

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 grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

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.



Anthea Sargeant 29/2/16
Executive Director
Key Sites and Industry Assessments

Sydney

SCHEDULE 1

Application No.:	SSD 7163
Applicant:	Eastview Commercial Pty Ltd
Consent Authority:	Minister for Planning
Land:	225 George Street, Sydney (Lot 1 DP 77184)
Development:	Alterations and additions to the existing building, including: <ul style="list-style-type: none">• alterations and additions to the North Court building; and• the creation of a 24 hour accessible through-site link from George Street to Harrington Street.

DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
Applicant	Eastview Commercial Pty Ltd
Application	The development application and the accompanying drawings, plans and documentation described in Condition A2.
BCA	Building Code of Australia
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, Strata Schemes (Freehold Development) Act 1973 and Strata Schemes (Leasehold Development) Act 1986 or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Construction	Any works, including earth and building works
Council	City of Sydney Council
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment, or its successors
EIS	Environmental Impact Statement titled "225 George Street, Sydney – Grosvenor Place, Base Building Alterations and Additions" prepared by JBA Urban Planning Consultants Pty Ltd dated September 2015.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974.
Minister	Minister for Planning, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided, community expectations and nature and extent of potential improvements. Where requested by the Secretary, the Proponent shall provide evidence as to how feasible and reasonable measures were considered and taken into account
RMS	Roads and Maritime Services
Secretary	Secretary of Planning & Environment, or nominee
Subject Site	225 George Street, Sydney

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

DEVELOPMENT DESCRIPTION

- A1 Except as amended by this approval, development consent is granted only to carrying out the development as described in Schedule 1.

TERMS OF CONSENT

- A2 The Applicant shall carry out the project generally in accordance with the:
- a) State Significant Development Application SSD 7163;
 - b) Environmental Impact Statement entitled “225 George Street, Sydney – Grosvenor Place, Base Building Alterations and Additions” prepared by JBA Urban Planning Consultants Pty Ltd dated September 2015;
 - c) The conditions of this consent; and
 - d) The following drawings, except for:
 - i) any modifications which are ‘Exempt or Complying Development’ as identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
 - ii) otherwise provided by the conditions of this consent.

Environmental Impact Statement titled “225 George Street, Sydney – Grosvenor Place, Base Building Alterations and Additions” prepared by JBA Urban Planning Consultants dated September 2015 and the following:		
Architectural Plans prepared by Harry Seidler & Associates titled “Grosvenor Place”		
DA4-100 Issue A	Location Plan	June 2015
DA4-101 Issue A	Through-Site Study, George Street Level	June 2015
DA4-102 Issue B	Through-Site Study, Harrington Street Level	June 2015
DA4-103 Issue D	George Street Level Plan	12-08-15
DA4-104 Issue E	Harrington Street Level Plan	12-08-15
DA4-105 Issue D	North Plaza Plan	12-08-15
DA4-106 Issue D	North Upper Plaza Plan	09-07-15
DA4-107 Issue D	Harrington Street Glass Awning Plan, Roof Plan & Elevations	12-08-15
DA4-108 Issue B	Elevations	03-07-15
DA4-109 Issue B	Wayfinding Totem & Signage	13-08-15

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4 The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department’s assessment of:
- a) any strategies, plans, programs, reviews , audits, reports or correspondence that are submitted in accordance with this consent; and
 - b) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

- A5 The development consent will lapse 5 years after the determination date unless the works authorised by this development consent have been commenced.
- A6 Separate approval must be obtained for the fitout and use of Tenancy 5 of the North Court building, as relevant.
- A7 The pedestrian through-site link between George Street and Harrington Street shall be accessible 24-hours-a-day, 7-days-a-week by the general public.

PRESCRIBED CONDITIONS

- A8 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

LONG SERVICE LEVY

- A9 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 1441.

LEGAL NOTICES

- A10 Any advice or notice to the consent authority shall be served on the Secretary.

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A11 In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

End of Part A

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

WASTE AND RECYCLING MANAGEMENT

- B1. A Waste Management Plan is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.

COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA

- B2. Details shall be provided to the satisfaction of the Principal Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia.

STRUCTURAL DETAILS

- B3. Prior to the issue of a Construction Certificate, the applicant shall submit to the satisfaction of the Principal Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- a) the relevant clauses of the BCA;
 - b) the relevant project approvals; and
 - c) the relevant Australian Standards listed in the BCA (Specification A1.3).

DISABLED ACCESS- GENERAL

- B4. Access and facilities for people with disabilities shall be designed in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Principal Certifying Authority.

STORAGE AND HANDLING OF WASTE

- B5. The design and management of facilities for the storage and handling of operational waste must comply with the requirements of City of Sydney Development Control Plan 2012. Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

OUTDOOR LIGHTS

- B6. All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

EROSION AND SEDIMENT CONTROL

- B7. 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

MECHANICAL VENTILATION

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- B8. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

End of Part B

PART C - PRIOR TO COMMENCEMENT OF WORKS

NOTICE OF COMMENCEMENT OF WORKS

- C1 The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Site.

BARRICADE PERMIT

- C2 Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

DEMOLITION

- C3 The 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 Principal Certifying Authority prior to the commencement of works.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C4 Prior to the commencement of work, the following details must be submitted to and approved by the Principal Certifying Authority, as relevant to the Project:
- a) a Construction Environmental Management Plan (CEMP) shall be submitted to the Principal 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;
 - iv) noise and vibration management, prepared by a suitably qualified person;
 - v) management of dust to protect the amenity of the neighbourhood;
 - vi) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site; and
 - vii) 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 the Department and to the Council, prior to commencement of work.

WASTE MANAGEMENT PLAN

- C5 Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the Principal Certifying Authority. The Plan shall address, but not be limited to, the following matters:
- a) the recycling of demolition materials including concrete;
 - b) the removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works; and
 - c) 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 Principal Certifying Authority prior to the removal of any hazardous materials.

Traffic & Pedestrian Management Plan

- C6 Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the Principal Certifying Authority. The Plan must be prepared in consultation with the Council. The Plan shall address:
- a) ingress and egress of vehicles to the Subject Site;
 - b) loading and unloading, including construction zones;
 - c) predicted traffic volumes, types and routes, and
 - d) pedestrian and traffic management methods.

Utility Services

- C7 Prior to the commencement of work the Applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

Heritage

- C8 If any excavation is required, an assessment of any Aboriginal and non-Aboriginal archaeological impacts must be prepared and submitted to the Heritage Council for comment prior to the commencement of excavation works.

End of Part C

PART D - DURING CONSTRUCTION

Erosion and Sediment Control

- D1. 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

- D2. Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Approved Plans to be On-site

- D3. 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 Principal Certifying Authority.

Site Notice

- D4. 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, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) 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
 - d) 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

- D5. The Applicant shall ensure that:
- a) all street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.
 - b) 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.

Hours of Work

- D6. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
 - b) between 7:00 am and 5:00 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) Variation is approved in advance in writing by the Secretary or nominee.

Construction Noise

- D7. 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*.
- D8. All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Note: The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows Extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the *Environmental Planning and Assessment Act 1979*.

COMPLIANCE WITH CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- D9. All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Construction Environmental Management Plan.
- D10. Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedances with the Council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite.

Such periods should where possible be set and agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

ASBESTOS REMOVAL WORKS

- D11. All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- D12. Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

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- D13. All works must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and Workcover document entitled 'How to Safely Remove Asbestos', Code of Practice and the City of Sydney Asbestos Policy.
- D14. Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
- D15. Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- D16. No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- D17. No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- D18. A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size. The site notice board must include the following:
- a) contact person for the site;
 - b) telephone and facsimile numbers and email address; and
 - c) site activities and time frames.

COVERING OF LOADS

- D19. All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

LOADING AND UNLOADING DURING CONSTRUCTION

- D20. The following requirements apply:
- a) All loading and unloading associated with construction activity must be accommodated on site.
 - b) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at for any adjustment necessitated by the progress of the construction activities.

NO OBSTRUCTION OF PUBLIC WAY

- D21. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site

HOARDING REQUIREMENTS

- D22. 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 hoardings or the like within the construction area within 48 hours of its application.

WORK COVER REQUIREMENTS

D23. 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.

End of Part D

PART E – PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

FIRE SAFETY CERTIFICATE

- E1. A Fire Safety Certificate shall be furnished to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the Principal Certifying Authority.

ROAD DAMAGE

- E2. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

STRUCTURAL INSPECTION CERTIFICATE

- E3. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal 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 approval authority and 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; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

End of Part E

PART F - POST OCCUPATION

Loading and Unloading

- F1. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.

Public Way to be Unobstructed

- F2. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- F3. 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.

End of Part F

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.

Movement of Trucks Transporting Waste Material

AN4 The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(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.

Street Numbering

AN5 Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with the council's policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers are required, a separate application shall be made to the Council.

Temporary Structures

AN6

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

Disability Discrimination Act

AN7 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

AN8

- 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 & 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

AN9 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

AN10 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.

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

AN11 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

AN12 If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.