

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.



David Gainsford
Executive Director
Priority Projects Assessments

Sydney 11th August

2017

SCHEDULE 1

Application No.:	SSD 7742
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning
Land:	37 – 49 Swift Street, Ballina (Lots 477 & 478 DP 729251, Lot 1 DP 1083219 and Lot 392 DP 755684)
Development:	Redevelopment of Ballina High School into Ballina Coastal High School, comprising: • demolition of Blocks T and W and removal of existing on-site car parking; • retention of the existing Marine Discovery Centre, Aquaculture building, existing sports courts and Block C; • construction of a new high school up to three storeys in height, for 1,000 students; • construction of a new vehicular entry from Swift Street for a loading zone and support drop-off zone; • construction of associated infrastructure services including a stormwater management system and electricity kiosk; and • landscaping works including the removal of 61 trees, on-site relocation of one tree, construction of formal and informal learning areas and the planting of new vegetation.

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, as defined under Schedule 1 of this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2 of this consent
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	Ballina Shire Council
Certification of Crown Building works	Certification under s109R of the <i>Environmental Planning and Assessment Act 1979</i>
Crown 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
Environmental Impact Statement (EIS)	<i>Environmental Impact Statement, New High School for Ballina, 37 – 49 Swift Street, Ballina Lots 477 & 478 DP 729251, Lot 1 DP 1083219 and Lot 392 DP 755684</i> , prepared by ADW Johnson Pty Limited, dated December 2016.
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
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, or its successor
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
Response to Submissions (RtS)	<i>Ballina High School Development (SSD 7742) – Response to Submissions</i> , prepared by GHD Pty Ltd, dated 23 May 2017 and accompanying attachments
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
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	37-49 Swift Street, Ballina (Lot 477 & 478 DP 729251, Lot 1 DP 1083219 and Lot 392 DP 755684)

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 Condition A2.

Development in Accordance with Plans and Documents

- A2. The Applicant must carry out the development in accordance with the conditions of consent and generally in accordance with the:
- a) *Environmental Impact Statement, New High School for Ballina, 37 – 49 Swift Street, Ballina Lots 477 & 478 DP 729251, Lot 1 DP 1083219 and Lot 392 DP 755684, prepared by ADW Johnson Pty Limited, dated December 2016;*
 - b) *Ballina High School Development (SSD 7742) – Response to Submissions, prepared by GHD Pty Ltd, dated 23 May 2017 and accompanying attachments;*
 - c) *Response to Submissions – St Francis Xavier School, prepared by GHD Pty Ltd, dated 29 May 2017;*
 - d) *Revised Landscape Development Application, prepared by Terras Landscape Architects, submitted on 31 May 2017; and*
 - e) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development; and
 - ii) as otherwise provided by the conditions of this consent.

Architectural Drawings prepared by EJE Architecture			
Dwg No.	Rev	Name of Plan	Date
DA-000	G	Coversheet	18/05/17
DA-001	G	Site Context Plan	18/05/17
DA-002	F	Site Plan	18/05/17
DA-003	C	Site Analysis Plan	18/10/16
DA-005	E	Shadow Diagrams	18/05/17
DA-006	F	Demolition Plan	25/05/17
DA-007	B	Site Signage Location	18/05/17
DA-008	B	Site Signage Detail	18/05/17
DA-100	J	Ground Floor Plan	18/05/17
DA-101	H	Level 1 Floor Plan	18/05/17
DA-102	I	Level 2 Floor Plan	18/05/17
DA-200	H	Site Elevations	18/05/17
DA-300	C	Sections	18/10/16
DA-400	D	3D Perspectives	18/10/16
Landscape Drawings prepared by Terras Landscape Architects			
Dwg No.	Rev	Name of Plan	Date
L00	F	Cover Page	30/05/17
L01	E	Tree Diagram	30/05/17
L02	E	Landscape Concept	30/05/17
L03	F	Site Plan	30/05/17
L04	F	Main Entrance	30/05/17
L05	F	Inner Green Courtyard	30/05/17
L06	F	Active Recreation	30/05/17

L07	F	Primary Industry/Conservation	30/05/17
L08	F	Outer Green	30/05/17
L09	C	Precedents	19/09/16
L10	C	Planting Palette – Littoral Rainforest Entry Gardens	19/09/16
L11	C	Planting Palette – Internal Courtyards & Playgrounds	19/09/16
Concept Stormwater Management Plans prepared by Northrop			
Dwg No.	Rev	Name of Plan	Date
C01	A	Coversheet and Drawing Schedule	31/10/16
C03	A	Concept Site Layout Plan	31/10/16
C10	A	Concept Erosion and Sediment Control Plan – Sheet 1	31/10/16
C11	A	Concept Erosion and Sediment Control Plan – Sheet 2	31/10/16
C12	A	Concept Erosion and Sediment Control Details	31/10/16
C20	A	Concept Stormwater Management and Levels Plan – Sheet 1	31/10/16
C21	A	Concept Stormwater Management and Levels Plan – Sheet 2	31/10/16
C30	A	Civil Details	31/10/16

Inconsistency between documents

- A3. If there is any inconsistency between the plans and documentation referred to above the most recent document must prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Development Expenses

- A4. 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.

Lapsing of approval

- A5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Dispute Resolution

- A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this consent 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 must be binding on the parties.

Long Service Levy

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

- A9. Any advice or notice to the consent authority must be served on the Secretary.

PART B PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- B1. The Crown Certifying Authority, Council and the Department must be given written notice, at least 48 hours prior to the commencement of each stage of works on the Subject Site.

Certified Plans

- B2. Plans certified in accordance with section 109R of the EP&A Act must be submitted to the Crown Certifying Authority and the Department prior to commencement of each stage of the construction works and must include details as required by any of the following conditions.

Ecologically Sustainable Development

- B3. Prior to commencement of works, the Applicant must submit details of the chosen ESD measures incorporated into the final design, as identified in the ESD Return Brief prepared by Northrop dated 18 August 2016. Details must be submitted to the satisfaction of the Crown Certifying Authority.

Reflectivity

- B4. The building materials used on the facades of the buildings must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers must be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of above ground works.

Outdoor Lighting

- B5. All outdoor lighting within the Subject Site must comply with AS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Crown Certifying Authority.

Demolition

- B6. All demolition work must comply with the provisions of AS 2601-2001 *The demolition of structures*. The works plans required by AS 2601-2001 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 must be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of demolition works.

Bicycle Parking and End-of-Trip Facilities

- B7. Plans demonstrating compliance with the following requirements for secure bicycle parking and end-of-trip facilities, identified in the Traffic Impact Study, prepared by Ardill Payne and Partners dated August 2016, must be submitted to the satisfaction of the Crown Certifying Authority:
- a) the provision of a minimum 200 bicycle parking spaces, including an appropriate number designated for staff-only usage;
 - b) the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance; and

- c) the provision of end-of-trip facilities for staff in accordance with the Green Star Design & As Built rating tool.

Access for People with Disabilities

- B8. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of any work, the Crown 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 certified plans.

Erosion and Sedimentation Control

- B9. Soil erosion and sediment control measures must be designed in accordance with *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom. Details must be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of any works.

Pre-Construction Dilapidation Reports

- B10. Prior to the commencement of any work, the Applicant is to engage a suitably qualified person to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings within the site, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land must include details of the whole building where only part of the building falls within the 'zone of influence'. The report must be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to Council.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

Car Parking and Service Vehicle Layout

- B11. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the satisfaction of the Secretary prior to the commencement of works:
 - a) all vehicles should enter and leave the Subject Site in a forward direction. If site constraints do not permit heavy rigid vehicles to enter and leave in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
 - b) the location of a minimum 47 car parking spaces provided on-site for use by staff during operation of the school;
 - c) all demolition and construction vehicles must be contained wholly within the site and vehicles must enter the site before stopping;
 - d) appropriate pedestrian advisory signs must be provided at the egress from the car park;
 - e) all works/ regulatory signposting associated with the proposed development must be at no cost to the relevant roads authority; and
 - f) the swept path of the longest vehicle entering and exiting the Subject Site in association with the new work, as well as manoeuvrability through the Subject Site, must be in accordance with AUSTROADS. In this regard, a plan must be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- B12. Plans indicating line marking and signage, of public roads and footways must be submitted to the relevant roads authority for approval where required.

- B13. A **Road Safety Audit (RSA)**, prepared by suitably qualified consultant, must be undertaken of the Support Unit drop-off/pick-up area, delivery loading zone and the closest bus bay to the to the driveway off Swift Street in consultant with Transport for New South Wales and submitted to the satisfaction of the Crown Certifying Authority. The **RSA** must include, but not be limited to, a swept path analyse of the turning of service vehicles within the internal driveway.

Structural Details

- B14. Prior to the commencement of building works, the Applicant must submit to the satisfaction of the Crown 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

- B15. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of airconditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of building works.

Stormwater and Drainage Works Design

- B16. Final drainage design plans of the stormwater drainage management system must be prepared by a suitably qualified engineer generally in accordance with the stormwater drainage drawings prepared by Northrop (as listed under Condition A2). The drainage design plans must be submitted to the Crown Certifying Authority prior to the commencement of works.
- B17. All new stormwater harvesting measures approved by this consent must be constructed and maintained in accordance with the Ballina Shire Development Control Plan 2012 and Council's Stormwater Management Standards for Development (as amended).

Storage and Handling of Waste

- B18. The building plans and specifications accompanying the relevant plans submitted to the Crown Certifying Authority prior to the commencement of any building works must 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. Requirements of these storage areas must be designed in consultation with Council and must:
- a) ensure all storage areas are covered and bunded;
 - b) ensure all internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded, appropriately drained with a tap in close proximity to facilitate cleaning and drained to sewer via an approved treatment device;
 - c) include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
 - d) include provision for separate storage and collection of organic/food waste.

Road Design and Traffic Facilities

- B19. All roads and traffic facilities must be designed to meet the requirements of Council or RMS (whichever is applicable). The necessary permits and approvals from the relevant road

authority must be obtained prior to the commencement of road or pavement construction works.

Construction Environmental Management Plan

B20.

- a) Prior to the commencement of works on the Subject Site, a **Construction Environmental Management Plan** (CEMP) must be prepared for the development and must 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, prepared in consultation with Council;
 - iv) construction noise and vibration management, prepared by a suitable qualified person;
 - v) management of dust and odour to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) stormwater control and discharge;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) groundwater management plan including measures to prevent groundwater contamination;
 - x) external lighting in compliance with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*;
 - xi) an unexpected finds protocol;
 - xii) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and
 - xiii) waste storage, recycling and litter control.
- 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 must prevail; and
- c) The Applicant must submit a copy of the CEMP to the Department and Council, prior to commencement of work.

B21. The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Noise and Vibration Management Plan

B22.

- a) Prior to the commencement of works on the Subject Site, a **Construction Noise and Vibration Management Plan** (CNVMP) must be prepared for the development and must address, but not be limited to, the following matters where relevant:
 - i) be prepared by a suitably qualified expert;
 - ii) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
 - iii) identify construction works which can be undertaken between the hours of 1 pm and 4 pm on Saturday, which complies with the construction noise management level for all surrounding all noise sensitive receivers;
 - iv) describe the measures that would be implemented to ensure:

- i. best management practice is being employed;
- ii. compliance with the relevant conditions of this consent;
- v) describe the proposed noise and vibration management measures in detail;
- vi) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
- vii) describe the consultation undertaken to develop the strategies in v) above;
- viii) evaluates and reports on the effectiveness of the noise and vibration management measures; and
- ix) include a complaints management system that would be implemented for the duration of the project.

B23. The Applicant must submit a copy of the CNVMP to the Department and Council, prior to commencement of work.

B24. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Traffic and Pedestrian Management Plan

B25.

- a) Prior to the commencement of works on the Subject Site, a **Construction Traffic and Pedestrian Management Plan** (CTPMP) must be prepared for the development by a suitably qualified expert and in consultation with Council. The CTPMP must specify, but not be limited to, the following:
 - i) identification of construction traffic routes, which do not involve travel on Swift Street between the intersections with Cherry Street and Martin Street, including any known road closures and consideration of alternate routes and construction traffic volumes (including heavy vehicle/spoil haulage) on these routes;
 - ii) details of construction vehicle movements including parking, dedicated vehicle turning areas, and ingress and egress points;
 - iii) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts;
 - iv) discussion of potential cumulative construction impacts on the surrounding road network as a result of the simultaneous construction of adjoining developments;
 - v) details of management measures to minimise traffic impacts, including temporary road work traffic control measures and measures to minimise peak period congestion;
 - vi) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction;
 - vii) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists;
 - viii) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists;
 - ix) an adaptive response plan which sets out a process for response to any traffic, construction or other incident; and
 - x) mechanisms for the monitoring, review and amendment of the CTPMP.
- b) The Applicant must submit a copy of the CTMP to the Department and Council, prior to commencement of work.

B26. The CTPMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan

B27.

- a) Prior to the commencement of works on the Subject Site, a **Construction Waste Management Plan** (CWMP) must be prepared for the development by a suitably qualified person and in consultation with the Council. The CWMP must address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete;
 - ii) 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;
 - iii) details of methods to be used to prevent spill, escape of any dust, waste or spoil from the vehicles or trailers used to transport waste or excavation spoil from the site.
- 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, must be submitted to the satisfaction of the Crown Certifying Authority prior to the removal of any hazardous materials.
- c) the Applicant must notify the RMS Traffic Management Centre 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; and
- d) the Applicant must submit a copy of the CWMP to the Department and Council, prior to commencement of work.

B28. The CWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction work.

Site Contamination

B29. Prior to the commencement of works, the Applicant must submit a written statement to the Crown Certifying Authority advising whether site contamination was found as part of demolition works undertaken under a separate approval. If contamination was discovered on the site, the Applicant must submit to the Crown Certifying Authority a **Site Audit Report** and **Site Audit Statement** prepared by an EPA accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the uses proposed as part of this approval.

Utility Services

B30. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and telecommunication carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.

B31. Prior to the commencement of above ground works written advice must 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 provisions of adequate services.

Tree Transplanting

B32. Prior to the commencement of works, a **Tree Transplant Method Statement** must be submitted to the satisfaction of the Crown Certifying Authority. The Statement must be

prepared by an arborist with a minimum qualification of AQF Level 5 and must address, but not be limited to, the following:

- a) a site plan;
- b) a timetable of works;
- c) details of site preparation including minimising damage to adjacent vegetation;
- d) transplantation method including machinery to be used, excavation techniques, rootball and crown treatments and stabilisation measures;
- e) storage on or off site, details of monitoring and tree care; and
- f) program of monitoring during transplant process, after care and maintenance stages.

Complaints and Enquiries Procedure

B33. Prior to the commencement of works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

- a) a toll-free 24 hour telephone number(s) on which complaints and enquiries about the application may be registered;
- b) a postal address to which written complaints and enquiries may be sent; and
- c) an email address to which electronic complaints and enquiries may be transmitted.

B34. A **Complaints Management System** must be prepared before the commencement of any works and be implemented and maintained for the duration of works.

The **Complaints Management System** must include a **Complaints Register** to be maintained recording information on all complaints received about the development during the carrying out of any works associated with the development. The **Complaints Register** must record the:

- a) number of complaints received;
- b) number of people affected in relation to a complaint; and
- c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

The **Complaints Register** must be provided to the Secretary upon request, within the timeframe stated in the request.

Pre-Construction Compliance Reporting

B35. A **Pre-Construction Compliance Report** must be prepared and submitted to the Secretary for information before the commencement of construction. The **Pre-Construction Compliance Report** must include:

- a) details of how the terms of this approval that must be addressed before the commencement of construction have been complied with; and
- b) the commencement date for construction.

Construction must not commence until the **Pre-Construction Compliance Report** has been submitted to the Secretary.

PART C DURING CONSTRUCTION

Hours of Work

C1. The hours of construction, including the delivery of materials to and from the Subject Site, must be restricted as follows:

- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
- b) between 8 am and 4 pm, Saturdays; and
- c) no work on Sundays and public holidays.

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 her nominee.

Works between the hours of 1 pm and 4 pm on Saturdays are restricted to:

- iv) works identified in the CNVMP as works which are compliant with the construction noise management level for the surrounding noise sensitive receivers for this period.

Construction Traffic

C2. All demolition and construction vehicles (including concrete agitator trucks) are not to arrive at the project site or surrounding residential areas prior to the approved start time of works for the day

Site Contamination Issues During Construction

C3. 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 Crown Certifying Authority must be immediately notified and works must cease. The Crown Certifying Authority will determine whether further investigation, or the need for remediation, is required before construction works can recommence.

Erosion and Sediment Control

C4. All erosion and sediment control measures, must 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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

C5. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

Approved Plans to be On-site

C6. 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 Crown Certifying Authority.

Construction Noise Management

C7. 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 **CNVMP**.

- C8. 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*, 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C9. The Applicant must schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Secretary:
 - 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.
- C10. 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.
- C11. 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

- C12. 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 4150-3 *Structural Vibration – Effects of vibration on structures*; and
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6841:2008 *Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting* (1 Hz to 80 Hz) for low probability of adverse comment.
- C13. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- C14. These limits apply unless otherwise outlined in the CNVMP, required under Condition B22 and submitted to the satisfaction of the Crown Certifying Authority.

Heritage Conservation

- C15. Significant building fabric and elements of heritage items on Subject Site, beyond that approved for removal, must be protected during construction works to prevent damage or removal. Any damage to the heritage fabric must be repaired under the direction of the nominated Heritage Architect.

Tree Protection

- C16.
 - a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;

- b) all street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- c) all trees on the Subject Site that are not approved for removal must be suitably protected during construction as per recommendations of the Arborist Report, prepared by Terras Landscape Architects dated 5 December 2016; and
- d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Landscaping

C17. Any trees planted as part of the approved Landscape Plan must be of a suitable advanced stage.

Waste

C18. Waste Management provisions must be implemented in general accordance with the approved CWMP.

C19. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste or spoil. 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 site must be removed before leaving the premises.

Site Notice

C20.

- a) 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, Crown Certifying Authority and Structural Engineer.
- b) The site notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) minimum dimensions of the notice must 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 must 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.

SafeWork Requirements

C21. 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 requirements.

Hoarding Requirements

C22. The following hoarding requirements must be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/ fencing;
- b) the construction site manager must 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; and
- c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

C23. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

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

C24. If any unexpected archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and the Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage Office.

Discovery of Aboriginal Heritage

C25. 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 archaeologists and OEH to develop and implement management strategies for all projects/sites. Works may only recommence with the written approval of the Office of Environment and Heritage.

Incident Reporting

- C26. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant must notify the Secretary and any other relevant agencies of the incident.
- C27. Within seven days of the detection of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

C28. The Applicant must provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

Access to Information

- C29. Within six months of the date of this consent the Applicant must make the following information publicly available on its website and keep the information up to date:
 - a) the EIS;
 - b) current statutory approvals for the Development;
 - c) approved strategies, plans or programs;
 - d) a complaints register, updated on an annual basis; and

- e) any other matter required by the Secretary.

Note: *This condition does not require any confidential information to be made available to the public.*

Compliance – General

- C30. The Applicant must ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- C31. The Applicant must be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.
- C32. **Construction Compliance Reports** must be prepared and submitted to the Secretary for information every six months from the date of the commencement of construction or within another timeframe agreed with the Secretary, for the duration of construction. 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, and minor amendments made to, the **CEMP** as a result of construction carried out during the reporting period;
 - d) a register of any consistency assessments 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 approval; and
 - g) any other matter relating to compliance with the terms of this approval or as requested by the Secretary.

Damage to Council Infrastructure

- C33. Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 6686 4444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

Excavation on Public Land

- C34. All excavations and backfilling on public land associated with the development must be executed in accordance with the appropriate safety standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life and property.
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PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Mechanical Ventilation

- D1. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Crown Certifying Authority, prior to the final occupation of the new building, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
 - b) AS 1668.2-2012 *The use of airconditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the NSW Fire Brigade.

Road Damage

- D2. 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 prior to the occupation of the new development.

Compliance Certificate

- D3. A compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council.

The certificate must be submitted to the Crown Certifying Authority prior to the occupation of the development.

Post-construction Dilapidation Report

- D4.
- a) Prior to commencement of use of the development, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings or infrastructure.
 - b) The report is to be submitted to the Crown Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Crown 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.
 - c) A copy of this report is to be forwarded to Council.

Fire Safety Certification

- D5. Prior to the final occupation of the school, a **Fire Safety Certificate** must 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 Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D6. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Crown Certifying Authority prior to the occupation of the relevant parts of

any new or refurbished buildings. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- a) the site has been periodically inspected and the Crown 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.

Signage

- D7. Way-finding signage and signage identifying car parks for staff and visitors must be installed prior to occupation.
- D8. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.
- D9. 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site prior to occupation.

Stormwater Quality Management Plan

- D10. An **Operation and Maintenance Plan (OMP)** is to be prepared to ensure proposed stormwater quality measures remain effective. The OMP must contain the following:
 - a) maintenance schedule of all stormwater quality treatment devices;
 - b) record and reporting details;
 - c) relevant contact information; and
 - d) Work Health and Safety requirements.

Details demonstrating compliance must be submitted to the Crown Certifying Authority prior to occupation.

Pre-operation Compliance Report

- D11. A **Pre-Operation Compliance Report** must be prepared and submitted to the Secretary for information no later than one month before the commencement of operation or within another timeframe agreed with the Secretary. The Pre-Operation Compliance Report must include:
 - a) details of how the terms of this approval that must be addressed before the commencement of operation have been complied with; and
 - b) the commencement date for operation.

Operation of the building must not commence until the Pre-Operation Compliance Report has been submitted for information to the Secretary.

Green Travel Plan

- D12. The **Green Travel Plan (GTP)**, prepared by GHD dated May 2017, must be amended by a suitably qualified traffic consultant and submitted to the satisfaction of the Secretary prior to occupation. The GTP is to include:
 - a) further details of costs associated with the identified actions;
 - b) identify alternative actions to be implemented where targets are not achieved;
 - c) establishment of a committee comprising relevant internal and external stakeholders to inform future targets and actions.

Parking Management

D13. A **Parking Management Strategy (PMS)** must be prepared by a suitability qualified traffic consultant and submitted to the satisfaction of the Secretary prior to occupation. The Strategy must be prepared in consultation with Council and other relevant stakeholders and must include, but not be limited to, identification of measures to manage parking behaviours generated by the development and address any road safety and any congestion impacts.

D14. The nominated student pick-up/drop-off area along the southern side of Cherry Street, between the intersection of Swift Street and the pedestrian crossing near the intersection with Burnet Street, must be restricted to two-minute parking between 8:15 am to 8:45 am and 3:15 pm and 3:45 pm on school days and signposted accordingly.

***Note:** Any required approvals for altering street parking restrictions are required to be obtained from the relevant consent authority.*

D15. Provision of a minimum 47 car parking spaces on-site for use of staff must be provided prior to occupation. The car parking area/s must be:

- a) connected to an existing internal school footpath by a new pedestrian footpath, where required; and
- b) in accordance with AS/NZS 2890.1:2004 *Parking facilities Part 1: Off-street car parking*, AS/NZS 2890.6:2009 *Parking facilities – Off-street parking for people with disabilities*.

D16. Provision of bitumen sealing and line marking for 29 car parking spaces along Martin Street must be provided prior to occupation. Works must be funded by the Applicant and undertaken to the satisfaction of Council.

***Note:** Any required approvals for altering a road is required to be obtained from the relevant consent authority prior to works commencing.*

Compliance with Food Code

D16. The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the Crown Certifying Authority prior to occupation.

Ecologically Sustainable Development

D17. Prior to the occupation of the development, the Applicant shall submit details, prepared by a suitability qualified person, to the Crown Certifying Authority demonstrating that ESD initiatives identified under condition B3 have been incorporated in the new buildings.

Flood Management

D18. Prior to the occupation of the development, a Flood Emergency Management Plan is to be prepared by a suitably qualified person, in accordance with the Ballina Floodplain Risk Management Study (exhibition version dated January 2015), and submitted to the satisfaction of the Crown Certifying Authority.

Works as executed (drawings)

D19. The Applicant must submit to Council an electronic copy of the **Works-As-Executed** information in AutoCAD and PDF format. All data is to be on MGA zone 56 coordinates and AHD for levels. Separate drawings shall be provided for roads, water, sewer and stormwater drainage. The Applicant must be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.

Works as executed (asset listing)

D20. In connection with the Works-As-Executed drawings, the Applicant must submit to Council an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.

PART E POST OCCUPATION

Green Travel Plan

- E1. The **GTP** must be updated and reviewed annually and implemented accordingly.

Parking Management Strategy

- E2. The **PMS** required under Condition D13 of this consent must be updated and reviewed annually, in consultation with Council, and implemented accordingly.

Unobstructed Driveways and Parking Areas

- E3. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Noise Control

- E4. Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, must not exceed 5 dB(A) above the background noise level when measured at the boundary of any sensitive receiver.
- E5. The Applicant must carry out a noise monitoring program for a minimum period of one week during a school term where valid data is collected following the commencement of use of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Secretary within two months of the final day of noise monitoring to verify that operational noise levels do not exceed the relevant provisions identified in *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual and Industrial Noise Policy. A copy of the monitoring report must be provided to Council.

Should the monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected sensitive receivers.

- E6. Grounds maintenance involving the use of power equipment, including lawn mowers and leaf blowers, must be restricted to between 7:30 am and 6 pm, Mondays to Fridays inclusive and 8 am and 1 pm on Saturdays.

Loading Zone and Support Unit Drop Off Zone

- E7. All loading and unloading of service vehicles in connection with the use of the premises must be carried out wholly within the Subject Site at all times.
- E8. All deliveries to the loading zone must be undertaken outside of the school's peak travel hours of between 7:30 am to 9:30 am and 2:30 pm to 4:30 pm.
- E9. All vehicles must enter and leave the Subject Site in a forward direction.

Public Way to be Unobstructed

- E10. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- E11. External Lighting must comply with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must

submit to the Crown Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

Roof Cows

- E12. Roof cows must be kept to a minimum quantity and size and must match the colour of the roof to which they are fixed.

Fire Safety Certificate

- E12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

Landscaping

- E13. The landscaping is to be maintained at all times following its installation in accordance with the approved Landscape Plan.

Pylon Sign Digital Display

- E14. Any digital displays on the electronic board of the pylon sign must comply with display requirements of the 'Transport Corridor Outdoor Advertising and Signage Guidelines' prepared by the Department dated July 2007.
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ADVISORY NOTES

Appeals

AN1. The 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 the relevant authority 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.

Use of Mobile Cranes

AN4. The Applicant must obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters must be complied with:

- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - i) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - ii) At least four weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- b) The use of mobile cranes must comply with the approved hours of construction and must not be delivered to the site prior to 7 am without the prior approval of Council.

Temporary Structures

AN5.

- 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 BCA.
- 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

AN6. 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 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*. AS 1428 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

AN7.

- a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (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 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 EPBC Act does not have application. The EPBC 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

- AN8. All excavation and demolition 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".