

Conditions of consent

GENERAL CONDITIONS

(1) The development must be carried out in accordance with:

- (a) Plans by Peter Basha Planning and Development – Reference 17067DA – dated 28.06.2018 sheets 1-4 (incl aerals (8 sheets)
- (b) Statements of environment effects prepared by Peter Basha Planning and Development dated 4 July 2018
- (c) Preliminary Contamination Investigation prepared by Envirowest Consulting dated 27 May 2016;
- (d) Hazardous Material Survey prepared by Envirowest Consulting Pty Ltd dated August 2017
- (e) Asbestos Removal Control Plan prepared by Envirowest Consulting Pty Ltd 17 May 2018;
- (f) Asbestos Removal Options prepared by Envirowest Consulting Pty Ltd dated 26 June 2018)
- (g) Demolition methodology prepared by Cook Roe Structural Engineers dated 2 July 2018)

As amended in accordance with any conditions of this consent.

(2) The following condition contains the requirements of Essential Energy:

- (a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- (b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- (c) Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- (d) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- (e) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

PRESCRIBED CONDITIONS

(5) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) Showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

PRIOR TO WORKS COMMENCING

(6) The five (5) Strategies identified in the Heritage Impact Statement prepared by Weir Phillips Heritage (dated July 2018) must be addressed as follows;

- (a) Prior to the commencement of any demolition works, the Applicant must submit to Council a Heritage Interpretation Plan (HIP), The HIP must be prepared by a suitably qualified and experienced heritage expert in consultation with Council, and must:
 - I. Include provisions for naming elements within the development that acknowledges the site's heritage; and
 - II. Incorporate interpretive information demonstrating the historical use of the site.
- (b) Prior to the commencement of any demolition works, archival recording, to the Heritage Office standard, is to be undertaken and oral or written histories are to be recorded.
- (c) The Applicants (and any successors in title to the land) must have regard to the Heritage Interpretation Plan (HIP) and ensure that any new building or buildings on the site are named to incorporate the name Caldwell and the names of other prominent nurse through the history of the site (as identified in the Heritage Interpretation Plan).
- (d) The Applicant (an any successors in title to the land) must maintain and keep safe and secure the original foundation stone and brass tablet from Caldwell House and ensure that these are retained and integrated into any new development at the site, and any new building or buildings on the site, in a prominent place with signage explaining the heritage significance of those items.

(7) A Demolition Noise and Vibration Management Plan (DNVMP) shall be prepared for the authorised demolition works. The DNVMP shall include the following "Management Measures" (as detailed in the Demolition Noise and Vibration ASSESSMENT BY Wilkinson Murray Report No 18085 Version B dated July 2018):

- Demolition activities which are noise or vibration intensive shall only occur during normal construction hours i.e. between 7.00am – 6.00pm Monday to Friday and 8.00am – 1.00pm Saturday with no work on Sundays or public holidays.

- Where practicable any particularly noisy works shall be staged with consideration to the least sensitive time of day for the closest receivers, providing respite periods as necessary.
- Scheduling demolition activities to minimise multiple use of the noisiest equipment or plant items where practicable.
- Strategic positioning of plant items and work areas to reduce the noise emission to noise sensitive receptors, where possible.
- Ensuring demolition machinery engine covers are closed, equipment is well maintained, and silencers/mufflers are used, including routine maintenance for major items of demolition equipment that are significant demolition noise contributors.
- Provision of awareness training for contractors in environmental noise issues, as described above.
- Community consultation with local residents/businesses shall be undertaken to assist in the alleviation of community concerns. This shall occur prior to works commencing and again prior to each intensive noise generating event where noise management levels are likely to be exceeded.
- Maintaining a suitable complaints register. Should noise complaints be received, they must be immediately investigated and where appropriate, noise monitoring shall be undertaken at the locations concerned to determine compliance with the determined demolition noise limits. Reasonable and feasible measures would need to be implemented to reduce any noise impacts.

The DNVMP shall be submitted to Council's Director of Development Services prior to works commencing on the site.

- (8) A Remedial Action Plan ('RAP') is to be prepared in accordance with the *Managing Land Contamination Planning Guidelines* prepared by the Department of Urban Affairs and Planning (1998) as required by Clause 17(1) of *State Environmental Planning Policy No 55 – Remediation of Land*.
- (9) Air quality monitoring shall be undertaken in accordance with the Asbestos Removal Control Plan (ARCP) Air Monitoring Program submitted with the application and include (as a minimum) the following measures:
 - Daily air monitoring (control monitoring) shall be undertaken on the site during removal works.
 - The monitoring shall be undertaken in accordance with the Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust, 2nd Edition [NOHSC:3003(2005)].
 - Air monitoring shall be undertaken by an independent asbestos assessor at fixed locations along boundaries representative of the work areas as determined by the independent asbestos assessor.
 - The frequency of control monitoring shall be daily for the duration of the asbestos removal work. Exposure (personal) monitoring will not be undertaken.
 - Clearance air monitoring shall be undertaken after removal works have been completed in the removal areas, decontamination area and loading bay.
 - Effectiveness and action of the monitoring results shall be undertaken in accordance with the Criteria for Asbestos Fibres Action Levels (SafeWork Australia 2011) (refer below insert for more detail).

Table 1. Criteria for asbestos fibres action levels (Safe Work Australia 2011)

Action level (airborne asbestos fibres/mL)	Control	Action
Less than 0.01	No new control measures are necessary	Continue with control measures
Between 0.01 and 0.02	1. Review 2. Investigate 3. Implement	Review control measures Investigate the cause Implement controls to eliminate or minimise exposure and prevent further release
More than 0.02	1. Stop removal work 2. Notify regulator 3. Investigate the cause 4. implement controls to eliminate or minimise exposure and prevent further release 5. Do not recommence removal work until further air monitoring is conducted	Stop removal work Notify the relevant regulator by phone followed by fax or written statement that work has ceased and the results of the air monitoring Conduct a thorough visual inspection of the enclosure (if used) and associated equipment in consultation with all workers involved with the removal work. Extend the isolated/barricaded area around the removal area/enclosure as far as reasonable practicable (until fibre levels are at or below 0.01 fibres/ml), wet wipe and vacuum the surrounding area, seal any identified leaks (e.g. with expandable foam or tape) and smoke test the enclosure until it is satisfactorily sealed. Do not recommence until fibre levels are at or below 0.01 fibres/ml.

- (10) Soil erosion control measures shall be implemented on the site prior to demolition works commencing.
- (11) Prior to the demolition works commencing, the applicant is to obtain an approval under Section 68 of the *Local Government Act 1993* for the temporary closure of any footpath or roadway. A pedestrian/vehicle management plan is to accompany the application. Details are to be provided of the protective hoardings, fences and lighting that are to be used during demolition, excavation and building works in accordance with the requirements of the *Occupational Health & Safety Act 2000*, *Australian Standard AS3798-1996 (Guidelines on Earthworks for Commercial and Residential Developments)* and the WorkCover Authority. Note: On corner properties particular attention is to be given to the provision of adequate sight distances
- (12) Prior to demolition works commencing, the applicant is to submit a waste management plan that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the demolition phase of this project are to be deposited at a licensed or approved waste disposal site.
- (6) A temporary onsite toilet is to be provided and must remain throughout the project for the demolition of the buildings.
- (7) Due to the extensive nature of the demolition works and their proximity to the public footpath, the applicant is to provide public liability and public risk insurance cover for a minimum of \$10,000,000, endorsed to cover Council for its respective rights and interests. Evidence of valid insurance cover must be submitted to Council prior to works commencing on-site.
- (8) A dilapidation report(s) shall be prepared by a suitably qualified engineer and shall be submitted to Council prior to works commencing on-site. The report(s) shall address the current condition of all buildings that exist on land that is immediately adjoining the development site. This condition shall not apply in the event that access is refused by

those property owners.

DURING DEMOLITION/SITE WORKS

- (9) The removal of all asbestos and asbestos containing material as authorised by this consent shall be carried out in accordance with the *Asbestos Removal Control Plan* – report no. R7040arcp2 prepared by EnviroWest dated 17 May 2018 and in accordance with the following:
 - (a) Clause 452 of the *Work Health and Safety Regulation 2017*;
 - (b) *Managing Land Contamination Planning Guidelines* prepared by the Department of Urban Affairs and Planning (1998);
 - (c) *State Environmental Planning Policy No 55 – Remediation of Land*; and
 - (d) *Requirements of SafeWork NSW*.
- (10) All demolition work on the site is to be carried out in accordance with the Demolition Noise and Vibration Assessment report (Reference 18085 Version B) dated July 2018 prepared by Wilkinson Murray.
- (11) The wall that is proposed to be removed (forms part of existing carport) on the western boundary that is the common boundary of no. 78 Dalton Street shall be removed by manual labour as far as practicable.
- (12) A replacement fence on the western boundary shared by no. 78 Dalton Street shall be constructed in similar materials and to a height commensurate with the wall that was removed. The construction of the fence shall commence within 28 Days from the date that the existing wall is removed and be completed within four weeks from the date of works commencing on the new wall.
- (13) If Aboriginal objects, relics, or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease, and Heritage NSW representatives from the Orange Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the Heritage NSW.
- (14) In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos (above expected levels as detailed in the submitted documentation), structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work on site must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works on site must not resume unless the express permission of the Director Development Services is obtained in writing.
- (15) All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and 8.00 am to 5.00 pm Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.
- (16) Building demolition is to be carried out in accordance with *Australian Standard 2601:2001 – The Demolition of Structures* and the requirements of Safe Work NSW.

- (17) Asbestos containing building materials must be removed in accordance with the provisions of the *Work Health and Safety Act 2011* and any guidelines or Codes of Practice published by Safe Work NSW and disposed of at a licenced landfill in accordance with the requirements of the NSW EPA. Evidence of disposal of the asbestos at an appropriately licensed waste disposal facility is required
- (18) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (19) The existing sewer connections to the buildings authorised to be demolished are to be capped off at the sewer main by Council at Developer's cost.
- (20) The existing water services to the buildings authorised to be demolished are to be sealed off at their respective Council mains by Council at the developer's cost.
- (21) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise.
- (22) The sub floor space under Caldwell House contains soil contaminated asbestos and removal of this soil is required until no asbestos is present as outlined in the *Asbestos Removal Control Plan* prepared by Envirowest Consulting Pty Ltd dated 17 May 2018. Testing of the soil will be required of the soil to provide a clearance.

FOLLOWING COMPLETION OF DEMOLITION/SITE WORKS
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- (23) Following the removal of all asbestos containing materials, other building materials and demolition equipment, the site shall be reasonably levelled to natural ground level (following removal of any contaminated soil) and sown with appropriate grass seeds.
- (24) A notice of completion of remediation work on the site must be provided to Council within 30 days after the completion of the work.
- (25) An Asbestos Clearance Certificate is required to be issued at the completion of the asbestos removal process by an accredited licensed asbestos removal contractor and provided to Council within seven (7) days of issue.