

Development consent

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

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I determine:

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.
- (b) that pursuant to section 89D(2) of the *Environmental Planning and Assessment Act 1979*, I determine that any subsequent stage of the development not being for the purpose of an educational establishment with a capital investment value in excess of \$30 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

David Gainsford
Executive Director
Priority Projects Assessments

Sydney

2016

SCHEDULE 1

Application No.:	SSD 7140
Applicant:	Trustees of the Jesuit Fathers
Consent Authority:	Minister for Planning
Land:	2-60 Riverview Street and Tambourine Bay Road (Lot 10 DP 11422773).
Approved Development:	<u>Concept Proposal</u> for the staged redevelopment of the St Ignatius College Riverview Senior School Campus over a 30 year period, comprising: • demolition works; • construction of new buildings and recreation facilities; • refurbishment and expansion of existing buildings; • vehicular access, car parking and pedestrian circulation arrangements; • new recreation and outdoor spaces; and • associated landscaping. <u>Stage 1 Works</u>, including the expansion and refurbishment of the existing buildings in the Therry Precinct and associated landscaping.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A4 Schedule 2 and A2 Schedule 3.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	Lane Cove Council
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	The Department of Planning and Environment
Evening	The period from 6 pm to 10 pm
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement Concept Master Plan and Stage 1 Detailed Consent for Stage 1 Works to the Therry and O'Neil Wings</i> prepared by Willowtree Planning and dated November 2015
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RTS	<i>Response to Submissions State Significant Development 7140</i> prepared by Willowtree Planning and dated March 2016
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
Secretary	Secretary of Department of Planning and Environment
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Subject Site	2-60 Riverview Street and Tambourine Bay Road (Lot 10 DP 11422773)
TfNSW	Transport for New South Wales
Zone of Influence	The horizontal distance from the edge of the excavation or any construction zone (including on-site haulage routes) to twice the maximum excavation depth.

SCHEDULE 2

CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

PART A TERMS OF CONSENT

Development Description

- A1. Consent is granted to the 'concept proposal' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions and the conditions contained in this development consent.

Determination of Future Development Applications

- A2. In accordance with section 83B(3) of the EP&A Act all development under the concept proposal the subsequent stages are to be subject of future development applications.
- A3. The determination of future development applications are to be generally consistent with the terms of development consent SSD 7140 as described in Schedule 1 and subject to the conditions in Part B, Schedule 2.

Development in Accordance with Plans and Documents

- A4. The Applicant shall carry out the development generally in accordance with the:
- a) *Environmental Impact Statement Concept Master Plan and Stage 1 Detailed Consent for Stage 1 Works to the Therry and O'Neil Wings*, prepared by Willowtree Planning and dated November 2015, as amended by the *Response to Submissions State Significant Development 7140*, prepared by Willowtree Planning, dated March 2016;
 - b) *Landscape Masterplan*, prepared by Arcadia Landscape Architecture, dated November 2015; and
 - c) following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development'; and
 - ii) otherwise provided by the conditions of this consent.

Design Concept Package prepared by PMDL			
Drawing No.	Revision	Name of Plan	Date
DA2.0	B	Masterplan Concept	01/12/15
DA2.1	B	Masterplan Site Concept	01/12/15
DA2.2	B	MP-Existing Building Demo	01/12/15
DA2.3	B	MP- Precinct Developments	01/12/15
DA2.5	B	Proposed Site Massing Model	01/12/15
DA3.0	B	Stage 1 - Therry L.P.	01/12/15
DA3.1	B	Future Stage - Wallace L.P.	01/12/15
DA3.2	B	Future Stage - Main Building P.	01/12/15
DA3.3	B	Future Stage - F&B Precinct	01/12/15
DA3.4	B	Future Stage - St. Michael's H.P.	01/12/15
DA3.5	B	Future Stage - Vaughan L.P.	01/12/15
DA3.6	B	Future Stage - Boarding P.	01/12/15
DA3.7	C	Future Stage - Community P.	06/06/16
DA3.8	B	Future Stage - Sports P.	01/12/15
DA3.9	B	Future Stage - Rec. Courts P.	01/12/15
DA3.10	B	Future Stage - New L.P.	01/12/15

Events

- A5. An up to date school events forecast profile shall be maintained and must:
- a) identify the dates for all events (excluding student only events), time of events and the number of attendees;
 - b) be displayed in a convenient and publicly accessible location and distributed to surrounding residents on an annual basis, including notification of any changes to any events;
 - c) be accompanied by a Traffic and Parking Management Plan; and
 - d) include a notification process (e.g. letterbox drop or e-communication) for informing surrounding residents within one week to a fortnight before any major event.

Lapsing of Approval

- A6. This approval does not allow any components of the concept proposal, except Stage 1 works as described in Schedule 1, to be carried out without further approval or consent being obtained.
- A7. This consent will lapse five years from the date of consent unless the works associated with Stage 1 have physically commenced.

Legal Notices

- A8. Any advice or notice to the consent authority shall be served on the Secretary.

Secretary as Moderator

- A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Heritage

- B1. All future development applications involving works proposed to or in close proximity to elements of high and exceptional heritage significance (refer to the draft Conservation Management Strategy 2004), and where new structures/buildings would be visible in significant views from the south, east and west, shall be accompanied by a Heritage Impact Statement addressing their impacts.

Contamination

- B2. All future development applications for new built form shall include an assessment of potential site contamination in accordance with the requirements in *State Environmental Planning Policy No. 55 – Remediation of Land*.

Traffic, Access and Car Parking

- B3. All future development applications for new built form shall be accompanied by a detailed assessment of the traffic and transport impacts associated with that use on the surrounding road network and intersection capacity.
- B4. All future development applications for new built form resulting in changes to the parking and internal access arrangements shall include a detailed car park/access plan for the site and an updated Traffic and Parking Management Plan detailing measures

to manage car parking and vehicle access to/from and around the school during major events.

Landscaping

- B5. All future development applications for new built form shall include detailed Landscape Plans identifying the vegetation to be removed or relocated, and the location of replacement and additional landscaping, and must be generally in accordance with the approved landscape concept in Condition A4 of Part A of Schedule 2. The Landscape Plans shall include relevant details of the species to be used in the various landscapes areas (preferably species indigenous to the area) and the landscape treatments, including any pavement and seating areas.
- B6. The future development applications requiring removal of significant trees on the site shall include a detailed Aboricultural Impact Assessment.

SCHEDULE 3

CONDITIONS OF CONSENT FOR STAGE 1 WORKS

PART A ADMINISTRATIVE CONDITIONS

Development Description

- A1. Consent is granted to the 'Stage 1 works' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions and the conditions contained in this development consent.

Development in Accordance with Plans and Documents

- A2. The Applicant shall carry out the development generally in accordance with the:
- a) *Environmental Impact Statement Concept Master Plan and Stage 1 Detailed Consent for Stage 1 Works to the Therry and O'Neil Wings*, prepared by Willowtree Planning and dated November 2015, as amended by the *Response to Submissions State Significant Development 7140* prepared by Willowtree Planning dated March 2016;
 - b) *Stage 1 Landscape Package*, prepared by Arcadia Landscape Architecture, dated November 2015; and
 - c) following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development'; and
 - ii) otherwise provided by the conditions of this consent.

Architectural Design Drawings titled <i>St Ignatius College – Masterplan Stage 1</i> prepared by PMDL			
Drawing No.	Revision	Name of Plan	Date
DA100	A	Site Plan and Analysis	27/10/15
DA120	A	Ground Floor Plan	27/10/15
DA121	A	Level 1 Plan RL 35.55	27/10/15
DA122	A	Level 2 Plan RL 39.215	27/10/15
DA123	A	Level 3 Plan RL 42.54	27/10/15
DA124	A	Roof Level Plan	27/10/15
DA130	A	Ground Floor Demo Plan	27/10/15
DA131	A	Level 1 Demo Plan	27/10/15
DA132	A	Level 2 Demo Plan	27/10/15
DA133	A	Level 3 Demo Plan	27/10/15
DA134	A	Roof Level Demo Plan	27/10/15
DA200	A	Elevations 01	27/10/15
DA201	A	Elevations 02	27/10/15
DA202	A	Sections 01	27/10/15
DA203	A	Sections 02	27/10/15
DA500	A	Materials Board	27/10/15

Lapsing of Approval

- A3. This consent will lapse five years from the date of consent unless the works associated with Stage 1 have physically commenced.

Prescribed Conditions

- A4. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Secretary as Moderator

- A5. Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within two months or a timeframe otherwise agreed to by the Secretary, the matter is to be referred to the Secretary for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Secretary's resolution of the matter will be binding on the parties.

Long Service Levy

- A6. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 14 41.

Legal Notices

- A7. Any advice or notice to the consent authority shall be served on the Secretary.

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Note: Conditions below that refer to actions "prior to issue of a Construction Certificate" may be read as prior to issue of a construction certificate for the relevant stage, unless otherwise indicated as to be satisfied prior to issue of any construction certificate.

Noise Attenuation Measures

- B1. Prior to the issue of a Construction Certificate, the Applicant shall demonstrate to the Certifying Authority that the building design, including any mechanical plant, meets the Site Specific Noise Criteria identified in the Acoustic Report prepared by Resonate Acoustic dated 15 October 2015 (Revision 1).

Heritage

- B2. An Interpretation Strategy and photographic recording in accordance with the recommendation in the Heritage Impact Statement prepared by NBRS, dated October 2015 shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Ecologically Sustainable Development

- B3. The project shall identify all design and operation measures as identified in the ESD Report prepared by Umow Lai dated 26 November 2015. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Tree Assessment

- B4. A detailed plan prepared by a suitable qualified person showing all existing trees to be retained and trees to be removed in accordance with the recommendations in the Aborigicultural Impact Assessment prepared by Tree IQ dated 28 October 2015 shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Stormwater Management

- B5. Prior to the issue of a Construction Certificate, detailed engineering plans and specifications of the drainage system in accordance with Council's stormwater and drainage requirements shall be submitted to the Certifying Authority. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

Reflectivity

- B6. The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in adverse glare impacts. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Outdoor Lighting

- B7. All outdoor lighting within the site shall comply with, where relevant, *AS1158.3.1-2005 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Access for People with Disabilities

- B8. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia, DDA Access to Premises Standards (including DDA Access Code) unless where there is an appropriate alternate solution as determined by a suitable qualified access consultant. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any Construction Certificate drawings.

Structural Details

- B9. Prior to the issue of a Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Mechanical Ventilation

- B10. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards *AS1668.2* and *AS3666.1 Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Storage and Handling of Waste

- B11. The building plans and specifications accompanying the Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:
- a) all internal walls of the storage area are to be finished to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - b) include provision for the separation and storage in appropriate categories of material suitable for recycling; and
 - c) include provision for separate storage and collection of organic/food waste.

Utility Services

- B12. Prior to the issue of a Construction Certificate the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

Geotechnical Report

- B13. Prior to the issue of a Construction Certificate a geotechnical report prepared by a suitably qualified geotechnical/hydrogeological engineer shall be submitted to the Certifying Authority in accordance with Council's requirements.

PART C PRIOR TO COMMENCEMENT OF WORKS

Demolition

- C1. Any demolition work shall comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

Notice of Commencement of Works

- C2. The Certifying Authority and Council shall be given written notice at least 48 hours prior to the commencement of building work on the Subject Site.

Construction Environmental Management Plan

- C3.
- a) Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters, where relevant:
 - i) hours of work;
 - ii) 24 hour contact details of site manager;
 - iii) traffic management, in consultation with Council and TfNSW;
 - iv) construction noise and vibration management;
 - v) management of dust and odour to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;

- vii) procedures for encountering groundwater during construction works including contact with NSW Office of Water and details of volume of water to be extracted;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) stormwater control and discharge;
 - x) waste storage and recycling control;
 - xi) construction material storage;
 - xii) litter control;
 - xiii) Unexpected Finds Protocol; and
 - xiv) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
 - c) The Applicant shall submit a copy of the CEMP to Council, prior to commencement of work.
- C4. The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of construction works.

Construction Traffic and Pedestrian Management Plan

- C5.
- a) Prior to the commencement of any works on the Subject Site, a Construction Traffic and Pedestrian Management Plan (CTPMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan must be prepared in consultation with TfNSW, RMS and Council and where required, the approval of the Council's traffic committee obtained.
 - b) The Plan shall address, but not be limited to, the following matters:
 - i) ingress and egress of vehicles to the Subject Site;
 - ii) loading and unloading, including construction zones;
 - iii) construction traffic and construction car parking arrangements, including measures to reduce travel to the Subject Site by private vehicle such as incentives to encourage public transport use or carpooling;
 - iv) predicted traffic volumes, types and routes;
 - v) impacts on general traffic and bus movements adjacent to the school, and where relevant measures to mitigate any impacts and ensure there is no delays to bus services; and
 - vi) pedestrian and traffic management methods.
 - c) The Applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.
- C6. The CTPMP (as revised from time to time) must be implemented by the Applicant for the duration of construction works.

Construction Noise and Vibration Management Plan

- C7. The Applicant shall prepare a Construction Noise and Vibration Management Plan (CNVMP) and the plan must:
- a) be prepared by a suitably qualified expert;

- b) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, and in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
 - i) best management practice is being employed; and
 - ii) compliance with the relevant conditions of this approval;
- d) describe the proposed noise and vibration management measures in detail;
- e) include strategies that have been developed with the community, including all noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
- f) describe the community consultation undertaken to develop the strategies in e) above;
- g) evaluates and reports on the effectiveness of the noise and vibration management measures; and
- h) include a complaints management system that would be implemented for the duration of the project.

C8. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of construction works.

Construction Waste Management Plan

C9.

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

C10. The CWMP (as revised from time to time) must be implemented by the Applicant for the duration of construction works.

Sydney Water Quick Check

C11. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will need to be appropriately stamped by the Sydney Water Quick Check agent.

Note: for further assistance please telephone 13 20 92 or refer to Sydney Water's website www.sydneywater.com.au for Quick Check agent details.

Erosion and Sedimentation Control

- C12. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of works involving vegetation removal or soil disturbance.

PART D DURING CONSTRUCTION

Hours of Work

- D1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) Between 7 am and 6 pm, Mondays to Fridays inclusive.
 - b) Between 8 am and 1 pm, Saturdays.
 - c) No work on Sundays and public holidays.
 - d) Works may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or other authorities; or
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
 - iii) a variation is approved, in advance, in writing, by the Secretary or her nominee.

Erosion and Sediment Control

- D2. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- D3. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Environment Protection Authority in accordance with the New South Wales *Protection of the Environment Operations Act 1997*.

Approved Plans to be On-Site

- D4. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Site Notice

- D5.
- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
 - b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;

- ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- iii) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Protection of Trees

D6.

- a) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.
- b) The removal works are to be undertaken by a qualified arborist recognised within the Australian Qualification Framework, with a minimum five years of continual experience within the industry of operational amenity arboriculture, and covered by appropriate and current types of insurance to undertake such works and in accordance with Work Cover NSW 2007.

Construction Noise Management

D7.

- a) The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved as part of the CEMP.
- b) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW *Industrial Noise Policy*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- c) The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
 - i) 8 am to 12 pm, Monday to Friday;
 - ii) 2 pm to 5 pm Monday to Friday; and
 - iii) 9 am to 12 pm, Saturday.
- d) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- e) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.

Vibration Criteria

- D8. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
- a) For structural damage vibration, German Standard *DIN 4150 Part 3 Structural Vibration – Effects of Vibration on Structures*.
 - b) For human exposure to vibration, the evaluation criteria presented in British Standard *BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.
 - c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
 - d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan.

Work Cover Requirements

- D9. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Contamination

- D10. All material in the building which contains asbestos is to be removed in accordance with the guidelines of the WorkCover Authority and the requirements of the Environment Protection Authority.
- D11. Any subsurface soils excavated during redevelopment of the site shall be classified in accordance with the *Waste Classification Guidelines: Part 1 Classifying Waste NSW DECC 2009* prior to off-site disposal.

Demolition

- D12. All demolition is to be carried out in accordance with the requirements of the Australian Standard AS2601-2001.

Hoarding/Fencing Requirements

- D13. The following hoarding requirements shall be complied with:
- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
 - b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

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

- D14. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

- D15. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably

qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate

- E1. An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or part of the new building. A copy of the certificate shall be submitted to the Department and Council.

Structural Inspection Certificate

- E2. A Structural Inspection Certificate for any structural work is to be obtained prior to occupation of the building.

Mechanical Ventilation

- E3. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) the Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the Fire and Rescue NSW.

Road Damage

- E4. The cost of repairing any damage caused to Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

Sydney Water Compliance

- E5. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of the occupation certificate.

Fire Safety Certification

- E6. Prior to the issue a an Occupation Certificate, a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

Structural Inspection Certificate

- E7. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Council after:
- a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
 - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Utility Providers

- E8. Prior to the issue of a relevant Occupation Certificate written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Drainage Plan

- E9. Prior to the issuing of an Occupation Certificate for the development, the Applicant shall submit to Council and the Certifying Authority a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Certifying Authority.

Waste Management

- E10. Prior to the issue of the relevant Occupation Certificate, a detailed Waste Management Plan for operation of the site shall be submitted to the Certifying Authority.

Landscaping

- E11. The landscaping of the site is to be carried out in accordance with the approved Landscape Plan prior to the issuing of an Occupation Certificate.

Civil Works

- E12. An appropriately qualified and practising civil engineer shall certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with the development consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.

PART F POST OCCUPATION

External Lighting

- F1. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Loading/Unloading

- F2. All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

Ecologically Sustainable Development

- F3. The operation of the building shall implement the ESD principles and design measures outlined within the EIS.

Annual Fire Safety Certificate

- F4. An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

Noise Control – General

- F5. The use of the premise shall not cause nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

Noise Control – Plant and Machinery

- F6. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- a) Transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
 - b) A sound pressure level at any affected residential property that exceeds the rating background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
 - c) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the rating background noise level between the hours of midnight and 7 am.

ADVISORY NOTES

Appeals

- AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

Other Approvals and Permits

- AN2. The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

Responsibility for other consents / agreements

- AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Temporary Structures

AN4.

- a) An approval under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN5. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN6.

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the *New South Wales Environmental Planning and Assessment Act 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN7. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

Site contamination issues during construction

AN8. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.