CONDITIONS OF CONSENT DA No. 298-8-2002-i

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CONDITIONS OF CONSENT DA No. 298-8-2002-i

DEFINITIONS

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	*Environmental Planning and Assessment Act, 1979*
Applicant	Statewide Developments Pty Ltd
BCA	Building Code of Australia
construction activities	all activities associated with the erection/ installation of structures, buildings, services and associated works in accordance with a Construction Certificate(s) under Part 4A of the *Environmental Planning and Assessment Act 1979*
Council	the City of Canada Bay Council
Department	NSW Department of Infrastructure, Planning and Natural Resources
development	the development to which this consent applies
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources, or nominee
dust	any solid material that may become suspended in air
EPA	NSW Environment Protection Authority (incorporated into the NSW Department of Environment and Conservation)
EPL	an Environment Protection Licence issued under the *Protection of the Environment Operations Act, 1997*
HDPE	high-density polyethylene
Minister	Minister for Infrastructure and Planning, or nominee
NSW Health	NSW Department of Health
POEO Act	*Protection of the Environment Operations Act 1997*
Principal Certifying Authority	that party who may be appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
redevelopment components	those parts of the development to be retained on the site after the conclusion of demolition, construction and remediation activities
remediation activities	all demolition activities and activities associated with the excavation of contaminated, or potentially contaminated, soils, the handling, storage and transport of those soils
Regulation	*Environmental Planning and Assessment Regulation, 2000*
Rhodes Community Consultative Committee	that Committee established to represent residents on the Rhodes Peninsula potentially affected by impacts associated with the development and its cumulative impacts with other remediation and redevelopment works on the Peninsula, with members including those parties involved with existing community consultative groups, and other parties as may be agreed by the Director-General (refer to Attachment 1)
Rhodes Environmental Monitoring and Management Committee	that Committee including a representative(s) of the Applicant and relevant remediation and redevelopment proponents that may be nominated by the Director-General, established for the coordinated

	and cooperative monitoring and management of environmental impacts (including cumulative impacts) on the Rhodes Peninsula as a result of concurrent remediation and redevelopment works (refer to Attachment 1)
Principal Certifying Authority (PCA)	that party who may be under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
POEO Act	*Protection of the Environment Operations Act, 1997*
site	the land to which this consent applies
Site Auditor	an independent EPA-accredited site auditor under the *Contaminated Land Management Act 1997*, appointed in relation to the site
site establishment	all activities on the site required before the commencement of, but not including, construction, demolition or remediation activities (eg vegetation clearing, soil testing, bringing of equipment to the site etc)
SWC	Sydney Water Corporation

SCHEDULE A
SCOPE OF DEVELOPMENT WORKS AND GENERAL PROVISIONS

A1. GENERAL

Obligation to Minimise Harm to the Environment

A1.1 The Applicant shall implement, in accordance and consistent with this consent, all reasonable and practicable measures to prevent or minimise any harm to the environment that may result from the development.

Scope of Development

A1.2 The Applicant shall carry out the development generally in accordance with:

i) Development Application No. 298-8-2002-i, lodged with the Department on 16 September 2002;

ii) correspondence from JBA Urban Planning Consultants to the Department, dated 19 September 2003;

iii) *Development Application, Statement of Environmental Effects to The Minister of Urban Affairs and Planning – Proposed Residential Development, 10-16 Marquet Street, Rhodes*, prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2002;

iv) *Statement of Environmental Effects – Proposed Remediation and Residential Development of 10-16 Marquet Street, Rhodes*, prepared by Aargus Pty Ltd and dated July 2003;

v) *Remediation Action Plan on 10-16 Marquet Street*, prepared by Aargus Pty Ltd and dated July 2003;

vi) *Development Application, Statement of Environmental Effects to the Minister for Planning – Staged Demolition of Existing Buildings, 12-14 Marquet Street, Rhodes*, prepared by JBA Urban Planning Consultants Pty Ltd, and dated March 2002:

vii) plan drawings as follows:
- Drawing No. DA-01/D, dated 23 October 2003;
- Drawing No. DA-02/D, dated 23 October 2003;
- Drawing No. DA-03/D, dated 23 October 2003;
- Drawing No. DA-04/C, dated 23 October 2003;
- Drawing No. DA-05/C, dated 23 October 2003;
- Drawing No. DA-06/C, dated 23 October 2003;
- Drawing No. DA-07/C, dated 23 October 2003;
- Drawing No. DA-08/C, dated 23 October 2003;
- Drawing No. DA-09/C, dated 23 October 2003;
- Drawing No. DA-10/C, dated 23 October 2003;
- Drawing No. DA-11/C, dated 23 October 2003;
- Drawing No. DA-12/C, dated 23 October 2003;
- Drawing No. DA-13/C, dated 23 October 2003;
- Drawing No. DA-14/C, dated 23 October 2003;
- Drawing No. DA-15/C, dated 23 October 2003;

viii) Landscape plans prepared by Context Landscape Design (Drawing Nos. 03.601.LWD01 to LWD08) dated April 2004.

ix) correspondence from JBA Urban Planning Consultants to the Department, dated 10 May 2004;

x) 16 Point Remediation Strategy (Stage 2 remediation strategy), prepared with input from Graeme Nyland, Mike Nash, Scott Jeffries and Dr Ian Swane 14 May 2004;

xi) *Water Management Plan – Stage 2 Remediation, 10-16 Marquet Street, Rhodes*, prepared by Douglas Partners Pty Ltd and dated June 2004;

xii) *Stage II Remediation Strategy for Contamination at 10 – 16 Marquet Street Rhodes*, prepared by Aargus Pty Ltd, dated February 2004;

xiii) *Statutory Site Audit No. 92 by Ian Swane – Remediation Action Plan for the Stage 2 Remediation Works at 10-16 Marquet Street, Rhodes*, prepared by Dr Ian Swane, and dated 15 June 2004;

xiv) *Remediation Action Plan Compendium* prepared by Aargus Pty Limited, June 2004

xv) *Further Particulars*, provided undercover of letter from Aargus Pty Ltd, dated 8 April 2004;

xvi) the conditions of this consent.

A1.3 In the event of an inconsistency between:

a) the conditions of this consent and any document listed from condition A1.2i) to A1.2xv) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and

b) any document listed from condition A1.2i) to A1.2xv) inclusive, and any other document listed from condition condition A1.2i) to A1.2xv) inclusive, the most recent document shall prevail to the extent of the inconsistency.

A1.4 This consent expressly does not permit the demolition of any component of the existing two-storey structure, concrete slabs, utility service lines, mains, underground or overhead lines and conduits, and the like that may straddle the common boundary of the site and adjacent land. Any demolition works referred to under this condition shall be the subject of a further assessment and approvals process(es) that may be required under the *Environmental Planning and Assessment Act 1979*.

A1.5 To avoid any doubt, development consent is not granted through this instrument for the construction or use of any in-ground containment cell or similar structure on the site for the storage/ disposal of contaminated materials this consent expressly does not permit. Such a cell or similar structure shall be subject to a separate environmental planning and assessment process under the *Environmental Planning and Assessment Act 1979*, if required.

A1.6 Pursuant to section 80A(11) of the *Environmental Planning and Assessment Act 1979*, the Applicant shall comply with all prescribed conditions that may be specified in that Act or the *Environmental Planning and Assessment Regulation 2000*, as in force on the date of this consent.

Surrender of Development Consents

A1.7 The Applicant shall, prior to the commencement of any works on the site the subject of this consent, surrender all development consents for development on the site or part of the site, yet to be commenced or completed, other than development consents DA No. 62-3-2002-i and DA No. 382-8-2003-i.

Statutory Requirements

A1.8 The Applicant shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

A1.9 Further to condition A1.8 of this consent, the Applicant shall obtain any necessary approvals for the management and disposal of waste that may be required under the *Protection of the Environment Operations Act 1997*and the *Waste Avoidance and Recovery Act 2001*.

A1.10 Prior to the commencement of any works on the site, the Applicant shall consult with the EPA to determine any requirements, licences or approvals for the handling, storage and/ or management of contaminated materials on the site, as may be required under the *Protection of the Environment Operations Act 1997*, the *Environmentally Hazardous Chemicals Act 1985* and the *Contaminated Land Management Act 1997*. The Applicant shall notify the Director-General of any such requirements, licences or approvals as soon as practicable after the EPA has specified such requirements or issued such licences or approvals.

A1.11 Prior to the commencement of any works on the site the subject of this consent, the Applicant shall consult with the NSW Police Service, the Ambulance Service of NSW and the NSW Fires Brigades to establish the requirements of those parties in relation to emergency ingress to and egress from the site during each relevant phase of works on the site. The Applicant shall meet the requirements of these parties in this regard for the duration of the development. The Applicant shall ensure the installation of signage to the satisfaction of these parties at all entries to loading areas to direct emergency vehicles and personnel to relevant list access points associated with the redevelopment components.

A2. STAGING/ TIMING OF WORKS

A2.1 The Applicant shall undertake works the subject of this consent such that:

a) the conditions specified in Schedule A of this consent apply to the development in its entirety and for the duration of the entire development;
b) the conditions specified in Schedule B of this consent apply during remediation works the subject of this consent, and for the duration of those remediation works;
c) the conditions specified in Schedule C of this consent apply to redevelopment components the subject of this consent and for the duration of those redevelopment components.

A2.2 The Applicant shall not commence construction of the relevant redevelopment components until it has:

a) complied with the relevant conditions of this consent applicable prior to the commencement of construction of the redevelopment components;
b) obtained any necessary Part 4A Certificate(s) for the relevant redevelopment component(s); and
c) received certification from an EPA-accredited Site Auditor that the Stage 1 area of the site has been remediated and validated as being appropriate for its intended use.

A2.3 The Applicant shall not apply for any Occupation Certificate(s) for the relevant redevelopment components until it has:

a) complied with the relevant conditions of this consent applicable prior to any application for an Occupation Certificate(s);
b) removed all materials from the site, for disposal and/ or treatment, that do not meet the site clean-up criteria; and
c) received certification from an EPA-accredited Site Auditor that the Stage 2 area of the site has been remediated and validated as being appropriate for its intended use.

A2.4 The Applicant shall not commence remediation works on the site until it has:

a) complied with the relevant conditions of this consent applicable prior to the commencement of remediation works;
b) received certification from an EPA-accredited Site Auditor that the Stage 1 area of the site has been remediated and validated as being appropriate for its intended use; and
c) received and complied with the relevant conditions that may be specified by the EPA through any requirements, licences or approvals under the *Protection of the Environment Operations Act 1997*, the *Environmentally*

Hazardous Chemicals Act 1985 and the *Contaminated Land Management Act 1997*.

A3. COMPLIANCE

A3.1 Prior to each of the events listed from i) to iv) below, or within such period otherwise agreed by the Director-General, the Applicant shall certify in writing to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to that event. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of compliance certification consistent with the staging of activities relating to that event.

i) commencement of remediation activities;
ii) completion of remediation activities;
iii) commencement of construction activities;
iv) completion of construction activities; and
v) commencement of occupation of redevelopment components.

A3.2 Notwithstanding condition A3.1 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.

A3.3 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition A1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

A4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

A4.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request.

A4.2 Prior to the commencement of any works on the site, the Applicant shall erect and maintain signs at each frontage of the site, to the satisfaction of the Director-General that meet the following requirements:

a) general consistency with the signs recommended in section 4.3 of the document referred to under condition A1.2iv) of this consent;
b) with minimum dimensions of 841mm x 594mm (A1), with text on the signs being no less than 30 point font size;
c) are durable and weatherproof;
d) include appropriate hazard warning notices;
e) display a copy of the first page of this consent and any Construction Certificate applicable to the works being undertaken on the site at the time;
f) include the approved hours of work, the name and contact details of the site manager and responsible managing company, and a 24-hour contact number for any inquiries or complaints;
g) be mounted at eye-level on the perimeter hoardings/ fences of the site; and
h) state that no unauthorised access to the site is permitted.

The signs shall be maintained for the duration of construction and remediation activities (including any demolition works).

Complaints Procedure

A4.3 Prior to the commencement of any works on the site, the Applicant shall ensure that the following are available for community complaints:

a) a telephone number, manned on a 24-hour basis, on which complaints about the development may be registered;
b) a postal address to which written complaints may be sent; and
c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be advertised on at least one occasion prior to the commencement of any works on the site, by a printed notice which is legible from a public place or road. These details shall also be provided on the Applicant's internet site, should one exist. The Applicant shall continue to make the above means available for community complaints until conclusion of the construction of all redevelopment components, unless otherwise agreed by the Director-General.

A4.4 The Applicant shall record details of all complaints received through the means listed under condition A4.3 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

a) the date and time, where relevant, of the complaint;
b) the means by which the complaint was made (telephone, mail or email);
c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
d) the nature of the complaint;
e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the EPA and the Director-General upon request. The Applicant shall also make summaries of the Register, without details of the complainants, available to the public for inspection upon request.

A4.5 Prior to the commencement of any works on the site, the Applicant shall develop and submit for the approval of the Director-General, a **Complaints Handling and Response Protocol**, detailing how public complaints will be managed and addressed in an appropriate and timely manner. The Protocol shall be developed in consultation with the Rhodes Community Consultation Committee. The Protocol shall be implemented by the Applicant from the commencement of works on the site, until conclusion of construction of all redevelopment components. The Protocol shall specifically focus on:

a) procedures and processes for the receipt of complaints, with specific reference to the requirements listed under condition A4.3 of this consent;
b) details of how complaints will be handled and responded to in a timely manner;
c) procedures and processes for management and maintenance of the Complaints Register required under condition A4.4 of this consent;
d) management and reporting structures and responsibilities in relating to complaints handling and response;
e) specific procedures to be followed in the event of a many or recurrent complaints; and
f) procedures for review of the effectiveness of complaints handling and response mechanisms.

Community Consultation

A4.6 The Applicant shall participate in the Rhodes Community Consultative Committee in relation to the environmental and safety performance of the development. A representative of the Applicant shall attend Committee meetings, as may be requested by the Committee from time to time, from the commencement of works on the site until conclusion of construction of all redevelopment components.

A4.7 The Applicant shall pay to the Department a contribution, as may be required by the Director-General, towards the engagement of a community liaison officer by the Department to carry out liaison and consultation functions on behalf of developments within the *Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula* precinct. The payment is to be made prior to the commencement of works for the redevelopment component or, if the community liaison officer has not yet been engaged by the Department at that time, at such other time as is agreed with the Department. Any such contribution that may be required by the Director-General shall not exceed $12,690 and will be calculated on a pro-rata basis for any duration the liaison officer is not engaged concurrently with the timing of the works.

A5. COORDINATION OF WORKS ON THE RHODES PENINSULA

Rhodes Environmental Monitoring and Management Committee

A5.1 A representative(s) of the Applicant shall participate in, and attend, the Rhodes Environmental Monitoring and Management Committee from the commencement of any works on the site, until the completion of construction of redevelopment components, or as otherwise agreed by the Director-General.

A5.2 Prior to the commencement of any works on the site, or within such period as otherwise agreed by the Director-General, the Applicant shall develop, in consultation with the members of the Rhodes Environmental Monitoring and Management Committee, should such a Committee be in existence, a Cumulative Remediation Impacts Protocol(s) to provide a framework for the coordinated and cooperative undertaking of major remediation and redevelopment works on the Rhodes Peninsula. The Cumulative Remediation Impacts Protocol(s) shall include, but not necessarily be limited to:

a) procedures for access to, and provision of, monitoring data from the respective remediation and redevelopment works;
b) measures to ensure a coordinated and cooperative approach to the undertaking of remediation and redevelopment works, including scheduling and locational considerations, to minimise cumulative impacts generated by the remediation and redevelopment works;
c) agreements relating to the scheduling of remediation and redevelopment works to minimise land use conflicts between sites the subject of the works;
d) arrangements for coordinated and cooperative monitoring of ambient environmental impacts, including agreements relating to sharing of monitoring networks/ infrastructure, coordinated interpretation of monitoring results and coordination dissemination of monitoring results to relevant parties;
e) provision for coordinated and cooperative participation of members of the Rhodes Environmental Monitoring and Management Committee on the Rhodes Community Consultative Committee, including agreements in relation to funding of an independent technical expert for that Committee and provisions to address the Committee's reasonable requirements in relation to meeting location, minutes etc;
f) arrangements for communication between the parties of the Committee, including designated contact persons and contact details;
g) notification procedures in the event of an incident at the remediation or redevelopment works;

h) any agreement for participation in the development of any of the management plans or monitoring programs required under this consent;
i) mechanism for review of the Protocol with the addition of future members to the Rhodes Environmental Monitoring and Management Committee;
j) such other matters as the Applicant and the party with whom the Agreement is developed may agree.

The Applicant shall provide a copy of the Cumulative Remediation Impacts Protocol(s) to the Director-General and the Rhodes Community Consultative Committee as soon as practicable after establishing the Protocol(s).

This condition does not apply in the event that a Rhodes Environmental Monitoring and Management Committee has not been formed prior to the commencement of works on the site.

Coordination of Infrastructure

Stormwater and Sewerage Infrastructure

A5.3 Prior to the commencement of any relevant works on the site, the Applicant shall consult with the Sydney Water Corporation to ensure that any water and sewerage infrastructure to be provided through the site in accordance with a Notice of Requirements under the *Sydney Water Act 1994* that may be issued by the Corporation, is provided in an orderly and efficient manner consistent with any program for the provision of water and sewerage infrastructure on the Rhodes Peninsula.

A5.4 Prior to the commencement of any relevant works on the site, the Applicant shall obtain any necessary approval from Council under section 68 of the *Local Government Act 1993* in relation to stormwater drainage. Prior to lodgement of any application for such approval, the Applicant shall consult with Council to ensure that stormwater infrastructure, and connections to that infrastructure, will be provided in a manner adequate to drain the site and in an orderly and efficient manner consistent with any program for embellishment of stormwater infrastructure on Rhodes Peninsula. The Applicant shall carry out any embellishment works that may be required by Council pursuant to an approval under section 68 of *Local Government Act 1993* and shall also maintain suitable temporary stormwater connections for the duration of the works on the site to ensure that there is adequate drainage of the site and stormwater run-off does not adversely affect adjoining properties.

Coordination of Health Studies

A5.5 Should NSW Health undertake the proposed dioxin serum survey described in Appendix 9 of the Commission's Report into the Remediation of the Lednez Site and Part of the Bed of Homebush Bay, the Applicant shall provide assistance to NSW Health, to the satisfaction of the Director-General. In particular the Applicant shall provide NSW Health with:
a) monitoring data associated with the environmental performance of the respective remediation works; and
b) such other matters as the Applicant and NSW Health may agree.

A6. ENVIRONMENTAL MANAGEMENT FRAMEWORK

Environmental Representative

A6.1 Prior to the commencement of any relevant works on the site, the Applicant shall nominate a suitably qualified and experienced Environmental Representative(s), to be approved by the Director-General. The Applicant shall employ the Environmental Representative(s) on a full-time basis from the commencement of any works on the site until completion of construction of redevelopment components, or as otherwise agreed by the Director-General. The Environmental Representative shall be:

i) the primary contact point in relation to the environmental performance of the development;
ii) the primary interface with the Rhodes Community Consultative Committee, and shall attend Committee meetings;
iii) the primary interface with the Rhodes Environmental Management and Monitoring Committee, and shall attend Committee meetings;
iv) responsible for all Management Plans and Monitoring Programs required under this consent;
v) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development;
vi) responsible for the management of procedures and practices for receiving and responding to complaints in accordance with condition A4.4 of this consent;
vii) required to facilitate an induction and training program for relevant persons involved with the development (refer to condition A6.2 of this consent); and
viii) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Applicant shall notify the Director-General, Council, the Rhodes Community Consultative Committee and the Rhodes Environmental Monitoring and Management Committee of the name and contact details of the Environmental Representative upon appointment, and any changes to that appointment that may occur from time to time.

Environmental Training

A6.2 Prior to the commencement of any relevant works on the site, the Applicant shall develop and submit to the Director-General, an **Environmental Training Program**. The Program shall establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to:

a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance;
b) details of appropriate training requirements for relevant employees;
c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and
d) a program to confirm and update environmental training and knowledge during employment of relevant persons.

Once approved, the Applicant shall implement the Environmental Training Program to the satisfaction of the Director-General, from the commencement of any works on the site until completion of construction of redevelopment components, or as otherwise agreed by the Director-General.

Incident Reporting

A6.3 The Applicant shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Applicant shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred. The Applicant shall provide a copy of the written report to the Rhodes Community Consultative Committee, and shall make a copy of the report available for public inspection, on request. The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the Director-General may require.

SCHEDULE B
CONDITIONS RELATING TO REMEDIATION WORKS

B1. REMEDIATION ENVIRONMENTAL PERFORMANCE

Soil Remediation Requirements

Management of Remediation Excavation Area

B1.1 Prior to the commencement of any remediation works on the site, the Applicant shall accurately define on a survey plan, the extent of the area on the site subject to remediation activities. The plan shall be prepared by a licensed surveyor and be submitted for approval by an EPA-accredited site auditor prior to the commencement of remediation works. A copy of the plan shall be provided to the Department once approved by the site auditor and before commencement of remediation works.

B1.2 Prior to the commencement of any remediation works of the site, the Applicant shall submit for the approval of an EPA-accredited site auditor, a detailed remediation schedule. A copy of the schedule shall be provided to the Department once approved by the site auditor and before commencement of remediation works.

B1.3 Based on the survey plan referred to under condition B1.1 of this consent, the Applicant shall install a fence, screening mesh or other temporary demarcation/ access restriction measure to clearly and physically define the area of site subject to remediation works, and prevent potential conflict between concurrent construction and remediation activities. The temporary demarcation/ access restriction measures shall be installed and maintained from the commencement of remediation works until the remediation area has been certified by an EPA-accredited site auditor as having met site remediation outcomes.

B1.4 All plant and equipment used for the excavation and handling of contaminated materials shall remain within the demarcated area referred to under condition B1.3 of this consent for the duration of the remediation works. At the conclusion of remediation activities, the plant and equipment shall be thoroughly decontaminated and validated as clean prior to the plant and equipment leaving the demarcated area.

B1.5 The Applicant shall progress remediation excavation activities in a staged manner consistent with staging detailed in those references listed in the document referred to under condition A1.2 of this consent. The staging program shall be progressed to allow for confirmation of progress and performance outcomes following initial staged remediation excavation works. Initial remediation works prior to confirmatory testing and confirmation of performance shall be restricted to the north-west corner of the site, and progress no further than the current longitudinal extent of the excavation in that part of the site, and up to the full latitudinal extent of the area to be remediated. These initial remediation excavation works shall be used by the Applicant to achieve the following:

a) confirmation of correlation between the physical appearance of contaminated materials and classification of those materials as Class 1, Class 2 or Class 3 materials (refer to condition B1.8 of this consent);

b) trial physical separation of contaminated materials to ensure maximum practicable efficiency of physical separation, thereby reducing the total quantity of materials to be disposed or treated; and

c) confirmation of groundwater/ soil seepage expected within excavated areas, including testing to ascertain the quality of any water encountered, and demonstration that any such water would not lead to recontamination of remediated/ backfilled areas of the site.

B1.6 Following the confirmatory testing and works referred to under condition B1.5 of this consent, the Applicant shall notify the EPA-accredited site auditor and the Department of any modification to procedures that may be required to streamline or maximise efficiency of the remediation approach, within the scope of this consent.

B1.7 Following the confirmatory testing and works referred to under condition B1.5 of this consent, excavation of contaminated materials shall progress in a staged manner, with remediation progressed in the most timely manner practicable while minimising the extent and duration of open excavations on the site.

Classification, Handling and Storage

B1.8 For the purpose of this consent, contaminated materials from the site shall be classified as follows:

a) Class 1 – those materials exceeding the site clean-up criteria specified under condition B1.9 of this consent that cannot be legally disposed of off-site without treatment to reduce and/ or stabilise contaminant concentrations;
b) Class 2 - those materials exceeding the site clean-up criteria specified under condition B1.9 of this consent that can be legally disposed of off-site; and
c) Class 3 – those materials meeting the site clean-up criteria specified under condition B1.9 of this consent that can be retained on the site.

B1.9 The Applicant shall remediate the site such that no material remaining on the site exceeds the site clean-up criteria specified in Table 1 below. For the purpose of this condition "dioxins and furans" shall be polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF), presented as 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) equivalent.

Table 1 - Site Clean-Up Criteria (Class 3 Materials Upper Threshold)

Contaminant	Concentration ($mgkg^{-1}$)
Arsenic (total)	20
Cadmium	3
Chromium (III)	400
Chromium (VI)	1
Copper	100
Lead	600
Mercury (inorganic)	1
Nickel	60
Zinc	200
Aldrin and Dieldrin (total)	40
Chlordane	200
DDT, DDD and DDE (total)	800
Heptachlor	40
Chlorobenzene	150
1,2-dichlorobenzene	370
1,3-dichlorobenzene	13
1,4-dichlorobenzene	3.4
1,2,4-trichlorobenzene	650
1,2,4,5-tetrachlorobenzene	18
Pentachlorobenzene	49
Hexachlorobenzene	0.3
Dioxins and furans (as I-TEQ)	1.6×10^{-4}
Polycyclic aromatic hydrocarbons (total)	80
Benzo(a)pyrene	4

Phenols (total)	34,000
Pentachlorophenol	3
2,3,4,6-tetrachlorophenol	1,800
Total petroleum hydrocarbons (C_6-C_9 fraction)	65
Total petroleum hydrocarbons (C_{10}-C_{40} fraction)	1,000
Benzene	1
Toluene	1.4
Ethylbenzene	3.1
Xylenes (total)	14
Polychlorinated biphenyls (total)	2
Phthalates (total)	60
Aniline	85
Asbestos	None detectable in soil at surface

B1.10 Notwithstanding condition B1.9 of this consent, Class 3 materials shall not exceed a Scheduled Chemical Waste concentration of 2 $mgkg^{-1}$.

B1.11 All Class 1 and Class 2 materials shall be removed from the site for disposal and/ or treatment to appropriately licensed facilities. Where these materials can be legally disposed of to landfill or waste management sites in New South Wales, the Applicant shall maximise disposal to such location(s).

B1.12 Class 1 and Class 2 materials may be temporarily stored on the site pending testing, validation and transport off-site for treatment and/ or disposal, as relevant. Prior to the commencement of any remediation work on the site, the Applicant shall submit final design details of the storage structure to be utilised for temporary storage of contaminated materials, demonstrating that the storage structure:

a) has sufficient capacity to safely store the maximum quantity of Class 1 materials to be extracted from the site, with additional contingency storage capacity in the event that unexpected Class 1 materials are uncovered on the site;
b) has capacity to temporarily store Class 2 materials if those materials are likely to require stockpiling for extended periods, or if those materials would generate an environmental impact beyond the site boundary if stored outdoors, by virtue of potential odour, dust or surface water quality impacts;
c) has been designed to minimise the potential for fugitive dust, odour and vapour emissions from the structure, and that any ventilation from the structure is fitted with appropriate and effective pollution control, as may be necessary;
d) includes adequate fire protection measures; and
e) has been designed to meet any requirements that may be specified by the EPA through licences or approvals under the *Protection of the Environment Operations Act 1997*, the *Environmentally Hazardous Chemicals Act 1985* and the *Contaminated Land Management Act 1997*, as relevant.

B1.13 The Applicant shall ensure that all known or suspected Class 1 materials are transferred to the storage structure referred to under condition B1.12 of this consent as soon as practicable and not permitted to be stockpiled or handled in outdoor locations for extended periods.

B1.14 Materials excavated from the site, other than known or suspected Class 1 materials subject to condition B1.13, may be temporarily stored on the site pending testing and validation results. Stockpiling of contaminated and potentially contaminated materials in outdoor areas of the site shall:

a) be on bunded hardstand areas lined with high density polyethylene, unless otherwise agreed by the Site Auditor;
b) be covered with high density polyethylene, or other material agreed by the Site Auditor, to prevent the generation of dust and odours, and the ingress of water into the stockpiled materials;
c) be minimised in duration to the greatest extent practicable, with validated Class 2 materials removed from the site for disposal as soon as possible, and validated Class 1 materials transferred to safe storage on-site in accordance with the requirements of this consent and licence/ approval provisions from the EPA.

Off-Site Treatment and Restrictions to Site Occupation

B1.15 All Class 1 and Class 2 materials shall be removed from the site as soon as reasonably possible after excavation, and prior to any application for an Occupation Certificate(s) for the redevelopment components.

B1.16 Prior to any application for an Occupation Certificate(s) for the redevelopment components, the Applicant shall demonstrate to the satisfaction of the Director-General that it has made arrangements for all Class 1 materials to be treated off-site. This demonstration shall include, but need not necessarily be limited to:
a) identification of a facility employing technology capable of treating Class 1 materials from the site, with reference to contaminant concentrations, volumes of contaminated materials and contaminated material matrices;
b) documentary evidence that the facility identified under a) above has all necessary approvals required in order to accept Class 1 materials from the site; and
c) documentary evidence that the facility identified under a) above is willing to accept Class 1 materials through the site and that a binding agreement reflecting such has been entered into by the parties.

Import of Materials and Backfilling Requirements

B1.17 The Applicant shall not receive contaminated materials from off-site for handling, storage, treatment or containment on the site.

B1.18 All materials brought to the site for use as backfilling shall be virgin excavated natural material (VENM), or equivalent as may be approved for use on site by the Site Auditor.

B1.19 The Applicant shall ensure that all backfill material has hydraulic conductivities of no greater than $K_{x/y}$ of 0.01 mday^{-1} and K_z of 0.005 mday^{-1}, and that the total organic carbon content of the backfill material is at least 3.65% w/w.

Boundary Excavation and Management

B1.20 The Applicant shall invite the landowner of the adjacent former Union Carbide (Lednez) site, or its representative, to attend all excavation and remediation works that affect or may affect the boundary between the site and that land, to assist in the recognition of marker materials and boundary conditions in the event that remediation of the adjacent site proceeds.

B1.21 Prior to backfilling excavated remediation areas of the site with clean fill, the Applicant shall install a clearly defined, low-permeability barrier on the site to separate clean backfilled areas from contaminated soils on adjacent sites. The barrier shall comprise clay or similar low permeability material, keyed into validated clean bedrock. The low permeability barrier shall include marker tape, mesh or other clearly distinguishable material applied on both sides of the barrier to unambiguously delineate the impermeable barrier and interfaces with clean backfill on the site, and contaminated soils the adjacent former Union Carbide (Lednez) site. The Applicant record details of the type and thickness of the impermeable barrier installed, and clear descriptions of the marker material used, and provide copies of these details to the Department, the EPA and the landowner of the adjacent former Union Carbide (Lednez) site.

B1.22 The Applicant shall consult with the landowner of the adjacent former Union Carbide (Lednez) site, or its representative, in relation to the connection of the low permeability barrier referred to under condition B1.21 of this consent, with similar clay capping material on that site. The Applicant shall, in consultation with the landowner, or its representative, establish means by which the low permeability barrier and clay capping material will be connected and sealed to prevent vertical ingress of water into the contaminated materials on the former Union Carbide (Lednez) site. The Applicant shall notify the Department and the EPA-accredited site auditors for both sites of the outcomes of this consultation, and how the parties will ensure the integrity of the low permeability barrier – clay capping interface.

B1.23 Prior to the commencement of any remediation works on the site, the Applicant shall submit to the Department and the EPA-accredited site auditor, design details of an excavation support system to be installed along the boundary of the site with the adjacent former Union Carbide (Lednez) site during excavation works. The excavation support system shall be designed and certified by a suitably qualified, independent geotechnical/ civil engineer(s). The design shall ensure integrity of the interface between the site and contaminated materials on the adjacent former Union Carbide (Lednez) site during excavation and remediation works.

B1.24 Remediation excavations on the site shall be inspected by a suitably qualified, independent geotechnical/ civil engineer(s) at least once per week, and immediately following any rain event, to ensure on-going integrity of the excavation and excavation support system.

Air Quality Impacts

Odour

B1.25 The Applicant shall not permit any offensive odour to be emitted beyond the boundary of the site, as defined under section 129 of the *Protection of the Environment Operations Act 1997*.

B1.26 The Applicant shall ensure that odour-masking sprays, or other odour-control measures, are provided on the site for the duration of remediation activities for use as required on any odorous soils, waste or other materials exposed to atmosphere.

Dust Emissions

B1.27 The Applicant shall undertake all works on the site in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities undertaken on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Applicant shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Soil and Water Quality Impacts

B1.28 The Applicant shall ensure that section 120 of the *Protection of the Environment Operations Act 1997* (prohibition of pollution of waters) is complied with in and in connection with the carrying out of the development.

B1.29 The Applicant shall apply all practicable measures using best environmental practice to:

a) minimise soil erosion and the discharge of sediments and pollutants from the site; and

b) reduce both the concentration of contaminants contained in dirty water and the total quantity of dirty water produced as a result of activities and works associated with the development.

B1.30 The Applicant shall install and maintain erosion and sediment control measures on the site for the duration of remediation activities to prevent the discharge of sediment from the site.

B1.31 The Applicant shall not permit the emission of any actually or potentially contaminated water from the site, unless expressly permitted by the relevant authority.

Water Management Around Remediation Excavations

B1.32 The Applicant shall install bunding around active remediation excavations and stockpile areas to prevent the ingress of clean surface water into contaminated areas of the site.

B1.33 The Applicant shall not commence any remediation excavation or external contaminated soil handling activities, or shall cease those activities if in progress, in the event of forecast or actual rain.

B1.34 The Applicant shall provide HDPE or similar low permeability cover(s) to be installed over active remediation excavations and any external contaminated or potentially contaminated soil stockpiles in the event of rain. The cover(s) shall be of sufficient size to cover all exposed contaminated materials present on the site that may be present at any one time, with allowance for sufficient edge to prevent inflow of water under the edge of the cover(s). The cover(s) shall be put in place in the event of impending rain and for the duration of the storm event. The cover(s) shall be secured around the edges of the remediation excavation and stockpile areas in a manner that would prevent dislocation by wind.

Noise Impacts

Restrictions to Hours

B1.35 To mitigate noise impacts associated with remediation works, the Applicant shall undertake all remediation activities in accordance with the restrictions listed below. This condition does not apply in the event of an emergency (to protect the human and biophysical environments) or under direction from a relevant authorised public authority. All remediation shall be restricted to the following hours:

a) between 07:00 and 17:00 on Mondays to Fridays;

b) between 08:00 and 13:00 on Saturdays; and

c) at no time on Sundays or public holidays.

B1.36 The time restrictions specified under condition B1.35 of this consent may be varied with the Director-General's agreement with the proposed variation in times, including the results of any community consultation that the Director-General may require the Applicant to undertake, and after providing any information necessary for the Director-General to reasonably determine that activities undertaken during the varied hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

Noise Limits

B1.37 The Applicant shall submit a construction noise management plan to the private certifier and Council prior to the issue of a Construction Certificate(s). The plan shall include the following:

(a) All work, including demolition, excavation and building work must comply with Australian Standard AS2436;1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
(b) The Applicant shall engage a suitably qualified acoustic engineer to undertake construction noise monitoring for the duration of the works;
(c) The L_{10} noise emissions levels from construction work on the subject development shall not exceed the background noise level by more than 20 dB(A).
(d) The name and contact phone number of the site manager is to be displayed at the entry to the construction site so that any complaints from residents can be logged and action(s) taken to address the complaint.
(e) All complaints are to be recorded together with details of the action taken and/or details of investigation of any complaint with a copy to be kept on site at all times during the construction works;
(f) Where the noise emission objectives nominated in item (c) above cannot be achieved the Applicant shall:
(g) Investigate and implement where practicable quieter processes/alternatives to reduce noise emissions;
(h) Implement wherever practicable acoustic barriers/screens to reduce noise emissions to nearby receivers and the use of silencing devices where possible. These may take the form of engine shrouding, or special industrial silencers fitted to exhausts;

Best management practice shall be implemented including equipment scheduling, equipment positioning and maintenance practices.

Hazards and Risk Impacts

Bunding and Spill Management

B1.38 The Applicant shall store and handle all liquid hazardous materials and liquid dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:

a) all relevant Australian Standards;
b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

B1.39 The Applicant shall establish sealed hardstand areas under contaminated materials handling and stockpile areas and bund those areas to the satisfaction of the Site Auditor, and consistent with the requirements of condition B1.38 of this consent. Hardstand areas used for external stockpiling of materials shall be line with HDPE.

Demolition Hazards

B1.40 The Applicant shall ensure that all demolition activities undertaken on the site are carried out in a safe manner by trained personnel under the management of a licensed demolisher registered with the WorkCover Authority. All demolition works shall be undertaken in accordance with:

a) Australian Standard AS2601-1991 – *The Demolition of Structures*;
b) relevant Codes of Practice of the WorkCover Authority;

c) the *Construction Safety Act 1912* and Demolition Regulations;
d) the *Occupational Health and Safety Act 1983*; and
e) all other relevant Acts and Regulations.

Hazards Studies

B1.41 Prior to the commencement of any relevant works on the site, the Applicant shall prepare and submit for the approval of the Director-General, the following studies:

a) an **Emergency Plan** in relation to the remediation activities. The Plan shall be prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*. The Plan shall be developed in consultation with relevant emergency services, the Rhodes Community Consultative Committee, and the EPA

b) a **Safety Management System**, covering all remediation activities and any associated transport activities involving hazardous materials. The System shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to safety procedures. The System shall be developed in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*. The System shall focus on, and apply to, demolition and remediation activities, and any construction activities that may occur concurrently with remediation activities.

Waste Generation and Management

B1.42 The Applicant shall undertake all practicable measures, using best environmental practice, to reduce the quantity of liquid and non-liquid wastes, and the concentration of contaminants contained in those wastes, generated as a result of undertaking the development.

B1.43 The Applicant shall not cause, permit or allow any waste generated by the development or from outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence issued by the EPA. This condition only applies to wastes for which a licence under the *Protection of the Environment Operations Act 1997* or the *Environmentally Hazardous Chemicals Act 1985* is required.

B1.44 The Applicant shall ensure that all liquid and/ or non-liquid waste generated and/ or stored on the site is assessed and classified in accordance with the EPA's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (Waste Guidelines) as in force as at 1 July 1999.

B1.45 The Applicant shall assess waste generated from all demolition activities on the site for cross-contamination with chemical waste in accordance with the *Protection of the Environment Operations Act 1997* and the Waste Guidelines.

B1.46 The Applicant shall ensure that wastes identified for recycling are stored separately from other wastes on the site.

B1.47 The Applicant shall ensure that the transport of any hazardous and/ or industrial and/ or Group A waste from the site is conducted strictly in accordance with the requirements of the EPA, including standard tracking conditions for such materials.

Completion of Remediation Works

B1.48 The Applicant shall engage an independent site auditor accredited under the *Contaminated Land Management Act 1997*. Upon completion of remediation of the site, the Applicant shall provide to the Director-General a site audit statement(s) and a site audit report(s) commenting on whether the contamination on the site has been addressed, and that the site has been remediated in such a way that the remediated site is suitable for its intended use(s).

B2. REMEDIATION ENVIRONMENTAL MONITORING

Contaminated Materials Monitoring

B2.1 The Applicant shall sample, analyse and validate all known and potential contaminated materials, including surface water and groundwater, in accordance with a monitoring and validation submitted to and approved by the EPA-accredited site auditor.

B2.2 The Applicant shall provide copies of all monitoring and validation data and results, as obtained in accordance with condition B2.1 of this consent, to the Department as soon as reasonably possible after obtaining, preparing and/ or collating that data.

B2.3 Prior to the commencement of any remediation works on the site, the Applicant shall submit to the Department and the EPA-accredited site auditor, a copy of the accreditation certificate(s) from each laboratory to be used for analysis of samples taken from the site. The certificate shall confirm that the laboratory(s) is accredited for testing chemicals specified under the approved monitoring and validation requirements referred to under condition B2.1 of this consent, to the practical quantification limit (PQL) required, and using testing methods that conform with NEPM (1999) protocols and any other relevant guidance provided by the EPA. The PQLs for all Scheduled Chemical Waste constituents shall not exceed $0.1mgkg^{-1}$, unless scientifically justified by reason of chemical interference from elevated concentrations of other materials.

Air Quality Monitoring

Ambient Dust Monitoring

B2.4 The Applicant shall, from the commencement and for the duration of soil disturbing works on the site, continuously monitor ambient dust concentrations (PM_{10}) at air monitoring points to be agreed by the Director-General, employing the sampling and analysis methods specified under AM-18 or AS3580.9.8. Results of this monitoring shall be recorded in μgm^{-3}. All monitoring results obtained under this condition shall be made available to the Rhodes Community Consultative Community, and to the general public on request.

This condition may be satisfied with cooperative agreement with the Rhodes Environmental Monitoring and Management Committee, in relation to ambient dust monitoring, provided the monitoring outcomes of this condition are met.

Water Quality Monitoring

B2.5 The Applicant shall develop a comprehensive water quality monitoring program for all actual and potentially contaminated surface water and groundwater than may be encountered or generated on the site during remediation activities. The water monitoring program shall be included in the Water Management Plan required under condition B3.4 of this consent.

B3. REMEDIATION ENVIRONMENTAL MANAGEMENT

Standard Operating Procedures

B3.1 The Applicant shall develop Standard Operating Procedures (SOPs) for all plant items associated with the development, including but not necessarily limited to procedures for the handling of contaminated soils and operation of pollution control equipment. The Procedures shall identify critical operating parameters for each item of plant, identifying appropriate operating levels for each parameter and indicating how these parameters will be monitored. Subject to confidentiality, copies of the Procedures shall be made available for inspection by the Director-General and the Rhodes Peninsula Community Consultative Committee on request.

B3.2 Demolition, construction and remediation activities shall be conducted strictly in accordance with the SOPs referred to under condition B3.1 of this consent at all times. SOPs shall be updated to reflect any changes to operations that may occur from time to time. The Applicant shall notify the Director-General and the Rhodes Peninsula Community Consultative Committee of any update to the SOPs, indicating the scope and nature of the update.

Remediation Environmental Management Plan

B3.3 Prior to the commencement of any Stage 2 remediation activities on the site, the Applicant shall prepare and submit for the approval of the Director-General, a **Remediation Environmental Management Plan** to outline environmental management practices and procedures to be followed during the remediation activities, including demolition works as relevant. The Plan shall include, but not necessarily be limited to:

a) a description of all activities to be undertaken on the site during remediation;
b) statutory and other obligations that the Applicant is required to fulfil during remediation, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
c) details of how the environmental performance of the remediation works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
d) a description of the roles and responsibilities for all relevant employees involved in remediation works;
e) the Management Plans listed under condition B3.4 of this consent;
f) arrangements for community consultation and complaints handling procedures during remediation.

B3.4 As part of the Remediation Environmental Management Plan required under condition B3.3 of this consent, the Applicant shall prepare and implement the following Management Plans:

a) a **Contaminated Materials Management Protocol** to detail procedures and process for the on-site management of excavated contaminated materials. The Plan shall include, but not necessarily be limited to:
   i) provision for management of excavated contaminated materials during all stages of the development, including excavation, transport, pre-emplacement handling and on-site storage;
   ii) details of measures to be implemented to minimise the loss of scheduled chemical waste constituents, dioxins and furans, and other chemicals of concern, to the environment by volatilisation, dust or leachate generation and other significant emissions pathways that may occur as a result of activities on the site;
   iii) management systems, procedures, structures and equipment to be applied to ensure best environmental practice for all contaminated materials disturbance and handling activities on the site, including, but not necessarily limited to:
      - excavation and related activities;
      - transport of materials on site;
      - storage and handling of excavated contaminated materials during re-emplacement handling processes;
   iv) procedures for the classification of excavated contaminated materials.

b) an **Air Quality Management Plan** to outline measures to minimise impacts from remediation activities on local and regional air quality. The Plan shall be developed in consultation with the EPA and NSW Health and shall include, but not necessarily be limited to:
   i) identification of all major sources of particulate and gaseous air pollutants that may be emitted from the site, being both point-source and diffuse emissions, including identification of the major components and quantities of these emissions;
   ii) monitoring for gaseous and particulate emissions from the site;
   iii) pro-active and reactive management and response mechanisms for particulates, odour and gaseous emissions;
   iv) procedures and processes for monitoring ambient air quality impacts, including, but not necessarily limited to:
      - dust monitoring along relevant boundaries of the site to determine concentrations of particulates, semi-volatile organic compounds, volatile organic compounds, volatile organic compounds and dioxins;
      - dust deposition gauges at relevant site boundaries;
      - olfactory observation at the site boundaries and in residential areas surrounding the site by personnel specifically trained for odour level determination, and/ or the use of PID;
      - sampling pumps fitted with reactive tubes targeted to respond to volatile organic compounds, including chlorinated compounds;
      - off-site dust monitoring, consistent with the conditions of this consent;
   v) specific complaints management procedures in the event that air quality monitoring indicates elevated impacts off-site;
   vi) procedures for the minimisation of gaseous and particulate emissions from the site;
   vii) protocols for regular maintenance of pollution control equipment to minimise the potential for leaks and fugitive emissions; and
   viii) a contingency plan should an incident, process upset or other initiating factor lead to elevated air quality impacts, whether above normal operating conditions or environmental performance goals/ limits.

c) a **Water Management Plan** to outline measures that will be employed to manage surface water and groundwater on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/ or waters for the duration of remediation activities. The Plan shall be based on the document referred to under condition A1.2xi) of this consent and shall address the requirements of the Department, SWC and the EPA, as may be relevant (subject to any necessary water discharge). The Plan shall include, but not necessarily be limited to:
   i) consideration of all reasonable options to avoid discharge to ground and/or ambient waters including methods to minimise the volume of contaminated water and effluent generated, recycling and reusing water and effluent (eg. covering excavated material and stockpiles, diversion of ‘clean’ water away from contaminated areas, etc);
   ii) identification of clean and dirty water areas on site maps for different stages of the development;
   iii) identification of criteria for nomination of areas as clean or dirty;
   iv) details of water management measures to be implemented for clean and dirty waters;
   v) calculations for a water balance for all waters generated on the site including potential volumes of groundwater, stormwater, proposed discharges, recycling or reuse;

vi) details of the remedial actions to be taken by the Applicant and site operators in response to an exceedance of concentration limits or other performance criteria for the on-site water management controls;
vii) characterisation of wastewater qualities and quantities for reuse on-site shall and specification of irrigation management practices;
viii) specification of wastewater reuse areas shall be specified on site maps for different stages of the development;
ix) specific details shall be provided in relation to the times, locations, volumes and qualities of the water to be irrigated, including how the quality of water to be used for irrigation will be assessed; and
x) procedures for reviewing and updating of the Water Management Plan as works progress.

d) an **Erosion and Sedimentation Management Protocol** to ensure that all erosion and sediment controls associated with remediation activities are consistent with the requirements for longer-term developments as outlined in *Managing Urban Stormwater: Soils and Construction 1998,* available from the Department of Housing. The Plan shall include, but not necessarily be limited to:
i) demonstration of best practice methods to be applied for the on-site control of run-off, sediments and other pollutants;
ii) identification of management responses to activities that could cause soil erosion or result in the discharge of sediments and/or other pollutants from the site;
iii) specification of performance criteria for erosion, sediment, and pollution control;
iv) details of steps to be implemented to minimise soil erosion and the discharge of sediments and/or other pollutants from the site;
v) actions and measures to be implemented to control sediments, and how they will be monitored during the works, clearly indicating who will conduct the monitoring, how the results of this monitoring will be recorded; and, if any non-compliance is detected, what corrective action will be taken;
vi) procedures for the removal and management of any contaminated water or sediment detected on the site.

e) a **Waste Management Plan** to outline measures to minimise the production and impact of wastes generated, handled and emplaced on the site during demolition, construction and remediation activities. The Plan shall include, but not necessarily be limited to:
i) a list of all liquid and non-liquid wastes that may be generated at the site;
ii) procedures for the classification or the assessment (including sampling and testing and quality assurance and quality control protocols) and classification of all identified wastes in accordance with the *Protection of the Environment Operations Act 1997* and the EPA's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (Waste Guidelines) as in force as at 1 July 1999;
iii) procedures for handling, storage, tracking and transport of all wastes, as relevant;
iv) procedures for the disposal of all wastes, ensuring that all wastes are disposed of in accordance with their respective classifications at a facility that can lawfully receive the wastes;
v) designation of waste storage areas, including stockpiles and bins, and designation of areas for segregation and storage of recyclable materials;
vi) contingency plans for handling of any wastes that cannot be adequately handled/ managed on-site;

vii) procedures for verifying that any material brought to the site for use as fill is equivalent to virgin excavated natural material (VENM);

viii) procedures for identification and management of wastes where the contaminants of concern are not currently specified in the EPA's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and classification criteria (contaminant limit values) must be obtained from the EPA; and

ix) procedures for review and update of the Waste Management Plan.

f) an **Acid Sulfate Soil Management Plan** to detail measures to be implemented in relation to the management and handling of any potential or actual acid sulfate soils on the site. The Plan shall be prepared in accordance with guidance provided in *Acid Sulfate Soil Manual* (Acid Sulfate Soil Management Advisory Committee, 1998);

g) a **Noise Management Plan** to detail measures to mitigate and manage noise during remediation activities. The Plan shall include, but not necessarily be limited to:

i) demolition, remediation and construction noise objectives for each relevant receiver commensurate with the noise limits and noise goals specified under this consent;

ii) identification of the associated noise sources and activities that will be carried out during site establishment and construction;

iii) assessment of demolition, remediation and construction noise impacts against the noise limits at all relevant receivers;

iv) details of overall management methods and procedures that will be implemented to control noise from during demolition, remediation and construction;

v) a pro-active and reactive strategy for dealing with complaints, with particular regard to verbal and written responses;

vi) noise monitoring, reporting and response procedures;

vii) internal compliance audits of all plant and equipment;

viii) site establishment/construction timetabling to minimise noise impacts;

ix) procedures for notifying residents of demolition, remediation and construction activities likely to affect their noise amenity; and

x) arrangements established with the Rhodes Environmental Monitoring and Management Committee in relation to noise.

B3.5 The Department and Director-General shall employ best endeavours to review the documentation required to be submitted under conditions B3.3 and B3.4 of this consent, in order to:

a) notify the Applicant, within 21 days of receipt of the documentation of the general adequacy of the documentation and any outstanding matters or information that must be addressed;

b) notify the Applicant of a determination of the documentation within 21 days of the provision of the final required outstanding matters or information notified in accordance with a) above.

SCHEDULE C
CONDITIONS RELATING TO REDEVELOPMENT COMPONENTS

C1. RESIDENTIAL ADDITIONAL APPROVALS

Staging of Redevelopment Components

C1.1 In order that the development is carried out in an orderly and economic manner, the Applicant shall, prior to the issue of a Construction Certificate for any component of the redevelopment works, submit for the approval of the Principal Certifying Authority, a final construction Staging Plan generally consistent with the construction programme prepared by Baseline Constructions (plan dated 6.2.04) and gantt charts dated 10.5.04) detailing how the construction of the redevelopment components will be staged in an orderly manner consistent with the provision of services, roads and infrastructure available to the site. The final Staging Plan for the redevelopment components shall incorporate at least the following::

a) The construction programme shall demonstrate that no unmanageable conflicts with the remediation programme will arise; and
b) where the staging of the construction of the redevelopment components requires the occupation and use of public land for construction purposes, the agreement of the relevant authority and the payment of any fees or charges associated with the relevant Construction Certificate;
c) prior to the issue of the first occupation certificate for any part of the works, all of the following works are to be completed and available for 24 hour public access:
   i. Gauthorpe and Marquet Streets in accordance with plans approved by Council;
   ii. The western extension of Gauthorpe Street (Lot 1 DP 127871), to be dedicated as a Public Road, or to be subjected to appropriate public positive covenants and easements to allow for dedication as Public Road to Council;
   iii. The pedestrian-cycle route on the southern boundary of the site;

Approvals Under the Roads Act

C1.2 Prior to the issue of any Construction Certificate(s) for any above ground building works, the Applicant shall obtain Council's approval under section 138 of the *Roads Act 1993*, as may be required, for at least the following works:

a) construction of a new footpath, kerbing and verge along the western side of Marquet Street fronting the site;
b) driveway crossovers to Gauthorpe and Marquet Streets;
c) restoration/reconstruction of Gauthorpe Street,
d) the extension of Gauthorpe Street to the western boundary of the site, including the construction of a new footpath, kerbing and verge to the southern side fronting the site (the Roads Act 1993 approval for this part of the works is not required prior to the issue of a construction certificate for the Stage 1 works);
e) any other works, such as stormwater, sewer and utility works required in the road reserve, and
f) any other such repair or embellishment of the road reserve adjoining the site as required by Council.

The works referred to from a) to f) above shall be undertaken at the Applicant's expense and completed prior to the issue of any Occupation Certificate(s) for each relevant staged part of the works. All works in the road reserve shall meet the requirements specified under condition C1.3 of this consent. Any application for a Construction Certificate(s) for the redevelopment components shall be accompanied by evidence of Council's approval of the above works (including the payment of all relevant fees, costs and bonds as may be required by Council).

Additional/ Amended Design Details

C1.3 In order that the development meets the masterplan objectives of the *Rhodes Peninsula Development Control Plan 2000*, and to ensure a high quality urban environment, prior to the issue of any relevant Construction Certificate(s) for the redevelopment components, the Applicant shall submit for the approval of the PCA, the following drawings and details (subject to the approval of any modifications by the Director General) incorporating any necessary detailed design modifications and to address the requirements of this consent:

Prior to the issue of any relevant Construction Certificate(s) for above ground works:

(a) Amended design of the cycleway/pedestrian walkway along the southern boundary of the site consistent with the approved redevelopment drawings and, to show:
- a 1.75m wide paved concrete path adjacent to the site boundary, and
- a 2.75m wide deep soil strip,

constructed and landscaped in accordance with the requirements of cl.4.1.6, 4.1.9, 4.2.3.ii and 4.2.4 of *Rhodes Peninsula Development Control Plan 2000*, including the planing of no less than nine 99) Eucalyptus maculata in general accordance with the design shown on drawings L-01 A and L-02A, dated 10-9-2002 and prepared by Oculus (appendix G of the 2002 SEE).

(b) Design and details of all works to form the footpath, verge and landscaping along the western side of Marquet Street fronting the site. These works shall be demonstrated as being in accordance with the framework detailed in the Rhodes Peninsula Development Control Plan 2000, particularly cl.4.2.5 and 4.2.5.ii, the associated Public Domain Manual and the engineering requirements of Council (including stormwater details and the planting of Angophora costata as street trees);

(c) Design and details of all works to form the roadway, footpath, verge and landscaping of Gauthorpe Street, including its extension to the intersection of the future Shoreline Drive. These works shall be demonstrated as being in accordance with the framework detailed in the *Rhodes Peninsula Development Control Plan 2000*, particularly cl. 4.2.4 and 4.2.4.iii, the associated Public Domain Manual and the engineering requirements of Council (including stormwater details and the planting of Tristaniopsis laurina as street trees).

Prior to the issue of Constructions Certificate(s) for works along the western boundary of the site:

(d) amended drawings that show:
- the alignment of the sandstone retaining wall to match the future alignment of Shoreline Avenue as designed by Hyder Consulting (NSO 1485, Drawing DA-C11, Issue B of 19 December 2003). The height of the wall shall not exceed 2.5 metres at its highest point.

  The applicant shall construct the retaining walls either:
  (i) to the alignment approved in this consent, OR
  (ii) as detailed in the above amended drawings, subject to:
    - the adjacent landowner having made appropriate arrangements for the boundary adjustment to occur;
    - the adjacent landowner having appropriately remediated and made available to the applicant the subject land,

  at the time the specified works along the boundary are to be executed. The applicant is to use best endeavours to facilitate the boundary adjustment and is not to unreasonably schedule these works so as to prevent the appropriate re-alignment of the wall to the future alignment of Shoreline Avenue.

For the Approval of the Principal Certifying Authority prior to the issue of a Construction Certificate(s) for the relevant part of the works

(e) revised landscaping design, demonstrating compliance with:
   i) recommendations detailed in section 4.4 of the document referred to under condition A1.2 of this consent, in relation to the retention of native trees on the site;
   ii) the requirements of detailed under a) to d) above in relation to public footpaths, verges and cycleways;
   iii) the requirements of section 5.4.1(3) of the *Rhodes Peninsula Development Control Plan 2000*;
   iv) the requirements of section 5.4.1(6) of the *Rhodes Peninsula Development Control Plan 2000*, particularly in relation to the provision of a minimum soil depth of 500 millimetres;
   v) details of all front fences, demonstrating that the design of the fences is integrated with the building, landscaping and building entrance designs, and that the fences would provide for outlook and street surveillance from dwellings;

(f) design and details of the roof terrace and pergolas of building F, demonstrating the minimisation of obstruction of views from other buildings comprising the redevelopment components;

(g) detailed roof plans, elevations and sections showing all roof penetrations, such as exhaust stacks, vents and the like, indicating that those penetrations have been consolidated and their visual impacts minimised;

(h) elevation drawings that show the proposed materials, colours and finishes for the redevelopment components, cross referenced to an approved materials sample boards; and

(i) design details and certification from a acoustic engineer that no less than a 18dB(A) (measured as LAeq(15 minute)) noise attenuation can be achieved from the redevelopment component façade/ window to the interior of the redevelopment component for all units facing an adjoining construction activity, including construction activity related to later stages within the development site.

A copy of all amended drawings as approved by the PCA will be provided to the Department and to Council for their records.

C2. RESIDENTIAL HEALTH IMPACTS

C2.1 Prior to any occupation of the redevelopment components, and annually while construction and/ or remediation works are occurring on land adjacent to the site, the Applicant shall notify current and intended residents of redevelopment components that:

a) the Rhodes Peninsula will be subject to a number of construction and remediation activities over the course of several years;

b) approved construction and remediation works on the Rhodes Peninsula have been assessed in accordance with the *Environmental Planning and Assessment Act 1979*, with development consent(s) granted based on compliance with accepted environmental, human health and amenity criteria;

c) notwithstanding that project-specific and cumulative impacts have been considered and assessed as meeting acceptable criteria, there may be periods when certain individuals, particularly sensitive receptors, may experience disturbance and/ or irritation; and

d) there are mechanisms available for complaints to be made in relation to disturbance and/ or irritation, and proactive and reactive management mechanisms to respond to such complaints.

C3. RESIDENTIAL EASEMENTS AND ALLOTMENTS

C3.1 Prior to the issue of any Occupation Certificate(s) for the redevelopment components the Applicant shall create a public positive covenant under the

Conveyancing Act 1919 to provide a 4.5 metre-wide easement for 24-hour unrestricted non-vehicular public access over the pedestrian-cycleway on the southern boundary of the site.

C3.2 Prior to the issue of an Occupation Certificate(s) for any part of the redevelopment components that occupies more than one allotment, either in whole or in part, the allotments so occupied shall be consolidated into a single allotment. The Applicant shall provide documentary evidence of consolidation of relevant allotments, to the satisfaction of the PCA.

C4. RESIDENTIAL BUILDING DESIGN, APPEARANCE AND PERFORMANCE

C4.1 Prior to the issue of the relevant Construction Certificate(s) for the redevelopment components, the Applicant shall submit to the PCA, four updated sets of the drawings referred to under condition A1.2 of this consent. The drawings shall be updated to reflect final detailed design and the relevant requirements of this consent.

C4.2 Prior to the issue of the relevant Construction Certificate(s) for the redevelopment components, the Applicant shall ensure that the dwellings within the redevelopment components achieve the following levels of adaptability:
- a) 15% of the dwellings are adaptable;
- b) 74% of the dwellings are visitable; and
- c) the remaining 11% of the dwellings need not be either adaptable or visitable.

C4.3 Prior to the issue of a Construction Certificate made in relation to buildings comprising the redevelopment components, the Applicant shall submit to the PCA a certificate from a registered architect or registered surveyor certifying that the areas and associated base gross floor area entitlements shown on the ‘for construction’ documents will not exceed a gross floor area of 25,373m^2, as measured in accordance with the “gross floor area” and “storey” definitions provided under *Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula*.

C4.4 Prior to the commencement of construction of each relevant redevelopment component, the Applicant shall submit to, and to the satisfaction of, the PCA, structural drawings prepared and signed by a suitably qualified, practising structural engineer, demonstrating compliance with:
- a) the relevant provisions of the BCA, and relevant Australian Standards listed under the BCA;
- b) the relevant requirements of this development consent;
- c) drawings and specifications comprising the relevant Construction Certificate(s).

Noise Generation and Acoustic Performance

C4.5 Prior to the issue of the relevant Construction Certificate(s) for the redevelopment components of the development, the Applicant shall submit for the approval of the PCA, a certificate and sound insulation report prepared by a suitably-qualified acoustic consultant agreed by the Director-General. The certificate and report shall include, but not necessarily be limited to:
- a) a demonstration that the redevelopment components comply, or can be modified to comply, with the requirements of the BCA in respect of sound insulation between separating floors, ceilings and walls of adjoining dwellings;
- b) a demonstration that the redevelopment components have been designed to ensure an adequate internal amenity to occupants exposed to noise that may be generated by construction and/ or remediation works that may have been approved on land to which *Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula* applies; and

c) details of staging of construction and occupation of redevelopment components and how temporary, short-term and transient construction noise impacts on occupied redevelopment components will be managed and mitigated.

Café/ Mixed Business Element

C4.6 The café/ mixed business element of the redevelopment components shall only operate from 07:00 to 23:00 on any day.

C4.7 The Applicant, or any relevant party acting on this consent, shall ensure that the operation of the café/ mixed business element of the redevelopment components does not transmit any "offensive noise", as defined under the *Protection of the Environment Operations Act 1997*, to any residential premises.

C4.8 Where amplified speech or music is to be operated in association with the café/ mixed business element of the redevelopment components, the Applicant, or any relevant party acting on this consent, shall ensure that any loudspeaker or loudspeaker system is positioned such that it is:

a) located entirely within the café/ mixed business element;
b) situated not less than three metres from any public entrance to the café/ mixed business element; and
c) directed in such a manner that the loudspeaker or loudspeaker system, while in use, does not point towards any wall which contains an external window or entrance to the café/ mixed business element, unless that wall is more than 15 metres from the loudspeaker or loudspeaker system.

Health and Waste Management

C4.9 The Applicant shall ensure that adequate provisions are made within the redevelopment components for the storage and collection of refuse, waste and recyclable materials, consistent with Council's *Development Control Plan No. 38 – Waste Minimisation and Management* and to the satisfaction of the Director-General.

C4.10 The Applicant shall ensure that mechanical ventilation and air conditioning systems installed as part of the redevelopment components are designed, installed and maintained in compliance with Australian Standard AS1668.2-1991 – *The Use of Mechanical Ventilation and Air Conditioning in Buildings*. The Applicant shall obtain certification from a suitably qualified person(s) that the mechanical ventilation and air conditioning systems:

a) have been designed to achieve the requirements of this condition, prior to installation; and
b) have been installed to meet the requirements of this condition, after completion of installation.

Certification shall include details of inspections, testing, commissioning, and the dates of those activities, the name and address of the person(s) carrying out the testing.

C4.11 All floors within rooms that relate to wet areas shall be constructed and finished so as to be impervious to water and graded to a sufficient number of floor drains.

C4.12 At least one drainage point and one water supply point shall be provided to each shop or retail tenancy.

C4.13 Toilet accommodation shall be provided for each shop or retail tenancy in compliance with the *Occupational Health and Safety Act 2000*.

C4.14 Prior to the issue of any Construction Certificate(s) for the redevelopment components, the Applicant shall obtain a Notice of Requirements from the Sydney Water Corporation under the *Sydney Water Act 1994*.

C4.15 Prior to the issue of any Occupation Certificate(s) for the redevelopment components, the Applicant shall obtain a Section 73 Compliance Certificate from the Sydney Water Corporation under the *Sydney Water Act 1994*.
D1.

Note: The Applicant shall ensure that the redevelopment components are designed and constructed to permit future connection to a recycled water supply (ie WRAMS), including appropriate dual supply provided internally within the redevelopment components to meet the requirements of SWC.

Energy Performance and Review

C4.16 The Applicant shall ensure that the redevelopment components of the development are designed, constructed and maintained to include the recommendations presented in the Energy Performance Report by Hyder Consulting dated 22 August 2002, included in the document referred to under condition A1.2iv) of this consent, and to meet the relevant requirements of the *Rhodes Peninsula Development Control Plan 2000*.

C4.17 Prior to the issue of the relevant Construction Certificate(s) for the redevelopment components, the Applicant shall obtain and submit to the PCA, certification from an accredited NSW NatHERS assessor, indicating that a minimum of 80% of all dwellings associated with the redevelopment components will achieve a minimum rating of three stars.

C4.18 The relevant Construction Certificate(s) for the redevelopment components shall incorporate the building materials characteristics outlined in sections 5.2.13(2) and 5.2.13(3) if the *Rhodes Peninsula Development Control Plan 2000*, to the greatest extent practicable.

C5. RESIDENTIAL SITE FACILITIES AND LANDSCAPING

Site Facilities

C5.1 The Applicant shall provide details of the average total storage rates for dwellings, and plans identifying storage locations with any application for a Construction Certificate(s) for redevelopment components. These details and plans shall demonstrate that storage rates and locations are consistent with the requirements specified in section 5.5.5(7) the *Rhodes Development Control Plan 2000*.

C5.2 All residents of the redevelopment components shall be provided with access to all shared facilities associated with redevelopment components, including the communal open space, gymnasium and pool.

C5.3 In additional to the provision of mail boxes off Marquet Street, the Applicant shall ensure that lockable mail boxes are provided at convenient locations off Gauthorpe Street and adjacent to the communal open space area between Buildings D and E, to the satisfaction of the PCA. The Applicant shall ensure that the design of mailboxes is integrated with building design, and to meet the requirements of Australia Post.

C5.4 The Applicant shall ensure that garden maintenance storage, including connections to water and drainage, are provided for the maintenance of communal open space.

Clotheslines and Clothes Dryers

C5.5 The Applicant shall submit to the PCA a plan(s) and written statement(s) identifying those dwellings associated with the redevelopment components that will have clothes drying lines installed, with those clothes drying lines not visible from the public domain and preferably on secondary balconies or secondary areas of main balconies.

C5.6 All clothes drying lines to be installed as part of the redevelopment components shall be installed at a minimum height of one metre and with a minimum combined line length of 3.5 metres.

C5.7 The Applicant shall install a clothes dryer in all dwellings without a clothes drying line (refer to condition C5.5 of this consent). The minimum energy rating for clothes dryers installed in dwellings shall be dependent on the percentage of total dwellings equipped with a clothes drying line, as provided in Table 2 below

Table 2 - Star Energy Rating Requirements

Percentage of Dwellings with Clothes Drying Lines	Minimum Energy Rating for a Clothes Dryers in Dwellings without Clothes Drying Line
0% - 49%	No less than 3 star energy rating
50% - 74%	No less than 2.5 star energy rating
75%-100%	No less than 2 star energy rating

C5.8 Prior to the issue of each relevant Occupation Certificate(s), the Applicant shall submit to the PCA a statement confirming compliance with the requirements of condition C5.7 of this consent. An Occupation Certificate shall not be issued in relation to any dwelling that does not have either a clothes drying line or clothes dryer installed.

Landscaping and Vegetation

C5.9 The Applicant shall ensure that no less than 19.5% of the total area of the site is provided as deep soil landscaping, with the minimum dimension of each discrete area of deep soil landscaping being no less than two metres.

C6. SIGNAGE AND ADVERTISING

C6.1 Prior to the installation of any external signage element that is not exempt or complying in accordance with relevant EPIs, the Applicant shall submit to the Director-General, details of those external signage elements, accompanied by a demonstration to the satisfaction of the Director-General that each external signage element complies with section 5.3.3 of the *Rhodes Peninsula Development Control Plan 2000*.

C6.2 This consent does not include approval for any external signage or adverting associated with the café/ mixed business element of the redevelopment components. Any such external signage or advertising shall be the subject of a separate development application, as may be required under the *Environmental Planning and Assessment Act 1979*.

C7. RESIDENTIAL ACCESS AND PARKING

C7.1 Prior to the issue of any relevant Construction Certificate(s) for the redevelopment components, or part of redevelopment component, the Applicant shall provide to the satisfaction of the PCA, a certificate of compliance issued by a qualified person that the design and layout of all carparking and loading areas, vehicular ingress and egress points, driveway ramps and grades, aisle widths and parking bays are in accordance with Australian Standards AS2890.1 and AS2890.2.

Disabled Persons Access

C7.2 The Applicant shall design, construct and maintain the redevelopment components in compliance with the relevant provisions of Part D3 of the BCA and Australian Standard AS1428.1.

C7.3 Prior to the issue of the relevant Construction Certificate(s) for the redevelopment, the Applicant shall submit plans to the PCA showing proposed paths and means of disabled persons' access, and demonstrating compliance with condition C7.2 of this consent.

Parking

C7.4 The Applicant shall ensure that carparking for the redevelopment components does not exceed a maximum of 343 parking spaces, including:
a) a minimum of five parking spaces for service vehicles;
b) at least ten parking spaces suitable for use by persons with disabilities;
c) at least 12 parking spaces for motorcycling parking, conveniently located to lift access.

C7.5 Each pair of stacked car parking spaces provide on the site for redevelopment components shall be attached to the same strata title comprising a single dwelling.

C7.6 The Applicant shall ensure that the parking for persons with disabilities referred to under condition C7.4b) of this consent is designed and installed to meet the following requirements:
a) the relevant provisions of *Code for Access for Ability Impaired People* and Australian Standard AS2890.1993;
b) distributed so as to provide convenient access to each building of the redevelopment components; and
c) provided at clearly signposted locations.

C7.7 The Applicant shall ensure that any development application(s) for Strata Title applicable to redevelopment components makes provision for ten disabled parking spaces, dedicated to common property within the ownership of each Owner's Corporation. A requirement for the lease of disabled parking spaces shall be made through a restrictive covenant placed on title pursuant to section 88B of the *Conveyancing Act 1919*. The covenant shall be subject to the restriction that, upon request from an occupier or owner-occupier within the strata, the Owner's Corporation shall lease one disabled parking space for exclusive use of that person subject to that person being eligible for a Mobility Parking Scheme Authority Type A or Type C. Any disabled persons' parking space not leased in accordance with this condition shall be made available for disabled visitor parking, or may be leased to able-bodied occupiers of the redevelopment components under short-term leasing arrangements.

Note: Information on the Mobility Parking Scheme is available from the NSW Roads and Traffic Authority (*MPS: Details of the Mobility Parking Scheme*, published by the NSW Roads and Traffic Authority, March 2001).

C7.8 The Applicant shall ensure that bicycling parking is provided on the site for redevelopment components, in accordance with the following requirements:
a) at least 116 bicycling parking spaces for residential aspects, comprising 93 spaces for residents and 23 spaces for visitors;
b) bicycle parking spaces for residents and visitors shall be distributed over the site so as to provide convenient access for cyclists to all buildings on the site;

c) a minimum of five bicycle parking spaces for residents and visitors shall be provided in a secure location on the site, at finished ground level, and close to the proposed cycleway on the southern boundary of the site;

d) bicycle parking spaces shall be provided for the café/ mixed business aspect of the redevelopment components, consistent with the requirements of section 5.6.3(14) of the *Rhodes Peninsula Development Control Plan 2000*; and

e) all bicycle parking spaces shall be designed and installed to comply with the relevant requirements of *Guide to Traffic Engineering Practice Part 14: "Bicycles"* (Austroads, 1999).

Site Access and Traffic Infrastructure Design

C7.9 The Applicant shall ensure that traffic infrastructure on the site associated with redevelopment components is designed and installed such that service vehicles may enter and leave loading facilities in a forward direction, and within the confines of the loading facilities and carpark.

C7.10 The Applicant shall design, install and maintain all driveway ingress and egress points, including surrounding infrastructure and vegetation to ensure a clear line of vision to and from those ingress and egress points at all times.

C8. RESIDENTIAL PUBLIC FACILITIES AND INFRASTRUCTURE

Rectification of Damage to Public Property

C8.1 Prior to the commencement of any work on site for the redevelopment components, the Applicant shall pay a refundable deposit to Council, in a form acceptable to Council, for the rectification of any damage to Council property as a result of the development. The deposit shall be $7,000, which shall be refunded at the completion of the development provided there is no damage to Council property.

Contributions/ Works-In-Kind for Public Facilities and Infrastructure

C8.2 Pursuant to section 94A of the *Environmental Planning and Assessment Act 1979*, and in accordance with the *Concord Section 94 Contributions Plan 2000* (as adjusted by the *Rhodes Contributions Framework*) the Applicant shall make the contributions identified in Table 3 below, for the purpose indicated, consistent with the contributions plan or framework specified.

Table 3 – Contributions Payable for Public Facilities and Infrastructure

Contribution in Relation to	Contributions Payable to	Value of Contribution ($)
Contributions under Paragraph 7, Part 2 of the *Concord Section 94 Contributions Plan 2000*		
Residential Development (274 Units)		
Open Space	Council	542,401.08
Community Facilities	Council	533,354.75
Roads	Council	285,770.28
Subtotal of Contributions for Residential Development		**1,361,526.12**
Non-Residential Development (80 m^2 Retail)		
Open Space	Council	-
Community Facilities (including $812.85 for childcare)	Council	860.37
Roads	Council	1,656.25
Subtotal for Non-Residential Development		**2,516.62**
Offset for Cycleway Provision	-	-8,208.20
TOTAL CONTRIBUTIONS UNDER CONCORD SECTION 94 CONTRIBUTIONS PLAN		**1,355,834.54**

Contributions/ Works-In-Kind under the Rhodes Transport Management Plan		
Cash Contributions		
Railway Station	State Rail Authority	143,890.52
Programs and Studies	Department	18,303.34
Share of Roadworks under Transport Management Plan		
Stairs/ Ramp, John Whitton Bridge	-	33,554.80
Additional Works	-	179,240.64
Subtotal of Works-Kind		**212,795.44**
Cash Equivalent Value of Works-In-Kind (with 40% On-Cost)		*297,913.63*

C8.3 The Applicant shall resolve the contributions referred to in this consent, to the satisfaction of the Director-General, prior to the issue of any relevant Construction Certificate(s) for redevelopment components. The Applicant may resolve the contributions by:

a) payment of the specified amounts to Council, the Department and the State Rail Authority, as relevant; or

b) payment of such, if any amount, once monetary offsets from the provision of works-in-kind have been deducted and agreed to by the Director-General, subject to any terms of such an agreement.

C8.4 The value of monetary offsets for works-in-kind under this consent shall not exceed the total monetary amount specified for those works in the *Concord Section 94 Contributions Plan 2000*. The Applicant shall provide evidence to the PCA that the required contributions have been resolved. This evidence shall either be a copy of receipt(s) of payment of the required contributions, and/ or documentary evidence that the Director-General has agreed to monetary offsets, as referred to at b) above.

C8.5 Contributions required under this consent may be paid in stages, proportional to the extent of redevelopment components within each stage, subject to an unconditional back guarantee being lodged with an Australian bank for the remainder of the contributions owing for subsequent stages, in favour of the intended recipient of the contributions.

C9. RESIDENTIAL CONSTRUCTION ENVIRONMENTAL PERFORMANCE

Noise and Amenity Impacts

Restrictions to Hours

C9.1 To mitigate noise impacts associated with construction of the redevelopment components, the Applicant shall undertake all construction activities in accordance with the restrictions listed below. This condition does not apply in the event of an emergency (to protect the human and biophysical environments) or under direction from a relevant authorised public authority.

a) all construction activities involving rock-breaking, jackhammers, intrusive noise or heavy construction equipment or vehicles (in excess of eight tonnes) shall be restricted to the following hours:
   - i) between 07:00 and 17:00 on Mondays to Fridays;
   - ii) between 08:00 and 13:00 on Saturdays; and
   - iii) at no time on Sundays or public holidays;

b) all construction activities not the subject of a) above shall be restricted to the following hours:
   - i) between 07:00 and 18:00 on Mondays to Fridays;
   - ii) between 08:00 and 16:00 on Saturdays, if inaudible at the site boundary;

iii) between 08:00 and 13:00 on Saturdays, audible at the site boundary; and
iv) at no time on Sundays or public holidays.

C9.2 The time restrictions specified under condition C9.1 of this consent may be varied with the Director-General's agreement with the proposed variation in times, including the results of any community consultation that the Director-General may require the Applicant to undertake, and after providing any information necessary for the Director-General to reasonably determine that activities undertaken during the varied hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

Construction Noise Limits

C9.3 The Applicant shall submit a construction noise management plan to the private certifier and Council prior to the issue of a Construction Certificate(s). The plan shall include the following:

(a) All work, including demolition, excavation and building work must comply with Australian Standard AS2436;1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
(b) The Applicant shall engage a suitably qualified acoustic engineer to undertake construction noise monitoring for the duration of the works;
(c) The L_{10} noise emissions levels from construction work on the subject development shall not exceed the background noise level by more than 20 dB(A).
(d) The name and contact phone number of the site manager is to be displayed at the entry to the construction site so that any complaints from residents can be logged and action(s) taken to address the complaint.
(e) All complaints are to be recorded together with details of the action taken and/or details of investigation of any complaint with a copy to be kept on site at all times during the construction works;
(f) Where the noise emission objectives nominated in item (c) above cannot be achieved the Applicant shall:
    - Investigate and implement where practicable quieter processes/alternatives to reduce noise emissions;
    - Implement wherever practicable acoustic barriers/screens to reduce noise emissions to nearby receivers and the use of silencing devices where possible. These may take the form of engine shrouding, or special industrial silencers fitted to exhausts;
    - Best management practice shall be implemented including equipment scheduling, equipment positioning and maintenance practices.

Soil and Water Quality Impacts

C9.4 The Applicant shall ensure that section 120 of the *Protection of the Environment Operations Act 1997* (prohibition of pollution of waters) is complied with in and in connection with the carrying out of the development.

C9.5 The Applicant shall apply all practicable measures using best environmental practice to:

a) minimise soil erosion and the discharge of sediments and pollutants from the site; and
b) reduce both the concentration of contaminants contained in dirty water and the total quantity of dirty water produced as a result of activities and works associated with the development.

C9.6 The Applicant shall install and maintain erosion and sediment control measures on the site for the duration of remediation activities to prevent the discharge of sediment from the site.

Air Quality Impacts

Odour

C9.7 The Applicant shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site during the construction of the redevelopment components.

Dust Emissions

C9.8 The Applicant shall undertake construction of redevelopment components in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities undertaken on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Applicant shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

C10. RESIDENTIAL ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

C10.1 Prior to issue of Construction Certificate(s) for any redevelopment component, the Applicant shall prepare and submit for the approval of the PCA, a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of the redevelopment components. The Plan shall address the following:

a) a description of all activities to be undertaken on the site during construction of the redevelopment components, including an indication of stages of construction, where relevant;
b) details of hoardings and barriers to be installed during construction, with documentary evidence of Council's satisfaction with these hoardings and barriers, including payment of any applicable fees and charges;
c) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
d) details of how the environmental performance of the construction works will be monitored and what actions will be taken to address identified adverse environmental impacts;
e) a description of the roles and responsibilities for all relevant employees involved in the construction of the redevelopment components;
f) the Management Plans listed under conditions C10.2 of this consent with documentary evidence that Council has been consulted during the preparation of the Plans and Council requirements have been incorporated into the Plans; and
g) arrangements for community consultation and complaints handling procedures during construction.

C10.2 As part of the Construction Environmental Management Plan for the redevelopment components of the development, required under condition C10.1 of this consent, the Applicant shall prepare and implement the following Management Plans:

a) a **Traffic Management Plan** to outline measures to manage traffic generated during construction of the redevelopment components, and the impacts of that traffic on the local and regional road network. The Plan shall address the requirements of Council, and shall include, but not necessarily be limited to:

i) details of measures that would be implemented to minimise noise and amenity impacts on residential areas resulting from heavy vehicle movements;
ii) consideration of all possibilities for reducing the required daily heavy vehicle movements and movements during peak or night-time periods;
iii) details of measures for construction vehicle ingress to and egress from the site, including construction vehicle routes, as agreed with Council, and measures to be implemented to ensure that these routes are followed;
iv) requirements for dilapidations reporting in relation to relevant Council roads that may be used by construction vehicles; and
v) provision for the submission of a draft copy of the Traffic Management Plan to Council and the Department for comment prior to submission to the PCA.

b) a **Soil and Water Management Plan** to outline measures to control and manage surface water (including erosion and sedimentation) and stormwater during construction of the redevelopment components. The Plan shall address the requirements of the Department and Council. The Plan shall include, but not necessarily be limited to:
i) measures manage surface water, erosion and sedimentation;
ii) measures to be implemented to minimise the potential for erosion from the site during the construction of the redevelopment components and measures to maintain all erosion mitigating works;
iii) demonstration that erosion and sedimentation control measures will conform with, or exceed, the relevant requirements and guidelines provided in Department's publication *Urban Erosion and Sedimentation Handbook*, and the Department of Housing's publication *Soil and Construction 3rd Edition August 1998*;
iv) measures to rehabilitate erosion-affected areas and areas the subject of excavation, including tree, shrub and/ or cover crop species and implementation;
v) measures to manage stormwater, including:
- details of relevant stormwater control infrastructure and how that infrastructure minimise stormwater peak flows and peak pollutant concentrations;
- procedures for the installation and maintenance of gross pollutant traps to screen run-off from the site;
- a demonstration of consistency with the stormwater management plan for the catchment, should one exist, or with the EPA's publication *Managing Urban Stormwater: Council Handbook* should a stormwater management plan for the catchment not exist;

c) a **Noise Management Plan** to detail measures to minimise noise impacts during construction of the redevelopment components. The Plan shall be developed in consultation with Council, the EPA and NSW Health, and shall include, but not necessarily be limited to:
i) identification of construction noise criteria for each relevant receiver;
ii) identification of general activities that will be carried out and associated noise sources;
iii) assessment of construction noise impacts at the relevant receivers;
iv) procedures for notifying residents of construction activities likely to affect their noise amenity, and procedures for receiving and responding to construction noise complaints;
v) details of overall management methods and procedures that would be implemented to control noise from the construction stage to achieve the set construction noise criteria;

vi) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating who would conduct the monitoring, how often this monitoring would be conducted, how the results of this monitoring would be recorded; and if any non-compliance is detected,

vii) a description of what procedures would be followed to ensure compliance.

d) a **Waste Management Plan** to outline measures to minimise the production and impact of wastes generated during construction of the redevelopment components. The Plan shall address the requirements of the Department and Council.

Environmental Performance Plan

C10.3 Prior to the issue of the relevant Construction Certificate(s) for any redevelopment component, the Applicant shall prepare and submit for the approval of the Director-General, an **Environmental Performance Plan** to detail measures to be implemented to minimise environmental impacts, and improve the environmental performance of the redevelopment components on an on-going basis. The Plan shall be prepared in consultation with the Department, the EPA and Council and shall include, but not necessarily be limited to:

a) provision of a minimum of R3 roof and R1.5 wall insulation, with details of how construction detailing and building materials would be used to enhance the thermal efficiency of the redevelopment components;

b) provision of sarking in any roof cavities;

c) detailed glazing specifications for redevelopment components;

d) detailed specifications for ventilation to serve enclosed car parking areas;

e) detailed specifications for light fittings to be installed in the redevelopment components, including those to be installed inside, outside and in association with carparking areas, with justification for the choice of light fittings based on minimisation of energy consumption;

f) consideration of the installation and use of solar hot water systems and/or the use of photovoltaic cells to partially replace power supply from the electricity grid;

g) provision of AAA-rated showerheads, wash basins, kitchen sinks and toilet cisterns in each dwelling;

h) details of all whitegoods to be installed within the redevelopment components, with a demonstration that these appliances will have an energy rating of no less than three stars (excluding clothes dryers, with an energy rating of not less than that required under condition C5.7 of this consent);

i) details of dual plumbing to be installed in the redevelopment components to permit the use of recycled water, in accordance with any relevant Section 73 Compliance Certificate that may be issued by SWC; and

j) demonstration that all food tenancies forming part of the redevelopment components will be compliant with the National Code for the Construction and Fitout of Food Premises and with Council's Food Premises Code.

ATTACHMENT 1 – NOTES ON RHODES PENINSULA COORDINATION

The Department of Infrastructure, Planning and Natural Resources (DIPNR) recognises the potential for cumulative impacts from concurrent remediation and redevelopment proposals on the Rhodes Peninsula, and the need to ensure that these impacts are addressed in a coordinated, cooperative manner. The Department intends, therefore, to establish a coordinated framework under which relevant proponents and affected members of the community (or their nominated representatives) can be involved in the coordinated management of environmental issues that may be generated by works on the Rhodes Peninsula. The interrelation of parties under this framework is provided as Figure 1, with a general description of each role summarised below.

Rhodes Regulatory Panel – the Panel is to be convened by the Department of Infrastructure, Planning and Natural Resources and would include representatives from relevant regulatory bodies, including integrated approval bodies (Environment Protection Authority, Waterways Authority and NSW Fisheries). The purpose of the Panel is to receive information in relation to the environmental and safety performance of remediation works, and relevant redevelopment works, as coordinated by the Rhodes Environmental Monitoring and Management Committee. In relation to information associated with remediation proposals, an independent person will provide additional comment/ advice to the Panel on technical remediation matters. The Panel will also receive comment from, and respond to, the Rhodes Community Consultative Committee, on an as needs basis. The Panel will provide a “whole of Government” response to matters of environmental and safety performance, but will not restrict the respective regulatory roles or powers of its constituent members.

Rhodes Environmental Monitoring and Management Committee – the Committee is to provide a coordinated approach to the environmental monitoring and management of remediation works and relevant redevelopment works on the Rhodes Peninsula. Proponents of the redevelopment works may be involved in the Committee, as required by the Director-General, given that redevelopment works have the potential to be impacted by remediation works, as well as contributing to cumulative impacts (such as dust, traffic and noise). The operation of the Committee would be governed by Cumulative Impacts and Coordination Protocol(s) between the parties. The Committee would be responsible for reporting to the Rhodes Regulatory Panel, and provided consolidated environmental management and monitoring data to the Rhodes Community Consultative Committee. Expenses of the Committee would be shared appropriately among its constituent members, as agreed in Cumulative Impacts and Coordination Protocol(s).

Rhodes Community Consultative Committee – the Committee is to provide a single point of reference for the local community in relation to remediation and redevelopment works on the Rhodes Peninsula. The Committee would receive all environmental and safety management and monitoring data, in a coordinated and consolidate manner, from the Rhodes Environmental Monitoring and Management Committee. The Committee would also provide feedback to the Rhodes Environmental Monitoring and Management Committee, highlighting community concerns, requests or queries.

Figure 1 – Rhodes Environmental Management Coordination Framework