

# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I as a member of the Planning Assessment Commission, approve the Project Application referred to in Schedule 1, subject to the conditions in Schedule 2 and the Statement of Commitments provided in Schedule 3.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2013

### SCHEDULE 1

Application No.:

MP09\_0068

Proponent:

Architecture & Building Works

Approval Authority:

Minister for Planning and infrastructure

Land:

134-144 Pitt Street, Redfern

Project:

Residential Development, including:

- demolition of existing buildings and tree removal;
- adaptive reuse of the former hospital building for residential housing and construction of 3 residential flat buildings comprising a total of 158 residential apartments;
- 2 level basement car parking for 138 car spaces;
- provision of a publicly accessible communal open space; and
- strata subdivision.

### NOTES RELATING TO THE DETERMINATION OF MP09\_0068

#### Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals 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 Act and the Regulation.

#### Legal notices

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

## DEFINITIONS

In this approval,

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

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

**BCA** means the Building Code of Australia.

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

**Council** means City of Sydney Council.

**Department** means the Department of Planning & Infrastructure or its successors.

**Director-General** means the Director-General of the Department or his nominee.

**Environmental Assessment (EA)** means the Environmental Assessment prepared by ABC Planning and dated December 2012.

**Minister** means the Minister for Planning and Infrastructure.

**MP No. 09\_0068** means the Major Project described in the Proponent's EA as amended by the Preferred Project Report.

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

**Preferred Project Report (PPR)** means the Preferred Project Report prepared by ABC Planning and dated June 2013.

**Proponent** means Architecture & Building Works or any party acting upon this approval.

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

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

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**End of this Section**

## SCHEDULE 2

### PART A – TERMS OF APPROVAL

#### A1 DEVELOPMENT DESCRIPTION

Project Application approval is granted only to the development as described below:

- demolition of existing buildings and tree removal;
- adaptive reuse of the former hospital building for residential housing and construction of 3 residential flat buildings comprising a total of 158 residential apartments;
- 2 levels of basement car parking for 138 car parking spaces;
- provision of a publically accessible communal open space; and
- strata subdivision.

#### A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development shall be undertaken in accordance with MP09\_0068 and the Environmental Assessment dated December 2012 and Preferred Project Report dated June 2013 prepared by ABC Planning, and the following drawings.

Architectural Drawings prepared Architecture & Building Works			
Drawing No.	Revision	Name of Plan	Date
A-010	F	Lower Basement Plan	7/06/2013
A-011	F	Upper Basement Plan	7/06/2013
A-012	G	Lower Ground Plan	7/06/2013
A-013	G	Ground Floor Plan	30/04/2013
A-014	F	First Floor Plan	7/06/2013
A-015	F	Second Floor Plan	7/06/2013
A-016	F	Third Floor Plan	7/06/2013
A-017	F	Fourth Floor Plan	7/06/2013
A-018	F	Fifth Floor Plan	7/06/2013
A-019	F	Roof Plan	7/06/2013
A-020	G	Elevations 01	7/05/2013
A-021	G	Elevations 02	30/04/2013
A-022	F	Elevations 03	7/06/2013
A-023	G	Elevations 04	30/04/2013
A-024	F	Elevations 05	7/06/2013
A-025	F	Elevations 01	7/06/2013
A-026	F	Elevations 02	7/06/2013
A-030	F	Sections 01	7/06/2013
A-041	-	Section Detail	7/06/2013
Landscape Plans prepared by Isthmus Landscape Design			
Drawing No.	Revision	Name of Plan	Date
IS0075DA1	B	Title Sheet & Lower Ground Site Plan	August 2012
IS0075DA2	B	Detail Plan A – Lower Ground Floor	August 2012
IS0075DA3	B	Detail Plan B – Lower Ground Floor	August 2012
IS0075DA4	B	Detail Plan C – Lower Ground Floor	August 2012
IS0075DA5	B	Ground Floor / Public Domain Site Plan	August 2012
IS0075DA6	B	Detail Plan – Public Domain	August 2012
IS0075DA7	B	Details & Plant Schedule	August

			2012
IS0075DA8	B	Public Domain Details	August 2012
IS0075DA9	B	Public Domain Details	August 2012
<b>Stormwater Plans prepared by Greenarrow Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
H-01	A	Cover Sheet, Legend & Survey	Oct 2011
H-02	A	Lower Basement Plan	Oct 2011
H-03	A	Upper Basement Plan	Oct 2011
H-04	A	Lower Ground Floor Plan	Oct 2011
H-05	A	Ground Floor Plan	Oct 2011
H-06	A	Levels 1 – 5	Oct 2011
H-07	A	Roof Plan	Oct 2011
H-08	A	Details	Oct 2011
H-09	A	Syphonic OSD System	Oct 2011

Except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated within the BCA; and
- otherwise provided by the conditions of this approval.

### **A3 DESIGN DETAILS**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule, and specifications submitted with the application.

### **A5 INCONSISTENCIES BETWEEN DOCUMENTATION**

In the event of any inconsistency between conditions of this approval and the drawings/documents including Statement of Commitments referred to above, the conditions of this approval shall prevail.

### **A6 PRESCRIBED CONDITIONS**

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

### **A7 DESIGN QUALITY / EXCELLENCE**

- In order to ensure the design quality / excellence of the development is retained:
  - Architecture Building Works (design architect) is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
  - The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
  - Evidence of the design architect's commission is to be provided to the Department prior to release of the Construction Certificate.
- The design architect of the project is not to be changed without prior notice and approval of the Council or Department.

## **A8 USE OF CONSERVATION ARCHITECT**

Weir Phillips Architects and Heritage consultants (Conservation Architect) is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project.

The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council prior to commencement of work on site. The conservation architect must sign off the completed project prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier. The conservation architect of the project is not to be changed without prior notice and approval of the Council or Department.

## **A9 COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

## **A10 LAPSING OF APPROVAL**

Approval of this Project Application shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development which concept approval has been given.

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**End of Section**

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

### **B1 DESIGN MODIFICATIONS**

The approved plans and the *Construction Certificate* plans and specifications, required to be submitted to the Certifying Authority, pursuant to Clause 139 of the Regulation, must detail the following modifications:

- a) The maximum building height at the western end of Building 1 shall be reduced to a maximum of RL 55.10 AHD (excluding plant);
- b) The upper level of the western façade of Building 1 shall be setback a minimum of 2.6 metres from the main façade;
- c) All plant and air conditioning, with the exception of lift overruns, be setback a minimum of 2 metres from building facades facing site boundaries;
- d) Retention of the entire existing colonnade fronting Pitt Street in accordance with the Concept Plan approval.
- e) A revised basement car parking plan showing car parking in accordance with this approval.

### **B2 REDFERN-WATERLOO AUTHORITY CONTRIBUTIONS PLAN 2006**

To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the Redfern-Waterloo Authority Contributions Plan 2006.

The levy is to be calculated in accordance with Redfern-Waterloo Authority Contributions Plan 2006, and is 2% of the proposed cost of development. The amount payable is 2% of that proposed cost as indexed between the date of determination and the date the levy is required to be paid in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 10 of Redfern-Waterloo Authority Contributions Plan 2006.

Pursuant to the Redfern-Waterloo Authority Contributions Plan 2006, a contribution in the amount of **\$951,294.54** plus indexation in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid to Urban Growth NSW Development Corporation (UGDC) for deposit into the Redfern-Waterloo Fund (Account Number 223110318392) towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan.

Proof of payment of this contribution to the UGDC shall be provided to the Certifying Authority prior to the issue of a Construction Certificate. No deferred or periodic payments are permitted.

Actual payment must be made to the Urban Growth NSW Development Corporation (phone 92029100 for any queries)

A copy of Redfern-Waterloo Authority Contributions Plan 2006 is available for inspection at the offices of UGDC, Level 4, 219-241 Cleveland Street, Strawberry Hills or from the website [www.smda.nsw.gov.au](http://www.smda.nsw.gov.au).

### **B3 REDFERN-WATERLOO AUTHORITY AFFORDABLE HOUSING CONTRIBUTIONS PLAN 2006**

To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 or other applicable Contributions Plan.

The levy has been calculated in accordance with Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 as 1.25% of the total gross area of the proposed development at \$73.12 per square metre (current until 30 June 2013) and to be indexed from 1 July in each year in accordance with (Consumer Price Index - All Groups Index) for Sydney.

Pursuant to the Redfern-Waterloo Affordable Contributions Plan 2006, a contribution in the amount of **\$24,898.09** is to be paid to the Urban Growth NSW Development Corporation (UGDC) for deposit into the Redfern-Waterloo Fund (Account Number 223110318392) towards the provision of affordable housing within the Redfern Waterloo area as set out in the Works Schedule to that Plan. Such payment is to be accompanied by a calculation of indexing as applicable. *Note the contribution may change as a result of the required modifications by this consent resulting in a reduction in final Gross Floor Area. The final figure should be clarified with Urban Growth NSW Development Corporation (UGDC).*

Proof of payment of this contribution and calculation of any indexing shall be provided to the Certifying Authority prior to the issue of a Construction Certificate. No deferred or periodic payments are permitted.

Actual payment must be made to the Sydney Metropolitan Development Authority (phone 92029100 for any queries).

A copy of Redfern-Waterloo Affordable Housing Contributions Plan 2006 is available for inspection at Level 4, 219-241 Cleveland Street, Strawberry Hills or from the website [www.smda.nsw.gov.au](http://www.smda.nsw.gov.au)

#### **B4 NUMBER OF CAR SPACES**

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car parking allocation	Number
1 bedroom apartments	34
2 bedroom apartments	61
3 bedroom apartments	17
Visitor Spaces	26
<b>Total</b>	<b>138</b>

A plan which confirms the number and location of the residential and visitor car parking spaces required in the table to this condition shall be submitted to the Certifying Authority prior to issue of a Construction Certificate.

#### **B5 BICYCLE PARKING SPACES**

Bicycle parking shall be provided in the basement car park in accordance with approved plans.

#### **B6 ALIGNMENT LEVELS**

- Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.

#### **B7 DILAPIDATION REPORT**

Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 146-152 Pitt Street, 25 Albert Street, and 153-167 George Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

## **B8 DILAPIDATION REPORT – PUBLIC DOMAIN**

Prior to an approval for demolition being granted a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:

- a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) Each image is to be numbered and cross referenced to a site location plan;
- d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- e) include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

## **B9 FOOTPATH DAMAGE BANK GUARANTEE**

A Footpath Damage Bank Guarantee calculated on the total lineal metres of the public frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

## **B10 VEHICLE ACCESS**

The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.

## **B11 ARCHAEOLOGY**

Prior to the issue of a Construction Certificate:

- a) A demolition plan should be developed that is designed to facilitate removal of the superstructure of the Rachel Forster Hospital buildings and ensure the protection of areas of potential historical archaeological potential identified in Figure 33 and Figure 38 of the AHMS December 2012 Archaeological Assessment. The demolition plan should be developed in consultation with the archaeological consultant and demolition contractor.
- b) A Research Design and Excavation Methodology should be prepared regarding historical archaeological investigations at the subject site and provided to the Heritage Council or its Delegate for approval prior to works commencing. The Research Design and Excavation Methodology should be prepared in conjunction with any required Aboriginal archaeological investigations at the subject site.
- c) Historical archaeological investigations should be undertaken prior to the commencement of construction works or as part of the construction works schedule.



- d) Historical archaeological investigations should initially take the form of a testing program to determine the nature, integrity and extent of the archaeological resource at the subject site.
- e) A review of the results of any testing program at the subject site should be used to determine whether or not further historical archaeological investigations, such as salvage, are required.
- f) The results of the archaeological program must be interpreted within the site in a way which allows users to be able to understand and appreciate the sites history and heritage.
- g) An archaeological report regarding the results of the historical archaeological investigations should be prepared in accordance with best practise professional guidelines. A copy of the archaeological report should be submitted to the Department of Planning & Infrastructure and the Heritage Council of NSW.
- h) A plan should be developed for the long term storage and curation of all recovered historical archaeological material.

## **B12 HERITAGE ARCHIVAL RECORDING**

An archival photographic recording of the site, including existing buildings in their setting, building interiors and exteriors, and significant distant views, is undertaken prior to the commencement of works, in accordance with the Heritage Council document, *Photographic Recording of Heritage Items using Film or Digital Capture*. The original copy of the archival record shall be deposited with the Heritage Branch. An additional copy shall be provided to City of Sydney Council.

## **B13 WASTE RECYCLING MANAGEMENT**

- a) A Waste Management Plan is to be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005.

## **B14 DEMOLITION**

Demolition or excavation must not commence until a Construction Certificate has been issued.

## **B15 DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

- a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
  - i. Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of façade retention.
  - ii. A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - iii. An Excavation Work Method Statement prepared by an appropriately qualified person.
  - iv. A Waste Management Plan for the demolition and or excavation of the proposed development.
  - v. Concurrence from the Conservation Architect referred to **Condition A8**.
- b) Such statements must, where applicable, be in compliance with AS2601-1991 Demolition of Structures, the Occupational Health and Safety Act 2000 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
  - i. A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
  - ii. The name and address of the company/contractor undertaking demolition/excavation works.

- iii. The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - iv. The name and address of the transport contractor.
  - v. The type and quantity of material to be removed from site.
  - vi. Location and method of waste disposal and recycling.
  - vii. Proposed truck routes, in accordance with this development consent.
  - viii. Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - ix. Measures to control noise emissions from the site.
  - x. Measures to suppress odours.
  - xi. Enclosing and making the site safe.
  - xii. A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
  - xiii. Induction training for on-site personnel.
  - xiv. Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
  - xv. An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
  - xvi. Disconnection of utilities.
  - xvii. Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - xviii. Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - xix. Waterproofing of any exposed surfaces of adjoining buildings.
  - xx. Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
  - xxi. Working hours, in accordance with this development consent.
  - xxii. Any Work Cover Authority requirements.
- c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

## **B16 EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan accompanying this Project Application has not been approved by this consent. Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifying Authority.

- a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
  - i. existing site contours;
  - ii. location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
- b) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

## **B17 LANDSCAPING OF THE SITE**

- a) Prior to the issue of a Construction Certificate, a suitably qualified arboriculturalist shall re-examine the health of all existing trees to be retained on site. Should any trees be considered unsafe/unsuitable to be retained, a revised landscape plan shall be submitted showing any replacement planting for site trees that are being removed
- b) Prior to the issue of a Construction Certificate, a landscape maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

## **B18 STREET TREE PLANTING AND MAINTENANCE**

- a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Construction Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan.
- b) The street tree(s) must be planted:
  - i. by a qualified Arborist or Horticulturist (AQF Level 3); and
  - ii. before the issue of an Occupation Certificate.
- c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

## **B19 STORMWATER AND DRAINAGE**

On-site detention, treatment and re-use is encouraged.

- a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued. (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- e) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

## **B20 STRUCTURAL INTEGRITY OF RETAINED BUILDING**

Prior to a commencement of any works on the site, a report from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council. The report must explain how the façade is to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the facade fabric. Details of all temporary supports and hoardings must also to be provided in the report. A certificate from a qualified practicing structural engineer (National Engineering Registration Board) must be submitted to the Certifying Authority prior to a Construction Certificate being issued. The certificate must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia.

## **B21 BASIX CERTIFICATE REQUIREMENTS**

Prior to the issue of a Construction Certificate, a revised BASIX certificate is to be submitted to the Certifying Authority for approval in accordance with modified plans required in **Condition B1**. All amendments and treatments outlined in the BASIX Certificates issued for the approved building, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development. The Proponent shall submit to the Certifying Authority all relevant documentation demonstrating compliance with the requirements of this condition for above ground works.

## **B22 DISABLED ACCESS**

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

## **B23 HEIGHT & DENSITY GFA CERTIFICATION**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the building does not exceed 13,531.51m<sup>2</sup> in accordance with the definition of GFA in the Sydney LEP 2012. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works.

## **B24 MECHANICAL VENTILATION**

All mechanical ventilation systems shall be installed in accordance with the Building Code of Australia and shall comply with the Public Health (Microbial Control) Regulation 2000 under the Public Health Act 1991. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

## **B25 CONSTRUCTION MANAGEMENT**

Prior to issue of a Construction Certificate, a Construction Management Plan shall be submitted to the satisfaction of the Certifying Authority for approval.

This plan should include but not be limited to the following:

- a) All recommendations of the Remediation Action Plan prepared by Environmental Investigations and submitted with the EA.
- b) All recommendations of the Aboriginal Heritage Impact Assessment prepared by Archaeological and Heritage Management Solutions and submitted with the PPR.
- c) All recommendations of the Archaeological Management Plan prepared by Archaeological and Heritage Management Solutions and submitted with the EA.
- d) All recommendations of the Aborigicultural Assessment and Development Impact Report for the Former Rachel Forster Hospital Site prepared by Guy Paroissien of Landscape Matrix Pty Ltd and dated May 2007 and submitted with the EA.

- e) All recommendations of the Remediation Action Plan prepared by Environmental Investigations and submitted with the EA.
- f) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area;
- g) The proposed method of loading and unloading of excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible, mobile cranes should be located wholly within the site. The location and operation of any on-site crane;
- h) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- i) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- j) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support should be designed by an appropriately Qualified Practising Civil Engineer with current Corporate Membership to the Institute of Engineers, Australia and NPER (Civil Category) status;
- k) Proposed protection for Council and adjoining properties;
- l) Provision of a Traffic Management Plan indicating strategies to ensure safe egress onto the public way. Particular consideration shall be given to the safety of pedestrians traversing the footway adjacent to the site.

## **B26 CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

## **B27 BASEMENT DRAINAGE**

Prior to issue of a Construction Certificate, a plan/ report incorporating the following details regarding basement drainage shall be submitted to the satisfaction of the Certifying Authority for approval.

- a) An appropriate pump and sump system, generally compliant with AS/NZS3500 and any other relevant standards, should be designed and sized to drain those areas of the basement and vehicular access ramp located below finished ground level. The pump and sump system should be designed by a suitably qualified professional.
- b) The pump system should consist of dual pumps connected in parallel with an overflow, flashing light and audible alarm system provided to warn of pump failure.
- c) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the appropriate Construction Certificate.

## **B28 REQUIREMENT FOR A CONSTRUCTION CERTIFICATE**

The erection of any building must not be commenced until:

- a) A detailed plans and specifications of the building have been endorsed with a Construction Certificate by Council **or** an accredited certifier; and
- b) A Certifying Authority has been appointed and the Department has been notified in writing of the appointment, and
- c) At least two days notice, in writing, has been given to the Department of the intention to commence work.

## **B29 REFLECTIVITY**

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

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**End of Section**

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

### **C1 STRUCTURAL DETAILS**

Prior to the commencement of construction for each stage, 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:

- a) the relevant clauses of the Building Code of Australia,
- b) the relevant approval,
- c) drawings and specifications, including the final geotechnical plans, comprising the Construction Certificate, and
- d) the relevant Australian Standards listed in the BCA (Specification A1.3).

### **C2 ROAD OPENING PERMIT**

A separate **Road Opening Permit** under Section 138 of the Roads Act 1993 must be obtained from Council prior to the commencement of any:

- a) Excavation in or disturbance of a public way, or
- b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

### **C4 PRESERVATION OF SURVEY MARKS**

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

### **C5 APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- a) A separate application under Section 138 of the Roads Act 1993 is to be made to Council 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. Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
  - iii. 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.

- b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must 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.
- c) The hoarding must comply with the Councils policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

## **C6 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.

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**End of Section**



## **PART D — DURING CONSTRUCTION**

### **D1 HOURS OF WORK AND NOISE**

The hours of construction and work on the development must be as follows:

- a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- b) All work, including demolition, excavation and building work must comply with the *City of Sydney Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

### **D2 LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) 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.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks 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.
- d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- e) The structural design of the building must allow 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.

### **D3 NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

### **D4 COMPLIANCE WITH ARBORIST'S REPORT**

All recommendations contained in the Arborist's Report prepared by Landscape Matrix dated May 2007, must be implemented during construction and use of the development.

### **D5 TREE PROTECTION ZONE**

Before the commencement of works, a/the Tree Protection Zone/s (TPZ) must be established around all tree/s to be retained not less than the distance indicated in the TPZ schedule below. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refueling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.

## **D6 SURVEY**

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

## **D7 UPON COMPLETION OF EXCAVATION / DEMOLITION**

- a) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.
- b) Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

**Note:** Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

## **D8 VEHICLE FOOTWAY CROSSING**

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required. All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

**Note:** In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

## **D9 CONSTRUCTION MANAGEMENT PLAN**

Construction shall be carried out in accordance with the approved Construction Management Plan. The plan shall ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

## **D10 EROSION AND SEDIMENTATION CONTROL**

Sediment controls, to ensure that no sediment, fines, and like material can enter the waterway or drainage system are to be in place for the duration of the works. The applicant is to carry out works generally in accordance with the approved Erosion and Sediment Control Plan in respect to environmental management and safeguards. These controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

## **D11 VIBRATION CRITERIA**

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

- a) for structural damage vibration, German Standard *DIN 4150-3 Structural Vibration: Effects of Vibration on Structures*; and

- b) for human exposure to vibration, the evaluation criteria presented in British Standard *BS 6472: 1992 Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz)* for low probability of adverse comment.

These limits apply unless otherwise approved in the Works Noise and Vibration Management Plan.

## **D12 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 Council, the Department or the Certifying Authority.

## **D13 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.

## **D14 ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

The recommendations of the Aboriginal Heritage Impact Assessment prepared by Archaeological Heritage & Management Solutions and dated June 2013 shall be adhered to (where required) by the developer during the course of the development. In addition:

- a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

## **D15 DISCOVERY OF ARCHAEOLOGICAL RESOURCES WITHIN THE SITE**

The recommendations of the Historical Archaeological Assessment for Kaymet Corporation Pty Ltd prepared by Archaeological Heritage & Management Solutions and dated December 2012 shall be adhered (where required) at all times during construction.

## **D16 ASBESTOS REMOVAL**

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC): “Code of Practice for the Safe Removal of Asbestos” and the City of Sydney Asbestos Policy.

## **D17 NOTIFICATION OF ASBESTOS REMOVAL**

All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email address.

## **D18 ASBESTOS REMOVAL SIGNAGE**

Standard commercially manufactured signs containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

## **D19 DISPOSAL OF ASBESTOS**

Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney’s Asbestos Policy.

## **D20 PROHIBITION OF ASBESTOS REUSE**

No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

## **D21 CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (April 2008). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

## **D22 SIGNAGE LOCATION AND DETAILS**

- a) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.
- b) The site notice board must include the following:
  - i. contact person for the site;
  - ii. telephone and facsimile numbers and email address; and
  - iii. site activities and time frames.

## **D23 SKIPS AND BINS**

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

## **D24 SITE REMEDIATION**

The site shall be appropriately remediated in accordance with the Remediation Action plan prepared by Environmental Investigations as submitted with the EA.

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**End of Section**

## **PART E—PRIOR TO STRATA SUBDIVISION**

### **E1 STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED**

A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

### **E2 PLAN OF SUBDIVISION – PART 4A CERTIFICATE**

Prior to the registration of the final subdivision plans in the Office of the Registrar-General, a Part 4A certification shall be obtained under Section 109D(1)(d) of the Act.

Prior to the issue of a Subdivision Certificate, the applicant is to provide to the issuing authority, a survey plan of subdivision including a copy of the relevant instrument under Section 88B of the Conveyancing Act 1919.

### **E3 ACCESS**

Documentary easements for access shall be created over the appropriate lots in the subdivision to provide access for public access and access to lifts, lobbies, fire stairs, service areas, loading and car parking areas and must be created under Section 88B of the Conveyancing Act 1919.

### **E4 UTILITIES ADJUSTMENTS**

The proponent shall be responsible for all adjustments to and/or relocation of public utilities (where required). Any necessary alterations shall be at the developer's expense and the requirements of the appropriate Authorities.

### **E5 SERVICES**

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs and maintenance or any other encumbrances or indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over the appropriate lots under Section 88B of the Conveyancing Act 1919.

### **E6 A SURVEY PLAN AND S88B INSTRUMENT**

A Survey Plan and S88B instrument pursuant to Conveyancing Act 1919 shall be submitted to Council as being the relevant Planning Authority from benefiting the relevant easements placed on private land and being the owner of the public lands. The S88B instrument is to set out the terms of easements, rights of carriageway and rights of public access in respect of the following, where applicable:

- a) interallotment drainage lines in favour of upstream properties utilising the lines;
- b) rights of the carriageway in favour of the property services and / or the appropriate utility provider and / or Council;
- c) easements for services in favour of the property serviced and / or the appropriate utility provider;
- d) rights of public access in favour of Council; and
- e) stormwater mains and overland flow paths in favour of Council.

### **E7 SECTION 37 OF STRATA TITLES ACT**

An application under Section 37 of the Strata Schemes (Freehold Development) Act 1973 must be submitted to Council or a private certifying authority prior to the release of the certified strata plan of subdivision.

### **E8 APPLICATION FOR NUMBERING**

Any application for strata subdivision shall be accompanied by a street numbering strategy for approval by Council prior to the release of any linen plan subdivision.

## **E9 CAR PARKING ALLOCATION**

Parking spaces shall be allocated in accordance with this approval as provided in Condition B5.

## **E10 USE OF PARKING SPACES**

Parking spaces will remain for the exclusive use of the residents for each Strata Plan, their visitors or utility vehicles servicing the site. Leasing of spaces for non-resident use, other than to tenants of the retail, cafes and restaurants on the site, is not permitted. Evidence of compliance with this condition shall be submitted to the Certifying Authority prior to release of the certified strata plan of subdivision.

## **E11 PRECONDITIONS TO RELEASE OF PLAN OF SUBDIVISION**

The plan of subdivision will not be issued until:

- a) All Section 94 contributions required to be paid have been paid.
- b) The property has been developed in accordance with plans approved by MP09\_0068 and documentary evidence of compliance with all conditions of consent has been submitted to Council.

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**End of Section**

## **PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **F1 OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

### **F2 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's "Development Specification for Civil Works Design and Construction".

### **F3 COST OF SIGNPOSTING**

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

### **F4 ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

### **F5 LOADING WITHIN SITE**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

### **F6 HERITAGE INTERPRETATION PLAN**

- a) Prior to the issue of an Occupation Certificate, a detailed Interpretation Plan shall be prepared for the site in accordance with the Interpretation framework and recommendations set out in the Heritage Interpretation Plan prepared by Weir Phillips Architects and Consultants submitted with the EA. The shall be submitted to the Department, Council and Heritage Council NSW for approval.
- b) This Interpretation Plan shall include measures to explain the historic significance of the site, as well as measures for future owners (the Body Corporate) to maintain and renew interpretation works by way of notation on individual property deeds.
- c) The memorial plaques and significant signs shall be retained in situ (where possible).
- d) Interpretation panels or artefacts explaining the role of the founding female doctors and other stall should be installed in areas that are publicly accessible or made accessible on specific days in a year.

### **F7 TREE REMOVAL AND LANDSCAPING**

Prior to the issue of an occupation certificate, the Proponent shall provide documentary evidence that tree removal and landscaping have been carried out in accordance with the recommendations outlined in the Aboricultural Assessment and Development Impact Report for the Former Rachel Forster Hospital Site prepared by Landscape Matrix Pty Ltd and dated May 2007. This shall include any modifications to tree removal and landscaping approved with the construction certificate.

### **F8 REMEDIATION**

- a) The site is to be remediated and validated in accordance with the report prepared by Environmental Investigations as submitted with the EA. Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be submitted to Council clearly indicating that the

site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- b) Any variations to the proposed remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

## **F9 WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

## **F10 SAFETY**

All balcony doors accessible to the street frontage should be of such design as to prevent climbing via horizontal panelling or footpases and have doors allowing entry to the rooms deadlocked to avoid unauthorized entry or allow the units to be easily accessed by climbing providing opportunity to break into the building.

Lighting should be designed to the Australian and New Zealand Lighting Standards.

## **F11 SYDNEY WATER CERTIFICATE**

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 Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

## **F12 EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period. During the construction period;

- a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

## **F13 STREET NUMBERING AND BUILDING NAME**

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the *Policy on Numbering of Premises within the City of Sydney*. If new street numbers or a change to street numbers is required, a separate application must be made to Council.



#### **F14 EASEMENT CONDITION FOR PUBLIC ACCESS TO COMMUNAL OPEN SPACE**

A S88B instrument pursuant to Conveyancing Act 1919 shall be created allowing public use of the communal open space in accordance with Figure 20 of the Director General's Environmental Assessment report for this development.

#### **F15 EASEMENT FOR USE OF INTERPRETATION ROOM**

A S88B instrument pursuant to Conveyancing Act 1919 shall be created clearly restricting use of the designated Interpretation room as an Interpretation Room for understanding of the heritage significance of the site and for use by residents of the site for communal residential purposes only including Body Corporate meetings.

#### **F16 DESIGN VERIFICATION STATEMENT**

Prior to the issue of an Occupation Certificate, the Proponent shall submit to the PCA a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

#### **F17 BASIX CERTIFICATE**

Certification is to be provided to the PCA that the commitments identified in the BASIX Certificate have been fulfilled prior to issue of an occupation certificate.

#### **F18 GFA CERTIFICATION**

Prior to Issue of an Occupation Certificate a Registered Surveyor is to certify that the Gross Floor Area (GFA) does not exceed as per this consent.

#### **F19 ANTI GRAFFITI**

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

#### **F20 FIRE SAFETY CERTIFICATE**

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Council and the NSW Fire Brigade.

#### **F21 MECHANICAL VENTILATION**

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

- a) The Building Code of Australia;
- b) Australian Standard AS1668 and other relevant codes;
- c) The development approval and any relevant modifications; and,
- d) Any dispensation granted by the New South Wales Fire Brigade.

## **F22 STRUCTURAL INSPECTION CERTIFICATE**

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate. A copy of the Certificate with an electronic set of final drawings (contact PCA for specific electronic format) shall be submitted to the PCA and the Council after:

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

## **F23 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 shall be met in full by the Proponent prior to the issue of an 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.

## **F24 DISABILITIES**

- a) Access for people with disabilities must be provided in accordance with Part D3 and Table D3.2 of the Building Code of Australia (BCA);
- b) Suitable signage must be provided indicating facilities and the means of access for persons with disabilities in accordance with the requirements of D3.6 of the BCA;
- c) All internal ramps, accessed by people with disabilities, must not exceed a grade of 1:14 as required by AS 1428.1;

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**End of Section**

## **PART G - POST OCCUPATION**

### **G1 ANNUAL FIRE SAFETY CERTIFICATION**

An Annual Fire Safety Statement shall be submitted to Council and the NSW Fire Brigade every year commencing within 12 months of the date on which the initial Fire Safety Certificate is received. The Statement shall certify that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### **G2 LOADING AND UNLOADING**

All loading and unloading of service vehicles in connection with the use of the premise shall be carried out wholly within the site at all times.

### **G3 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.

### **G4 NOISE - GENERAL**

- a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
  - i. The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
  - ii. The LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published by DECCW.
  - iii. The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
  - iv. The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected residence.
- b) An LAeq, 15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:
  - i. Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
  - ii. The LAeq, 15minute noise level and the LA90, 15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
  - iii. The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the (excluding air-conditioning equipment) normally servicing the affected residence operating.

### **G5 NOISE – MECHANICAL PLANT AND EQUIPMENT**

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

- b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

**Note:** The method of measurement of vibration being carried out in accordance with "assessing Vibration; Technical Guidelines" – DEC (EPA) AS1055 for sound level measurements.

## **G6 AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**

The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - ii. before 7.00am and after 10.00pm on any other day; or
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A).

## **G7 RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL**

The following conditions apply to car parking:

- a) The on-site car parking spaces are not to be used other than by residents of the subject building.
- b) The strata subdivision of the site is to include a restriction on user pursuant to section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

## **G8 SAFETY**

All issued swipe cards and safety management allowing access to the building should only provide access to the designated area to be utilised by the worker or tenant.

A lighting maintenance policy is to be established and regularly reviewed by the Body Corporate to increase safety and ensure compliance with relevant Australian and New Zealand Lighting Standards.

## **G9 PUBLIC WAY TO BE UNOBSTRUCTED**

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

## **G10 COMPLIANCE REPORT**

The Proponent, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with conditions of this consent.

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**End of Section**

## **ADVISORY NOTES**

### **AN1 REQUIREMENTS OF PUBLIC AUTHORITIES FOR CONNECTION TO SERVICES**

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Hunter Water, 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.

### **AN2 APPLICATION FOR HOARDINGS AND SCAFFOLDING**

A separate application shall be made to Council for approval under Section 68 of the Local Government Act, 1993, to erect a hoarding or scaffolding in a public place. Such an application shall include:

1. Architectural, construction and structural details of the design
2. Structural certification prepared and signed by a suitably qualified practising structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### **AN3 SIGNAGE**

All works/regulatory signposting associated with the proposed development shall be at no cost to the RTA or Council.

### **AN4 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:

1. 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.
2. 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.

### **AN5 MOVEMENT OF TRUCKS TRANSPORTING WASTE MATERIAL**

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

### **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
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.

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**End of Section**

**SCHEDULE 3**  
**STATEMENT OF COMMITMENTS**  
**MP09\_0068**  
**PROJECT APPLICATION FOR**  
**Residential Development of the Former Rachel Forster Hospital Site**