

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**DETERMINATION OF THE CENTRE FOR OBESITY, DIABETES AND
CARDIOVASCULAR DISEASE PROJECT
THE UNIVERSITY OF SYDNEY, CAMPERDOWN**

Major Project No. 09_0051

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

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Response to Submissions and Statement of Commitments, subject to the conditions in Schedule 2.

The reasons for the imposition of conditions are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) encourage good urban design and a high standard of architecture;
- (c) encourage ecologically sustainable development principles;
- (d) adequately mitigate the environmental impacts of the development;
- (e) reasonably protect the amenity of the local area; and
- (f) protect the public interest.



Tony Kelly MLC
Minister for Planning

Sydney,

29 JUN 2010

2010

SCHEDULE 1

PART A – TABLE

Application made by:	The University of Sydney
Application made to:	Minister for Planning
Major Project Number:	09_0051
On land comprising:	Lot 1 DP 1115224, a portion of Lot 101 DP 819559, and a portion of the principal grant to the University of Sydney dated 18 January 1855
Local Government Area:	City of Sydney
For the carrying out of:	The construction and operation of a Centre for Obesity, Diabetes and Cardiovascular Disease
Capital Investment Value:	\$350 million
Type of Development:	Project approval under Part 3A of the EP&A Act
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 the building works associated with the project have substantially commenced.

PART B – DEFINITIONS

In this approval the following definitions apply:

Act	Environmental Planning and Assessment Act 1979
Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
BCA	Building Code of Australia
Certifying Authority	Has the same meaning as Part 4A of the EP&A Act.
Construction	Any works, including earth and building works
Council	City of Sydney Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water or its successors
Department	Department of Planning or its successors
Director-General	Director-General of the Department of Planning, or nominee
EA	Environmental Assessment titled <i>Centre for Obesity, Diabetes and Cardiovascular Disease Project</i> , prepared by Phillip Jones
EP&A Act	Environmental Planning (PJEP), dated December 2009
EP&A Regulation	<i>Environmental Planning and Assessment Act 1979</i>
Evening	<i>Environmental Planning and Assessment Regulation 2000</i>
Incident	The period from 6pm to 10pm
Minister	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Night	Minister for Planning, or nominee
	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays

Project	The project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Proponent	The University of Sydney, or anyone else entitled to act on this Approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RTA	Roads and Traffic Authority
Subject Site	Lot 1 DP 1115224, a portion of Lot 101 DP 819559, and a portion of the principal grant to the University of Sydney dated 18 January 1855
Statement of Commitments	The Proponent's Statement of Commitments in Schedule 3

SCHEDULE 2

CONDITIONS OF APPROVAL MAJOR PROJECT APPLICATION NO. MP 09_0051

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Except as amended by this approval, project approval is granted for:

- (a) subdivision of the site to adjust lot boundaries between the University of Sydney and the Royal Prince Alfred Hospital (RPA);
- (b) demolition of buildings, including the University's HK Ward Gymnasium and cricket nets, and the RPA's Missenden Psychiatry Unit building;
- (c) bulk and detailed earthworks across the site; and
- (d) construction and use of the Centre for Obesity, Diabetes and Cardiovascular Disease, comprising a single 8 level building (plus basement levels and rooftop plant) with a total gross floor area of approximately 45,000m².

A2 Approved Plans and Documentation

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

The Environmental Assessment (EA) titled <i>Centre for Obesity, Diabetes and Cardiovascular Disease Project</i>, prepared by Phillip Jones Environmental Planning (PJEP), dated December 2009			
Statement of Commitments at Schedule 3 prepared by PJEP			
Proposed draft plan of subdivision, titled: 'Plan of Subdivision of Lot 101 in DP 819559', Drawing Number: 113903001 rev 00			
Architectural Drawings prepared by Hassell:			
Drawing No	Revision	Name of Plan	Date
SK-011_03	04	SITE PLAN	25/11/09
SK-012_02	03	SITE VEHICULAR ACCESS	25/11/09
SK-101	04	LEVEL B2 BASEMENT PLAN	27/11/09
SK-102	06	LEVEL B1 BASEMENT PLAN	27/11/09
SK-103	08	GROUND FLOOR PLAN	27/11/09
SK-104	06	LEVEL 1 FLOOR PLAN	27/11/09
SK-105	07	LEVEL 2 FLOOR PLAN	27/11/09
SK-106	05	LEVEL 3 FLOOR PLAN	27/11/09
SK-107	06	LEVEL 4 FLOOR PLAN	27/11/09
SK-108	02	LEVEL 5 FLOOR PLAN	27/11/09
SK-109	02	LEVEL 6 FLOOR PLAN	27/11/09
SK-110	06	LEVEL 7 FLOOR PLAN	14/12/09
SK-111	04	ROOF PLAN	14/12/09
SK-150	02	ELEVATION	27/11/09
SK-151	02	ELEVATION	27/11/09
SK-152	01	ELEVATION	27/11/09
SK-153	01	ELEVATION	27/11/09
SK-200_04	04	SECTION AA	25/11/09
SK-201_03	03	SECTION BB	25/11/09
SK-202_02	02	SECTION CC	25/11/09
SK-203_01	01	SECTION DD	25/11/09
L-100	L-100_02	PUBLIC DOMAIN PLAN_ VEGETATION STRATEGY	27/11/09
L-101	L-101_02	PUBLIC DOMAIN PLAN_ STRATEGY	27/11/09
L-102	L-102_03	PUBLIC DOMAIN PLAN	13/04/10

A3 *Inconsistency between documents*

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 the development has been substantially commenced.

A5 *Compliance with Relevant Legislation and Australian Standards*

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

PART B – PRIOR TO COMMENCEMENT OF WORKS

B1 *Construction Management Plan*

Prior to commencing construction, a Construction Environmental Management Plan will be prepared and forwarded to the Department of Planning and Council. This plan will include:

- (a) Development of a site specific soil erosion and sediment control plan,
- (b) Construction hours,
- (c) Air quality/dust control procedures,
- (d) Asbestos material control,
- (e) Noise management procedures,
- (f) Waste management plan,
- (g) Flora and Fauna Protection Plan,
- (h) Community Safety Plan,
- (i) Arrangements for temporary pedestrian and vehicular access,
- (j) Storage and Handling of Materials Procedures,
- (k) Environmental Training and Awareness,
- (l) Contact and complaints handling procedures,
- (m) Emergency Preparedness and Response.

B2 *Development Staging*

The proponent is to comply with the conditions contained in this instrument for all stages of development subject to this approval.

Prior to the commencement of each stage of works, the proponent is to notify the City of Sydney Council of the proposed works and compliance to date with this approval. The proponent, or any party acting upon this approval, shall also submit a report addressing future compliance with all relevant conditions of this approval.

B3 *Access and Movement*

An Access and Safety plan will be prepared to maintain access and use of the site during the redevelopment of the building to ensure the safety of staff, visitors and the public.

B4 *Dilapidation Report*

The applicant must submit to Council a photographic record and report on the visible condition of the existing public infrastructure over the full site frontage and adjacent areas (in colour). The photos must include detail of:

- The existing footpath,
- The existing kerb and gutter,
- The existing full road surface between the opposite kerb,

- The existing verge area,
- The existing driveway and layback where to be retained,
- Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded in detail and demonstrated under the requirements of this condition.

B5 Car Park

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.

B6 Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control is to be submitted to Council prior to the issue of a construction certificate.

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone is not permitted on Parramatta Road.

B7 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".

B8 Changes to Kerb Side Parking Restrictions

A separate submission must be made to the Sydney Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include changes to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the changes to sign posting will be at no cost to Council.

B9 Road Occupancy Licence

A Road Occupancy Licence is to be obtained from the RTA for any works that may impact on traffic flows on Parramatta Road during construction activities.

B10 Stormwater Management Plan

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

- Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

B11 Flooding

Further investigation is to be carried out for overland flow path and flooding related issues for this development and surrounding University areas by suitably qualified engineers, in order to assess the impact of flooding in the area and establish flood planning levels for proposed buildings and below ground car parks. The completed flood study is to be submitted to Council prior to the issue of a construction certificate.

The following are the minimum flood planning level requirements:

- (a) Underground car park:
 - a. inundated by mainstream or local overland flooding, 1% AEP level + 0.5 m (as a minimum) or a level that is determined based on a review of the PMF, whichever is the higher.
 - b. car park outside floodplain, 0.3 m above the surrounding surface

Note: For this purpose, an underground garage or car park is where the floor of the car park is more than 1m below the surrounding natural ground.

- (b) Critical Facilities:

(These include: hospitals and ancillary service; communication centres; police, fire and SES stations; major transport facilities, sewerage and electricity plants; any installations containing infrastructure control equipment, any operational centres for use in a flood).

 - a. floor level, 1% AEP + 0.5 m (as a minimum) or a level that is determined based on a review of the PMF, whichever is the higher.
 - b. access to and from, 1% AEP + 0.5 m (as a minimum) or a level that is determined based on a review of the PMF, whichever is the higher.

Note: The Flood Planning Level (FPL) refers to the minimum building floor levels. For underground parking or other forms of underground development, the FPL refers to the minimum level at each access point. The higher of any FPL shall prevail.

B12 Contaminated Land Report

The proponent is to provide a Contaminated Land Report to the Department prior to the commencement of construction.

B13 Acid Sulfate Soil Management Plan

A detailed Acid Sulfate Soil Management Plan for the entire site shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction works.

B14 *Photographic Archival Documentation*

Prior to demolition, archival photographic recordings of the HK Ward Gymnasium and the Psychiatric Unit are to be prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy is to be lodged with the RPA Hospital Museum and one copy to Council's Archives.

B15 *Landscaping of the Site*

- (a) A detailed Landscape Plan, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must include:
- (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.

All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued or the use commencing, whichever is earlier.

- (b) Prior to a Construction Certificate being issued, a maintenance plan is to be submitted for approval of the Certifying Authority and be complied with during occupation of the property.

PART C—DURING CONSTRUCTION

C1 *Approved Plans to be On Site*

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council or the Department.

C2 *Erosion and Sediment Control*

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

C3 *Disposal of Seepage and Stormwater*

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

C4 *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.

C5 Waste Management

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

C6 Hours of Construction

All building work shall be restricted to within the hours of 7.00 am to 6.00 pm between Monday to Friday, and 8.00 am to 1.00 pm on Saturday, with no work on Sundays and/or Public Holidays. Measures shall be undertaken to ensure no adverse noise or amenity impacts occur to any residential premises.

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;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

C7 Loading and Unloading During Construction

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

C8 *No obstruction of Public Way*

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

C9 *Archaeological Investigation*

- (1) Should any historical relics or deposits be unexpectedly discovered on the site during excavation or demolition, all excavation or disturbance to the area is to stop immediately and the applicant's archaeologist advised who is to advise on how it is to be managed.
- (2) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

C10 *Groundwater*

Licences under Part V of the *Water Act 1912* are required for the works for purposes of **temporary dewatering** as part of the proposed construction.

1. General and Administrative Conditions:

- a. Groundwater shall not be pumped or extracted for any purpose other than **temporary construction dewatering**.
- b. Tailwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
- c. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water (NOW) or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NOW for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- d. If a work is abandoned at any time the licensee shall notify the NOW that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NOW.
- e. Suitable documents are to be supplied to the NOW of the following:
 - A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
 - A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.

- Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.
- Descriptions of the actual volume of tailwater to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated tailwater to be reinjected.
- Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

2. Specific Conditions:

- a. The design of the structure must preclude the need for permanent dewatering.
- b. The design of the structure that may be impacted by any watertable must require a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- c. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- d. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NOW on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- e. Groundwater quality testing must be conducted (and report supplied to the NOW). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NOW for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- f. Discharge of any contaminated tailwater **that is not to be reinjected**, must satisfy all requirements of any controlling authority (i.e. the NSW Department of Environment, Climate Change and Water, Council and Sydney Water). The method of disposal of excess tailwater (i.e. street drainage to the stormwater system or discharge to sewer) and written advice from the relevant controlling authority, indicating that the proposed/actual quality of tailwater is acceptable, must be presented to the NOW and the consent authority.
- g. Discharge of any contaminated tailwater, **if reinjection is proposed**, must satisfy all requirements of the NSW Department of Environment, Climate Change and Water. The quality of any tailwater reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:

- The treatment to be applied to the tailwater to remove any contamination.
 - The measures to be adopted to prevent redistribution of any contaminated groundwater.
 - The means to avoid degrading impacts on the identified beneficial use of the groundwater.
 - Written advice from the NSW Department of Environment, Climate Change and Water indicating their approval for the methodology of handling and treating the groundwater.
- h. Written advice be provided from the Certifying Authority to the NOW to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
- Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - Locations of settlement monitoring points, and schedules of measurement.

PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

D1 Operational Management Plan

An operational environmental management plan will be prepared prior to the opening of the institute. The plan will address, but will not be limited to, the following matters:

- (a) Protection of flora and fauna and minimisation of anti-social behaviour,
- (b) Visitor safety,
- (c) Site security,
- (d) Noise management,
- (e) Traffic and pedestrian management,
- (f) Storage of materials,
- (g) Emergency and evacuation procedures,
- (h) Fire safety,
- (i) Waste management and ESD initiatives,
- (j) Lighting,
- (k) Signage.

D2 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to Council for all the Essential Fire or Other Safety Measures forming part of this approval.

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.

D3 Works As Executed Plans

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

D4 *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 is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

The report is to be submitted to the Department and the Council and is to:

- (a) Compare the post-construction dilapidation report with the pre-construction dilapidation report, identifying the nature and costs of damage (if any) which has occurred during and as a result of construction, and
- (b) Have written confirmation from the relevant authority that there is no adverse structural damage to its infrastructure and roads (as far as reasonably practical) or that satisfactory arrangements have been made to remedy any damage. If this has been unreasonably delayed by the relevant authority, attempts to seek such confirmation shall be given to the satisfaction of the Department.

D5 *Travel Demand Strategy*

A travel demand strategy is to be prepared prior to occupation of the CODCD building to facilitate mode shift to non-car transport modes, including:

- a) Appropriately priced parking that discourages all day usage;
- b) The use of 'car share' schemes for employees and students; and
- c) Potential assistance for employees to access work by public transport, through salary packaging options and other incentives.

D6 *Sydney Water Section 73 Compliance Certificate*

Prior to issue of an Occupation Certificate the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the Certifying Authority.

D7 *Registration of Easements*

Prior to the issue of any Occupation Certificate, the Proponent shall provide to the Certifying Authority evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title.

D8 *Loading within Site*

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

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

D9 *Car Parking Restrictions*

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant or patient of or visitor to the CODCD.

Any occupant, tenant, lessee or registered proprietor of the CODCD or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to anyone other than an occupant, tenant or lessee of the CODCD, provided however that the CODCD may enter in to an agreement with a party to assist in the operation and management of those car parking spaces on behalf of the CODCD on normal commercial terms.

PART E – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 Subdivision Certificate

- (1) The works-as-executed and final plan of subdivision, including any easement, right of carriageways, building management statements shall be submitted to the Certifying Authority for endorsement prior to registration of the subdivision certificate.
- (2) Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the Environmental Planning and Assessment Act 1979 for each stage of the subdivision.

E2 Registration of Easements / Restrictions to use / Right of carriageway

- (1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the Conveyancing Act 1919, including (but not limited to) the following:
 - (a) Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - (b) Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - (c) Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas
- (2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

ADVISORY NOTES

AN1 Self Certification by Crown Authorities

Self-certification can be made by the Crown or on behalf of the Crown under Section 116G(2) of the Environmental Planning and Assessment Act 1979.

Where the Crown building provisions are used under Section 116G(1) of the Environmental Planning and Assessment Act 1979 the Crown is not required to obtain a construction certificate or appoint a principal certifying authority nor does it require an occupation certificate to be obtained (Section 109M of the Environmental Planning and Assessment Act 1979).

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

AN2 Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed

structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN3 *Application for Hoardings and Scaffolding*

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

- (1) Architectural, construction and structural details of the design in accordance with Council's policies.
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

AN4 *Use of Mobile Cranes*

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5 *Roads Act, 1993*

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

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

AN6 *Stormwater Drainage Works or Effluent Systems*

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act, 1993* require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN7 *Temporary Structures*

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN8 Excavation – Historical Relics

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

AN9 Long Service Levy (if applicable)

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

AN10 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning and Assessment Act, 1979*. This assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.