

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06\_116

(FILE NO. 9042493 – 2)

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- (a) under section 750(1), to approve the concept plan referred to in Schedule 1, subject to the modifications set out in Schedule 1;
- (b) under section 75J(1), to approve the project application for demolition of the existing O'Brien Building, excavation and early works referred to in Schedule 2 subject to the conditions set out in Schedule 2; and
- (c) under section 75P(1)(c), that the construction of the new O'Brien Building requires no further environmental assessment and approve that development under s75J(1) subject to the conditions set out in Schedule 2.

The reasons for the imposition of modifications and conditions are:

- (a) To encourage good urban design and a high standard of architecture.
- (b) To ensure future development is sensitive to adjoining heritage items.
- (c) To adequately mitigate the environmental and construction impacts of the development.
- (d) To reasonably protect the amenity of the local area.



Frank Sartor MP  
Minister for Planning

Sydney,

13 April

2007

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**SCHEDULE 1****PART A — TABLE**

<b>Application made by:</b>	St Vincent's Hospital 406 Victoria Street, DARLINGHURST
<b>Application made to:</b>	Minister for Planning
<b>Major Project Number:</b>	06_0231
<b>On land comprising:</b>	Lot 1612 DP 752011 at 299 Forbes Street, DARLINGHURST and Lot 2 DP 804753 at Burton Street, DARLINGHURST
<b>Local Government Area</b>	City of Sydney Council
<b>For the carrying out of:</b>	Redevelopment of O'Brien Building and the Caritas sites as described in the EA and PPR (as relevant).
<b>Capital Investment Value</b>	Approximately \$48 million
<b>Type of development:</b>	Concept approval under Part 3A of the EP&A Act
<b>Determination made on:</b>	13 April 2007
<b>Determination:</b>	Concept approval is granted subject to the modifications outlined in Part C of Schedule 1 below.
<b>Date of commencement of approval:</b>	This approval commences on the date of the Minister's approval.
<b>Date approval is liable to lapse</b>	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

**PART B — DEFINITIONS**

In this approval the following definitions apply:

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Caritas</b>	Land legally described as Lot 1612 DP 752011 at 299 Forbes Street, Darlinghurst.
<b>Council</b>	City of Sydney Council
<b>Department, the</b>	Department of Planning
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate).
<b>EA</b>	<i>Part 3A Major Project Concept Plan for the Redevelopment of 299 Forbes Street, Darlinghurst (Caritas) and St. Vincent's Hospital, Burton Street, Darlinghurst (O'Brien)</i> (including accompanying Appendices) prepared by Architectus Sydney Pty Ltd for St. Vincent's Hospital and dated September 2006.
<b>Minister, the</b>	Minister for Planning.
<b>Modifications of Approval</b>	The Minister's modifications of approval for the concept plan.
<b>O'Brien Building</b>	Land legally described as Lot 2 DP 804753 at Burton Street, Darlinghurst.
<b>Preferred Project Report (PPR)</b>	<i>Preferred Project Report Redevelopment of 299 Forbes Street, Darlinghurst (Caritas) and St. Vincent's Hospital, Burton Street, Darlinghurst (O'Brien)</i> (including supporting documentation) prepared by Architectus Sydney Pty Ltd for St. Vincent's Hospital and dated December 2006.
<b>Proponent</b>	St. Vincent's Hospital
<b>Statement of Commitments</b>	Statement of Commitments on pages 39-41 of the Preferred Project Report.

## PART C — MODIFICATIONS

### ADMINISTRATION

#### 1 *Terms of Approval*

The development shall be carried out generally in accordance with the EA, PPR and supplementary documents, and Statement of Commitments and any recommendations set out within those documents.

#### 2 *Inconsistencies Between Documentation*

In the event of any inconsistency between the plans and documentation and the modifications of this concept approval, the modifications of this concept approval prevail.

#### 3 *Future Project Applications*

The determination of future applications for development is to be generally consistent with the terms of this concept plan approval.

#### 4 *Technical Audit*

The proponent will undertake a technical audit to ensure absolute consistency between the plans and documentation within three months of the determination date of this concept plan approval, or as otherwise determined by the Director General.

The technical audit shall be to the satisfaction of the Department.

### BUILT FORM

#### 5 *Gross Floor Area*

Approval is granted to a mixed-use development on the Caritas site comprising a maximum of 12,311m<sup>2</sup> gross floor area (GFA), encompassing:

- (a) a maximum of 11,226m<sup>2</sup> residential GFA; and
- (b) a maximum of 1,085m<sup>2</sup> commercial / retail GFA.

#### 6 *Floor Space Ratio*

The maximum FSR for the entire Caritas site, including heritage buildings, shall not exceed 2.75:1.

#### 7 *Height*

Future project application(s) for new buildings on the Caritas site are not to exceed the maximum building heights identified in the Table below.

	Block C	Block D	Block E	Block F	Block G	Block H
Maximum Height (AHD)	RL 62	RL 65	RL 69	RL 62	RL 62	RL 62
Maximum storeys above existing ground	6-7	7	7	5	7	5

Notwithstanding the above, the maximum RL will prevail over the number of storeys when determining the maximum height.

The definitions of "height", "RL" and "storey" are as defined in the Standard Instrument – Principal Local Environmental Plan. Minor plant extrusions may be considered where it can be demonstrated that they are integrated into the overall design of the buildings.

## **8 Dwelling Size and Mix**

The dwelling size, mix and floor to ceiling height of future project application(s) for new residential buildings on the Caritas site shall comply with the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, (SEPP 65) and Council's relevant codes and policies.

In particular future application(s) shall demonstrate a mix of dwelling types and sizes to provide high standards of residential amenity, a range of housing choice, and a mix of dwelling types to cater for different household requirements.

## **9 Sympathetic Development**

New buildings on the Caritas site are to provide a consistent street wall and form to Burton Street, Bourke Street and Forbes Street and use a palette of consistent and natural materials that are complementary to, and do not detract from, adjoining development, particularly identified heritage items such as the Darlinghurst Courthouse and terraces on Burton Street and Burton Street.

## **HERITAGE**

### **10 Future Development**

Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* the following environmental assessment requirements apply with respect to the Caritas site redevelopment:

- (a) a demonstration that the project is consistent with the requirements of this approval and generally consistent with the scope and intent of the terms of this concept approval;
- (b) a demonstration that the project has been designed having regard to the character, scale, form, siting, materials and colour, and detailing criteria identified in the NSW Heritage Office's *Design in Context: Guidelines for Infill Development in the Historic Environment* (2005);
- (c) a demonstration that the project has been generally designed to take into account and, where relevant, mitigate against, the heritage impacts of the adjoining Darlinghurst Courthouse buildings and their recognised cartilages and any other adjacent heritage items;
- (d) visual analysis and other relevant documentation (photomontages, perspectives and the like) demonstrating the relationship of the proposed development with Caritas House, Caritas Cottage, perimeter fencing, walls and gates and other heritage items within Council's identified conservation area;
- (e) design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours;
- (f) site interpretation strategy and plan prepared in accordance with NSW Heritage Office Guidelines;
- (g) general construction impacts associated with the project, and how these impacts will be mitigated, monitored and managed; and
- (h) where appropriate, a management scheme or mechanism to guide establishment of suitable measures to ensure heritage items and common open spaces will be adequately managed.

## **TRAFFIC AND CAR PARKING**

### **11 Transport Management**

A Transport Management and Access Plan, in relation to public transport, and traffic and pedestrian access, shall be provided prior to or concurrently with the lodgement of the first major project application for the Caritas site that includes new floor space.

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**12 Car Parking**

The following maximum car parking rates shall apply to future development within the Caritas site:

- (a) Commercial / Retail: - 1 space / 600m<sup>2</sup> GFA
- (b) Residential:
  - 1 bedroom / bedsitter unit – 1 space / 2 units
  - 2 bedroom unit – 1.2 spaces / unit
  - 3+ bedroom unit – 2 spaces / unit
- (c) Other Uses: - City of Sydney Council rates.

In any case, the maximum number of car parking spaces for all future development (i.e. residential and commercial / retail uses) shall not exceed 142 spaces as proposed in the EA. In the event that the future mix of residential dwellings results in a lesser number of car parking than 142 spaces, the total number of car parking spaces shall be reduced in accordance with the above required rates.

**UTILITIES AND INFRASTRUCTURE****13 Electricity Zone Substation**

Verification that Energy Australia has agreed to the capacity and location of an electricity zone substation for the Caritas development shall be provided prior to or concurrently with the lodgement of the first major project application that includes new floor space.

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**SCHEDULE 2****PART A — TABLE**

Application made by:	St. Vincent's Hospital
Application made to:	Minister for Planning
Major Project Number:	06_0231
On land comprising:	Lot 2 DP 804753 at Burton Street, DARLINGHURST
Local Government Area	City of Sydney Council
For the carrying out of:	Redevelopment of the O'Brien Building as described in Part C of Schedule 2.
Capital Investment Value	\$40 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	13 April 2007
Determination:	Project approval is granted subject to the conditions outlined in Part C of Schedule 2 below.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

**PART B — DEFINITIONS**

In this approval the following definitions apply:

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Concept Plan EA	<i>Part 3A Major Project Concept Plan for the Redevelopment of 299 Forbes Street, Darlinghurst (Caritas) and St. Vincent's Hospital, Burton Street, Darlinghurst (O'Brien) (including accompanying Appendices) prepared by Architectus Sydney Pty Ltd for St. Vincent's Hospital and dated September 2006.</i>
Conditions of Approval	The Minister's conditions of approval for the project application.
Council	City of Sydney Council
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
EA	<i>Part 3A Major Project Application Early Works for the Demolition of the existing O'Brien Building, Excavation and Shoring (including accompanying Appendices) prepared by Architectus Sydney Pty Ltd for St. Vincent's Hospital and dated September 2006.</i>
Minister, the	Minister for Planning.
O'Brien Building	Land legally described as Lot 2 DP 804753 at Burton Street, Darlinghurst.
Preferred Project Report (PPR)	<i>Preferred Project Report Redevelopment of 299 Forbes Street, Darlinghurst (Caritas) and St. Vincent's Hospital, Burton Street, Darlinghurst (O'Brien) (including supporting documentation) prepared by Architectus Sydney Pty Ltd for St. Vincent's Hospital and dated December 2006.</i>
Proponent	St. Vincent's Hospital
Statement of Commitments	Statement of Commitments on pages 35-39 of the Preferred Project Report.

## PART C – CONDITIONS OF APPROVAL

### 1 Development Description

Project approval is granted only to the carrying out of the following:

- (1) Demolition of the O'Brien Building including all linkages to the de Lacy Building, the Aikenhead Building and the Cahill Building, and the rotunda on Burton Street.
- (2) Bulk excavation works to a depth of RL 25.38.
- (3) Erection of an 8 storey building for use as a combined mental health / drug and alcohol / community services facility with associated administration, comprising 10,401<sup>2</sup> gross floor area.
- (4) Provision of 228 car parking spaces.
- (5) Relocation of the existing bus stop on Burton Street to the corner of Burton Street and Victoria Street.
- (6) Construction of a new external fire escape on the southern façade of the de Lacy Building (facing the inner courtyard).

### 2 Development in Accordance with Plans and Documentation

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

<b>EA, Concept Plan EA and PPR</b>			
<b><i>St Vincent's Hospital O'Brien Building Project, Burton Street. The Rotunda Building Heritage Impact Statement prepared by Graham Brooks and Associates dated February 2007</i></b>			
<b>Early Works Architectural (or Design) Drawings prepared by Bligh Voller Nield</b>			
Drawing No.	Revision	Name of Plan	Date
EW-A-00	02	Early Works Demolition Aerial Photographs	August 2006
EW-A-01	02	Early Works Demolition Basement Level 2	August 2006
EW-A-02	02	Early Works Demolition Basement level 1	August 2006
EW-A-03	02	Early Works Demolition Basement Level 0	August 2006
EW-A-04	02	Early Works Demolition Level 1	August 2006
EW-A-05	03	Early Works Demolition Level 2 (Site Plan)	August 2006
EW-A-12	02	Early Works Demolition Existing Section	August 2006
EW-A-13	02	Early Works Demolition Proposed Section	August 2006
<b>Early Works Architectural (or Design) Drawings prepared by Rygate and Company Pty Limited</b>			
72175/1	–	Plan Showing Details & Levels for Proposed New Development O'Brien Building – St Vincent's Hospital	11.08.2006
<b>Early Works Architectural (or Design) Drawings prepared by SCP Consultants Pty Ltd</b>			
EW-S-01	01	Shoring Wall Plan	19.09.2006
EW-S-02	01	Shoring Wall Elevations	19.09.2006
EW-S-03	01	Shoring Wall Details	19.09.2006
<b>Early Works Architectural (or Design) Drawings prepared by Steensen Varming Consulting Engineers &amp; Managers</b>			
EW-E-01	02	Electrical Services Existing Electrical Services	19.09.2006
EW-E-02	02	Electrical Services Electrical Services Diversion	19.09.2006
EW-E-03	02	Electrical Services Existing Communications Services	19.09.2006
EW-E-04	02	Electrical Services Communications Site Diversion	19.09.2006

<b>Early Works Architectural (or Design) Drawings prepared by Waterman AHW</b>			
EW-H-01	P4	Hydraulic Services Plan	19.09.2006
EW-H-02	P2	Hydraulic Services Erosion and Sediment Control Plan	19.09.2006
<b>New O'Brien Building Architectural (or Design) Drawings prepared by Bligh Voller Nield</b>			
A-L1	–	Locality / Context Plan	19.09.2006
A-B2	–	Level B2 – RL 25.68	19.09.2006
A-B1	–	Level B1 – RL 28.48	19.09.2006
A-00	–	Level 0 – RL 31.28	19.09.2006
A-01	–	Level 1 – RL 34.08	19.09.2006
A-02	–	Level 2 – RL 36.88 – 1, 667m <sup>2</sup> Accommodation	19.09.2006
A-03	–	Level 3 – RL 40.83 – 1, 561m <sup>2</sup> Accommodation	19.09.2006
A-04	–	Level 4 – RL 44.93 – 1, 538m <sup>2</sup> Accommodation	19.09.2006
A-05	–	Level 5 – RL 49.04 – 1, 353m <sup>2</sup> Accommodation	19.09.2006
A-06	–	Level 6 – RL 52.84 – 1, 325m <sup>2</sup> Accommodation	19.09.2006
–	–	Section 1 (showing excavation to RL 25.38)	27.10.2006
–	–	Section 2 (showing excavation to RL 25.38)	19.09.2006
A-09	–	North and West Elevations	Sept. 2006
A-10	–	South and East Elevations	Sept. 2006
<b>New O'Brien Building Landscape Plans prepared by Context Landscape Architect</b>			
LSK 06589 100	B	Landscape Concept Plan	21.09.2006
LSK 16589 101	A	Landscape Concept Plan and Landscape Section	21.09.2006

### **3 Inconsistency between plans and documentation**

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

### **4 Excavation**

Excavation (as opposed to demolition) shall not occur until:

- (1) funding commitment for the approved above ground works has been secured and confirmed in writing to the Department; and
- (2) construction certification for the above ground works has been issued.

### **5 Development Staging**

Prior to commencement of construction of any above ground works (including the future construction of Levels 7 and 8), detailed plans and documentation shall be submitted to and approved in writing by the Director General (or his delegate).

The plans and documentation shall include (but not be limited to):

- (1) Detailed plans, elevations and sections.
- (2) Floor areas and proposed uses.
- (3) Building footprints, dimensions and height.
- (4) External materials and finishes.
- (5) Relationship with adjoining land uses and buildings, particularly heritage buildings.



- (6) Demonstration of compatibility with any previous stages.
- (7) Resultant amendments to any previous stages.
- (8) Capacity of existing services and utilities.

The content and format of plans and documentation to be lodged in respect of the above should be discussed with the Director of Strategic Assessments prior to their lodgement.

Any significant departure from Project Approval MP 06\_0231, in particular the terms of Conditions 1 and 2 will require submission and approval of a modification application or approval of a project application afresh. The Director General will determine what constitutes a significant departure.

## **6 Details of Materials, Colours and Finishes**

Final design details of the proposed external materials and finishes for all development stages comprising schedules and a sample board of materials and colours for above ground works (including the future construction of Levels 7 and 8), shall be submitted to and approved by the Director of Strategic Assessments prior to construction of above ground works.

The proposed external materials and finishes are to comprise a palette of consistent and natural materials that are complementary to, and do not detract from, adjoining development, particularly identified heritage items such as the deLacy Building.

Particular attention shall be paid to the exposed western elevation to ensure visual transparency and activation of the façade, while also addressing heat loads. Appropriate treatment and / or articulation of the final façade shall also be considered.

## **7 Reflectivity**

The visible light reflectivity from building materials used on all façades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.

## **8 Public Domain / Landscaping**

Detailed final public domain / landscaping plans (paving, proposed landscaping and the like) shall be submitted to the Director of Strategic Assessments within six months of the Minister approving Major Project 06\_0231 and approved by the Director of Strategic Assessments prior to occupation or commencement of use.

## **9 Utilities Provision**

The proponent's commitment to provide written evidence of compliance with the requirements of utility providers (Statement of Commitment No. 20, pg 38) shall be provided to the Department prior to the commencement of any works.

## **10 Outdoor Lighting**

All outdoor lighting 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*.

## **11 Erosion and Sedimentation Control**

An Erosion and Sediment Control Plan (ESCP) or a Stormwater Management Plan (SMP or SWMP) as appropriate shall be prepared and implemented in accordance with the requirements of *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom and other relevant guidance.

## **12 Mechanical Ventilation**

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

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**13 Stormwater and Drainage Works Design**

Final design plans of the stormwater drainage systems shall be prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council's relevant Policies and Guidance. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

**14 Site Audit**

Prior to commencement of construction works, the Proponent shall prepare a detailed Site Audit Summary Report and Site Audit Statement and Validation Report. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Authority to issue site audit statements prior to commencement of any building works, excluding demolition and excavation works. The site audit must verify that the land is suitable for the proposed uses.

**15 Basement Drainage**

Relevant plans and documentation incorporating the following details shall be submitted to Council prior to commencement of drainage and stormwater works:

- (1) An appropriate pump and sump system shall be designed and sized for the basement areas subject to a Geotechnical Report by a suitably Qualified Geotechnical Engineer with recommendations. The pump system shall generally comply with relevant standards and AS/NZS3500 unless a suitable alternative can be provided.
- (2) The areas draining to the pump from weather exposed areas shall be limited to a maximum of 50m<sup>2</sup>.
- (3) Details of the perimeter subsoil drainage required to be installed.
- (4) The pump rising main being discharged to an underground system rather than to the kerb to avoid constant wetness and slime.
- (5) The pump system shall consist of two (2) pumps, connected in parallel with an overflow, flashing light and audible alarm system provided, to warn of pump failure.

**16 Construction Management Plan**

Prior to the commencement of works, a Construction Management Plan shall be prepared for all demolition, excavation and construction activities by a suitably qualified person in accordance with relevant legislation and guidelines and submitted to and approved by Council and/or the Director of Strategic Assessments. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) Contact details of site manager,
- (2) Construction traffic, pedestrian management and car parking,
- (3) Noise and vibration management,
- (4) Air quality,
- (5) Stormwater,
- (6) Waste management.

**17 Traffic and Pedestrian Management Plan**

A copy of the final Traffic and Pedestrian Management Plan committed to in the Proponent's Statement of Commitments (Statement of Commitment No. 17, pg 38 of the PPR) shall be provided to the Department.

**18 Disposal of Seepage and Stormwater**

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. Discharges are to be managed in accordance with the provisions of the Protection of the Environmental Operations Act.

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

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

**20 Site Notice**

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Proponent, Builder and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) 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;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) 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
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

**20 Contact Telephone Number**

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development. The telephone number will be made available to the Department, Council and other key stakeholders.

**21 Construction Contract Obligations**

The procedures for the handling of complaints, the stakeholder consultation process, the specific controls implemented in relation to construction risks and mitigation methods must be clearly embodied within the conditions of contract between the Proponent and the appointed contractor.

**22 Dust Control Measures**

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

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

**23 Hours of Work**

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

- (1) Between 7:00am and 6:00pm, Mondays to Fridays inclusive;

- (2) Between 8:00am and 2:00pm, Saturdays;
- (3) No work on Sundays and public holidays.
- (4) Works may be undertaken outside these hours where:
  - (a) The delivery of materials is required outside these hours by the Police or other authorities;
  - (b) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
  - (c) The work is approved through a Construction Management Plan (CMP);
  - (d) The work is approved by the Director-General.

## **24      *Setting Out of Structures***

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels.

## **25      *Basement Car Parking***

In order to ensure that vehicles exit the site in a safe manner, regulatory signage, warning sirens / bells or similar measures shall be installed and be clearly visible at the Burton Street entrance. Details of the type, location and operation of the device are to be submitted to the satisfaction of the Director, Strategic Assessment (or his delegate) prior to the issue of the Construction Certificate. All expenses shall be borne by the applicant.

## **26      *Loading and Unloading***

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

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

Noise associated with the operation of any plant, machinery or other equipment on the site, shall comply with the relevant provisions of the NSW Industrial Noise Policy, as amended from time to time. The proponent shall use its best endeavours to minimise noise emissions to adjoining landowners.

## **28      *Fire Safety Certificate***

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

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

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

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% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

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

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

## **31      *Removal of Graffiti***

The ground level elevation surfaces accessible from a public way, and having a painted surface (i.e. not natural stone / masonry finished products), shall utilise graffiti-resistant paint. Further, the owner/manager of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.

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**32 Compliance with Conditions**

The Proponent will be required to submit, documentary evidence that the site has been developed in accordance with plans approved by Project Application MP 06\_0231 and of compliance (or a Compliance Certificate) with the conditions of that approval, prior to commencement of use.

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## ADVISORY NOTES

### **Long Service Levy**

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

### **Stormwater Drainage Works or Effluent Systems**

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

### **Compliance Certificate, Water Supply Authority Act, 2000**

Prior to occupation of building or commencement of use, a Compliance Certificate shall be obtained showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

### **Requirements of Public Authorities for Connection to Services**

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

### **Structural Capability for Existing Structures**

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

### **Movement of Trucks Transporting Waste Material**

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

### **Construction Inspections**

Compliance certificate/s shall be submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

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

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

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**Noise Generation**

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

**Excavation – Aboriginal Relics**

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

**Excavation – Historical Relics**

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

**Section 94 Developer Contributions**

Future project application(s) for development on the Caritas site will attract Section 94 Developer Contributions in accordance with Council's applicable Section 94 Contributions Plan.

**BASIX**

Future project application(s) shall be required to demonstrate compliance with BASIX at the time of lodgement.

**Heritage**

Future project application(s) for development on the Caritas site will be required to be accompanied by new and / or supplementary heritage impact statements and / or conservation management plan(s) where applicable, to address the potential impacts of the proposed development on the significance of the site and conservation of listed items.

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