
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- (1) To ensure the site is appropriately managed for the proposed use;
- (2) To adequately mitigate the environmental and construction impacts of the development;
- (3) To reasonably protect the amenity of the local area; and
- (4) To adequately mitigate traffic impacts of the development.



Tony Kelly MP
Minister for Planning

12 JAN 2010

Sydney,

2009

SCHEDULE 1

PART A—TABLE

Application made by:	Garvan Institute of Medical Research and St Vincent's and Mater Health Sydney Ltd
Application made to:	Minister for Planning
Project Application Number:	MP09_0011
On land comprising:	362-382 Victoria Street, Darlinghurst
Local Government Area	City of Sydney
For the carrying out of:	Construction and operation of a medical research facility comprising of 9 above ground levels, 1 basement laboratory level and 4 basement car parking levels and including demolition of existing buildings, earthworks, subdivision and landscaping.
Type of development:	Project Application
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 09_0011

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Legal notices

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

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means Building Code of Australia

Construction Certificate means a construction certificate for bulk earthworks or civil works unless specified otherwise.

Council means City of Sydney.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

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

Environmental Assessment means the *Garvan St Vincent's Campus Cancer Centre, 362-382 Victoria Street, Darlinghurst, Environmental Assessment Report and Appendices* prepared by Urbis on behalf of Garvan Institute and St Vincents and Mater Health Sydney, dated June 2009.

Minister means the Minister for Planning.

Project means the project as described in Condition A1 to this approval.

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

Preferred Project Report means the *Garvan St Vincent's Cancer Centre, 362-382 Victoria Street, Darlinghurst, Preferred Project Report and Appendices* prepared by Urbis on behalf of Garvan Institute and St Vincents and Mater Health Sydney, dated October 2009.

Proponent means Garvan Institute of Medical Research and St Vincent's and Mater Health Sydney Ltd or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

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

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SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 09_0011

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

Project approval is granted only to carrying out the project described in detail below:

- (1) *Demolition and bulk earthworks;*
- (2) *Construction and operation of a medical research facility comprising of 9 levels above ground level, 1 level of basement laboratories and plant, 4 levels of basement car parking, and associated landscaping;*
- (3) *Consolidation of existing subdivision to create four lots.*

A2 *Project in Accordance with Plans*

The project will be undertaken in accordance with the following documentation, plans and recommendations:

Garvan St Vincent's Campus Cancer Centre, 362-382 Victoria Street, Darlinghurst, Environmental Assessment Report and Appendices prepared by Urbis on behalf of Garvan Institute and St Vincent's and Mater Health Sydney, dated June 2009.			
Garvan St Vincent's Cancer Centre, 362-382 Victoria Street, Darlinghurst, Preferred Project Report and Appendices prepared by Urbis on behalf of Garvan Institute and St Vincent's and Mater Health Sydney, dated October 2009			
Architectural (or Design) Drawings prepared by BVN Architects			
Drawing No.	Revision	Name of Plan	Date
ARC-DA-D-01	J	Level 01 Plan	06.10.09
ARC-DA-D-02	K	Level 02 Plan	06.10.09
ARC-DA-D-03	L	Level 03 Plan	06.10.09
ARC-DA-D-04	K	Level 04 Plan	06.10.09
ARC-DA-D-05	J	Level 05 Plan	06.10.09
ARC-DA-D-06	J	Level 06 Plan	06.10.09
ARC-DA-D-07	K	Level 07 Plan	06.10.09
ARC-DA-D-08	J	Level 08 Plan	06.10.09
ARC-DA-D-09	J	Level 09 Plan	06.10.09
ARC-DA-D-10	I	Level 10 Plan	06.10.09
ARC-DA-D-11	H	Level 11 Plan	06.10.09
ARC-DA-D-12	I	Level 12 Plan	06.10.09
ARC-DA-D-13	H	Roof Plan	06.10.09
ARC-DA-D-B1	I	Level B1 Plan	06.10.09
ARC-DA-D-B2	I	Level B2 Plan	06.10.09

ARC-DA-E-01	I	North Elevation	06.10.09
ARC-DA-E-02	I	West Elevation	06.10.09
ARC-DA-E-03	H	South Elevation	06.10.09
ARC-DA-E-04	I	East Elevation	06.10.09
ARC-DA-F-01	I	Section 1-1'	06.10.09
ARC-DA-F-02	H	Section 2-2'	06.10.09
ARC-DA-F-03	H	Section 3-3'	06.10.09
ARC-DA-F-04	I	Section A-A'	06.10.09
ARC-DA-Z-01	E	GFA Area Calculation	06.10.09
ARC-DA-Z-10	B	Easement Drawing	06.10.09
ARC-DD-A-02	03	Demolition Plan and Staging Diagram	
Landscape Drawings prepared by 360			
Drawing No.	Revision	Name of Plan	Date
		Landscape Concept Plan	
		Victoria Street and Reception Garden - Elevation	
		Victoria Street and Reception Garden – Plan and section AA	
		Laneway Landscape	
		Level 6 & 7 Roof Gardens	
Subdivision Drawings prepared by Rygate Surveyors			
Drawing No.	Revision	Name of Plan	Date
	A	Plan - Basement	21-6-09
	A	Plan – Level 1	21-6-09
	A	Plan – Level 3	21-6-09
	A	Plan – Level 4	21-6-09
	A	Plan – Level 5	21-6-09
	A	Plan – Level 6	21-6-09
	A	Plan – Level 7	21-6-09
	A	Plan – Level 8	21-6-09
	A	Plan – Level 9	21-6-09
	A	Plan – Level 510	21-6-09
All conditions of this approval			

A3 Inconsistency between documents

In the event of any inconsistency between conditions of this approval, the proponent's Statement of Commitments and the drawings/documents referred to in Conditions A3 and A4, the conditions of this approval prevail to the extent of the inconsistency.

A4 Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless the development has been substantially commenced.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Design Modifications

Prior to the issue of the relevant construction certificate, the Proponent shall submit to the Department of Planning for approval revised architectural plans to address the following:

- (1) Western Façade
Via the use of contrasting façade treatments and/or colours and/or setbacks:
 - (a) Provide a greater contrast between the podium (levels 4, 5 and 6) and the upper levels (levels 7 to 12).
 - (b) Provide greater articulation of the upper levels (levels 7 to 12).
 - (c) Reduce the bulk of the building, with specific consideration given to the option of setting back the upper most level (level 12).
- (2) Northern Façade
 - (a) Provide greater articulation of the north-eastern upper levels (levels 7 to 12) via the use of different façade treatments and/or colours, including consideration of glazed elements to provide natural light.
- (3) Southern Façade
 - (a) Details of the proposed public art and/or greater articulation of the upper levels (levels 7 to 12).

Remediation / Demolition / Earthworks

B2 Remediation of Land

Prior to the issue of a Construction Certificate the Proponent shall undertake a Phase 1 Site Investigation and submit to the Certifying Authority a Remedial Action Plan if found to be required. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.

B3 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to Council and owners of 360 Victoria Street.

B4 Energy and Water Efficiency

Prior to the issue of the relevant Construction Certificate, the Proponent shall prepare a Water and Energy Efficiency Program and submit for the approval of the Director General. The Program shall:

- (1) Investigate the energy and water efficiency options detailed in the ESD Project Application Report by Urbis dated 9 October 2009 and in the Statement of Commitments and detail the options chosen;
- (2) Provide details of all measures to be implemented as detailed in the ESD Project Application Report by Urbis dated 9 October 2009 including:

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- (b) the installation of a 50,000 L rainwater tank;
 - (c) the installation of water-efficient tap ware;
 - (d) the installation of water meters to provide ongoing monitoring;
 - (e) the installation of occupancy sensors and high-efficiency lighting;
 - (f) the use of low temperature Variable Air Volume (VAV) ventilation system where appropriate;
 - (g) the use of variable speed drives (VSD) and carbon monoxide sensors in basement car park.

Construction Management

B5 Construction Management Plan

Prior to the issue of the relevant Construction Certificate, a Construction Management Plan as per the Statement of Commitments shall be prepared in consultation with Council and submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council and the Department of Planning.

Traffic & Parking

B6 Number of Car Spaces

A maximum of 150 car spaces are to be provided for the development. This is to include 2 spaces for small vehicles and a minimum of 4 accessible spaces. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B7 Number of Bicycle Spaces

A minimum of 48 bicycle spaces are to be provided for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B8 Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of the relevant Construction Certificate.

Health

B9 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Stormwater and Drainage

B10 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems within the proposed subdivision, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to Commencement / Excavation

- (1) The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.
- (2) The Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

Structural Works

C2 Structural Details

Prior to the commencement of construction at each stage of the project, the Proponent shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant project approval,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C3 Retaining Walls

Prior to commencement of works (other than demolition and associated early site works) a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height, must be provided to the Certifying Authority. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and must be supported by a geotechnical assessment of the founding material.

Pollution Control

C4 Erosion and Sediment Control

Prior to commencement of work on the site for each stage of the project, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Certifying Authority.

Services

C5 Existing Services

The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Certifying Authority advised of its location and depth prior to commencing works for each stage of the subdivision and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

Contact Details

C6 Contact Telephone Number

Prior to the commencement of the works for each stage of the project, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction 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 Certifying Authority.

D2 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 including, but not limited to:

- (1) Details of the Builder, Principal Certifying Authority and Structural Engineer for all stages of the project;
- (2) The approved hours of work;
- (3) 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) To state that unauthorised entry to the site is not permitted.

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 of any stage of the project, shall be replaced, to the satisfaction of Council.

Structural Works

D4 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The

registered surveyor shall submit a plan to the Certifying Authority certifying that structural works are in accordance with the approved project application.

Site Maintenance

D5 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project, 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.

D6 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Noise and Vibration

D7 Hours of Work

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

- (1) between 7:30 am and 5:30 pm, Mondays to Fridays inclusive;
- (2) between 7:30 am and 3:30 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Safety inspections are permitted from 7am on work days.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) 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

- (1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a LA10 (15minute) descriptor) so it does not exceed the background LA90 noise level by more than 5dB(A).
- (2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.

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- (4) 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.

D9 Construction Noise Management

For all stages of the project, the Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that 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 approved in the Construction Management Plan.

D10 Vibration Criteria

For all stages of the project, vibration resulting from construction of all stages of the project must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide* (DEC, 2006).

Heritage

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

- (1) An archival recording is to be prepared for the properties at 366-368, 370, 372 and 374 Victoria Street to the standards of local heritage items in accordance with the Heritage Council publications *How to Prepare Archival Records of Heritage Items* and *Photographic Recording Of Heritage Items Using Film or Digital Capture*. A copy is to be made available to each of the City of Sydney Kings Cross Library and the City of Sydney Paddington Library.
- (2) If any archaeological relics are uncovered during the course of the work in any stage of the project, 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 before further works can continue in that area.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 Subdivision Certificate

- (1) The works-as-executed and final plan of subdivision, including any easement, right of carriageways, building management statements shall be submitted to the Certifying Authority for endorsement prior to registration of the subdivision certificate.
- (2) Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979* for each stage of the subdivision.

Earthworks

E2 Retaining Walls

All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Subdivision Certificate application for each affected staged of the subdivision and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

Geotechnical

E3 Dilapidation Report

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works for each stage of the project to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to the Principle Certifying Authority, prior to issue of the Subdivision Certificate for each stage of the project.

Restrictions

E4 Registration of Easements / Restrictions to use / Right of carriageway

- (1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the Conveyancing Act 1919, including (but not limited to) the following:
 - (a) Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - (b) Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - (c) Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas
- (2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

E5 Car parking restrictions

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant or patient of or visitor to the St Vincent's Campus Darlinghurst.

Any occupant, tenant, lessee or registered proprietor of the St Vincent's Campus Darlinghurst or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to anyone other than an occupant, tenant or lessee of the St Vincent's Campus Darlinghurst, provided however that the St Vincent's Campus Darlinghurst may enter in to an agreement with a party to assist in the operation and management of those car parking spaces on behalf of the St Vincent's Campus Darlinghurst on normal commercial terms.

These requirements are to be enforced through the following:

- (1) restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919,
- (2) restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces, and
- (3) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of Council.

Services

E6 Utilities –Telephone and Electricity Services

The project is to be connected to all available services (water, electricity and telephone) prior to issue of the Subdivision Certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

PART F—PRIOR TO OCCUPATION

Engineering

F1 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the Certifying Authority.

F2 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (4) The Building Code of Australia;
- (5) Australian Standard AS1668 and other relevant codes;
- (6) The project approval and any relevant modifications; and,
- (7) Any dispensation granted by the New South Wales Fire Brigade.

F3 Structural Inspection Certificate

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 the Council after:

- (1) 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,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F4 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 Proponent/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

Traffic and Access

F5 Operational Traffic Management Plan

Prior to the issue of an Occupation Certificate, an Operational Traffic Management Plan shall be prepared in consultation with Council and submitted for the approval of the Director General. The Plan shall address, but not be limited to:

- (1) Measures to ensure all vehicles, including Heavy Rigid Vehicles (HRVs, 12 metres long), enter and exit the site in a forward direction;
- (2) Measures to ensure that all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times; and
- (3) Measures (additional to the existing traffic control measure at the intersection of West Street and West Avenue) to prevent vehicles entering the site from West Avenue. Such measures shall be developed by a suitably qualified traffic consultant and include signage at the eastern end of West Avenue, line markings, physical barriers or the like.

Sydney Water

F6 Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the Certifying Authority.

Easements

F7 Registration of Easements

Prior to the issue of any Occupation Certificate, the Proponent shall provide to the Certifying Authority evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title.

PART G—POST OCCUPATION

Fire Safety

G1 Annual Fire Safety Certification

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

Traffic and Parking

G2 Unobstructed Driveways and Parking Areas

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.

Noise

G3 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

Hazardous Materials

G4 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Access

G5 Public Way to be Unobstructed

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

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a Subdivision Certificate, a Compliance Certificate shall be provided to the approval authority showing that the project has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the approval authority before the release of the Subdivision Certificate, and
- (3) the principal certifying authority prior to occupation.

AN2 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Telstra Australia, AGL, etc) in regard to the connection to, 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 Proponent. Details of compliance with the requirements of any relevant public authorities are

to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

AN3 *Compliance with Building Code of Australia*

The Proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 *Structural Capability for Existing Structures*

The structural capabilities of any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN5 *Use of Mobile Cranes*

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

- (2) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (3) 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 Council.

AN6 *Stormwater drainage works or effluent systems*

A Construction Certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works); and,
- (2) management of waste.

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN7 *Temporary Structures*

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN8 *Disability Discrimination Act*

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Proponent/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 Building Code of Australia 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.

AN9 *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 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.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.