

## Project Approval

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

As delegates of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we determine to approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2012

#### SCHEDULE 1

**Application No.:**

MP10\_0016

**Proponent:**

Presbyterian Church (NSW) Property Trust

**Approval Authority:**

Minister for Planning and Infrastructure

**Land:**

2 Cooper Street, Paddington

**Project:**

A Seniors Living Development including:

- a 100 bed residential aged care facility, 79 independent living units and support services;
- conservation and management of the "Scottish Hospital" heritage building, together with its adaptive re-use for independent living units;
- a loading dock off Stephen Street;
- 132 car parking spaces;
- remediation; and
- a community bus pick-up and drop-off area at the corner of Brown and Cooper Streets.

#### NOTES RELATING TO THE DETERMINATION OF MP10\_0016

##### Responsibility for other approvals/ agreements

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

##### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

##### Legal notices

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

## DEFINITIONS

<b>Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> (as amended).
<b>Advisory Notes</b>	means advisory information in relation to the approved development.
<b>BCA</b>	means the Building Code of Australia.
<b>Certifying Authority</b>	has the same meaning as Part 4A of the Act.
<b>Council</b>	means Woollahra Council.
<b>Department</b>	means the Department of Planning and Infrastructure or its successors.
<b>Director-General</b>	means the Director-General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment Report for the Scottish Hospital Site and all its Appendices prepared by Urbis dated November 2010.
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report for the Scottish Hospital Site and all its Appendices prepared by Urbis dated June 2011.
<b>Minister</b>	means the Minister for Planning and Infrastructure.
<b>MP 10_0016</b>	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
<b>PCA</b>	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.
<b>Proponent</b>	means the Presbyterian Church (NSW) Property Trust or any party acting upon this approval.
<b>Regulation</b>	means the <i>Environmental Planning and Assessment Regulation, 2000</i> (as amended).
<b>Subject Site</b>	has the same meaning as the land identified in Part A of this schedule.

---

**End of Section**

## SCHEDULE 2

### PART A- ADMINISTRATIVE CONDITIONS

#### A1. Remediation of Land

Prior to the commencement of the development, the proponent shall submit a Remedial Action Plan and a Hazardous Materials Survey to the Director-General of the Department of Planning and Infrastructure. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.

Upon completion of the remediation works on the site, the Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Director-General of the Department of Planning and Infrastructure or Certifying Authority. The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by OE&H to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

This report, together with a final site audit statement by an OE&H accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of State Environmental Planning Policy No.55—Remediation of Land, is to be submitted to the satisfaction of the Director-General of the Department of Planning and Infrastructure prior to occupation.

#### A2. Development Description

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

A Seniors Living Development comprising:

- Demolition of existing nursing home building, the disused operating theatre wing of the former hospital, together with other non-significant built elements on the site as provided for in the PPR and the architectural plans;
- a 100 bed residential aged care facility and 79 independent living units and support services;
- conservation and management of the "Scottish Hospital" heritage building, together with its adaptive re-use for independent living units;
- a loading dock off Stephen Street;
- 132 car parking spaces;
- remediation; and
- a community bus pick-up and drop-off area at the corner of Brown and Cooper Streets.

#### A3. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated November 2010 prepared by Urbis and all Appendices, except where varied by

- the Preferred Project Report dated June 2011 and all Appendices;
- the Proponent's Statement of Commitments included in the PPR; and
- the following drawings:

Drawing No.	Drawing Title	Revision	Date
<b>Site Plans</b>			
DA101	Demolition Plan	A	07/10/2010
DA102	Key Plan	A	07/10/2010

DA103	Staging Diagram	A	07/10/2010
DA104	Site Plan	B	07/10/2010
<b>Floor Plans</b>			
DA200	Lower basement	A	07/10/2010
DA201	Upper Basement Parking	A	07/10/2010
DA202	Option A - RACF Loading Facility	B	07/10/2010
DA203	Level 02 Plan	B	07/10/2010
DA204	Level 03 Plan	B	07/10/2010
DA205	Level 04 Plan	B	07/10/2010
DA206	Level 05 Plan	B	07/10/2010
DA207	Level 06 Plan	B	07/10/2010
DA208	Level 07 Plan	B	07/10/2010
DA209	Level 08 Plan	B	07/10/2010
DA211	Roof Plan	B	07/10/2010
<b>Measure to maximise privacy of 4 Cooper Street</b>			
DA 213	Measure to maximise privacy of 4 Cooper St	A	06/06/2011
<b>Sections</b>			
DA221	Longitudinal Section A	B	07/10/2010
DA222	Longitudinal Section B	B	07/10/2010
DA223	Cross Section C & D	B	07/10/2010
<b>Elevations</b>			
DA231	North Elevation	B	07/10/2010
DA232	South Elevation	B	07/10/2010
DA231	East Elevation	B	07/10/2010
DA232	West Elevation	B	07/10/2010
<b>Finishes Board</b>			
DA650	Finishes Board – Stephen St ILU/RACF	A	07/10/2010
DA651	Finishes Board - Brown St ILU	B	07/10/2010
DA652	Finishes Board – Glen St View	B	07/10/2010
DA653	Finishes Board – Gatekeepers Lodge ILU	B	07/10/2010
<b>Brown Street ILU Floor Plans</b>			
DA401	Brown St ILU Level 1	B	07/10/2010
DA402	Brown St ILU Level 2	B	07/10/2010
DA403	Brown St ILU Level 3	B	07/10/2010
DA404	Brown St ILU Level 4	B	07/10/2010
DA405	Brown St ILU Level 5	B	07/10/2010

DA406	Brown St ILU Level 6	B	07/10/2010
DA407	Brown St ILU Level 7	B	07/10/2010
DA408	Brown St ILU Level 8	B	07/10/2010
DA410	Brown St ILU Roof Plan	B	07/10/2010
<b>Stephen Street ILU Floor Plans</b>			
DA412	Stephen St ILU Level 1 & 2	A	07/10/2010
DA413	Stephen St ILU Level 3 & 4	A	07/10/2010
DA414	Stephen St ILU Level 5 & Roof Plan	A	07/10/2010
<b>Gate Keepers Lodge ILU Floor Plans</b>			
DA416	Gate Keepers Lodge Level 3 & 4	A	07/10/2010
DA417	Gate Keepers Lodge Level 5 & 6	A	07/10/2010
DA418	Gate Keepers Lodge Level 7 & Roof Plan	A	07/10/2010
<b>Brown Street RACF Floor Plans</b>			
DA420	RACF Building – Level 1	B	07/10/2010
DA421	RACF Building – Level 3	B	07/10/2010
DA422	RACF Building – Level 4	B	07/10/2010
DA423	RACF Building – Level 5	B	07/10/2010
DA425	RACF Building – Level 6	B	07/10/2010
DA426	RACF Building – Level 7	B	07/10/2010
DA427	RACF Building – Roof Plan	B	07/10/2010
<b>Heritage Building ILU Floor Plans</b>			
DA 429	Site Plan	A	07/10/2010
DA 430	Heritage Building - Level 4	A	07/10/2010
DA 431	Heritage Building - Level 5	A	07/10/2010
DA 432	Heritage Building - Level 6	A	07/10/2010
DA 433	Heritage Building - Level 7	A	07/10/2010
DA 434	Heritage Building - Roof Plan	A	07/10/2010
DA 435	North-South Elevations	A	07/10/2010
DA 436	East-West Elevations	A	07/10/2010
DA 437	Sections	A	07/10/2010
DA 438	Sections	A	07/10/2010
<b>Unit Plans</b>			
DA 451	Brown St ILU - Unit Plans - Sheet 1	A	07/10/2010
DA 452	Brown St ILU - Unit Plans - Sheet 2	A	07/10/2010
DA 453	Brown St ILU - Unit Plans - Sheet 3	A	07/10/2010
DA 454	Brown St ILU - Unit Plans - Sheet 4	A	07/10/2010
DA 455	Brown St ILU - Unit Plans - Sheet 5	A	07/10/2010

DA 456	Brown St ILU - Unit Plans - Sheet 6	A	07/10/2010
DA 457	Brown St ILU - Unit Plans - Sheet 7	A	07/10/2010
DA 458	Brown St ILU - Unit Plans - Sheet 8	A	07/10/2010
DA 459	Brown St ILU - Unit Plans - Sheet 9	A	07/10/2010
DA 460	Brown St ILU - Unit Plans - Sheet 10	A	07/10/2010
DA 461	Stephen St ILU - Unit Plans - Sheet 1	A	07/10/2010
DA 462	Stephen St ILU - Unit Plans - Sheet 2	A	07/10/2010
DA 463	Stephen St ILU - Unit Plans - Sheet 3	A	07/10/2010
DA 464	Gate Keeper's Lodge - Unit Plans - Sheet 1	A	07/10/2010
DA 465	RACF ILU - Unit Plans - Sheet 1	A	07/10/2010
DA 466	RACF ILU - Unit Plans - Sheet 1	A	07/10/2010
<b>Privacy screen details</b>			
DA 520	Privacy Screen Details along Stephen Street	A	06/06/2011
<b>Landscape Plans prepared by Aspect Studios</b>			
10034-SK01	Concept Plan	02	September 2011
10034-SK02	Brown Street Frontage	02	September 2011
10034-SK03	Central Terraces & Entry Plaza	02	September 2011
10034-SK04	Parkland	02	September 2011
10034-SK05	Plants & Materials	02	September 2011
10034-SK06	Central Terraces	02	September 2011
10034-SK07	Street Views	02	September 2011
10034-SK08	WSUD Opportunities	01	June 2011
SK01	Location Plan with existing trees	B	May 2011
SK04	Option 3 - Infill Planting of <i>Waterhousia floribunda</i> and transplanted palms with staged removal of selected weed trees	B	May 2011

except for:

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

#### **A4. Inconsistencies between Document**

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

**A5. Prescribed Conditions**

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

**A6. Ecological Sustainable Development**

The development shall be carried out so that the following energy efficiency targets are met (as recommended by the Sustainability Strategy prepared by Cundall Associates dated 6 September 2010):

- carbon: achieve a reduction of 40% compared against the existing building; and
- water: achieve a reduction of 25% compared against the existing building.

**A7. Road Works**

All works associated with the proposal will be at no cost to the Council.

**A8. Compliance with Building Code of Australia**

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

**A9. Lapsing of Approval**

This approval shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

---

**End of Section**

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

### **B1. Design modifications - Stephen Street RACF**

The approved plans and the construction certificate plans and specifications must detail the following modification:

The setback of the Residential Aged Care Facility building at levels 3, 4, 5, 6 and 7 from the alignment of Stephen Street is to be increased by a minimum of 2.0 m. The levels below are to remain as is. The portion of the building which is to be set back the additional 2.0m comprises the northern portion of the building, extending from the southern face of the central lift core.

Amended architectural plans are to be submitted to the certifying authority for approval, prior to the issue of the Construction Certificate for the Residential Aged Care Facility building.

### **B2. Electricity Substation**

The electricity substation required for the site shall be screened from view from the street. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The Proponent must liaise with Energy Australia to ensure that their requirements are met.

### **B3. Potable water supply**

An extension to the 150 mm water main on the east side of Nield Avenue or the 150 mm main on the east side of Brown Street is to be designed and constructed by the proponent. The extensions shall be sized and configured in accordance with the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance is to be attached with the extension design. The extension design is to be submitted to Sydney Water for review and consideration.

### **B4. Wastewater**

The developer will need to design and construct an extension to the available 225mm waste water main that transverses the property.

The extension, in addition to any adjustment or deviation, is to be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002) and the Guidelines for Building over or Adjacent to Sydney Water's waste water mains. Details demonstrating compliance should be attached to the extension and/or adjustment design. The extension/ adjustment design is to be submitted to Sydney Water for review and consideration.

### **B5. Stormwater**

There is a potential conflict between the stormwater conduit which transverses the eastern portion of the site and the proposed new buildings on the Stephen Street frontage. In order to satisfy the concerns of Sydney Water, a 1 metre clearance must be provided on either side of the existing conduit. Detailed plans demonstrating compliance with this requirement shall be submitted to Sydney Water for review and consideration.

### **B6. Flooding - prevention of overtopping by flood waters**

A 540mm wall shall be constructed at the southern site boundary towards the western end of Cooper Street in order to prevent the overtopping of the site by flood waters associated with levels greater than the 1 in 5 year ARI flood level. Details are to be submitted to the Certifying Authority, prior to the issue of a Construction Certificate.



## **B7. Construction Management Program**

A Construction Management Program shall be submitted and approved in writing by Woollahra Council prior to the issue of any Construction Certificate.

The program shall specifically incorporate or address the following matters:

- (a) A plan (min 1:100 scale) of the site and its frontages showing:
  - i. Dedicated temporary construction site driveway entrances and exits;
  - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all vehicles;
  - iii. The location of any proposed work zones on public roadways;
  - iv. The location of any proposed hoardings;
  - v. The location of any proposed crane standing areas;
  - vi. The location of a dedicated unloading and loading area within the site for all construction vehicles, plant and deliveries;
  - vii. The location of material, plant and spoil bin storage areas within the site; and
  - viii. The location of on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- (b) A detailed heavy vehicle access route map through the Council area to arterial roads. Provision is to be made to ensure through traffic is maintained at all times.
- (c) Proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps.
- (d) Proposed methods for managing pedestrian and traffic conflicts at the site driveway(s) to avoid conflict, including use of a certified traffic controller.
- (e) The proposed phases of works on the site, and the expected duration of each phase;
- (f) How access to neighbouring properties will be maintained at all times and how adjoining property owners will be kept advised of the progress of construction.
- (g) Protection for Council and adjoining properties, including site fencing and the provision of "B" class hoardings over footpaths and laneway.
- (h) Identify potential impacts on the surrounding transport network and proposed mitigation measures. Existing pedestrian and cycle access in the surrounding area must be monitored and maintained throughout construction. Additionally, workers travelling to and from the construction site should be encouraged to use public or active transport in all possible situations.
- (i) A Waste Management Plan.
- (j) The proposed method of support to any excavation adjacent to adjoining properties or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified engineer and shall not involve any permanent or temporary attachment onto Council's property.

All traffic control work and excavation, demolition or construction activities must be undertaken in accordance with the approved Construction Management Program. A copy of the approved Construction Management Program and any conditions imposed on that plan shall be kept on the site at all times and made available to an authorised officer upon request.

Should agreement not be able to be reached between Council and the Proponent, the Construction Management Program may be referred to the Director-General for determination.

## **B8. Construction Site Management Plan**

A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;

- provisions for public safety;
- dust control measures;
- site access location and construction;
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- removal of hazardous materials and compliance with relevant legislation;
- details of proposed sediment and erosion control measures; and
- construction noise and vibration management.

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to the certifying authority upon request.

#### **B9. Mechanical Ventilation**

Details of mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and *Australian Standard AS 1668 Parts 1 & 2* (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the relevant Construction Certificate.

#### **B10. SEPP Housing for Seniors or People with a Disability, 2004**

Plans shall be submitted to the certifying authority demonstrating compliance with cl41 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - *Standards for hostels and serviced self-care housing*.

#### **B11. Public Utilities**

Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a Construction Certificate being issued for the development. The developer shall be responsible for all public utility adjustments/relocation works necessitated by the development and as required by the various public utility authorities and/or their agents.

The Proponent must meet the full cost for all utilities including telecommunication companies, gas providers, Ausgrid and Sydney Water to adjust/repair/relocate their services as required. The Proponent must make any necessary arrangements with the service authorities.

#### **B12. Location of Footings**

All proposed footings located adjacent to drainage easements and/or drainage pipelines under Council's control shall either be:

- a. Founded on rock, or;
- b. Extended below a 30 degree line taken from the level of the pipe invert at the edge of the drainage reserve/easement (angle of repose).

Structural details demonstrating compliance with this condition are required.

The footings must be inspected by the Proponent's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to the certifying authority, prior to the issue of the relevant construction certificate.

### **B13. Professional Engineering Details**

Engineering calculations and plans with levels reduced to AHD in relation to site drainage shall be submitted to and approved by the certifying authority. The drawings and details shall include the following a detailed drainage design prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.

### **B14. Payment of Security Deposit**

The following damage/civil works security deposit requirement is to be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with Section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- a)      \$25,000.00      -      Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:

- A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
- Completion of the civil works as conditioned in this approval.

The Proponent is to advise Council, in writing, of the completion of all building works and/or obtaining an Occupation Certificate, if required. The Proponent is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

### **B15. Waste Management Plan**

The Proponent is to submit for Council's approval, a Waste Management Plan detailing waste and recycling storage and disposal for the development site. The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling and disposal of waste and the on-going management of waste

### **B16. Tree Management Plan for Significant Trees**

A Tree Management Plan (TMP) for Significant Trees on the site is to be prepared. The TMP is to provide for regular aboricultural monitoring and tree maintenance in order to minimise public safety risks and extend the safe and useful life expectancy of significant planting. Significant trees and other landscape elements are to be protected during preliminary earthworks and construction works on site by protective measures as recommended by the a suitably qualified and experienced arborist. Details of are to be submitted to the certifying authority prior to the issue of any construction certificate.

---

**End of Section**

## **PART C- PRIOR TO CONSTRUCTION**

### **C1. Appointment of Accredited Certifier**

Prior to the commencement of any building works, a suitably qualified person (i.e. a BPB qualified accredited certifier) must be appointed for the development to monitor compliance with the relevant standards of construction, the Major Project approval and the approved construction plans. The critical stages of construction are to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the appointed Certifier or other suitably qualified person, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

### **C2. Disposal of Liquid Trade Waste**

Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of works.

### **C3. Payment of Long Service Levy**

The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to commencement of work, in accordance with s109F of the Environmental Planning and Assessment Act 1979.

### **C4. Tree Management**

Tree management is to be in accordance with the Aboricultural Impact Assessment prepared by Tree Wise Men, dated September 2010.

#### **(i) Arborist Involvement**

- An Arborist (the Project Arborist) with minimum AQF Level 5 qualifications should be engaged prior to the commencement of demolition work on the site. The Project Arborist will monitor and report regularly to the Certifying Authority on the condition and protection of the retained trees during the construction period. The Project Arborist is to monitor any excavation, machine trenching or compacted fill placed within the TPZ of any retained tree.
- The schedule of works for the development must acknowledge the role of the Project Arborist and the need to protect the retained trees. Sufficient notice must be given to the Arborist where his/her attendance is required. Should the proposed design change from that reviewed, additional arboricultural assessment will be required.
- The Project Arborist should certify tree protection measures at key stages of the construction. Copies of the certification are to be sent to the Certifying Authority.

#### **(ii) Tree Management – Tree Retention**

Trees that must be retained on the site, (with the exception of Trees T2, T4, T9 and T18 which are approved for removal) are identified in the Tree Schedule provided in Attachment A of the Aboricultural Impact Assessment prepared by the Tree Wise Men, dated September 2010. The Tree Protection Plan contained in Attachment E, together with the 12 Tree Protection Requirements (TWMP1-TWMP12) detailed in the in Attachment D of the Aboricultural Impact Assessment are to be implemented to ensure the protection of trees to be retained.

#### **(iii) Tree Management – Transplanting**

Trees that are to be transplanted on the site are identified to the Tree Schedule provided in Attachment A and Attachment E of the Aboricultural Impact Assessment.

A Transplant Method Statement and Relocation Plan is to be prepared for CC documentation to accompany the Landscape Planting Plan. Palms to be transplanted are: Trees 47, 86, 110, 128 and 129.

## C5. Tree Protection Zone (TPZ) Construction

The following site-specific tree protection measures are to be implemented where construction is proposed within TPZ offsets. These requirements are in addition to any other Tree Protection Requirements required by this approval.

- Tree protection devices are to be installed prior to demolition of existing structures. Trunk battening will be required around several trees in the south western corner. Battening should comply with Fig. 4 of AS4970-2009.
- All retained trees are to be numbered, clearly identified and checked by the Project Arborist prior to any tree removal works. Tree removal is to comply with WorkCover NSW Code of Practice for the Amenity Tree Industry 1998.
- All pruning is to comply with AS4373-2007 *Pruning of Amenity Trees*.
- Tree protection fencing is to be installed immediately following approved tree removal. Fencing is to comply with Fig. 3 of AS4970-2009.
- Prohibited activities within fenced areas include: topsoil stripping, excavation, stockpiling of any building materials or site soil/rock, machinery parking, placement of site sheds (unless elevated and with suspended plumbing), machinery haul roads.
- Tree protection devices are to be incorporated into the Construction Management Plan and Sediment Control Plan.
- Timber decks and access ramps adjacent to Trees 5, 6, 19, 20, 89, 91, 92, 93 and 119 are to have FFLs sufficient to allow for support structures and retention of existing soil levels.
- Proposed car park in north eastern corner to be amended (delete northern-most car park) to allow for the retention of Canary Island Date Palm, *Phoenix canariensis* (T23).
- Holm Oak, *Quercus ilex* (T81) is to be pruned to allow for construction clearance adjacent to Gate Keepers Lodge building. Pruning works are illustrated in Photo B in Attachment B of the Aboricultural Impact Assessment.
- Sydney Red Gum, *Angophora costata* (T130) is to be retained adjacent to the proposed Brown Street ILU building. Selective pruning is to be undertaken given the lean towards the south. Particular care to be taken with scaffold/hoarding installation. Scaffolding is to comply with Fig 5 of AS4970- 2009.
- The existing retaining walls to north and west of the Chinese Hackberry, *Celtis sinensis* (T69) and European Hackberry, *Celtis australis* (T76) are to be preserved intact in order to avoid SRZ damage.
- A two stage drilling rig is to be employed for the piling or shoring for Basement excavation within the canopy spread of Trees 6, 81, 69, 76, 119 and 130 in order to minimise canopy pruning.
- The Tree Protection Plan detailed in Attachment E of the Aboricultural Impact Assessment must be kept in the Site office throughout the construction period.
- All necessary scaffolding is to be installed with appropriate ground protection and allowance for retention of any adjacent tree branches as per Fig. 3 of AS4970-2009.
- Weed-free mulch is to be used (100mm deep layer) within the TPZ to buffer soil drying, compaction and contamination. High traffic zones adjacent to the building works is to be mulched regularly both inside and outside tree protection fencing.
- Vertical shoring is to be used in order to avoid over-excavation or benching back towards any trees identified to be retained.
- Fill batters are to be steepened or retaining walls constructed to reduce the extent of fill towards trees.

- Discontinuous, pier and beam-type footings are to be used where roots greater than 50mm diameter are encountered within TPZs.
- Temporary irrigation or watercart hand watering are to be used during drought periods. The Project Arborist will monitor soil moisture levels and instruct watering regime.
- Services are to be routed beyond or suspended within TPZs. Where this is not possible, services are to be hand dug or bored within TPZ offsets.

## **C6. Geotechnical Certification**

Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be obtained prior to commencement of work, certifying the suitability and stability of the site for the proposed buildings and certifying the suitability and adequacy of the proposed design and construction of the buildings for the site. A copy of the engineer's report is to be submitted to the Certifying Authority.

## **C7. Protection of Adjoining Land and Buildings**

Driven type piles/shoring must not be provided unless a geotechnical engineer's report is obtained, prior to commencement of work, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works. Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the construction drawings. A copy of the engineers report is to be submitted to the Certifier.

## **C8. Ground and Rock Anchors**

The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises or public land.

## **C9. Disposal of Site Water During Construction**

During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Details of the proposed sediment control measures are to be detailed in a site water management plan and must be prepared prior to the commencement of any site works.

## **C10. Sediment and Erosion Control Measures**

The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the details must be forwarded to the certifying authority and a copy is to be maintained on-site and be made available to the certifying authority upon request.

Details of proposed sediment and erosion control measures shall include a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation. Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

## **C11. Site Fence**

Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council. Temporary fences and hoardings are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written approval from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

#### **C12. Dilapidation Reports for Public Infrastructure**

To clarify the existing state of public infrastructure prior to the commencement of any development (including prior to any demolition), the Principal Contractor must submit a dilapidation report, prepared by a professional engineer, on Council's infrastructure within and near the development site.

The dilapidation report must be submitted to the certifying authority prior to the commencement of any work and include:

- Photographs showing any existing damage to the road pavement fronting the site;
- Photographs showing any existing damage to the kerb and gutter fronting the site;
- Photographs showing any existing damage to the footway fronting the site;
- Photographs showing any existing damage to retaining walls within the footway or road; and
- The full name and signature of the professional engineer.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

The dilapidation report must specify the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any work. If the required report is not submitted then the certifying authority will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any work under this approval.

#### **C13. Security Hoardings and Overhead Protection**

If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises. The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

#### **C14. Maintenance of Vehicular and Pedestrian Safety and Access**

Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

- b) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
- c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Building Services section.
- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) A Local Approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:
  - Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.

#### **C15. Requirement for a Road Occupancy Permit**

A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place. Certification from a certified practicing engineer is to be provided to Council upon completion of the works. Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

#### **C16. Fauna removal**

##### **Pre-demolition removal of roofs**

Steps shall be taken to allow potentially occurring microbats and other fauna to vacate the buildings where demolition or major reconstruction is required. This should include careful removal of the roof of the buildings to allow the species to escape during the following night.

##### **Manual fauna removal**

Immediately prior to the commencement of development work, a fauna trapping program will be implemented to remove fauna that currently occupies the buildings destined for demolition or reconstruction. Trapping will continue for a one week period, with all trapped fauna being removed from the subject site. Native fauna should be relocated to a nominated site, and introduced species should be disposed of ethically.

In addition to pre-demolition work, a trained ecologist/fauna handler will be on call during demolition to aid in the safe removal of any additional fauna still present within the building or to handle injured wildlife.

If any animals are observed by demolition contractors trying to exit buildings, work will temporarily cease to allow the animals to reach a safe position.

---

**End of Section**



## **PART D - DURING CONSTRUCTION**

### **D1. Approved Plans to be On-site**

A copy of the approved construction plans and Major Project approval conditions must be provided to Council and a copy kept on-site at all times and made available to Council officers for assessment.

### **D2. Contact Number**

A specific contact number is to be made available for enquiries and complaints (including an after-hours emergency contact number). A complaints register is to be maintained to record all such enquiries, complaints and actions taken in response, and is to be made available to Council officers upon request.

### **D3. Site Sign**

A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours;
- name, address and telephone number of the Project Manager; and
- a statement stating that "unauthorised entry to the work site is prohibited".

### **D4. Hours of Work**

All building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Mondays to Fridays inclusive and (except as detailed below) between 8.00am to 12.00pm on Saturdays. All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to Public Holidays. In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Mondays to Fridays only, to minimise the noise levels during construction and loss of amenity to nearby residents.

### **D5. Demolition Work plan**

A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001 and include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor.
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos.
- Measures and processes to be implemented to ensure the health & safety of workers and community.
- Measures to be implemented to minimise any airborne asbestos and dust.
- Methods and location of disposal of any asbestos or other hazardous materials.
- Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey.
- Date the demolition and removal of asbestos will commence.

The Demolition Work Plan must be submitted to the Certifying Authority, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on-site and be made available to the Certifying Authority upon request.

**Note:** It is the responsibility of the persons undertaking demolition work to obtain the relevant Work Cover licences and permits.

#### **D6. Protection of Trees - Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

#### **D7. Tree Management – Tree Removal**

Trees that are to be removed on the site are identified to the Tree Schedule provided in Attachment A and Attachment E of the Aboricultural Impact Assessment (in addition to Trees T2, T4, T9 and T18 which are approved for removal).

All trees assessed as Category A or B in the Tree Wise Men report and that are proposed for removal, are to be replaced with the same species propagated from the original or with similar species to maintain landscape character. All trees assessed as Category C or D in the Tree Wise Men Australia Pty Ltd report that are proposed for removal are to be replaced with a like number of trees of appropriate species to maintain/enhance the landscape character of the site.

All approved tree removal is to comply with Draft WorkCover Code of Practice for Tree Work (1998).

#### **D8. Archival Recording & Archaeological Requirements**

Removal of any exceptional or highly significant fabric must be preceded by photographic archival recording in accordance with the Heritage Branch guidelines for such work.

The recommendations of the Casey & Lowe Archaeological Impact Assessment are to be adopted, including the obtaining of any necessary archaeological excavation permits from the Heritage Council of NSW.

#### **D9. Repairs to Hard Landscaping**

Any damaged significant hard landscape fabric should be repaired by suitably skilled and/or qualified trade persons, with materials used to repair his reconstruction preferably being traditional materials, such as rough hewn sandstone, already used in the construction of the landscape. All repair work should be in accordance with the Conservation Management Plan.

#### **D10. Noise and Vibration Management**

- a) A report must be obtained from a suitably qualified and experienced consultant **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, the conditions of approval and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made and a copy of the report is to be forwarded to Certifier.
- b) Any recommendations and requirements contained in the report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of approval, work must cease forthwith and is not to recommence until details of compliance are submitted to the Certifier.
- c) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times. Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Certifier.

### **D11. Dust Mitigation**

During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident. Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council. Dust control measures and practices may include:

- Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
- Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.
- Installation of a water sprinkling system or provision hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
- Revegetation of disturbed areas.

### **D12. Excavation**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings. Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Certifier or other suitability qualified person prior to commencing such excavations or works.

### **D13. Fill Material**

Any fill that is to be imported to the site is to be monitored, classified and documented by a suitably qualified Environmental Consultant. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.

### **D14. Support for Neighbouring Land and Buildings**

The adjoining land and buildings located upon the adjoining land must be adequately supported at all times. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- preserve and protect the building /s on the adjoining land from damage; and
- effectively support the excavation and building; and
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.

### **D15. Compliance with Approval**

A Registered Surveyor's survey certificate is to be obtained and provided to the Certifier detailing compliance with the approval at the following stage/s of construction:

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.

#### **D16. Disposal of Seepage and Stormwater**

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

#### **D17. Demolition, Handling and Disposal of Materials**

The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):

- Australian Standard 2601 (2001) – Demolition of Structures;
- Occupational Health and Safety Act 2000;
- Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- WorkCover NSW – Guidelines and Codes of Practice;
- Woollahra Council Asbestos Policy; and
- Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

#### **D18. Asbestos Removal**

- a) The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:
  - Occupational Health and Safety Act 2000;
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001;
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
  - WorkCover NSW Code of Practice for the Safe Removal of Asbestos;
  - Australian Standard 2601 (2001) – Demolition of Structures;
  - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996 and
  - Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- b) A Work Cover licensed demolition or asbestos removal contractor must undertake removal of more than 50 m<sup>2</sup> of bonded asbestos (or as otherwise specified by Work Cover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- c) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words '**DANGER ASBESTOS REMOVAL IN PROGRESS**' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.

## **D19. Hazardous Waste**

Any hazardous and/or intractable wastes arising from any demolition, excavation, building and any remediation works are to be managed and disposed of in accordance with the requirements of Work Cover NSW and the Department of Environment and Climate Change (formerly EPA), including the provisions of:

- New South Wales Occupational Health and Safety Act, 2000;
- The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- Protection Of the Environment Operations Act 1997 (NSW);
- Environment Protection Authority's Environmental Guidelines; and
- Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

## **D20. Groundwater and Waterproofing**

Should the above site be likely to encounter groundwater, (i.e. excavation will be within the water table), the basement levels or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

---

**End of Section**

## **PART E- PRIOR TO ISSUE OF OCCUPATION CERTIFICATE/ PRIOR TO OPERATIONS**

### **E1. Restrictions of Use**

Prior to commencement of occupation of any part of the development approved pursuant to this approval or prior to the issue of an Occupation Certificate, the Proponent must create a restriction as to the user under the *Conveyancing Act 1919* restricting the occupation of each dwelling in the subject development to:

- a) seniors or people who have a disability as defined by the provision of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
- b) people who live within the same household with seniors or people who have a disability;
- c) staff employed to assist in the administration of and provision of services to housing provided in this development.

The instrument creating the restriction as to user, shall be prepared by the Proponent at its own expense and submitted duly executed by the Proponent or the owner of the property to the Department for approval by the Department's solicitors. The Proponent will pay the costs of the instrument and proof of registration of the instrument upon the title to the subject property will be provided to the Department by the Proponent prior to the occupation or issue of an Occupation Certificate in respect of the property.

### **E2. State Environmental Planning Policy 65 – Design Verification Statement**

Pursuant to clause 154A of the Regulation a Certifying Authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the *qualified designer* verifies that the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*.

**Note:** Although a *Certifying Authority* may pursuant to clause 161(2) of the Regulation be satisfied to any matter that relates to the external finish of a building clause 154A of the Regulation overrides the *Certifying Authority's* powers under clause 161(2).

**Note:** Qualified designer means a person registered as an architect in accordance with the *Architects Act 1921*

### **E3. Acoustic Certification**

A report, prepared by a suitably qualified and experienced acoustic consultant shall be submitted to the Council **prior to an Occupation Certificate** being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy, conditions of approval (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.

### **E4. Commissioning and Certification of Systems and Works**

The principal contractor or owner builder must submit to the satisfaction of the PCA works-as-executed ("WAE") plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards.

Works-as-executed ("WAE") plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the BCA must include but may not be limited to:

Certification from the supervising professional engineer that the requirement of the Geotechnical / Hydrogeological conditions and report recommendations were implemented and satisfied during development work.

- All flood protection measures.
- All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1 – "Off-Street car parking."
- All stormwater drainage and storage systems.
- All mechanical ventilation systems.
- All hydraulic systems.
- All structural work.
- All acoustic attenuation work.
- All waterproofing.

Such further matters as the Principal Certifying Authority may require.

**Note:** This condition has been imposed to ensure that systems and works as completed meet *development standards* as defined by the *Act*, comply with the BCA, comply with this project approval and so that a public record of works as execute is maintained.

**Note:** The PCA may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the *Act*, *Regulation*, Development Standards, BCA, and relevant *Australia Standards*. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

**Note:** The PCA must submit to the certifying authority, with any *Occupation Certificate*, copies of works-as-executed ("WAE") plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the BCA upon which the PCA has relied in issuing any *Occupation Certificate*.

#### **E5. Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**

The *Principal Contractor* or *Owner Builder* must ensure that a surveyor registered under the *Surveying Act 2002* carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the *site* and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this project approval at the following critical stages.

The *Principal Contractor* or *Owner Builder* must ensure that work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the PCA's satisfaction:

- Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level;
- Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey;
- Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof;
- Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like;
- Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.;
- Stormwater Drainage Systems prior to back filling over pipes confirming location, height and capacity of works.
- Flood protection measures are in place confirming location, height and capacity.

**Note:** This condition has been imposed to ensure that development occurs in the location and at the height approved under this project approval. This is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.

#### **E6. Layout of vehicle accessible areas and swept paths**

The layout of the proposed vehicle accessible areas (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking Bay dimensions) shall be in accordance with AS 2890.1-2004 and AS 2890.2 -2002 for heavy vehicle usage. Details demonstrating compliance should be submitted to the certifying authority.

The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site shall be in accordance with AUSTROADS. In this regard, swept path plans, which illustrate compliance with this requirement shall be submitted to the certifying authority for approval.

#### **E7. Registration of Warm Water Systems**

Legionella control – cooling towers, warm water systems and water cooling systems must be registered with the Council prior to occupation and on an annual basis and the systems are to be maintained and certified in accordance with the provisions of the Public Health Act, 1991.

#### **E8. Swimming and Spa Pools – Permanent Child Resistant Barriers and other matters**

Prior to any occupation or use of the development and prior to filling any swimming pool as defined by the Swimming Pool Act 1992:

Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act* 1992. The *Principal Contractor* or *owner* must apply for and obtain a Compliance Certificate under section 24 of the *Swimming Pools Act* 1992. Public Pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable. Water recirculation and filtration systems must be installed in compliance with AS 1926.3-2003: *Swimming pool safety - Water recirculation and filtration systems*.

Backwash must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996:

**Note:** The NSW Health Public Swimming Pool and Spa Pool Guidelines can be downloaded free from: <http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>

#### **E9. Certification of Civil Works**

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of the Certifying Authority, prior to the issuing of a final Occupation Certificate for the development.

#### **E10. Civil Works in the vicinity of Brown Street, Glenview Street, Liverpool Street and Brown Lane**

Prior to the issuing of an Occupation Certificate the Proponent must meet the full cost for Council or a Council approved contractor to undertake civil works as required to provide improved pedestrian access to the site and/ or to improve pedestrian safety in the vicinity of the development site, as follows:

- Conversion of the existing speed hump in Brown Street adjacent to the site to formalised pedestrian crossing;
- Inclusion of kerb ramps at the intersection with Brown Lane on the southern side of Glenview Street;



- Inclusion of kerb ramps at the intersection of Brown Lane and the eastern side of Liverpool Street; and
- Upgrade street paving in front of 16-18 Glenview Street, Paddington.

In this regard, the Proponent must contact Council's Development Engineer Coordinator on 9391 7000 to discuss Council's requirements for civil works prior to the issuing of a Construction Certificate for any stage of the approved Project Plan.

Should agreement not be able to be reached between Council and the proponent, the required civil works may be referred to the Director-General for determination.

#### **E11. Repair to Council Property**

The Proponent must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

#### **E12. Internal Site Access**

The layout of the proposed vehicle accessible areas (including, driveways, grade, turn paths, site distance requirements, aisle widths, aisle lengths and parking bay dimensions) are to be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.

The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site shall be in accordance with AUSTROADS.

#### **E13. End of trip amenities for cyclists**

End of trip amenities for cyclists shall be provided in accordance with the planning guidelines for walking and cycling. This shall include but not be limited to the provision of the equivalent area of one standard car parking space for bicycle parking.

#### **E14. Travel Demand Management Measures**

Travel and land management measures including the completion of a location specific Workplace Travel Plan (WTP) and Transport Access Guide shall be developed and implemented for the site.

#### **E15. Regulatory signposting**

Regulatory signposting associated with the development shall be at no cost to the NSW Roads and Maritime Services or the Council.

#### **E16. Access, facilities and car parking for people with disabilities**

Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications.

#### **E17. Power/ Telecommunications Related Works**

The Proponent shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The Proponent shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an Occupation Certificate for the development.

### **E18. Heritage Interpretation Plan**

A Heritage Interpretation Plan is to be prepared for the Scottish Hospital site that complies with the policy and guidelines published by the Heritage Council of NSW and which effectively communicates the heritage significance of the place to residents and visitors alike, in ways that are accurate, entertaining and stimulating of further enquiry. The Interpretation Plan should recommend strategies, specific locations and media by which the heritage significance of the site can be communicated to current and potential future uses of the site in culturally appropriate ways that respect the heritage values of the place.

### **E19. Trade Waste - Sydney Water Requirements**

All customers discharging trade waste into Sydney Water's wastewater system must have written permission from Sydney Water. Sydney Water will either issue the customer a trade waste permit or enter into a trade waste agreement. A trade waste permit must be obtained before any discharge can be made to the sewer system. The permit is also needed for site remediation purposes. Application for a trade waste permit can be made to Sydney Water at the section 73 certificate application stage. For further information, refer to the Sydney Water website.

### **E20. Commissioning and Certification of Systems and Works**

Prior to the issuing of an Occupation Certificate the Proponent shall submit to the certifying authority, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the certifying authority, and shall include the following details:

- a) The location of the detention basin with finished surface levels;
- b) Finished site contours at 0.2 metre intervals;
- c) Volume of storage available in the detention areas;
- d) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- e) Details of any infiltration/absorption systems; and
- f) Details of any pumping systems installed (including wet well volumes).

### **E21. Certification of Approved Landscaping**

Upon completion of landscape works, and prior to the issue of a Final Occupation Certificate, documentary evidence is to be obtained from a suitably qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILDM or AILA), which shall be submitted to, and be approved by, the PCA, which certifies that the landscaping has been completed in accordance with the approved plans and relevant conditions of approval. The property owner is responsible for implementing suitable strategies to ensure that this landscaping is maintained in accordance with the approval and in a healthy and vigorous state until maturity.

### **E22. Suitable for Occupation**

A statement confirming that the building is suitable for occupation must be obtained from a suitably qualified person (i.e. a BPB qualified accredited certifier) prior to any occupation of the building work encompassed in this approval. The statement must not be issued if the development is inconsistent with the approval and the relevant conditions of approval must be satisfied prior to occupation. Details of critical stage inspections carried out, together with any other certification relied upon must be provided to Council prior to occupation.

### **E23. Street Numbering**

Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

---

**End of Section**

## **PART F - DURING OPERATIONS**

### **F1. Noise Control**

- a) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- b) The operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background ( $L_{A90, 15 \text{ min}}$ ) noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{Aeq, 15 \text{ min}}$  and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

### **F2. Stephen Street Loading Dock hours of operation**

The loading dock on Stephen Street is only to be used between the hours of 9.00am and 5.00pm weekdays, and 9.00am and 12.00 midday on Saturdays. There are to be no deliveries on Sundays or at other times outside these hours. Notwithstanding these restrictions, the loading dock on Stephen Street may be accessed at any time but only for the purposes of collection by hearse or similar vehicle of deceased persons.

### **F3. Vibrations**

The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.

### **F4. Emissions/ Discharges**

There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

### **F5. Stormwater Drainage**

All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system.

### **F6. Waste Water from Cooling Towers**

Waste water from cooling tower warm water systems are to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

### **F7. Future Landscaping – Landscape Management/ Maintenance**

The future landscaping of the site and on-going management/ maintenance of existing trees on the site will be in accordance with the Conservation Management Plan Prepared by Noel Bell Ridley Smith & Partners.

New plantings should not include species with high water requirements unless these are essential to conservation of the original design intent.

All future landscape construction or maintenance works undertaken on the subject site should be carried out by suitably qualified and experienced tradespeople. Reference should be made to the Heritage Branch list of qualified tradespersons for each trade – refer to Heritage Branch website. Final selection of new plant material should take into account height and canopy spread at maturity so that significant views to, from and within the site are enhanced. In this regard, particular emphasis should be placed on the maintenance and preservation of the view to the rear elevation

of the heritage building and the landscaped terraces from publicly accessible vantage points within the Dillon Street Reserve.

#### **F8. Maintenance works to the Scottish Hospital heritage building**

Any required maintenance works to the Scottish Hospital heritage item will be in accordance with the Conservation Management Plan Prepared by Noel Bell Ridley Smith & Partners.

All future maintenance works should be carried out by suitably qualified and experienced tradespeople. Reference should be made to the Heritage Branch list of qualified tradespersons for each trade – refer to Heritage Branch website.

---

**End of Section**

## **ADVISORY NOTES**

### **AN1. Commonwealth Disability Discrimination Act 1992**

You are advised that this approval does not guarantee compliance with the provisions of the *Disability Discrimination Act 1992* (Cth) and you should therefore consider your liability under the Act. In this regard, you are advised that compliance with the requirements of the *Building Code of Australia* and *Australian Standard 1428.1 - Design for Access and Mobility* does not necessarily satisfy the objectives of the *Disability Discrimination Act 1992*.

You are requested to give consideration to providing access and facilities for people with disabilities in accordance with *Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility*, which may be necessary to satisfy the objectives of the *Disability Discrimination Act 1992* (Cth).

### **AN2. Approval for Temporary Structures**

An approval under s68 of the *Local Government Act 1993* must be obtained from the Council for the erection of any 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.*

---

**End of Section**