

Development consent

Section 89E 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.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 14 February 2018

SCHEDULE 1

Application No.:	SSD 8307
Applicant:	Place Management NSW, Property NSW
Consent Authority:	Minister for Planning
Land:	The Rocks Centre (Penrhyn House), 22-26 Playfair Street, The Rocks (Lot 1 in DP 264080)
Development:	Alterations and additions to The Rocks Centre (Penrhyn House), The Rocks: • Demolition of the entry structure • Construction of a new entry structure comprising: ○ A steel framed and glazed entry enclosure ○ A double-sided lift to be located within the entry enclosure which provides access to the first floor of The Rocks Centre via an access walkway ○ Widening of the existing opening in the wall of The Rocks Centre to provide clearance for the new walkway ○ Associated internal paving and adjustments to the paving levels to the immediate vicinity of the new entry structure external to the building. • First-floor works include:

- Installation of a steel framed walkway bridge, connecting the lift to the existing first-floor within The Rocks Centre
- Sliding glass entry doors two frontages, the Playfair Street frontage and the enclosure's south-western elevation.
- Sub-surface works comprising:
 - A lift-pit and excavation to a depth of 1400 mm to accommodate the proposed lift

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	Any works, including earth and building works
Council	City of Sydney Council
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; 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 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	<i>SSD 8307 Environmental Impact Statement, The Rocks Centre Entry Upgrade and SCRA Scheme Amendment, The Rocks</i> , prepared by MG Planning dated September 2017
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
NSW Heritage	Heritage Council of NSW
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successor
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	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. Feasible relates to engineering considerations and what is practical to build.
PNSW	Property NSW
Response to Submissions (RTS)	<i>Response to Submissions SSD 8307: The Rocks Centre Entry Upgrade SCRA and Scheme Amendment, The Rocks</i> , prepared by Finance, Services and Innovation submitted 22 December 2017.
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Subject Site	22-26 Playfair Street, The Rocks (Penryhn House)
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 Applicant, in acting on this consent, must carry out the development:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Secretary;
 - generally in accordance with the State Significant Development Application SSD 8307 *Environmental Impact Statement The Rocks Centre Entry Upgrade, SCRA Scheme Amendment, The Rocks*, prepared by MG Planning Pty Ltd dated September 2017;
 - following drawings; except for
 - any modifications which are Exempt or Complying Development; and
 - as otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Welsh and Major:			
Draw No.	Revision	Name of Plan	Date
SSDA 001	-	Location plan	9/5/2017
SSDA 101	-	Ground and first floor demolition plan	9/5/2017
SSDA 102	-	Ground floor plan	9/5/2017
SSDA 103	-	First floor plan	9/5/2017
SSDA 104	A	Roof plan	May 2017
SSDA 105	-	Ground floor RCP	9/5/2017
SSDA 106	-	First floor RCP	9/5/2017
SSDA 201	-	Section A and B	9/5/2017
SSDA 202	-	Section C	9/5/2017
SSDA 203	-	Section D	9/5/2017
SSDA 204	-	Section E	9/5/2017
SSDA 301	-	Argyle Street Elevation	9/5/2017
SSDA 302	-	Playfair Street Elevation	9/5/2017
SSDA 401	-	Door and signage schedule	9/5/2017

Inconsistency between Documents

- A3 If there is any inconsistency between the documents in **Condition A2**, the most recent document prevails to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.

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.

Limits on Consent

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

A6 This consent in no way implies or grants approval for the following:

- a) internal building works;
- b) removal of any palm trees (note: the relocation of the three existing palm trees is permitted by this consent);
- c) subdivision of the site;
- d) shading devices, awnings, umbrellas or the like on the site.

Separate development application(s) must be lodged and consent obtained from the relevant consent authority for the above works and uses (except where exempt and complying development applies).

Prescribed Conditions

A7 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

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 on their Helpline 13 1441.

Legal Notices

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

END OF PART A

PART B PRIOR TO ISSUE OF CROWN BUILDING WORKS CERTIFICATE

No Works Prior to Crown Building Works Certificate

- B1 Work must not commence until a Crown Building Works Certificate in respect of the work has been issued.

Building Code of Australia (BCA) Compliance

- B2 The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions; or
 - b) formulating an alternative solution which:
 - i) complies with the performance requirements; or
 - ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - iii) a combination of a) and b).

Structural Details

- B3 The Applicant must submit structural drawings prepared and signed by a suitably qualified practising Structural Engineer to the Certifying Authority demonstrating compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

The structural drawings must be prepared to the satisfaction of the Certifying Authority and be submitted prior to the issue of the Crown Building Works Certificate.

Pre-Construction Dilapidation Report

- B4 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 Crown Building Works Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the affected landowner/s.

The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages and must be submitted to and prepared to the satisfaction of the Certifying Authority. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. 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; and

- e) include written confirmation, issued with the authority of both the Applicant and the photographer that Property NSW is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Property NSW's images. The signatures of both the applicant and the photographer must be included.

Outdoor Lighting

- B5 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 are to be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate

Storage and Handling of Waste

- B6 The design and management of waste must comply with the requirements of City of Sydney Development Control Plan 2012. Details must be submitted to the satisfaction of the Certifying Authority prior to the issue of the Crown Building Works Certificate.

Access for People with Disabilities

- B7 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the Crown Building Works Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

Construction Environmental Management Plan

- B8 Prior to the issue of the relevant Crown Building Works Certificate, a **Construction Environmental Management Plan** (CEMP) must be prepared in consultation with Ports Authority of NSW and Property NSW and submitted to the Secretary for information. The CEMP must address, but not be limited to, the following matters, where relevant:

- a) hours of work;
- b) 24 hour contact details of site manager;
- c) construction pedestrian traffic management (refer to **Condition B9**);
- d) construction noise and vibration management, 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) air quality management, which includes the monitoring and management of air quality and dust to protect the amenity of the neighbourhood; and
- f) construction waste.

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 prevails.

Construction Pedestrian and Traffic Management Plan

- B9 Prior to the issue of the relevant Crown Building Works Certificate, the Applicant must prepare **Construction Pedestrian and Traffic Management Plan** (CPTMP) to the satisfaction of the Certifying Authority. The CPTMP must specify, but not limited to, the following:
- a) location of the proposed work zone;
 - b) haulage routes;

- c) construction vehicle access arrangements;
- d) proposed construction hours;
- e) estimated number of construction vehicle movements;
- f) construction program;
- g) consultation strategy for liaison with surrounding stakeholders;
- h) any potential impacts to general traffic, cyclists, pedestrians, ferry services and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- i) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

A copy of the CPTMP must be provided to the Secretary.

Requirements of Public Authorities

- B10 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 PCA prior to the issue of the relevant Crown Building Works Certificate.

Compliance Report

- B11 Prior to the issue of a Crown Building Works Certificate, the Applicant, or any party acting upon this approval, must submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

END OF PART B

PART C PRIOR TO COMMENCEMENT OF WORKS

Certification of Crown Building Works

- C1 Plans certified in accordance with section 109R of the EP&A Act must be submitted to the Certifying Authority and the Department prior to commencement of construction works and must include details as required by any of the following conditions.

Demolition Works

- C2 All demolition work must comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures. 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 must be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

Archaeology

- C3 The Applicant must nominate a suitably qualified and experienced historical archaeologist who must satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level.
- C4 A suitably qualified and experienced historical archaeologist must be on site to monitor all sub-surface works associated with excavation of the lift-pit. If any archaeological relics of State significance are uncovered during the excavation, all work must immediately cease in that area and a written assessment of the nature and significance of the resource, along with a proposal for the treatment of the remains must be submitted for the approval of the Secretary, Department of Planning and Environment and the delegate of the Heritage Council of NSW.
- C5 Aboriginal objects: Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area must stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Nominated Heritage Consultant

- C6 Prior to the certification of Crown Building Works, a suitably qualified and experienced heritage consultant must be engaged to:
- c) Inspect the demolition and removal of material to ensure there is no unapproved removal of significant fabric or elements; and
 - d) Provide ongoing advice to tradespeople undertaking the works throughout the construction period.
- C7 Evidence and details of the engagement of a nominated heritage consultant in accordance with **Condition C3** must be submitted to the Department and Council prior to the certification of Crown Building Works Certificate.
- C8 The nominated heritage consultant is to provide ongoing advice to trades people undertaking the works, as required, throughout the construction period.

Contamination

- C9 Prior to the commencement of any works (including demolition), a hazardous material survey must be undertaken.
- C10 Prior to the commencement of any works (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.
- C11 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

- C12 Prior to the certification of Crown Building Works, a **Construction Environmental Management Plan** (CEMP) must be submitted to the Certifying Authority. The CEMP must address, but not be limited to, the following matters, where relevant:
 - a) hours of work;
 - b) 24-hour contact details of site manager;
 - c) the preparation of a **Construction Noise and Vibration Management Plan** (CNVMP), 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);
 - d) 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 prevails.

Building Code of Australia

- C13 Prior to the certification of Crown Building Works, details must be provided to the satisfaction of the Certifying Authority which demonstrate that the proposal complies with the prescribed conditions of approval under clause 98 of the EP&A Regulation in relation to the requirements of the BCA.
- C14 Any non-deemed to satisfy compliance issues are to be included as alternative solutions in the final design to the satisfaction of the Certifying Authority, prior to the certification of Crown Building Works. A copy must be provided to the Secretary.

Structural Details

- C15 Prior to the certification of Crown Building Works, the Applicant must submit structural drawings to the Certifying Authority which are prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
 - a) the relevant clauses of the NCC; and
 - b) the development consent.

The structural drawings must be endorsed by the Certifying Authority prior to the certification of the Crown Building Works.

Waste Management Plan

- C16 Prior to the certification of Crown Building Works, a Waste Management Plan (WMP) must be prepared and submitted to the Certifier. The WMP shall:
- a) 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 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; and
 - 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.

Outdoor Lighting

- C17 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*.

Requirements of Public Authorities

- C18 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.

Tree Protection Zone

- C19 Prior to the commencement of works, a Tree Protection Zone(s) (TPZ) must be established around all tree(s) to be retained. Tree protection must be installed and maintained in accordance with the *Australian Standard 4970: Protection of Trees on Development Sites*.
- C20 Each TPZ must be:
- a) enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing must be secure and fastened to prevent movement. The fencing must have a lockable opening for access. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
 - b) kept free of weed and grass for the duration of works;
 - c) have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place throughout all work on site; and
 - d) Tree Protection Fencing must not be relocated unless approved by the Private Certifying Authority.

C21 The following works must be excluded from within any TPZs:

- a) soil cut or fill including excavation and trenching;
- b) soil cultivation, disturbance or compaction;
- c) stockpiling, storage or mixing of materials;
- d) the parking, storing, washing and repairing of tools, equipment and machinery;
- e) the disposal of liquids and refuelling;
- f) the disposal of building materials;
- g) the siting of offices or sheds; and
- h) any action leading to the impact on tree health or structure.

Compliance Report

C22 Prior to the commencement of works, the Applicant, or any party acting upon this approval, must submit to the PCA a report addressing compliance with all relevant conditions of this Part.

END OF PART C

PART D DURING CONSTRUCTION

Hours of Work

- D1 The hours of demolition and construction, including the delivery of materials to and from the Site, are restricted as follows:
- a) between 7 am and 7 pm, Mondays to Fridays inclusive;
 - b) between 8 am and 5 pm, Saturdays; and
 - c) no work on Sundays and public holidays; or
 - d) work may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by 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.

Noise and Vibration Management

- D2 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**.
- D3 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.
- D4 Heavy vehicles and oversized vehicles must not queue or idle on Argyle Street or George Street awaiting access to the Subject Site.
- D5 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.
- D6 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 6841- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.

Site Protection and Works

- D7 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.
- D8 The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

Salvage of Significant Building Fabric

- D9 Any significant elements approved to be removed are to be carefully removed, catalogued, safely stored and able to be readily reinstated.

Waste Classification

- D10 The Applicant must ensure that all excavated material and 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.

Asbestos and Hazardous Waste Removal

- D11 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

- D12 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 Certifying Authority.

Site Notice

- D13 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

- D14 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

- D15 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 OEH is received by the Applicant.

Asbestos and Hazardous Waste Removal

- D16 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.

- D17 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

- D18 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.

Work Cover Requirements

- D19 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 Work Cover requirements.

Hoarding/Fencing Requirements

- D20 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

- D21 Applicant must ensure that the requirements of the **Construction Environmental Management Plan** and **Construction Traffic Management Plan** required by **Part B** of this consent are implemented during construction.

Covering of Loads

- D22 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

- D23 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

- D24 The Applicant must ensure that:

- 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

- D25 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.

PART F DURING USE

External Lighting

- F1 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 Certifying Authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

END OF SECTION F

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 New South Wales EP&A Act 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

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