

APPENDIX A. CONDITIONS OF APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

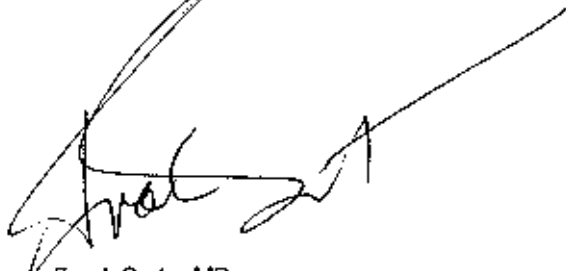
DETERMINATION OF MAJOR PROJECT NO. 06_0043

(File No. 9041815)

I, the Minister for Planning, pursuant to Section 75J of the *Environmental Planning & Assessment Act, 1979*, determine Major Project No. 06_0043 referred to in the attached Schedule 1, by granting approval subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure sympathetic development in the vicinity of existing heritage buildings.
- (2) To adequately mitigate the environmental impact of the development.
- (3) To maintain the amenity of the local area.



Frank Sartor MP
Minister for Planning

Sydney,

6/12 July 2006

SCHEDULE 1

PART A — TABLE

Application made by:	NSW Department of Health 73 Miller Street North Sydney NSW 2060
Application made to:	Minister for Planning
Major Project Number:	06_0043
On land comprising:	Lot 5292 DP 824057 Land bounded by Anzac Parade, Bilga Crescent, Calga Avenue and Austral Street, Malabar.
Local Government Area	Randwick City Council
For the carrying out of:	A detailed description of the development approved to is described in Condition A1, Part A, Schedule 2
Capital Investment Value	Approximately \$130 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	6 July 2006
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

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

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

BCA means the Building Code of Australia.

Council means Randwick City Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning

Major Project No. 06_0043 means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 2.

Minister means the Minister for Planning.

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

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

RTA means the Roads and Traffic Authority.

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

SCHEDULE 2

CONDITIONS OF APPROVAL - MAJOR PROJECT NO. 06_0043

PART A – ADMINISTRATIVE CONDITIONS

A1. Development Description

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

- (1) The construction of new Forensic and new Prison Hospital buildings.
- (2) The demolition of the existing Prison Hospital.
- (3) The provision of landscaped areas and soft landscaping.
- (4) The construction of vehicular and pedestrian access and car parking and associated structures.
- (5) Associated utility services.

A2. Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans and documentation:

- (1) The Environmental Assessment Report dated March 2006 prepared by JBA Urban Planning Consultants Pty Ltd (including accompanying Appendices) and drawings DA-A-1902, EW-A-1600, EW-A-1601, JH-A-1600 and FEW-LA-9400.
- (2) Long Bay Gaol Hospitals Project – Preferred Project Report and Statement of Commitments.

Except for otherwise provided by the Department's conditions of approval as set out in Schedule 2 - Part B, and the proponent's statement of commitments.

A3. Inconsistency Between Documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation described in Condition A2, Part A, Schedule 2 referred to above, the conditions of this project approval prevail.

A4. Lapsing of Approval

Approval of Major Project No. 06_0043 shall lapse 5 years after the determination date in Part A of Schedule 1 unless specified action has been taken in accordance with Section 75Y of the Act.

PART B – DEPARTMENT OF PLANNING'S CONDITIONS OF APPROVAL

B.1 General

- 1.1 The proponent will obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project.
- 1.2 The proponent will continue to liaise with the local community during the development process.
- 1.3 The proponent will continue to liaise with Randwick City Council (and any other relevant agencies – such as the RTA, NSW Heritage Office, and Department of Environment and Conservation - as and where relevant) during the development process.

B.2 Heritage

- 2.1 The applicant shall submit to Council a copy of the report on the outcomes of the archaeological investigations completed on the site of new Prison Hospital and undertaken in accordance with recommendations contained in page 112 of the Aboriginal Heritage Assessment – Long Bay Correctional Complex prepared by Mary Dallas and Dan Tuck and dated April 2005.
- 2.2 A member of the La Perouse Local Aboriginal Land Council should be present to monitor initial earthworks associated with the Forensic Hospital site in the area between Anzac Parade and the existing Prison Hospital.

B.3 Civil Works

3.1 The applicant must meet the full cost for Council or a Council approved contractor to:

- (a) Construct any new vehicular crossings required to facilitate temporary or permanent access to the site.
- (b) Repair/replace any damaged sections of Council's roadway, footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site.

3.2 All external work carried out on Council property (excluding those works within the proposed licensed area), shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".

An application for the cost of the external civil works is to be submitted to Council prior to the works being undertaken. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

B.4 Services

4.1 The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority. Note: Any electricity substation required for the site as a consequence of this development shall be located within the site.

4.2 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 of the website 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 Notice must be obtained prior to commencement of work on the site.

The Section 73 Certificate must be obtained prior to occupation of the development.

B.5 Drainage

5.1 Stormwater management shall be undertaken in accordance with the 'On Site Detention Statement' dated 19 May 2006 prepared by Meinhardt and in general accordance with the 'Long Bay Corrective Complex Master Plan Development – Stormwater Management Concept Plan' (including variations specified in the approved master plan/deemed DCP).

Onsite detention (OSD) shall be designed to ensure that the discharge from sub-catchment areas 1 and 2 (as identified in the approved master plan/deemed DCP) does not exceed that which would occur during a 1 in 5 year storm of 1 hour duration for existing site conditions. All other stormwater run-off from all storms up to the 1 in 100 year storm is to be retained on sub-catchments 1 and 2 for gradual release to Council's underground drainage system.

5.2 For Sub-catchment area 1, OSD systems 2 and 3 and the Forensic Hospital detention basin (as identified in the 'On Site Detention Statement' dated May 2006 prepared by Meinhardt) together with all drainage infrastructure required to convey runoff from their design sub-catchment areas (21.1085 Ha) to the detention systems, shall be constructed prior to occupation of the Forensic Hospital.

- 5.3 For Sub-catchment area 2, The OSD systems for sub-catchment 2, together with all drainage infrastructure required to convey runoff from sub-catchment area 2 (3.92 Ha) to the detention areas, shall be constructed prior to occupation of the Prison Hospital.
- 5.4 All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system via kerb inlet pits. Any new kerb inlet pit shall be constructed in general accordance with Council's standard drawing SD7a with any further design development in consultation with Council.
- 5.5 If required, reflux valves shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from Council's drainage system does not surcharge back into the site stormwater system.
- 5.6 Any new pipelines constructed within Council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline. Prior to backfilling, all pipelines in Council's road reserve shall be inspected and approved by the certifying authority.
- 5.7 All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approved by Council prior to the commencement of drainage works in the road reserve.
- 5.8 A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council prior to occupation of the development, detailing the as-constructed details for all works within Council's road reserve (including detailed levels).
- 5.9 Engineering calculations and plans (with levels reduced to Australian Height Datum) in relation to proposed drainage of sub-catchment areas 1 and 2, shall be prepared by a suitably qualified hydraulic engineer and a copy of the plans submitted to Council (subject to Department of Correctional Services clearance) prior to the commencement of work on the site. The drawings and details shall demonstrate compliance with the principals of the approved master plan/deemed DCP and the 'On Site Detention Statement' dated 19 May 2006 prepared by Meinhardt, and shall include the following information:
 - (a) A detailed drainage design for all new works in sub-catchments 1 and 2; including a catchment plan clearly showing the areas draining to each of the on-site detention (OSD) systems.
 - (b) Details of any existing drainage infrastructure being utilised in the new drainage systems (to be provided by Department of Corrective Services).
 - (c) Details of the proposed connection/s into Council's stormwater system.
 - (d) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc.

Generally all internal pipelines must be capable of discharging at least a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - (e) Proposed finished surface levels and grades of OSD areas.
 - (f) The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.
- 5.10 All new floor areas for the Forensic and Prison Hospital buildings shall be located a minimum of 300mm above (or provided with a suitable waterproof barrier to 300mm above) any 1 in 100 year flood levels/overland flow depths on the site.
- 5.11 Rainwater tanks shall not be considered as contributing to detention storage requirements unless it can be demonstrated through continuous modelling (using historical rainfall data for the area) that there will always be available storage in rainwater tanks at the beginning of critical storm events.

Overflow from rainwater tanks shall be directed to the on-site detention area/s.

- 5.12 Should a pump system be required to drain any portion of the site, the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The system shall be designed by a suitably qualified hydraulic engineer and a clear overland flow path shall be provided from the pump pit to Council's roadway.
- 5.13 Uncovered car parking areas may be used as above ground detention storage areas provided:
- (a) The storage depth does not generally exceed 150 mm, with an isolated absolute maximum depth of 200mm at the lowest point in the detention storage area (Note: the maximum depth must be controlled by a clear flow path to ensure that the depth never exceeds 200mm);
 - (b) The minimum slope of the car park floor is 1% (in accordance with the requirements of AS 2890.1 (2004));
 - (c) At least the first 15% of the required storage volume is provided either below ground or outside of the parking area to ensure that regular flooding of the car park does not occur during smaller storm events i.e. the car parking areas should not experience flooding more than once every year (on average).
- 5.14 Stormwater pollution control devices (or an alternative device agreed to by Council) shall be provided prior to stormwater being discharged from the site. The pollution control or alternative devices shall be capable of treating all runoff up to at least the 3 month ARI storm event.
- 5.15 The detention area/s must be regularly cleaned and maintained to ensure they function as required by the design.
- 5.16 Above ground stormwater detention area/s must be suitably signposted warning people of the maximum flood level. The depth of ponding in above ground storage areas shall be restricted to 300mm in any detention areas accessible to the general public.
- 5.17 A corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- 5.18 If required, a 'V' drain shall be constructed along the perimeter of the property, where required, to direct all stormwater to the detention areas.
- 5.19 Prior to occupation of the new Prison Hospital, Forensic Hospital and Justice Health Operations Building, the applicant shall submit to Council a works-as-executed drainage plan for the relevant sub-catchment drainage works. The plan shall be prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer, and shall include the following details (subject to Department of Correctional Services clearance):
- (a) The location of the detention areas with finished surface levels;
 - (b) Finished site contours at 0.2 metre intervals;
 - (c) Volume of storage available in the detention areas;
 - (d) The catchment area draining to each detention area;
 - (e) The discharge rate for each site outlet;
 - (f) The location, diameter, gradient and material (i.e. PVC, RC etc) of stormwater pipes; and
 - (g) The orifice size(s) (if applicable).
- 5.20 Prior to occupation of the new Prison Hospital, Forensic Hospital and Justice Health Operations Building, the applicant shall submit to Council certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system within the relevant sub-catchment complies with the conditions of development approval.
- 5.21 There shall be no erection of any buildings or structures nor the carrying out of any works on or over the on-site stormwater detention systems that may adversely affect the design function of the systems without written consent from Randwick City Council. The on-site stormwater detention systems include

all ancillary pipes, drains, walls, kerbs, pits, trenches, grates, chambers, basins and surfaces designed to temporarily detain stormwater.

Works in this context shall be taken to mean the excavation or replacement of soil or landscape material upon the detention systems, or any variation to the size or shape of the "on-site stormwater detention systems", which may affect the design function of the said areas.

- 5.22 Upon completion of the on-site detention systems, the Department of Corrective Services and the NSW Department of Health shall provide a written undertaking to implement a maintenance program for the on-site detention systems. The undertaking shall outline the Department's agreement to:

- (a) Permit stormwater to be temporarily detained by the system.
- (b) Keep the system clean and free from silt, rubbish and debris.
- (c) Maintain, renew and repair the system so that it functions in a safe and efficient manner in accordance with the original design function.
- (d) Carry out the matters referred to in paragraphs (b) and (c) at their own expense.
- (e) Not make any alterations to the detention facility or elements thereof without prior written approval of the relevant approval authority.

- 5.23 Should seepage and/or groundwater be encountered within the depth of any the basement excavation, the basement shall be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify that the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes:-

- (a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's drainage system.
- (b) Adequate provision is to be made for the seepage water to drain around the basement structures (to ensure that the basement will not dam or slow the movement of the ground water through the development site).

B.6 Landscaping

- 6.1 Removal of existing trees from within the site, as well as the planting of any new street trees on Council land, must be in general accordance with the requirements of Council's Tree Preservation Order (TPO) and Street Tree Master Plan. Any variations to the TPO or Street Tree Master Plan requirements must be approved by Council in writing.
- 6.2 Landscape screen planting (or other form of screening to the satisfaction of Council) shall be provided along the boundary/perimeter fence on the western side of Calga Avenue to screen the visual bulk and scale of the building when viewed from Gabee Place.

B.7 Traffic and Parking

- 7.1 All visitor and staff parking demands from the proposed Prison Hospital, Justice Health Operations Building and the new Forensic Hospital shall be met on site without compromising parking provisions for the existing Correctional Complex. Calculations outlining predicted staff and visitor parking demands, together with details regarding where these parking demands will be met on site, shall be submitted to Council prior to occupation of the new buildings.
- 7.2 The deceleration lane in Anzac Parade must not be used for stacking of waiting construction vehicles. The site control points must be sufficiently setback within the site to ensure that queuing vehicles are wholly within the site at all times. Details demonstrating compliance with this requirement shall be submitted to Council prior to the commencement of work on the site.

Note: According to the submitted Construction Traffic Management plan (Ref 6029 v2), the peak truck trips are anticipated to be 16 veh/hr during the demolition and site preparation phase of the development. These peak figures should be considered when determining the queue length at the control points.

- 7.3 Detailed design plans for the deceleration lane in Anzac Parade shall be submitted to and approved by the Randwick Traffic Committee prior to commencement of work in Anzac Parade.
- 7.4 Construction Traffic to the Prison Hospital shall be directed through Anzac Parade, Bilga Crescent and the section of Calga Avenue south of the proposed construction driveway to the Prison Hospital.
- 7.5 The applicant shall meet all cost associated with providing 'No Stopping' restrictions at the proposed site entrances. The restrictions shall be to the satisfaction of the Randwick Traffic Committee.
- 7.6 Provision shall be made for safe movement of pedestrians/construction workers across the southbound carriageway of Anzac Parade (i.e. to and from the temporary carpark). Details of the proposed pedestrian safety measures shall be submitted to and approved by the Randwick Traffic Committee prior to the commencement of works on the site. All costs associated with the required works shall be borne by the applicant.
- 7.7 Pedestrian access along the site frontages shall be maintained at all times. This includes re-routing of pedestrians around the proposed deceleration lane in Anzac Parade. Details of the proposed pedestrian facilities around the site shall be submitted to and approved by Council prior to the commencement of work on the site.
- 7.8 All costs associated with implementing traffic control measures required as a result of the proposed development shall be borne by the applicant.
- 7.9 Should Council receive complaints regarding construction workers parking in the residential streets surrounding the Long Bay Gaol site, the applicant shall meet the full cost of implementing any temporary parking restrictions considered necessary by the Randwick Traffic Committee.
- 7.10 Prior to commencement of work, Multiplex shall enter into a formal license agreement with Council for use of the Anzac Parade median island as a temporary carpark for construction workers. The applicant is advised to contact Council's Property Compliance Officer, (9399-0936), regarding Council's requirements for the formal license agreement.
- 7.11 In accordance with the letter from PPP Solutions dated 21 June 2006, PPP Solutions shall submit payment to Council for use of the Anzac Parade median island as a temporary parking area for 150 vehicles. The agreed fee shall be paid prior to the commencement of work and entitles the applicant to occupy the licensed carpark area for a period of 24 months. Additional fees will be payable for any extension to the duration of the license agreement.
- 7.12 The Licensee must keep in full force and effect for the term of the license agreement established, a policy of public risk insurance with respect to the licensed area and the business undertaken by the Licensee therein. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount which may be paid arising out of any one single accident or event.

NOTES:

- (a) The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the licensed area.
 - (b) The policy must name the Council as the owner and the Licensee as the insured and must contain a clause that the insurer will not cancel or change the insurance without first giving the Council ten (10) days prior written notice.
 - (c) The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the Licensee to the Council
- 7.13 The Licensee shall indemnify Council for the full duration of the license agreement from and against all claims, demands, writs, etc. as set out in the formal license agreement.
 - 7.14 The applicant shall ensure that the licensed area is maintained in a clean, tidy and safe condition at all times.

- 7.15 The Licensee shall, during the term of the agreement with Council, abide with any current or future Council Policy, Resolution or directive relative to the use of the median island.
- 7.16 The Licensee shall abide with any directive given by any utility authority in relation to access requirements to any utility within the proposed licensed area.
- 7.17 No structures shall be erected, nor goods stored, nor any works carried out in, on or over the median island other than those approved by Council.
- 7.18 The temporary carpark shall be removed and the area reinstated with turf and landscaping to Council's satisfaction at the end of the license period.
- 7.19 The carpark shall be designed and constructed in accordance with the relevant Australian Standards. Detailed design plans for the carpark shall be submitted to and approved by the Randwick Traffic Committee prior to the commencement of works on the site.

B.8 Site Contamination and Remediation

- 8.1 The Applicant shall submit to Council for its approval a Remediation Action Plan and a Hazardous Materials Survey. The Remediation Action Plan must be accompanied by a statement from a site auditor accredited by the Department of Environment and Conservation to issue site audit statements.
- 8.2 Upon completion of the remediation works on the site, the Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to Council for its approval. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Department of Environment and Conservation to issue site audit statements. This site audit must verify that the land is suitable for the proposed land uses.
- 8.3 All documentation submitted to Council shall be consistent with the recommendations of the Coffey Geosciences report titled "Stage 2 Environmental Site Assessment Areas B and D, Long Bay Correctional Complex Redevelopment" dated 5 august 2005 (issue E12723/4 – AW), as submitted to support the Environmental Assessment for the Project Application.
- 8.4 The Applicant is to provide to Council a copy of the Remediation Action Plan and the final Environmental Audit report for the completed Underground Fuel Tanks remediation for the new Prison Hospital site.

B.9 Construction Management

- 9.1 A report must be obtained from a suitably qualified and experienced consultant in acoustics/vibration and a copy is to be provided to Council upon commencement of works, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Council's requirements and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.