition excludes the alfresco bar in Main Entry Building.*

### GREEN TRAVEL PLAN

- F8. The Green Travel Plan, required by Condition E11, shall be displayed throughout the site.

## **VEHICULAR ACCESS**

- F9. All vehicles entering and exiting the site must do so in a forward direction.
- F10. All staff and service vehicles accessing the main service yard via the Holker Busway must have a valid access permit issued by SOPA.

## **UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS**

- F11. 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**

- F12. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

## **LOADING/UNLOADING**

- F13. 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. All vehicles using the loading dock shall enter and exit the site in a forward motion.

## **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- F14. One year after the commencement of use, and every three years thereafter, the Applicant shall prepare an **Energy and Water Use Reduction Plan** detailing the results of further investigations undertaken to reduce the water and energy demands of the development. The Plan shall:
- a) be generally consistent with the relevant recommendations of the Ecologically Sustainable Development Review in Attachments 7a and 7b of the EIS and commitments made in the RTS;
  - b) include details of further investigations undertaken regarding the availability and viability of additional recycled and non-potable water supplies to the site;
  - c) include details of further investigations undertaken regarding the provision of alternative power supplies to the site with the goal of achieving carbon neutrality as practicable; and
  - d) include a set of recommendations and actions to further reduce the water and energy demands of the development and a timeframe for their implementation.

Each Plan must be submitted to the Secretary for information within two weeks of its completion.

## **ANNUAL FIRE SAFETY CERTIFICATE**

- F15. An annual Fire Safety Statement must be given to Council 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 the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

## **WASTEWATER DISPOSAL**

- F16. All domestic wastewater (i.e. from the on-site facilities) and wastewater generated from the wastewater treatment plant / system must be disposed of to the sewer in accordance with a current agreement with the relevant wastewater disposal authority.

## **LAGOON WATER QUALITY AND QUANTITY**

- F17. The Applicant must advise SOPA of any proposed discharge of lagoon water at least one business day in advance of the planned discharge, and as soon as practicable in the event of an emergency discharge.
- F18. Discharge of lagoon water must be via the existing stormwater outlet point at the Nuwi Wetland and then be directed into Haslams Creek.
- F19. The Applicant must ensure that lagoon water discharged off-site is controlled at a flow rate of not more than 130 litres per second.
- F20. The Applicant must ensure that at all times the quality water in the lagoon complies with:
- a) the values outlined in Table 1.5 of the *Australian Government National Health and Medical Research Council Guidelines for Managing Risks in Recreational Water 2008*; and
  - b) the default trigger values for lakes and reservoirs outlined in Table 3.3.2 and Table 3.3.3 of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000* (except during temporary water treatment works).
- F21. The Applicant must ensure that at all times the quality of lagoon water discharged off-site complies with the default trigger values for lakes and reservoirs outlined in Table 3.3.2 and Table 3.3.3 of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000*.
- F22. The Applicant must ensure the wastewater treatment system is suitably maintained for the life of the development to ensure compliance with Condition F20 and Condition F21 is achieved at all times.

## **STORMWATER QUALITY AND QUANTITY**

- F23. The Applicant shall ensure that the quality and quantity of stormwater discharged off-site complies with the relevant targets outlined in SOPA's *Draft Stormwater Management and Water Sensitive Urban Design Policy 2016*.

## **NO POLLUTION OF WATERS**

- F24. No part of this approval provides any approval to pollute waters. The Applicant must ensure that all water quality, temperature and quantity discharge off-site complies with the requirements of the *Protection of the Environment Operations Act 1997*.

## **BUNDING**

- F25. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

## **OUTDOOR LIGHTING**

- F26. The Applicant shall ensure that:
- a) unless otherwise agreed in writing by SOPA, all lighting is operated in a manner that excludes upwards-pointing lights, and minimises light spill to Narawang Wetland and Haslams Creek habitats;
  - b) sports lighting poles are fitted with cut-off fixtures and be directed downwards to the facility;
  - c) excluding for essential lagoon maintenance works, tall sports lights are only permitted to operate during the approved facility operating hours;
  - d) outdoor security and display lighting is fitted with cut-off fixtures such that light is directed at the target area only;

- e) unless otherwise agreed in writing by SOPA, sign lighting is directed downwards at the signage only;
- f) upwards-pointing searchlights (e.g. as event markers) are not used; and
- g) outdoor lighting does not adversely impact on the amenity of private residences.

## **EVENTS**

F27. Any events held on site which require an **Event Management Plan** as requested by SOPA in accordance with Condition E26 of this consent must be undertaken fully in accordance with the requirements of that Plan.

## **TEMPORARY STRUCTURES**

F28. Any temporary structures shall comply with the relevant provisions of the applicable Australian Standards including the *Australian Building Codes Board Temporary Structures Standard 2015* and the BCA.

## **FOOD PREMISES – HEALTH DATABASE REGISTRATION**

F29. Prior to the commencement of food handling operations, the proprietor of any food premises shall notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) prior to the opening of the premises.

F30. Prior to the commencement of food handling operations, the proprietor of the food premises shall notify the NSW Health Department of the following information:

- a) contact details of the food business including the name of the food business and the name and address of the proprietor;
- b) the nature of the food business; and
- c) the location of all food premises of the food business within the jurisdiction of NSW Health.

## **END OF SECTION F**

## **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 relevant authority 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; and
- 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; and
- 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.

## **BUILDING PLAN APPROVAL**

AN7. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

## **END OF ADVISORY NOTES**