

15 October 2014

ECOVE Group P/L
Cnr Australia Ave & Herb Elliot Ave,
Sydney Olympic Park, NSW, 2127.

NOTICE OF DETERMINATION

DA 08-07-2014 – Lot 2 DP 1159930 (Site 3), Sydney Olympic Park

Dear Mr Azar,

I refer to the abovementioned development application (DA) and I am writing to inform you that the application has been granted consent, subject to conditions (refer to the attached consent).

Before construction works commence you must apply for a construction certificate from an Accredited Certifier. In addition, prior to works commencing, you may need to obtain a Works Permit from Sydney Olympic Park Authority for any works (e.g. storing materials, footpath occupancy etc.) in the public domain. All plans and information that form part of your detailed works must comply with the conditions of consent.

It is the responsibility of the applicant to carefully read all conditions of consent prior to preparing detailed plans and commencement of construction works.

Please note the development consent operates from the date of this notification. Should you have any enquiries regarding the above matter, please contact Planner, Dat Tran on (02) 9714 7139.

Yours faithfully,



Alan Marsh
**Chief executive Officer,
Sydney Olympic Park Authority**



Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Chief Executive Officer, of the Sydney Olympic Park Authority, pursuant to section 80(1) and 80(A) of the *Environmental Planning and Assessment Act 1979*, Clause 22 of the *Sydney Olympic Park Authority Act 2001*, and in accordance with the delegations invested to my office by the Minister for Planning, grant development consent to the development 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.



Alan Marsh
Chief Executive Officer
Sydney Olympic Park Authority

Date: **15 October 2014**

SCHEDULE 1

Development Application:	DA 07-08-2014
Application made by:	ECOVE Group P/L
To:	Sydney Olympic Park Authority
In respect of:	Lot 2 DP 1159930 (Site 3), Sydney Olympic Park
For the following:	Construction of an accessible pedestrian underpass and pocket park
Determination:	Consent granted subject to the conditions in the attached Schedule 2
Date of commencement of consent	This development consent commences on the date identified in the formal notification letter accompanying the Notice of Determination
Advisory Notes	<p>The Applicant is solely responsible that all additional consents and agreements are obtained from other authorities as relevant</p> <p>The Applicant has right to appeal to the Land and Environment Court in the manner as set out in the Environmental Planning and Assessment Act 1979, and the Environmental Planning and Assessment Regulations 2000 (as amended)</p>

SCHEDULE 2

**CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 07-08-2014**

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Development Consent is granted only to carrying out of the development as described in, and on the land referred to, in **Schedule 1** above.

These conditions of this consent do not relieve the proponent of its obligations under the *Environmental Planning and Assessment Act 1979*, and any other Act.

A2 Development in accordance with Plans

The development shall be generally in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects and Appendices titled 'Site 3, Sydney Olympic Park: Pocket Park & Railway Underpass' as prepared by URBIS P/L dated August 2014

Plans titled 'Development Application Report, Pocket Park & Underpass – Site 3, Sydney Olympic Park', Project No. S11611, prepared by BATES Smart & TURF, dated 28 July 2014

except for:

1. any modifications which are 'Exempt and Complying Development' as identified in the relevant State Environmental Planning Policy (SEPP) or as may be necessary for the purpose of compliance with the Building Code of Australia (BCA) and any Australian Standard (AS) incorporated in the BCA;
2. otherwise provided by the Conditions of this Consent;
3. otherwise as necessary to comply with other NSW and Commonwealth legislation.

A3 Inconsistency between documents

In the event of any inconsistency between Conditions of this Approval and the details referred to Condition No. A2, the Conditions of this Approval prevail.

A4 Lapsing of Consent

This consent will lapse five (5) years from the date of this consent unless the development has physically commenced.

A5 Prescribed Conditions

The Proponent shall comply with the relevant prescribed conditions of development consent under Clause 98 of the *Environmental Planning and Assessment Regulations 2000*.



A6 Public Access Lighting

Lighting levels, light poles and luminaires should match the public area lighting and in accordance with the UEDM 2009.

A6 Easements & Access

The person(s) acting on this consent must create all necessary documentary easements for access, services, drainage, encroaching structures, support and shelter, maintenance or any other encumbrances required for joint or reciprocal use of part or all of the proposed development.

PART B – PRIOR TO CONSTRUCTION

B1 Construction Certificate

A Construction Certificate is to be issued for the new building work by an accredited certifier in accordance with the requirements set out in Section 81A of the Environmental Planning and Assessment Act 1979.

B2 Principle Certifying Authority

The new building work is not to commence until a Principal Certifying Authority (PCA) has been appointed for the new building work as set out in Section 81A of the *Environmental Planning and Assessment Act 1979*.

B3 Accessibility

Prior to the issue of a Construction Certificate the proposed construction plans are to demonstrate compliance of the provisions for persons with a disability with the requirements of Building Code of Australia, AS 1428.1 and *SOPA's Access Guidelines 2011*, with particular emphasis on steps, nosings, stairs, landings, provision of handrails and the grading of the accessible 'switchback ramp'.

Rest stop seating is to be provided with back & side arm rests, and wheel chair 'rest stops' as necessary on accessible ramps.

B4 Engineering Compliance

The proposed new building works are to be designed, carried out and installed in accordance with the Consulting Civil Engineers requirements.

B5 No Obstruction of Public Domain without a Works Permit

Prior to the issue of a Construction Certificate, if required, the proponent is to obtain a Work Permit to occupy the public way, footpaths, road reserves and the like, which must not be obstructed by any mobile cranes, materials, vehicles, refuse, skips or the like, under any circumstances, unless in accordance with the Works Permit. Non-compliance with this requirement will result in the issue of a notice by the Authority to stop all work on the site.

Note: Further information on Work Permits can be obtained from www.sydnevolympicpark.com.au.

B6 Tree Species – Fusarium Risk

Prior to the issue of an Construction Certificate, the Principal Certifying Authority shall be satisfied that the proposed 'Phoenix Palms', which provide roosting sites for the Australian White Ibis and which are considered a pest avi-fauna species within Sydney Olympic Park, is replaced by a more suitable alternative tree/palm species such as *Livistona Australis*.

B7 Excavation & Utility Services

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that there are no services or the like that would be compromised during building works.

If applicable, the proponent is to negotiate with the relevant authorities in connection with the relocation and/or adjustment of the services affected by the development. Any costs in the relocation, adjustment or support of services shall be borne by the proponent.

B8 Erosion and Sediment Control

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

B9 Stormwater & Drainage

Prior to the issue of a Construction Certificate, details of the proposed developments stormwater and drainage system's compliance with SOPA Stormwater Management & Water Sensitive Urban Design Policy are to be submitted to the satisfaction of SOPA's General Manager – Operations and Sustainability. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

PART C – DURING CONSTRUCTION

C1 No Obstruction of Public Way

The public way and road reserves must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless in accordance with a Works Permit. Non-compliance with this requirement will result in the issue of a notice by the Authority to stop **all** work on the site.

Note: further information on Work Permits can be obtained from www.sydneyolympicpark.com.au.

C2 Pollution Management

All noise, water, waste or air pollution activities generated by the development shall be managed in general accordance with the most recent NSW Office of Environment and Heritage guidelines and policies and relevant NSW legislation, including but not limited to, the *Protection of the Environment Operations Act, 1997*.

C3 Works in accordance with the *Building Code of Australia*

All building works shall be in accordance with the provisions of the Building Code of Australia (BCA) and any relevant Australian Standards, including, but not limited to:

1. Compliance in accordance with the requirements of Section J (Energy Efficiency) of the BCA
2. Compliance of the structural areas to be in accordance with AS 1170 series for structural stability and adequacy, AS 3000 Australian Wiring Standard, AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements and the like.
3. New pedestrian areas are to be constructed in accordance with *AS/NZS 4586:2004 Slip resistance classification of new pedestrian surface materials*.

Note: Sufficient information must be forwarded to the Certifying Authority illustrating compliance with the relevant requirements of the BCA and *Australian Standards*. Sufficient information may include (but not limited to) reports or certifications issued by an appropriately qualified person. Please contact your relevant Certifying Authority to discuss requirements prior to submission of the application for Construction and Occupation Certificate.

C4 Work Health and Safety Act 2011

All works are to be carried out in accordance with the *NSW Work Health and Safety Act 2011 & the Regulations 2011*.

C5 Hours of Work

All works (including site deliveries) shall only be carried out between the following hours:

1. 7.00am to 5.00pm on Monday to Fridays (inclusive)
2. 7.00am to 3.00pm on Saturdays
3. No work on Sundays and Public Holidays (except with the prior written consent of SOPA's General Manager – Operations and Sustainability).

C6 Removal of Excavated Materials

All excavated materials shall be re-used and/or disposed of at an approved facility, and in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

C7 Unexpected Finds Procedure

An "unexpected finds" procedure shall be developed in accordance with the requirements of the relevant legislation, codes, standards and guidelines for materials that may be encountered during excavation.

PART D – PRIOR TO OCCUPATION

D1 Occupation Certificate

An Occupation Certificate is to be issued by the Principal Certifying Authority (PCA) upon completion of the building works in accordance with the requirements of Section 109H and 109M of the Environmental Planning and Assessment Act 1979.

D2 Proponent to pay for any damage to footpath or public assets

The cost of repairing any damage caused to Sydney Olympic Park Authority or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development is to be met in full by the Proponent/developer prior to the issue of the final Occupation Certificate.

PART E – DURING OPERATION

E1 No Cycling through Underpass

Cycling through the underpass should be discouraged. In this regard, paving materials, directional signage and ground stencilling shall direct cyclists to use the existing asphalt concrete share way on the Australia Avenue pathway.

PART F – RAILCORPS/SYDNEY TRAINS CONCURRENCE GENERAL TERMS OF APPROVAL CONDITIONS

F1 Prior to Commencement of Works

Prior to the commencement of works the Applicant is to submit the following documentation to Sydney Trains for review and endorsement:

1. Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
2. Final Construction methodology with construction details pertaining to structural support during excavation.
3. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed developed with respect to the rail corridor and rail infrastructure.
5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

6. Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.
7. Prior to the commencement of works the Applicant is to engage a qualified expert to provide a detailed report on electrolysis protection and electrical bonding design. The Applicant must submit the report to Sydney Trains for review and endorsement. Works shall not commence until the Applicant has received written correspondence from Sydney Trains that this conditions has been complied with
8. Prior to the commencement of works the Applicant is to undertake a detailed services search to identify the presence of cables, lines, pipes etc to the satisfaction of Sydney Trains. Works shall not commence until the Applicant has received written correspondence from Sydney Trains that this conditions has been complied with.
9. Prior to the issue commencement of works a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and endorsement on the impacts on rail corridor. Works shall not commence until the Applicant has received written correspondence from Sydney Trains that this conditions has been complied with.

Prior to the commencement of works, a joint inspection of the rail infrastructure and property in the vicinity of the project (especially the retaining wall and rail track formation) is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

Prior to the commencement of works the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. Works shall not commence until the Applicant has received written correspondence from Sydney Trains that this conditions has been complied with.

Prior to the commencement of works the Applicant shall obtain Sydney Trains advice regarding the adequacy of the existing fencing along the rail corridor to prevent access to the rail corridor during and on completion of these works. Should Sydney Trains determine that fencing needs to be augmented in order to comply with this requirement then this shall be undertaken in accordance with the Sydney Trains requirements.

Prior to the commencement of works the Applicant is required to enter into a Legal Agreement with Sydney Trains regarding the proposed works, future ownership and liability of the underpass structure. Works shall not commence until the Applicant has received written correspondence from Sydney Trains that this conditions has been complied with.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. Works shall not commence until the Applicant has received written correspondence from Sydney Trains that this conditions has been complied with.

F2 During Construction

- All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- No rock anchors/bolts are to be installed into the rail corridor.
- No work is permitted within the rail corridor, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

The Applicant will require need track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to Sydney Trains facilities) to be able to undertake the proposed underpass works. The track possession to enable these works to be undertaken need to be agreed to by Sydney Trains prior to the commencement of the underpass works.

F3 Post Construction

On completion of works the Applicant is to submit the as-built drawings to Sydney Trains and Sydney Olympic Park Authority. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into the rail corridor.

- On completion of works, a joint inspection of the rail infrastructure and property in the vicinity of the project (especially the retaining wall and rail track formation) is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- The Applicant must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains for endorsement prior to the operation of the underpass.

G9 Prescribed Conditions as required

Division 8A Prescribed conditions of development consent

98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to development consent for development that involves any building work:

(a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,

(b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

(2) This clause does not apply:

(a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or

(b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

(a) development consent, in the case of a temporary structure that is an entertainment venue, or

(b) construction certificate, in every other case.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

98A Erection of signs

(1) For the purposes of section 80A (11) of the Act, the requirements of subclauses and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

(2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
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- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
 - (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
 - (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
 - (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

98B Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.