

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF MAJOR PROJECT NO. 07\_0047**

**(FILE NO. S06/00541)**

**PRIVATE HOSPITAL**


**SITE 9A**

**CORNER SARAH DURACK AVENUE AND OLYMPIC BOULEVARD**

**SYDNEY OLYPMIC PARK**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act 1979*, section 75J (2) determine the major project referred to in the attached Director General's Environmental Assessment Report, by **giving of approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment and the Proponent's Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2.

  
Kristina Keneally  
**Minister for Planning**  
Sydney,

8/7/09  
2009

**SCHEDULE 1****PART A - TABLE**

<b>Application made by:</b>	APT (Sydney Olympic Park) Pty Ltd Australian Trustees & Owen Ferguson Health
<b>Application made to:</b>	Minister for Planning
<b>On land comprising:</b>	Site 9A, corner of Sarah Durack Avenue and Olympic Boulevard, Sydney Olympic Park Part Lot 201 DP 1041756
<b>Local Government Area</b>	Auburn Council
<b>For the carrying out of:</b>	Construction of a six-storey building with one level of basement parking for a private hospital for orthopaedics and sports-related matters, comprising: <ul style="list-style-type: none"> <li>• ground floor with reception, gymnasium, and retail tenancies</li> <li>• consulting, patient rooms, operating theatres and associated services, administration</li> <li>• basement level car park with kitchen, waste services and associated plant.</li> </ul>
<b>Estimated cost of works</b>	\$51 million
<b>Type of development:</b>	Major Project
<b>Determination made on:</b>	
<b>Determination:</b>	Project approved subject to the conditions in the attached Schedule 2.
<b>Date of commencement of approval:</b>	This approval commences on the date of the Minister's approval.
<b>Date approval is liable to lapse</b>	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 — NOTES RELATING TO THE DETERMINATION OF MP NO. 07\_0047*****Responsibility for other approvals/ agreements***

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

***Appeals***

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

***Legal notices***

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

**Section 94 Conditions**

This development approval contains a levy for development imposed under section 94 of the EP&A Act. The imposition of levies is imposed in accordance with the Sydney Olympic Park Development Contributions Strategy. The Sydney Olympic Park Development Contributions Strategy may be inspected at the following location during normal business hours:

Sydney Olympic Park Authority  
7 Figtree Drive  
Sydney Olympic Park  
NSW 2127

**PART C—DEFINITIONS**

In this approval:

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

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

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

**Council** means Auburn Council.

**CPI** means Consumer Price Index.

**DECC** means the Department of Environment and Climate Change

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

**Director General** means the Director General of the Department.

**Environmental Assessment** means the Environmental Assessment prepared by PTW Architects and dated October 2007.

**EP&A Act** means the Environmental Assessment and Planning Act 1979

**Minister** means the Minister for Planning.

**MP No. 07\_0047** means the Major Project described in the Proponent's Environmental Assessment.

**Preferred Project Report** means the report prepared by PTW Planning, dated February 2009.

**Proponent** means APT (Sydney Olympic Park) Pty Ltd and Australian Trustees & Owen Ferguson Health.

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

**SOPA** means the Sydney Olympic Park Authority

**Sydney Olympic Park Development Contributions Strategy** means the version of Sydney Olympic Park Development Contributions Strategy adopted in November 2002.

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

**SCHEDULE 2****RECOMMENDED CONDITIONS OF APPROVAL****MAJOR PROJECT NO. 07\_0047****PART A - ADMINISTRATIVE CONDITIONS****A1 Development Description**

Except as amended by the conditions of this approval, approval is granted only to carrying out the development as described in Schedule 1, and development must be carried out consistently with the Statement of Commitments (attached as Schedule 3).

These conditions of approval do not relieve the Proponent of its obligations under the EP&A Act and any other Act.

**A2 Development in accordance with plans and documentation**

The development will be undertaken in accordance with the following documents:

- (1) The Environmental Assessment dated October 2007, prepared by PTW Architects, including Appendices 1-21.
- (2) The Proponent's Statement of Commitments (Schedule 3)
- (3) The Preferred Project Report prepared dated February 2009, prepared by PTW Architects
- (4) The External Colours and Finishes Selection Board prepared by PTW Architects (undated)
- (5) The following drawings prepared by PTW Architects:

<b>Architectural (or Design) Drawings prepared by PTW Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
PA-001	D	Locality and site survey	18/7/2007
PA-002	D	Site analysis	18/7/2007
LPA-02	DD	Landscape Plan	March 2009
LPA-03	DD	Landscape section and planting	March 2009
PA-003	D	Basement and ground levels	26/6/2007
PA-004	D	Level 1 and 2	25/6/2007
PA-005	D	Level 3 and 4	13/7/2007
PA-006	D	Level 5 and 6	25/6/2007
PA-007	D	Roof Plan	18/7/2007
PA-008	D	Elevations	7/2/2007
PA-009	D	Sections	7/2/2007
PA-010	D	Elevation detail	7/2/2007
PA-008a	D	Elevations	7/2/2007
PA-010a	D	Elevation detail	7/2/2007

except for:

- (1) any modifications which are 'Exempt and Complying Development' or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA
- (2) otherwise provided by the conditions of this approval.

### **A3 Inconsistency between documents**

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

### **A4 Additional Approvals Required**

Approval is not granted or implied for any of the following:

- (a) servicing, fitout, hours of operation and detailed operations of the retail tenancies
- (b) installation of bollards, planters, any umbrellas, awnings or other shade structures or other form of weather protection or outdoor seating areas
- (c) building identification signage.

A separate application shall be submitted to the consent authority for consideration for any of the above-mentioned works and uses.

### **A5 Subdivision**

A separate approval is required for subdivision of the site to formally create Site 9A.

### **A6 Prescribed conditions**

The Proponent shall comply with the prescribed conditions under Part 6, Division 8A of the Regulation.

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

### **B1 Roof plan**

The final design of the roof plan shall be submitted to the Department for approval prior to issue of a Construction Certificate.

### **B2 BCA Compliance**

Evidence demonstrating that the proposal complies with the BCA is to be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

### **B3 Structural Details**

Prior to the issue of a Construction Certificate for the relevant works, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified, accredited practising Structural Engineer that complies with:

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

Prior to work commencing, structural details and a Structural Certificate for Design in accordance with clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of the Certifying Authority.

### **B4 Monetary Contributions**

In accordance with SOPA's Development Contributions Strategy dated November 2002, the Proponent shall pay \$87,944.05 in developer contributions to SOPA, taking into account the following:

**(1) Indexing**

The contributions payment is subject to indexation by the change in CPI between May 2002 and the date of the finalisation of consent (as per page 2 of SOPA Development Contributions Strategy) in accordance with the following formula:

$$DCR2 = \frac{\{DCR1 \times CPI(2)\} \times GFA}{CPI(1) \times 100}$$

Where:

*DCR2* = the Development Contribution Rate on the Payment Date;

*DCR1* = the relevant Development Contribution Rate as at 31 May 2002 (being \$7.33 per m<sup>2</sup> of GFA);

*CPI(2)* = the Current CPI;

*CPI(1)* = the Previous CPI;

*GFA* = 11,998m<sup>2</sup>

**(2) Timing and Method of Payment**

The contributions shall be paid in the form of cash or bank cheque, made out to Sydney Olympic Park Authority.

Evidence of the payment to SOPA shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

**B5 Long Service Levy**

Prior to the issue of a Construction Certificate, evidence of the payment of the long service levy under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* must be provided to the Certifying Authority (or, where such a levy is payable by instalments, the first instalment of the levy).

**B6 Footpath Damage Bank Guarantee**

Prior to issue of a Construction Certificate the Proponent must provide a bank guarantee to SOPA for an amount determined by SOPA's General Manager, Operations & Sustainability as security for rectification of any damage to the public way.

**B7 Reflectivity**

The light reflectivity from building materials used on the facades of the buildings must not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. In the event that the maximum 20% light reflectivity cannot be provided to satisfy Part J of the BCA, the BCA shall prevail.

**B8 Outdoor Lighting**

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 2005 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

**B9 Mechanical Ventilation**

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

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

**B10 Disabled Access**

Prior to issue of a Construction Certificate, the Proponent must provide:

- (1) A revised access audit providing for acceptable accessible car parking spaces within the basement car parking area
- (2) A certificate of compliance is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the requirements for access by people with disabilities under the Building Code of Australia, the *Disability Discrimination Act 1992*, and SOPA's Access Guidelines 2008.

**B11 Pre-Construction Dilapidation Report**

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure (including RailCorp's) and roads. The dilapidation report will establish the extent of any existing damage and enable any deterioration during and after construction to be observed.

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

**B12 Geotechnical Report**

The Proponent is to submit a Geotechnical Engineering Report to RailCorp demonstrating that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/ analysis for review by RailCorp. The report shall include:

- The potential impact of demolition and excavation, and demolition/excavation induced vibration of rail facilities, and loadings imposed on RailCorp facilities by the development;
- Evaluation of the stability of the embankment bordering the subject site from the excavation and the impact of vibration on the rail corridor. Appropriate measures such as the use of anchors may need to be adopted to ensure the safety of the rail corridor; and
- Evaluation of the impact of the development on the rail corridor below the site and confirm that the proposed development is structurally sound and does not jeopardise the structural integrity of the existing rail tunnel.

**B13 Excavation and Construction Impacts – Railcorp**

- (1) The Certifying Authority must not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that the following requirements have been complied with, or that the Department has otherwise advised in writing that this requirement has been satisfied following consultation with the Rail Authority:
  - a Risk Assessment/ Management Plan and detailed Safe Work Method Statements for the proposed works have been submitted to RailCorp for approval
  - a plan showing all craneage and other aerial operations of the development and complying with all Rail Corp requirements has been submitted to RailCorp for approval
  - a report on the Electrolysis Risk to the development from stray currents, prepared by an Electrolysis Expert has been submitted to RailCorp for approval
- (2) No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders are to be used within the rail corridor.

**B14 Construction Management Plan**

Prior to issue of a Construction Certificate, a Construction Management Plan must be submitted to and approved by the Department or SOPA. The Plan shall include, but not be limited to, the following matters which are to be addressed by a suitably qualified person:

- (1) **Hours of work**, which must be in accordance with the conditions of this approval
- (2) **Contact details** of the site manager and all principle contractors
- (3) **Construction traffic management**, which is to be developed in consultation with SOPA, and is to include:
  - construction vehicle routes
  - ingress and egress of vehicles to the site
  - management of loading and unloading of materials
  - number and frequency of vehicles accessing the site
  - the times vehicles are likely to be accessing the site
  - management of existing vehicular and pedestrian movements / routes around the site throughout the various stages of construction
- (4) **Erosion and sediment control**, identifying appropriate measures to be installed during construction which shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom.
- (5) **Construction noise and vibration management**, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implemented, and address any other relevant provisions of Australian Standard 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (6) **Construction waste management**, identifying options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste.
- (7) **Dust control** measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.
- (8) **Arborist report**, detailing how trees that have been identified for retention in the Landscape Plan (Plan LPA-02, dated March 2009) will be protected. The report must be approved by SOPA and the Department prior to the commencement of construction. All approved protection measures must be maintained for the duration of the works.
- (9) **Environmental Management Plan**, in accordance with Section 4 of the NSW Environmental Management System Guidelines (1998) to maintain environmental standards during the construction phase.
- (10) **Major event management** – construction management measures during major event mode.

**B15 Car Park and Service Vehicle Layout**

Prior to the issue of a Construction Certificate, the Proponent must submit a certificate from a practicing traffic engineer certifying that the plans submitted for the approval of the Certifying Authority identify the following parking and service vehicle layout details:

- (1) All vehicles should enter and leave the site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the site in a forward direction then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing.



- (2) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) must be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for commercial vehicle usage.
- (3) Appropriate pedestrian advisory signs are to be provided at the egress from the car park.
- (4) All works/regulatory signposting associated with the proposed developments shall be at no cost to the RTA.
- (5) The layout of the car park shall comply with Australian Standard AS2890.1: 2004 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (6) Loading bay/s within the basement car park to meet the serving requirements of the building.
- (7) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 2002 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (8) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

#### **B16 Car Parking and Traffic Management**

- (1) The Proponent must prepare and implement a Car Parking and Traffic Management Plan in consultation with the Department and to the satisfaction of the SOPA's General Manager, Operations & Sustainability. The Plan must detail:
  - the arrangements for the management and use of the basement car park, particularly including the stacked car parking spaces
  - the arrangements for the management and use of the P3 car parking facilities
  - management of traffic and car parking during special events and road closures
  - adequate emergency and delivery vehicle access, including during special events
  - 'accessible parking' options
  - arrangements for patient/ visitor drop-off and collection.
- (2) The use of the stacked car parking spaces in the basement of the building must be designated as "Staff Parking only"
- (3) 'Accessible parking' spaces must not be provided in the stacked car parking spaces
- (4) Car parking spaces must be allocated/ designated to specific tenancies in the basement

#### **B17 Number of Bicycle Spaces**

A minimum of 12 bicycle spaces are to be provided on the subject site for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

#### **B18 Noise and vibration assessment**

A further acoustic assessment is to be submitted to the Department prior to the issue of the Construction Certificate, addressing the following matters:

- How the proposed development will comply with RailCorp's Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor: [www.railcorp.info/about\\_railcorp/environmental\\_guidelines](http://www.railcorp.info/about_railcorp/environmental_guidelines).
- Environmental noise emissions from mechanical and air conditioning plants when details of the selected plant are known. External noise controls are likely to include barriers, enclosures and attenuators to satisfy the internal criteria and the NSW Industrial Noise Policy.
- Confirmation that regenerated noise from the railway line will not be significant and meet all applicable criteria.

#### **B19 Removal of Hazardous Materials**

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes,

standards and guidelines, prior to the commencement of construction. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.

**B20 Environmental Site Assessment**

The recommendations of the Environmental and Geotechnical Report (Appendix 5 of the EA) prepared by URS Australia dated December 2002 are to be adopted and implemented on site, including further sampling and analysis by a suitably qualified person.

**B21 Remedial action plan**

Written advice from an accredited NSW Site Auditor must be provided to the Certifying Authority demonstrating that the remediation of the site has been undertaken in accordance with the Indicative Remedial Action Plan (Appendix 6 of the EA) prepared by URS Australia Pty Ltd dated December 2002, prior to the issue of a Construction Certificate.

**B22 Site audit**

Prior to the issue of a Construction Certificate, a Site Audit conducted by a suitably qualified person must be undertaken and submitted to the Certifying Authority to ascertain that all identified hazardous materials have been removed from the site.

**B23 Stormwater & Drainage**

Prior to the issue of a Construction Certificate, details of the proposed stormwater disposal and drainage from the development including connection to the Sydney Olympic Park Water Reclamation and Management Scheme (WRAMS) are required and details of the provision and maintenance of overland flow paths to the satisfaction of SOPA's General Manager, Operations & Sustainability. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

**B24 Water Reclamation and Management System**

The buildings shall be connected to the Water Reclamation and Management Scheme (WRAMS) and details shall be provided to the satisfaction of the General Manager, Operations and Sustainability of the Sydney Olympic Park Authority, prior to the issue of a Construction Certificate.

**B25 Sydney Water – section 73 Certificate**

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Water Board (Corporatisation) Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate for the development.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

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

**B26 Utility Services**

- (1) A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (2) The Proponent is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water and Telecommunications Carriers) in connection with the augmentation, relocation and/or adjustment of the services. Any costs for the augmentation, relocation and/or adjustment of these services are to be the responsibility of the Proponent.

**B27 Ecologically Sustainable Development (ESD) – Commercial**

The Proponent must ensure that the recommendations contained in the Ecologically Sustainable Development report (Appendix 13 of the EA) are implemented during the construction and operation of the development.

**B28 Water saving devices**

Water saving devices shall be installed in all areas of the development to reduce water consumption and promote energy efficiency, and all new fixtures and fittings are to achieve the following WELS rating and performance:

- (a) hand wash basins rated to WELS 4 Star
- (b) sink taps rated to WELS 4 Star
- (c) showerheads rated to WELS 4 Star
- (d) dual flush toilets rated to WELS 4 Star
- (e) urinals should be waterless or sensor rated to WELS 5 Star,
- (f) dishwashers rated to WELS 4 Star.

Details of the above are to be included in the specifications which are to form part of the Construction Certificate for the premises.

**B29 Design of Food Premises**

The fitout of the food premises shall be carried out in accordance with *AS 4674-2004: Design, construction and fit out of food premises*. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the commencement of such works.

**B30 Public Domain Strategy**

The Proponent must prepare a Public Domain Strategy in consultation with SOPA and to the satisfaction of the General Manager, Operations and Sustainability of SOPA prior to the issue of a Construction Certificate.

**B31 Operational Waste Management Plan**

The Proponent must prepare an Operational Waste Management Plan in consultation with the Department of Health and DECC, and to the satisfaction of SOPA. The Waste Management Plan must address the following matters:

- (a) the types of waste to be generated
- (b) how any spoil generated and or/ stored on site will be assessed, classified and managed for disposal or reuse in accordance with DECC's Waste Classification Guidelines Part 1: Classifying Wastes (April 2008) and the *Protection of the Environment Operations Act 1997* and *NSW Health Department Waste Management Guidelines for Health Care Facilities (August 1998)*
- (c) how such waste will be managed in accordance with the objectives of the *Waste Avoidance and Resource Recovery Act 2001*,
- (d) waste transport and handling arrangements.

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

### **C1 Commencement**

The erection of a building must not be commenced until:

- (1) Detailed plans and specifications have been endorsed with a Construction Certificate (by the Certifying Authority or an accredited certifier).
- (2) The person having benefit of the approval has appointed a 'principal Certifying Authority' and has notified the Department and SOPA of the appointment.
- (3) The person having benefit of the approval has given at least 2 days notice to SOPA of their intention to commence the development works the subject of this consent.

### **C2 Notice to be Given Prior to Excavation**

The Certifying Authority and SOPA shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

### **C3 Contact Telephone Number**

Prior to the commencement of the works, the Proponent shall forward to the Department and SOPA a 24 hour telephone number to be operated for the duration of the construction works.

### **C4 Application for Hoardings and Scaffolding on a Public Place**

A separate application is to be made to the SOPA for a permit to erect a hoarding or scaffolding in a public place.

### **C5 Barricade Permit**

Where construction/building works require the use of a public place including a road or footpath, approval for a Works Permit is to be obtained from SOPA 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 the SOPA's General Manager, Operations & Sustainability.

### **C6 Vehicle Cleansing**

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

## **PART D - DURING CONSTRUCTION**

### **D1 Hours of Work**

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

- (1) between 7:00 am and 6.00 pm, Mondays to Fridays inclusive;
- (2) between 7:00 am and 3.00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.

### **D2 Covering of Loads**

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

**D3      *Erosion and Sediment Control***

All erosion and sediment control measures, as designed in accordance with the approved Construction Management Plan, 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.

**D4      *Disposal of Seepage and Stormwater***

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

**D5      *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. The registered surveyor shall submit a plan to the Certifying Authority certifying that structural works are in accordance with the approved Project Application.

**D6      *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, SOPA or the Certifying Authority.

**D7      *Contact Telephone Number***

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

**D8      *External Lighting***

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

**D9      *Protection of Trees***

All street trees identified for retention in the Landscape Plan (prepared by PTW, dated March 2009) are to be suitably protected by way of tree guards, barriers or other measures as necessary during construction. Any street tree that is not approved for removal, which is damaged or removed during construction, shall be replaced, to the satisfaction of SOPA.

**D10     *Dust Control Measures***

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

- (1) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions
- (2) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- (3) all materials shall be stored or stockpiled at the best locations
- (4) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- (5) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material
- (6) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays

- (7) gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) cleaning of footpaths and roadways shall be carried out regularly.

**D11 Construction Noise Objective**

The construction noise objective for the Project is to manage noise from construction activities (as measured by a  $L_{A10}$  (15minute) descriptor) so it does not exceed the background  $L_{A90}$  noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5<sup>th</sup> week to the 26<sup>th</sup> week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

**D12 Construction Noise Management**

The Proponent shall:

- (1) Schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
  - (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday
- (2) Ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.
- (3) The Proponent (or its representatives) will maintain regular communications with SOPA, adjoining landowners and other stakeholders throughout the construction phase to ensure that the impacts to the surrounding area associated with construction activities on Site 9A are minimised.

**D13 Heritage Impact of Below Ground (Sub-surface) Works – Relics**

If any archaeological relics of state significance are uncovered, excavation must stop immediately and the Heritage Council of NSW shall be informed in accordance with section 146 of the Heritage Act 1977 and Department of Planning shall be notified immediately. Further approval may need to be obtained as changes to the design and scope of the proposed works may be required depending upon the significance of the relics found.

**D14 Excavation – Aboriginal objects**

Should any Aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the *National Parks and Wildlife Service* shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*.

**D15 Recycling of Concrete**

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the Certifying Authority.

**D16 Construction activities within Rail Corridor**

In accordance with RailCorp's requirements, construction activities must adhere to the following:

- (1) No excavation or boring is permitted within 2.0m of high voltage underground cables and 1.0m for low voltage cables;
- (2) No plant or vehicle is permitted to encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance; and
- (3) No infrastructure or equipment is to be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no impact will occur to rail infrastructure e.g.
- (4) signal sighting, safety signage, emergency access.

**PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE****E1 Occupation Certificate to be Submitted**

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to the Department and SOPA prior to the commencement of occupation or use of the building.

**E2 Fire Safety Certificate**

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

**E3 Mechanical Ventilation and Noise**

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

- (1) the Building Code of Australia
- (2) Australian Standard AS1668 and other relevant codes (AS 1668.1:1998)
- (3) the conditions of approval and any relevant modifications
- (4) any dispensation granted by the New South Wales Fire Brigade.

**E4 Restrictions on title**

- (1) All relevant restrictive covenants are to be registered on title prior to the issue of the Final Occupation Certificate.
- (2) The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant, tenant or visitor to the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (a) Restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act 1919*,
- (b) Restriction on use to all lots comprising in part or whole car parking spaces in any subsequent strata subdivision of the building,
- (c) Sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of SOPA's General Manager, Operations & Sustainability. All costs associated with the above requirements are to be borne solely by the Proponent.

**E5      *Structural Inspection Certificate***

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate.

**E6      *Allocation of hospital beds***

The Proponent must provide evidence from NSW Health to the Department that the proposed number of private hospital beds have been allocated, or will be allocated, and are available for use.

**E7      *Travel Management Plan***

A work place Travel Management Plan is to be prepared by an appropriately qualified travel management consultant prior to the issue of a Final Occupation Certificate. The work place Travel Plan must be prepared in accordance with any travel management guidelines or policy prepared by SOPA.

**E8      *Road Damage***

The cost of repairing any damage caused to SOPA or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

**E9      *Sydney Water***

A Compliance Certificate issued under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* shall be submitted to the Certifying Authority prior to the issue of the Final Occupation Certificate for Stage 2.

**E10     *Post-construction Dilapidation Report***

The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report must ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

The report must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B11
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

The report is to be submitted to the Certifying Authority prior to the issue of the Final Occupation Certificate. A copy of this report is to be forwarded to the Department, SOPA and Council.

**E11     *Safety and Security***

CCTV cameras must be installed in key areas including the basements, service areas, car park entrance and the main lobby on the ground floor and adequate lighting is to be provided within the basement car parking.

**E12     *Environmental Management***

Prior to issue of an Occupation Certificate a statement is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the management strategies prepared in accordance with this approval.



**E13 Easements**

Prior to the issue of a Final Occupation Certificate, the Proponent shall provide to the Certifying Authority evidence that all easements required by this approval, and other consents, have been registered on the certificate of title.

**E14 Compliance Report**

The Proponent, or any party acting upon this approval, shall submit to the Department a report addressing compliance with all relevant conditions of this Part, within 12 months of obtaining an Occupation Certificate.

**PART F - POST OCCUPATION****F1 Annual Fire Safety Certification**

For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council, SOPA and the NSW Fire Brigades commencing within 12 months after the date on which the initial Fire Safety Certificate is received.

**F2 Loading and Unloading**

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out only within the designated loading area off the rear service lane and the 20m restricted loading bay.

**F3 Roller Shutter and Access**

The roller door is to remain open to accommodate peak parking needs. Regular monitoring and review is required to ensure no ingress queuing occurs in accordance with the operational traffic and parking management plan.

**F4 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.

**F5 Public Way to be Unobstructed**

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

**F6 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.

**F7 Environmental Management**

A Building Users Guide is to be produced to provide relevant building operations information to the building users, occupants and tenants representatives in accordance with the Management Strategy contained in the ESD Strategy Report prepared by Bassett Consulting Engineers dated May 2007.

## ADVISORY NOTES

### **AN1 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 SOPA:
  - (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.

### **AN2 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.

### **AN3 Construction Inspections**

Compliance certificate/s shall be issued by the Certifying Authority or Accredited Certifier (where relevant) and submitted to SOPA in accordance with the critical stage inspections required by the Section 109E (3)(d) of the *Environmental Planning and Assessment Act 1979* and Clause 162A of the *Environmental Planning and Assessment Regulation 2000* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Services,
- (7) Façade systems, and
- (8) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

### **AN4 Stormwater drainage works or effluent systems**

For works that involve water supply, sewerage and stormwater drainage work or management of waste, as defined by section 68 of the *Local Government Act 1993*, a Construction Certificate will not be issued until prior separate approval to do so has been granted by SOPA under section 68 of that Act. Applications for these works must be submitted on SOPA's standard section 68 application form accompanied by the required attachments and the prescribed fees.

### **AN5 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. All accessible aspects of the proposed building are to be in accordance with SOPA's Access Guidelines 2008.

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## **SCHEDULE 3**

### **MAJOR PROJECT NO. 07\_0047 (FILE NO. S06/00541)**

## **PROPONENT'S STATEMENT OF COMMITMENTS**

### **GENERAL**

1. The development will be carried out generally in accordance with the plans and material submitted as follows:
  - The Environmental Assessment Report prepared by PTW Planning dated July 2007 (including the Appendices)
  - Architectural Drawings prepared by PTW Architects
  - The Preferred Project Report prepared by PTW Planning dated February 2009
  - The Preferred Project Plans dated February 2009
2. The Proponent will comply with all requirements of the New South Wales Department of Health in relation to the construction and operation of the hospital.
3. The Proponent is committed to the principles of sustainability as defined in the Local Government Act 1993. The construction and operation of the proposed hospital will be undertaken in accordance with SOPA's Environmental Guidelines and Sustainability Strategy.

### **SITE CONTAMINATION**

Site contamination will be dealt with as set out in the Indicative Remedial Action Plan (EAR Appendix 6)

### **PUBLIC DOMAIN**

1. A public domain strategy will be prepared in consultation with SOPA prior to the commencement of works on the site.
2. Any damage caused to the public domain during construction works will be replaced or repaired to the condition prior to the commencement of works. All trees in the public domain will be protected during the construction works.

### **ESD SUSTAINABILITY**

1. The construction and operation of the hospital will be undertaken on the basis of the objectives and policies set out in the ESD Report (EAR Appendix 13) and the Stormwater, WSUD and Services Report (EAR Appendix 8)
2. The building will be designed to be connected to the SOPA WRAMS.

### **TRANSPORT**

1. The Proponent will provide 54 car parking spaces on one basement level in the development for the use of staff, visitors and patients

2. The Proponent will enter into an agreement with the operators of the P3 Car Park in relation to the use of additional car parking spaces by the staff, visitors and patients at the hospital located in the P3 car park
3. A Travel Management Plan will be prepared prior to occupation, which will deal with the following:
  - Measures to encourage staff, visitors and patients to use the public transport system rather than travel by private car to work.
  - Strategy for travel to the site during special events and major events at SOPA
  - Operation of emergency and delivery vehicles to the site
  - Use of bicycle facilities
4. A Car Parking Management Plan will be prepared in consultation with SOPA prior to occupation of the building, which will deal with:
  - Allocation of car parking spaces to staff and visitors
  - Use of stacked spaces
  - Layout of the car park
  - Management of the car park
  - Use of spaces in the P3 car park
  - Bicycle parking and management

## **ARCHAEOLOGY**

Should any archaeological features be discovered during excavation, works will cease and the findings will be reported to and assessed by an archaeologist at the time of discovery.

## **DESIGN**

1. Night lighting will be provided to Australian Standards
2. Retail frontages will comprise non commercial glazing
3. A revised Acoustic Report which specifies acoustic treatment to glass facades and the extent of such treatment as a result of quantification of external noise levels will be prepared prior to the issue of the construction certificate.
4. Cantilevered slabs will be accessible and a man safe restraint system will be installed prior to occupation

## **SERVICES**

1. The installation and relocation of services (if required) on or off site, will be undertaken in consultation with the relevant service authorities.
2. Section 73 Certificate and Trade Waste Certificate will be obtained from Sydney Water prior to occupation of the building
3. Requirements for connections and relocation of assets will be agreed with Energy Australia prior to the issue of the Construction Certificate.

## **CONSTRUCTION**

1. All construction will be carried out in accordance with the Construction Management Plan

(EAR Appendix 9)

2. Demolition and Construction Traffic will comply with the requirements of the Construction Management Plan
3. Current and electrolysis matters will be addressed to the satisfaction of Railcorp prior to the issue of the construction certificate.
4. A Risk Assessment Management Plan, Safe Work Method Statements and a plan showing craneage and other aerial operations will be prepared and submitted to Railcorp prior to the commencement of construction
5. The basement excavation will be managed in accordance with SOPA Construction Guidelines

## **OPERATION**

An Operational EMP will be prepared and submitted to SOPA for approval. The plan will demonstrate that the building achieves appropriate environmental standards as agreed with SOPA.