

# Development consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I approve the development 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 including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

  
Daniel Keary  
A/Executive Director  
Infrastructure and Industry Assessments

Sydney 17<sup>th</sup> SEPTEMBER 2015

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### SCHEDULE 1

<b>Application No.:</b>	SSD 6840
<b>Applicant:</b>	St Vincent's Private Hospital Sydney
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Lot 20 DP 854670, Lot 2 DP 804753 and SP 40574
<b>Approved Development:</b>	Redevelopment of St Vincent's Private Hospital, including construction of a new 13 level East Wing building and refurbishment works to the existing low-rise and high-rise building wings, including a new Victoria Street façade treatment to the high-rise building wing, associated landscaping works, Building Code of Australia and infrastructure upgrades and installation of a new electrical substation kiosk.

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	City of Sydney Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Department	The Department of Planning and Environment
Environmental Impact Statement (EIS)	Environmental Impact Statement prepared by JBA Urban Planning Consultants dated March 2015.
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage
Response to Submissions (RtS)	Response to Submissions prepared by JBA Urban Planning Consultants dated 7 August 2015.
Reasonable	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.
RMS	Roads and Maritime Services Division, Transport for NSW
Secretary	Secretary of the Department of Planning and Environment
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Subject Site	Lot 20 in DP 854670, Lot 2 in DP 804753 and SP 40574
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Development Description

A1 Except as amended by the conditions of this approval, development approval is granted only to carrying out the development as described in Schedule 1.

#### Terms of Consent

A2 The Applicant shall carry out the development generally in accordance with the:

- a) *Environmental Impact Statement St Vincent's Private Hospital Redevelopment*, prepared by JBA Urban Planning Consultants and dated March 2015;
- b) *Response to Submissions* prepared by JBA Urban Planning Consultants and dated 7 August 2015;
- c) The conditions of this consent; and
- d) The following drawings, except for:
  - i) any modifications which are Exempt or Complying Development;
  - ii) otherwise provided by the conditions of this consent.

<b>Architectural and Landscape Drawings prepared by Hassell</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA-00-801	D	DEMOLITION LAYOUT – LEVEL 3	13/02/15
DA-00-802	D	DEMOLITION LAYOUT – LEVEL 4	13/02/15
DA-00-803	D	DEMOLITION LAYOUT – LEVEL 5	13/02/15
DA-00-804	D	DEMOLITION LAYOUT – LEVEL 6	13/02/15
DA-00-805	D	DEMOLITION LAYOUT – LEVEL 7	13/02/15
DA-00-806	D	DEMOLITION LAYOUT – LEVEL 8, 9 & 10	13/02/15
DA-01-002	D	GA PLAN. LEVEL 02	13/02/15
DA-01-003	D	GA PLAN. LEVEL 03	13/02/15
DA-01-004	D	GA PLAN. LEVEL 04	13/02/15
DA-01-005	D	GA PLAN. LEVEL 05	13/02/15
DA-01-006	D	GA PLAN. LEVEL 06	13/02/15
DA-01-007	D	GA PLAN. LEVEL 07	13/02/15
DA-01-008	D	GA PLAN. LEVEL 08	13/02/15
DA-01-009	D	GA PLAN. LEVEL 09	13/02/15
DA-01-010	D	GA PLAN. LEVEL 10	13/02/15
DA-01-011	D	GA PLAN. LEVEL 11	13/02/15
DA-01-012	D	GA PLAN. LEVEL 12	13/02/15
DA-01-013	D	GA PLAN. LEVEL 13	13/02/15
DA-01-014	D	GA PLAN. LEVEL 14	13/02/15
DA-01-015	D	GA PLAN. LEVEL 15	13/02/15
DA-02-901	D	LEVEL 3 – LANDSCAPE PLAN	20/02/15
DA-02-902	D	LEVEL 4 – LANDSCAPE PLAN	20/02/15
DA-02-903	C	LEVEL 4 – REMEDIATION STRATEGY	12/02/15
DA-02-904	C	LEVEL 8 TO 12 – LANDSCAPE PLAN	12/02/15
DA-02-905	C	LEVEL 4 – EXISTING TREE PLAN	12/02/15
DA-03-001	D	VICTORIA STREET ELEVATION	13/02/15
DA-03-002	D	EAST WING – WEST ELEVATION	13/02/15
DA-03-003	D	EAST WING – NORTH ELEVATION	13/02/15
DA-03-004	D	EAST WING – SOUTH ELEVATION	13/02/15

DA-03-005	D	EAST WING – EAST ELEVATION	13/02/15
DA-04-001	D	GA SECTION. EAST-WEST	13/02/15
DA-04-002	D	GA SECTION. NORTH-SOUTH	13/02/15

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4 The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
  - the implementation of any actions or measures contained in these documents.

#### **Limits on Consent**

- A5 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

#### **Prescribed Conditions**

- A6 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### **Dispute Resolution**

- A7 In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the development, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

#### **Long Service Levy**

- A8 For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### **Legal notices**

- A9 Any advice or notice to the consent authority shall be served on the Secretary.

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

### **Notice of Commencement of Works**

- B1 The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the Subject Site.

### **Noise Management Measures**

- B2 Prior to issue of a relevant Construction Certificate, the Applicant shall incorporate the operational noise mitigation recommendations contained in the acoustic report *Noise Impact Assessment and Construction Noise and Vibration Assessment* prepared by Acoustic Logic in the detailed design drawings and submit to the Certifying Authority documentation demonstrating that the noise impacts have been adequately mitigated.

### **Reflectivity**

- B3 The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as

not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate.

### **Outdoor Lighting**

- B4 All new outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate.

### **Access for People with Disabilities**

- B5 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### **Survey Marks and Infrastructure**

- B6 All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark. Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council. At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark. A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).
- B7 Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority. Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the Surveying Act 2002.

### **Alignment Levels**

- B8
- a) Prior to the first Construction Certificate being issued for the refurbishment of the High Rise Building, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).

- b) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for the relevant Construction Certificate for the refurbishment of the High Rise Building. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to approval being issued for public domain work.

### **Public Domain Damage Deposit**

- B9 A Public Domain Damage Deposit must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier. The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90 per cent of the total securities will be released, with the remaining 10 per cent to be retained for the duration of the 12 months Defect Liability Period.

### **Structural Details**

- B10 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA, and
  - b) the development consent.

### **Mechanical Ventilation**

- B11 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate.

### **Food Fitout**

- B12 Detailed plans of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises and must be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.
- B13 Prior to the commencement of food handling operations, the food business must notify the NSW Food Authority of the following information including:
- a) Contact details for the food business, including the name and address of the business and the proprietor of the business.
  - b) The nature of the food business.
  - c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Health.

The NSW Food Authority can be contacted via the Internet on [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by contacting the Council for a notification form. Failure to notify the NSW Food Authority may result in a penalty not exceeding \$2,750.

- B14 Cooking must not commence until an air handling system, in accordance with Part F4.12 of the BCA is approved, installed and operational. Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food by heating it. This definition does not include heating food in a microwave, a sandwich press, a toaster or similar, unless the kW or MJ combined or separate exceed that specified in the BCA, or if the use of such equipment generates excessive heat, condensation or grease. Cooking equipment that requires an air handling system is specified in AS1668.2 and BCA F4.12.
- B15 The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the Building Code of Australia, Part F 3.1, 4.8 and 4.9.

### **Stormwater and Drainage Works Design**

- B16 Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council shall be submitted to the certifier prior to the issue of a relevant Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

### **Swimming Pool (Hydrotherapy Pool)**

- B17 Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for the relevant Construction Certificate to the satisfaction of Council or the accredited certifier and approved by the Certifying Authority.
- B18 Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the Public Health (General) Regulation 2012.

Note: Guidance may also be obtained from the NSW Health Department's Public Swimming Pool and Spa Pool Guidelines.

### **Erosion and Sedimentation Control**

- B19 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate.

### **Pre-Construction Dilapidation Reports**

- B20 The Applicant is to engage a qualified structural engineer, or person of equivalent qualifications and experience, to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to the Council for its records.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

## **Construction Environmental Management Plan**

**B21**

- a) Prior to the issue of a relevant Construction Certificate, a Construction Environmental Management Plan (CEMP) that addresses those works shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
  - i) hours of work,
  - ii) 24 hour contact details of site manager,
  - iii) traffic management, in consultation with the local council, including a designated off-street car parking area for construction related vehicles,
  - iv) construction noise and vibration management,
  - v) management of dust to protect the amenity of the neighbourhood,
  - vi) erosion and sediment control,
  - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site,
  - viii) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The Applicant shall submit a copy of the CEMP to the Department and Council, prior to commencement of work.

## **Waste Management Plan during construction**

**B22**

- a) Prior to the issue of a relevant Construction Certificate, a Construction Waste Management Plan that addresses those works, must be prepared by a suitably qualified person in consultation with the Council, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
  - i) Recycling of demolition materials including concrete;
  - ii) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines;
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant shall submit a copy of the final plan to the Department and to the Council, prior to commencement of the work covered by the plan.
- d) The Applicant must notify the Roads and Maritime Services' Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

## **Traffic and Pedestrian Management Plan**

**B23**

- a) Prior to the issue of a relevant Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan must be prepared in consultation with the Council.
- b) The Plan shall address, but not be limited to, the following matters:
  - i) ingress and egress of vehicles to the Subject Site;



- ii) loading and unloading, including construction zones;
  - iii) predicted traffic volumes, types and routes; and
  - iv) pedestrian and traffic management methods.
- c) The Applicant shall submit a copy of the final plan to the Council, prior to the commencement of work.

### **Noise and Vibration Management Plan**

- B24 The Applicant shall prepare and implement Noise and Vibration Management Plan for construction of the hospital facilities and this plan must:
- a) be prepared by a suitably qualified expert;
  - b) be prepared in accordance with Council and EPA guidelines;
  - c) describe the measures that would be implemented to ensure:
    - (i) best management practice is being employed;
    - (ii) compliance with the relevant conditions of this approval;
  - d) describe the proposed noise and vibration management measures in detail;
  - e) include strategies that have been developed to inform the community and all noise sensitive receivers;
  - f) evaluate and report on the effectiveness of the noise and vibration management measures;
  - g) include a complaints management system that would be implemented for the duration of the project; and
  - h) submit a copy of the final plan to the Department and Council, prior to the commencement of work.

### **Utility Services**

- B25 Prior to the issue of a relevant Construction Certificate the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- B26 Prior to the issue of a relevant Construction Certificate written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

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## **PART C DURING CONSTRUCTION**

### **Hours of Work**

- C1 The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
  - b) between 7.30 am and 3.30 pm, Saturdays; and
  - c) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- i) the delivery of materials is required outside these hours by the Police or other authorities;
  - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
  - iii) variation is approved in advance in writing by the Secretary or her nominee.
- C2 The Applicant shall schedule rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Secretary.
- a) 9 am to 12 pm, Monday to Friday;

- b) 2 pm to 5 pm Monday to Friday; and
- c) 9 am to 12 pm, Saturday.

### **Erosion and Sediment Control**

- C3 All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **Classification of Waste**

- C4 Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

### **Disposal of Seepage and Stormwater**

- C5 Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

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

- C6 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### **Site Notice**

- C7 A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- C8 The site notice(s) is to satisfy all but not be limited to, the following requirements:
- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

### **Protection of Trees**

- C9 No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- C10 All street trees shall be protected at all times during construction in accordance with the protection recommendations condition in the *'Arboricultural Development*

*Assessment Report'* prepared by Moore Trees, dated February 2015. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.

- C11 All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches, during construction.

### **Construction Noise Management**

- C12 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- C13 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C14 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- C15 Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.

### **Vibration Criteria**

- C16 Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
  - b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).
  - c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
  - d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Secretary.

### **Work Cover Requirements**

- C17 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

### **Hoarding Requirements**

- C18 The following hoarding requirements shall be complied with:
- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
  - b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics**

- C19 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

### **Discovery of Aboriginal Heritage**

- C20 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

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## **PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Sustainable Travel Plan**

- D1 A sustainable travel plan shall be prepared for St Vincent's Private Hospital Sydney which formalises sustainable travel measures such as those outlined within the draft Transport Implementation Strategy titled 'Get Travel Smart – Supporting Sustainable Travel at St Vincent's Darlinghurst Campus', prepared for St Vincent's Darlinghurst Campus. The plan must be submitted to and endorsed by the Department prior to the issue of the final Occupation Certificate.

The plan must identify measures to promote a reduction in the private vehicle mode share of journeys to work, including incentives to promote car pooling and measures to facilitate an increased use of public transport and active transport modes (i.e. walking and cycling), and timing for the implementation of the measures identified.

### **Mechanical Ventilation**

- D2 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the occupation of the relevant building, that the installation and performance of the mechanical systems complies with:
- a) the Building Code of Australia;
  - b) Australian Standard AS1668 and other relevant codes;
  - c) the development consent and any relevant modifications; and
  - d) any dispensation granted by the New South Wales Fire Brigade.

### **Road Damage**

- D3 The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant/developer prior to the issue of the final Occupation Certificate for the relevant building.

### **Post-construction Dilapidation Report**

- D4 Prior to final occupation of the relevant building:
- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This

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

- b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
  - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
  - ii) have sent written confirmation to the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report is to be forwarded to the Council.

### **Fire Safety Certification**

- D5 Prior to the occupation of the relevant building, a Fire Safety Certificate shall be obtained for the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

- D6 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the relevant building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
  - a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
  - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Signage**

- D7 Additional way finding signage and signage identifying public car parks for patients and visitors shall be installed prior to occupation of the relevant building.

### **Submission of Electronic CAD Models**

- D8
  - a) Prior to the final Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
  - b) The data required to be submitted within the surveyed location must include and identify:
    - i) building design above and below ground in accordance with the development consent;
    - ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts; and
    - iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C. The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.
  - c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to

creation of the model. The data is to comply with all of the conditions of the Development Consent.

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## **PART E POST OCCUPATION**

### **Sustainable Travel Plan**

#### **E1**

- a) 12 months following (but no later than 14 months) the issue of the final Occupation Certificate, the effectiveness of the implemented sustainable travel measures, as required by condition D1, shall be reviewed and a report prepared and submitted to the Department for information.
- b) Should the review required by E1 a) above not satisfactorily demonstrate the effectiveness of the sustainable travel measures in reducing private vehicle dependency and encouraging non-car travel modes for staff, patients and visitors, the report must also identify appropriate alternative measures, with reference to the Transport Implementation Strategy titled *'Get Travel Smart – Supporting Sustainable Travel at St Vincent's Darlinghurst Campus'*, for immediate implementation.

### **Loading and Unloading**

- E2 All loading and unloading of service vehicles in connection with the use of the SVPHS shall be carried out wholly within the Subject Site at all times.

### **Unobstructed Driveways and Parking Areas**

- E3 All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

### **Noise Control – Plant and Machinery**

- E4 Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5 dB(A) above the background noise level when measured at the boundary of the Subject Site.

### **Storage of Hazardous or Toxic Material**

- E5 Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

### **Public Way to be Unobstructed**

- E6 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **External Lighting**

- E7 External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.
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## ADVISORY NOTES

### Appeals

AN2 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

### Other Approvals and Permits

AN3 The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

### Responsibility for other consents / agreements

AN4 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### Temporary Structures

AN5

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 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.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

### Disability Discrimination Act

AN6 This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### Commonwealth Environment Protection & Biodiversity Conservation Act 1999

AN7

- a) 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.
- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities 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.

**Asbestos Removal**

AN8 All demolition and excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

**Site contamination issues during construction**

AN9 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.