

# Development consent

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

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I approve the development referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

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



David Gainsford  
**Executive Director**  
**Priority Projects Assessments**

Sydney 12th December 2017

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### SCHEDULE 1

|                              |   |
|------------------------------|---|
| <b>Application No.:</b>      | SSD 7720  |
| <b>Applicant:</b>            | Health Administration Corporation   |
| <b>Consent Authority:</b>    | Minister for Planning   |
| <b>Land:</b>                 | Dubbo Base Hospital, Myall Street, Dubbo<br>(Lot 12 DP 1159243)   |
| <b>Approved Development:</b> | Construction and operation of the Dubbo Base Hospital Redevelopment Stage 4, comprising: <ul style="list-style-type: none"><li>• demolition works (George Hatch building, 'S' Block, childcare centre, doctor's accommodation, part of ambulatory care unit) and removal of 75 trees;</li><li>• earthworks;</li><li>• construction of a four storey building comprising 11,100 sqm of gross floor area, including 26 new in-patient beds, emergency department, medical imaging, renal dialysis, ambulatory care services, coronary care unit, intensive care unit, cardiovascular suite and plant room;</li><li>• at-grade car park areas providing a total of 119 car spaces, new Ambulance access off Myall Street, new drop off/pick-up zone and reconfiguration of the Cobbora Road roundabout; and</li><li>• landscaping.</li></ul> |

## 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   |
| Construction                                    | All physical work required to construct the development, including but not limited to bulk earthworks, inground works, erection of buildings, landscaping works and other infrastructure covered by this consent  |
| Council   | Dubbo Regional Council  |
| 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>  |
| 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                                      | Department of Planning and Environment  |
| Evening   | The period from 6 pm to 10 pm   |
| EIS   | <i>Dubbo Health Service Redevelopment Stage 4 (SSD 7720) Environmental Impact Statement</i> prepared by JBA Planning dated March 2016   |
| EPA   | Environment Protection Authority  |
| EP&A Act  | <i>Environmental Planning and Assessment Act 1979</i>   |
| EP&A Regulation                                 | <i>Environmental Planning and Assessment Regulation 2000</i>  |
| Feasible  | Feasible relates to engineering considerations and what is practical to build   |
| Harm  | Harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, and harm will be material if:<br>a) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or<br>b) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good hard to the environment). |
| Heritage Division                               | Heritage Division of the Office of Environment and Heritage   |
| Incident  | An occurrence or set of circumstances that:<br><ul style="list-style-type: none"><li>• causes, or threatens to cause material harm to the environment; or</li><li>• results in non-compliance with this consent.</li></ul> <i>NOTE: "Harm" is defined in this consent.</i>  |
| Minister  | Minister for Planning, or nominee   |
| NCC   | National Construction Code  |
| Night time                                      | The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays   |
| OEH   | Office of the Environment and Heritage  |
| Response To Submission (RtS)                    | <i>Dubbo Hospital Redevelopment Stage 4 - SSD 16_7720 Response to Submissions</i> letter submitted by Health Infrastructure dated 12 September 2017   |
| 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  |
| Subject Site                                    | Dubbo Base Hospital, Myall Street, Dubbo (Lot 12 DP 1159243)  |
| Secretary                                       | Secretary of Department of Planning and Environment   |
| Secretary's approval, agreement or satisfaction | A written approval from the Secretary (or nominee/delegate)   |
| 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   |

STP  
TfNSW  
Zone of Influence

Sustainable Travel Plan  
Transport for NSW  
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 approval, development approval is granted only to carrying out the development as described in Schedule 1.

#### Terms of Consent

A2. The Applicant must carry out the development in accordance with the conditions of consent and generally in accordance with the:

- a) State Significant Development Application SSD 7720;
- b) EIS, except where amended by the RtS and additional information submitted on 20 November 2017; and
- c) the following drawings, except for:
  - i) any modifications which are Exempt or Complying Development; or
  - ii) as otherwise provided by the conditions of this consent.

| <b>Architectural (or Design) Drawings prepared by HDR</b> |            |   |             |
|---|------------|---|-------------|
| <b>Drawing No.</b>  | <b>Rev</b> | <b>Name of Plan</b>                                       | <b>Date</b> |
| A00002  | 5          | COVER SHEETS<br>COVER SHEET – LEGENDS & SYSTEMS           | 18/11/16    |
| AR-00-00301   | 8          | PROJECT SUMMARY STAGING PLANS                             | 08/11/17    |
| AR-00-10002   | 8          | SITE PLAN<br>SITE PLAN – STAGE 4, GROUND AND LEVEL 1      | 08/11/17    |
| AR-00-10003   | 8          | SITE PLAN<br>SITE PLAN – STAGE 4, LEVEL 2 AND 3           | 08/11/17    |
| A 09003A  | 7          | DEMOLITION PLANS<br>GROUND FLOOR -STAGE 4A                | 18/11/17    |
| A 09003B  | 6          | DEMOLITION PLANS<br>GROUND FLOOR -STAGE 4B                | 18/11/17    |
| AR-4-09003  | 4          | DEMOLITION PLAN<br>STAGE 4 – GROUND FLOOR, PHASE C        | 01/09/18    |
| AR-4-09004  | 5          | DEMOLITION PLAN<br>STAGE 4 – GROUND FLOOR, PHASE C REFURB | 01/09/18    |
| A 09103A  | 5          | DEMOLITION PLANS<br>LEVEL 01 - STAGE 4A                   | 18/11/16    |
| A 09103B  | 5          | DEMOLITION PLANS<br>LEVEL 01 - STAGE 4B                   | 18/11/16    |
| AR-4-09103  | 4          | DEMOLITION PLAN<br>STAGE 4 – LEVEL 1, PHASE C             | 01/09/18    |
| AR-4-09104  | 4          | DEMOLITION PLAN<br>STAGE 4 – LEVEL 1, PHASE C REFURB      | 01/09/18    |
| A 09203A  | 5          | DEMOLITION PLANS<br>LEVEL 02 - STAGE 4A                   | 18/11/16    |
| A 09203B  | 5          | DEMOLITION PLANS<br>LEVEL 02 - STAGE 4B                   | 18/11/16    |
| AR-4-09203  | 4          | DEMOLITION PLAN<br>STAGE 4 – LEVEL 2, PHASE C             | 01/09/18    |
| AR-4-09204  | 4          | DEMOLITION PLAN<br>STAGE 4 – LEVEL 2, PHASE C REFURB      | 01/09/18    |

|  |            |  |             |
|--|------------|--|-------------|
| A 09303A                                       | 5          | DEMOLITION PLANS<br>LEVEL 03 - STAGE 4A              | 18/11/16    |
| A 09303B                                       | 5          | DEMOLITION PLANS<br>LEVEL 03 - STAGE 4B              | 18/11/16    |
| AR-4-09303                                     | 4          | DEMOLITION PLAN<br>STAGE 4 – LEVEL 3, PHASE C        | 01/09/18    |
| AR-4-09304                                     | 4          | DEMOLITION PLAN<br>STAGE 4 – LEVEL 3, PHASE C REFURB | 01/09/18    |
| AR-00-10201                                    | 7          | SITE PLAN<br>CARPARKING PLAN                         | 08/11/17    |
| AR-4-11001                                     | 9          | GENERAL ARRANGEMENT PLAN<br>STAGE 4 – GROUND FLOOR   | 01/09/18    |
| AR-4-11101                                     | 8          | GENERAL ARRANGEMENT PLAN<br>STAGE 4 – LEVEL 1        | 01/09/18    |
| AR-4-11201                                     | 9          | GENERAL ARRANGEMENT PLAN<br>STAGE 4 – LEVEL 2        | 01/09/18    |
| AR-4-11301                                     | 8          | GENERAL ARRANGEMENT PLAN<br>STAGE 4 – LEVEL 3        | 01/09/18    |
| A 15401  | 8          | ELEVATIONS<br>STAGE 4 ELEVATIONS 01                  | 18/11/16    |
| A 15402  | 8          | ELEVATIONS<br>STAGE 4 ELEVATIONS 02                  | 18/11/16    |
| A 16401  | 5          | ELEVATIONS<br>STAGE 4 SECTIONS 01                    | 18/11/16    |
| A 16402  | 5          | ELEVATIONS<br>SATGE 4 SECTIONS 02                    | 18/11/16    |
| A SC002  | 11         | EXTERIOR COLOUR AND FINISHES SCHEDULE                | undated     |
| <b>Landscape Plans prepared by 360 degrees</b> |            |  |             |
| <b>Drawing No.</b>                             | <b>Rev</b> | <b>Name of Plan</b>                                  | <b>Date</b> |
| LA-01  | A          | COVER PAGE + DRAWING SCHEDULE                        | 07.11.17    |
| LA-09  | A          | CONCEPT DIAGRAM                                      | 07.11.17    |
| LA-10  | A          | SITE PLAN  | 07.11.17    |
| LA-11  | A          | TREE PROTECTION & REMOVAL PLAN                       | 07.11.17    |
| LA-12  | A          | LANDSAPE PLAN  | 07.11.17    |
| LA-13  | A          | PROPOSED TREE PLAN                                   | 07.11.17    |
| LA-14  | A          | LANDSCAPE PLAN – GROUND FLOOR                        | 07.11.17    |
| LA-15  | A          | LANDSCAPE PLAN – LEVEL 02                            | 07.11.17    |
| LA-16  | A          | PLANTING PALETTE – ENTRY AND CAFÉ ZONE               | 07.11.17    |
| LA-17  | A          | PLANTING PALETTE – CARPARK BOUNDARY                  | 07.11.17    |
| LA-18  | A          | PLANTING PALETTE – BUILDING PERIPHERY                | 07.11.17    |
| LA-19  | A          | PLANTING PALETTE – LEVEL 2                           | 07.11.17    |
| LA-20  | A          | PLANTING SCHEDULE, IRRIGATION &<br>MAINTENANCE       | 07.11.17    |

### **Inconsistency between documents**

- A3. If there is any inconsistency between the plans and documentations 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.
- A4. The Applicant must comply with any requirements 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 consent; and
- b) the implementation of any actions or measures contained in these documents.

#### **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.

#### **Limits on Consent**

- A6. This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.
- A7. Stage 3 works as shown on Drawing Number AR-00-00301, Revision 8, Titled *Project Summary Staging Plans*, dated 08/11/17, do not form part of this consent.

#### **Prescribed Conditions**

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

#### **Dispute Resolution**

- A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this consent 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**

- A10. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### **Legal Notices**

- A11. Any advice or notice to the consent authority must be served on the Secretary.

#### **Obligation to Minimise Harm to the Environment**

- A12. In addition to meeting the specific performance criteria established under this consent, the Applicant must 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.

## **PART B PRIOR TO COMMENCEMENT OF WORKS**

### **Certified Plans**

- B1. 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 must include details as required by any of the following conditions.

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

- B2. The Certifying Authority, Council and the Secretary must be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Subject Site.

### **Heritage Archival Recording and Site Interpretation Strategy**

- B3. No demolition works are to commence on the George Hatch Building until an archival record of the George Hatch Building is undertaken. The archival recording must be prepared by a suitably qualified person and must include measured drawings, detailed historical research and an archival photographic record. This archival record must be prepared in accordance with guideline, *Photographic Recording of Heritage Items using Film or Digital Capture* (Heritage Office, 2006). A copy of the archival record must be submitted to Council and the Heritage Branch of OEH prior to the commencement of any works.
- B4. No demolition works are to commence on the George Hatch Building until a heritage interpretation strategy for the George Hatch Building has been prepared in consultation with Council and must include banded brick and rendered markers on the alignment in the area where the George Hatch Building (the 1936 former Nurses' Building) once stood. A copy of the heritage interpretation strategy must be submitted to Council and the Department prior to the commencement of any works on the George Hatch Building.

### **Demolition**

- B5. The demolition work must comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### **Cobbora Road Upgrade**

- B6. Prior to commencing works on the Cobbora Road roundabout upgrade, a formal agreement in the form of a Works Authorisation Deed (WAD) is required between the Applicant and RMS.
- B7. Prior to the commencement of road construction work, the Applicant is to contact RMS's Field Traffic Manager to determine if a Road Occupancy Licence (ROL) is required. If a ROL is required, the Applicant is to obtain the ROL prior to works commencing within three metres of the travel lanes in Cobbora Road.

### **Reflectivity**

- B8. The building materials used on the facades of the buildings must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

### **Outdoor Lighting**

- B9. All outdoor lighting within the Subject Site must 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**

- B10. The works the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the NCC. 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**

- B11. Soil erosion and sediment control measures must 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**

- B12. 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'. The report must be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

### **Structural Details**

- B13. Prior to the commencement of structural works, the Applicant must 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 NCC; and
  - b) the development consent.

### **Car Parking and Service Vehicle Layout**

- B14. Plans demonstrating compliance with the following traffic and parking requirements must 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, must be in accordance with AUSTRROADS.

### **Bicycle Parking**

- B15. Plans demonstrating compliance with the following bicycle parking requirements must be submitted to the satisfaction of the Certifying Authority prior to commencement of works:
- a) the provision of a minimum eight bicycle spaces;
  - b) the layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3 Bicycle Parking Facilities*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - c) appropriate pedestrian and cyclist advisory signs are to be provided; and
  - d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

### **Noise Management Measures**

- B16. Prior to commencement of above ground works, the Applicant must incorporate the noise mitigation recommendations in the *Dubbo Health Services – Noise Impact Assessment* prepared by Wood & Grieve Engineers, dated 19 July 2017, in the detailed design drawings and submit to the Department documentation demonstrating that the noise impacts have been adequately mitigated to meet the project specific noise levels identified in the report.

### **Mechanical Ventilation**

- B17. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the NCC and must comply with the Australian Standards *AS1668.2 Mechanical Ventilation of Buildings* and *AS3666 Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

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

- B18. Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council must be submitted to the Certifying Authority prior to the commencement of any works. The hydrology and hydraulic calculations must be based on models described in the relevant edition of *Australian Rainfall and Runoff*. The final plan(s) for stormwater management must also consider the need for aquifer recharge to mitigate the impacts from the additional impervious surfaces areas. An assessment of the impacts from the decreased stormwater infiltration and need for any aquifer recharge must be undertaken by a qualified practicing professional and documentation confirming that the final plan(s) for stormwater management incorporate any necessary measures to ensure the alluvial aquifer is recharged to the Certifying Authority prior to the commencement of any works.

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

- B19. 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. The storage area(s) must:
- 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

B20. Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (vehicle crossings) and paved footpaths must be constructed along the areas where road works are to be undertaken. All roads and traffic facilities (vehicle crossings) must be designed to meet the requirements of Council and the RMS (if applicable) and obtain the necessary permits and approvals from the relevant road authority.

## Construction Environmental Management Plan

B21.

- a) Prior to the commencement of works on the Subject Site, a **Construction Environmental Management Plan (CEMP)** that addresses those works must be submitted to the satisfaction of the Certifying Authority. The CEMP must address, but not be limited to, the following matters where relevant:
  - i) hours of work;
  - ii) 24 hour contact details of site manager;
  - iii) traffic management, in consultation with Council;
  - iv) construction noise and vibration management, prepared by a suitable qualified person;
  - v) management of dust 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) external lighting in compliance with *AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*;
  - x) an Unexpected Finds Protocol (UFP); and
  - xi) waste classification for materials to be removed.
- 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 must submit a copy of the CEMP to the Department and to the Council prior to commencement of works.

## Construction Noise and Vibration Management Plan

B22.

- a) Prior to the commencement of works on the Subject Site, a **Construction Noise and Vibration Management Plan (CNVMP)** must be submitted to the satisfaction of the Certifying Authority. The plan must address, but not be limited to, the following matters where relevant:
  - i) be prepared by a suitably qualified expert;
  - ii) be prepared in consultation with all residential noise sensitive receivers where noise levels exceed the highly affected noise management level, in accordance with EPA guidelines;
  - iii) be prepared in consultation with the hospital operators and TAFE where noise levels exceed the noise affected noise management level, in accordance with EPA guidelines;
  - iv) identify works that will exceed the highly affected noise management level, which must be restricted to the standard construction hours in the EPA guidelines;
  - v) identify respite periods that will apply to high noise impact works such as those identified as particularly annoying in Interim Construction Noise Guideline;
  - vi) describe the measures that would be implemented to ensure:
  - vii) best management practice is being employed;
  - viii) compliance with the relevant conditions of this consent;
  - ix) describe the proposed noise and vibration management measures in detail;

- x) 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;
  - xi) describe the consultation undertaken to develop the strategies in viii) above;
  - xii) evaluates and reports on the effectiveness of the noise and vibration management measures; and
  - xiii) include a complaints management system that would be implemented for the duration of the project.
- b) The Applicant must submit a copy of the CNVMP to the Department and Council prior to the commencement of work.

### **Construction Waste Management Plan**

B23.

- a) Prior to the commencement of works on the Subject Site, a **Construction Waste Management Plan (CWMP)**, prepared by a suitably qualified person in consultation with Council, must be submitted to the satisfaction of the Certifying Authority. The CWMP must address, but not be limited to, the following matters:
- 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 submit a copy of the plan to the Department and Council prior to the commencement of work.
- d) The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

### **Construction Traffic and Pedestrian Management Plan**

B24.

- a) A **Construction Traffic and Pedestrian Management Plan (CTPMP)** must be prepared by a suitably qualified person in consultation with Transport for NSW, RMS and Council. The CTPMP must be submitted to the satisfaction of the Certifying Authority prior to commencement of works. The CTPMP must include, but not limited to, the following:
- i) locations of the proposed work zone, plant storage and staging area;
  - ii) haulage routes;
  - iii) construction vehicle access arrangements;
  - iv) proposed construction hours;
  - v) estimated number of construction vehicle movements during various times of the day;
  - vi) construction vehicle parking and any temporary additional parking for hospital related use;
  - vii) construction program;
  - viii) consultation strategy for liaison with surrounding stakeholders;
  - ix) any potential impacts to general traffic, cyclists, pedestrians, parking and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; and
  - x) reference to CTPMPs for developments within or around the development site to ensure that coordination of work activities are managed to minimise impacts on the road network.

- b) The Applicant must submit a copy of the CTPMP to the Department and Council prior to the commencement of work.

### **Complaints and Enquiries Procedure**

- B25. 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.
- B26. 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**

- B27. 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**

- B28. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.
- B29. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **External Walls and Cladding**

- B30. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

Prior to the commencement of works approved under this consent, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and

claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.

The Applicant must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it.

## **PART C DURING CONSTRUCTION**

### **Hours of Work**

#### **C1.**

- a) The hours of construction, including the delivery of materials to and from the Subject Site, must be restricted as follows:
  - i) between 7 am and 6 pm, Mondays to Fridays inclusive;
  - ii) between 8 am and 5 pm, Saturdays; and
  - iii) no work on Sundays and public holidays.
- b) 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) required on grounds of safety and network operational integrity subject to meeting the requirements of condition C2; or
  - iv) variation is approved in advance in writing by the Secretary or 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.

### **Management Plans**

- C3. The CEMP, CNVMP, CWMP and CTPMP's (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

### **Heritage Superintendent**

- C4. Works on heritage components of the site must be supervised by a consultant(s) experienced in the conservation of similar heritage buildings.

### **Erosion and Sediment Control**

- C5. 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**

- C6. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

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

- C7. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### **Site Notice**

- C8.
- a) A site notice(s) must be prominently displayed at the perimeter 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.

### **Construction Noise Management**

- C9. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009)*. All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the CNVMP, as required by condition B22.
- 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*), 5 dB(A) must be added to

the measured construction noise level when comparing the measured noise with the construction noise management levels.

- C11. 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.
- C12. The Applicant must 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.
- C13. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using augered piling methods. If driven piles are required they must only be installed where outlined in a CNVMP.
- C14. 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**

- C15. 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.
- C16. The above limits apply unless otherwise outlined in a CNVMP, approved by the Certifying Authority.
- C17. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

#### **SafeWork NSW Requirements**

- C18. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

#### **Hoarding Requirements**

- C19. The following hoarding requirements must be complied with:
- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - 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.

#### **Road Occupancy Licence**

- C20. 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.

## **Protection of Trees**

C21.

- 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 and trees on adjoining properties 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**

C22. All waste generated by the project must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (DECCW, 2009).

C23. 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.

## **No obstruction of public way**

C24. 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**

C25. If any unexpected archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and the 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 the Heritage Division.

## **Discovery of Aboriginal Heritage**

C26. 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.

## **Incident Reporting**

C27. 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.

C28. 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**

C29. 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**

C30. 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**

C31. The Applicant must ensure that employees, contractors and sub-contractors are aware of the conditions of this consent relevant to their respective activities.

## **PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Visitor Car Parking**

- D1. Prior to occupation of the final sub-stage of the new building, a **Car Park Management Plan** is to be developed in consultation with RMS and Council to demonstrate how parking would be managed on the site to ensure that adequate on-site visitor parking is available to hospital visitors.

### **Sustainable Travel Plan**

- D2. A **Sustainable Travel Plan** (STP) for the hospital must be prepared in consultation with TfNSW and submitted to the Secretary for approval. The STP must identify measures to support sustainable transport modes and include provision for review and monitoring.

### **Heritage Conservation**

- D3. All measures identified in the Heritage Interpretation Strategy must be implemented prior to the occupation of the relevant stage of the new building.

### **Cobbora Road Upgrade**

- D4. Prior to occupation of the final sub-stage of the new building, the Applicant must deliver the Cobbora Road roundabout upgrades at no cost to the relevant roads authority.

### **Car Parking**

- D5. Prior to final occupation (Stage 4C Refurbishment), the Applicant must demonstrate to the satisfaction of the Certifying Authority that an additional 12 car spaces for staff, patient and visitors can be provided on the hospital site to provide a total of 131 car spaces for the development on the site. Details confirming the parking numbers must be submitted to the satisfaction of the Certifying Authority prior to final occupation.

### **Bicycle Spaces**

- D6. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities*.

### **Mechanical Ventilation**

- D7. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to occupation, that the installation and performance of the mechanical systems complies with:
- a) the NCC;
  - b) *Australian Standard AS1668 The use of ventilation and air-conditioning in buildings* and other relevant codes;
  - c) the development consent and any relevant modifications; and
  - d) any dispensation granted by the New South Wales Fire Brigade.

### **Road Damage**

- D8. 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 final occupation.

### **Compliance Certificate**

- D9. A Certificate of Compliance under the provision of section 306 of the *Water Management Act* must be obtained from the water supply authority (Council) prior to occupation of any sub-stage of the new building. The Applicant must pay Section 64 Contributions in the sum of \$108,487.41 for water and \$172,373.50 for sewer or as otherwise agreed by Council.

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

D10. Prior to final occupation:

- a) the Applicant must engage a suitably qualified person to prepare a **Post-Construction Dilapidation Report** at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining hospital buildings, infrastructure and roads;
- b) the report is to be submitted to the satisfaction of the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining hospital 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.

### **Fire Safety Certification**

D11. Prior to occupation of the relevant stage, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed on the premises.

### **Structural Inspection Certificate**

D12. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to occupation of the relevant stage. A copy of the relevant Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must 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 Certificate have been checked with those listed on the final Design Certificate/s.

### **Signage**

D13. Way finding signage for pedestrians and cyclists must be installed prior to occupation of the relevant stage.

### **Registration of Easements**

D14. Prior to final occupation, the Applicant must provide to the Certifying Authority evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

### **Food Preparation Areas**

D15. All food premises must be designed and constructed to comply with Food Safety Standard 3.2.3 *Food Premises and Equipment* of the Food Standards Code.

D16. The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with *Australian Standard AS4674 Design, construction and fit-out of food premises*. The Applicant must provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to the occupation of the food premises.

### **External Walls and Cladding**

D17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

Prior to occupation of each stage, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.

The Applicant must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it.

## **PART E POST OCCUPATION**

### **Sustainable Travel Plan**

- E1. The STP, as required by condition D2, must be updated annually and the measures to promote a modal shift away from private vehicle travel identified in the STP must be implemented accordingly.

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

- E2. All driveways and parking areas must be unobstructed at all times. Driveways and car spaces must not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

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

- E3. Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of the sensitive receiver.
- E4. The Applicant must carry out a noise monitoring program for a minimum period of one week where valid data is collected following occupation of the new building (Stage 4C New Build). The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Secretary within two months of occupation to verify that project specific noise levels identified in *Dubbo Health Services – Noise Impact Assessment* prepared by Wood & Grieve Engineers, dated 19 July 2017 are being met.

Should the noise monitoring program identify any exceedance of the noise criteria referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the project specific criteria or provide attenuation measures at the affected noise sensitive receivers.

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

- E5. Any hazardous or toxic materials must be stored in accordance with Safework NSW requirements and all tanks, drums and containers of toxic and hazardous materials must be stored in a bunded area. The bund walls and floors must be constructed of impervious materials and must be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.
- E6. The storage and handling of medical liquid oxygen, must be in accordance with AS 1894 *The storage and handling of non-flammable cryogenic and refrigerated liquids*.

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

- E7. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **External Lighting**

- E8. External Lighting must comply with AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

## ADVISORY NOTES

### Appeals

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

### Other Approvals and Permits

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

### Responsibility for other consents/agreements

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

### Use of Mobile Cranes

AN4 The Applicant must obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters must be complied with:

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

### Temporary Structures

AN5

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.
- 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/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 NCC 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* 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 Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **Asbestos Removal**

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".

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

AN9 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.