

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the project application referred to in schedule 1, subject to the conditions in schedules 2 to 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

S Haddad

Director-General
Department of Planning & Infrastructure

Sydney *18th July* 2011

SCHEDULE 1

Application No.:	MP 10_0131
Proponent:	Health Infrastructure
Approval Authority:	Minister for Planning & Infrastructure
Land:	High Street, Randwick (Part Lot 1, DP870720)
Project:	Prince of Wales Mental Health Intensive Care Unit, including: <ul style="list-style-type: none">• construct and operate a two storey hospital building with 1,422m² of gross floor area accommodating 12 inpatient beds, patient activity areas, dining area, gymnasium, meeting rooms, and a Magistrate's room;• ambulance bay and two service bays;• extension to Simeon Pearce Drive; and• associated landscaping.

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DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Randwick City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
OEH	Office of Environment and Heritage or its successors
Department	Department of Planning & Infrastructure or its successors
Director-General	Director General of the Department of Planning & Infrastructure, or nominee
EA	Environmental Assessment titled <i>Mental Health Intensive Care Unit, Prince of Wales Hospital, Randwick</i> prepared by JBA Planning, dated January 2011
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	Minister for Planning & Infrastructure, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
RtS	Response to Submissions titled <i>Response to Submissions Mental Health Intensive Care Unit, Prince of Wales Hospital</i> prepared by JBA Planning, dated May 2011
Project	The project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Proponent	Health Infrastructure, or anyone else entitled to act on this Approval
POEO Act	Protection of the Environment Operations Act 1997
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RTA	Roads and Traffic Authority
Statement of Commitments	The Proponent's Statement of Commitment in Schedule 3
Subject Site	Part Lot 1 in DP 870720

SCHEDULE 2
PART A - ADMINISTRATIVE CONDITIONS

Terms of Approval

Development Description

A1. Except as amended by the conditions of this approval, approval is granted only to carrying out the development as described in Schedule 1 and development must be carried out consistently with the Statement of Commitments (Schedule 3).

Development in Accordance with Plans and Documents

- A2. The Proponent shall carry out the project generally in accordance with the:
- (a) *Mental Health Intensive Care Unit, Prince of Wales Hospital, Randwick* prepared by *JBA Planning*, dated January 2011;
 - (b) *Response to Submissions Mental Health Intensive Care Unit, Prince of Wales Hospital* prepared by *JBA Planning*, dated May 2011;
 - (c) The following plans:

Architectural (or Design) Drawings prepared by BVN			
Drawing No.	Revision	Name of Plan	Date
AR_MHICU_DA_A05	02	SITEPLAN	25-01-11
AR_MHICU_DA_A00	10	FLOOR PLAN - GROUND FLOOR	25-01-11
AR_MHICU_DA_D01	06	ROOF PLAN	21-12-10
AR_MHICU_DA_D B1	10	FLOOR PLAN - LOWER GROUND	25-01-11
AR_MHICU_DA_E01	05	ELEVATION EAST and SOUTH	10-01-11
AR_MHICU_DA_E02	05	ELEVATION WEST and NORTH	10-01-11
AR_MHICU_DA_F01	04	SECTIONS A,B,C	10-01-11
AR_MHICU_DA_Z04	03	PHOTOMONTAGE	25-01-11
AR_MHICU_DA_Z06	04	MATERIALS SAMPLES	25-01-11
AR_MHICU_DA_Z07	02	GFA CALCULATIONS	21-12-10
Architectural (or Design) Drawings prepared by 360 Degrees			
Drawing No.	Revision	Name of Plan	Date
LAN_SD_00_00	04	LOWER GROUND LANDSCAPE PLAN	11.01.11
LAN_SD_00_01	04	GROUND FLOOR LANDSCAPE PLAN	11.01.11

- (d) conditions of this approval; and
- (e) Proponent's Statement of Commitments (Schedule 3).

except for any modifications which are 'Exempt and Complying Development' or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA.

Inconsistency between plans and documentation

A3. If there is any inconsistency between the plans and documentation referred to above and the Statement of Commitments in Schedule 3, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

Prescribed Conditions

A4. The Proponent shall comply with the prescribed conditions under Part 6, Division 8A of the Regulation.

Development Expenses

A5. It is the responsibility of the Proponent to meet all expenses incurred in undertaking the project, including expenses incurred in complying with conditions imposed under this approval.

Limits of Approval

A6. This approval will lapse 5 years from the date of this approval unless the building works associated with the project have physically commenced.

PART B – PRIOR TO CERTIFICATION OF CROWN BUILDING WORKS

Stormwater & Drainage

B1. Prior to the certification of Crown building works, detailed stormwater and drainage plans shall be prepared, including the following details:

- Connection to Council's underground drainage system;
- Layout of drainage system;
- On site stormwater detention;
- Absorption trenches;
- Provision and maintenance of overland flow paths; and
- Design of siltation and sediment controls.

The certifier shall be satisfied that the plans meet Council's requirements prior to issue of Crown certification. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

Mechanical Ventilation

B2. All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, prior to certification of any Crown building works to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

Disabled Access

B3. Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to certification of any Crown building works for the new building a certification of compliance with this condition from an appropriately qualified person shall be obtained.

Traffic and Parking Details

B4. Prior to certification of relevant Crown building works for the new building, plans are to identify the following traffic and parking details:

- a) all vehicles should enter and leave the site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the site 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) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage;
- c) appropriate pedestrian advisory signs are to be provided at the egress from the car park and loading dock; and
- d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Noise Attenuation Measures

- B5. Prior to certification of Crown building works, the Proponent shall incorporate the recommendations of the *Director General's Requirements – Acoustics Prince of Wales Hospital – Mental Health Intensive Care Unit (MHICU)* Report prepared by Norman Disney & Young, 12 January 2011, in the detailed design drawings and submit to the Department documentation demonstrating that the noise impacts have been mitigated and the noise generated by the project would not exceed the following levels at the closest receivers:
- 51dB $L_{Aeq(15min)}$ during the daytime, 46dB $L_{Aeq(15min)}$ during the evening and 38dB $L_{Aeq(15min)}$ during the night time for the closest residential receiver;
 - 35dB $L_{Aeq(15min)}$ during the noisiest one hour period for the affected hospital wards (internal) and 50dB $L_{Aeq(15min)}$ during the noisiest one hour period for the affected hospital wards (external); and
 - 55dB $L_{Aeq(15min)}$ for the adjoining recreation area when in use.

Reflectivity

- B6. The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.

Sydney Water – Notice of Requirements

- B7. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to certification of any Crown building works.

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.

Following application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Outdoor Lighting

- B8. All outdoor lighting shall be designed to comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Swept Path of Vehicles

- B9. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

PART C – PRIOR TO CONSTRUCTION

Construction Management Plan

- C1. A Construction Management Plan shall be prepared in consultation with Council and submitted to the Department prior to the commencement of works. The Plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):
- a) **Hours of work**, which must be in accordance with the conditions of this approval;
 - b) **Contact details** of the site manager and all principal contractors;
 - c) **Traffic management**, which is to be developed in consultation with the RTA and the Council if required and is to include:
 - identification of a work zone;
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - number and frequency of vehicles accessing the site and construction vehicle routes;
 - the times vehicles are likely to be accessing the site;
 - access arrangements and traffic control;
 - changes to on-street parking restrictions on roads;
 - management of construction traffic and car parking demand including preparation and distribution of a Travel Access Guide; and
 - management of existing vehicular and pedestrian movements / routes around the site throughout the various stages of construction;
 - d) **Erosion and sediment control**, identifying appropriate measures to be installed during construction which shall be designed in accordance with in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom;
 - e) **Construction noise and vibration management**, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implemented, and address any other relevant provisions of Australian Standard 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*;
 - f) **Construction waste management**, identifying options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste; and
 - g) **Dust control** measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.

Notice to be Given Prior to Commencement / Excavation

- C2. Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.

Construction Works Zone

- C3. If a construction works zone is required where loading and unloading is not possible on site and approval is required from the relevant Roads Authority, the Proponent shall obtain approval prior to commencement of works. An approval for the works zones may be given for a specific period and certain hours of the day to meet the particular need for the site for such facilities at various stages of construction.

Road Occupancy Licence

- C4. A road occupancy licence is to be obtained from the relevant Roads Authority, if required, prior to the commencement of works for any works that may impact on traffic flows on the surrounding street network.

Barricade Permit

C5. Where construction/building works require the use of a public place including a road or footpath, approval for a Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

Road/Asset Opening Permit

C6. A Road / Asset Opening Permit must be obtained from the relevant Roads Authority, if required, prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993, and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

Vehicle Cleansing

C7. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Utility Services

C8. Prior to the commencement of work the Proponent is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water Corporation Limited and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the proponent.

C9. Any necessary alterations to public utility installations being at the Proponent's/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

Contact Telephone Number

C10. The proponent shall ensure that a 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development. The contact number shall be forwarded to Council and the Department prior to commencement of works.

Haulage Routes

C11. The routes for import of any fill materials or export of any spoil being submitted to and agreed to by the relevant road authorities prior to the commencement of haulage, if required. Unacceptable deterioration or failures within public roads attributable to these operations is to be restored to the requirements of, and at no cost to the road authorities.

PART D – DURING CONSTRUCTION

Environmental Site Assessment

D1. An experienced environmental consultant shall inspect the site during excavation works to assess whether any unexpected conditions arise or subsurface facilities are found. If unexpected conditions or subsurface facilities are found during excavation, further sampling and testing shall be undertaken and if the testing identifies any major contamination on site, a detailed Site Contamination Investigation Report will be required to be submitted to the Department. If the Site Contamination Investigation Report identifies remedial works are required, the Proponent shall prepare and submit a Remedial Action Plan for the approval of the Director-General.

Removal of Hazardous Materials

D2. If any hazardous materials are found during construction, the materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

If removal of asbestos is required, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

Ecologically Sustainable Development

D3. The project shall implement all construction and design measures outlined in the memo titled *ESD-Part 3A MHICU Director General Requirements* prepared by Steensen Varming, dated 17 December 2010 and aim to achieve a minimum 4 star green star rating.

Hours of work

- D4. The hours of excavation and work on the development must be as follows:
- (a) All excavation and construction work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools) in connection with the approved development must only be carried out between the hours of:
 - 7.00am and 6.00pm on Mondays to Fridays
 - 8.00am and 1.00pm on Saturdays
 - No work must be carried out on Sundays or public holidays.
 - (b) Works may be undertaken outside these hours where:
 - the delivery of materials is required outside these hours by the Police or other authorities
 - It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm
 - the work is approved by the Director General or his nominee.

Site Notice

- D5. A site notice(s) shall be prominently displayed at the boundaries of the site for the duration of works for the purposes of informing the public of project details including, but not limited to:
- (a) details of the Builder and Structural Engineer for all stages of the project;
 - (b) the approved hours of work;
 - (c) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) to state that unauthorised entry to the site is prohibited.

Excavation

D6. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the owners of the roadway are to be given at least 7 days notice. This notice is to include complete details of the work.

Noise Control

- D7. All work, including excavation and construction work must comply with the Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites' and shall be undertaken in accordance with the noise mitigation measures recommended in the *Director General's Requirements – Acoustics Report* prepared by Norman Disney & Young, 27 October 2010.
- D8. Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.

Standards and Codes

D9. All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

Work Cover Requirements

D10. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hoarding Requirements

D11. The following hoarding requirements shall be complied with:

- (a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
- (b) The construction site manager shall 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.

No obstruction of public way

D12. 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 work on site.

Disposal of seepage and stormwater

D13. Any seepage or rainwater collected on-site during excavation shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant Authority.

Erosion and sediment control

D14. Sediment controls are to be in place for the duration of the works to ensure that no sediment, fines, and like material can enter the waterway or drainage system. The proponent is to carry out works generally in accordance with the Construction Management Plan and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

Dust Control Measures

D15. Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The proponent is to carry out works generally in accordance with the Construction Management Plan, and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

Pedestrian Access During Construction

D16. Pedestrian access along Avoca Street is to be maintained as far as feasible throughout construction. Alternative routes, including those for persons with disabilities, shall be clearly identified and signposted for the duration of the works, and until such time as the permanent accessible paths are provided.

Setting Out of Structures

D17. The new buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels.

Directional Signage

D18. Directional signage shall be modified as required to accommodate any altered pedestrian and vehicular movements within the area. Particular attention is to be paid to:

- (a) wheelchair accessible paths of travel;
- (b) safe road crossing areas including signalised and other designated crossings;
- (c) key landmarks;

- (d) access to transport nodes including public transport; and
- (e) the vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

Traffic Movement

D19. The following traffic movement requirements shall be complied with:

- (a) All loading and unloading associated with works must occur on site.
- (b) All vehicles must enter and leave the site in a forward direction, where feasible. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the site 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;
- (c) The cost of all traffic management works shall be borne by the Proponent.
- (d) No trucks associated with the approved works are permitted to park or stand on public roadways.
- (e) Gates shall be closed between vehicle movements.
- (f) Movement of trucks to and from the site shall be staggered so as to limit access and egress during peak traffic periods.
- (g) The Contractor shall make provision for safe, continuous movement of traffic and pedestrians in public roads and private roads accessible to the public and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355). Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 2002.

Approved Plans to be On-site

D20. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department or Council.

Historical Archaeological Items

D21. If any unidentified historical archaeological remains or deposits are exposed during the works excavation is to cease immediately in the affected areas and the archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified in accordance with section 146 of the NSW Heritage Act, 1977.

D22. Should any Aboriginal relics or artefacts be discovered during the course of any works on-site, then work is to cease immediately. Work may only be resumed following written consent being obtained from the Department of Environment, Climate Change and Water.

Excavated Material

D23. Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the EPA's Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.

Imported Fill

D24. Any imported fill onto the site being validated to ensure its suitability for the proposed land use from a contamination perspective. Imported fill is to be certified that it is not contaminated, based upon analysis or the known past history of the site from which it is obtained.

PART E – PRIOR TO OCCUPATION / PRIOR TO OPERATIONS

Transport Access Guide

- E1. Prior to occupation of the building, a relevant Transport Access Guide shall be prepared or updated and provided to all staff and made available to visitors.

Noise Control – Plant and Machinery

- E2. Prior to occupation of the building a report is to be prepared by a qualified acoustic engineer confirming that the installation and performance of the mechanical systems complies with:

- (a) the Building Code of Australia;
- (b) Australian Standard AS1668 and other relevant codes;
- (c) the project approval and any relevant modifications; and
- (d) any dispensation granted by the New South Wales Fire Brigade.

The report shall also demonstrate that the noise mitigation measures installed ensure noise generated by the proposal do not exceed levels identified in Condition B7 at the closest residential receivers, hospital wards and recreation area.

Fire Safety Certificate

- E3. A Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this approval prior to occupation of the building. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

Structural Inspection Certificate

- E4. A Structural Inspection Certificate for any structural work is to be obtained prior to occupation of the building.

Sydney Water

- E5. A Compliance Certificate issued under Part 6, Division 9, Section 73 of the Sydney Water Act 1994 shall be obtained prior to occupation of the building.

Road Damage

- E6. 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 proponent prior to the occupation of the building.

Waste Management

- E7. Prior to occupation of the building the Proponent must ensure that waste handling works have been completed in accordance with the Waste Management Plan; other relevant approval conditions; and any relevant Council policy.

PART F – DURING OPERATIONS

Ecologically Sustainable Development

- F1. The project shall implement all operational and design measures outlined in the memo titled *ESD-Part 3A MHICU Director General Requirements* prepared by Steensen Varming, dated 17 December 2010 and aim to achieve a minimum 4 star green star rating.

Annual Fire Safety Certificate

- F2. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

Noise Control – Operational

- F3. The use of the premises shall not cause a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.

Noise Control – Plant and Machinery

- F4. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- Transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
 - A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
 - Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

Loading and Unloading

- F5. All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

Unobstructed Driveways and Parking Areas

- F6. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall 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.

ADVISORY NOTES

Long Service Levy

- AN1. Prior to certification of any Crown building works, payment of the long service levy under section 34 of the *Building and Construction Industry Long Service Payment Act 1986* must be paid (or, where such a levy is payable by instalments, the first instalment of the levy).

Use of Mobile Cranes

- AN2. The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the Proponent shall ensure the following matters are 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:
 - at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions; and
 - at least 4 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 shall not be delivered to the site prior to 7.30am without the prior approval of Council.

Movement of Trucks Transporting Waste Material

- AN3. The proponent shall notify the Roads and Traffic Authority’s Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

Disability Discrimination Act

- AN4. This application is to comply with the Disability Discrimination Act 1992. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the 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.

Temporary Structures

AN5. A Barricade/Hoarding Permit must be obtained prior to the commencement of construction works from the relevant Authority. The permit application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must also be submitted to the relevant Authority to certify the structural adequacy of the design of the temporary Barricades/Hoarding.

Structural Capability for Existing Structures

AN6. The structural capabilities of any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

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.

This application has been assessed in accordance with the New South Wales 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 proponent's responsibility to consult Environment Australia 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.

SCHEDULE 3

PROPONENT'S STATEMENT OF COMMITMENTS

3.1 Ecologically Sustainable Development

The proponent commits to the preparation of a Building User's Guide prior to the occupation of the building.

3.2 Construction Management

The proponent commits to implementing the following plans during the construction phase. The following documents will be prepared prior to the commencement of works:

- Construction traffic management plan;
- Construction waste management plan;
- Construction noise management plan;
- Construction vibration management plan;
- Construction dust management plan; and
- Erosion and sedimentation control plan.

3.3 Building Code of Australia

The proponent commits to providing a development which is compliant with the BCA and developing alternative solutions where practicable as outlined in the BCA Preliminary Report prepared by McKenzie Group Consulting.

3.4 Consultation

The proponent commits to further public consultation throughout the development process as considered relevant.