

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As the Minister for Planning, I approve the development referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

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



The Hon Anthony Roberts
Minister for Planning

Sydney

5/8/

2017

SCHEDULE 1

Application No.:	SSD 7545
Applicant:	Health Administration Corporation
Consent Authority:	Minister for Planning
Land:	Weeroona Road, Lidcombe (Lots 1, 2 and 3 DP 850697)
Development:	<p>Construction of a Forensic Pathology and Coroner's Court facility, including:</p> <ul style="list-style-type: none">• earthworks and site excavation;• construction of a three storey building comprising: reception area and café, identification and waiting rooms, mortuary and laboratories, body transfer and back-of-house facilities (ground floor); conference rooms, court registry, forensic administration, offices and staff amenity facilities (first floor); and courtrooms, court waiting areas, interview rooms and Coroner's office (second floor);• the provision of public access via Main Avenue and separate secure access for staff and deliveries via Weeroona Road;• a total of 188 car parking spaces comprising 71 public car parks and 117 staff car parks; and• associated tree removal, landscaping, security fencing, utilities and infrastructure connections.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent.
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	Cumberland Council
Certification of Crown Building works	Certification under s109R of the <i>Environmental Planning and Assessment Act 1979</i>
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	The Department of Planning and Environment
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	<i>Environmental Impact Statement, Lidcombe Forensic Pathology and Coroner's Court</i> prepared by Geolink, dated 18 July 2016.
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Feasible	Feasible relates to engineering considerations and what is practical to build
Incident	An occurrence or set of circumstances that causes, or threatens to cause, significant harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial.
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of Environment and Heritage, or its successor
Reasonable	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
Response to Submissions (RtS)	Response to Submissions prepared by Health Infrastructure, dated 25 October 2016 and accompanying attachments.
RMS	Roads and Maritime Services, or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility

Subject Site	Weeroona Road, Lidcombe (Lots 1, 2 and 3 DP 850697)
TfNSW	Transport for NSW
Zone of influence	The horizontal distance from the edge of the excavation site or any construction zone (including on-site haulage routes) to twice the maximum excavation depth.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

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 development in accordance with the conditions of consent and generally in accordance with the:
- a) *Environmental Impact Statement, Lidcombe Forensic Pathology and Coroner's Court* prepared by Geolink, dated 18 July 2016;
 - b) Response to Submissions prepared by Health Infrastructure, dated 25 October 2016 and accompanying attachments; and
 - c) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development; or
 - ii) as otherwise provided by the conditions of this consent.

Architectural Drawings prepared by <i>STH and Cox</i>		
Dwg No.	Name of Plan	Date
SD-003	SITE PLAN	31/01/17
SD-005	LOWER GROUND FLOOR PLAN	26/10/16
SD-006	GROUND FLOOR PLAN	26/10/16
SD-007	FIRST FLOOR PLAN	25/01/17
SD-008	SECOND FLOOR PLAN	25/01/17
SD-009	ROOF PLAN	25/01/17
SD-010	SECTIONS	26/10/16
SD-011	SECTIONS	25/01/17
SD-014	ELEVATIONS	25/01/17
SD-015	ELEVATIONS	31/01/17
SD-016	ELEVATIONS	25/01/17
SD-017	PERSPECTIVES	31/01/17
SD-050	EXISTING TREES IMPACTED BY THE DEVELOPMENT	31/01/17
SD-060	SHADOW DIAGRAMS	25/01/17
SD-070	EXTERNAL SIGNAGE PLAN	26/10/16
Landscape Drawings prepared by <i>Site Image Landscape Architects</i>		
Dwg No.	Name of Plan	Date
01	LANDSCAPE DESIGN SUMMARY	15/04/16
02	LANDSCAPE CONTEXT	15/04/16
03	LANDSCAPE ANALYSIS	15/04/16
04	PRECINCT LANDSCAPE	15/04/16
05	LANDSCAPE PRINCIPLES	15/04/16
06	LANDSCAPE SCHEMATIC DESIGN	15/04/16
07	LANDSCAPE & CPTED	15/04/16

08	SECURITY FENCING & BARRIERS	15/04/16
09	LANDSCAPE PLAN	15/04/16
010	LANDSCAPE BALCONIES	15/04/16
011	LANDSCAPE PLAN – CARPARK	15/04/16
012	LANDSCAPE PLAN – FORECOURT	15/04/16

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

Land Owner's Consent

- A4. The Applicant shall obtain land owner's consent from Council should any works, including the placement of signage, encroach within Lot 79 DP 1097193 (or any other portion of Council owned land).

Development Expenses

- A5. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Lapsing of approval

- A6. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A7. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Dispute Resolution

- A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

Long Service Levy

- A9. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

- A10. Any advice or notice to the consent authority shall be served on the Secretary.

PART B PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- B1. The Certifying Authority, Council and the Department shall be given written notice, at least 48 hours prior to the commencement of each stage of works on the Subject Site.

Certified Plans

- B2. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the construction works and shall include details as required by any of the following conditions.

Site Contamination

- B3. The Applicant shall ensure compliance with the recommendations outlined in the *Stage 2 Contamination Assessment, Proposed Forensic Pathology and Coroners Court, Lidcombe NSW* prepared by Coffey Environments Australia Pty Ltd and dated 12 May 2016.

Reflectivity

- B4. The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

Outdoor Lighting

- B5. All outdoor lighting within the Subject Site shall comply with AS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority.

Access for People with Disabilities

- B6. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia (BCA). Prior to the commencement of any work, the Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Erosion and Sedimentation Control

- B7. 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 commencement of any works.

Pre-Construction Dilapidation Reports

- B8. Prior to the commencement of any work, the Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings within the site, infrastructure and

roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building falls within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to Council.

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

Car Parking and Service Vehicle Layout

- B9. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of relevant above ground works:
- a) all vehicles should enter and leave the Subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
 - b) the layout of the proposed car parking areas that form part of this consent (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS/NZS 2890.1:2004 *Parking facilities Part 1: Off-street car parking*, AS/NZS 2890.6:2009 *Parking facilities – Off-street parking for people with disabilities* and AS/NZS 2890.2:2002 *Parking facilities – Off-street commercial vehicle facilities* for heavy vehicle usage;
 - c) all demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping;
 - d) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
 - e) all works/ regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority; and
 - f) the swept path of the longest vehicle entering and exiting the Subject Site in association with the new work, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- B10. Plans indicating line marking and signage, of public roads and footways shall be submitted to the relevant roads authority for approval where required.

Structural Details

- B11. Prior to the commencement of building works, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Mechanical Ventilation

- B12. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the BCA and shall comply with the AS 1668.2-2012 *The use of airconditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works.

Stormwater and Drainage Works Design

- B13. Final drainage design plans of the stormwater drainage management system are to be prepared by a suitably qualified engineer generally in accordance with the *Infrastructure Management Plan*, prepared by Cardno and dated 16 June 2016. The drainage design plans are to be submitted to the Certifying Authority prior to the commencement of works.

Stormwater Drainage – Joseph Street

- B14. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system in Joseph Street are to be submitted to RMS for approval, prior to the commencement of any works.

Storage and Handling of Waste

- B15. The building plans and specifications accompanying the relevant plans submitted to the Certifying Authority prior to the commencement of any building works shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of these storage areas shall:
- a) ensure all internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - b) include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
 - c) include provision for separate storage and collection of organic/food waste.

Road Design

- B16. Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (vehicle crossings, if applicable) and paved footpaths shall be constructed along the areas where road works are to be undertaken. All roads and traffic facilities shall be designed to meet the requirements of Council and RMS (if applicable) and obtain the necessary permits and approvals from the relevant road authority, prior to the commencement of road or pavement construction works.

Construction Environmental Management Plan

- B17.
- a) Prior to the commencement of works on the Subject Site, a **Construction Environmental Management Plan** (CEMP) shall be submitted to the satisfaction of the Certifying Authority. 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 Council;
 - iv) construction noise and vibration management, prepared by a suitable qualified person;
 - v) management of dust and odour to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) stormwater control and discharge;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) procedures for encountering groundwater during construction works;
 - x) external lighting in compliance with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*;
 - xi) an unexpected finds protocol (as per condition C27);

- xii) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and
- xiii) waste storage, recycling and litter control.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The Applicant shall submit a copy of the CEMP to the Department and Council, prior to commencement of work.
- d) The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Noise and Vibration Management Plan

B18.

- a) Prior to the commencement of works on the Subject Site, a **Construction Noise and Vibration Management Plan** (CNVMP) shall be submitted to the satisfaction of the Certifying Authority. The CNVMP shall address, but not be limited to, the following matters where relevant:
 - i) be prepared by a suitably qualified acoustic expert;
 - ii) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
 - iii) describe the measures that would be implemented to ensure:
 - i. best management practice is being employed, and
 - ii. compliance with the relevant conditions of this consent,
 - iv) describe the proposed noise and vibration management measures in detail;
 - v) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
 - vi) describe the consultation undertaken to develop the strategies in v) above;
 - vii) evaluates and reports on the effectiveness of the noise and vibration management measures; and
 - viii) include a complaints management system that would be implemented for the duration of the project.
- b) The Applicant shall submit a copy of the CNVMP to the Department and Council, prior to commencement of work; and
- c) The CVNMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan

B19.

- a) Prior to the commencement of works on the Subject Site, a **Construction Waste Management Plan** (CWMP) shall be submitted to the satisfaction of the Certifying Authority. The CWMP shall address, but not be limited to, the following matters where relevant:
 - i) recycling of demolition materials including concrete; and
 - 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.
- 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 Certifying Authority prior to the removal of any hazardous materials.

- c) The Applicant must notify the RMS Traffic Management Centre 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.
- d) The Applicant must submit a copy of the CWMP to the Department and Council, prior to commencement of work.
- e) The CWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Traffic and Access Management Plan

B20.

- a) Prior to the commencement of works on the Subject Site, a **Construction Traffic and Access Management Plan** (CTAMP) shall be submitted to the satisfaction of the Certifying Authority. The CTAMP shall address, but not be limited to, the following matters where relevant:
 - i) be prepared by a suitably qualified expert;
 - ii) be prepared in consultation with Council and TfNSW;
 - iii) ingress and egress of vehicles to the Subject Site;
 - iv) loading and unloading, including construction zones;
 - v) predicted traffic volumes, types and routes;
 - vi) pedestrian and traffic management methods;
 - vii) potential impacts to traffic, pedestrian access, cyclist routes and bus services (in particular the M92 bus route along Weeroona Road); and
 - viii) potential impacts to public transport infrastructure including bus stops.
- b) Construction vehicles (light and heavy) are prohibited from using Botanica Drive, Betty Cuthbert Drive or Pepper Tree Road to access (to or from) the Subject Site, which is to be reflected in the CTAMP.
- c) The Applicant shall submit a copy of the CTAMP to the Department and Council, prior to the commencement of works.
- d) The CTAMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Complaints and Enquiries Procedure

- B21. Prior to the commencement of works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
 - a) a toll-free 24 hour telephone number(s) on which complaints and enquiries about the application may be registered;
 - b) a postal address to which written complaints and enquires may be sent; and
 - c) an email address to which electronic complaints and enquiries may be transmitted.
- B22. A **Complaints Management System** must be prepared before the commencement of any construction works and be implemented and maintained for the duration of these works.

The **Complaints Management System** must include a **Complaints Register** to be maintained recording information on all complaints received about the development during the carrying out of any construction works associated with the development. The **Complaints Register** must record the:

- a) number of complaints received;
- b) number of people affected in relation to a complaint; and
- c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

The **Complaints Register** must be provided to the Secretary upon request, within the timeframe stated in the request.

Pre-Construction Compliance Report

- B23. A **Pre-Construction Compliance Report** must be prepared and submitted to the Secretary for information before the commencement of construction works. The **Pre-Construction Compliance Report** must include:
- a) details of how the terms of this approval that must be addressed before the commencement of construction have been complied with; and
 - b) the intended commencement date for the construction works.

Construction must not commence until the **Pre-Construction Compliance Report** has been submitted to the Secretary.

Utility Services

- B24. Prior to the commencement of work the Applicant is to negotiate (where necessary) with the utility authorities (e.g. Ausgrid and telecommunication carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the facility.
- B25. Prior to the commencement of above ground 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 provisions of adequate services.
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PART C DURING CONSTRUCTION

Hours of Work

- C1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
 - b) between 8 am and 1 pm, Saturdays; and
 - c) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- i) the delivery of materials is required outside these hours by the Police or other authorities; or
- ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
- iii) variation is approved in advance in writing by the Secretary or her nominee.

Construction Noise Management

- C2. 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 CNVMP required under condition B18.
- C3. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C4. The Applicant shall ensure construction vehicles do not arrive at the Subject Site or surrounding residential precincts outside of the construction hours of work outlined under condition C1.
- C5. The Applicant shall schedule intra-day 'respite periods' for construction activities identified in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) as being particularly annoying to noise sensitive receivers, including surrounding residents and nearby hospitals.
- C6. The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Secretary:
- a) 9 am to 12 pm, Monday to Friday;
 - b) 2 pm to 5 pm, Monday to Friday; and
 - c) 9 am to 12 pm, Saturday.
- C7. 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 the CNVMP required under condition B18.
- C8. 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

- C9. 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* (1 Hz to 80 Hz) for low probability of adverse comment.
- C10. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- C11. The limits identified in conditions C7 and C8 apply unless otherwise outlined in the CNVMP required under condition B18 and submitted to the satisfaction of the Certifying Authority.

Use of Local Roads

- C12. Articulated vehicles and 'truck and trailer' combinations are prohibited from accessing and/or exiting the site via Main Avenue during construction. Access and egress for these vehicles is permitted via Weeroona Road only.

Protection of Trees

- C13.
- a) No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
 - b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
 - c) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches, during construction.

Waste

- C14. All waste generated by the project shall be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (DECCW, 2009).
- C15. The body of any vehicle or trailer used to transport waste or excavation spoil shall be covered before leaving the premises to prevent any spillage or escape of any dust, waste or spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site shall be removed before leaving the premises.

Erosion and Sediment Control

- C16. All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- C17. 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

the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

Approved Plans to be On-site

C18. 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 review by any officer of the Department, Council or the Certifying Authority.

Road Occupancy Licence

C19. A Road Occupancy Licence must be obtained from the Transport Management Centre (RMS) for any works impacting on traffic flows of adjoining roads during construction activities.

Site Notice

C20.

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

Work Cover Requirements

C21. 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/Fencing Requirements

C22. 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; and
- c) the applicant shall submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

C23. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

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

- C24. If any unexpected archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and the OEH Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage Division of the Office of Environment and Heritage.

Discovery of Aboriginal Heritage

- C25. 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 Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all projects/sites.

Works in Main Avenue

- C26. Any brick kerbing along Main Avenue that is required to be removed during construction shall be salvaged intact and securely stored on-site for future kerb repairs along Main Avenue. Details of proposed secure storage shall be provided to the satisfaction of the Certifying Authority.

Site Contamination

- C27. Should any new information come to light during construction work which has the potential to alter previous conclusions about site contamination, then the Certifying Authority must be immediately notified and works must cease. The Certifying Authority will determine whether further investigation, or the need for remediation, is required before construction works can recommence.

Incident Reporting

- C28. Within 24 hours of the occurrence of an incident that causes (or may cause) significant harm to the environment, the Applicant must notify the Secretary and any other relevant agencies of the incident.
- C29. Within seven days of the detection of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Compliance Tracking and Reporting

- C30. The Applicant must provide regular (six monthly) reporting on any environmental performance required by the development consent for the development on its project website, in accordance with the reporting arrangements in any plans or other documents approved under the conditions of this consent.

Access to Information

- C31. Within six months of the date of this consent the Applicant must make the following information publicly available on its project website and keep the information up to date:
- a) the EIS;
 - b) current statutory approvals for the development;
 - c) approved strategies, plans or other documents required by the conditions of consent;

- d) a complaints register, updated on an annual basis; and
- e) any other matter required by the Secretary.

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

Compliance – General

C32. The Applicant must ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Site Contamination

- D1. The Applicant shall submit to the Certifying Authority a **Site Audit Report** and **Site Audit Statement** prepared by an EPA accredited site auditor prior to the commencement of use. The Site Audit Report and Site Audit Statement must verify that the land is suitable for the uses proposed as part of this approval.

Green Travel Plan

- D2. The Applicant shall submit to the Department a copy of a final **Green Travel Plan** (GTP), prepared by suitably qualified person(s) in consultation with Council and Transport for NSW, to promote the use of active and sustainable transport modes. The GTP is to include clear goals, provision for review and requirement for further action where goals are not met.

Road Damage

- D3. The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant, prior to the final occupation of the facility.

Mechanical Ventilation

- D4. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the final occupation of the new building, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
 - b) *AS 1668.2-2012 The use of airconditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the NSW Fire Brigade.

Compliance Certificate

- D5. 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 then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the building.

Post-construction Dilapidation Report

- D6. Prior to final occupation of buildings:
- a) the Applicant shall engage a suitably qualified person to prepare a **Post Construction Dilapidation Report** (PCDR) at the completion of the construction works. The PCDR is to ascertain whether the construction works created any structural damage to adjoining buildings or infrastructure;
 - b) the PCDR is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions, and

- ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads, and
- c) a copy of the PCDR shall be submitted to Council.

Fire Safety Certification

- D7. Prior to the final occupation of the building, 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. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D8. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. 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; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Signage

- D9. Wayfinding signage and signage identifying car parks for staff and visitors shall be installed prior to occupation. Directional signage must be carefully designed and located to not impact on views along Main Avenue.

Stormwater Quality Management Plan

- D10. A **Stormwater Quality Management Plan** (SQMP) is to be prepared to ensure proposed stormwater quality measures remain effective. The SQMP must contain the following:
- a) maintenance schedule of all stormwater quality treatment devices;
 - b) record and reporting details;
 - c) maintenance costs and funding arrangements for the maintenance of all stormwater quality treatment devices;
 - d) vegetation species list associated with each type of vegetated stormwater treatment device;
 - e) waste management and disposal;
 - f) traffic control measures (if required);
 - g) relevant contact information;
 - h) renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices; and
 - i) Work Health and Safety requirements.

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

PART E POST OCCUPATION

Queuing Assessment – Staff Driveway

E1.

- a) Within six months of commencement of use, the Applicant shall undertake a **Queuing Assessment and Intersection Analysis (QAIA)** at the staff entry driveway connecting to Weeroona Road. The QAIA shall be submitted to the satisfaction of the Certifying Authority and is required to:
 - i) determine whether the 95th percentile queue length from the boom gate located at the staff entry driveway extends to Weeroona Road during peak traffic periods; and
 - ii) determine whether queue lengths impede on general traffic flows and/or bus operations along Weeroona Road (including impacts on the M92 bus route).
- b) Where impacts to existing traffic flows along Weeroona Road are identified in the QAIA, traffic management measures to mitigate these impacts shall be implemented by the Applicant within a recommended timeframe as outlined within the QAIA. The traffic management measures shall be detailed in the QAIA.
- c) The Applicant shall submit a copy of the QAIA to the Department, TfNSW and Council within one month of its completion.

Green Travel Plan

- E2. The **Green Travel Plan** required under condition D2 of this consent must be updated annually and implemented accordingly.

Unobstructed Driveways and Parking Areas

- E3. All driveways, footways and parking areas shall be unobstructed at all times. Driveways, footways and car spaces shall not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and shall be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Vehicle Egress – Main Avenue

- E4. The Applicant shall implement appropriate physical measures (such as a centre island) to ensure vehicles exiting the public car park are prohibited from turning right into Main Avenue.

Noise Management Levels

- E5. The Applicant shall assume a night-time rating background level of 40dBA throughout operation of the project, in accordance with the amenity criteria recommendations specified under Chapter 2 of the *Industrial Noise Policy* (EPA, 2000).

Noise Control – Plant and Machinery

- E6. The Applicant shall ensure that the operation of any plant and machinery (including air conditioners, chillers, cooling fans and emergency back-up generator) or any other mechanical equipment used during operation of the project:
- a) does not exceed 5 dB(A) above the background noise level when measured at the boundary of the sensitive receiver;
 - b) is installed and operated such that the cumulative noise level of all mechanical plant and machinery do not exceed 45dBL_{aeq, 15minute}; and
 - c) does not exhibit tonal or other characteristics warranting the application of 'modifying factor' adjustments as specified under Chapter 4 of the *Industrial Noise Policy* (EPA, 2000).

Noise Compliance – Plant and Machinery

- E7. Within 12 months of commencement of use, the Applicant shall provide details of compliance noise monitoring undertaken at the nearest sensitive receiver (residential). The compliance noise monitoring is to ensure the project is being operated in accordance with the requirements of Condition E6. Details of the noise monitoring shall be submitted to the satisfaction of the Certifying Authority.

Noise Control – Grounds Maintenance

- E8. Grounds maintenance involving the use of power equipment, including lawn mowers and leaf blowers, shall be restricted to between 7:30 am and 6 pm, Mondays to Fridays inclusive and 8 am and 1 pm on Saturdays.

Loading and Unloading

- E9. 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.

Public Way to be Unobstructed

- E10. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- E11. 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 a qualified practitioner demonstrating compliance in accordance with this condition.

Interpretation Strategy

- E12. A detailed interpretation strategy shall be developed which conveys the history and significance of the Subject Site as being part of the former Lidcombe Hospital precinct. The interpretation strategy shall include relevant details of any previous historical investigations on the site. The interpretation strategy shall be implemented within 12 months of occupation of the facility.

Safer by Design

- E13. The Applicant is to demonstrate Crime Prevention Through Environmental Design principles through incorporation of the following design elements:
- a) in order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to *AS/NZS 1158.1.2:2010 Lighting for roads and public spaces* standard is to be provided to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, including the waste storage areas. This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage;
 - b) the design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other;

- c) the means to isolate visitors and residents/staff components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control;
 - d) adequate signage within the development to identify facilities, entry/exit points and direct movement within the development;
 - e) all medical stores must be locked;
 - f) all doors that give external access to the streets are to be locked and alarmed; and
 - g) CCTV is to be installed to monitor the car parking areas.
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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 EP&A Act and the EP&A Regulation (as amended).

Other Approvals and Permits

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

Responsibility for other consents / agreements

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

Use of Mobile Cranes

AN4. The Applicant 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 following matters shall be complied with:

- a) for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - ii) at least four weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions; and
- b) the use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am without the prior approval of Council.

Temporary Structures

AN5.

- a) An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN6. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive

technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7.

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

Asbestos Removal

- AN8. All excavation and demolition 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".