

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 104-5-2004

(FILE NO. S04/01032)

**DEMOLITION OF TWO BUILDINGS, ERECTION OF A NEW GATEHOUSE BUILDING
AND A NEW RECEPTION BUILDING, ALTERATIONS AND UPGRADE TO PERIMETER
AND INTERNAL SECURITY FENCING, REMOVAL OF TREES AND LANDSCAPING,
UPGRADE OF UTILITIES AND ALTERATIONS TO ACCESS AND PARKING
ARRANGEMENTS.**

I, the Minister for Infrastructure and Planning, pursuant to Section 80(1)(a) and Section 116(c) of the *Environmental Planning & Assessment Act, 1979*, and clause 10(1) of Sydney Regional Environmental Plan No 24 – Homebush Bay Area determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

1. To maintain and record the heritage significance of the area and ensure it is appropriately managed;
2. To ensure hazardous materials are appropriately removed from the site;
3. To provide for the orderly use of the subject site while managing environmental, safety and security issues.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

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Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	Department of Commerce PO Box 6827, Silverwater, NSW 2128
Application made to:	Minister for Infrastructure and Planning
Development Application:	No 104-5-2004
On land comprising:	Lot 22 in DP 876995 Silverwater Correctional Complex, Holker Street, Silverwater NSW 2128
Local Government Area	Auburn
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$14, 230, 000
Type of development:	Crown Development, Advertised Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Not Integrated
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 104-5-2004

Responsibility for other approvals / agreements

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

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application, within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

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

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means the Department of Commerce or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Auburn Council.

DA No. 104-5-2004 means the development application and supporting documentation submitted by the applicant on 3 May 2004.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department.

Team Leader means the Team Leader of the Urban Assessments (or its successors) within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

Works Manager means a suitably qualified person engaged by the Crown to fulfil the requirements of part 116G(2) of the *Environmental Planning and Assessment Act 1979*.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

PPE means Personal Protective Equipment.

RPE means Respiratory Protective Equipment.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 104-5-2004

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out the development described in detail below:

Alterations and additions to the Mulawa Correctional Centre including:

1. Demolition of two buildings including the Chapel and the Laundry/Store building;
2. Erection of a new two storey gatehouse building;
3. Erection of a new reception building;
4. Relocation of the perimeter fence in the vicinity of Newington House and the replacement and upgrade of the existing internal security fence within the remainder of the facility;
5. Alterations to access and parking arrangements adjoining the new gatehouse;
6. Removal of some trees and associated landscaping; and
7. Upgrading utility services.

A2 Development in Accordance with Plans

The development shall be in accordance with development application number 104-5-2004 submitted by the applicant on 3 May 2004, and in accordance with the following:

Statement of Environmental Effects entitled Statement of Environmental Effects to Accompany a Development Application for Demolition and Erection of New Buildings and Other Works at Mulawa Correctional Centre, Holker Street, Silverwater prepared by BBC Consulting Planners, dated April 2004.
Assessment of Heritage Impact for Mulawa Correctional Centre Upgrading, Stage 1 prepared by Graham Brooks and Associates Pty Ltd, dated September 2004.
Historical Archaeological Assessment and Impact Mitigation Plan for part of proposed stage 1 development at the site for the Mulawa Correctional Centre, Silverwater, NSW. Prepared by Cosmos Coroneos & Peter Douglas Archaeological & Heritage Management Solutions Pty Ltd on Behalf of the NSW Department of Commerce and the NSW Department of Corrective Services, dated July 2004.
Conservation Management Plan, Silverwater Correctional Complex prepared by Graham Brooks and Associated Pty Ltd for the Department of Commerce, dated November 2004.
Correspondence dated 31 March 2004 prepared by Parsons Brinckerhoff Australia Pty Ltd addressed to the Department of Commerce entitled <i>Proposed New Buildings and Requirements for Investigation Works</i>. Note: this document is in relation to the contamination status of the site's soils.
Correspondence dated 22 March 2004 prepared by Parsons Brinckerhoff Australia Pty Ltd addressed to the Department of Commerce entitled <i>Hazardous Materials Audit, Former Laundry Block and Chapel, Mulawa Correctional Centre, Silverwater, NSW</i>.
Mulawa Correctional Centre, Silverwater Proposed Development, Stormwater Management Report prepared by Woolacotts Consulting Engineers, dated 21 May 2004.
Architectural (or Design) Drawings and Landscape Plans prepared by <i>The NSW</i>

Department of Commerce – Government Architect			
Drawing No.	Revision	Name of Plan	Date
DA00	A (as marked in red by DIPNR)	Cover Sheet	20/04/2004
DA01		Perimeter Fence site plan	20/04/2004
DA02		Perimeter Fence Elevations	20/04/2004
DA03	A (as marked in red by DIPNR)	Site / Landscape Plan – status of trees	20/04/2004
DA04	A (as marked in red by DIPNR)	Site/Landscape Plan - proposed landscaping	20/04/2004
DA05	A (as marked in red by DIPNR)	Gatehouse – ground floor plan	20/04/2004
DA06	A (as marked in red by DIPNR)	Gatehouse – first floor plan	20/04/2004
DA07	A (as marked in red by DIPNR)	Gatehouse – roof plan	20/04/2004
DA08	A (as marked in red by DIPNR)	Gatehouse – elevations 01	20/04/2004
DA09	A (as marked in red by DIPNR)	Gatehouse – elevations 02	20/04/2004
DA10	A (as marked in red by DIPNR)	Gatehouse – sections	20/04/2004
DA11		Reception – ground floor plan	20/04/2004
DA12		Reception – roof plan	20/04/2004
DA13		Reception – elevations	20/04/2004
L01		Landscape Plan	11/01/2005
C13		New Waste Disposal Facility and Plan and Details	August 04
Architectural (or Design) Drawings and Landscape Plans prepared by Woolacotts Consulting Engineers			
C2		Stormwater Drainage Concept Plan	June 2004

and as amended by following conditions:

A3 *Inconsistency between documents*

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A4 *Approval from Heritage Office - Heritage Act 1977*

The Development is to be in accordance with the S60 determination no 04/S60/149 and all associated conditions issued by the Heritage Office on 22 November 2004 under the NSW *Heritage Act 1977*.

A5 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

N/A – The application is Crown Development and as such no Construction Certificate is required and therefore there are no relevant Part B conditions that apply to this consent.

PART C—PRIOR TO COMMENCEMENT OF WORKS**C1 *Additional Details – Acid Sulphate Soils Identification and Management Plan***

In order to ensure that any acid sulphate soils likely to be affected by the development are identified and managed, additional details in regard to the following matters shall be submitted to and approved by the Works Manager prior to commencement of works:

- (1) Preparation of an Acid Sulphate Soils Identification and Management Plan, which identifies whether potential acid sulphate soils will be disturbed by the development, and if so identification of appropriate management practices to ensure the acid sulphate soils do not affect the development and nearby water courses.

C2 *Stormwater and Drainage Plan*

In order to ensure that the new car park areas are appropriately drained and drainage control is provided to a suitable engineering standard, a final Stormwater and Drainage Plan is to be submitted to and approved by the Works Manager prior to the commencement of works. The plan is to be certified by a suitably qualified drainage consultant or qualified engineer for compliance with AS3500.-3.2 and Council's standards.

C3 *Details of Materials, Colours and Finishes*

Documentation of the materials, colours and finishes approved by the Heritage Office in accordance with condition 3 of the S.60 determination no 04/S60/149 issued by the Heritage Office on 22 November 2004 is to be submitted to the Department prior to the commencement of works.

C4 *Reflectivity*

The visible light reflectivity from building materials used on the facades of the buildings 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. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Works Manager prior to the commencement of works.

C5 *Disabled Access*

The development shall comply with the relevant provisions of Australian Standard AS 1428.1 – 2001 *Design for access and mobility – General requirements for access – New Building Work*. A plan showing the paths and means of access for disabled persons that also demonstrates compliance shall be submitted to the Works Manager prior to the commencement of works.

C6 *Erosion and Sedimentation Control*

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 Works Manager prior to the commencement of works.

C7 *Dilapidation Reports*

A Dilapidation Report detailing the current structural condition of the existing and adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the Works Manager prior to the commencement of works.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The report shall also be submitted to the satisfaction of the Works Manager and should be compared with the earlier report to ascertain if any change has occurred.

C8 *Car Park Layout*

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) Disabled parking spaces are to be provided in accordance with the relevant Australian Standards.
- (3) A final Plan showing the layout of the Car Park and location of any designated disabled spaces, is to be submitted to the Works Manager prior to the commencement of works.

C9 *Water Ratings*

1. All water fixtures to be installed in areas not occupied by or accessible to inmates are to have a AAA water rating or more.
2. All taps and shower heads to be installed in areas not occupied by or accessible to inmates are to be aerated and/or low flow and water efficient.
3. All toilets to be installed in areas not occupied by or accessible to inmates are to be dual flush.
4. The applicant shall submit to the Works Manager a statement demonstrating compliance with the requirements of this condition prior to the commencement of works.

C10 *Energy Efficiency*

Energy efficiency is to be maximised within the development including but not limited to the following:

- (a) energy efficient options for lighting are to be installed in all cases where security aspects will not be compromised and where operationally possible,

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- (b) all classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 4 stars or more,
 - (c) all baths, hot water pipes and ceiling spaces are to be insulated during construction,
 - (d) air conditioners to be installed are to have a variable speed compressor or inverter drive and their outdoor components are to be positioned out of direct sunlight while still allowing access to outside air,
 - (e) doors and windows are to be fitted with draught seals and weather stripping,
 - (f) water heaters are to be solar, heat pump or natural gas,
 - (g) where washing machines are to be installed they are to be front loading machines,

Prior to the commencement of works the applicant shall submit to the Works Manager a statement demonstrating compliance with the requirements of this condition.

C11 *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. All mechanical ventilation systems are to comply with the requirements of condition **C10(d)**. Details shall be submitted to the satisfaction of the Works Manager prior to the commencement of works.

C12 *Recycled Water Provisions*

The development shall allow for future connection to a recycled water supply (i.e. WRAMS), including appropriate dual supply provided internally within the development to the requirements of Sydney Water and the Sydney Olympic Park Authority. Details shall be submitted to and approved by Sydney Water prior to the commencement of works.

C13 *Hazardous Materials Audit*

Prior to the commencement of demolition, a copy of the Hazardous Materials Audit report prepared by Parsons Brinckerhoff dated 22 March 2004 and a copy of the conditions of this consent, are to be provided to the persons(s) managing the demolition activities. The demolition manager(s) are to familiarise themselves with the report and conditions, and arrange appropriate demolition and disposal measures to protect the environment, site occupants, staff and visitors, which meet the requirements of both documents and all relevant guidelines.

C14 *Tree Protection Plan*

- (1) Prior to the commencement of works a copy of the Tree Protection Plan and schedule approved by the Heritage Office (as required by condition 6 of the S.60 determination issued by the Heritage Office on 22 November 2004 under the *Heritage Act 1977*) is to be provided to the Department and the Works Manager.
- (2) All protective measures identified within the approved plan are to be in place and operational prior to the commencement of works.

C15 *Approvals and Licences for Removal of Hazardous Building Materials*

- (1) All necessary licences and approvals shall be obtained prior to commencement of the removal of hazardous building materials.

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- (2) The contractor shall obtain an Asbestos Removal Licence from the WorkCover Authority to remove any material containing asbestos and shall provide the Works Manager and the Director, Urban Assessments with a copy of the Licence before commencement of any such works.

C16 *Landscape Plans*

- (1) A detailed landscape plan or set of plans is to be prepared that covers each area of proposed landscaping works as identified in DA04 Revision A 'Landscape Plan – Proposed Landscaping'. The plan(s) is/are to precisely identify trees and existing landscape areas to be removed, retained and relocated in accordance with the approved tree status plan (DA03 Revision A). Additional plantings are also to be identified and a list of species to be used is to be submitted. Prior to commencement works these plans are to be submitted to and approved by the Team Leader, Urban Assessments.

- (2) The landscaping identified in plan (LO1) shall be amended as follows:

- (a) Inclusion of additional mass plantings in the areas of car parking to the west of the gatehouse;
- (b) removal of a minor error indicating a rectangular area of mulch along the most western car park strip; and
- (c) trees marked for removal, retention and transplanting are to be in accordance with the landscape plan – status of trees (DA03) as approved under this consent.

The amendments shall be included in the plan / set of plans for approval under (1) of this condition.

C17 *Statement of Compliance with Australian Standards*

The demolition work shall comply with the provisions of Australian Standard AS2601: 1991 *The Demolition of Structures*. The work plans required by AS2601: 1991 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Works Manager prior to the commencement of works.

C18 *Notice to be Given Prior to Excavation*

The Works Manager shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C19 *Structural Details*

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the Works Manager structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia,
- (2) the relevant development consent,
- (3) the approved drawings and specifications, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C20 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Works Manager. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work;
- (2) contact details of site manager;
- (3) traffic management;
- (4) noise and vibration management;
- (5) waste management (see also **C21** below); and
- (6) erosion and sediment control (see also **C6**).

The Applicant shall submit a copy of the approved plan to the Department.

C21 Construction Waste Management Plan

A Construction Waste Management and Minimisation Plan shall be prepared and implemented. It shall include details of the following:

- (i) policies and procedures to be adopted during demolition and construction works to ensure that waste is minimised, and recycling and reuse is maximised, both on and off the construction site;
- (ii) facilities that will be provided on the site during demolition and construction works, for recyclables storage areas and waste management facilities for separation of waste and the various types of recyclable materials;
- (iii) procedures for the appropriate disposal of hazardous waste in accordance with conditions **C22**, **D4**, **D6**, **D7**, **D8**, **D9** and **D11**; and
- (iv) evidence that all waste-related approvals for the management and disposal of waste have been obtained under the *Protection of the Environment Operations Act 1997* and the *Waste Avoidance and Recovery Act 2001*.

The plans shall be submitted to and approved by the Works Manager prior to the commencement of works.

C22 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Works Manager prior to the removal of any hazardous materials.

C23 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

C24 Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the satisfaction of the Works Manager.

C25 Compliance Report – Part C

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of Part C this consent.

PART D—DURING CONSTRUCTION

D1 Heritage Requirements

All works shall be carried out in accordance with the recommendations listed in section 10.2 of the Assessment of Heritage Impact report prepared by Graham Brooks and Associates Pty Ltd dated September 2004, except as otherwise amended by the conditions of the S.60 determination no. 04/S60/149 issued by the Heritage Office on the 22 November 2004.

D2 Demolition Works

All demolition work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with:

- i) Australian Standard AS2601-1991 *"The Demolition of Structures"*;
- ii) relevant Codes of Practice of the WorkCover Authority;
- iii) Construction Safety Act 1912 and Demolition Regulations;
- iv) Occupational Health And Safety Act 1983;
- v) all other relevant Acts and Regulations.

D3 Contaminated Soils

- (1) Any materials excavated are to be stockpiled and sampled to allow classification in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes*.

To enable characterisation, samples are to be obtained at a minimum rate of 1 per 50m³ (or one per separate stockpile) and analysed for a suite of contaminants including:

- heavy metals;
- organochlorine pesticides (OCPS);
- poly aromatic hydrocarbons (PAHs);
- total petroleum hydrocarbons (TPH); and
- benzene, toluene, ethylbenzene and xylene (BTEX).

- (2) Where contamination is detected above the acceptable criteria limits, the site is to be stabilised and works ceased. Works may only resume upon completion of remediation of the site, where required by SEPP 55 and any relevant guidelines.

D4 Demolition of Structures – Hazardous Materials

Demolition and removal of the two identified buildings is to be in accordance with the submitted hazardous materials audit and in accordance with AS2601 – 2000: The Demolition of Structures and all WorkCover requirements.

In particular appropriate PPE and RPE is to be worn by all employees working on or within the buildings being demolished.

D5 *Removal of Asbestos*

- (1) All identified and suspected asbestos documented by the Hazardous Materials Audit Report is to be removed prior to demolition work commencing.
- (2) The removal of asbestos and building materials containing asbestos shall be carried out in accordance with any requirements of the WorkCover Authority, the Waste Management Authority and the DEC, and the following:
 - i) Australian Standard AS1319-1994;
 - i) Construction Safety Act, 1912 (as amended);
 - ii) Occupational Health and Safety Regulations 1988.
 - iii) Removal of bonded asbestos material is to be undertaken in accordance with *Worksafe Australia, Code of Practice and Guidance notes: Asbestos 1988 – Section 9*.
- (3) Any material identified on the site during demolition that potentially contains asbestos is to be appropriately labelled to alert all persons working on/within the building of the asbestos fibre hazard. Where demolition works are required in areas that contain materials that potentially contain asbestos, care must be taken to minimise unnecessary disturbance of the material and the appropriate PPE and RPE must be worn.
- (4) As safe access becomes available to the areas listed as part of this conditions, these areas shall be audited by a suitably qualified professional to determine whether these areas contain any hazardous materials. Any suspected materials are to be sampled prior to demolition work commencing on this portion of the building and appropriate management measures implemented where a hazard is detected:
 - (a) the caged portion of the laundry building;
 - (b) into the roof space of the laundry building;
 - (c) the rear section of the chapel; and
 - (d) the remaining areas of chapel ceiling space which were not initially audited.

D6 *Removal of Synthetic Mineral Fibre (SMF)*

Removal of all SMF is to be carried out in accordance with the National Code of Practice for the Safe Use of Synthetic Mineral Fibres (NOHSC: 2006 (1990)).

D7 *Removal of Substances Containing Lead Based Paint*

- (1) Any waste materials contaminated with lead paint are to be disposed of in accordance with EPA requirements.
- (2) All work on is to be carried out in accordance with AS 4361.2 1998 Guide to Lead Paint Management Part 2: Residential and Commercial Buildings and Managing Lead Contamination in Home Maintenance, Renovation and Demolition Practices. A Guide for Council, NSW EPA 2003.

D8 *Removal of Polychlorinated Biphenyls*

Any PCB-contaminated fittings and fixtures shall be managed in accordance with requirements of the *Environmentally Hazardous Chemicals Act 1985*.

Care is to be taken to minimise damage to the capacitors of the fluorescent light fittings identified within the two buildings to be demolished and appropriate PPE must be worn.

D9 Removal of Other Hazardous Materials

Appropriate PPE is to be worn working in the vicinity of the laundry floor drains to protect the skin from contact with any chemicals that may be present.

D10 Excavated Material - Management

Excavated material, stockpiling, separation of varying fill and soil types, separation of contaminated material from uncontaminated material and removal of waste shall be managed in accordance with the waste provisions of the *Protection of the Environment Operations Act 1997* and the *Waste Avoidance and Recovery Act 2001* and the relevant requirements of the DEC.

D11 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with Condition **C6**, 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.

D12 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.

D13 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. The registered surveyor shall submit a plan to the Works Manager certifying that structural works are in accordance with the approved development application.

D14 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, Council or the Works Manager.

D15 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. 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.

D16 *Contact Telephone Number*

The applicant 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.

D17 *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; and
- (6) All equipment wheels shall be washed before exiting the site.

D18 *Hours of Work*

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

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 4:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D19 *Impact of Below Ground (Sub-surface) Works – Aboriginal Relics*

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

D20 *Recycling of Concrete*

Any existing concrete of suitable volume, which is not used as fill and is not contaminated shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the Works Manager.

D21 *Tree Protection*

All measures required to be in place for the protection of trees on the site as identified in the Heritage Office approved Tree Protection Plan (refer to condition **C14**) are to be maintained until the completion of works.

D22 *Compliance Report – Part D*

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of Part D of this consent until such time as the works are completed.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

N/A – Application was not made for subdivision and as such there are no relevant Part E conditions applicable to this consent.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 *Energy Star Ratings*

In accordance with condition **C10** of this consent all classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 4 stars or more.

F2 *Fire Safety Certificate*

A Fire Safety Certificate shall be furnished to the Works Manager for all the Essential Fire or Other Safety Measures forming part of this approval prior to commencement of use. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the Works Manager.

F3 *Mechanical Ventilation*

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the Works Manager, prior to commencement of use, that the installation and performance of the mechanical systems complies with:

- (1) Requirements of Conditions **C10** and **C11**;
- (2) The Building Code of Australia;
- (3) Australian Standard AS1668 and other relevant codes;
- (4) The development consent and any relevant modifications; and,
- (5) Any dispensation granted by the New South Wales Fire Brigade.

F4 *Structural Inspection Certificate*

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Works Manager prior to the commencement of use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

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- (1) The site has been periodically inspected and the Works Manager is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
 - (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F5 Road Damage

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 an Occupation Certificate.

PART G—POST OCCUPATION

G1 Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

G2 Hours of Operation

The hours of operation shall be 24 hours per day 7 days per week. However no changes to the existing visitor times are permitted by this consent.

G3 Maintenance of Stormwater Quality Treatment Systems

Maintenance and cleaning of all Stormwater Quality Treatment Systems installed is to be undertaken to ensure the systems work to design capacity and efficiency.

G4 Noise Control – Plant and Machinery

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

PART H—GENERAL TERMS

N/A – The application was not made for integrated development and as such there are no Part H conditions relevant to this consent.

ADVISORY NOTES

AN1 Disability Discrimination Act

This consent does not ensure compliance with the Disability Discrimination Act. It is the applicant's responsibility to ensure that the development complies with the Act and the applicant is advised to investigate their liability under that Act.

AN2 Requirements of Public Authorities for Connection to Services

The applicant 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 applicant. Details of compliance with the requirements of any relevant

public authorities are to be submitted to the satisfaction of the Works Manager prior to the issue of the commencement of works.

AN3 Compliance with Building Code of Australia

The applicant is advised to consult with the Works Manager about any modifications needed to comply with the BCA prior to the commencement of works.

AN4 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.

AN5 Construction Inspections

Compliance certificate/s shall be issued by the Works Manager and 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 consent.

AN6 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN7 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*.

AN8 Excavation – Historical Relics

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

AN9 Stormwater drainage works or effluent systems

Prior to the commencement of works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993, separate approval from Council under Section 68 of that Act will be required. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.