

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 approve the project application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Deputy Director-General
Plan Making and Urban Renewal

Sydney 16th December 2011

SCHEDULE 1

Application No.:	MP 09_0212
Proponent:	University of Technology Sydney
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 1 in DP 554602; Lot 1 in DP 89492; and Lot 1 in DP 218673.
Project:	Project Application for the UTS Broadway Building, including: <ul style="list-style-type: none">• A 12 storey building with a maximum height of 46.82 metres (RL 54.550);• 32,500 m² of gross floor area for education and associated ancillary use (student union kitchen and café);• An architectural feature in the form of an aluminium binary screen on each façade to a maximum height of 57.281m (RL 71.721);• Landscaping around the building;• Parking for an additional 160 vehicles over three basement levels of the Broadway Building;• Modification to the adjacent Building 10 car park for:<ul style="list-style-type: none">○ vehicle access to the Broadway Building car parking,○ 250 bicycle parking spaces and shower/change room facilities resulting in a loss of 32 car spaces in this building; and○ Pedestrian bridge links between levels 3-7 of both buildings.

NOTES RELATING TO THE DETERMINATION OF MP No. 09_0212

Responsibility for other approvals/ agreements: The Proponent is solely 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 *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000 (as amended)*.

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

SCHEDULE 1

PART A – APPROVED PROJECT

Proponent:	University of Technology Sydney
Application made to:	Minister for Planning and Infrastructure
Major Project Number:	MP 09_0212
On land comprising:	Lot 1 in DP 554602, Lot 1 in DP 89492; and Lot 1 in DP 218673.
Local Government Area:	City of Sydney
Approval in summary for:	Project Application for the construction of the UTS Broadway Building to a height of 12 storeys including approximately 32,500m ² education and associated ancillary uses and basement parking for 160 vehicles.
Capital Investment Value:	\$223 million
Type of development:	Project Approval under Part 3A of the Act.
Determination made on:	
Determination	Project approval is granted subject to the conditions in Schedule 2 below and statement of commitments in Schedule 3.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

PART B – DEFINITIONS

In this approval the following definitions apply:

Act, the	NSW Environmental Planning and Assessment Act, 1979 (as amended)
Council	City of Sydney
Department, the	NSW Department of Planning and Infrastructure, or its successors
Director-General, the	Director-General of the Department of Planning and Infrastructure (or delegate).
Environmental Assessment (EA)	Environmental Assessment Report for the UTS Broadway Building prepared by JBA Planning and dated March 2011
Minister, the	Minister for Planning and Infrastructure
Preferred Project Report (PPR)	Preferred Project Report for the UTS Broadway Building prepared by JBA Planning and dated October 2011.
Project	Development that is declared under Section 75B of the EP&A Act to be a project to which Part 3A applies.
Proponent	University of Technology Sydney or any party acting on this approval
Regulation	The Environmental Planning and Assessment Regulations 2000 (as amended)
Statement of Commitments	Final Statement of Commitments submitted as part of the PPR.

SCHEDULE 2 – CONDITIONS OF APPROVAL – PROJECT APPLICATION MP_09_212

PART A - ADMINISTRATIVE CONDITIONS

A1 Development Description

Project Approval is granted for construction of the UTS Broadway Building to a height of 12 storeys including approximately 32,500m² education and associated ancillary uses and basement parking for 160 vehicles.

A2 Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations (including any appendices) made therein:

- Environmental Assessment Report prepared by JBA Planning dated March 2011 as amended by Preferred Project Report prepared by JBA Planning dated October 2011.

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 WORK

B1 Compliance with the Building Code of Australia

The Proponent shall demonstrate that the proposal complies with the prescribed conditions of approval under the *Environmental Planning and Assessment Regulation* in relation to the requirements of the *Building Code of Australia (BCA)*.

B2 Structural Details

The Proponent shall prepare structural drawings signed by a suitably qualified practising Structural Engineer that complies with:

- the relevant clauses of the BCA,
- the relevant development approval, and
- the relevant Australian Standards listed in the BCA.

B3 Alignment Levels To Broadway, Wattle & Jones Streets

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 construction plans and drawings.

B4 Sydney Water

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Sydney Water Act, 1994* (Compliance Certificate). A Compliance Certificate shall be applied for

(i.e. Notice of Requirements) prior to the commencement of work. The Section 73 Certificate shall be obtained prior to the occupation of the development.

The Proponent shall comply with the stormwater connection/on-site detention requirements as identified in the Sydney Water letter dated 25 January 2011.

B5 Bicycle Parking

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

All bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities and all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

B6 Metro Railway Tunnels

The development must allow in the design, construction and maintenance of the approved development for the future operations of metro railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents and electromagnetic fields.

The proponent must deliver copies of any relevant drawings, plans or reports given to or issued by the NSW Department of Planning and Infrastructure to the Department of Transport for its records if requested in writing by the Department of Transport.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Commencement of Works

The Proponent must undertake a services search prior to the commencement of any works.

C2 Commencement of erection of building

The erection of a building in accordance with this approval must not be commenced until the person having benefit of the approval has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.

C3 Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site.

C4 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.

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:

- at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
- 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.

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.

C5 Movement of Trucks Transporting Waste Material

The Proponent shall notify Council and the Roads and Traffic Authority's Traffic Management Centre 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.

C6 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval to erect a hoarding or scaffolding in a public place.

PART D - DURING CONSTRUCTION

D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively implemented and 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 a source of sediment.

D2 Setting Out of Structures

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

D3 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.

D4 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder and Structural Engineer.

The notice(s) is to satisfy all but not be limited to, the following requirements:

- 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;
- The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D5 Removal of redundant crossings

The proponent shall remove all redundant crossings together with any necessary reinstatement of the footpath, nature strip, kerb and gutter. Such work shall be carried out in accordance with Council's specification.

D6 Construction of Kerb and Gutter

The Proponent shall construct any new vehicle entry/exit crossings and associated roadwork/pavement in accordance with Council's specification.

D7 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".

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Fire Safety Certificate

A Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue occupation of the development. A copy of the Fire Safety certificate must be submitted to the Council.

E2 Annual Fire Safety Statement

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

E3 Dilapidation Report

The Proponent shall engage a suitably qualified person to prepare a pre-construction dilapidation report as well as 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.

In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the report must compare the post-construction dilapidation report with the pre-construction dilapidation report.

A copy of this report is to be forwarded to the relevant authorities. The cost of repairing any damage caused to Council or other authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer.

POST OCCUPATION

F1 Annual Fire Safety Certification

The owner of the building shall certify to Council every year 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. This 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.

F2 Loading and Unloading

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

F3 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.

F4 Noise Control – Plant and Machinery

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