

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 08_0116

(File No. S08/01136)

CONCEPT PLAN FOR UNIVERSITY OF TECHNOLOGY SYDNEY (UTS) BROADWAY

I, the Minister for Planning, having considered the matters in section 75O(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine:

- a) under section 75O(1) of the Act, to approve the Concept Plan for the project as described in Schedule 1, subject to the modifications set out in Schedule 2 and the Proponent's Final Statement of Commitments.
- b) under section 75P(1)(a) the following works will be considered under Part 3A of the Act and subject to further environmental assessment requirements listed in Schedule 2:
 - (i) Buildings 1 and 2;
 - (ii) Broadway Building;
 - (iii) Thomas Street Building.
- c) under section 75P(1)(b) of the Act, that approval to carry out the project or any particular stage of the project is to be subject to the provisions of Part 4 of the Act, except where it is listed in (b) above.
- d) under section 75P(1)(c), that the demolition of Buildings 11, 12 and 13 and the construction of the new Multi Purpose Sports Hall as described in Schedule 3 require no further environmental assessment and approve that development under s75J(1) subject to the conditions set out in Schedule 4.

The reasons for the further assessment requirements are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) adequately mitigate the environmental impacts of the development;
- (c) reasonably protect the amenity of the local area; and
- (d) protect the public interest.



Minister for Planning

Sydney, 23 December 2009

SCHEDULE 1

PART A – PROJECT

Proponent:	University of Technology Sydney
Application made to:	Minister for Planning
Major Project Number:	08-0116
On land comprising:	Lots 2003 & 2004 DP 105348 Lot 11 DP 835246 Lot 1 DP 1079855 Lot 1 DP 218673 Lot 1 DP 89492 Lot 1 DP 554062
Local Government Area:	City of Sydney
Approval in summary for:	Concept Plan for the redevelopment of the University of Technology Sydney (UTS) Broadway Precinct including new Broadway Building and Thomas Street Building, alterations to Buildings 1, 2, 3, 4, 6 and 10 and associated landscape and public domain works.
Capital Investment Value:	\$426.9 million
Type of development:	Concept Plan approval under Part 3A of the Act.
Determination made on:	23 December 2009
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

PART B – DEFINITIONS

In this approval the following definitions apply:

Act, the	<i>NSW Environmental Planning and Assessment Act, 1979 (as amended)</i>
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report.
Council	City of Sydney Council
Department, the	NSW Department of Planning, or its successors
Director-General, the	Director-General of the Department of Planning (or delegate).
Environmental Assessment (EA)	Environmental Assessment Report UTS City Campus, Broadway Precinct Concept Plan, Volumes 1 to 3 prepared by JBA Urban Planning dated May 2009.
UTS Broadway precinct	has the same meaning as the land identified in Part A of this schedule.
Minister, the	Minister for Planning
Preferred Project Report (PPR)	Preferred Project Report UTS City Campus Broadway Precinct Concept Plan prepared by JBA Urban Planning, Volumes 1 to 2 dated October 2009.
Project	Development that is declared under Section 75B of the EP&A Act to be a project to which Part 3A applies.
Proponent	University of Technology Sydney or any party acting on this approval
Regulation	The Environmental Planning and Assessment Regulations 2000 (as amended)
Statement of Commitments	Final Statement of Commitments submitted as part of the PPR.

SCHEDULE 2
MODIFICATIONS TO CONCEPT PLAN
CONCEPT PLAN APPLICATION NO. MP 08_0116

PART A – ADMINISTRATIVE TERMS OF APPROVAL

A1 *Development Description*

Except as modified by this approval, Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as described in the document titled "Environmental Assessment Report UTS City Campus Broadway Precinct Concept Plan" dated May 2009, as amended by the "Preferred Project Report UTS City Campus, Broadway Precinct Concept Plan" dated October 2009, prepared by JBA Planning Consultants. including:

- (a) New Broadway Building and Thomas Street Building, with a combined GFA of 44,650m²;
- (b) Expansion of Buildings 1 and 2, with a combined additional GFA of 10,800m²;
- (c) Expansion of Building 6 for the provision of student housing, with an additional 25,250m² GFA;
- (d) Modifications to Buildings 3, 4 and 10;
- (e) Modifications to Alumni Green, with a new Multi Purpose Sports Hall and book vault beneath;
- (f) Public domain improvements to Broadway and Thomas, Harris, Wattle and Jones Streets.

A2 *Development in Accordance with Plans and Documentation*

- (a) The development shall generally be in accordance with the following plans and documentation (including any appendices therein):

"Environmental Assessment Report UTS City Campus, Broadway Precinct Concept Plan" dated May 2009, and as amended by the Preferred Project Report "Preferred Project Report UTS City Campus Concept Plan" dated October 2009 prepared by JBA Urban Planning.

Except for otherwise provided by the Department's modifications of approval as set out in Schedule 2, Part B and the Proponent's Statement of Commitments set out in Schedule 5.

- (b) In the event of any inconsistencies between the modifications of this concept approval and the plans and documentation described in Part A, Schedule 2, the modifications of this concept approval prevail.
- (c) In accordance with Section 75P(2)(a) of the EP and A Act, where there is an approved Concept Plan, any approval given under Part 4 of the Act by Council, must be consistent with that Concept Plan.

A3 *Consolidated Concept Plan*

A consolidated version of the Concept Plan, combining the approved components of the Environmental Assessment, Preferred Project Report, Statement of Commitments, and modifications required by this approval, is to be submitted to the Department within 3 months of the Concept Plan approval.

A4 *Approval authority*

In the event that the Council is the consent authority for any future applications on the site, any reports specified in the Statement of Commitments to be submitted to the Director General for approval, shall be instead be required to be approved by the Council.

A5 *Approvals by the Director General*

If any of the terms of the approval specify that an agreement is to be made between the proponent and a government agency or council, all parties to the agreement are to act reasonably. If no agreement is reached within 3 months of the commencement of negotiations, the issue can be referred to the Director General for a

decision. Full details of the discussions and the dispute are to be provided in order for the Director General to make a decision.

A6 *Lapsing of Approval*

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a development for which concept approval has been given.

PART B MODIFICATIONS TO THE CONCEPT PLAN

B1 *Building Plant Setbacks*

The plant on each building is to be set back at least 6m from any façade of the building facing a public street, or incorporated into the design of the building, to minimise the visual impact of the plant from street.

B2 *Pedestrian Connectivity*

The Concept Plan shall be modified to include a strategy to increase activation of the UPN and improve the legibility of pedestrian access for the public between the Devonshire Street Tunnel, the UPN and Building 6. The strategy should investigate the removal of the existing pedestrian bridge and associated stairs/escalators over the UPN and consider options to replace it with a public entrance at grade from the UPN into Building 6 extending through to Harris Street.

The strategy shall be prepared in consultation with City of Sydney, Sydney Harbour Foreshore Authority and any other stakeholders in the UPN. The strategy shall be submitted to the Department of Planning for approval within 12 months of the date of the Concept Plan approval, and the necessary works completed prior to the occupation of the student housing development (Project Application MP 09-0021), or as otherwise approved by the Director General.

PART C – FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

C1 *Sydney Metro – “Broadway Building”*

- (a) Prior to the lodgement of a project application (or any other application for approval under the Act), for, or which incorporates the “Broadway Building”, the proponent must consult with Sydney Metro and take into account any comments made by Sydney Metro in relation to the potential impact of the “Broadway Building” on the proposed West Metro corridor, including taking into account the following issues:
 - (i) The design, construction and maintenance of the approved development;
 - (ii) Structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBD Metro must be designed, constructed and maintained in accordance with design criteria specified by Sydney Metro;
 - (iii) Allowances in the design, construction and maintenance of the approved development for the future operation of Metro railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - (iv) Consultation with Sydney Metro;
 - (v) Access by representatives of Sydney Metro to the site of the approved development and all structures on that site;
 - (vi) Provision to Sydney Metro of drawings, reports and other information related to the design, construction and maintenance of the approved development;
 - (vii) Any agreements necessary to manage any potential impacts.
- (b) Any project application (or other application for approval under the Act) lodged in respect of the Broadway Building must have regard to the comments of Sydney Metro.

SCHEDULE 3

PART A – PROJECT

Proponent:	University of Technology Sydney
Application made to:	Minister for Planning
Major Project Number:	08-0116
On land comprising:	Lot 2004 DP 1053548; Lot 1 DP 89492; Lot DP 554602
Local Government Area:	City of Sydney
Approval in summary for:	Construction of the new Multipurpose Sports Hall, demolition of Buildings 11 (Bradshaw Building), 12 and 13.
Capital Investment Value:	\$6.893 million
Type of development:	Concept Plan approval under Part 3A of the Act.
Determination made on:	23 December 2009
Determination:	Project approval is granted subject to the terms and further assessment requirements in Schedule 4.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

PART B – DEFINITIONS

In this approval the following definitions apply:

Act, the	<i>NSW Environmental Planning and Assessment Act, 1979 (as amended)</i>
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report.
Council	City of Sydney Council
Department, the	NSW Department of Planning, or its successors
DECCW	Department of Environment, Climate Change and Water, or its successors.
Director-General, the	Director-General of the Department of Planning (or delegate).
Environmental Assessment (EA)	Environmental Assessment Report UTS City Campus, Broadway Precinct Concept Plan, Volumes 1 to 3 prepared by JBA Urban Planning dated May 2009.
University of Technology Broadway precinct	has the same meaning as the land identified in Part A of this Schedule 1
Minister, the	Minister for Planning
NOW	NSW Office of Water, or its successors
Preferred Project Report (PPR)	Preferred Project Report UTS City Campus Broadway Precinct Concept Plan prepared by JBA Urban Planning, Volumes 1 to 2 dated October 2009.
Project	development that is declared under Section 75B of the EP&A Act to be a project to which Part 3A applies.
Proponent	University of Technology Sydney or any party acting on this approval
Regulation	The Environmental Planning and Assessment Regulations 2000 (as amended)
Statement of Commitments	Final Statement of Commitments submitted as part of the PPR.

SCHEDULE 4

CONDITIONS OF APPROVAL

MAJOR PROJECT APPLICATION No. MP 08_0116

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Project Approval is granted for the following works:

- Construction of a new underground Multi Purpose Sports Hall;
- Demolition of Buildings 11 (Bradshaw Building), 12 and 13.

A2 Development in Accordance with Plans and Documentation

The development shall generally be in accordance with the following plans and documentation (including any appendices therein):

"Environmental Assessment Report UTS City Campus, Broadway Precinct Concept Plan" dated May 2009, and as amended by the Preferred Project Report "Preferred Project Report UTS City Campus Concept Plan" dated October 2009 prepared by JBA Urban Planning.

Except for otherwise provided by the Department's modifications of approval as set out in Schedule 2, Part B and the Proponent's Statement of Commitments set out in Schedule 5.

A3 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.

A4 Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5 Compliance with Relevant Legislation and Australian Standards

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

PART B—PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE MULTI PURPOSE SPORTS HALL

C1 Damage to Public Infrastructure

The applicant shall advise Council, in writing or by photographic record, of any existing damage to Council property in the vicinity of the site before commencement of works. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to commencement of work. Particular attention must be paid to accurately recording any pre-developed *damaged* areas so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Proponent as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded in detail and demonstrated under the requirements of this condition.

C2 Structural Certification for Design

Prior to the commencement of work, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) must be prepared to the satisfaction of the Certifying Authority.

C3 Consultation

The proponent shall give written notice to Council and the Department at least 48 hours prior to works commencing on site. Council should also be kept informed of the progress of significant components of the development to assist the Council in managing their work programs.

PART C—PRIOR TO COMMENCEMENT OF DEMOLITION OF BUILDINGS 11, 12 AND 13

C1 Damage to Public Infrastructure

The applicant shall advise Council, in writing or by photographic record, of any existing damage to Council property in the vicinity of the site before commencement of works. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to commencement of work. Particular attention must be paid to accurately recording any pre-developed *damaged* areas so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Proponent as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded in detail and demonstrated under the requirements of this condition.

C2 Demolition of the Bradshaw Building

Prior to the commencement of any demolition work of Building 11 (the Bradshaw Building), an archival recording shall be undertaken in accordance with the NSW Heritage Branch's guidelines for photographically recording items of Local heritage significance. Details shall be provided to the certifying authority prior to any demolition work to demonstrate compliance with this condition.

C3 Consultation

The proponent shall give written notice to Council and the Department at least 48 hours prior to works commencing on site. Council should also be kept informed of the progress of significant components of the development to assist the Council in managing their work programs.

PART D—DURING CONSTRUCTION

D1 Hours of Work

All building work shall be restricted to within the hours of 7:00 am to 7:00 pm Monday to Friday, and within the hours of 7:00 am to 5:00 pm Saturday, with no work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

- Delivery of materials outside these hours as required by authorities or for safety reasons; or
- Where it is required in an emergency to avoid the loss of lives, property and/or prevent environmental harm; or;
- Approval is granted by the Director, Strategic Assessment of the Department of Planning.

D2 Approved Plans to be On Site

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

D3 Site Management

Precautionary measures to be put in place to ensure the safety and health of persons on private or public property in the vicinity of the development site, including the use of temporary fencing and signage.

D4 *Erosion and Sediment Control*

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

D5 *Disposal of Seepage and Stormwater*

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

D6 *Dust Control Measures*

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

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

D7 *Waste Management*

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

D8 *Associated Roadway Costs*

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City of Sydney's "Development Specification for Civil Works Design and Construction".

D9 *Application for Hoardings and Scaffolding on a Public Place*

- (1) A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding in a public place and such application is to include:-
 - (i) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of

removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- (2) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (3) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

D10 *Barricade Permit*

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

D11 *Site Notice*

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of 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 construction period;
- (3) A copy of the first page of the development approval, and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (4) The approved hours of work, the Certifying Authority including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, are to be displayed on the site notice;
- (5) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

D12 *Covering of Loads*

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

D13 *Vehicle Cleansing*

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

D14 *Loading and Unloading During Construction*

The following requirements apply:

- (1) All loading and unloading associated with construction must be accommodated on site.
- (2) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- (3) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (4) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (5) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

D15 *No Obstruction of Public Way*

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Construction hoardings are permitted to be placed on the public way only when appropriate formal approval has been obtained from Council.

D16 *Use of Mobile Cranes*

The following requirements apply:

- (1) For special operations (including, but not limited to, the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes) which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for those partial road closures which, in the opinion of Council, will create minimal traffic disruptions. The permits must be obtained 4 weeks beforehand in the case of full road closures and for any partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

PART E – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 *Works As Executed Plans*

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

E2 *Post-construction Dilapidation Report*

- (1) The proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the Council and is to:
 - (a) Compare the post-construction dilapidation report with the pre-construction dilapidation report, identifying the nature and costs of damage (if any) which has occurred during and as a result of construction, and
 - (b) Have written confirmation from the relevant authority that there is no adverse structural damage to its infrastructure and roads (as far as reasonably practical) or that satisfactory arrangements have been made to remedy any damage. If this has been unreasonably delayed by the relevant authority, attempts to seek such confirmation shall be given to the satisfaction of the Department.

ADVISORY NOTES

AN1 *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.

AN2 Roads Act, 1993

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

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

AN3 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.

AN4 Temporary Structures

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

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

AN5 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*.

In the event that unexpected or significant Aboriginal remain not identified by the archaeological assessment and Heritage Impact Statement prepared by Godden McKay Logan as Part of the Environmental Assessment, were to be discovered during excavation at the site, all works in that area should cease and the nominated archaeologist and Metropolitan Local Aboriginal Land Council should be contacted to assess the finds. DECCW must also be notified of the discovery, in accordance with Section 91 of the National Parks and Wildlife Act 1974.

AN6 Long Service Levy

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

AN7 Groundwater

Should any groundwater be encountered during construction works, the following requirements apply:

Groundwater - General

- (1) Licences under Part V of the *Water Act 1912* are required for the works for purposes of **temporary dewatering** as part of proposed construction at the UTS Campus at Broadway.
- (2) Groundwater shall not be pumped or extracted for any purpose other than **temporary construction dewatering**.
- (3) Tailwater shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.

- (4) The licensee shall allow (subject to Occupational Health and Safety Provisions) the NOWCSS or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NOWCSS for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- (5) If a work is abandoned at any time the licensee shall notify the NOWCSS that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NOWCSS.
- (6) Suitable documents are to be supplied to the NOWCSS of the following:
 - (i) A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
 - (ii) A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - (iii) Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.
 - (iv) Descriptions of the actual volume of tailwater to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated tailwater to be reinjected.
 - (v) Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

Groundwater - Details

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

proposed/actual quality of tailwater is acceptable, must be presented to the NOWCSS and the consent authority.

- (7) Discharge of any contaminated tailwater, **if reinjection is proposed**, must satisfy all requirements of the NSW Department of Environment and Climate Change and the NOWCSS. The quality of any tailwater reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
 - (i) The treatment to be applied to the tailwater to remove any contamination.
 - (ii) The measures to be adopted to prevent redistribution of any contaminated groundwater.
 - (iii) The means to avoid degrading impacts on the identified beneficial use of the groundwater.
 - (iv) Written advice from the NSW Department of Environment and Climate Change indicating their approval for the methodology of handling and treating the groundwater.
- (8) Written advice be provided from the Certifying Authority to the NOWCSS to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
 - (i) Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - (ii) Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - (iii) Locations of settlement monitoring points, and schedules of measurement.

Groundwater – Formal Applications

- (1) An application must be completed on the prescribed form for the specific purpose of **temporary construction dewatering** and a licence obtained from the NOWCSS prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
- (2) Upon receipt of an approval from the Minister for Planning, a fully completed licence application form and all required supporting documentation, NOWCSS will issue a Water Licence under Part V of the *Water Act, 1912*.
- (3) A licence application under Part V of the *Water Act 1912* must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).