

Development consent

Section 4.38 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 7th August 2018

SCHEDULE 1

Application No.:	SSD 8816
Applicant:	Health Administration Corporation
Consent Authority:	Minister for Planning
Land:	Lot 210 DP 1172133, Royal North Shore Hospital
Development:	<p>Construction of a new office building at site 4a of Precinct 4, comprising:</p> <ul style="list-style-type: none">• construction of a new 10 storey building with 30,977 sqm of gross floor area supporting a ground floor lobby, café and 100-place childcare centre and nine levels of office floor space for the accommodation of health-related functions of NSW Health• construction of a two-level basement accommodating 115 car parking spaces, 5 motorcycle parking spaces, 176 bicycle parking spaces and loading dock bays• landscaping and public domain works, including the construction of a new pedestrian link from Reserve Road to and connection with the existing Herbert Street Pedestrian Bridge• subdivision to create proposed Lots 40, 41 and 42.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Health Administration Corporation, or any person carrying out any development to which this consent applies.
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	All physical work to enable operation, including but not limited to demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure.
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> .
Conditions of this consent	The conditions contained in Schedule 2 of this document.
Council	Willoughby City Council
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	The Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of Tower B, as modified by the conditions of this consent.
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	The Environmental Impact Statement titled <i>Precinct 4A, Royal North Shore Hospital - St Leonards Health Organisations Relocation (SHOR)</i> , prepared by Ethos Urban and dated January 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Incident	An occurrence or set of circumstances that causes, or threatens to cause, significant harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial.
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 ecosystems 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	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 Environment and Heritage, or its successor
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee.
Planning Secretary's approval, agreement or satisfaction	A written approval from the Planning Secretary (or nominee/delegate). Where the Planning Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Planning Secretary will endeavour to provide a response within one month of receiving an

	approval, agreement or satisfaction request. The Planning Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
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.
Response to Submissions (RtS)	The Response to Submissions titled <i>Precinct 4A, Royal North Shore Hospital Development – St Leonards Health Organisations Relocation (SHOR)</i> , prepared by Ethos Urban and dated 11 May 2018
RMS	Roads and Maritime Services, or its successor
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Subject Site	Royal North Shore Hospital (Lot 210 DP 1172133)
TfNSW	Transport for NSW
Zone of Influence	The horizontal distance from the edge of the excavation site or any construction zone (including on-site haulage routes) to twice the maximum excavation depth.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

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 EIS as amended by the RtS; and
 - d) in accordance with the approved plans in the table below:

Architectural (or Design) Drawings prepared by BVN Architects			
Dwg No.	Rev.	Name of Plan	Date
AR-A-00-01	C	Legend Sheet	12.07.18
AR-A-00-10	C	Precinct Plan – Proposed	12.07.18
AR-A-00-11	C	Site Plan – Proposed	12.07.18
AR-A-00-13	C	Site Section – A & B	12.07.18
AR-B-00-20	E	GA Plan – Ground Level	12.07.18
AR-B-01-20	D	GA Plan – Level 1	12.07.18
AR-B-02-20	D	GA Plan – Level 2	12.07.18
AR-B-03-20	B	GA Plan – Level 3	12.07.18
AR-B-04-20	B	GA Plan – Level 4	12.07.18
AR-B-05-20	B	GA Plan – Level 5	12.07.18
AR-B-06-20	D	GA Plan – Level 6 (Warm Shell)	12.07.18
AR-B-07-20	B	GA Plan – Level 7	12.07.18
AR-B-08-20	B	GA Plan – Level 8	12.07.18
AR-B-09-20	B	GA Plan – Level 9	12.07.18
AR-B-10-20	D	GA Plan – Level 10	12.07.18
AR-B-11-02	C	Roof Plan – Plant with Skylight	12.07.18
AR-B-B1-20	F	GA Plan – Basement Level 1	12.07.18
AR-B-B2-20	E	GA Plan – Basement Level 2	12.07.18
AR-C-XX-01	C	Elevation – North West	12.07.18
AR-C-XX-04	E	Elevation – South East	12.07.18
AR-C-XX-20	D	Elevation – North East	12.07.18
AR-C-XX-21	D	Elevation – South West	12.07.18
AR-D-XX-02	C	Section B-B	12.07.18
AR-D-XX-20	D	Section A-A	12.07.18

AR-K-XX-01	C	Tower Façade Wall Sections	12.07.18
AR-K-XX-02	C	Interface Details – Recess	12.07.18
AR-K-XX-04	C	Basement Wall Sections	12.07.18
Subdivision Plan prepared by Anthony James Oliver			
Dwg No.	Rev.	Name of Plan	Date
Sheet 1 of 2	-	Subdivision of Lot 210 In DP 1172133	-
Sheet 2 of 2	-	Subdivision of Lot 210 In DP 1172133	-
Landscape (or Design) Drawings prepared by Arcadia			
Dwg No.	Rev.	Name of Plan	Date
17-432	B	Vegetation Management Plan	09.05.18
101	L	Landscape/SSD Site 4A/4B Detail	July 2018
HERC_SSD SUBMISSION	F	Landscape Concept	DEC 2017
HERC_SSD SUBMISSION	F	Sections – Section 1 and Section 2	DEC 2017
HERC_SSD SUBMISSION	F	Sections – Section 3 and Section 4F	DEC 2017
HERC_SSD SUBMISSION	F	Indicative Planting Palette	DEC 2017
HERC_SSD SUBMISSION	F	Indicative Material Strategy	DEC 2017
Stormwater Management Plan prepared by Enstruct Group Pty Ltd			
Dwg No.	Rev.	Name of Plan	Date
CV-0200	E	Stormwater Management Plan Sheet 1	25.07.17
CV-0201	E	Stormwater Management Plan Sheet 2	25.07.17

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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
 - 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(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Inconsistency between documents

- A5. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of the inconsistency. However,

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

Evidence of consultation

A6. 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 approval; and
- b) provide details of the consultation undertaken including:
 - i) a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
 - ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Lapsing of approval

A7. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

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.

Planning Secretary as Moderator

A9. 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 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 Helpline on 131 441.

Legal Notices

A11. Any advice or notice to the consent authority shall be served on the Planning Secretary.

Damage Deposit

A12. The Applicant shall lodge a Damage Deposit of \$100,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$640 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the Applicant prior to release of the Damage Deposit.

Review of Strategies, Plans and Programs

A13. Within three months of:

- a) the submission of a compliance report under conditions of this consent;
- b) the submission of an incident report under conditions of this consent;

- c) the submission of an Independent Environmental Audit under conditions of this consent;
- d) the approval of any modification to the conditions of this consent; or
- e) the issue of a direction of the Planning Secretary under condition A3,

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

A14. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised and submitted:

- a) to the Planning Secretary's satisfaction if previously approved by the Planning Secretary; or
- b) to the Planning Secretary for information.

Where revisions are required, the revised document must be submitted to the Planning Secretary within six weeks of the review.

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

Incident Notification, Reporting and Response

A15. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an 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.

A16.

- a) A written incident notification must also be emailed to the Department at the following address: 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 forms the view that an incident has not occurred.
- b) Written notification of an incident must:
 - i) identify the development and application number;
 - ii) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - iii) identify how the incident was detected;
 - iv) identify when the Applicant became aware of the incident;
 - v) identify any actual or potential non-compliance with conditions of consent;
 - vi) describe what immediate steps were taken in relation to the incident;
 - vii) identify further action(s) that will be taken in relation to the incident; and
 - viii) identify a project contact for further communication regarding the incident.

A17.

- a) 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 for such reporting set out in A16(b), and such further reports as may be requested.
- b) The Incident Report must include:
 - i) a summary of the incident;

- ii) outcomes of an incident investigation, including identification of the cause/s of the incident;
- iii) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- iv) details of any communication with other stakeholders regarding the incident.

Non-compliance Notification and Reporting

A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

A19. 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.

Monitoring and Environmental Audits

A20. 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 2B of Part 6 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental 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.

Applicability of Guidelines

A21. 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.

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.

Other Approvals

A22.

- a) This consent does not give approval for any building identification signage.
- b) This consent in no way implies automatic approval or the following:
 - i) the internal fit-out of the office shell space
 - ii) the internal fit-out of the childcare centre

- iii) the internal fit-out of the retail/café.
 - c) Separate approval(s) must be obtained from the relevant authority for the above works and uses (where required).
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PART B PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

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

Certified Plans

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

Design Modifications

- B3. Prior to the commencement of public domain works, the Applicant is to obtain the approval of the Planning Secretary for a revised public domain and landscape design that demonstrates:
- a) retention and integration of the north-south pedestrian linkage through Precinct 4 from the 207 Pacific Highway pedestrian pathway to ensure appropriate pedestrian connections throughout the hospital campus are maintained; and
 - b) the extent of the forecourt public domain stairs to Reserve Road reduced (or a suitable alternative design solution) to enable the establishment of two additional mature trees along the Reserve Road frontage to assist in softening the appearance of the new building when viewed from Gore Hill Oval and Park.

Ecologically Sustainable Development

- B4. Prior to the commencement of the building works (excluding site preparatory works), the Applicant shall submit details of all design measures to the Certifying Authority demonstrating that the proposed new buildings incorporate ecologically sustainable development initiatives comparable to projects of a 5-star Green Star rating.

Reflectivity

- B5. 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 must be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

Outdoor Lighting

- B6. All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to commencement of works, except for site preparatory works.

Bicycle Parking and End-of-Trip Facilities

- B7. Plans demonstrating compliance with the following bicycle parking and end-of-trip facility requirements shall be submitted to the satisfaction of the Certifying Authority prior to commencement of works, except for site preparatory works:
- a) the provision of a minimum 176 bicycle parking spaces and the provision of associated end-of-trip facilities for staff, including showers, changerooms, and lockers;

- 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, line marking and pavement marking 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.

Access for People with Disabilities

- B8. 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 NCC. Prior to the commencement of any work, the Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are references on any certified plans.

Erosion and Sedimentation Control

- B9. Soil erosion and sediment control measures must be designed in accordance with *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of any works.

Temporary Ground Anchors

- B10. The Applicant shall obtain written permission from all property owners affected by any encroachment either below ground or the air space above for any proposed temporary ground anchors. Design engineering drawings for the temporary ground anchors and written permission from all affected property owners are to be submitted for approval by the Certifying Authority with a copy sent to Council prior to the commencement of works. Drawings submitted to Council for encroachment in the road reserve are to include sections showing the level and location of the anchors and existing services. All works associated with the drilling and stressing of the ground anchors are to be installed in accordance with approved drawings.

Pre-Construction Dilapidation Reports

- B11. Prior to the commencement of any work, the Applicant is to engage a suitably qualified person to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings within the site, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land must include details of the whole building where only part of the building falls within the 'zone of influence'. The report must be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to Council.

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

Car Parking and Service Vehicle Layout

- B12. 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 works:

- a) all vehicles should enter and leave the Subject Site in a forward direction. If 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) all construction vehicles must be contained wholly within the site and vehicles must enter the site before stopping;
- c) appropriate pedestrian advisory signs must be provided at the egress from the car park;
- d) all works/ regulatory signposting associated with the proposed development must be at no cost to the relevant roads authority; and
- e) 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 AUSTROADS. In this regard, a plan must be submitted to Council for approval, which shows that the proposed development complies with this requirement.

Structural Details

- B13. Prior to the commencement of building 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.

Development Contributions

- B14. Prior to the commencement of construction works, a monetary contribution of **\$1,201,300** (subject to indexing as set out below) is to be paid to Council in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index (CPI), All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of the development was agreed by the Council and the date the levy is to be paid as required by the Section 94A Contributions Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below:

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = indexed development contribution payable.

ODC = the original development contribution determined by the Council as a percentage of the cost as set down in the Section 94A Contributions Plan.

CP2 = the quarterly CPI, All Groups, Sydney, as published by the ABS immediately prior to the date of payment.

CP1 = the quarterly CPI, All Groups, Sydney, as published by the ABS immediately prior to the date of imposition of the condition requiring payment of a contribution.

Prior to payment, Council can provide the value of the indexed levy. Copies of the Section 94A Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au.

Storage and handling of Waste

B15. The building plans and specifications accompanying the relevant plans submitted to the Certifying Authority prior to the commencement of relevant works associated with this consent must 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 the building. Requirements of these storage areas must be designed in consultation with Council and must:

- a) ensure all storage areas are covered and bunded;
- b) ensure all internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded, appropriately drained with a tap in close proximity to facilitate cleaning and drained to sewer via an approved treatment device;
- c) include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
- d) include provision for separate storage and collection of organic/food waste.

Construction Environmental Management Plan (CEMP)

B16.

- a) Prior to the commencement of works on the Subject Site, a **Construction Environmental Management Plan (CEMP)** must be prepared for the development and be submitted to the Certifying Authority for approval. 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 the local Council, including a designated off-street car parking area for construction related vehicles;
 - 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) groundwater management plan including measures to prevent groundwater contamination;
 - x) external lighting in compliance with AS4282:1997 *Control of the obtrusive effects of outdoor lighting*;
 - xi) an Unexpected Finds Protocol (UFP) and associated communications procedure;
 - xii) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and
 - xiii) waste storage, recycling and litter control.
- c) 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 must prevail; and

- d) The Applicant must submit a copy of the CEMP to the Department and Council, prior to commencement of work.

B17. The **CEMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Noise and Vibration Management Plan (CNVMP)

B18.

- a) Prior to the commencement of works on the Subject Site, a Construction Noise and Vibration Management Plan (CNVMP) must be prepared for the development and be submitted to the Certifying Authority for approval. The CNVMP must address, but not be limited to, the following matters where relevant:
 - i) be prepared by a suitable qualified expert;
 - ii) be prepared in circulation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
 - iii) describe the measure that would be implemented to ensure:
 - a. Best management practice is being employed;
 - b. Compliance with the relevant conditions of this consent;
 - iv) describe the proposed noise and vibration management measures in detail;
 - v) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
 - vi) evaluates and reports on the effectiveness of the noise and vibration management measures; and
 - vii) includes an out-of-hours work protocol, including a detailed assessment of any works outside of standard EPA construction hours, mitigation measures and a complaints management system that would be implemented for the duration of the project.

B19. The Applicant must submit a copy of the **CNVMP** to the Department and Council prior to commencement of work.

B20. The **CNVMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Traffic and Pedestrian Management Plan (CTPMP)

B21.

- a) Prior to the commencement of works on the Subject Site, a **Construction Traffic and Pedestrian Management Plan** (CTPMP) prepared by a suitably qualified person must be submitted to the satisfaction of the Certifying Authority. The Plan must be prepared in consultation with the Council, CBD Coordination Office within Transport for NSW and RMS. The CTPMP must address, but not be limited to, the following:
 - i) identification of construction traffic routes for all required vehicles during construction, inclusive of any crane delivery, including any known road closures and consideration of alternate routes and construction traffic volumes (including heavy vehicle/spoil haulage) on these routes, including any required construction work zone along Reserve Road;
 - ii) details of construction vehicle movements including parking, dedicated vehicle turning areas, and ingress and egress points;

- iii) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts;
 - iv) discussion of potential cumulative construction impacts on the surrounding road network as a result of the simultaneous construction of adjoining developments;
 - v) details of management measure to minimise traffic impacts, including temporary road work traffic control measures and measure to minimise peak period congestion;
 - vi) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction;
 - vii) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists;
 - viii) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists;
 - ix) an adaptive response plan which sets out a process for response to any traffic, construction or other incident; and
 - x) mechanisms for the monitoring, review and amendment of the **CTPMP**.
- b) Any alterations to the public road, involving traffic and parking arrangements, must be referred to and approved by the relevant traffic committee.
 - c) The Applicant must submit a copy of the **CTPMP** to the Department and Council, prior to the commencement of works.

B22. The **CTPMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan (CWMP)

B23.

- a) Prior to the commencement of works on the Subject Site, a **Construction Waste Management Plan (CWMP)** must be prepared for the development by a suitably qualified person in consultation with the Council, and be submitted to the Certifying Authority for approval. The **CWMP** must address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete;
 - 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; and
 - iii) details of methods to be used to prevent spill, escape of any dust, waste or spoil from the vehicles or trailers used to transport waste or excavation spoil from the site.
- 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, must be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) 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.

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

B24. The **CWMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Contamination – Unexpected Finds

B25. Prior to the commencement of below ground works, the Applicant must prepare an unexpected contamination finds procedure to ensure that any unexpected potentially contaminated material is appropriately managed. The procedure must form part of the of the **CEMP** in accordance with Condition B15 and must ensure any material identified as contaminated is appropriately managed and disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site

Utility Services

B26. Prior to the commencement of building work the Applicant is to negotiate with the utility authorities (e.g. Endeavour Energy and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.

B27. Prior to the commencement of above ground works, except for site preparatory 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.

Complaints and Enquiries Procedure

B28. Prior to the commencement of works, or as otherwise agreed by the Planning 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 enquiries may be sent; and
- c) An email address to which electronic complaints and enquiries may be transmitted.

B29. A **Complaints Management System** must be prepared before the commencement of any works and be implemented and maintained for the duration of 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 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 Planning Secretary upon request, within the timeframe stated in the request.

Pre-Construction Compliance Reporting

- B30. A **Pre-Construction Compliance Report** must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction works. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction works.
- B31. The Pre-Construction Compliance Report must include:
- a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
 - b) the expected commencement date for construction.

Independent Environmental Audit

- B32. No later than one month before the commencement of construction works or within another timeframe agreed with the Planning Secretary, a program of independent environmental audits must be prepared for the development in accordance with the latest version of *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems* (Standards Australia, 2014) and submitted to the Planning Secretary for information.
- B33. The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.
- B34. The environmental audit program prepared and submitted to the Planning Secretary in accordance with conditions B33 and B34 above must be implemented and complied with for the duration of the development.
- B35. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:
- a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
 - b) assesses whether the development is complying with the terms of this consent;
 - c) reviews the adequacy of any document required under this consent; and
 - d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- B36. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

External Walls and Cladding

- B37. The external walls of the building including attachments must comply with the relevant requirements of the NCC. Prior to the commencement of construction works the Certifying Authority must:
- a) be satisfied that suitable evidence is provided to demonstrate 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 relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Planning Secretary within seven days of being accepted by the Certifying Authority.

PART C DURING CONSTRUCTION

Approved Plans to be On-site

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Hours of Work

C2.

- a) Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
 - i) between 7 am and 5.30 pm, Mondays to Fridays inclusive; and
 - ii) between 7.30 am and 3 pm, Saturdays.
- b) No work may be carried out on Sundays or public holidays.
- c) Activities may be undertaken outside of these hours:
 - i) if required by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - ii) if required in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - iii) works are inaudible at the nearest sensitive receivers; or
 - iv) if a variation is approved in advance in writing by the Planning Secretary or her nominee.
- d) Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- C3. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- a) 9 am to 12 pm, Monday to Friday;
- b) 3 pm to 5 pm Monday to Friday; and
- c) 9 am to 12 pm, Saturday.

Site Contamination Issues During Construction

- C4. Should any new information come to light during construction works which has the potential to alter previous conclusions about site contamination, then the Certifying Authority must be immediately notified and works must cease. The Certifying Authority will determine whether further investigation, or the need for remediation, is required before construction works can recommence.

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 has 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 ground water must not be pumped to the street stormwater system unless separate prior approval is given in writing by the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

Construction Noise Management

- C7. 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 **Construction Noise and Vibration Management Plan (CNVMP)**.

- C8. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in *NSW Noise Policy for Industry*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C9. The Applicant must ensure all construction related vehicles do not arrive at the project site or in surrounding residential precincts outside approved hours of work.
- C10. The Applicant must schedule intra-day 'respite periods' for construction activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to surrounding residents and other noise sensitive receivers or where construction activities result in those residents and sensitive receivers being exposed to construction noise levels above 75 dB(A) (i.e. "highly noise affected").
- C11. 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.
- C12. The Applicant must ensure construction of the development is carried out in accordance with the recommendations outlined under *St Leonards Health Organisation Relocation (SHOR) Construction Noise and Vibration Management Plan*, prepared by Renzo Tonin and Associates and dated 8 December 2017 and advice accompanying the RtS prepared by Acoustic Logic dated 9 April 2018.
- C13. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.

Vibration Criteria

- C14. 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 6472-1:2008 – *Guide to evaluate human exposure to vibration in buildings. Vibration sources other than blasting (1 Hz to 80 Hz)* for low probability of adverse comment.
- C15. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- C16. These limits apply unless otherwise outlined in the **CNVMP**, required under condition B17 and submitted to the satisfaction of the Certifying Authority.

Mechanical Ventilation

- C17. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the NCC and must comply with the AS 1668.2-2012 *The use of air conditioning in buildings – Mechanical Ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings – Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

Protection of Trees

C18.

- a) No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- c) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.
- d) If access to the area within any protective barrier is required during the works, it shall be carried out under the supervision of a qualified arborist. Alternative tree protection measures shall be installed, as required. The removal of tree protection measures, following completion of the works, shall be carried out under the supervision of a qualified arborist and shall 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.

Waste

C19. All waste generated by the project must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).

C20. 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 must be removed before leaving the premises.

Site Notice

C21.

- a) A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- b) The site notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint must 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.

SafeWork Requirements

C22. 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

C23. 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; and
- c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

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 OEH Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage Division of the Office of Environment and Heritage.

Discovery of Aboriginal Heritage

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. Works may only recommence with the written approval of OEH.

Compliance Tracking and Reporting

C27. 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

C28. 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 prepared, 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 environmental 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.

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

Compliance – General

- C29. The Applicant must ensure that employees, contractors and 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.
- C30. **Construction Compliance Reports** must be submitted to the Department 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 the construction of the development, or such other timeframe as required by the Planning Secretary.
- C31. The **Construction Compliance Reports** must include:
- a) a results summary and analysis of environmental monitoring;
 - b) 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;
 - c) details of any review of the CEMP and associated sub-plans as a result of construction carried out during the reporting period;
 - d) a register of any modifications undertaken and their status;
 - e) 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 as requested by the Planning Secretary.

Work Cover Requirements

- C32. 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 Work Cover requirements.

Protection of Public Infrastructure

- C33. 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, or pay the full costs associated with relocating, any infrastructure that needs to be relocated as a result of the development.
-

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Mechanical Ventilation

- D1. 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 commencement of use of stage of the development, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
 - b) Australian Standard AS 1668 and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the New South Wales Fire Brigade.

Car Parking and Loading Dock

- D2. Prior to the commencement of use of the building, the Applicant must demonstrate to the satisfaction of the Certifying Authority that 115 car parking spaces within the two basement levels have been provided, of which 19 car parking spaces are to be dedicated to the childcare centre use and separated from the commercial parking spaces. The childcare spaces are to be clearly marked.
- D3. Prior to the commencement of use of the loading dock facilities, the Applicant must prepare to the satisfaction of the Certifying Authority, and in consultation with Council, a loading dock management plan that addresses the management and control of vehicle access and loading activities within the loading dock.

Road Damage

- D4. 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 commencement of use of any stage of the development.

Compliance Certificate

- D5. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to commencement of use of each stage of the building.

Post-construction Dilapidation Report

- D6. Prior to commencement of use of any stage of the development:
- 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 heritage significant items, buildings, infrastructure and roads;
 - b) the report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining heritage significant items, 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;

- ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
- c) a copy of this report is to be forwarded to the Council.

Fire Safety Certification

- D7. Prior to commencement of use of any stage of the development, 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 in the building.

Structural Inspection Certificate

- D8. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of use of any stage of the development. 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

- D9. Wayfinding signage for pedestrians and cyclists must be installed prior to final occupation.
- D10. Bicycle wayfinding signage shall be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.

Emergency Response Plan

- D11. An **Emergency Response Plan** (ERP) is to be prepared to ensure on-site flood risks are appropriately managed. The **ERP** must be prepared in consultation with Council and State Emergency Services.

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

Stormwater Quality Management Plan

- D12. A **Stormwater Quality Management Plan** (SQMP) is to be prepared to ensure proposed stormwater quality measures remain effective. The **SQMP** must contain the following:
- a) maintenance schedule of all stormwater quality treatment devices;
 - b) record and reporting details;
 - c) waste management and disposal;
 - d) traffic control measures (if required);
 - e) relevant contact information;
 - f) renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices; and
 - g) Work Health and safety requirements.

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

Pre-operation Compliance Report

D13. A **Pre-Operation Compliance Report** must be prepared and submitted to the Planning Secretary for information no later than one month before the commencement of operation or within another timeframe agreed with the Planning Secretary. The Pre-Operation Compliance Report must include:

- a) details of how the terms of this approval that must be addressed before the commencement of operation have been complied with; and
- b) the commencement date for operation.

Final occupation of the building must not occur until the Pre-Operation Compliance Report has been submitted for information to the Planning Secretary.

Ecologically Sustainable Development

D14. Prior to the final occupation of the building, the Applicant shall submit details, prepared by a suitably qualified person, to the Certifying Authority demonstrating that ecologically sustainable development initiatives identified under condition B4 have been incorporated in the new building.

External Walls and Cladding Flammability

D15. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the final occupation of the building, the Certifying Authority must:

- a) be satisfied that suitable evidence has been provided to demonstrate 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 relevant requirements of the NCC; and
- b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

D16. A copy of the documentation required under (b) must be provided to the Planning Secretary within 7 days of being accepted by the Certifying Authority.

Site Contamination

D17. The Applicant shall submit to the Certifying Authority a **Site Audit Report** and **Site Audit Statement** prepared by an EPA accredited site auditor following the completion of works prior to occupation of the building. The site audit report and site audit statement must verify that the land is suitable for the uses proposed under this consent.

Green Travel Plan

D18. The **Green Travel Plan** (GTP), outlined in the report titled *Transport & Accessibility Report, St Leonards Health Organisations Relocation*, prepared by Ason Group and dated 24 January 2018, must be revised by a suitably qualified traffic consultant and submitted to the Certifying Authority for approval prior to final occupation. The GTP must address, but not limited to, the following:

- a) objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
- b) specific tools and actions to help achieve the objectives and mode share targets;

- c) measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the **GTP**;
- d) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the **GTP**, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of staff at appropriate times throughout the year.

D19. The **GTP** (as revised from time to time) must be implemented by the Applicant, or person/s authorised to, for the life of the development.

Vehicular Access

D20. Vehicular access from the Subject Site to Reserve Road is restricted to left-out movements only.

D21. Prior to final occupation of the building and subject to the agreement of the relevant road authority, a right-turn bay is to be provided on Reserve Road adjacent to the site entrance for vehicles entering the Subject Site to provide clear separation of vehicle movements so that one unimpeded northbound through lane (towards the hospital) is provided at all times.

PART E POST OCCUPATION

Unobstructed Driveways and Parking Areas

- E1. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Noise Control

- E2. 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.
- E3. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in *St Leonards Health Organisation Relocation (SHOR) Operational Noise & Vibration Assessment*, prepared by Renzo Tonin & Associates dated 8 December 2017.

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

Vehicle Management

- E4. All loading and unloading of service vehicles in connection with the use of the premises must be carried out wholly within the Subject Site at all times.
- E5. All vehicles must enter and leave the Subject Site in a forward direction.

Public Way to be Unobstructed

- E6. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External Lighting

- E7. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Fire Safety Certification

- E8. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

Green Travel Plan

- E9. The Green Travel Plan required by condition D18 of this consent must be updated annually and implemented.

Loading and Unloading

E10. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the subject site at all times.

PART F PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Subdivision Certificate

- F1. An application for a Subdivision Certificate must be submitted to and approved by the Certifying Authority prior to endorsement of the plan of subdivision.
- F2. Documentation is to be submitted to the Certifying Authority to demonstrate full compliance with all approval conditions in accordance with clause 157 Clause 2 (f) of the Environmental Planning and Assessment Regulations 2000 prior to issue of the Subdivision Certificate, where relevant to the plan of subdivision.

Access

- F3. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

Services

- F4. Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.
- F5. Pursuant to Section 88BA of the Conveyancing Act the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis. Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Easements

- F6. Copies of any instruments under Section 88B or 88E of the Conveyancing Act 1919 are to be submitted with the final plan of subdivision, as relevant to any restrictive covenants, easements, or rights of way created or affected by this development.

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 am without the prior approval of Council.

Temporary Structures

AN5

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the 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* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (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 works involving the removal and disposal of asbestos must be undertaken in consultation with SafeWork NSW and 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".
