

# 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.



Nick Hubble

**A/Chief Executive Officer  
Sydney Olympic Park Authority**

**Date:** 15 November 2016

## SCHEDULE 1

<b>Development Application:</b>	DA 11-09-2016
<b>Application made by:</b>	FDC Construction and Fitout Pty Ltd
<b>To:</b>	Sydney Olympic Park Authority
<b>In respect of:</b>	Lot 2120 DP 1169474, 11 Murray Rose Avenue, Sydney Olympic Park (Site 8D)
<b>For the following:</b>	Early works package comprising bulk earthworks / excavation; construction of 2 levels of basement for 63 car spaces, ground floor slab and electricity substation.
<b>Determination:</b>	Consent granted subject to conditions in the attached <b>SCHEDULE 2</b>
<b>Date of commencement of consent:</b>	This development consent commences on the date as signed above
<b>Advisory Notes</b>	<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 <i>Environmental Planning and Assessment Act 1979</i>, and the <i>Environmental Planning and Assessment Regulation 2000</i> (as amended)</p>

**SCHEDULE 2**  
**CONDITIONS OF CONSENT**  
**DEVELOPMENT APPLICATION No. 11-09-2016**

**PART A – ADMINISTRATIVE CONDITIONS**

**A1 Development Description**

Development Consent is granted only to carrying out of the development as described, and at the premises 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 & Documentation**

The development shall be undertaken in accordance with the following plans & documents:

Architectural Plans prepared by Bates Smart as follows:			
Drawing Number	Revision	Title	Date
DA03.002	C	Basement 02	14.09.2016
DA03.001	C	Basement 01	14.09.2016
DA03.00	E	Ground Floor Plan	14.09.2016
DA08.01	D	Section A	14.09.2016
DA08.02	E	Section B	14.09.2016
Statement of Environmental Effects prepared by FDC Construction and Fitout Pty Ltd, dated 16.09.2016			
Concept Stormwater management Package (as amended), prepared by NORTHROP, Project No. S162187			
Geotechnical Investigation and Preliminary Waste Classification prepared by Douglas Partners, dated August 2016			

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 and/or amended 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 Consent and the details referred to in Condition No. A3, the Conditions of this Consent prevail.

**A4 Lapsing of Approval**

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

**A5 Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of development consent under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the BCA.

**A6 Critical Stage Inspections**

The *Environmental Planning and Assessment Act 1979* Section 109E (3) (d), requires that inspections be carried out by the Principal Certifying Authority (PCA) or another Accredited Certifier with the prior consent of the PCA.

**A7 Standards and Codes**

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

**A8 Long Service Levy**

For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

**A9 Water Balance Report**

A Water Balance Report shall be submitted as part of the future development application for the commercial building over the site.

**A10 Deed of Agreement with Sydney Trains**

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

**END OF PART A**

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

### **B1 Construction Certificate**

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

### **B2 Principal 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 Construction Environment Management Plan**

Prior to the commencement of any works on the site, a Construction Environment Management Plan (CEMP) shall be submitted to and approved by SOPA's Executive Director, Operations. The CEMP shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) 24 hour contact details of site manager,
- (3) traffic management,
- (4) storage of materials/equipment,
- (5) security arrangements,
- (6) construction noise and vibration management plan, prepared by a suitably qualified person which addresses the relevant provisions of Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009),
- (7) management/suppression of dust to protect the amenity of the neighbourhood;
- (8) erosion and sediment control; and
- (9) signage.

### **B4 Construction Waste Management Plan**

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the Certifying Authority a Construction Waste Management Plan (CWMP) prepared by a suitably qualified person in accordance with the requirements of the SOPA Sustainability Strategy. The Plan shall address, but not be limited to:

- (i) recycling of demolition materials including concrete;
- (ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

The Applicant shall submit a copy of the plan to SOPA, prior to the commencement of work.

## **B5 Pre-Construction Dilapidation Reports**

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

## **B6 Dilapidation Surveys**

Prior to the commencement of works, during works, prior to issue of the Occupation Certificate and following occupation, a joint inspection of the rail infrastructure and property in the vicinity of the project 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 and after construction to be observed. The timing of these surveys is to be agreed with Sydney Trains. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

## **B7 Crane and Other Aerial Operations**

Prior to the issuing of the relevant Construction Certificate 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. The Principal Certifying Authority shall not issue the relevant Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

## **B8 Stray Currents and Electrolysis from Rail Operations**

Prior to the issue of the relevant Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifying Authority with the application for the relevant Construction Certificate.

## **B9 Demolition, Excavation and Construction Impacts**

Prior to the issue of the relevant construction certificate 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 comment on the impacts on the rail corridor. The Certifying Authority shall not issue the relevant construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**Note:** No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

**B10 Structural Details**

Prior to the issue of the relevant construction certificate, the applicant shall submit to the satisfaction of the certifying authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- (b) the relevant clauses of the BCA, and
- (c) the development consent.

**B11 Contact Telephone Number**

Prior to the commencement of the works, the Applicant shall forward to SOPA a 24-hour contact telephone number for the duration of the construction works.

**B12 Utility Services**

Prior to the issue of the relevant Construction Certificate, the Applicant is to negotiate with the relevant utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the approved development.

**B13 Stormwater & Drainage**

Prior to the issue of a relevant Construction Certificate, details of the proposed stormwater disposal and drainage from the development is to be designed in accordance with the SOPA Stormwater Management and Water Sensitive Urban Design Policy 2013, to the satisfaction of the Authority and submitted to the Certifying Authority. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

**B14 Erosion and Sediment Control**

Prior to the issue of the relevant Construction Certificate, 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. Details are to be incorporated in the CEMP referred to in Condition B6 to the satisfaction of the Certifying Authority.

**B15 Storage Platform**

Prior to the issue of the relevant Construction Certificate, the Applicant shall obtain consent from Ausgrid, and an agreement with the NSW Royal Agricultural Society (RAS) in relation to the proposed Storage Platform over the RAS's substation, and submit details of that consent/agreement to the satisfaction of the Certifying Authority.

**END OF PART B**

## **PART C – PRIOR TO COMMENCEMENT OF WORKS**

### **C1 Notice of Commencement of Works**

The Certifying Authority and SOPA shall be given written notice, at least 48 hours prior to the commencement of building works on the site.

### **C2 Traffic and Pedestrian Management Plan**

Prior to the commencement of any works on the site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan must be prepared in consultation with SOPA and shall address, but not be limited to, the following matters:

- (i) ingress and egress of vehicles to the site;
- (ii) loading and unloading including construction zones;
- (iii) predicted traffic volumes, types and routes;
- (iv) pedestrian and traffic management methods;
- (v) construction activities during major events;
- (vi) potential impacts to pedestrian access and public transport infrastructure including rail and bus stops and measures to mitigate including the temporary relocation of services.

A copy of the final plan shall be submitted to SOPA prior to the commencement of works.

### **C3 Utility Services**

Prior to the commencement of work the applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the construction works.

### **C4 Geotechnical and Structural Stability and Integrity**

Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.

### **C5 Sydney Water Quick Check**

The approved plan must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement.

### **C6 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 this occurs 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 about Work Permits can be obtained from [www.sydnevolympicpark.com.au](http://www.sydnevolympicpark.com.au).

**END OF PART C**



## **PART D - DURING CONSTRUCTION**

### **D1 Compliance with BCA and Australian Standards**

All building works are to be in accordance with the current Building Code of Australia (BCA, NCC) and any relevant Australian Standards, including.

- (a) Compliance in accordance with the requirements of stormwater disposal; and
- (b) Safe and adequate hoardings, and earth retaining requirements are to be provided and maintained in a safe manner
- (c) Provisions for fire safety are to be provided for during the Early Works being carried out.

**Note:** Sufficient information must be forwarded to the Certifying Authority illustrating compliance with the relevant requirements of the current *Building Code of Australia* and adopted *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 Certificates.

### **D2 Work Health and Safety Act 2011**

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

### **D3 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. 8.00am to 3.00pm on Saturdays
- 3. No work on Sundays and Public Holidays (except with the prior written consent of SOPA's Executive Director, Operations).

### **D4 Erosion and Sediment Control**

An Erosion and Sediment Control Plan including soil erosion and sediment control measures designed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1 (2004)* by Landcom prior to the issue of a Construction Certificate.

### **D5 Site Notice**

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) 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
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.



## **D6 Pedestrian Movement**

All existing pedestrian movement areas on community land are not to be blocked or compromised in any way. This includes all accessible paths of travel and accessible step ramps.

## **D7 Approved Plans to be On-site**

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 SOPA or the PCA.

## **D8 Waste Classification**

During excavation, further investigation of fill shall be undertaken by an appropriately qualified specialist to confirm its waste classification. The natural soil / rock shall be further assessed (by sampling and laboratory analysis) following the removal of fill (and the top 100mm of natural soil).

A copy of the report shall be provided to the PCA and the civil contractors undertaking the work to ensure the excavated material is handled appropriately.

## **D9 Site Sheds**

Only site sheds on the southern side of Murray Rose Avenue (adjacent to the Railway Station) within the footprint nominated (23m x 7m) on the Construction Management Plan is permitted.

Storage of materials/equipment and the like at this location is not permitted due to the disruptions to traffic and potential conflict with pedestrian movement involved in moving materials between the construction site and the compound.

## **D10 Disposal of Seepage and Stormwater**

Any seepage or rainwater collected on-site during construction must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by SOPA.

## **D11 Construction Noise Management**

1. 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 CEMP.
2. 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.
3. 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 the CEMP.

## **D12 Vibration Criteria**

Vibration caused by construction at any residence or structure outside the Site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings*. Effects on Structures; and
- b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006).
- c) Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- d) These limits apply unless otherwise outlined in the CEMP.

## **D13 Hoarding Requirements**

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 hoardings or the like within the construction area within 48 hours of its application.

**END OF PART D**

## **PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

### **E1 Occupation Certificate**

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

### **E2 As-built plans**

'As-built' plans in both PDF and CADD formats of the building and any existing external infrastructure that has been deleted or modified is to be submitted to SOPA within 3 months of obtaining an Occupation Certificate.

### **E3 Sydney Water Compliance**

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.

### **E4 Repair of Damage**

All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to SOPA's satisfaction prior to occupation.

### **E5 Post-Construction Dilapidation Report**

Prior to the issue of an occupation certificate, the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

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

**END OF PART E**

## **PART F – POST OCCUPATION**

### **F1 Fire Safety Certification**

Any fire safety measures serving the development are to be certified to the relevant local authority (City of Parramatta SOPA) as being maintained in accordance with the requirements of the Building Code of Australia and *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* on a yearly basis within 12 months after the date on which the initial Fire Safety Certificate is issued.

**END OF PART F**

## **PART G – ADVISORY MATTERS**

### **G1 Pre-construction process**

Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:

- a) A relevant Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
- b) A Principal Certifying Authority (PCA) is to be appointed and the Authority is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- c) The Authority is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
- d) The proposed works are to be designed, carried out and installed in accordance with the requirements of a suitably qualified Structural Engineer.

### **G2 Public utilities**

Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both the Authority and any other relevant authorities. SOPA and other service authorities should be contacted for specific requirements prior to the commencement of any works.

### **G3 Use of mobile cranes**

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to commencement of works. In particular, the following matters must be complied with to the satisfaction of the PCA:

- a) For special operations including the delivery of materials, hoisting of plant or equipment and the like which warrant the on-street use of mobile cranes, permits must be obtained from the Authority:
  - (i) At least 48 hours prior to the works for partial road closures which in the opinion of the Authority will create minimal traffic disruptions; and
  - (ii) At least 4 weeks prior to the works for full road closures or partial road closures which in the opinion of the Authority will create significant traffic disruptions.
- b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of the Authority.

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**END OF CONSENT**