

Infrastructure Approval

Section 115ZB of the *Environmental Planning and Assessment Act 1979*

I approve to the State significant infrastructure application referred to in Schedule 1, subject to the conditions in Schedules 2 to 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts 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 Prudence Goward MP
Minister for Planning

Sydney

 6 / 2014

SCHEDULE 1

Application No.:	SSI 5982
Proponent:	Health Infrastructure
Approval Authority:	Minister for Planning
Land:	Wakehurst Parkway, Warringah Road, Frenchs Forest Road West, Bantry Bay Road and The Forest High School, Frenchs Forest and lots legally described as Lots 1–11, DP 26087; Lots 11–15, DP 792918; Lot 1, DP 119383.
State significant infrastructure:	• Concept proposal for the staged Northern Beaches Hospital development. • Stage 1 site clearance and preparatory works, including: ○ construction of a site office and temporary connection to services; ○ closure of Bantry Bay Road; ○ site fencing; ○ clearance of vegetation, including tree stumps, excluding the area of vegetation broadly consistent with the former Blinking Light Reserve east of Bantry Bay Road; ○ thinning of the understorey of the former Blinking Light Reserve east of Bantry Bay Road; ○ chipping of cleared vegetation; ○ site stabilisation and erosion control; ○ offsite disposal of surplus cleared vegetation to green waste recycling facility or reuse; ○ removal and disposal of building material associated with former buildings; ○ service diversion works for gas, electricity and telecommunications infrastructure; ○ decommissioning existing water and electricity services infrastructure; ○ pedestrian access path; and ○ site management works.

DEFINITIONS

Advisory Notes	Advisory information relating to the approval but do not form a part of this approval
Application	The State significant infrastructure application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Construction	Any works, including site clearance works and preparatory works and other infrastructure covered by this approval.
Council	Warringah Council
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Secretary	Secretary of the Department of Planning & Environment
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate)
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
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
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NBH	Northern Beaches Hospital
OEH	Office of the Environment and Heritage
The department	Department of Planning & Environment
PIR	Preferred Infrastructure Report titled <i>Northern Beaches Hospital SSI Application SSI 13_5982 Submissions Report/Preferred Infrastructure Report</i> prepared by SMEC, dated February 2014
Proponent	Person with the benefit of the infrastructure approval or person proposing to carry out development comprising all or any part of the infrastructure
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.
RMS	Roads and Maritime Services Division, Department of Transport
Site	Land referred to in Schedule 1
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.
SSI	State significant infrastructure
Subject Site	Wakehurst Parkway, Warringah Road, Frenchs Forest Road West, Bantry Bay Road and The Forest High School, Frenchs Forest and lots

	legally described as Lots 1–11, DP 26087; Lots 11–15, DP 792918; Lot 1, DP 119383..
Zone(s)	The nine zones identified on page 5 of the <i>Northern Beaches Hospital Western Services Diversion – Acoustic Assessment</i> report prepared by Acoustic Logic, dated 22 November 2013.
Zone of Influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth.

SCHEDULE 2

CONDITIONS OF APPROVAL FOR CONCEPT PROPOSAL

PART A ADMINISTRATIVE CONDITIONS

Development Description

- A1. Approval is granted to the 'concept proposal' as described in Schedule 1 and in the Environmental Impact Statement, as amended by the Preferred Infrastructure Report and the conditions contained in this approval.

Development in Accordance with Plans and Documents

- A2. The proponent shall carry out the SSI generally in accordance with the:
- a) Environmental Impact Statement titled *Northern Beaches Hospital State Significant Infrastructure (SSI) Application, Environmental Impact Statement for Stage 1 including Concept Design, Site Clearance & Preparatory Works*, prepared by SMEC, dated October 2013;
 - b) Preferred Infrastructure Report titled *Northern Beaches Hospital SSI Application SSI 13-5982, Submissions Report/Preferred Infrastructure Report*, prepared by SMEC, dated February 2014; and
 - c) conditions of this approval.

Inconsistency between documents

- A3. If there is any inconsistency between the 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.

Limits of approval

- A4. This approval will lapse five (5) years from the date on which it is granted, unless the works the subject of this SSI approval are physically commenced on or before that date.
- A5. This approval applies only to the NBH development, as described within the Environmental Impact Statement and as amended by the Preferred Infrastructure Report, excluding development within areas identified as 'expansion zones'.

Staging Requirements

- A6. The proponent may elect to construct and/or operate the NBH development in stages. Where staging is proposed, the proponent shall submit a Staging Report to the Secretary with any SSI application for the detailed design and construction of the NBH. The Staging Report shall provide details of how the SSI would be staged beyond the Stage 1 site clearance and preparatory works, including general details of work activities associated with each stage and the general timing of when each stage would commence.

Where staging is proposed for the detailed design and construction of the NBH, these conditions of approval are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

Secretary as Moderator

- A7. In the event of a dispute between the proponent 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.

PART B REQUIREMENTS FOR FUTURE STAGES

Built Form and Urban Design

- B1. To ensure that a high quality urban design and architectural response is achieved, the site layout and architectural design of the NBH shall have regard to, and be generally consistent with, the master planning principles and reference design outlined within the Environmental Impact Statement, including the following:
- a) a building envelope generally comprising:
 - i) minimum six metre setback from all site boundaries;
 - ii) building mass of six to ten storeys (excluding plant and rooftop helipad), with tower forms generally located central to the site and closer to Warringah Road;
 - iii) massing of two storeys on approach and at the entrance fronting Frenchs Forest Road West;
 - iv) massing of three storeys at the southern end of the site fronting Warringah Road; and
 - v) approximate gross floor area (GFA) of 70,000 sqm.
 - b) a maximum of three entrances, including primary vehicle access from Frenchs Forest Road West and secondary left in, left out only access from Warringah Road, with ambulances capable of using both entrances;
 - c) helipad on top of the main hospital building;
 - d) retention of vegetation at the eastern end of the site adjacent to the existing road reserve; and
 - e) a public pathway at the western end of the site adjacent to the school between Frenchs Forest Road West and Warringah Road.
- B2. Details are to be provided with the SSI application for the detailed design and construction of the NBH demonstrating compliance with the terms of condition B1 above, unless it can be satisfactorily demonstrated to the approval authority that a superior built form and/or urban design outcome can be achieved.
- B3. Details are to be provided with the SSI application for the detailed design and construction of the NBH satisfactorily demonstrating that thorough consideration has been given to the protection and minimisation of potential amenity impacts on adjoining sensitive land uses such as The Frenchs Forest High School and surrounding residential development.
- B4. Built form shall be sited to achieve a balance between cut and fill, minimise earthworks, provide adequate solar access and minimise impacts on privacy, amenity and overshadowing of land uses surrounding the site.
- B5. Development sited adjacent to the public pathway shall be appropriately treated to maximise pedestrian and public safety through the implementation of the Crime Prevention through Environmental Design principles.

Biodiversity

- B6. The vegetation clearance works and any vegetation management works within the vegetation buffer are subject to the implementation of the biodiversity offset strategy outlined in the Preferred Infrastructure Report.

Traffic and Transport

- B7. The SSI application for the detailed design and construction of the NBH shall be accompanied by a detailed assessment of the traffic and transport impacts associated with the NBH on the surrounding road network and intersection capacity, and shall detail provisions demonstrating that sufficient access and car parking has been provided

having regard to RMS's Guide to Traffic Generating Developments, and details to promote non-car travel modes. The traffic and transport impact assessment shall also have specific regard to the scope and timing of RMS's road and intersection upgrades within the surrounding road network.

Noise and Vibration

- B8. The SSI application for the detailed design and construction of the NBH shall be accompanied by a detailed noise and vibration impact assessment prepared by a suitably qualified person, which details the main construction and operational noise and vibration sources and activities, including future mechanical plant. Details are also to be included outlining all feasible and reasonable noise and vibration mitigation and management measures. Background noise monitoring at residential properties for any noise and vibration impact assessment should be undertaken prior to any Stage 1 Site Clearance and Site Preparatory Works.
- B9. The noise and vibration impact assessment shall demonstrate that the location and operation of the helipad has been designed to minimise noise impacts on sensitive land uses (residences and school) have been minimised.

Landscaping

- B10. A vegetation buffer shall be provided within the former Blinking Light Reserve (Lot 1 DP1179362) to the east of Bantry Bay Road and managed to meet the standards of an asset protection zone.
- B11. The SSI application for the detailed design and construction of the NBH shall be accompanied by a landscape plan for the future hospital campus, demonstrating the design integration of the bushland proposed to be retained within the former Blinking Light Reserve and public pathway along the western boundary of the site with the proposed future landscaping across the site.

Bushfire Protection

- B12. The design of the NBH, including all Asset Protection Zones and other bushfire protection measures, shall demonstrate satisfactory compliance with the relevant provisions of Planning for Bushfire Protection 2006.

Contamination

- B13. A Phase 2 contamination assessment report shall be prepared and submitted with the SSI application for the detailed design and construction of the NBH, having regard to the recommendations provided within the Phase 1 Contamination Assessment, prepared by Douglas Partners, dated July 2012.

Ecologically Sustainable Development

- B14. The SSI application for the detailed design and construction of the NBH development shall demonstrate how the principles of ESD have been incorporated into the design, construction and on-going operation of the hospital.

SCHEDULE 3

CONDITIONS OF APPROVAL FOR STAGE 1 SITE CLEARANCE AND PREPARATORY WORKS

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance criteria established under this approval, the proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

Terms of Approval

- A2. The proponent shall carry out the project generally in accordance with the:
- a) State Significant Infrastructure Application SSI 5982;
 - b) Environmental Impact Statement prepared by SMEC dated October 2013;
 - c) Preferred Infrastructure Report titled *Northern Beaches Hospital SSI Application SSI 13_5982 Submissions Report/Preferred Infrastructure Report* prepared by SMEC, dated February 2014;
 - d) The conditions of this approval; and
 - e) The following drawings, except for:
 - i) any modifications which are Exempt' or Complying Development;
 - ii) otherwise provided by the conditions of this approval.

Architectural (or Design) Drawings			
Drawing No.	Revision	Name of Drawing	Date
1	A (as marked)	Hospital site boundary, services easements and APZs	25.02.14 (as marked)
2	A (as marked)	33 kV transmission line diversion	25.02.14 (as marked)
3	A (as marked)	11 kV transmission line diversion	25.02.14 (as marked)
4	A (as marked)	Gas main diversion	25.02.14 (as marked)
5	A (as marked)	Telecommunications services diversion	25.02.14 (as marked)

- 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.
- A4. The proponent shall comply with any reasonable requirement/s of the Secretary arising from the department's assessment of:
- a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these documents.

Limits of Approval

- A5. This approval will lapse five years from the date of approval unless the works associated with the approval have physically commenced.

- A6. The site clearance and site preparatory works are confined to the hospital site and the footprints of the various services diversions as shown in the drawing identified in condition A2(e).

Prescribed Conditions

- A7. The proponent shall comply with all relevant prescribed conditions of development approval under Part 6, Division 8A of the Regulation.

Dispute Resolution

- A8. In the event of a dispute between the proponent 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 on their Helpline 13 1441.

Legal Notices

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

PART B PRIOR TO COMMENCEMENT OF WORKS

Biodiversity Management

- B1. Prior to the commencement of site clearance works and site preparatory works:
- a) All ecosystem credits and species credits from Biobanking agreement 55 shall be purchased and ownership transferred to the Proponent; and
 - b) 284 suitable ecosystem credits from Biobanking agreement 38 shall be purchased and ownership transferred to the Proponent.

Within 12 months of the date of this approval, all the above ecosystem and species credits shall be retired and suitable evidence provided to the department to demonstrate this.

Note: Any credits retired would not be available for purchase for any future development.

- B2. Within 12 months of the date of this approval, a Biobanking agreement shall be executed for the Aquatic Drive site (Lot 2782 DP46992) and all available credits shall be retired.

At this time, suitable evidence shall be provided to the department to demonstrate that an appropriate conservation measure has been implemented for the Aquatic Drive site.

Note: Any credits retired would not be available for purchase for any future development.

Aboriginal Cultural Heritage

- B3. To ensure that any potential impacts on Aboriginal cultural heritage are minimised, the recommendations of the Aboriginal Heritage Impact Assessment, titled *Northern Beaches Health Services, Frenchs Forest: Aboriginal Heritage Impact Assessment*, prepared by Australian Museum Business Services, dated October 2012, be implemented in full by a

suitably qualified archaeologist, including with registered Aboriginal stakeholder representatives. The proponent shall also ensure:

- a) mechanisms are implemented to ensure any workers on site receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions; and
- b) appropriate measures are implemented to manage the discovery of any human remains or previously unidentified Aboriginal objects on site.

Vegetation Retention

- B4. All hollow bearing trees within the former Blinking Light Reserve (Lot 1 DP1179362) (except those within the footprint of services diversion works) to the east of Bantry Bay Road shall be retained where possible and subject to an arborists report as to their safety.
- B5. Prior to commencement of any vegetation management works within the former Blinking Light Reserve (Lot 1 DP1179362) to the east of Bantry Bay Road, the proponent must submit to the department a vegetation retention plan prepared by a suitably qualified consultant, which:
 - a) identifies all hollow bearing trees to be retained; and
 - b) provides details of the retention of any trees and shrubs within the vegetation buffer (refer to condition B10 of the conditions of approval for the concept proposal in Schedule 2).
- B6. The vegetation retention plan shall be reviewed by a suitably qualified bushfire consultant, who shall provide the department with confirmation that the vegetation retention plan meets the standards of an asset protection zone.

Public Pathway

- B7. Prior to the commencement of any works, details of the proposed public pathway along the western boundary of the site as detailed within the Preferred Infrastructure Report, shall be provided to the satisfaction of the Secretary, or her nominee.
- B8. To ensure that satisfactory public pedestrian access through the site is established within a timely manner, the public pathway between Frenchs Forest Road West and Warringah Road is to be constructed in accordance with the details submitted to satisfy condition B6 above upon completion of the site clearance/services diversion works along western boundary of the site.
Satisfactory public pedestrian access through the site is to be provided via Bantry Bay Road during site clearance/services diversion works and until completion of the public pathway.

Notice of Commencement of Works

- B9. The Certifying Authority and council shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the site.

Pre-Construction Dilapidation Reports

B10. The proponent is to engage an appropriately qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure (including CCTV footage for the stormwater drainage infrastructure) and roads within the 'zone of influence'. Any entry into private land is subject to the approval 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 commencement of any works. A copy of the report is to be forwarded to the council and each of the affected property owners.

In the event that access for undertaking the Pre-Construction Dilapidation Report is denied by an adjoining owner, the proponent 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.

Construction Environmental Management Plan

B11. Prior to the commencement of any works on the subject site, a Construction Environmental Management Plan (CEMP) and documentation contained within shall be prepared by suitably qualified experts and submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- a) hours of work,
- b) 24 hour contact details of site manager,
- c) traffic management, in consultation with the local council, including a designated off-street car parking area for construction related vehicles,
- d) construction noise and vibration management plan,
- e) management of dust to protect the amenity of the neighbourhood,
- f) soil and water management,
- g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site,
- h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting,
- i) flora and fauna management with particular reference to:
 - minimising the impacts of site activities on the resident Long-nosed Bandicoots and
 - establishing suitable habitat areas for the Eastern Pygmy Possum if they are discovered to be on site.

B12. The CEMP must only include works that have been explicitly approved in the development approval. In the event of any inconsistency between the approval and the CEMP, the approval shall prevail.

B13. The proponent shall submit a copy of the CEMP to the department and to the council for their information, prior to commencement of work.

Noise and Vibration Management Plan

B14. The proponent shall prepare and implement a Noise and Vibration Management Plan and this plan must:

- a) be prepared by a suitably qualified expert;
- b) be prepared in consultation with council and in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
 - best management practice is being employed;
 - compliance with the relevant conditions of this approval;
- d) describe the proposed noise and vibration management measures in detail;
- e) include strategies that have been developed with the community, including all noise sensitive receivers where noise levels exceed the noise management level, for managing high noise generating works, including ongoing consultation with The Forest High School throughout the construction period;
- f) describe the community consultation undertaken to develop the strategies in (e) above;
- g) evaluates and reports on the effectiveness of the noise and vibration management measures, including detailing monitoring measures and results; and
- h) include a complaints management system that would be implemented for the duration of the project.

B15. The Noise and Vibration Management Plan must include the following measures:

- a) the wood chipper shall be supported by an appropriate noise screen to the west and south of the equipment and is only to be located in zone 9, or in zones 5 or 6 if it can be demonstrated that the NMLs for the sensitive receivers can be met and noise monitoring confirms that the NMLs are not being exceeded;
- b) the wood chipper shall only be used between the hours of 8 am and 5 pm;
- c) chainsaws shall not be used west of Bantry Bay Road during recess and lunch time periods at The Forest High School;
- d) chainsaws shall not be used in zones 1 and 2 during school hours;
- e) chainsaws shall not be used prior to 8 am or after 5 pm in zones 1, 3, 4, 6 and 7 and respite periods must be provided in relation to use of the chainsaw in these zones;
- f) site diversion works shall not commence until 8 am in zones 1, 4 and 7;
- g) respite periods shall be provided for any site clearance or service diversion works in zones 1, 4 and 7;
- h) as far as reasonable and practicable, vegetation clearance works shall be undertaken from east to west and from the centre towards the boundaries given the mitigation that could be achieved with the existing vegetation;
- i) site clearance works and site diversion works shall not be undertaken within the same zone if the combined works result in higher noise levels unless they do not exceed the noise management levels; and
- j) additional requirements for any works proposed out of standard construction hours as per condition C2.

Traffic and Pedestrian Management Plan

B16. 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

Certifying Authority and council. The Plan must be prepared in consultation with the council. 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.

Outdoor Lighting

B17. 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 commencement of any works for the public pathway along the western boundary.

PART C DURING CONSTRUCTION

Hours of Work

C1. The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- b) between 8:00 am and 1:00 pm, Saturdays;
- c) no work on Sundays and public holidays.
- d) works may be undertaken outside these hours where:
 - i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii) required on grounds of safety and network operational integrity subject to meeting the requirements of condition C2; or
 - iv) a variation is approved in advance in writing by the Secretary or her nominee.

C2. Any construction work outside the standard construction hours in condition C1 required on grounds of safety and network operational integrity (as per condition C1 d) iii) above) must comply with the following requirements:

- a) works must not be undertaken on a Sunday night/Monday morning unless fully justified as necessary due to unavoidable and exceptional circumstances (example: work commenced during the 'day-time' must be completed for public safety reasons);
- b) works must not be undertaken on more than two nights during any single week unless fully justified as necessary due to unavoidable and exceptional circumstances (example: work commenced during the 'day-time' must be completed for public safety reasons) and the subject of targeted community consultation in addition to the notification referred to in (iv) below;
- c) residences and other noise sensitive receivers predicted to be impacted by that work have been notified of that work by letterbox drop not less than 5 days and not more than 14 days before the commencement of that work;

- d) the department and council must be notified of all instances where works outside the standard construction hours in condition C1 are planned, including a copy of the notification referred to in c);
 - e) a community complaints line is available for contact round the clock and is operated by appropriately trained personnel;
 - f) the notification referred to in c) above includes plain English details of:
 - i) the justification for undertaking the work outside the recommended standard hours,
 - ii) the times during which noisy activities will be undertaken and the type of plant and equipment involved,
 - iii) noise and vibration mitigation and management measures that will be implemented to minimise noise impacts,
 - iv) curfews and respite periods that will apply to high noise impact works such as those identified as particularly annoying in Interim Construction Noise Guideline section 4.5 (p.16), and
 - v) how and when complaints may be lodged (highlighted in bold) and including the community complaints line telephone number for the project; and
 - g) a complaints handling protocol and procedures are in place to ensure timely and active response to community concerns lodged with the community complaints line.
- C3. The proponent shall schedule wood chipping and chainsaw use and any similar noisy activity only between the following hours unless otherwise approved by the Secretary.
- a) 8.00 am to 12.00 pm, Monday to Friday;
 - b) 2.00 pm to 5.00 pm Monday to Friday; and
 - c) 8.00 am to 12.00 pm, Saturday
- C4. Respite periods should be provided when chainsaws or wood chippers are used so that its continuous use does not exceed three hours and with at least one hour respite period every three hours.

Soil and Water Management Plan

- C5. A Soil and Water Management Plan shall be prepared by a suitably qualified and experienced person in accordance with the document *Managing Urban Stormwater– Soils & Construction Volume 1* (2004) by Landcom. Details are to be included in the CEMP submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

Protection of Trees

- C6. No street tree is to be trimmed or removed unless it forms a part of this development approval or prior written approval from council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- C7. All street trees shall be suitably 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.
- C8. All trees on the site that are to be retained as per condition B4 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

- C9. 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 CEMP.
- C10. 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.

Vibration Criteria

- C11. Vibration caused by construction at any residence or structure outside the 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 set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006).
 - 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.
 - d) These limits apply unless otherwise outlined in the CEMP.

Hoarding Requirements

- C12. The following hoarding requirements shall be complied with:
- a) Any hoarding to be located on council land shall obtain council approval by way of a hoarding permit application.
 - b) No third party advertising is permitted to be displayed on the subject hoarding/fencing without approval from the relevant consent authority, if required.
 - c) 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.

Approved Plans to be On-site

- C13. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the department, council or the Certifying Authority.

Site Notice

- C14. A site notice(s) shall be prominently displayed at the boundaries of the 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.
- C15. The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) The notice is to be able to be read by the general public;
 - 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
- 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 Site is not permitted.

Public Way to be Unobstructed

C16. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

PART D COMPLETION OF CONSTRUCTION WORKS

Road Damage

D1. The cost of repairing any damage caused to council or other Public Authority's assets in the vicinity of the site as a result of construction works associated with the approved infrastructure, is to be met in full by the proponent upon completion of the construction works.

Post-construction Dilapidation Report

D2. At the completion of the construction works:

- a) The proponent shall engage a suitably and appropriately qualified and experienced engineer to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works caused any structural damage to adjoining buildings, infrastructure (including CCTV inspection of stormwater drainage infrastructure) and roads.
- b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report is to be forwarded to the council and each of the affected property owners.

External Lighting

D3. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

ADVISORY NOTES

Appeals

AN1. The proponent 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 proponent 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*.

Use of Mobile Cranes

AN3. The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the 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 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of council, will create significant traffic disruptions.
- b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am without the prior approval of council.

Responsibility for other approvals / agreements

AN4. The proponent is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Movement of Trucks Transporting Waste Material

AN5. The proponent must notify the Roads and Maritime Services' 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.

Building Identification

AN6. The building name and number, if any, should be clearly displayed at either end of the ground level frontages prior to the occupation of the building or commencement of the use.

Temporary Structures

AN7.

- a) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 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

AN8. 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 proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN9.

- 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.
- 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 proponent'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

AN10. 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 Work Health and Safety Regulation 2011, the NSW Government and WorkCover document titled *How to Safely Remove Asbestos: Code of practice* and NOHSC: "Code of Practice for the Safe Removal of Asbestos"

AN11. Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

Site contamination issues during construction

AN12. 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 proponent must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the department.