Development consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I 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.

Sargeant

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 9 March, 2018

SCHEDULE 1

Application No.:	SSD 7246
Applicant:	Place Management NSW, Property NSW
Consent Authority:	Minister for Planning
Land:	Campbell's Cove Foreshore and Public Domain, The Rocks (Lots 1, 5 and 6 in DP 804776, Lots 1 and 2 in DP 1172586, Lots 3, 4, 5, 8 and 12 in DP 264534, Lots 4 and 9 in DP 264534 (stratum), Lots 11 and 12 in DP 1172592, Lot 12 in DP 788130, Lots 4 and 5 in DP800881, Lots 5 and 7 in DP800881 (stratum), Lots 1 and 2 in DP876516, Lots 1 in DP876516 (stratum) and Lot 2 in DP 1176806).
Development:	Foreshore and Public Domain Works, Campbell's Cove, The Rocks: • a new promenade • a shared plaza/pedestrian square • improved connections from the Campbell's Cove promenade, Hickson Road and The Rocks.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Place Management NSW
Application	The development application and the accompanying drawings, plans and documentation described in Condition A2
BCA	Building Code of Australia
Construction	All physical work to enable operation
Council	City of Sydney Council
Certifying Authority	Means a person who is authorised under section 85A to issue complying development certificates, or is authorised under section 109D to issue Part 4A certificates; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works under section 109R of the EP&A Act
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
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment or its successors
Development	The development described in the EIS and RTS including the works and activities comprising public domain construction works, as modified by the conditions of this consent
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	*SSD 7246 Environmental Impact Statement, Campbell's Cove, The Rocks'*, prepared by Urbis Pty Ltd dated 10 January 2017
EPA	Environment Protection Authority, or its successor
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation or Regulation	*Environmental Planning and Assessment Regulation 2000*
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident.
NSW Heritage	NSW Heritage Council
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 the Environment and Heritage, or its successor
Operation	The carrying out of the approved purpose of the development upon completion of construction
POEO Act	*Protection of the Environment Operations Act 1997*
PNSW	Property NSW
Ports	Port Authority NSW
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Response to Submissions (RTS)	Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department, or nominee
SSD	State Significant Development
Subject Site	Campbell's Cove Foreshore and Public Domain, The Rocks (Lots 1, 5 and 6 in DP 804776, Lots 1 and 2 in DP 1172586, Lots 3, 4, 5, 8 and 12 in DP 264534, Lots 4 and 9 in DP 264534 (stratum), Lots 11 and 12 in DP 1172592, Lot 12 in DP 788130, Lots 4 and 5 in DP800881, Lots 5 and 7 in DP800881 (stratum),

	Lots 1 and 2 in DP876516, Lots 1 in DP876516 (stratum) and Lot 2 in DP 1176806.
TNSW	Transport for NSW (including Roads and Maritime Services)
TPZ	Tree Protection Zone

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Development Description

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

Terms of Consent

A2 The development may only be carried out:

a) in compliance with the conditions of this consent;

b) in accordance with all written directions of the Secretary;

c) generally in accordance with the EIS and Response to Submissions; and

d) in accordance with the approved plans in the table below:

Architectural and Design Drawings prepared by *Context*			
Draw No.	**Revision**	**Name of Plan**	**Date**
CLD_L101	A	Concept Plan	11/9/2017
EA-L-001	B	Context Plan Existing	2/2/2018
EA-L-1001	B	Existing Plan	2/2/2018
EA-L-2001	B	General Elevations	2/2/2018
EA-L-3001	B	Section Bay X	2/2/2018
EA-L-3002	B	Section Bay 6	2/2/2018
EA-L-3003	B	Section Bay 12	2/2/2018
EA-L-4000	B	Bay X New Stairs and Pedestrian Crossing	2/2/2018
EA-L-4001	B	Plaza and Waterfront	2/2/2018
EA-L-4002	B	Section Detail Bay 5	2/2/2018
EA-L-4003	B	Section Detail Bay 6	2/2/2018
EA-L-4004	B	Section Detail Bay 9	2/2/2018
L_5001	D	Softworks Plan 1 of 2	27/10/2017
17509_C2	A	Concept Masterplan	1/9/2017
L_1004	A	Staging Plan 1-3	2/1/2018

Secretary's Directions

A3 Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and

(b) the implementation of any actions or measures contained in any such document referred to in (a) above.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Inconsistency between Documents

A4 The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c) and Condition A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Development Expenses

A5 It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Obligation to Minimise Harm to the Environment

A6 In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

Limits on Consent

A7 This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

Prescribed Conditions

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

Long Service Levy

A9 For work costing $25,000 or more, a Long Service Levy must 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 must be served on the Secretary.

Evidence of Consultation

A11 Where conditions of this consent require consultation with an identified party, the Applicant must:

(a) consult with the relevant party prior to submitting the subject document to the Secretary for approval; and

(b) provide details of the consultation undertaken including:

   i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and

   ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

END OF PART A

PART B PRIOR TO THE ISSUE OF A CROWN BUILDING WORKS CERTIFICATE OR COMMENCEMENT OF WORKS

Certification of Crown Building Works

B1 Plans certified in accordance with section 6.28 of the EP&A Act must be submitted to the Certifying Authority and the Department prior to the issue of the relevant of Crown Building Works Certificate and must include details as required by the following conditions.

Structural Details

B2 Prior to the certification of Crown Building Works, 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

b) the development consent.

Notification of Commencement

B3 The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.

If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Staging

B4 The development must be constructed in stages, as outlined within **Condition A2**. A Crown Building Works Certificate must be obtained for each of the following stages:

Stage 1 Early works: Site establishment and demolition of existing stage 1 stairs. Construction of piling for new stage 1 stairs. In-ground investigation and relocation of Ausgrid LV cable, modification of two pits as approved by Ausgrid and relocation and storage of the palm trees

Stage 2 Main works: Construction of stage 1 new stairs (this includes the Heritage Interpretation strategy work) and all works in stages 2 and 3

Demolition Works

B5 Demolition work must comply with the provisions of *Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001)*. The work plans by AS2601:2001 must 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 PCA prior to the commencement of works.

Nominated Heritage Consultant

B6 Prior to the certification of each stage of Crown Building Works, a suitably qualified and experienced heritage consultant must be engaged to:

a) inspect the demolition and removal of material to ensure there is no unapproved removal of significant fabric or elements; and

b) provide ongoing advice to tradespeople undertaking the works throughout the construction period.

B7 Evidence and details of the engagement of a nominated heritage consultant in accordance with **Condition B6** shall be submitted to the Department prior to the certification of each stage of Crown Building Works.

B8 The nominated heritage consultant is to provide ongoing advice to trades people undertaking the works, as required, throughout the construction period.

Archaeology

B9 The Applicant must comply with the recommendations within the Archaeology Assessment report, version 4, prepared by Austral Archaeology Pty Ltd and dated 19 July 2017.

B10 Detailed mitigation options must be established in consultation with the Heritage Council of NSW or its Delegate in the event that State significant archaeology is found.

B11 A final report must be prepared within one year of completion of all archaeological works required under this approval outlining the results of all such works and must be submitted for the information of the Department of Planning and Environment and the Heritage Council of NSW.

Heritage

B12 A suitably qualified heritage consultant must recommend measures to protect the heritage cast iron gates, railings and seawall during works. These measures must be implemented on-site prior to works commencing and remain in place until works are complete.

Contamination

B13 Prior to the commencement of any construction (including demolition), a hazardous material survey shall be undertaken.

B14 Prior to the commencement of each stage of construction (including demolition), the Applicant must prepare and implement appropriate project specific procedures for identifying and dealing with unexpected finds of site contamination (including asbestos and lead-based paint materials). This must include any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.

B15 Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 'asbestos wastes'.

Construction Environmental Management Plan

B16 Prior to the commencement of any construction (including demolition), a **Construction Environmental Management Plan** (CEMP) shall be submitted to the Certifying Authority and the Secretary. The CEMP shall address, but not be limited to, the following matters, where relevant:

a) hours of work;

b) 24 hour contact details of site manager;

c) consultation strategy for liaison with surrounding stakeholders and landowners;

d) the preparation of a **Construction Noise and Management Plan** (CNMP), prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009);

e) the preparation of a **Construction Air Quality Management Plan** (CAQMP), prepared by a suitable qualified person, which includes the monitoring and management of air quality including dust emissions from the site to protect the amenity of the neighbourhood; and

f) erosion and sediment control to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site.

Note: 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.

Construction Traffic and Pedestrian Management Plan

B17 Prior to the commencement of any construction (including demolition), a **Construction Pedestrian and Traffic Management Plan** (CPTMP) prepared by a suitably qualified person must be submitted to the Certifying Authority and the Secretary. The CPTMP shall address, but not be limited to, the following matters:

a) location of the proposed work zone;

b) haulage routes;

c) construction vehicle access arrangements;

d) estimated number of construction vehicle movements;

e) construction program;

f) consultation strategy for liaison with surrounding stakeholders and landowners;

g) any potential impacts to general traffic, cyclists, pedestrians, bus services, charter vessels and water taxis during the proposed works;

h) cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site must be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network;

i) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts must be clearly identified and included in the CPTMP.

The CPTMP must be prepared in consultation with the Sydney Coordination Office within TNSW, Ports and RMS. The final CPTMP plan must be submitted to and endorsed by the Coordinator General, Sydney Coordination Office, prior to the commencement of any work.

Waste Management Plan

B18 Prior to the commencement any construction (including demolition), a **Waste Management Plan** (WMP) must be prepared and submitted to the Certifying Authority. The WMP must:

a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;

b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;

c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";

d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;

e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site;

f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour; and

g) The design and management of waste must comply with the requirements of *City of Sydney Development Control Plan 2012*.

Pre-Construction Dilapidation Report

B19 The Applicant must engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report must be submitted to the Certifying Authority prior to issue of the relevant Crown Building Works Certificate or any works commencing whichever occurs first. A copy of the report must be forwarded to the affected landowners. The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages. The form of the recording is to be as follows:-

a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;

b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;

c) each image is to be numbered and cross referenced to a site location plan;

d) a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record.

Footpath Damage Guarantee

B20 If not already obtained, a Footpath Damage Bank Guarantee to cover the site frontage which may be damaged and must be lodged with the relevant road authority. A suitable bank guarantee must be submitted in favour of the relevant road authority as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with the relevant road authority prior to the issue of the relevant Crown Building Works Certificate.

Protection of Public Infrastructure

B21 Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Requirements of Public Authorities

B22 The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Crown Building Works Certificate.

Campbell's Cove Integration

B23 Prior to the issue of the relevant Crown Building Works Certificate, the Applicant must consult with the relevant landowner to ensure all paving, levelling, drainage and other associated works would suitably integrate with the treatments, materials and approved levels in the Campbell's Stores development (SSD 7056) and OPT development (SSD 7683). The details and the outcome of this consultation must be provided to the Secretary and the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate.

Signage Strategy

B24 The Applicant must prepare a Signage Strategy to identify the potential future locations and potential future types of signage for Campbell's Cove. The Signage Strategy must be coordinated with that of the Campbell's Stores development (SSD 7056), and complement The Rocks and Circular Quay. The strategy must be submitted to and approved by the Secretary prior to the commencement of stage 2 works. A copy of the strategy must be provided to the Certifying Authority.

Heritage Interpretation Strategy

B25 A Heritage Interpretation Strategy must be prepared by a suitably qualified heritage consultant. The Strategy must be coordinated with the Heritage Interpretation Strategy for Campbell's Stores and be consistent with the interpretative signs within Campbell's Cove. The strategy must be reviewed by the Heritage Council (or delegate) and submitted to and approved by the Secretary prior to the commencement of stage 2 works. A copy of the strategy must be provided to the Certifying Authority.

Outdoor Lighting

B26 All outdoor lighting within the site must 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 must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate.

Tree Protection Zone

B27 Prior to the commencement of works, a Tree Protection Zone (TPZ) must be established around all trees to be retained. Tree protection must be installed and maintained in accordance with the *Australian Standard 4970: Protection of Trees on Development Sites.*

Compliance

B28 The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Compliance Reporting

B29 A Pre-Construction Compliance Report must be prepared for the development, and submitted to the PCA for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.

The Pre-Construction Compliance Report must include:

a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and

b) the expected commencement date for construction.

Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Secretary.

The Construction Compliance Reports must include:

a) a results summary and analysis of environmental monitoring;

b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;

c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;

d) a register of any modifications undertaken and their status;

e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;

f) a summary of all incidents notified in accordance with this consent; and

g) any other matter relating to compliance with the terms of this consent or requested by the Secretary.

Access to Information

B30 At least 48 hours before the commencement of construction and until the completion of all works under this consent, or such other time as agreed by the Secretary, the Applicant must:

a) make the following information and documents (as they are prepared, obtained or approved) publicly available on its website:

i. the documents referred to in Condition A2(c) and (d) of this consent;

ii. all current statutory approvals for the development;

iii. all approved strategies, plans and programs required under the conditions of this consent;

iv. regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;

v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

vi. a summary of the current stage and progress of the development;

vii. contact details to enquire about the development or to make a complaint;

viii. a complaints register, updated monthly;

ix. audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;

x. any other matter required by the Secretary; and

b) keep such information up to date, to the satisfaction of the Secretary.

END OF PART B

PART C DURING CONSTRUCTION

Construction hours

C1 Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

a) between 7 am and 6 pm, Mondays to Fridays inclusive;

b) between 8 am and 1 pm, Saturdays; and

c) notwithstanding a) and b) above, the removal of spoil and delivery of materials to and from the site may can be carried out between 6 pm and 10 pm Mondays to Fridays on a maximum of 26 occasions. All vehicles involved in the removal of spoil and delivery of materials during these times must only use Circular Quay West Road to access and leave the site.

No construction work may be carried out on Sundays or public holidays

Activities may be undertaken outside of these hours if required:

a) by the Police or a public authority (not the Applicant) for the delivery of vehicles, plant or materials; or

b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

a) 9 am to 12 pm, Monday to Friday;

b) 2 pm to 5 pm, Monday to Friday; and

c) 9 am to 12 pm, Saturday.

Archaeology

C2 The Applicant must comply with the recommendations provided in the Archaeology Assessment report, version 4, prepared by Austral Archaeology Pty Ltd and dated 19 July 2017.

Noise and Vibration Management

C3 The development must 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 must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **Construction Environmental Management Plan**.

C4 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.

C5 Heavy vehicles and oversized vehicles must not que or idle on Hickson Road or Circular Quay Way awaiting access to the Subject Site.

C6 The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers.

C7 Vibration caused by construction at any residence or structure outside the subject site must be limited to:

a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;

b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*; and

c) 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.

Site Protection and Works

C8 All significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

C9 The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

Waste Classification

C10 The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's *Waste Classification Guidelines 2009* and disposed of at a facility that may lawfully accept that waste.

Approved plans to be onsite

C11 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

C12 A site notice(s) must 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. 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 site is not permitted.

Impacts of Below Ground (Sub Surface) Works – Non-Aboriginal Objects

C13 If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the Heritage Council of New South Wales must be notified immediately and consulted with regard to the recommencement of works.

Impacts of Below Ground (Sub Surface) Works – Aboriginal Objects

C14 If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and OEH informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from Office of Environment and Heritage is received by the Applicant.

Asbestos and Hazardous Waste Removal

C15 Any existing filling on the site must be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.

C16 Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

Site Contamination Issues During Construction

C17 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

SafeWork NSW Requirements

C18 To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

Hoarding/Fencing Requirements

C19 The following hoarding requirements must be complied with:

a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and

b) the construction site manager must 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.

Implementation of Management Plans

C20 Applicant must ensure the requirements of the **Construction Environmental Management Plan** and **Construction Pedestrian Traffic Management Plan** required by **Part B** of this consent are implemented during construction.

Covering of Loads

C21 All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

C22 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Stockpile Management

C23 The Applicant must ensure:

a) stockpiles of excavated material do not exceed 4 metres in height;

b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and

c) suitable erosion and sediment controls are in place for stockpiles.

No Obstruction of Public Way

C24 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 the Secretary to stop all work on site.

Contact Telephone Number

C25 The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Operation of Plant and Machinery

C26 All plant and equipment used on site, or to monitor the performance of the development must be:

a) maintained in a proper and efficient condition; and

b) operated in a proper and efficient manner.

Non-Compliance Notification

C27 The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

C28 The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Incident Notification, Reporting and Response

C29 The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Condition C31 and Condition C32.

Written Incident Notification and Reporting Requirements

C30 A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition 29 or, having given such notification, subsequently forms the view that an incident has not occurred.

Written Incident Notification Requirements

C31 Written notification of an incident must:

a) identify the development and application number;

b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);

c) identify how the incident was detected;

d) identify when the applicant became aware of the incident;

e) identify any actual or potential non-compliance with conditions of consent;

f) describe what immediate steps were taken in relation to the incident;

g) identify further action that will be taken in relation to the incident; and

h) identify a project contact for further communication regarding the incident.

Incident Report Requirements

C32 Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested. The Incident Report must include:

a) a summary of the incident;

b) outcomes of an incident investigation, including identification of the cause of the incident;

c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and

d) details of any communication with other stakeholders regarding the incident.

END OF PART C

PART D PRIOR TO COMMENCEMENT OF USE

Notification of Use

D1 The Department must be notified in writing of the dates of commencement of operation at least 48 hours before those dates.

If the operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Road Damage

D2 The cost of repairing any damage caused to Council's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant prior to the occupation of the building.

External Lighting

D3 External Lighting must comply with *AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the PCA written confirmation from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Structural Inspection Certificate

D4 Structural Inspection Certificate must be submitted to the satisfaction of the PCA prior to the commencement of the use A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the PCA after:

a) the site has been periodically inspected and the PCA 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.

Post- Construction Dilapidation Report

D5 Prior to the commencement of use:

a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

b) the report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:

   i. compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and

   ii. have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

   iii. a copy of this report is to be forwarded to the Council and the Secretary and each of the affected property owners.

END OF PART D

PART E DURING USE

E1 All ESD principles and design measures outlined within the EIS must be implemented in perpetuity.

E2 The western access point into the public domain via Hickson Road may only be used for emergency and maintenance vehicles.

END OF PART E

ADVISORY NOTES

Appeals

AN1 Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

Other Approvals and Permits

AN2 The Applicant must apply to NSW Heritage for any approvals under the *Heritage Act 1977* (if required), and 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.

Approvals under Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

AN4 The obligation to obtain further approval under the EPBC Act rests with the Applicant. The Applicant's responsibilities and statutory requirements under the EPBC Act for environmental approvals.

AN5

a) The EPBC Act 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 EP&A Act. 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.

Temporary Structures

AN6

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 National Construction Code.

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

AN7 This application has been assessed in accordance with the EP&A Act. 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 BCA 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.

Asbestos Removal

AN8 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

AN9 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.

END OF ADVISORY NOTES