

CONSOLIDATED CONSENT

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 approve the development 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

21 December 2017

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application No.:	SSD 8368
Applicant:	Infrastructure NSW
Consent Authority:	Minister for Planning
Land:	313 Avenue Road, Lavadia (Lot 26 DP751376 and Lot 1 DP 1190399)
Approved Development:	<p>Construction and operation of the New Grafton Correctional Centre with 1,700 beds, comprising:</p> <ul style="list-style-type: none">• 64 buildings, including visitor reception, special accommodation units, health facilities, education facilities, workshops, storage areas, staff and visitor facilities;• a recreational oval within the perimeter of the facility;• six-metre high fence/s and wall/s around the perimeter of each facility;• 12-metre high light and security camera poles;• on-site wastewater treatment facility and associated irrigation areas;• temporary on-site concrete production facilities;• one vehicular entry/exit point from Avenue Road;• 850 car parking spaces;• water, power, wastewater and communication utilities within the site;• 1.5 metre high boundary fence; and• landscaping.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-8368-Mod-1	21 December 2023	Team Leader	Minor misdescription

FOR INFORMATION

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DEFINITIONS

ACHMP	Aboriginal Cultural Heritage Management Plan
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
APZ	Asset Protection Zone
AS	Australian Standard
AS/NZS	Australian/New Zealand Standard
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks and vegetation clearing, and erection of buildings and other infrastructure covered by this consent.
Council	Clarence Valley Council
CEMP	Construction Environmental Management Plan
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	The Department of Planning and Environment
Dol	Department of Industry
Evening	The period from 6 pm to 10 pm
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement New Grafton Correctional Centre</i> , prepared by BBC Consulting Planners dated June 2017
EPA	Environment Protection Authority
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
Harm	Harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, and harm will be material if: <ol style="list-style-type: none"> it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good hard to the environment).
Incident	An occurrence or set of circumstances that: <ul style="list-style-type: none"> causes, or threatens to cause material harm to the environment; or results in non-compliance with this consent. <p><i>NOTE: "Harm" is defined in this consent.</i></p>
Minister	Minister for Planning, or nominee
NCC	National Construction Code
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
Non-compliance	An occurrence, set of circumstances or development that results in non-compliance or is non-compliant with this consent but is not an incident
OEH	Office of the Environment and Heritage
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits

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	provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services
RSA	Road Safety Audit
RtS	Response to Submissions prepared by BBC Consulting Planners dated September 2017
RtS Addendum	Response to Submissions prepared by Infrastructure NSW dated November 2017
Secretary	Secretary of Department of Planning and Environment
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Sensitive receiver	Residence
Stock moving route(s)	Stock moving route with a permit issued under the <i>Local Land Services Act 2013</i>
Subject Site	313 Avenue Road, Lavadia (Lot 26 DP751376 and Lot 1 DP 1190399)
TfNSW	Transport for New South Wales

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SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Development Description

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

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:

- a) State Significant Development Application SSD 8368;
- b) the EIS, except where amended by the RtS and RtS Addendum; and
- c) the following drawings, except for:
 - i) any modifications which are Exempt or Complying Development; or
 - ii) as otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by <i>Perumal Pedavoli</i>			
Dwg No.	Rev	Name of Plan	Date
00_001	B	OVERALL MASTERPLAN	15/11/17
00_002	B	OVERALL MASTERPLAN	15/11/17
00_003	A	MASTERPLAN SHEET 1 OF 3	26/05/17
00_004	B	MASTERPLAN SHEET 2 OF 3	15/11/17
00_005	A	MASTERPLAN SHEET 3 OF 3	26/05/17
00_007	A	SECURE PERIMETER MAXIMUM SECTION	26/05/17
00_011	A	SITE SECTIONS – SHEET 2	26/05/17
00_012	A	SITE SECTIONS – SHEET 3	26/05/17
00_013	A	SITE SECTIONS	26/05/17
01_011	A	VISITOR RECEPTION GROUND FLOOR PLAN	26/05/17
01_101	A	VISITOR RECEPTION ELEVATIONS	26/05/17
01_201	A	VISITOR RECEPTION SECTIONS	26/05/17
02_011	A	STAFF AMENITIES & TRAINING GROUND FLOOR PLAN	26/05/17
02_101	A	STAFF AMENITIES & TRAINING ELEVATIONS	26/05/17
02_201	A	STAFF AMENITIES & TRAINING SECTIONS	26/05/17
03_011	A	MAXIMUM – GATEHOUSE – GROUND FLOOR PLAN	26/05/17
03_012	A	MAXIMUM – GATEHOUSE – FIRST FLOOR PLAN	26/05/17
03_101	A	MAXIMUM – GATEHOUSE – ELEVATIONS	26/05/17
03_201	A	MAXIMUM – GATEHOUSE – SECTIONS	26/05/17
04_011	A	MALE MINIMUM – GATEHOUSE & VISITS – GROUND FLOOR PLAN	26/05/17
04_101	A	MALE MAXIMUM – GATEHOUSE & VISITS – ELEVATIONS	26/05/17
04_201	A	MALE MAXIMUM – GATEHOUSE & VISITS – SECTIONS	26/05/17
05_011	A	STORE GROUND FLOOR PLAN	26/05/17
05_101	A	STORE ELEVATIONS	26/05/17
05_201	A	STORE SECTIONS	26/05/17
06_011	A	UTILITIES GROUND FLOOR PLAN	26/05/17
06_101	A	UTILITIES ELEVATIONS & SECTIONS	26/05/17
07_011	A	OPERATIONS SUPPORT UNIT GROUND FLOOR PLAN	26/05/17
07_101	A	OPERATIONS SUPPORT UNIT ELEVATIONS	26/05/17
07_201	A	OPERATIONS SUPPORT UNIT SECTIONS	26/05/17
08_011	A	MALE MAXIMUM – INDUSTRIES – GROUND FLOOR PLAN – PART 1	26/05/17

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08_101	A	MALE MAXIMUM – INDUSTRIES – ELEVATIONS	26/05/17
08_201	A	MALE MAXIMUM – INDUSTRIES – SECTIONS	26/05/17
09_011	A	LAUNDRY / GROUNDS MAINTENANCE / WASTE / HORTICULTURE GROUND FLOOR PLAN	26/05/17
09_101	A	LAUNDRY / GROUNDS MAINTENANCE / WASTE / HORTICULTURE ELEVATIONS	26/05/17
09_201	A	LAUNDRY / GROUNDS MAINTENANCE / WASTE / HORTICULTURE SECTIONS	26/05/17
10_011	A	KITCHEN & FACILITIES MANAGEMENT GROUND FLOOR PLAN	26/05/17
10_101	A	KITCHEN & FACILITIES MANAGEMENT ELEVATIONS	26/05/17
10_201	A	KITCHEN & FACILITIES MANAGEMENT SECTIONS	26/05/17
12_011	A	MALE MAXIMUM RECEPTION BUILDING & HEALTH FACILITY GROUND FLOOR PLAN	26/05/17
12_101	A	MALE MAXIMUM HEALTH, RECEPTION & SEGREGATION ELEVATIONS – SHEET 01	26/05/17
12_102	A	MALE MAXIMUM HEALTH, RECEPTION & SEGREGATION ELEVATIONS – SHEET 02	26/05/17
12_201	A	MALE MAXIMUM HEALTH, RECEPTION & SEGREGATION SECTIONS – SHEET 01	26/05/17
12_202	A	MALE MAXIMUM HEALTH, RECEPTION & SEGREGATION SECTIONS – SHEET 02	26/05/17
14_011	A	MALE MAXIMUM – VISITS / OPERATIONS / ADMINISTRATION GROUND FLOOR PLAN – PART 1	26/05/17
14_013	A	MALE MAXIMUM – VISITS / OPERATIONS / ADMINISTRATION FIRST FLOOR PLAN – PART 1	26/05/17
14_101	A	MALE MAXIMUM – VISITS / OPERATIONS / ADMINISTRATION ELEVATIONS – SHEET 1	26/05/17
14_102	A	MALE MAXIMUM – VISITS / OPERATIONS / ADMINISTRATION ELEVATIONS – SHEET 2	26/05/17
14_201	A	MALE MAXIMUM – VISITS / OPERATIONS / ADMINISTRATION SECTIONS – SHEET 1	26/05/17
14_202	A	MALE MAXIMUM – VISITS / OPERATIONS / ADMINISTRATION SECTIONS – SHEET 2	26/05/17
16_011	A	MALE MAXIMUM RECREATION GROUND FLOOR PLAN	26/05/17
16_101	A	MALE MAXIMUM RECREATION ELEVATIONS	26/05/17
16_201	A	MALE MAXIMUM & FEMALE RECREATION SECTIONS	26/05/17
17_011	A	MULTI-FAITH / INDIGENOUS SPACE GROUND FLOOR PLAN	26/05/17
17_101	A	MULTI-FAITH / INDIGENOUS SPACE ELEVATIONS	26/05/17
17_201	A	MULTI-FAITH / INDIGENOUS SPACE SECTIONS	26/05/17
18_011	A	MALE MAXIMUM PROGRAMS GROUND FLOOR PLAN	26/05/17
18_101	A	MALE MAXIMUM PROGRAMS ELEVATIONS	26/05/17
18_201	A	MALE MAXIMUM PROGRAMS SECTIONS	26/05/17
19_011	A	MALE MAXIMUM – N1, N2, N3, & N5 COMMUNITY CENTRE – TYPE 1 GROUND FLOOR PLAN	26/05/17
19_101	A	MALE MAXIMUM – N1, N2, N3, & N5 COMMUNITY CENTRE – TYPE 1 ELEVATIONS	26/05/17
19_201	A	MALE MAXIMUM – N1, N2, N3, & N5 COMMUNITY CENTRE – TYPE 1 SECTIONS	26/05/17
20_011	A	MALE MAXIMUM – N4 COMMUNITY CENTRE – TYPE 2 GROUND FLOOR PLAN	26/05/17
20_101	A	MALE MAXIMUM – N4 COMMUNITY CENTRE – TYPE 2 ELEVATIONS	26/05/17

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20_201	A	MALE MAXIMUM – N4 COMMUNITY CENTRE – TYPE 2 SECTIONS	26/05/17
21_011	A	MALE MAX SEGREGATION GROUND FLOOR & PLANT PLANS	26/05/17
21_101	A	MALE MAX SEGREGATION ELEVATIONS	26/05/17
21_201	A	MALE MAX SEGREGATION SECTIONS	26/05/17
22_011	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 2 GROUND FLOOR PLAN	26/05/17
22_012	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 2 FIRST FLOOR PLAN	26/05/17
22_101	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 2 ELEVATIONS – SHEET 01	26/05/17
22_102	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 2 ELEVATIONS – SHEET 02	26/05/17
22_201	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 2 SECTIONS – SHEET 01	26/05/17
24_011	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 1 GROUND FLOOR PLAN	26/05/17
24_012	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 1 FIRST FLOOR PLAN	26/05/17
24_101	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 1 ELEVATIONS – SHEET 01	26/05/17
24_102	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 1 ELEVATIONS – SHEET 02	26/05/17
24_201	A	MALE MAXIMUM ACCOMMODATION UNIT TYPE 1 SECTIONS	26/05/17
26_011	A	MALE MAXIMUM – RESIDENTIAL UNIT – GROUND & FIRST FLOOR PLAN	26/05/17
26_101	A	MALE MAXIMUM – RESIDENTIAL UNIT – ELEVATIONS	26/05/17
26_201	A	MALE MAXIMUM – RESIDENTIAL UNIT – SECTIONS	26/05/17
28_011	A	FEMALE – INDUSTRIES / BAKERY / STAFF DINING GROUND FLOOR PLAN	26/05/17
28_101	A	FEMALE – INDUSTRIES / BAKERY / STAFF DINING ELEVATIONS	26/05/17
28_201	A	FEMALE – INDUSTRIES / BAKERY / STAFF DINING SECTIONS	26/05/17
29_011	A	FEMALE VISITS & RECEPTION GROUND FLOOR PLAN	26/05/17
29_101	A	FEMALE VISITS, RECEPTION & HEALTH ELEVATIONS	26/05/17
29_201	A	FEMALE RECEPTION & HEALTH SECTIONS	26/05/17
35_011	A	FEMALE PROGRAMS, EDUCATION & RECREATION GROUND FLOOR PLAN – PART 1	26/05/17
35_101	A	FEMALE PROGRAMS, EDUCATION & RECREATION ELEVATIONS – PART 1	26/05/17
35_102	A	FEMALE PROGRAMS, EDUCATION & RECREATION ELEVATIONS – PART 2	26/05/17
35_201	A	FEMALE PROGRAMS, EDUCATION & RECREATION SECTIONS – PART 1	26/05/17
35_102	A	FEMALE PROGRAMS, EDUCATION & RECREATION ELEVATIONS – PART 2	26/05/17
37_011	A	FEMALE 60 BED ACCOMMODATION UNIT GROUND FLOOR PLAN	26/05/17
37_012	A	FEMALE 60 BED ACCOMMODATION UNIT FIRST FLOOR PLAN	26/05/17
37_101	A	FEMALE 60 BED ACCOMMODATION UNIT ELEVATIONS	26/05/17
37_201	A	FEMALE 60 BED ACCOMMODATION UNIT SECTIONS	26/05/17

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39_011	A	FEMALE SEGREGATION GROUND FLOOR & ROOF PLANS	26/05/17
39_101	A	FEMALE SEGREGATION ELEVATIONS	26/05/17
39_201	A	FEMALE SEGREGATION SECTIONS	26/05/17
40_011	A	FEMALE - RESIDENTIAL UNIT - GROUND & FIRST FLOOR PLAN	26/05/17
40_101	A	FEMALE - RESIDENTIAL UNIT – ELEVATIONS	26/05/17
40_201	A	FEMALE - RESIDENTIAL UNIT – SECTIONS	26/05/17
41_011	A	FEMALE COTTAGE GROUND FLOOR PLAN	26/05/17
41_101	A	FEMALE COTTAGE ELEVATIONS	26/05/17
41_201	A	FEMALE COTTAGE SECTIONS	26/05/17
42_011	A	MALE MINIMUM - INDUSTRIES / GROUNDS MAINTENANCE / WASTE / HORTICULTURE - GROUND FLOOR PLAN - PART 1	26/05/17
42_101	A	MALE MINIMUM - INDUSTRIES / GROUNDS MAINTENANCE / WASTE / HORTICULTURE – ELEVATIONS	26/05/17
42_201	A	MALE MINIMUM - INDUSTRIES / GROUNDS MAINTENANCE / WASTE / HORTICULTURE - SECTIONS - PART 1	26/05/17
42_202	A	MALE MINIMUM - INDUSTRIES / GROUNDS MAINTENANCE / WASTE / HORTICULTURE - SECTIONS - PART 1	26/05/17
43_011	A	MALE MINIMUM PROGRAMS / ADMINISTRATION GROUND FLOOR PLAN - PART 1	26/05/17
43_101	A	MALE MINIMUM PROGRAMS / ADMINISTRATION ELEVATIONS	26/05/17
43_102	A	MALE MINIMUM PROGRAMS / ADMINISTRATION ELEVATIONS – SHEET 2	26/05/17
43_201	A	MALE MINIMUM PROGRAMS / ADMINISTRATION SECTIONS – SHEET 1	26/05/17
43_202	A	MALE MINIMUM PROGRAMS / ADMINISTRATION SECTIONS – SHEET 2	26/05/17
46_011	A	MALE MINIMUM HEALTH, RECEPTION & SEGREGATION GROUND FLOOR PLAN	26/05/17
46_101	A	MALE MINIMUM HEALTH, RECEPTION & SEGREGATION ELEVATIONS	26/05/17
46_201	A	MALE MINIMUM HEALTH, RECEPTION & SEGREGATION SECTIONS	26/05/17
51_011	A	MALE MINIMUM – RESIDENTIAL UNIT – GROUND & FIRST FLOOR PLAN	26/05/17
51_101	A	MALE MINIMUM – RESIDENTIAL UNIT – ELEVATIONS	26/05/17
51_201	A	MALE MINIMUM – RESIDENTIAL UNIT – SECTIONS	26/05/17
Landscape Drawings prepared by Lorna Harrison Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
01_01	-	LANDSCAPE SITE PLAN A	26/05/17
00_01	-	LANDSCAPE PLAN EXISTING TREES TO BE RETAINED/REMOVED	26/05/17
02_01	-	LANDSCAPE ENTRANCE PRECINCT	26/05/17
05_01	-	LANDSCAPE FEMALE	26/05/17
05_3	-	LANDSCAPE FEMALE PLANTING SCHEDULE	30/10/16
06_01	-	MALE MINIMUM	26/05/17
06_3	-	LANDSCAPE MALE MINIMUM PLANTING SCHEDULE	30/10/17
03_1	-	BERRINBAH WAY + CULTURAL SPACE	26/05/17

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Out of Hours Work Protocol

- A3. The Out-of-Hours Work Protocol identified in *Stage 2 - Environmental Noise and Vibration Assessment New Grafton Correctional Centre*, prepared by Day Design Pty Ltd, dated 30 May 2017 is not approved. Any out-of-hours work must be undertaken in accordance with condition C1.

Local Workforce

- A4. The definition of local area for the project commitment to target 80 per cent construction workforce from the local area must be constrained to residents who reside within 90-minutes of the site and within the Clarence Valley LGA or residents who reside within the Clarence Valley LGA. The Applicant would need to report and monitor against this revised definition of local area. The reporting and monitoring of local workforce participation must be provided to the Secretary upon request, within the timeframe stated in the request.

Community Consultative Committee

- A5. The Community Consultative Committee (CCC) established pursuant development consent SSD 7413 must continue to exercise its functions in accordance with Community Consultative Committee Guidelines: State Significant Projects (2016) for the duration of construction and for at least two years following the completion of construction.

Terms of Consent

- A6. The Secretary may make written direction to the Applicant:
- a) arising from the Department's assessment of any strategies, plans, programs, reviews, audits, notification, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents);
 - b) arising from the Department's assessment of any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this consent or in relation to an incident (whether notified to the Department or not); and
 - c) in relation to the implementation of any actions or measures contained in any of the documents listed in (a) or (b) of this condition.

Inconsistency between documents

- A7. If there is any inconsistency between the plans and documentations referred to above, the most recent document shall 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.

Evidence of consultation

- A8. Where consultation with any stakeholder identified in the conditions of this consent is required by any conditions of this consent, the Applicant must:
- a) consult with the relevant stakeholder prior to submitting the required document for approval;
 - b) submit evidence of such consultation as part of the relevant document;
 - c) describe how matters raised by the stakeholder have been addressed and identify any matters that have not been resolved; and
 - d) include details of any outstanding issues raised by the stakeholder and an explanation of disagreement between any stakeholder and the Applicant.

Development Expenses

- A9. 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.

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Lapsing of Approval

A10. This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

Prescribed Conditions

A11. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Dispute Resolution

A12. 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 shall be binding on the parties.

Long Service Levy

A13. 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 14 41.

Legal Notices

A14. Any advice or notice to the consent authority must be served on the Secretary.

Review of Strategies, Plans and Programs

A15. Within three months of:

- a) the submission of a compliance report under conditions of this consent;
 - b) the submission of an incident report under conditions of this consent;
 - c) the submission of an Independent Environmental Audit under conditions of this consent;
 - d) the approval of any modification to the conditions of this consent; or
 - e) the issue of a direction of the Secretary under condition A6,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A16. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised and submitted:

- a) to the Secretary's satisfaction if previously approved by the Secretary; or
- b) to the Secretary for information.

Where revisions are required, the revised document must be submitted to the Secretary within six weeks of the review.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

Incident Notification, Reporting and Response

A17. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident.

A18.

- a) A written incident notification must also be emailed to the Department at the following address: compliance@planning.nsw.gov.au within 24 hours after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant forms the view that an incident has not occurred.
- b) Written notification of an incident must:
 - i) identify the development/project and application number;

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- ii) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- iii) identify how the incident was detected;
- iv) identify when the applicant/proponent became aware of the incident;
- v) identify any actual or potential non-compliance with conditions of consent/approval;
- vi) describe what immediate steps were taken in relation to the incident;
- vii) identify further action(s) that will be taken in relation to the incident; and
- viii) identify a project contact for further communication regarding the incident.

A19.

- a) Within seven days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements for such reporting set out in A17.b), and such further reports as may be requested.
- b) The Incident Report must include:
 - i) a summary of the incident;
 - ii) outcomes of an incident investigation, including identification of the cause/s of the incident;
 - iii) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - iv) details of any communication with other stakeholders regarding the incident.

A20. Any written requirements of the Secretary or relevant public authority (as determined by the Secretary) which may be given at any point in time, to address the cause or impact of an incident must be complied with and within any timeframe specified by the Secretary or relevant public authority.

A21. If statutory notification is provided to the EPA as required under the POEO Act in relation to the project, such notification must also be provided to the Secretary within 24 hours after the notification was provided to the EPA.

A22. Incidents are to be notified as part of monitoring the carrying out of the Development to provide data on compliance with this consent or the environmental impact of the Development. Accordingly, Division 2B of Part 6 of the EP&A Act applies.

Non-compliance Notification and Reporting

A23. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.

A24. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Obligation to Minimise Harm to the Environment

A25. In addition to meeting the specific performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

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PART B PRIOR TO THE COMMENCEMENT OF WORKS

Certified Plans

- B1. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the 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.

Notice of Commencement of Works

- B2. The Certifying Authority, the Department and Council must be given written notice at least 48 hours prior to the commencement of work approved under this consent.

Cell Design

- B3. The Applicant must provide details to the Certifying Authority that demonstrate the design of accommodation units satisfactorily address any cell and fire safety design requirements of Department of Corrective Services prior to commencement of above ground works approved under this consent.

Development contributions

- B4. Prior to commencement of works approved under this consent, a contribution under section 94A of the EP&A Act of \$3,000,000 (adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW)) must be paid to Council.

Stormwater Management

- B5. Full details of the proposed stormwater management system is to be prepared in consultation with Council and Crown Lands and Water of Department of Industry and submitted to the satisfaction of the Certifying Authority prior to the commencement of works approved under this consent. This information must include:
- a) detailed engineering plans and specifications of the proposed drainage system on the site and provide details on the proposed management of drainage lines traversing the project site;
 - b) an analysis of the impacts of the discharge of stormwater and changed hydrology of the land from the site on the surrounding environment, including quality, quantity and velocity impacts and potential impacts on the nearby SEPP 14 Coastal Wetlands;
 - c) plans prepared in accordance with Council's stormwater and drainage requirements for rural land; and
 - d) detail on any potential impacts on groundwater, including mitigation measures such as lining sediment basins or monitoring groundwater.

Aboriginal Cultural Heritage

- B6. Any cultural induction or safety packages developed and delivered for the construction stage of the site must be prepared in consultation with OEH and must have input from all Aboriginal groups who have identified themselves as contact points for knowledge-holders. Evidence of consultation must be submitted to the satisfaction of the Certifying Authority prior to commencement of works approved under this consent.

Safety Measures

- B7. Prior to commencement of works approved under this consent, the Applicant must consult with the adjoining landowner at 493 Avenue Road, Lavadia and must identify what additional security measures would be provided to the landowner to address potential safety concerns. Evidence that the landowner agrees to the proposed measures and a timeframe for installation must be submitted to the Department and the Certifying Authority.

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Stock Movement Protocol

- B8. Prior to commencement of works approved under this consent, the Stock Movement Protocol must be amended to include a Traffic Management Plan prepared in consultation with Local Land Services and affected surrounding landholders (at a minimum all properties along Avenue Road) to manage road sharing, particularly with respect to ensuring stock moving routes are not hindered by additional traffic movements, and to monitor and address complaints during construction. The Stock Movement Protocol must include, but not limited to, management procedures during times of flood.

Reflectivity

- B9. 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 is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

Outdoor Lighting

- B10. 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 are to be submitted to the satisfaction of the Certifying Authority.

Access for People with Disabilities

- B11. The works the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the NCC. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Pre-construction Dilapidation Reports

- B12. The Applicant is to engage appropriately qualified structural and civil engineers to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining buildings, and infrastructure and roads on all proposed and potential haulage routes. Any entry into private land is subject to the approval of the land owner(s). The report must be submitted to the Certifying Authority prior to the commencement of works approved under this consent. A copy of the report is to be forwarded to the Council and each of the affected property owners.

Structural Details

- B13. Prior to the commencement of works approved under this consent, the Applicant must submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the NCC; and
 - b) the development consent.

External Walls and Cladding

- B14. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.
Prior to the commencement of works approved under this consent, the Applicant must provide the Certifying Authority with documented evidence that the products and

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systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.

The Applicant must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it.

Car Parking and Service Vehicle Layout

B15. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the satisfaction of the Certifying Authority prior to the commencement of relevant above ground works:

- a) all vehicles should enter and leave the Subject Site in a forward direction. In the event that 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 layout of the proposed car parking areas that form part of this consent (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be 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* and AS/NZS 2890.2:2002 *Parking facilities – Off-street commercial vehicle facilities* for heavy vehicle usage;
- c) all construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping;
- d) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
- e) all works/ regulatory signposting associated with the proposed development shall 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.

Mechanical Ventilation

B16. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the NCC and must comply with the Australian Standards AS1668.2 *Mechanical Ventilation of Buildings* and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of installation of mechanical works approved under this consent.

Storage and Handling of Waste

B17. The building plans and specifications accompanying the relevant plans submitted to the Certifying Authority prior to the commencement of any building works shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The storage area(s) must:

- a) ensure all internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
- c) include provision for separate storage and collection of organic/food waste.

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Road Design

B18. Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (vehicle crossings) and paved footpaths must be constructed along the areas where road works are to be undertaken. All roads and traffic facilities (vehicle crossings) must be designed to meet the requirements of Council and the RMS (if applicable) and obtain the necessary permits and approvals from the relevant road authority.

Construction Environmental Management Plan

B19. Prior to the commencement of works approved under this consent, a **Construction Environmental Management Plan** (CEMP) that addresses those works must be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Planning and Infrastructure 2004) to the satisfaction of the Certifying Authority. The CEMP must be prepared by a suitably qualified and experienced person in consultation with Council and 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) establishment of site facilities;
- d) soil and water management, including surface and ground water quality and quantity, construction contaminants, soils, acid sulfate soils and spills;
- e) flora and fauna management;
- f) prevention of stock travelling along stock moving routes from entering the site;
- g) bushfire prevention;
- h) visual amenity of any stockpiles;
- i) minimising potential breeding areas on the site for biting insects;
- j) traffic management, in consultation with the local Council, including a designated off-street car parking area for construction related vehicles;
- k) construction noise and vibration management, prepared by a suitable qualified person;
- l) management of dust to protect the amenity of the neighbourhood, including truck movements along Avenue Road;
- m) erosion and sediment control;
- n) concrete production management;
- o) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
- p) external lighting in compliance with AS4282:1997 *Control of the Obtrusive Effects of Outdoor Lighting*;
- q) an Unexpected Finds Protocol (UFP); and
- r) waste classification (for materials to be removed) and validation (for materials to remain) during construction to confirm the contamination status in these areas of the site.

B20. The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

B21. The CEMP must detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts and describe the roles and responsibilities of all relevant employees involved in earthworks and construction.

B22. The Applicant must submit a copy of the CEMP to the Department and to the Council, prior to commencement of works approved under this consent.

Road Safety - Construction

B23. Prior to commencement of construction works, an independent Road Safety Audit (RSA) of Six Mile Lane and Old Six Mile Lane, from the existing Pacific Highway to Avenue Road, must be prepared by a suitably qualified independent traffic engineer

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to identify any road safety risks associated with the movement of construction vehicles associated with the construction of the correctional centre and ensure that appropriate measures are implemented to mitigate any identified risks to the satisfaction of Council and RMS. The RSA must also consider the construction traffic impacts on the existing intersection of Six Mile Lane and the Grafton Regional Airport.

Construction Traffic and Access

- B24. A **Construction Traffic and Pedestrian Management Plan** (CTPMP) must be prepared by a suitably qualified person in consultation with Clarence Valley Council, the RMS, Pacific Complete and the immediately adjoining local residents. The CTPMP must be submitted to the satisfaction of the RMS, Council and the Certifying Authority prior to commencement of works approved under this consent. The CTPMP must include, but not limited to, the following:
- a) any measures required to address outcomes of RSA required by condition B23;
 - b) locations of the proposed work zone, plant storage, staff parking and staging area;
 - c) measures to mitigate and manage impacts on stock moving routes;
 - d) measures to clearly distinguish construction vehicles for this project (such as stickers or magnets) from other construction projects and must be clearly visible to any passing vehicle or person;
 - e) identify measures to mitigate the construction traffic generated by workers, including identifying measures that would ensure that the Level of Service at intersections impacted by construction traffic do not deteriorate to a Level of Service E (such as 'park and ride' facilities or shuttle bus services) and details of monitoring to be undertaken to ensure this criteria is met;
 - f) include a Drivers' Code of Conduct that details the safe and quiet driving practices that must be used by drivers to and from the site, including addressing the following:
 - a map of the primary haulage route highlighting critical locations;
 - safety initiatives for haulage through residential areas and/or school zones;
 - an induction process for vehicle operators & regular toolbox meetings;
 - a complaint resolution and disciplinary procedure; and
 - community consultation measures for peak haulage periods;
 - g) describe the measures that would be put in place to ensure compliance with the Drivers' Code of Conduct, including measures to minimise the potential for fauna strike;
 - h) haulage routes;
 - i) construction vehicle access arrangements;
 - j) estimated number of construction vehicle movements during various times of the day;
 - k) construction program;
 - l) consultation strategy for liaison with surrounding stakeholders, including holders of stock moving route permits affected by construction works;
 - m) any potential impacts to general traffic, cyclists, pedestrians, parking and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; and
 - n) cumulative construction impacts of projects, including major transport projects, and details of the duration of the any cumulative impacts and measures to mitigate any associated general traffic, public transport, parking, pedestrian and cyclist impacts.
- B25. Prior to commencement of any works, any measures required to mitigate any safety risks for this stage of the construction works must be implemented.
- B26. The Applicant must submit a copy of the CTPMP to the Department and Council prior to the commencement of works approved under this consent.

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Construction Noise and Vibration

- B27. The construction management noise level for the evening period must be revised and calculated in accordance with the *Interim Construction Noise Guideline*.
- B28. Prior to the commencement of works approved under this consent, a **Construction Noise and Vibration Management Plan** (CNVMP) must be prepared to the satisfaction of the Certifying Authority. The CNVMP must:
- a) be prepared by a suitably qualified expert;
 - b) describe the measures that would be implemented to ensure:
 - i) best management practice is being employed; and
 - ii) compliance with the relevant conditions of this consent;
 - c) describe the proposed noise and vibration management measures in detail;
 - d) 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;
 - e) describe the consultation undertaken to develop the strategies in e) above; and
 - f) evaluates and reports on the effectiveness of the noise and vibration management measures.
- B29. The Applicant must submit a copy of the CNVMP to the Department and Council prior to the commencement of works approved under this consent.

Construction Waste Management

- B30. Prior to the commencement of works approved under this consent, a **Construction Waste Management Plan** (CWMP), prepared by a suitably qualified person in consultation with Council, must be submitted to the satisfaction of the Certifying Authority. The CWMP must address, but not limited to, the following matters:
- a) identification of an appropriate area within the site for the storage of garbage bins and recycling containers and all waste and recyclable material generated on the land;
 - b) recycling of demolition materials; and
 - c) 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.
- B31. The Applicant must submit a copy of the CWMP to the Department and Council prior to the commencement of work approved under this consent.
- B32. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- B33. The Applicant must consult Council and the RMS regarding truck routes(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

Soil and Water

- B34. Soil erosion and sediment control measures must be designed in accordance with the document *Managing Urban Stormwater - Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works. The soil erosion and sediment control measures must address, but not limited to, the following matters:
- a) provisions to ensure all works associated with or in close proximity to drainage lines are undertaken in accordance with *DPI Water Guidelines for Controlled Activities*;
 - b) emergency contingency procedures;
 - c) detail on any potential impacts on groundwater, including mitigation measures such as lining sediment basins or monitoring groundwater; and
 - d) classifying all excess soil in accordance with the *Protection of the Environment Operations Act 1997* and removed from the site appropriately.

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Flora and Fauna Management

- B35. A **Flora and Fauna Management Plan** (FFMP), prepared by a suitably qualified person, must be submitted to the satisfaction of the Certifying Authority. The FFMP must address, but not limited to, the following matters:
- a) minimising the risk, introduction and spread of invasive species and diseases;
 - b) traffic management procedures (including signage, speed limits and help information for incidents) in regard to the protection of the koala and Rufous Bettong;
 - c) fauna protection/relocation procedures for displaced wildlife, identifying potential release sites and timing protocols; and
 - d) identifying suitable receiving sites for displaced aquatic/amphibian fauna.
- B36. The Applicant must submit a copy of the approved FFMP to the Department and Council prior to the commencement of works approved under this consent.

Concrete Batching Plant Management Plan

- B37. A **Concrete Batching Plant Management Plan** (CBPMP), prepared by a suitably qualified person, must be submitted to the satisfaction of the Certifying Authority. A copy of the plan must be submitted to the Secretary prior to the establishment of Concrete Batching Plant and form part of the CEMP required by condition B19. The CBPMP must address, but not limited to, the following matters:
- a) demonstrate how the development will be managed during construction to meet the requirements of this development consent;
 - b) a description of the works proposed to be undertaken;
 - c) a description of the plant, equipment and materials to be used and/or stored on each site, including dangerous and hazardous goods;
 - d) a summary of the potential environmental impacts associated with the establishment and operation of the facility;
 - e) details of the mitigation, monitoring and management procedures specific to the plant that would be implemented to minimise environmental and amenity impacts during establishment of the plant and operation;
 - f) include a program to monitor the effectiveness of these measures;
 - g) details of how waste, including highly alkaline wastewater, dust and solid waste, is to be managed in association with the operation of the Plant; and
 - h) detail any licenses required to discharge waste from the plant.

Utility Services

- B38. Prior to the commencement of work approved under this consent, the Applicant is to negotiate with the utility authorities (e.g. Transgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction works.
- B39. Prior to the commencement of works approved under this consent, written advice must be obtained from relevant utility authorities stating that satisfactory arrangements have been made to ensure provisions of adequate services for the duration of the construction works, particularly water supply.
- B40. 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.

Community Communication Strategy

- B41. A community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others

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directly impacted by the development), during the construction of the development and for the duration of the development.

B42. The Community Communication Strategy must:

- a) identify people to be consulted during the construction phases;
- b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- d) set out procedures and mechanisms:
 - i) through which the community can discuss or provide feedback to the Applicant;
 - ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

B43. The Community Communications Strategy must be submitted to the Secretary for approval no later than one month before the commencement of any work.

B44. Prior to the commencement of works approved under this consent, the Community Communication Strategy must be approved by the Secretary, or within another timeframe agreed with the Secretary.

B45. The Community Communication Strategy, as approved by the Secretary, must be implemented for the duration of the development.

Access to Information

B46. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Secretary, the Applicant must:

- a) make the following information and documents (as they are prepared, obtained or approved) copies of the following publicly available on its website:
 - i) the documents referred to in condition A2 of this consent;
 - ii) all current statutory approvals for the development;
 - iii) all approved strategies, plans and programs required under the conditions of this consent;
 - iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - vi) a summary of the current stage and progress of the development;
 - vii) contact details to enquire about the development or to make a complaint;
 - viii) a complaints register, updated monthly;
 - ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - x) any other matter required by the Secretary; and
- b) keep such information up to date, to the satisfaction of the Secretary.

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

Complaints and Enquiries Procedure

B47. Prior to the commencement of works approved under this consent, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

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- 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 enquires may be sent; and
- c) an email address to which electronic complaints and enquiries may be transmitted.

B48. A **Complaints Management System** must be prepared before the commencement of any construction works and be implemented and maintained for the duration of these 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 construction 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.

Compliance Reporting

B49. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of works approved under this consent. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of works approved under this consent.

B50. The Pre-Construction Compliance Report must include:

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

B51. Prior to commencement of construction works approved under this consent, the Pre-Construction Compliance Report must be approved by the Secretary.

Independent Environmental Audit

B52. No later than one month before the commencement of construction works approved under this consent or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance with the latest version of AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014) and submitted to the Secretary for information.

B53. The program must require an independent environmental audit every year, **or as otherwise agreed by the Secretary**. The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

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PART C DURING CONSTRUCTION

Hours of Work

C1.

- a) Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
 - i) between 7 am and 6 pm, Mondays to Fridays inclusive; and
 - ii) between 8 am and 5 pm, Saturdays.
- b) No work may be carried out on Sundays and public holidays.
- c) Works may be undertaken outside these hours where:
 - i) works are inaudible at the nearest sensitive receivers; or
 - ii) the delivery of vehicles, plant or materials is required outside these hours by the Police or other public authorities; or
 - iii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
 - iv) works are undertaken in accordance with an approved Environmental Protection Licence under the *Protection of the Environment Operations Act 1997*; or
 - v) a variation is approved, in advance, in writing by the Secretary or her nominee.

Approved Plans to be On-Site

C2. 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 any officer of the Department, Council or the Certifying Authority.

Aboriginal Cultural Heritage

C3. The **Aboriginal Cultural Heritage Management Plan** (ACHMP) prepared by Jacobs dated 8 March 2017, and **Salvage Report**, prepared by Jacobs, dated 26 June 2017, are to be updated to the satisfaction of OEH within three months of approval of the development, or as otherwise agreed by the Secretary. The updated ACHMP and Salvage Report must identify what measures would be implemented to allow input from all Aboriginal groups who have identified themselves as contact points for knowledge-holders and their input:

- a) should be evident in the finalised statement of significance of any salvaged or collected Aboriginal objects from the site; and
- b) should be considered for the temporary curation and long-term storage of the above objects.

Independent Environmental Audit

C4. The environmental audit program prepared and submitted to the Secretary in accordance with conditions B52 and B53 above must be implemented and complied with for the duration of the development.

C5. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:

- a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
- b) assesses whether the development is complying with the terms of this consent;
- c) reviews the adequacy of any document required under this consent; and

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- d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- C6. Within three months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

Management Plans

- C7. The ACHMP, CEMP, CNVMP, CWMP, CTPMP, FFMP and CBPMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Stock Movement Protocol

- C8. The Stock Movement Protocol must be implemented for the duration of construction works and must be updated to address any matters raised by Local Land Services or any complaints that are validated by Local Land Services.

Local Workforce

- C9. If the project commitment target for the construction workforce from the local area cannot be achieved as per condition A4, residents within a 90-minute catchment should be the next group considered to minimise impacts on local housing supply. All new opportunities for work must be made available to candidates from the local area in the first instance. If the Applicant is unable to achieve a sufficient workforce from either group, the Applicant must consult with Council to identify strategies to address housing supply impacts, including the need for any additional short-term accommodation to mitigate any impacts on cost of housing.

Erosion and Sediment Control

- C10. All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- C11. 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 Council.

Site Notice

- C12. A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
 - a) minimum dimensions of the notice are to measure 841 mm x 594 mm (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

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- d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Construction Noise Management

- C13. 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, as required by condition B28.
- C14. 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.
- C15. The Applicant shall ensure construction vehicles do not arrive at the Subject Site or surrounding residential precincts outside of the construction hours of work outlined under condition C1.
- C16. 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.
- C17. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using augered piling methods. If driven piles are required they must only be installed where outlined in a CNVMP.
- C18. 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

- C19. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
 - a) for structural damage vibration, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures*; and
 - b) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6841 – Guide to Evaluate Human Exposure to Vibration in Buildings* (1 Hz to 80 Hz) for low probability of adverse comment.
- C20. The above limits apply unless otherwise outlined in a CNVMP, approved by the Certifying Authority.
- C21. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Work Cover Requirements

- C22. 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

- C23. The following hoarding requirements must be complied with:
 - a) no third party advertising is permitted to be displayed on hoarding/fencing; and

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- 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.

Protection of Public Infrastructure

C24. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- a) repair or pay the full costs associated with repairing any public infrastructure that is damaged as a result of works undertaken pursuant to this consent within three months of being notified of the damage or as otherwise agreed with the relevant authority; and
- b) relocate or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Road Occupancy Licence

C25. A Road Occupancy Licence must be obtained from the Transport Management Centre (RMS) for any works impacting on traffic flows of adjoining roads during construction activities.

Protection of Trees

C26.

- a) No street trees are to 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 shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- c) All trees on the Subject Site that are not approved for removal and trees on adjoining properties are to be suitably protected by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches, during construction.

Waste

C27. All waste generated by the project must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (DECCW, 2009).

C28. The body of any vehicle or trailer used to transport waste or excavation spoil shall 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 shall be removed before leaving the premises.

No obstruction of public way

C29. 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

C30. 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 Division 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 Division.

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Incident Reporting

- C31. 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 in accordance with the requirements outlined in conditions A17 to A22 of this consent.
- C32. 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 in accordance with Condition A19 of this consent.

Compliance Tracking and Reporting

- C33. The Applicant must provide regular (six monthly) reporting on any environmental performance required by the development consent for the development on its project website, in accordance with the reporting arrangements in any plans or other documents approved under the conditions of this consent.

Compliance – General

- C34. The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.
- C35. **Construction Compliance Reports** must be submitted to the Department at compliance@planning.nsw.gov.au for information every six (6) months from the date of the commencement of construction works approved under this consent, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding 6 months and must be submitted within one month following the end of each 6 month period for the duration of the development, or such other timeframe as required by the Secretary.
- C36. 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 and associated sub-plans as a result of construction carried out during the reporting period;
 - d) a register of any modifications undertaken and their status;
 - e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
 - f) a summary of all incidents notified in accordance with this consent; and
 - g) any other matter relating to compliance with the terms of this consent or as requested by the Secretary.

Community Communication Strategy

- C37. The Community Communication Strategy, as approved by the Secretary, must be implemented for the duration of construction approved under this consent.

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PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Operational Traffic Management Plan

- D1. Prior to occupation, the Applicant must identify in consultation with Council what management practices (such as an operational traffic management plan) would be implemented to manage staff and visitors so that operational traffic use Eight Mile Lane and Avenue Road to access the facility.

Road Safety - Operation

- D2. Prior to occupation, an independent RSA of Six Mile Lane and Old Six Mile Lane, from the existing Pacific Highway to Avenue Road, must be prepared by a suitably qualified traffic engineer to identify any road safety risks and ensure that appropriate measures are identified to mitigate any identified risks to the satisfaction of Council and RMS. The RSA must:
- a) consider expected traffic volumes on these roads in 2030 (ten year horizon from occupation) as agreed by RMS and Council with consideration of management practices identified to address condition D1;
 - b) utilise a speed limit of 80km/h on both Avenue Road and Eight Mile Lane (or as otherwise advised by RMS); and
 - c) consider Austroads Guide to Traffic Management Part 6 Intersections, Interchanges and Crossings, Section 2.3.6 Warrants for BA, AU and CH Turn Treatments and Austroads Guide to Road Design Part 4A Unsignalised and Signalised Intersections.
- D3. Prior to commencement of operations, the Applicant must implement the recommendations of the RSA required by condition D2, including upgrade Eight Mile Lane and Avenue Road intersection, Old Six Mile Lane and Avenue Road intersection and Six Mile Lane and the Grafton Regional Airport intersections to the satisfaction of Council, where required.

Wastewater Management

- D4. Prior to occupation, the Wastewater Management Plan and Recycled Wastewater Management Plan, must be updated to the satisfaction of EPA, Crown Lands and Water of Department of Industry and Council to address, but not limited to:
- a) details of nutrient removal from the irrigation areas;
 - b) location and number of soil moisture sensors;
 - c) allow for soil moisture buffer capacity of 5 mm to 10 mm for irrigation areas;
 - d) monitoring indicators, frequency and sampling methodology; and
 - e) procedures for managing any overflow of the wet weather storage dam and emergency procedures for discharge from the site during flooding events.
- D5. Prior to occupation the Applicant must provide evidence to Council and the Secretary that adequate procedures have been developed to manage biosolids generated as part of the waste water management scheme. If offsite disposal is required, the Applicant must provide the Secretary with details of agreement with an appropriate waste facility for disposal of the biosolids.

Odour Management Plan

- D6. The Applicant must prepare an **Odour Management Plan** to outline measures to minimise impacts from the project on local and regional air quality. The Plan must be prepared by a suitably qualified and experienced person(s) and must include, but not be limited to:
- a) identification of all major sources of odour that may be emitted from the project;
 - b) monitoring for odour emissions from the project, in accordance with any requirements of the EPA;
 - c) pro-active management and response mechanisms for odour emissions, with specific reference to measures to be implemented and actions to be taken to minimise and (where practicable) prevent potential odour impacts on surrounding

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land uses resulting from meteorological conditions or the mode of operation of the project;

- d) provision for review of air quality monitoring data;
- e) plans for regular maintenance of process equipment to minimise the potential for odour emissions; and
- f) a contingency plan should an incident, process upset or other initiating factor lead to elevated odour impacts, whether above normal operating conditions or environmental performance goals/ limits.

Aboriginal Cultural Heritage

- D7. Prior to occupation, the Applicant must demonstrate to the satisfaction of OEH that input from all Aboriginal groups who have identified themselves as contact points has been incorporated in cultural induction or safety packages developed and delivered for the operation of the correctional centre. Copies of the relevant cultural induction or safety packages, including evidence of Aboriginal input, must be submitted to the Certifying Authority and the Secretary prior to occupation.

Biodiversity Management

- D8. Prior to occupation, the Applicant must investigate options to increasing the vegetative buffer along the southern and south-eastern boundary to maintain an east-west biodiversity corridor in consultation with OEH or demonstrate to OEH that the vegetative buffer cannot be provided.

Bush Fire Management

- D9. Prior to occupation, the Applicant must prepare a **Fire Management Plan** in consultation with NSW RFS Clarence Valley Control Centre to address:
- a) strategy for managing grass fires;
 - b) emergency management procedures for fire within the facility;
 - c) internal road systems;
 - d) water supplies;
 - e) hazardous materials;
 - f) annual review and reporting mechanism; and
 - g) site familiarisation procedures and response mechanisms.

Sustainable Travel Plan

- D10. The **Sustainable Travel Plan** (STP) for the development must be prepared in consultation with TfNSW and submitted to the Secretary for approval prior to occupation unless otherwise agreed by the Secretary. The STP must identify measures to support sustainable transport modes, target a reduction in private vehicle travel and include provision for review and monitoring.

External Walls and Cladding

- D11. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

Prior to occupation, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.

The Applicant must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it.

Pre-operation Compliance Report

- D12. A **Pre-Operation Compliance Report** must be prepared and submitted to the Secretary for information no later than one month before the commencement of

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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.

Mechanical Ventilation

D13. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to occupation, that the installation and performance of the mechanical systems complies with:

- a) the NCC;
- b) *Australian Standard AS1668 The use of ventilation and air-conditioning in buildings* and other relevant codes;
- c) the development consent and any relevant modifications; and
- d) any dispensation granted by the New South Wales Fire Brigade.

Road Damage

D14. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the or along nominated haulage routes to 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 occupation.

Compliance Certificate

D15. A Certificate of Compliance under the provision of section 306 of the *Water Management Act* must be obtained from the water supply authority (Council) prior to occupation. The Applicant must pay Section 64 Contributions in the sum of \$3,000,000.

Post-construction Dilapidation Report

D16. Prior to occupation:

- a) the Applicant must engage a suitably qualified person to prepare a **Post-Construction Dilapidation Report** at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to infrastructure and roads;
- b) the report is to be submitted to the satisfaction of the Certifying Authority. In ascertaining whether adverse structural damage has occurred to infrastructure and roads, the Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads;
- c) a copy of this report is to be forwarded to the Council.

Fire Safety Certification

D17. Prior to occupation, 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 on the premises.

Structural Inspection Certificate

D18. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to occupation. A copy of the relevant Certificate with an electronic set of final drawings (contact approval authority for

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specific electronic format) must be submitted to the approval authority and the Council after:

- a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- b) the drawings listed on the Certificate have been checked with those listed on the final Design Certificate/s.

Signage

D19. Way finding signage for pedestrians and cyclists must be installed within the site prior to occupation.

Registration of Easements

D20. Prior to occupation, the Applicant must provide to the Certifying Authority evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Food Preparation Areas

D21. All food premises must be designed and constructed to comply with Food Safety Standard 3.2.3 *Food Premises and Equipment* of the Food Standards Code.

D22. 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 *Australian Standard AS4674 Design, construction and fit-out of food premises*. The Applicant must provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to the occupation.

External Lighting

D23. The Applicant must submit to the consent authority evidence from a qualified practitioner that external lighting complies with *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

D24. Street lighting must be provided at the main access on Avenue Road to the facility and designed to Council's requirements. The street lighting must be designed to minimise impacts on adjoining neighbours.

PART E POST OCCUPATION

Sustainable Travel Plan

- E1. The STP, as required by condition D10, must be updated annually and the measures to promote a modal shift away from private vehicle travel identified in the STP must be implemented accordingly.

Stock Movement Protocol

- E2. The Stock Movement Protocol must be implemented for the duration of operations of the facility and must be updated to address any matters raised by Local Land Services or any complaints that are validated by Local Land Services.

Wastewater Management

- E3. A performance assessment/audit of the wastewater management system must be prepared quarterly by a suitably qualified experienced independent person and submitted to Council for a commissioning period of up to two years from occupation, and annually thereafter. Annual performance assessment should include an assessment of the sustainability of irrigation practices.
- E4. The performance assessment/audit should be guided by Environmental Guidelines: Use of Effluent by Irrigation (DEC 2004) and the updated Wastewater Management Plan and Recycled Water Management Plan required by condition D4.
- E5. If any of the 'Proposed Recycled Water Criteria' specified in the updated Recycled Water Management Plan required by condition D4 are exceeded, the Applicant must provide Council a quarterly performance assessment/audit of the wastewater management system for four periods before reverting back to annual reporting.

Odour Management

- E6. The **Odour Management Plan** must be implemented for the duration of operation of the facility.
- E7. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).
- E8. The Applicant must carry out an Odour Audit of the development no later than six months after the commencement of operation of the development. The audit must:
- be carried out by a suitably qualified, experienced and independent person(s), whose appointment has been endorsed by the Secretary;
 - audit the development in full operation;
 - include a summary of odour complaints and any actions that were carried out to address the complaints;
 - assess the operation against odour impact predictions in the [EIS/Submissions Report];
 - review design and management practices in the development against industry best practice for odour management; and
 - include an action plan that identifies and prioritises any odour mitigation measures that may be necessary to reduce odour emissions.
- E9. Within six months of commissioning of the Odour Audit required by condition E8, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the Odour Audit report to the Secretary, together with the Applicant's response to any recommendations contained in the Odour Audit report.

Bush Fire Management

- E10. Asset Protection Zones must be maintained in accordance with NSW RFSs *Planning for Bush fire Protection 2006* and *Standards for asset protection zones*, as illustrated on Drawing Number 3206-ARC-DA2_00_002, Revision B, Titled Overall Masterplan 1:2500, dated 15 November 2017 for the duration of operation of the facility.

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- E11. The Fire Management Plan must be implemented for the duration of operation of the facility and reviewed annually in consultation with NSW RFS Clarence Valley Control Centre.

Social Performance Reports

- E12. Social Performance Reports are to be prepared by a suitably qualified experienced independent person to monitor and report on the social indicators identified in the Social Impact Assessment (SIA), prepared by BBC Consulting Planners, dated 7 June 2017, in accordance with the timeframe outlined in the SIA. Copies of the Social Performance Reports must be submitted to Council and the Department.

Community Communication Strategy

- E13. The Community Communication Strategy, as approved by the Secretary, must be implemented for the duration of the development.

Unobstructed Driveways and Parking Areas

- E14. All driveways and parking areas must be unobstructed at all times. Driveways and car spaces must not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Noise Control – Plant and Machinery

- E15. Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of the sensitive receiver.
- E16. The Applicant must carry out a noise monitoring program for a minimum period of one week where valid data is collected following occupation. 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 occupation to verify that project specific noise levels identified in *Stage 2 - Environmental Noise and Vibration Assessment New Grafton Correctional Centre*, prepared by Day Design Pty Ltd, dated 30 May 2017 are being met.

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

Storage of Hazardous or Toxic Material

- E17. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials must be stored in a bunded area. The bund walls and floors must be constructed of impervious materials and must be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.
- E18. The storage and handling of medical liquid oxygen, must be in accordance with *AS 1894 The storage and handling of non-flammable cryogenic and refrigerated liquids*.

Public Way to be Unobstructed

- E19. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- E20. External Lighting must comply with *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

ADVISORY NOTES

Appeals

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

Other Approvals and Permits

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

Responsibility for other consents / agreements

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

Temporary Structures

- AN4. An approval under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- AN5. 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

- 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 Building Code of Australia which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- AN7. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN8. This application has been assessed in accordance with the *Environmental Planning & Assessment Act 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

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Asbestos Removal

- AN9. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence" and removal must be carried out in accordance with NOHSC: "*Code of Practice for the Safe Removal of Asbestos*".

Site contamination issues during construction

- AN10. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.