

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. 51-3-2004

(FILE NO. S04/00536 PT 1)

**INSTALLATION OF UNDERGROUND CONDUIT FROM DRIVER AVENUE,
MOORE PARK, TO SERVICE OFFICES WITHIN THE HORDERN PAVILION**

I, Izlem Boylu, Acting Team Leader, Urban Assessments, as delegate of the Minister for Infrastructure and Planning, under Instrument of Delegation dated 4 August 2003, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 8 of State Environmental Planning Policy No. 47 – Moore Park Showground, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To control the potential impact of the works on items of archaeological sensitivity

Izlem Boylu
Urban Assessments
As Delegate of the Minister for
Infrastructure and Planning

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	SingTel Optus Pty Limited Locked Bag 26, Chatswood NSW 2057
Application made to:	Minister for Infrastructure and Planning
Development Application:	No. 51-3-2004
On land comprising:	Lot 3 DP 861843 & Lot 1764 DP 821362 Driver Avenue & Hordern Pavilion, Fox Studios Australia, Moore Park
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$140
Type of development:	Local Development
S.119 Public inquiry held:	No
BCA building class:	10B
Approval Body / Bodies:	Not Integrated
Determination made on:	7 June 2004
Determination:	A development consent is 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 Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 51-3-2004

Responsibility for other approvals / agreements

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

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

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

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means *SingTel Optus Pty Limited* or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means *City of Sydney* (formerly South Sydney Council).

DA No. 51-3-2004 means the development application and supporting documentation submitted by the applicant on 3 March 2004.

DEC means the Department of Environment and Conservation.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2**CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 51-3-2004****PART A—ADMINISTRATIVE CONDITIONS****A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

- installation of 1300mm of 50mm diameter conduit from a proposed Optus pit on Driver Avenue to an existing customer owned pit located under the metal fencing of Gate B to the Hordern Pavilion within the Moore Park Showground area.

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number 51-3-2004 submitted by the applicant on 3 March 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled <i>Statement of Environment Effects – Playbill, Hordern Pavilion</i> prepared by <i>SingTel Pty Limited (not dated)</i> and <i>Supplementary Information for the Department of Infrastructure, Planning and Natural Resources, DA 51-3-2004, May 2004.</i>			
Architectural (or Design) Drawings prepared by <i>Optus</i>			
Drawing No.	Revision	Name of Plan	Date
G373606155 / E0284495	DD	Fibre Ring – Sydney O Driver Av Moore Park Proposed Fibre Cable Route	03.02.04
01-52SS-64-26524 Sheet 1 of 2	A	Fibre Ring – Sydney CBD Fox Studios – Hordern Pavilion – O Driver Av Site Location Floor Plan	20.10.03
01-52SS-64-26524 Sheet 2 of 2	C	Fibre Ring – Sydney CBD Fox Studios – Hordern Pavilion – O Driver Av Level (01) – Fibre Route Floor Plan	19.09.03

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

There are no relevant conditions of consent applicable to this section.

PART C—PRIOR TO COMMENCEMENT OF WORKS**C1 *Notice to be Given Prior to Excavation***

The PCA shall be given written notice, at least 48 hours prior to the commencement of excavation works on the site.

C2 *Contact Telephone Number*

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

C3 *Services*

The applicant shall be responsible for investigating the presence of any existing utility services and shall make necessary arrangements with the relevant utility in such an instance, prior to the commencement of works.

PART D—DURING CONSTRUCTION***Construction Management*****D1 *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 the Department, Council or the PCA.

D2 *Contact Telephone Number*

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D3 *Protection of Trees – Street Trees*

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D4 *Protection of Trees – On-site Trees*

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 as necessary are to be provided to protect root system, trunk and branches, during construction.

Traffic & Parking**D5 *Pedestrian and Traffic Management***

Appropriate pedestrian and traffic control devices including signage and alternative access arrangements shall be utilised in instances where part of Driver Avenue and/or footpaths are obstructed during construction.

D6 Public Way to be Unobstructed

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

D7 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through a Construction Noise and Vibration Management Plan; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D8 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) not more than 20dB(A) for a construction period of four weeks and under;
- (2) not more than 10dB(A) for a construction period of greater than four weeks and not exceeding 26 weeks; and
- (3) not more than 5dB(A) for a construction period greater than 26 weeks.

The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed.

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 objective.

Heritage

D9 Preparation of an Environmental Management Plan

An Environmental Management Plan shall be prepared for the works and shall include reference to the requirements of Section 146 of the Heritage Act 1977, which requires that if 'relics' are found, the Heritage Council shall be notified.

D10 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

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

D11 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify DEC and obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by DEC to cease work for the purposes of archaeological recording.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

No relevant conditions of consent apply to this section.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Road Damage

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

PART G—POST OCCUPATION

No relevant conditions of consent apply to this section.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Relocation/Adjustment of Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.