

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as delegate of the Minister for Planning under delegation executed on 14 September 2011 and pursuant to clause 5.6 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

[Name of Commissioner]
Member of the Commission

[Name of Commissioner]
Member of the Commission

[Name of Commissioner]
Member of the Commission

Sydney

Date

SCHEDULE 1

Application Number: DA 22/6312

Applicant: Port of Newcastle Operations Pty Ltd

Consent Authority: Minister for Planning

Site: Lot 30 DP 1190075, Lot 219 DP 1195310 106 Bourke Street, Carrington

Development: Construction of an access ramp and internal alterations and additions and remediation works for the former Engine House building and for heritage interpretation works for former cranes associated with the former Engine House

DEFINITIONS

Applicant	Port of Newcastle Operations Pty Ltd or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certifier	A person who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	The carrying out of works for the purpose of the development, and erection of buildings and other infrastructure permitted by this consent
Council	City of Newcastle Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	NSW Department of Planning and Environment
Development	The development described in Schedule 1, the SEE, Response to Submissions and additional information, for the construction and operation of a commercial facility, as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
GFA	Gross Floor Area
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
EMP	Environmental Management Plan
Material harm	Is harm that:

	<ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) 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 harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	Protection of the Environment Operations Act 1997
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development titled ' <i>Response to Request for Information – DA22/6312 106 Bourke Street, Carrington</i> ' prepared by ADW Johnson dated 24 September 2021
SEE	The Statement of Environmental Effects titled ' <i>Statement of environmental Effects Proposed Stage 3 Restoration Works to Carrington Hydraulic Engine House</i> ', prepared by ADW Johnson dated 14 April 2022, submitted with the application for consent for the development, including any additional information or reports provided by the Applicant in support of the application.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the SEE and Response to Submissions;
- (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by EJE Architecture			
Dwg No.	Rev	Name of Plan	Date
11009 - A000	A	Cover Sheet and Site Plan	8/04/2022
11009 - A101	A	Sub Floor – Existing/ Demolition Plan	8/04/2022
11009 - A102	A	Ground Floor – Existing/ Demolition Plan	8/04/2022
11009 - A111	A	Sub Floor – Proposed Plan	8/04/2022
11009 - A112	A	Ground Floor – Proposed Plan	8/04/2022
11009 - A113	A	Roof – Proposed Plan	8/04/2022
11009 - A202	A	Ground Floor Slab Setout/ Dimension Plan	8/04/2022
11009 - A501	A	South & West Elevations – Existing	8/04/2022
11009 - A511	A	South & West Elevations – Proposed	8/04/2022
11009 - A551	A	Sections – Existing	8/04/2022
11009 - A561	A	Sections – Proposed	8/04/2022
11009 - A801	A	Engine Room Internal Elevations - Existing/ Demolition	8/04/2022
11009 - A802	A	Gen Room, Accum Tower 1 & 2 Internal Elevations Existing/Demolition	8/04/2022
11009 - A811	A	Engine Room Internal Elevations – Proposed	8/04/2022
11009 - A814	A	Gen Room, Accum Tower 1 & 2 Internal Elevations – Proposed	8/04/2022
11009 - A901	A	Construction Details	8/04/2022
11009 - A902	A	Crane Base Plaques	8/04/2022
11009 - A903	A	Stainless Interpretation Sign	8/04/2022
Survey Plan prepared by Monteath & Powys			
Dwg No.	Rev	Name of Plan	Date
09/0174 Sheet 1	5	Topographical Survey Carrington Pump House Lot 30 DP 1190075	16/02/2017

- (e) generally in accordance with the following documents:
 - (i) Carrington Commercial Facility Statement of Environmental Effects prepared by ADW Johnson dated 14 April 2022
 - (ii) Statement of Heritage Impact prepared by EJE Architecture dated April 2022

- (iii) Conservation Management Plan prepared by EJE Architecture dated December 2021
 - (iv) Geotechnical Assessment prepared by RCA Australia dated 17 February 2022
 - (v) Asbestos Removal Summary prepared by Verico dated 11 August 2021
 - (vi) Access Assessment prepared by Lindsay Perry Access dated 22 October 2021
 - (vii) Options Analysis prepared by EJE Architecture dated 8 April 2022
 - (viii) *'Response to Request for Information – DA22/6312 106 Bourke Street, Carrington'* prepared by ADW Johnson dated 24 September 2021
 - (ix) Detailed Site Contamination Investigation prepared by Nation Partners dated September 2022
 - (x) Cost Estimate Report prepared by Rider Levett Bucknall dated 23 August 2022
- (f) in accordance with the General Terms of Approval issued by Heritage Council of NSW, *'Heritage Council of NSW – General Terms of Approval Integrated Development Application'* Ref: HMS ID 1187 dated 22 July 2022
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in this consent, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.
- A6. This consent does not approve:
- (a) the land use of the Carrington Hydraulic Engine House
- Separate development application(s) must be lodged, and consent obtained, for the above works and uses (except where consent is not required under an Environmental Planning Instrument or exempt and complying development applies).

Prescribed Conditions

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

Planning Secretary as Moderator

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

Evidence of Consultation

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:

- (i) the outcome of that consultation, matters resolved and unresolved; and
- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A10. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A11. A Staging Report prepared in accordance with condition A10 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A12. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A13. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- A14. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

- A16. If the Planning Secretary agrees or directs, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A17. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

- A18. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with
- (a) the relevant requirements of the BCA;
 - (b) any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

Applicability of Guidelines

- A19. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A20. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Compliance

- A22. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- A23. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au, immediately after the Applicant becomes aware of any incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A24. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A25. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au, within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also

notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, within seven days after they identify any non-compliance.

- A26. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A27. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A28. Within three months of:
- the submission of an incident report under conditions A23 and A24;
 - the approval of any modification of the conditions of this consent; or
 - the issue of a direction of the Planning Secretary under condition A2 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

- A29. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (but only where previously approved by the Certifier and if the condition allows). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

Compliance Reporting

- A30. A Pre-Construction Compliance Report must be prepared for the development and submitted to the Certifier for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Planning Secretary at compliance@planning.nsw.gov.au before the commencement of construction.
- A31. The Pre-Construction Compliance Report must include:
- details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
 - the expected commencement date for construction.
- A32. Construction Compliance Reports must be submitted to the Planning Secretary at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- A33. The Construction Compliance Reports must include:
- a results summary and analysis of environmental monitoring;
 - the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - details of any review of the CEMP and the Environmental Management Plan and associated sub-plans as a result of construction carried out during the reporting period;
 - a register of any modifications undertaken and their status;
 - results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;

- (f) a summary of all incidents notified in accordance with this consent; and
- (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

No Works Prior To Construction Certificate

- B1. Work must not commence until a Construction Certificate in respect of the work has been issued.

All Conditions Under This Section to be Met

- B2. All relevant conditions under this section must be met prior to the issue of any relevant Construction Certificate.

Appointment of Certifier

- B3. Prior to the issue of any relevant Construction Certificate, the Applicant must:
- (a) appoint a Principal Certifier in accordance with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - (b) The Principal Certifier must submit to the Planning Secretary and Council an "Appointment of Principal Certifier".

Long Service Levy

- B4. Prior to the issue of any relevant Construction Certificate, the Applicant must provide evidence to the Certifier that any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) has been paid.

Building Code of Australia (BCA) Compliance

- B5. The proposed works must comply with the applicable Performance Requirements of the relevant sections of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety, health and amenity for the ongoing benefit of the community. Compliance with the Performance Requirements can only be achieved by:
- (a) compliance with the Deemed to Satisfy Provisions of the BCA; or
 - (b) Performance Solution which demonstrates:
 - (i) compliance with all relevant Performance Requirements of the BCA or
 - (ii) the solution is at least equivalent to the Deemed to Satisfy Provisions; or
 - (c) a combination of B5 (a) and (b) above.

Prior to the issue of the first Construction Certificate, a report detailing compliance with the Building Code of Australia is to be submitted to the satisfaction of the Certifier.

Mechanical Ventilation

- B6. All mechanical ventilation systems shall be designed and installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 – Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details of all mechanical ventilation systems shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

Flood Level Plans

- B7. Prior to issue of a Construction Certification, plans and documentation must be submitted for the approval of the Certifier demonstrating that:
- (a) any proposed structures below 2.5m AHD (the flood planning level) will be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters; and
 - (b) any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items that can be damaged by floodwaters/tidal waters is installed above the flood planning level or will be of made of materials and of a functional capability resistant to the effects of floodwaters/tidal waters.

Access Ramp

- B8. Prior to the issue of a Construction Certificate, the applicant must submit plans and specifications to the Certifier for approval that identifies:
- (a) the access ramp is an independent structure and is capable of being disassembled and removed from the building.
 - (b) an at-grade pathway from the public plaza to the end of the access ramp

General Terms of Approval

- B9. All requirements of the General Terms of Approval issued by Heritage NSW dated 22 July 2022 under condition A2 must be complied with.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION OR WORKS

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- C3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

Certified Plans

- C4. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifier and the Planning Secretary prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

A copy of the Construction Certificate shall be submitted to the Planning Secretary and Council.

Access to Information

- C5. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 24 months after the commencement of operations.

Protection of Public Infrastructure

- C6. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- C7. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

Construction Environmental Management Plan

- C8. Prior to the commencement of works which are part of the Development, a Construction Environmental Management Plan shall be submitted to the satisfaction of the Principal Certifier. The Plan shall address, but not be limited to the following and confirm to these conditions of consent where applicable:
- (a) the date of commencement of works,
 - (b) hours of works,
 - (c) contact details of site manager,
 - (d) complaints procedure
 - (e) traffic and pedestrian management including details on:
 - (i) ingress and egress of vehicles to the site,
 - (ii) loading and unloading, including construction zones,
 - (iii) the location of storage areas,
 - (iv) predicted traffic volumes, types and routes,
 - (v) parking of construction and contractor vehicles,
 - (vi) turning areas of construction and contractor vehicles, and
 - (vii) pedestrian and traffic management methods.
 - (f) noise and vibration management identifying specific activities that would be carried out and associated noise sources and how they will be managed in accordance with Australian Standard AS 2436-2010 Guide to noise and vibration control on construction, demolition and maintenance sites and to ensure there is no adverse impact on any neighbouring/affected tourist accommodation buildings during the construction period.
 - (g) waste and recycling management including details on:
 - (i) the location for recycling of building materials,
 - (ii) the identification of any asbestos or other hazardous material,
 - (iii) the location for disposal of building waste, and
 - (iv) the location for disposal of excess spoil.
 - (h) erosion and sediment control
 - (i) flora and fauna management
 - (j) suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters, and
 - (k) any relevant recommendations of the 'works plan'.

Works may not commence until a Construction Environmental Management Plan has been approved by the Principal Certifier. The Applicant must comply with any Construction Environmental Management Plan approved by the Principal Certifier under this condition. A copy of the documentation shall be submitted to the Department prior to the commencement of the works. This condition can be satisfied for the whole project or progressively for various sections of the project.

Construction Parking

- C9. Prior to commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public streets or public parking facilities. A copy of the strategy must be provided to the Planning Secretary for information.

Soil and Water

- C10. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events;
 - (b) divert existing clean surface water around operational areas of the site; and
- C11. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- C12. Prior to the commencement of construction, the Applicant describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

Contamination

- C13. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be prepared. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The Applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The UFP must be submitted to the satisfaction of Certifier. The UFP must be implemented for the duration of construction works.

Photographic Archival Record

- C14. Prior to the commencement of works, a photographic archival record of the Carrington Hydraulic Engine House is to be prepared by a suitably qualified person. The record is to include all internal and external areas of the building. Progressive photos are to be taken during works and post construction to detail the works undertaken.

PART D DURING CONSTRUCTION OR WORKS

Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purpose of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice(s); and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Approved Plans to be On-Site

- D2. 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.

Construction Hours

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
- (b) between 8am and 1pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- D4. Construction activities may be undertaken outside of the hours in condition D3 if required:

- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
- (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
- (c) where the works are inaudible at the nearest sensitive receivers; or
- (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.

- D5. Notification of such construction activities as referenced in condition D4 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- (a) 9am to 12pm, Monday to Friday;
- (b) 2pm to 5pm Monday to Friday; and
- (c) 9am to 12pm, Saturday.

Implementation of Management Plan

- D7. The Applicant must carry out the construction of the development in accordance with CEMP required by Condition 9.

Construction Traffic

- D8. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- D9. 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 must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

- D10. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- D11. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 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 management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D12. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D3.
- D13. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- D14. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D15. The limits in conditions D14 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C9 of this consent.

Tree Protection

- D16. For the duration of the construction works:
- (a) street trees must not 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 immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction; and
 - (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil

compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

D17. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D18. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Imported Soil

D19. The Applicant must:

- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

Emergency Management

D20. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Unexpected Finds Protocol – Aboriginal Heritage

D21. In the event that surface disturbance identifies a new Aboriginal object:

- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
- (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- (e) works shall only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

D22. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary within 2 business days;
- (b) 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 as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

Waste Storage and Processing

D23. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

- D24. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D25. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D26. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D27. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Contamination

- D28. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.
- D29. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the relevant authority.

Fill

- D30. Any excavated material to be removed from the site is to be assessed, classified, transported, and disposed of in accordance with the Department of Environment and Climate Changes' (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'
- D31. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the Protection of the Environment Operations Act 1997 (NSW) and the Protection of the Environment (Waste) Regulation 2005 (NSW).
- D32. Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Department officers or the Principal Certifying Authority on request.

Removal of Heritage Fabric

- D33. All heritage fabric removed from the building during the proposed works is to be retained on site and reused on the guidance of the project heritage architect as appointed in condition B9.

PART E PRIOR TO OCCUPATION CERTIFICATE

Notification of Occupation

- E1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Occupation Certificate

- E2. An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved building. A copy of the Occupation Certificate shall be submitted to the Planning Secretary.

Post-construction Dilapidation Report

- E3. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier 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) to be forwarded to Council for information.

Protection of Public Infrastructure

- E4. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, alter or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage.

Protection of Property

- E5. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Works as Executed Plans

- E6. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the finished floor levels have been constructed as approved, must be submitted to the Certifier.

Mechanical Ventilation

- E7. Prior to the issue of any relevant occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Structural Inspection Certificate

- E8. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to

the Certifier. A copy of the 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 Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Signage

E9. Prior to the commencement of operation, way-finding signage and signage identifying the access ramp as the main entry point to the building must be installed.

Long Term Environmental Management Plan

E10. Prior to issue of an occupation certificate, the Applicant must prepare a Long Term Environmental Management Plan (LTEMP) for the development to the satisfaction of the Certifier. A copy must be provided to Council and the Department. The LTEMP must:

- (a) be submitted to the Certifier for approval;
- (b) be prepared by a suitably qualified and experienced expert;
- (c) be prepared in conjunction with the NSW EPA
- (d) provide the strategic framework for long term environmental management of the development;
- (e) identify the statutory approvals that apply to the development;
- (f) describe the role, responsibility, authority and accountability of all key personnel involved in the long term environmental management of the building;
- (g) describe the procedures that would be implemented during maintenance activities, including but not limited to;
 - a. entry by any person into the sub-floor area
 - b. any excavation from the sub-floor area

E11. The Applicant must implement the most recent version of the LTEMP approved by the Certifier in perpetuity.

Building Code of Australia (BCA) Compliance

E12. Prior to the issue of any Occupation Certificate, evidence must be provided to the satisfaction of the Certifier that the proposed works have been completed in accordance with the Building Code of Australia (BCA) and Condition B5.

Contamination Clearance Certificate

E13. Prior to the issue of any Occupation Certificate, a clearance certificate from a suitably qualified person is to be obtained that identifies that the habitable area of the Engine Room (excluding the sub-floor) has suitably been cleared of the contaminants. The certificate is to be provided to the Certifier.

PART F ONGOING CONDITIONS

Operation of Plant and Equipment

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Long Term Environmental Management Plan

- F2. The Applicant must implement the most recent version of the Long Term Environmental Management Plan approved by the Planning Secretary under Condition E10 for the duration of the Development's operation.

Use of the Building

- F3. No land use has been approved as part of this Development Consent. Separate approval must be obtained prior to any future use of the building.

APPENDIX 1 ADVISORY NOTES

General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Legal Notices

AN2. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

AN3. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier 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.

Utilities and Services

AN4. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN5. 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.

SafeWork Requirements

AN6. 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 requirements.

Hoarding Requirements

AN7. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN8. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Flood Planning Level

AN9. For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and:

- a. the Defined Flood Level (DFL) is 2.20 m Australian Height Datum (AHD)
- b. Flood Hazard Level is 2.50m AHD (Freeboard is 300mm above DFL)
- c. Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.14m/s

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary via compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A23 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.