

# Project Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, I approve the project application referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

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

### Member of the Commission

Sydney

2013

### SCHEDULE 1

**Application No.:**

MP11-0042

**Proponent:**

Hurstville Private Pty Ltd

**Approval Authority:**

Minister for Planning

**Land:**

37 Gloucester Road Hurstville  
(comprising Lot 20, SEC D, DP1426 (Car Park); Lot 12 SEC D DP 1426; Lots 2 and 5, DP 16273; Lots A and B, DP 375463; Lots C1 and C2, DP 377900; Lots A and B, DP 400487; and Lots 1 and 2, DP 045223).

**Project:**

Redevelopment of Hurstville Private Hospital, including:

- Extension and redevelopment of the Medical Centre with a new 5 storey building, 2 levels of basement parking and loading areas;
- Demolitions and modifications to the existing hospital buildings
- Bulk earthworks and excavations;
- New and refurbished basement car park;
- New floors over existing Imaging Rooms and new adjacent stairs & lift shaft to link to original Administration building;
- Refurbishment of patient wards (Area 2 and 4);
- New signage on the Pearl Street frontage;
- New Landscaping on Pearl Street and Millett Street; and
- Public domain works including footpaths, lighting and tree planting.

[note: the above is the development as approved, not as lodged]

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## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Hurstville Private Pty Ltd, or anyone else entitled to act on this approval
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Hurstville City Council
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director-General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate). Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General 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.
Evening	The period from 6pm to 10pm
EAR	Environmental Assessment Report prepared by Inspira Property Group, dated 29 October 2012
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Infrastructure, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
PPR	Response to Submissions report titled <i>Hurstville Private Hospital Redevelopment Preferred Project Report</i> prepared by Inspira Property Group, dated 15 February 2013
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
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Subject Site	37 Gloucester Road Hurstville (comprising Lot 20, SEC D, DP1426 (Car Park); Lot 12 SEC D DP 1426; Lots 2 and 5, DP 16273; Lots A and B, DP 375463; Lots C1 and C2, DP 377900; Lots A and B, DP 400487; and Lots 1 and 2, DP 045223).
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.

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## SCHEDULE 2

### A ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

#### Development Description

A1 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.

#### Development in Accordance with Plans and Documents

A2 The Applicant shall carry out the project generally in accordance with the:

- a) Hurstville Private Hospital Redevelopment Environmental Assessment Report prepared by Inspira Property Group dated 29/10/2012 and appendices;
- b) Hurstville Private Hospital Redevelopment Preferred Project Report prepared by Inspira Property Group dated 15/2/2013 and appendices; and
- c) Hurstville Private Hospital Redevelopment Preferred Project Report: Supplementary Information prepared by Inspira Property Group dated 4/3/2013; and
- d) The following drawings, except for:
  - i) any modifications which are Exempt' or Complying Development;
  - ii) otherwise provided by the conditions of this consent.

<b>Architectural Drawings prepared by <i>Health Science Planning Consultants</i></b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA-00	B	Cover Sheet	8/2/2013
DA-01	B	Drawing List	8/2/2013
DA-03	B	Design Response Sheet 1	2/2/2013
DA-04	B	Design Response Sheet 2	11/2/2013
DA-05	A	Design Response Sheet 3	11/2/2013
DA-06	A	Design Response Sheet 4	11/2/2013
DA-08	A	Materials Board Sheet 1	31/8/2012
DA-09	B	Materials Board Sheet 2	8/2/2013
DA-10	A	Existing Site Plan	31/8/2012
DA-11	A	Existing Lower Basement Plan	31/8/2012
DA-12	A	Existing Upper Basement Plan	31/8/2012
DA-13	A	Existing Ground Floor Plan	31/8/2012
DA-14	A	Existing Level 1 Plan	31/8/2012
DA-15	A	Existing Roof Plan	31/8/2012
DA-20	A	Demolition Plan – Lower Basement	31/8/2012
DA-21	A	Demolition Plan – Upper Basement	31/8/2012
DA-22	C	Demolition Plan – Ground Floor	8/2/2013

DA-23	A	Demolition Plan – Level 1	31/8/2012
DA-30	C	Proposed Lower Basement Plan	8/2/2013
DA-31	C	Proposed Upper Basement Plan	8/2/2013
DA-32	D	Proposed Ground Floor Plan	8/2/2013
DA-33	C	Proposed Level 1 Plan	8/2/2013
DA-34	C	Proposed Level 2 Plan	8/2/2013
DA-35	C	Proposed Level 3 Plan	8/2/2013
DA-36	C	Proposed Level 4 Plan	8/2/2013
DA-37	C	Proposed roof Plan	8/2/2013
DA-40	B	Proposed Elevations Sheet 1	11/2/2013
DA-41	B	Proposed Elevations Sheet 2	11/2/2013
DA-50	A	Proposed Sections	31/8/2012
DA-60	C	Shadow Diagrams Sheet 1	8/2/2013
DA-61	C	Shadow Diagrams Sheet 2	8/2/2013
DA-62	C	Shadow Diagrams Sheet 3	8/2/2013
<b>Landscape Drawings prepared by <i>Moir Landscape Architecture</i></b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
8060.LP01	B	Landscape Plan (Sheet 1)	13/2/2013
8060.LP02	E	Landscape Plan (Sheet 2)	13/2/2013
<b>Survey Drawings prepared by <i>Mitchell Land Surveyors</i></b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
931BU	00	Detail & Levels	18/5/2012

### **Inconsistency between documents**

- A3 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 approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### **Lapsing of approval**

- A4 This consent will lapse five years from the date of approval unless the works associated with the project have physically commenced.

### **Prescribed Conditions**

- A5 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

### **Director-General as Moderator Prescribed Conditions**

- A6 Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly

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stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

### **Long Service Levy**

- A7 For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### **Public Domain Improvements**

- A8 The Applicant shall undertake the following public domain works to the satisfaction of Council along the frontages of the Hospital site (between the boundary with 6 Millett Street and the boundary with 47 Gloucester Road, including the entire Pearl Street frontage):

- a) Removal of existing street trees and replanting of appropriate species as required by Council;
- b) Construction of new kerb and gutter along Gloucester Road, Pearl Street and Millett Street;
- c) Construction of new footpath along Gloucester Road, Pearl Street and Millett Street in front of the Hospital site;
- d) Removal of existing street furniture and installation of new street furniture along Gloucester Road and Pearl Street; and
- e) Construction of new pram ramps along Gloucester Road, Pearl Street and Millett Street.

The works are to be completed in accordance with Council's requirements prior to occupation or commencement of use.

### **Section 94A Contribution**

- A9 In accordance with Section 94B EP&A Act a contribution of 1% of the cost of carrying out the development (estimated at \$322,000) shall be paid to Council prior to the issue of an occupation certificate or commencement of use. The amount to be paid is to be adjusted at the time of payment to ensure that it is 1% of the actual cost of carrying out the development.

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## **C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Additional Details to be submitted**

- C1 In order to ensure that the development achieves the appropriate ecologically sustainable development outcomes additional details in regard to the following matters shall be submitted to and approved by PCA prior to the issue of a Construction Certificate:
- a) Efficient Lighting Strategy: The Applicant shall prepare an Efficient Lighting Strategy detailing the specific measures that will be undertaken to ensure the building achieves a high energy efficiency.
  - b) Rainwater Harvesting: The development is to harvest rainwater from the roof of the new building for not-potable uses and the Applicant shall prepare details of the rainwater harvesting system.
  - c) Co/Trigeneration: The Applicant is to provide a feasibility study to investigate the inclusion of co/trigeneration to supply power, heating and cooling to the development to supplement mains power and/or function as an alternative (backup) power supply.

### **Design Modifications**

- C2 In order to ensure that the amenity impacts of the proposed carparking deck and other structures at the rear of 12 Millett Street are acceptable, the development shall be amended as follows:
- a) enlarging the driveway from Gloucester Road including the removal of kerbing and trees is not approved;
  - b) the oxygen tank is to be located to near the loading dock on Millett Street near the Pearl Street corner (in a location similar to as shown on the exhibited Drawing DA-31 revision A "Proposed Upper Basement Plan" dated 31/8/2012) and serviced/refilled from the loading dock on Millett Street;
  - c) two carparking spaces are to be reinstated to the area released by relocating the oxygen tank (one car space at the rear of the on-grade carpark and one on the deck); and
  - d) the proposed barriers and other screening of the deck are to be redesigned to achieve an improved design quality and appearance appropriate to its residential context.

Details shall be submitted to and approved by the PCA prior to the issue of a Construction Certificate for above ground works.

### **Landscape Plan modifications**

- C3 In order to create an improved environmental amenity a revised landscape plan is to be prepared incorporating the following:
- a) The planting of advanced trees in the on grade carpark at 12 Millett Street to provide shade to the carpark area;
  - b) Details of the design of the basement ventilation screens and rock placements along the Pearl Street frontage;
  - c) Removal of the existing driveway on the Millett Street footpath that connects to the passageway along the boundary with 6 Millett Street and its replacement with soft landscaping in accordance with Council's requirements; and

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- d) All landscaping in the public domain to be in accordance with Council's requirements.

Details shall be submitted to and approved by Council and the PCA prior to the issue of a Construction Certificate for above ground works.

### **Reflectivity**

- C4 The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 percent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### **Outdoor Lighting**

- C5 All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### **Access for People with Disabilities**

- C6 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and the Premises Standard. 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 Construction Certificate drawings.

### **Erosion and Sedimentation Control**

- C7 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

### **Pre-Construction Dilapidation Reports**

- C8 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, infrastructure and roads within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of the excavation to twice the maximum excavation depth. Notwithstanding the above, the report shall also include the buildings at 6 Millet Street whether or not they fall 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 shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works. A copy of the report is to be forwarded to the Council.

### **Number of Car Spaces**

- C9 The number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

Car parking allocation (minimum)	Number
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Commercial Spaces (including visitor spaces)	87
Number of commercial car spaces to be accessible spaces	3
<b>TOTAL CARPARKING SPACES (minimum)</b>	<b>87</b>

## Number of Bicycle Spaces

### C10

- a) A minimum of 15 bicycle spaces within the basement of the development are to be provided for use by staff. A minimum of seven additional spaces are to be provided for use by visitors located near the main entrance and overlooked by staffed areas. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.
- b) The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:
  - i) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
  - ii) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
  - iii) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

## Facilities for Cyclists

C11 The number of storage, change room and shower facilities for the hospital shall comply with the requirements of the Department of Planning *Planning Guidelines for Walking and Cycling* (note: the guidelines can be found at <http://www.planning.nsw.gov.au/planning-guidelines-for-walking-and-cycling>).

## Car Park and Service Vehicle Layout

- C12 Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below ground works:
- a) all vehicles should enter and leave the Subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the Subject Site in a forward direction, then all reversing movements should be undertaken in accordance with AS 2890.1-2004 and AS 2890.2-2002;
  - b) new 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, AS2890.6 for accessible spaces 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;
  - d) All works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.
  - e) The swept path of the longest vehicle (including garbage trucks) entering and exiting the Subject Site, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS;

## Mechanical Ventilation

C13 All mechanical ventilation systems shall be installed 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*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure

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environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### **Storage and Handling of Waste**

C14 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of Council's Codes/DCPa shall be met to the satisfaction of Council, including:

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

### **Damage Deposit - Minor Works**

C15 In order to insure against damage to Council property the following is required:

- a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development of \$180,000.
- b) Payment to Council of any applicable inspection fee as published in Council's fees and charges to enable assessment of any damage and repairs where required.
- c) At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.
- d) Prior to the commencement of work a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal, shall be submitted to Council
- e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.'

### **Security Bond – Satisfactory Completion of Works**

C16 The following security bonds have been applied to this development to ensure that the public's interest, environmental standards and this consent are complied with.

- a) **Council property and environmental damage security** - A surety that the works will be completed to the satisfaction of Council, in accordance with the approved drainage specification and approved drawings, is to be lodged with Council in the form of either:
  - i) Two Non-Terminating Bank Guarantees in the amounts of \$20,000 each; or
  - ii) A Cash Bond for the sum of \$ 40,000.

A twelve months defects liability period is required with 50% of the bond returnable at practical completion of the works.

The remaining 50% is returnable if the pipeline/drainage system is defect free at the end of the twelve month defects liability period.

Should any of Council's property and/or the environment sustain damage during the course of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the

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damage and/or remove the risk. The cost of these works will be deducted from the security.'

### **Stormwater and Drainage Works Design**

C17 Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council shall be submitted to the certifier prior to issue of a Construction Certificate for below ground works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff

### **Road Design**

C18 Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc) and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of Council and the RMS (if applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

### **Sydney Water Notice of Requirements**

C19

- a) 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 the issue of any Construction Certificate.
- b) The 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](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
- c) 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.

### **Treatment of Vehicular Entry**

C20 In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible and shall be detailed in the building plans and specifications accompanying the relevant Construction Certificate, excluding vertical downpipes on the exterior of the building and which are noted on the Amended Architectural Drawing.

### **Building – Fire Safety Measures**

C21 Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.

### **Building – Structure**

C22 A certificate from a practicing qualified Structural Engineer certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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C23 Prior to the issue of a relevant construction certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising structural engineer that demonstrate compliance with:

- a) the relevant clauses of the BCA, and
- b) the development consent.

#### **Building – Slip Resistance**

C24 All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

#### **Building – compliance with the BCA – 94 EP& A Regulation 2000**

C25 Pursuant to Clause 94 the Environmental Planning and Assessment Regulation 2000, the existing buildings must be brought into **total** conformity with the Building Code of Australia. In this regard, construction plans that demonstrate compliance with the Building Code of Australia must be submitted to the PCA.

Alternatively, if it is found that full compliance cannot be achieved due to the age and/or construction of the existing building, and to achieve full compliance will involve major and costly structural alterations having to be carried out to the existing building, a fire assessment report, to determine an alternative and/or partial compliance with the BCA, must be prepared by an appropriately qualified and accredited fire safety engineer, justifying the non-compliances and detailing an alternative method of compliance with the Building Code of Australia. The report must also detail the measures contained in the building to protect persons using the building, to facilitate their egress in the event of fire as well as protection of fire brigade personnel during fire fighting operations, and measures to restrict the spread of fire from the building to other buildings nearby.

C26 In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative and/or partial level of compliance with the BCA, such report must be submitted to and endorsed by Council prior to issue of the Construction Certificate Application.

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## **D PRIOR TO COMMENCEMENT OF WORKS**

### **Demolition**

- D1 The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

### **Notice of Commencement of Works**

- D2 The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Subject Site.

### **Construction Environmental Management Plan**

- D3 Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA, in accordance with the following:
- a) The CEMP shall 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 the local council,
    - iv) construction noise and vibration management, prepared by a suitably qualified person
    - v) management of dust to protect the amenity of the neighbourhood
    - vi) erosion and sediment control,
    - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
    - viii) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
    - ix) flora and fauna management.
  - b) The CEMP shall not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

The Applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

### **Waste Management Plan during construction**

- D4 Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the PCA, in accordance with the following:
- a) The Plan shall address, but not be limited to, the following matters:
    - i) Recycling of demolition materials including concrete;
    - ii) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works

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- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
  - c) The Applicant shall submit a copy of the Plan to the Department and to the Council, prior to commencement of work.
  - d) The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

### **Traffic & Pedestrian Management Plan**

- D5 Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Council, and where required, the approval of the council's traffic committee obtained.

The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the Subject Site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and
- d) pedestrian and traffic management methods.

The Applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.

### **Utility Services**

- D6 Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- D7 Prior to the commencement of works written advice shall 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 provision of adequate services.

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## **E DURING CONSTRUCTION**

### **Hours of Construction for Demolition and Building Work**

- E1 Work in connection with the demolition of any existing buildings and the removal of spoil and materials from the site that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity shall be permitted to be performed on any Sunday, Good Friday, Christmas Day or any Public Holiday. A penalty infringement notice may be issued for any offence.
- E2 In addition to the foregoing requirements, construction work on all buildings is prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.
- E3 works may be undertaken outside these hours where:
- a) the delivery of materials is required outside these hours by the Police or other authorities;
  - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
  - c) variation is approved in advance in writing by the Director-General or his nominee.

### **Erosion and Sediment Control**

- E4 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **Disposal of Seepage and Stormwater**

- E5 Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### **Approved Plans to be On-site**

- E6 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

### **Site Notice**

- E7 A site notice(s) shall 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, PCA and Structural Engineer.

The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and

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

### **Protection of Trees**

- E8 No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- E9 All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- E10 All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

### **Construction Noise Management**

- E11 The development shall 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 shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved by the Director-General.
- E12 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), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- E13 The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
- a) 9.00 am to 12.00 pm, Monday to Friday;
  - b) 2.00 pm to 5.00 pm Monday to Friday; and
  - c) 9.00 am to 12.00 pm, Saturday
- E14 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- E15 Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

### **Vibration Criteria**

- E16 Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
  - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz 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.

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- d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Director-General.

### **Work Cover Requirements**

E17 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**

E18 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.

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

E19 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

### **Discovery of Aboriginal Heritage**

E20 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

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**F    PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE OR STRATA  
CERTIFICATE**

[Note: There are no conditions under sub-section F]

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## **G PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Mechanical Ventilation**

- G1 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, 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 development consent and any relevant modifications; and,
  - d) Any dispensation granted by the New South Wales Fire Brigade.

### **Road Damage**

- G2 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/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

### **Registration of Easements**

- G3 Prior to the issue of any Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

### **Sydney Water Compliance**

- G4 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to issue of the occupation certificate.

### **Post-construction Dilapidation Report**

- G5 Prior to the issue of an occupation certificate:
- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
  - b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and

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- ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - c) A copy of this report is to be forwarded to the Council.

### **Fire Safety Certification**

- G6 Prior to the issue of an Occupation Certificate a Fire Safety Certificate shall 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 and prominently displayed in the building

### **Structural Inspection Certificate**

- G7 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
  - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Release of Security Bond**

- G8 The Applicant shall arrange for an appropriate Council officer to inspect all public domain works, rectification works or any other works which a security bond is being held for and release the security bond if the works have been completed to the satisfaction of Council or release the remaining funds, if funds have been deducted from the Security Bond for the cost of replacement of the works.

### **Street Numbering**

- G9 Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with the council's policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers are required, a separate application shall be made to the Council.

### **Completion of landscaping**

- G10 All landscape works in accordance with the landscape plan shall be completed before the issue of the Occupation Certificate

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## **H POST OCCUPATION**

### **Compliance with Food Code**

- H1 The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

### **Loading and Unloading**

- H2 All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.
- H3 Loading and unloading of service vehicles in connection with the use of the premises shall not be carried out between the hours of 9pm to 7am on Monday to Saturday, and 9pm to 8am on Sundays and Public Holidays.

### **Unobstructed Driveways and Parking Areas**

- H4 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.

### **Noise Control – Plant and Machinery**

- H5 Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the Subject Site.

### **Storage of Hazardous or Toxic Material**

- H6 Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

### **Public Way to be Unobstructed**

- H7 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **External Lighting**

- H8 External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

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## ADVISORY NOTES

### Appeals

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

### Other Approvals and Permits

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

### Building – Hoarding Application

AN3 Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class (overhead type) hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footways/roadway where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the Local Government Act and Section 138 of the Roads Act 1993:

- a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location;
- b) Hoarding plan and details that are certified by an appropriately qualified engineer;
- c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

### Building - Below ground anchors – Information to be submitted with s68 Application under LGA 1993 and s138 Application under Roads Act 1993

AN4 In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works. In this regard the following matters are noted for your attention and details must be submitted accordingly: Included as Subpoint "(l)" under condition APR6001.

- a) Cable anchors must be stressed released when the building extends above ground level to the satisfaction of Council.

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- b) The Applicant must indemnify Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.
  - c) Documentary evidence of such insurance cover to the value of ten (10) million dollars must be submitted to Council prior to commencement of the excavation work.
  - d) The Applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$ 40,000.00

The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.

- e) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors must be borne by the Applicant.

### **Responsibility for other consents / agreements**

AN5 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **Temporary Structures**

AN6

- 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 Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

### **Disability Discrimination Act**

AN7 This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/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.

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN8

- a) 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.

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- b) 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 Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **Asbestos Removal**

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

### **Site contamination issues during construction**

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