

Development consent

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

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I 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 10th August. 2018

SCHEDULE 1

Application No.:	SSD 8894
Applicant:	Dexus Projects Pty Ltd
Consent Authority:	Minister for Planning
Land:	12 Frederick Street, St Leonards (Lot 1 DP 591747, Lot 210 DP 1172133 and Lot 2 DP 11584369)
Development:	Construction and operation of a new six storey building, known as 'Tower B', for health and medical purposes as part of the North Shore Health Hub, including medical specialist suites and associated allied health uses.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Dexus Projects Pty Ltd, or any person carrying out any development to which this consent applies.
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	All physical work to enable operation, including but not limited to demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure.
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> .
Conditions of this consent	The conditions contained in Schedule 2 of this document.
Council	Willoughby City Council
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
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of Tower B, as modified by the conditions of this consent.
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	The Environmental Impact Statement titled <i>Environmental Impact Statement State Significant Development Application SSD 8894</i> prepared by Keylan Consulting Pty Ltd, dated February 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Incident	An occurrence or set of circumstances that causes, or threatens to cause, significant harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial.
Material harm	Is harm that: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
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
OEH	Office of Environment and Heritage, or its successor
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee.
Planning Secretary's approval, agreement or satisfaction	A written approval from the Planning Secretary (or nominee/delegate). Where the Planning Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Planning Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Planning Secretary may ask for additional information if the approval, agreement or satisfaction

	request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to Submissions (RtS)	The Response to Submissions titled <i>Response to Submissions – Frederick Street, St Leonards Tower B Stage 2 (SSD 8894)</i> prepared by Keylan Consulting Pty Ltd, dated 5 July 2018.
RMS	Roads and Maritime Services, or its successor
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Subject Site	12 Frederick Street, St Leonards (Lot 1 DP 591747, Lot 210 DP 1172133 and Lot 2 DP 11584369)
TfNSW	Transport for NSW
Zone of Influence	The horizontal distance from the edge of the excavation site or any construction zone (including on-site haulage routes) to twice the maximum excavation depth.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

Terms of Consent

- A2. The development may only be carried out:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Planning Secretary;
 - generally in accordance with the EIS as amended by the RtS; and
 - in accordance with the approved plans in the table below:

Architectural drawings and plans prepared by <i>Billard Leece Partnership Pty Ltd</i>			
Drawing No.	Rev.	Name of Plan	Date
DA-101	B	SITE PLAN	19/12/17
DA-103A	A	LEVEL 2A & 3B	18/04/18
DA-103B	A	LEVEL 4A & 5B	18/04/18
DA-103C	A	LEVEL 6B	18/04/18
DA-103D	A	LEVEL 7B	18/04/18
DA-103E	A	LEVEL 8B	18/04/18
DA-105	D	LEVEL 9 PLAN	18/04/18
DA-106	B	ROOF LEVEL PLAN	19/12/17
DA-110	B	STREET ELEVATIONS	19/12/17
DA-111	B	ELEVATION – NORTH	19/12/17
DA-112	B	ELEVATION – SOUTH	19/12/17
DA-113	B	ELEVATION – EAST	19/12/17
DA-114	B	ELEVATION – WEST	19/12/17
DA-115	B	ELEVATION – SOUTH COURTYARD	19/12/17
DA-120	B	SECTION 1	19/12/17
DA-121	B	SECTION 2	19/12/17

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict

between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

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

Inconsistency between documents

A5. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Evidence of consultation

A6. Where conditions of this consent require consultation with an identified party, the Applicant must:

- a) consult with the relevant party prior to submitting the subject document for approval; and
- b) provide details of the consultation undertaken including:
 - i) a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
 - ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Lapsing of approval

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

Prescribed Conditions

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

Planning Secretary as Moderator

A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter shall be binding on the parties.

Long Service Levy

A10. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

A11. Any advice or notice to the consent authority shall be served on the Planning Secretary.

Damage Deposit

A12. The Applicant shall lodge a Damage Deposit of \$100,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an

inspection fee of \$640 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the Applicant prior to release of the Damage Deposit.

Review of Strategies, Plans and Programs

A13. 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 Planning Secretary under condition A3, 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.

A14. 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 Planning Secretary's satisfaction if previously approved by the Planning Secretary; or
- b) to the Planning Secretary for information.

Where revisions are required, the revised document must be submitted to the Planning 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

A15. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A16.

- a) A written incident notification must also be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant forms the view that an incident has not occurred.
- b) Written notification of an incident must:
 - i) identify the development and application number;
 - 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 became aware of the incident;
 - v) identify any actual or potential non-compliance with conditions of consent;
 - 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.

A17.

- a) Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary

and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements for such reporting set out in A16(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.

Non-compliance Notification and Reporting

A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

A19. 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.

Monitoring and Environmental Audits

A20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 2B of Part 6 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Applicability of Guidelines

A21. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Building Identification Signage

A22. This consent does not give approval for any building identification signage.

Other Approvals

A23. This consent in no way implies approval for the internal fit-out of the shell space within Tower B. Separate approval(s) must be obtained from the relevant authority for the fit-out works and uses (where required).

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Structural Details

- B1. Prior to the issue of any Construction Certificate, the Applicant must submit to 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) this development consent.

Reflectivity

- B2. The building materials used on the facades of the structure 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 issue of the relevant Construction Certificate.

Outdoor Lighting

- B3. All outdoor lighting within the site must comply with, where relevant, AS 1158.3.1:2005 *Pedestrian Area (Category P) Lighting* 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 prior to the issue of the relevant Construction Certificate.

Erosion and Sedimentation Control

- B4. Soil erosion and sediment control measures must be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (Landcom, 2004). Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Development Contributions

- B5. Prior to the issue of the any Construction Certificate, a monetary contribution of **\$379,850** (subject to indexing as set out below) is to be paid to Council in accordance with the Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index (CPI), All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date proposed cost of the development was agreed by the Council and the date the levy is to be paid as required by the S94A Contributions Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

IDC = the indexed development contribution payable.

ODC = the original development contribution determined by the Council as a percentage of the cost as set down in the S94A Contributions Plan.

CP2 = the quarterly CPI, All Groups, Sydney, as published by the ABS immediately prior to the date of payment.

CP1 = the quarterly CPI, All Groups, Sydney, as published by the ABS immediately prior to the date of imposition of the condition requiring payment of the contribution.

Prior to payment Council can provide the value of the indexed levy. Copies of the S94A Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au.

Ecologically Sustainable Development

- B6. The Applicant must incorporate design, operation and construction ESD measures identified as committed initiatives in the Environmental Impact Statement and *ESD Report* prepared by DSA Consulting and dated November 2017 (Appendix 8 of the EIS), or alternative measures that achieve an equal or greater level of environmental sustainability. A report detailing measures is to be submitted to the Certifying Authority prior to the commencement of the relevant works.

PART C PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- C1. The Department, Certifying Authority and Council must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

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

Access for People with Disabilities

- C2. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia (BCA). 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

- C3. The Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings within the site, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land must include details of the whole building where only part of the building falls within the 'zone of influence'. The report must be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to Council.

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

Warm Water Systems and Cooling Systems

- C4. The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* and Parts 1 and 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Storage and Handling of Waste

- C5. The building plans and specifications must demonstrate, to the satisfaction of the Certifying Authority, that an appropriate area will be provided within the premises for the storage of garbage bins, recycling containers and all waste and recyclable material generated by the premises. Requirements of these storage areas must:
- 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;
 - include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
 - include provision for separate storage and collection of organic/food waste.

Stormwater and Drainage Works Design

- C6. Final drainage design plans of the stormwater drainage and onsite detention system are to be prepared by a suitably qualified engineer generally in accordance with the requirements of Council and must be submitted to the Certifying Authority prior to the commencement of works. The hydrology and hydraulic calculations must be based on models described in the current edition of Australian Rainfall and Runoff.
- C7. Should the post-development stormwater discharge from the Subject Site into the RMS system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes are to be submitted to RMS for approval, prior to the commencement of construction.

Construction Environmental Management Plan

- C8.
- a) Prior to the commencement of construction works, a **Construction Environmental Management Plan (CEMP)** must be submitted to the satisfaction of the Certifying Authority. The CEMP must address, but not be limited to, the following matters where relevant:
 - i) hours of work;
 - ii) 24 hour contact details of site manager;
 - iii) traffic management, in consultation with Council;
 - iv) construction noise and vibration management, prepared by a suitable qualified person;
 - v) management of dust and odour to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) stormwater control and discharge;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) procedures for encountering groundwater during construction works;
 - x) external lighting in compliance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - xi) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and
 - xii) waste storage, recycling and litter control;
 - b) The CEMP must not include works that have not been explicitly approved in this development consent. In the event of any inconsistency between the consent and the CEMP, the consent must prevail.
 - c) The Applicant must submit a copy of the CEMP to the Department and Council prior to commencement of work.
- C9. The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Noise and Vibration Management Plan

- C10.
- a) Prior to the commencement of works, a **Construction Noise and Vibration Management Plan (CNVMP)** must be submitted to the satisfaction of the Certifying Authority. The CNVMP must address, but not be limited to, the following matters where relevant:
 - i) be prepared by a suitably qualified expert;
 - ii) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;

- iii) be prepared in consultation with Council and all vibration sensitive receivers where vibration levels exceed vibration criteria, in accordance with EPA guidelines;
 - iv) describe the measures that would be implemented to ensure:
 - i. best management practice is being employed;
 - ii. compliance with the relevant conditions of this consent;
 - v) describe the proposed noise and vibration management measures in detail;
 - vi) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
 - vii) describe the consultation undertaken to develop the strategies in v) above;
 - viii) evaluates and reports on the effectiveness of the noise and vibration management measures; and
 - ix) include a complaints management system that would be implemented for the duration of the construction works.
- b) The Applicant must submit a copy of the CNVMP to the Department and Council prior to commencement of work.

C11. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Traffic and Pedestrian Management Plan

C12.

- a) Prior to the commencement of construction works, a **Construction Traffic and Pedestrian Management Plan (CTPMP)** must be submitted to the satisfaction of the Certifying Authority. The CTPMP must address, but not be limited to, the following matters where relevant:
- i) be prepared by a suitably qualified expert;
 - ii) be prepared in consultation with Council, RMS and TfNSW (CBD Coordination Office);
 - iii) predicted construction traffic volumes, types and routes including any known road closures and consideration of alternate routes;
 - iv) details of construction vehicle movements including parking, dedicated vehicle turning areas and ingress and egress points;
 - v) loading and unloading, including construction zones;
 - vi) details of management measures to minimise traffic impacts, including temporary road works and/or implementation of traffic control measures;
 - vii) pedestrian and traffic management methods; and
 - viii) consideration of the cumulative construction traffic impacts of surrounding projects under construction. Existing CTPMPs for developments within or around the Subject Site, including the Epping-Chatswood Railway Temporary Transport Plan, should be referenced in the CTPMP to ensure that the coordination of work activities are managed to minimise impacts on the surrounding road network.
- b) The Applicant must submit a copy of the CTPMP to the Department and Council, prior to the commencement of works.

C13. The CTPMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Complaints and Enquiries Procedure

C14. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

- a) a toll-free 24 hour telephone number(s) on which complaints and enquiries about the carrying out of any works 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.

- C15. A **Complaints Management System** must be prepared prior to 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 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 Planning Secretary upon request, within the timeframe stated in the request.

Utility Services

- C16. Prior to the commencement of construction work the Applicant is to negotiate (where necessary) with the utility authorities (e.g. Ausgrid and telecommunication carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.
- C17. 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.

External Walls and Cladding

- C18. The external walls of the building including attachments must comply with the relevant requirements of the NCC. Prior to the commencement of construction works the Certifying Authority must:
- a) be satisfied that suitable evidence is provided to demonstrate 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 relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Planning Secretary within seven days of being accepted by the Certifying Authority.

Compliance Reporting

- C19. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction works. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction works.
- C20. 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.

Independent Environmental Audit

- C21. No later than one month before the commencement of construction works or within another timeframe agreed with the Planning 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 Planning Secretary for information.
- C22. 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.
- C23. The environmental audit program prepared and submitted to the Planning Secretary in accordance with conditions C21 and C22 above must be implemented and complied with for the duration of the development.
- C24. 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
 - d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- C25. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning 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 Planning Secretary.
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PART D DURING CONSTRUCTION

Approved Plans to be On-site

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Construction Hours

- D2.
- 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 5.30 pm, Mondays to Fridays inclusive; and
 - ii) between 7.30 am and 3 pm, Saturdays.
 - b) No work may be carried out on Sundays or public holidays.
 - c) Activities may be undertaken outside of these hours:
 - i) if required by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - ii) if required in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - iii) works are inaudible at the nearest sensitive receivers; or
 - iv) if a variation is approved in advance in writing by the Planning Secretary or her nominee.
 - d) Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D3. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- a) 9 am to 12 pm, Monday to Friday;
 - b) 3 pm to 5 pm Monday to Friday; and
 - c) 9 am to 12 pm, Saturday.

Construction Noise Management

- D4. 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 required under Condition C10.
- D5. 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.
- D6. The Applicant must ensure construction vehicles do not arrive at the Subject Site or surrounding residential precincts outside of the construction hours of work outlined under Condition D2.
- D7. The Applicant must schedule intra-day 'respite periods' for construction activities identified in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) as being particularly annoying or intrusive to noise sensitive receivers, including surrounding residents and nearby hospital buildings. These activities are to be carried out after 8 am only and over continuous periods no exceeding three hours (with at least a one hour respite every three hours).

- D8. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a CNVMP required under condition C10.
- D9. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D10. Any noise generated during 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.
- D11. The Applicant must ensure construction of the development is carried out in accordance with the recommendations outlined in the *Noise Impact Assessment – Tower B, St Leonards: Stage 2 Design and Construction – medical specialist suites and associated allied health uses* (Revision 2), prepared by Acoustic Logic and dated 18 December 2017.

Vibration Criteria

- D12. Vibration caused by the construction works 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*;
 - 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;
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
 - d) these limits apply unless otherwise outlined in the CNVMP required under Condition C10 and submitted to the satisfaction of the Certifying Authority.
- D13. To ensure no adverse impact on adjacent hospital operations, vibration monitoring, performed by a suitably qualified vibration consultant, is to be carried out on all vibration sensitive receivers in the vicinity of the proposal during demolition and construction works.

Waste

- D14. All waste generated during construction must be assess, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).
- D15. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste of spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.
- D16. The Applicant must ensure that concrete waste and rinse water are not disposed of on the Subject Site and are prevented from entering any natural or artificial watercourse.

Erosion and Sediment Control

- D17. 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

D18. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant approval authority where necessary.

Road Occupancy Licence

D19. A Road Occupancy Licence must be obtained from the Transport Management Centre (RMS) for any works that impact on traffic flows during construction activities.

Unloading of Construction Materials

D20. Any loading or unloading of construction materials on Westbourne Street or Reserve Road must be managed to minimise impacts on traffic flow on these streets.

Site Notice

D21.

- a) A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- b) The site notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/ noise complaint are to be displayed on the site notice; and
 - iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Work Cover Requirements

D22. To protect the safety of work personnel and the public, the Subject 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

D23. The following hoarding requirements must be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing;
- b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and
- c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

D24. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Green Star Certification – Construction

D25. The Applicant is to demonstrate environmentally sustainable development practices to the satisfaction of the Certifying Authority during construction and ensure the proposal meets sustainability benchmarks by obtaining a Green Star certification (Design & As Built) from the Green Building Council of Australia.

Access to Information

D26. 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 Planning Secretary, the Applicant must:

- a) make the following information and documents (as they are prepared, obtained or approved) publicly available on its website:
 - i) the documents referred to in condition A2 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 Planning Secretary; and
- b) keep such information up to date, to the satisfaction of the Planning Secretary.

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

Incident Reporting

D27. Immediately after the Applicant becomes aware of the occurrence of an incident that causes (or may cause) significant harm to the environment, the Applicant must notify the Planning Secretary and any other relevant agencies of the incident.

D28. Within seven days of the detection of the incident, the Applicant must provide the Planning Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Compliance Tracking and Reporting

D29. 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

D30. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

D31. **Construction Compliance Reports** must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the

commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six month period for the duration of the construction of the development, or such other timeframe as required by the Planning Secretary.

- D32. The **Construction Compliance Reports** must include:
- a) a results summary and analysis of environmental monitoring;
 - b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - c) details of any review of the CEMP and 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 Planning Secretary.

Protection of Public Infrastructure

- D33. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - b) relocate, or pay the full costs associated with relocating, any infrastructure that needs to be relocated as a result of the development.

Mechanical Ventilation

- D34. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of ventilation and air-conditioning in buildings – Ventilation design for indoor air containment control* and AS 3666.2:2011 *Air-handling and water systems of buildings* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

Road Design

- D35. Sight distances for construction vehicles from the proposed vehicular crossings are to be in accordance with the AUSTRROADS 'Guide to Traffic Engineering and Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance' and AS 2890. Vegetation and proposed fencing/landscaping must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
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PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Stormwater Quality Management Plan

- E1. A **Stormwater Quality Management Plan (SQMP)** is to be prepared to ensure proposed stormwater quality measures remain effective. The SQMP must contain the following:
- a) maintenance schedule of all stormwater quality treatment devices;
 - b) record and reporting details;
 - c) waste management and disposal;
 - d) traffic control measures (if required);
 - e) relevant contact information;
 - f) renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices; and
 - g) Work Health and Safety requirements.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation of the building.

Mechanical Ventilation

- E2. 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 of the building, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
 - b) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the NSW Fire Brigade.

Car Parking

- E3. Prior to final occupation of the building, the Applicant must demonstrate to the satisfaction of the Certifying Authority that 135 basement car parking spaces have been allocated to Tower B and are available for use. The location of the 135 spaces is to be provided to the Planning Secretary for information prior to commencement of use of Tower B.

Road Damage

- E4. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to occupation of the building.

Compliance Certificate

- E6. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation and submitted to the Certifying Authority prior to occupation of the building. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Post-construction Dilapidation Report

- E7. Prior to occupation of the building:
- a) The Applicant must engage a suitably qualified person to prepare a **Post-Construction Dilapidation Report** at the completion of the construction works.

- The report is to ascertain whether the construction works created any structural damage to adjoining buildings or infrastructure.
- b) The report is to be submitted to the satisfaction of the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifying Authority must:
 - i) compare the **Post-Construction Dilapidation Report** with the **Pre-Construction Dilapidation Report** required by these conditions; and
 - ii) where relevant, 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 must be submitted to Council.

Fire Safety Certification

- E8. Prior to occupation of the building and if required, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- E9. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to occupation of the building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the Planning Secretary and Council after:
- a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Signage

- E10. Wayfinding signage must be integrated at all entry and exit points and is to be installed prior to occupation of the building.

Surveillance

- E11. CCTV and suitable lighting must be provided on the external perimeter of the building prior to occupation of the building.

External Walls and Cladding

- E12. The external walls of the building including attachments must comply with the relevant requirements of the NCC. Prior to occupation, the Certifying Authority must:
- a) be satisfied that suitable evidence is provided to demonstrate 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 relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under b) must be provided to the Planning Secretary within 7 days of being accepted by the Certifying Authority.

Green Travel Plan

- E13. Prior to the final occupation of the building, the Applicant is to submit to the Department a copy of a final Green Travel Plan, prepared by suitably qualified person(s) in consultation

with Council and Transport for NSW, to promote the use of active and sustainable transport modes.

PART F POST OCCUPATION

Plant and Equipment

- F1. All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Noise Control – Operation

- F2. Noise associated with the operation of any plant, machinery or other equipment (excluding plant or equipment associated with emergency systems) on the Subject Site, must not exceed 5 dB(A) above the background noise level when measured at the boundary of the sensitive receiver.
- F3. The Applicant must undertake short-term noise monitoring, in accordance with the *NSW Industrial Noise Policy*, to collect valid data and provide a quantitative assessment of operational noise impacts following the occupation of the building. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within six months of full occupation of the building to verify that operational noise levels do not exceed the recommended noise levels identified in the *Noise Impact Assessment – Tower B, St Leonards: Stage 2 Design and Construction – medical specialist suites and associated allied health uses* (Revision 2), prepared by Acoustic Logic and dated 18 December 2017.
- F4. Should the short-term noise monitoring required under condition F3 identify any exceedance of the recommended noise levels, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.

The implementation of noise attenuation measures, either on-site or at the affected receiver(s), must be provided within three months of the completion of the short-term noise monitoring required under condition F3, or other appropriate time period as agreed by the Planning Secretary.

Loading and Unloading

- F5. All loading and unloading of service vehicles in connection with the use of the premises must be carried out within the designated loading and unloading areas at all times.

Green Star Certification – Operational

- F6. The Applicant is to demonstrate environmentally sustainable development practices during operation of the facility and ensure the proposal meets sustainability benchmarks by obtaining at least a 4 star Green Star certification (Performance) from the Green Building Council of Australia.

Public Way to be Unobstructed

- F7. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- F8. External Lighting must comply with AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the

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

ADVISORY NOTES

Appeals

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

Other Approvals and Permits

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

Responsibility for other consents / agreements

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

Use of Mobile Cranes

AN4. The Applicant must obtain all necessary permits required for the use of mobile cranes on or surrounding the Subject Site, including from the Civil Aviation Safety Authority, prior to the commencement of works. In particular, the following matters must be complied with:

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

Temporary Structures

AN5.

- a) An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.
- c) Should the height of any temporary structure and/or equipment (including mobile cranes) be greater than 45.72 metres above existing ground level, approval must be sought in accordance with the *Civil Aviation (Buildings Control) Regulation 1988*, prior to the commencement of above ground works.

Disability Discrimination Act

AN6. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in

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

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7.

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