
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 09_0021

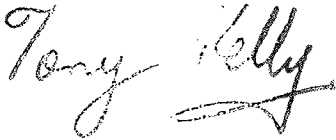
(FILE NO. S09/00180)

I, the Minister for Planning, having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine pursuant to section 75J(1) of the Act to **grant approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2 and Statement of Commitments in Schedule 3.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To adequately mitigate the environmental and construction impacts of the development;
- (2) To reasonably protect the amenity of the local area; and
- (3) To protect the public interest.



Minister for Planning

Sydney,

24 December 2009

SCHEDULE 1

PART A — TABLE

Application made by:	University of Technology Sydney
Application made to:	Minister for Planning
Major Project Number:	09_0021
On land comprising:	Lot 11 DP 835246
Local Government Area	City of Sydney
For the carrying out of:	Redevelopment of the Peter Johnson Building for the provision of additional teaching space and student housing.
Capital Investment Value	\$69.9 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	24 December 2009
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

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

Environmental Assessment means the document titled Environmental assessment Report – Project Application – Peter Johnson Building 702-730 Harris Street, Ultimo, Volumes 1 and 2 prepared by JBA Urban Planning April 2009.

BCA means the Building Code of Australia.

Council means City of Sydney.

Department means the Department of Planning or its successors.

Director means the Director of the Strategic Assessment Branch (or its successors) of the Department of Planning.

Director General means the Director General of the Department of Planning.

Executive Director means the Executive Director of the Urban Renewal and Major Sites Division (or equivalent) within the Department of Planning.

Major Project No. 09_0021 means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 2.

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Preferred Project Report means the document titled Preferred Project Report and Final Statement of Commitments – Peter Johnson Building, 702-730 Harris Street, Ultimo prepared by JBA Urban Planning Consultants Pty Ltd dated October 2009, Volumes 1 and 2.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

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

Statement of Commitments means the final Statement of Commitments submitted to the Department of Planning as part of the Preferred Project Report for this project.

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

SCHEDULE 2

CONDITIONS OF APPROVAL

MAJOR PROJECT APPLICATION NO. MP 09_0021

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Project Approval is granted for the following works:

- Alterations and additions to the existing 7-level podium to provide student housing support services, additional teaching space and area for a cafe;
- Construction of a 13 level tower above the podium providing 720 student housing beds and associated recreational and communal spaces.

A2 Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

Environmental Assessment Report – Project Application – Peter Johnson Building 702-730 Harris Street, Ultimo, Volumes 1 and 2 prepared by JBA Urban Planning dated April 2009.

and as amended by:

Preferred Project Report and Revised Statement of Commitments – Peter Johnson Building, 702-730 Harris Street, Ultimo prepared by JBA Urban Planning Consultants Pty Ltd dated October 2009, Volumes 1 and 2.

A3 Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

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 specified action has been taken in accordance with Section 75Y of the Act.

A5 Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

PART B—PRIOR TO COMMENCEMENT OF WORKS

B1 Dilapidation Reports

A dilapidation survey of Council's assets, the Ultimo Pedestrian Network and adjoining properties including the ABC building, must be prepared by a suitably qualified person, and include photographs and written records, and submitted to Council and the other landowners prior to commencement of work. The applicant shall advise Council and other landowners of any existing damage to property in the vicinity of the site. Particular attention must be paid to accurately recording any pre-developed *damaged* areas so that landowners are fully informed when assessing damage to assets caused as a result of the development (which is not to be repaired by the Proponent as part of the development).

B2 Structural Certification for Design

Prior to the commencement of work, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) must be prepared to the satisfaction of the Certifying Authority.

B3 Structural Certification – Existing Building

A qualified practising certified structural engineer (registered under NPER) must provide original structural certification to the Certifying Authority verifying that the existing structure can adequately support the proposed new loads and that any recommendations in the Report on Geotechnical Investigation by Douglas Partners (Appendix Q of the Environmental Assessment) and Structural Report by BG&E (Appendix R of the Environmental Assessment) have been adequately met.

B4 Construction Management Plan

The Construction Noise and Vibration Management Plan (as part of the Construction Management Plan) shall be amended to include the following:

- (1) Noise and vibration standards and criteria to be complied with during construction;
- (2) Mitigation measures that will be implemented in order to achieve compliance with (a) above;
- (3) Details of ongoing monitoring to demonstrate compliance;
- (4) Proposed consultation with the ABC and other adjoining landholders;
- (5) During demolition and construction, the proponent shall consult with the ABC fortnightly on the proposed scheduling of work, and where necessary reschedule works or implement suitable mitigation measures to minimise noise and vibration resulting from the works on scheduled recording and production activities by the ABC;
- (6) Other contingency measures that may need to be implemented.

A copy of the report shall be forwarded to the Director, Strategic Assessment of the Department of Planning for approval prior to commencement of works on the site.

B5 Consultation

The proponent shall give written notice to Council and the Department at least 48 hours prior to works commencing on site. Council should also be kept informed of the progress of significant components of the development to assist the Council in managing their work programs.

B6 RailCorp Requirements

- (1) The tunnel under Wembley House is not to be blocked without prior approval from RailCorp.
- (2) Details are to be provided with the Construction Certificate to demonstrate the following:
 - (i) Allowances in building design, construction and maintenance for the future construction and operation of railway tunnels in the vicinity of the site
 - (ii) Impacts from rail operations including stray currents, electromagnetic fields, noise and vibration

A copy of the relevant Construction Certificate drawings are to be submitted to RailCorp for their information.

B7 Car Parking Layout

The layout of the car parking areas associated with the subject development (including driveways, grades, aisle widths, turning paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2989.1-2004 and AS 2890.2 – 2002 for heavy vehicles.

B8 Stormwater Drainage

Post drainage development stormwater discharge from the site into the RTAs drainage system is not to exceed the pre-development discharge.

Detailed design plans and hydraulic calculation of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of construction works, to the following address:

The Sydney Asset Management
Roads and traffic Authority
PO Box 973 Parramatta CBD 2124

B9 Excavation

The developer is to submit detailed design drawings and geotechnical reports relating to any excavation of the site and support structures to the RTA for assessment. The developer is to meet the full cost of the assessment by the RTA. This report would need to address the following key issues:

- (i) The impact of any excavation/rock anchors on the stability of Harris Street and detailing how the carriageway would be monitored for settlement;
- (ii) The impact of the exaction on the structural stability of Harris Street;
- (iii) Any other issues thy may need to be addressed.

B10 Public Utilities

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

B11 Signposting

All works/regulatory signposting associated with the proposed development shall be at not cost to the RTA.

PART C—DURING CONSTRUCTION**C1 Hours of Work**

All building work shall be restricted to within the hours of 7:00 am to 7:00 pm Monday to Friday, and within the hours of 7.00 am to 5.00 pm Saturday, with no work on Sundays and Public Holidays.

Works may be undertaken outside these hours for the following:

- Internal works carried out in accordance with the City of Sydney's "Construction Hours/Noise within the Central Business District Code of Practice 1992";
- Delivery of materials outside these hours as required by authorities or for safety reasons; or
- Where it is required in an emergency to avoid the loss of lives, property and/or prevent environmental harm; or
- Approval is granted by the Director, Strategic Assessment of the Department of Planning.

C2 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 or Council.

C3 Site Management

Precautionary measures to be put in place to ensure the safety and health of persons on private or public property in the vicinity of the development site, including the use of temporary fencing and signage. Public pedestrian access shall be maintained within the UPN during construction.

C4 Access During Construction

Public access shall be maintained over the Ultimo Pedestrian Network during construction.

C5 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

C6 Disposal of Seepage and Stormwater

All 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.

C7 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

C8 Waste Management

- (1) All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and lead shall be in accordance with Work Cover requirements and relevant Australian Standards.
- (2) Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the *Protection of the Environment Operations (Waste) Regulation 2005*.

C9 Associated Roadway Costs

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City of Sydney's "Development Specification for Civil Works Design and Construction".

C10 Application for Hoardings and Scaffolding on a Public Place

- (1) A separate application under Section 138 of the Roads Act 1993 is to be made to relevant authority to erect a hoarding and/or scaffolding in a public place and such application is to include:-

- (i) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
- (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- (2) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (3) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

C11 Barricade Permit

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

C12 Site Notice

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of 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 construction period;
- (3) A copy of the first page of the development approval, and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (4) The approved hours of work, the Certifying Authority including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, are to be displayed on the site notice;
- (5) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

C13 Covering of Loads

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

C14 Vehicle Cleansing

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

C15 Loading and Unloading During Construction

The following requirements apply:

- (1) All loading and unloading associated with construction must be accommodated on site.
- (2) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant authority prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (3) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (4) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (5) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

C16 No Obstruction of Public Way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Construction hoardings are permitted to be placed on the public way only when appropriate formal approval has been obtained from Council or relevant landowner.

C17 Use of Mobile Cranes

The following requirements apply:

- (1) For special operations (including, but not limited to, 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 the relevant authority for the use of a mobile crane. The permits must be obtained beforehand for those partial road closures which, in the opinion of Council, will create minimal traffic disruptions. The permits must be obtained beforehand in the case of full road closures and for any partial road closures which, in the opinion of the relevant authority, will create significant traffic disruptions.
- (2) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**D1 Works As Executed Plans**

Prior to occupation, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to the Department for information purposes only.

D2 Post-construction Dilapidation Report

- (1) The proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be made available to Council and adjoining landowners and is to:
 - (a) Compare the post-construction dilapidation report with the pre-construction dilapidation report, identifying the nature and costs of damage (if any) which has occurred during and as a result of construction, and
 - (b) Have written confirmation from the relevant authority that there is no adverse structural damage to its infrastructure and roads (as far as reasonably practical) or that satisfactory arrangements have been made to remedy any damage. If this has been unreasonably delayed by the relevant authority, attempts to seek such confirmation shall be given to the satisfaction of the Department.

ADVISORY NOTES

AN1 Self Certification by Crown Authorities

Self-certification can be made by the Crown or on behalf of the Crown under Section 109R of the Environmental Planning and Assessment Act 1979, in which case the Crown is not required to obtain a construction certificate or appoint a principal certifying authority nor does it require an occupation certificate to be obtained (Section 109M of the Environmental Planning and Assessment Act 1979).

The Crown Authority undertaking the building work may contract a Council or an accredited certifier to undertake the BCA assessment of the proposed building. The Crown can then certify the building relying upon this advice. The certification is not to be confused with certification under Part 4A of the Environmental Planning and Assessment Act 1979.

AN2 Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation, amplification or adjustment of the services affected by the construction of the proposed structure. In particular, a separate application shall be made to Sydney Water for a Section 73 certificate. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN3 Roads Act, 1993

A separate application shall be made to Council for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN4 Stormwater Drainage Works or Effluent Systems

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act, 1993* require separate approval 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.

AN5 Groundwater

In the event that the proposal is likely to intercept or use groundwater, a water license under Part 5 of the *Water Act 1912* is required. All proposed groundwater works, including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified and approval obtained prior to their installation.

AN6 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.

AN7 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN8 Long Service Levy

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act, 1979* this payment must be made prior to commencement of building works.

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 and Assessment Act, 1979*. 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.