

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 *30th May* 2018

SCHEDULE 1

Application No.:	SSD 8647
Applicant:	Health Infrastructure, on behalf of Health Administration Corporation
Consent Authority:	Minister for Planning
Land:	Hornsby Ku-ring-gai Hospital Palmerston Road, Hornsby <ul style="list-style-type: none">• Lot 2, DP 14774• Lot 3, DP 14774• Lot B, DP 363790• Lot 23, DP 814181• Lot 2, DP 512434• Lot 2, DP 217174• Lot 12, DP 14774• Lot 13, DP 14774• Lot 1, DP 512432• Lot 1, DP 232290• Lot 189, DP 752053• Lot 1, DP 134994• Lot 188, DP 752053• Lot A, DP 329121• Lot B, DP 329121• Lot 1, DP 580023• Lot 2, DP 580023• Lot 3, DP 580023
Development:	Stage 2 of the Hornsby Ku-ring-gai Hospital Redevelopment, including: <ul style="list-style-type: none">• construction of a seven storey building including part basement level and rooftop plant level, containing:<ul style="list-style-type: none">○ a new main hospital entry

- a new 12 bed intensive care unit
- four new 28 bed inpatient units
- new and refurbished ambulatory care
- an extended emergency department
- increased capacity of the existing Psychiatric Emergency Care Centre from four to six beds
- two new 28 bed rehabilitation wards
- a new mortuary
- teaching and research facilities and administration space;
- cafe;
- car parking;
- demolition works;
- remediation; and
- landscaping works.

DEFINITIONS

Advisory Notes Applicant	Advisory information relating to the consent but do not form a part of this consent Health Infrastructure, on behalf of 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
Certification of Crown Building works	Certification under s6.28 of the <i>EP&A Act 1979</i>
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent	The conditions contained in Schedule 2 of this document.
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.
Council	Hornsby 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 Development	The Department of Planning and Environment The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of the education building, as modified by the conditions of this consent.
Environmental Impact Statement (EIS)	The Environmental Impact Statement titled ' <i>Environmental Impact Statement Hornsby Ku-Ring-Gai Hospital Campus Stage 2 Development State Significant Development Application (SSD 7462)</i> ', prepared by APP Corporation, dated 1 November 2017, 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>
Evening	<i>The period from 6 pm to 10 pm</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: (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.

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)	Response to Submissions titled ' <i>Hornsby Ku-Ring-Gai Hospital Stage 2 – State Significant Development Project (SSD 8647) Response to Submissions Report</i> ', prepared by APP Corporation, dated 26 February 2018.
RtS Addendum	Additional information submitted titled ' <i>Hornsby Ku-Ring-Gai Hospital Stage 2 – State Significant Development Project (SSD 8647) Response to Submissions Report 2</i> ', prepared by APP Corporation, dated 12 April 2018 and titled ' <i>Hornsby Ku-Ring-Gai Hospital Stage 2 – State Significant Development Project (SSD 8647) Request for Additional Information</i> ', prepared by APP Corporation, dated 1 May 2018.
RMS	Roads and Maritime Services, or its successor
Secretary	Secretary of the Department, or nominee.
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The 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.
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	Hornsby Ku-ring-gai Hospital, Palmerston Road, Hornsby (Lot 1, DP 512432; Lot 2, DP 14774; Lot 3, DP 14774; Lot B, DP 363790; Lot 23, DP 814181; Lot 2, DP 512434; Lot 2, DP 217174; Lot 12, DP 14774; Lot 13, DP 14774; Lot 1, DP 232290; Lot 189, DP 752053; Lot 1, DP 134994; Lot 188, DP 752053; Lot A, DP 329121; Lot B, DP 329121; Lot 1, DP 580023; Lot 2, DP 580023; Lot 3, DP 580023)
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 Secretary;
- c) generally in accordance with the EIS as amended by the RtS and RtS Addendum; and
- d) in accordance with the approved plans in the table below:

Architectural drawings and plans prepared by <i>Nettleton Tribe</i>			
Drawing No.	Issue	Name of Plan	Date
NET-AR-S2-0011	4	SITE PLAN	28.09.17
NET-AR-S2-0012	6	DEMOLITION PLAN - SITE	23.04.18
NET-AR-S2-0013	3	DEMOLITION PLAN – HOPE BUILDING	28.09.17
NET-AR-S2-1001	4	LEVEL 0 – OVERALL PLAN	28.09.17
NET-AR-S2-1011	4	LEVEL 1 – OVERALL PLAN	28.09.17
NET-AR-S2-1021	4	LEVEL 2 – OVERALL PLAN	28.09.17
NET-AR-S2-1031	4	LEVEL 3 – OVERALL PLAN	28.09.17
NET-AR-S2-1041	4	LEVEL 4 – OVERALL PLAN	28.09.17
NET-AR-S2-1051	4	LEVEL 5 – OVERALL PLAN	28.09.17
NET-AR-S2-1061	4	LEVEL 6 – OVERALL PLAN	28.09.17
NET-AR-S2-1071	4	ROOF – OVERALL PLAN	28.09.17
NET-AR-S2-1112	6	LEVEL 1 – PLAN – MAIN ENTRY	28.09.17
NET-AR-S2-1161	6	LEVEL 6 - PLAN – PLANT	28.09.17
NET-AR-S2-2001	4	OVERALL SECTIONS	28.09.17
NET-AR-S2-2011	4	SECTIONS – MAIN BUILDING 01	28.09.17
NET-AR-S2-2012	4	SECTIONS – MAIN BUILDING 02	28.09.17
NET-AR-S2-3001	10	STREET ELEVATIONS	28.09.17
NET-AR-S2-3002	10	NORTH ELEVATIONS	28.09.17
NET-AR-S2-3003	10	EAST ELEVATION	28.09.17
NET-AR-S2-3004	10	SOUTH ELEVATIONS	28.09.17
NET-AR-S2-3005	10	WEST ELEVATIONS – EMERGENCY DEPARTMENT	28.09.17
NET-AR-S2-3006	10	WEST ELEVATIONS – MI, PAEDS & MAIN BUILDING	28.09.17
NET-AR-S2-9202	5	STAGE 2 SIGNAGE	16.10.17
NET-AR-S2-9204	4	TYPICAL SIGN TYPES SHEET 2	10.04.18

NET-AR-S2-9401	2	TUNNEL LEVEL 0 PLAN	28.09.17
NET-AR-S2-9402	2	TUNNEL LEVEL 1 PLAN	28.09.17
NET-AR-S2-9403	2	TUNNEL SECTIONS	28.09.17
NET-AR-S2-9404	1	PATHWAY PLAN	28.09.17
NET-AR-S2-9405	1	PATHWAY ROOF PLAN AND SECTION	28.09.17
Landscape drawings prepared by SiteDesign+Studios			
Drawing No.	Issue	Name of Plan	Date
1032-L01	E	LANDSCAPE MASTERPLAN	3.11.17
1032-L02	D	AREA 1 LANDSCAPE PLAN	27.09.17
1032-L03	E	AREA 2 LANDSCAPE PLAN	10.04.18
1032-L04	D	AREA 3 LANDSCAPE PLAN	27.09.17
1032-L05	D	CONCEPT SECTIONS	27.09.17
1032-L06	D	LEVEL 2 COURTYARD LANDSCAPE PLAN	27.09.17
1032-L07	D	PLANTING SCHEDULE & DETAILS	27.09.17
1032-L08	D	PLANTING PALETTE	27.09.17

- A3. Consistent with the requirements in this consent, the 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 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 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.

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.

Demolition

- A6. No consent is granted for the demolition of the 'Palmerston' building.

Evidence of consultation

- A7. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document for approval; and
 - provide details of the consultation undertaken including:
 - 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.

Structural Adequacy

- A8. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Applicability of Guidelines

- A9. 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.
- A10. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A11. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification 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.

Non-Compliance Notification

- A12. 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.
- A13. 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.
- A14. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A15. Within three months of:
- (a) the submission of a compliance report under condition B37;
 - (b) the submission of an incident report under condition A23;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Secretary under condition A3 that requires a review

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.

- A16. 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, to the satisfaction of the Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

Operation of Plant and Equipment

- A17. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Lapsing of approval

- A18. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A19. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Secretary as Moderator

- A20. 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 Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

Long Service Levy

- A21. 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

- A22. Any advice or notice to the consent authority shall be served on the Secretary.

Incident Notification, Reporting and Response

- A23. The Department must be notified in writing to compliance@planning.nsw.gov.au within 24 hours 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.

A24.

- 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.
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PART B PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- B1. The Department, Certifying Authority and Council must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department, Certifying Authority and Council must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Plans

- B2. Plans certified in accordance with Section 6.28 of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the construction works and must include details as required by any of the following conditions.

Reflectivity

- B3. The building materials used on the facades of the structure must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

Outdoor Lighting

- B4. All outdoor lighting within the site must comply with, where relevant, AS 1158.3.1:2005 *Pedestrian Area (Category P) Lighting* and AS 4282-1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

Hazards

- B5. The Applicant must ensure that the design and operation of the hospital's oxygen supply system, including the use of the liquid oxygen bulk storage tanks, any oxygen cylinders connected to the oxygen supply system and any temporary oxygen supply tanks be in accordance with *Australian Standards 1894 'The storage and handling of non-flammable cryogenic and refrigerated liquids' (AS 1894)*.
- B6. The Applicant must ensure that all control measures or safeguards described in the Preliminary Hazard Analysis (PHA, 9 February 2018) will be implemented.
- B7. The Applicant must update as necessary and in accordance with AS 1894, the hospital's emergency plan and emergency procedures to include emergency situations involving the hospital's oxygen supply system, as described in the PHA (9 February 2018).
- B8. If temporary oxygen supply tanks are to be installed prior to demolition of existing liquid oxygen bulk storage tanks for the purpose of hospital oxygen supply prior to commissioning of new tanks, the design and operation of these temporary tanks must be verified with AS 1894 and/or other relevant Australian Standards.

Access for People with Disabilities

- B9. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Bicycle Parking and End-of-Trip Facilities

- B10. Plans demonstrating compliance with the following requirements for bicycle parking shall be submitted to the satisfaction of the Certifying Authority:
- a) the provision of a minimum of 18 bicycle parking spaces;
 - b) the layout, design and security of bicycle facilities shall comply with the all applicable minimum requirements of AS 2890.3:2015 *Parking facilities – Bicycle parking*, and be located in secure, convenient and accessible areas close to the main entries and incorporating adequate lighting and opportunities for passive surveillance; and
 - c) the provision of end-of-trip facilities for staff including showers, changeroom and lockers.

Erosion and Sedimentation Control

- B11. Soil erosion and sediment control measures must be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (Landcom, 2004). Details are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

Pre-Construction Dilapidation Reports

- B12. The Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings within the site, infrastructure and roads within the 'zone of influence'. 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 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.

Structural Details

- B13. Prior to the commencement of works, the Applicant must submit for the approval 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 BCA; and
 - b) this development consent.

Noise Management Measures

- B14. Prior to commencement of works, the Applicant must incorporate all relevant noise mitigation recommendations in the letter *Hornsby Ku-ring-gai Hospital Stage 2 Redevelopment – Response to Planning NSW Queries* prepared by Acoustic Logic, dated 26 April 2018, in the detailed design drawings and submit for the approval of the Certifying Authority. These drawings must demonstrate that the noise impacts have been adequately mitigated to not exceed the project specific criteria identified in condition E2

Mechanical Ventilation

B15. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of ventilation and air-conditioning in buildings – Ventilation design for indoor air containment control* and AS 3666.2:2011 *Air-handling and water systems of buildings* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted for the approval of the Certifying Authority prior to the commencement of the relevant works.

Warm Water Systems and Cooling Systems

B16. The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* and Parts 1 and 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Storage and Handling of Waste

B17. The building plans and specifications must demonstrate, for the approval of the Certifying Authority, that an appropriate area will be provided within the premises for the storage of garbage bins, recycling containers and all waste and recyclable material generated by the premises. Requirements of these storage areas must:

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

Public Footpath

B18. The existing concrete footpath along the boundary of the subject site is to be reinstated where impacted by the proposed works to relevant Council specifications and standards.

Stormwater and Drainage Works Design

B19. The stormwater drainage system for the development must be designed in accordance with Council's relevant specifications and standards and the following requirements:

- a) Connected to an existing Council piped drainage system with the following requirements:
 - i) A separate Application must be made to Council for 'Approval To Connect Stormwater Drainage Outlet To Council's System' with all fees paid, prior to connecting to Council's drainage system;
 - ii) The connection to Council's drainage pit or pipeline in accordance with Council's relevant design standard drawing must be inspected by a Council Engineer from Council's Planning Division;
Note: An inspection booking can be made by calling Council on 9847 6760 quoting the Application reference number SSD 8647.
 - iii) Connection to Council's drainage system shall include design and construction of Council's standard kerb inlet pit in accordance with Council's Design and Construction Specification 2005. The Applicant's Engineer must prepare the design of system including location of proposed work in the plan. Three (3) copies of the plan shall be submitted with lodgement and payment of the Application;
 - iv) A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's Traffic Control at Worksites

Manual 1998 and Australian Standard 1742.3 for all work on a public road. The TCP is to be prepared in consultation with Council and must detail the following:

- a) Arrangements for public notification of the works;
 - b) Where a drainage connection is proposed within a Classified Road, a copy of the relevant Road Occupation License approved by the Traffic Management Centre with dates and times of proposed Occupations;
 - c) Temporary construction signage;
 - d) Vehicle movement plans;
 - e) Traffic management plans; and
 - f) Pedestrian and cyclist access/safety.
- v) Where public assets and utilities are impacted by proposed works, the Applicant shall relocate or reconstruct the asset or utility in accordance with the relevant standard at the Applicant's cost; and
- vi) A Compliance Certificate must be obtained from Council for the connection to Council's drainage system prior to occupation of the development.

On-Site Stormwater Detention and Water Quality

B20. An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a) the developing area of the site shall ensure its 5-year average recurrence interval (ARI) runoff reduced to the pre-development site cover rate. The volume of the on-site detention system shall ensure its capable of detaining the 20-year ARI post-development site cover storm;
- b) the water quality treatment system shall be designed and constructed to provide water quality outcomes as per Council's HDCEP2013 Section 1C.1.2.i requirements;
- c) have a surcharge/inspection grate located directly above the outlet;
- d) discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system;
- e) where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs must be installed; and
- f) not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Road Works

B21. Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (vehicle crossings, if applicable) and paved footpaths must be constructed along the area where road works are to be undertaken. In relation to public roads or classified road (as defined under the Roads Act 1993), all roads and traffic facilities must be designed to meet the requirements of Council and RMS (if applicable) and obtain any necessary permits and approvals from the relevant road authority, prior to the commencement of road or pavement construction works.

Construction Environmental Management Plan

B22.

- a) Prior to the commencement of construction works, a **Construction Environmental Management Plan (CEMP)** must be submitted for the approval of the Certifying Authority. The CEMP must address, but not be limited to, the following matters where relevant:
 - i) hours of work;
 - ii) 24 hour contact details of site manager;
 - iii) traffic management, in consultation with Council and TfNSW;
 - iv) construction noise and vibration management, prepared by a suitable qualified person;

- v) management of dust and odour 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) procedures for encountering groundwater during construction works;
 - x) external lighting in compliance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - xi) a protocol detailing appropriate procedures for identifying and dealing with unexpected finds of site contamination (including asbestos containing materials, Polycyclic aromatic hydrocarbons (PAHs), Total recoverable hydrocarbons (TRH) and lead-based paint);
 - xii) a protocol detailing appropriate procedures for identifying and dealing with unexpected finds of archaeological heritage;
 - xiii) 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
 - xiv) waste storage, recycling and litter control;
- b) The CEMP must not include works that have not been explicitly approved in this development consent. In the event of any inconsistency between the consent and the CEMP, the consent must prevail; and
 - c) The Applicant must submit a copy of the CEMP to the Department and Council prior to commencement of work.

B23. 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

B24.

- a) Prior to the commencement of works, a **Construction Noise and Vibration Management Plan (CNVMP)** must be submitted for the approval of the Certifying Authority. The CNVMP must address, but not be limited to, the following matters:
 - i) be prepared by a suitably qualified expert;
 - ii) be prepared in consultation with Council and all adjoining noise sensitive receivers where noise levels exceed the construction noise management levels, in accordance with EPA guidelines;
 - iii) describe the measures that would be implemented to ensure:
 - i. best management practice is being employed;
 - ii. 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) describe the consultation undertaken to develop the strategies in v) above;
 - vii) evaluate and reports on the effectiveness of the noise and vibration management measures; and
 - viii) include a complaints management system that would be implemented for the duration of the construction works.
- b) The Applicant must submit a copy of the CNVMP to the Department and Council prior to commencement of work.

B25. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan

B26.

- a) Prior to the commencement of works, a **Construction Waste Management Plan (CWMP)** must be submitted for the approval of the Certifying Authority. The CWMP must address, but not be limited to, the following matters where relevant:
 - i) recycling of demolition materials including concrete; and
 - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted for the approval of the Certifying Authority prior to the removal of any hazardous materials;
- c) The Applicant must notify the RMS Traffic Management Centre 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; and
- d) The Applicant must submit a copy of the plan to the Department and to the Council prior to the commencement of work.

B27. The CWMP (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

B28.

- a) Prior to the commencement of construction works, a **Construction Traffic and Pedestrian Management Plan (CTPMP)** must be prepared in consultation with Council and submitted to the satisfaction of the Certifying Authority. The CPTMP must specify, but not be limited to, the following:
 - i) location of proposed work zones;
 - ii) haulage routes;
 - iii) construction vehicle access arrangements;
 - iv) construction hours;
 - v) construction program;
 - vi) predicted construction traffic volumes and vehicle movements, types and routes including any known road closures and consideration of alternate routes;
 - vii) assessment of road safety at key intersections and locations subject to heavy vehicle movements and high pedestrian activity;
 - viii) details of construction vehicle movements including parking, dedicated vehicle turning areas and ingress and egress points;
 - ix) details of anticipated peak hour and daily truck movements to and from the site;
 - x) details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements;
 - xi) details of temporary cycling and pedestrian access during construction;
 - xii) details of proposed construction vehicle access arrangements at all stages;
 - xiii) loading and unloading;
 - xiv) details of management measures to minimise traffic impacts, including temporary road works and/or implementation of traffic control measures;
 - xv) pedestrian and traffic management methods;
 - xvi) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the works;
 - xvii) consideration of the cumulative construction traffic impacts of surrounding projects under construction, including those within the Hornsby Ku-ring-gai Hospital precinct. Existing CTPMPs for developments within or around the

Subject Site should be referenced in the CTPMP to ensure that the coordination of work activities are managed to minimise impacts on the surrounding road network; and

- xviii) traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrian, cyclists, parking and public transport, which must include vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures for all demolition/construction activities.
- b) The Applicant must submit a copy of the CTPMP to the Department and to the Council, prior to the commencement of works.

B29. The CTPMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Complaints and Enquiries Procedure

B30. Prior to the commencement of construction works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

- a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
- b) a postal address to which written complaints and enquires may be sent; and
- c) an email address to which electronic complaints and enquiries may be transmitted.

B31. A **Complaints Management System** must be prepared prior to the commencement of any construction works and be implemented and maintained for the duration of these works.

The **Complaints Management System** must include a **Complaints Register** to be maintained recording information on all complaints received about the development during the carrying out of any works associated with the development. The **Complaints Register** must record the:

- a) number of complaints received;
- b) number of people affected in relation to a complaint; and
- c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

The **Complaints Register** must be provided to the Secretary upon request, within the timeframe stated in the request.

Utility Services

B32. Prior to the commencement of construction work the Applicant is to negotiate (where necessary) with the utility authorities (e.g. Ausgrid and telecommunication carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.

B33. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

External Walls and Cladding

B34. The external walls of all buildings, including additions to existing buildings, must comply with the relevant requirements of the NCC. Prior to commencement of works, the

Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the NCC. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it.

Compliance Reporting

B35. 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.

B36. 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.

B37. 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 construction of the development, or such other timeframe as required by the Secretary.

B38. 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 the Environmental Management Strategy 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 requested by the Secretary.

Independent Environmental Audit

B39. No later than one month before the commencement of construction works or within another timeframe agreed with the 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 Secretary for information.

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.

The environmental audit program prepared and submitted to the Secretary must be implemented and complied with for the duration of the development.

- B40. 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.
- B41. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the 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 Secretary.

Tree Protection

- B42. Prior to commencement and for the duration of works, the tree protection measures outlined in the *Arboricultural Development Assessment Report*, prepared by Moore Trees, dated October 2017, are to be implemented and maintained.
- B43. A project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and certification throughout the construction period.
- B44. Tree protection fencing for the trees to be retained must be erected around trees to be retained at a minimum distance based on the trees structural root zone.
- B45. To ensure that all tree protection measures are correctly installed, a certificate from the appointed project arborist must be submitted to the Certifying Authority confirming compliance with the tree protection requirements of this consent.

Ecologically Sustainable Development

- B46. Prior to the commencement of the construction, the Applicant must submit details of all design measures to the Certifying Authority demonstrating that the proposed new buildings incorporate ecologically sustainable development initiatives equivalent to Green Star Health Care 4 star equivalency rating, as outlined within the *NSW Health Engineering Services Guideline dated 2016* and *Consultant Advice Note - Mechanical and Electrical Environmental Sustainable Design prepared by Steensen Varming and dated 21 Feb 2018*.
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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 must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Construction Hours

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 6 pm, Mondays to Fridays inclusive; and
 - ii) between 8 am and 1 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 Secretary or her nominee.
- d) Notification of any activities undertaken pursuant to condition C2(c) 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 other noisy works may only be carried out between the following hours:
- a) 9 am to 12 pm, Monday to Friday;
 - b) 2 pm to 5 pm Monday to Friday; and
 - c) 9 am to 12 pm, Saturday.

Construction Noise Management

- C4. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the CNVMP required under condition B25.
- C5. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *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.
- C6. The Applicant must ensure construction vehicles do not arrive at the Subject Site or surrounding residential precincts outside of the construction hours of work outlined under condition C2.
- C7. The Applicant must schedule intra-day 'respite periods' for construction activities identified in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) as being particularly annoying or intrusive to noise sensitive receivers, including surrounding residents and nearby hospital buildings. These activities are to be carried out after 8 am only and over continuous periods not exceeding three hours (with at least a one hour respite every three hours).

- C8. 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 CNVMP required under condition B25.
- C9. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C10. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.

Vibration Criteria

- C11. Vibration caused by the construction works 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*;
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard *BS 6472 – Guide to Evaluate Human Exposure to Vibration in Buildings* (1 Hz to 80 Hz) for low probability of adverse comment;
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
 - d) these limits apply unless otherwise outlined in the CNVMP required under condition B25 and submitted for the approval of the Certifying Authority.

Contamination

- C12. Remediation works at the site are to be undertaken in accordance with the recommendations and findings of the Remediation Action Plan prepared by Douglas Partners and dated May 2018.
- C13. Should any new information come to light during construction works which has the potential to alter previous conclusions about contamination, the Certifying Authority must be immediately notified and works must cease in the vicinity of the suspected contamination. The Certifying Authority will determine whether further investigation, or the need for remediation, is required before construction works can recommence.

Waste

- C14. All waste generated during construction must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).
- C15. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste of 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.
- C16. The Applicant must ensure that concrete waste and rinse water are not disposed of on the Subject Site and are prevented from entering any natural or artificial watercourse.

Handling of Asbestos

- C17. The Applicant is to consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the *Protection*

of the *Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Unexpected Finds – Non-Aboriginal Heritage

C18. If any unexpected archaeological deposits/relics are discovered during construction, then all works must cease immediately in that area and the OEH Heritage Division contacted in writing. Depending on the possible significance of the discovery, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the OEH Heritage Division.

Erosion and Sediment Control

C19. All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

C20. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant approval authority where necessary.

Construction Vehicles

C21. All construction vehicles associated with the proposed development are to be contained on site, unless otherwise approved through the approval for a construction zone on the Council roadway.

Demolition

C22. To protect the surrounding environment, all demolition work must be carried out in accordance with "*Australian Standard 2601-2001 – The Demolition of Structures*" and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan;
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by WorkCover NSW in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*; and
- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

Site Notice

C23.

- 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 are to be displayed on the site notice; and
- iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Work Cover Requirements

C24. To protect the safety of work personnel and the public, the Subject 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.

Hoarding/Fencing Requirements

- C25. A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
 - b) could cause damage to adjoining lands by falling objects; and/or
 - c) involve the enclosure of a public place or part of a public place.
- C26. The following hoarding requirements must be complied with:
- a) no third party advertising is permitted to be displayed on the subject hoarding/ fencing;
 - b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and
 - c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Access to Information

- C27. 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 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 Secretary; and
- b) keep such information up to date, to the satisfaction of the Secretary.

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

Incident Reporting

- C28. Within 24 hours of the occurrence of an incident that causes (or may cause) significant harm to the environment, the Applicant must notify the Secretary and any other relevant agencies of the incident in accordance with condition A18.
- C29. Within seven days of the detection of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested in accordance with condition A19.

Compliance Tracking and Reporting

- C30. 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.

Compliance

- C31. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Building materials and Site Waste

- C32. The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent.

Council Property

- C33. To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

Excavated Material

- C34. All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW Waste Classification Guidelines prior to disposal to an approved waste management facility.

Storage of Flammable and Combustible Goods

- C35. Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 – The Storage and Handling of Flammable and Combustible Liquids. A bund wall must be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area must provide a volume equal to 110 per cent of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

Trade Waste

- C36. Liquid trade waste generated on the site must be discharged in accordance with a trade waste agreement with Sydney Water and by a licensed liquid trade waste contractor.

Traffic Control Plan Compliance

C37. The development must be carried out in accordance with the Construction Traffic Management Plan prepared under this consent.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Stormwater Quality Management Plan

- D1. 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) relevant contact information;
 - e) renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices; and
 - f) Work Health and Safety requirements.

Details demonstrating compliance are to be submitted for the approval of the Certifying Authority prior to occupation of the building.

Mechanical Ventilation

- D2. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant must provide evidence for the approval of the Certifying Authority, prior to occupation of the building, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
 - b) AS 1668.2-2012 *The use of airconditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the NSW Fire Brigade.

Road Damage

- D3. The cost of repairing any damage caused to Council or other Public Authority's assets as a result of construction works associated with the approved development is to be met in full by the Applicant prior to occupation of the building.

Compliance Certificate

- D4. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation and submitted to the Certifying Authority prior to occupation of the building. 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.

Certification of WSUD Facilities

- D5. Prior to occupation a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Council's Development Control Plan.

Public Domain Works

- D6. Prior to the occupation of the building, the Applicant must submit to the Council works-as-executed plans of any public domain works. Prior to occupation of the building, the Applicant must also submit documentation to the Certifying Authority demonstrating that the works have been completed.

Post-construction Dilapidation Report

D7. Prior to occupation of the building:

- a) The Applicant must engage a suitably qualified person to prepare a **Post-Construction Dilapidation Report** at the completion of the construction works. The report is to ascertain whether the construction works created any structural damage to adjoining buildings or infrastructure.
- b) The report is to be submitted for the approval of the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifying Authority must:
 - i) compare the **Post-Construction Dilapidation Report** with the **Pre-Construction Dilapidation Report** required by these conditions; and
 - ii) where relevant, have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report must be submitted to Council.

Completion of Landscaping

D8. A certificate must be submitted to the Certifying Authority by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

Preservation of Survey Marks

D9. A certificate by a Registered Surveyor must be submitted to the Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 – "Preservation of Survey Infrastructure".

A certificate by a Registered Surveyor must be submitted to the Certifying Authority.

Creation of Restrictions and Positive Covenants

D10. The following matter(s) must be nominated on title under s88E of the Conveyancing Act, 1919; Application to be made to Council for Execution of Legal Documents for the following;

- a) The creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention/retention/water quality treatment systems and outlet works, within the lots in favour of Council in accordance with terms available from Council. The position of the on-site detention system(s) is to be clearly indicated on the title with a Surveyor's Sketch to accompany Dealing documentation;
- b) To register the on-site detention/retention/water quality treatment systems Positive Covenant and restriction on the use of land "works-as-executed" details of the on-site-detention system and water quality treatment system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the onsite system together with pipe sizes and grades. The details must be accompanied with electronic copies of all treatment systems' technical specifications and maintenance manuals. Any variations to the approved plans must be shown in red on the "works-as-executed" plan and supported by calculations.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

Car Parking

D11. All car parking must be constructed and operated in accordance with Australian Standard *AS/NZS 2890.1:2004 – Off-street car parking*, and *Australian Standard 2890.2 - 2002 – Off-street commercial vehicle facilities* and the following requirement:

- a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads; and
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

Remediation

D12. The Applicant must submit to the Certifying Authority a **Site Audit Report** and **Site Audit Statement** prepared by an EPA accredited site auditor, 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 as part of this consent.

Fire Safety Certification

D13. Prior to occupation of the building and if required, 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

D14. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted for the approval of the Certifying Authority prior to occupation of the building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the Secretary and Council after:

- a) the site has been periodically inspected and the Certifier is satisfied that the structural works are 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

D15. Wayfinding signage must be integrated at all entry and exit points and is to be installed prior to occupation of the building.

Surveillance

D16. CCTV and suitable lighting must be provided on the external perimeter of the building prior to occupation of the building.

External Walls and Cladding

D17. The external walls of the building, including additions to existing buildings, must comply with the relevant requirements of the NCC. Prior to occupation, the Applicant must provide the Certifying Authority with documented evidence that the products and systems 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 as built.

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

PART E POST OCCUPATION

Plant and Equipment

- E1. All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Noise Control – Operation

- E2. Noise associated with the operation of the site, including any plant, machinery or other equipment, must not exceed:
- a) 40 dB LA eq (15 minute) when measured at the boundary of any sensitive receiver along Burdett Street, Hornsby;
 - b) 35 dBA LA eq (15 minute) when measured at the boundary of any sensitive receiver along Derby Road, Hornsby; and
 - c) 39 dBA LA eq (15 minute) when measured at the boundary of any sensitive receiver along Palmerston Road, Hornsby.
- E3. The Applicant must undertake noise monitoring of mechanical plant and equipment, to collect valid data and provide a quantitative assessment of operational noise impacts following the occupation of the building.

The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Secretary within three months of full occupation of the Subject Site to verify that operational noise levels comply with condition E2 and incorporate relevant measures as required by condition B15.

- E4. Should the short-term noise monitoring required under condition E3 identify any exceedance of the project specific noise levels in condition E2, the Applicant must implement additional project appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed these levels and/or provide noise attenuation measures at the affected noise sensitive receivers.

The implementation of noise attenuation measures, either on-site or at the affected receiver(s), must be provided within three months of the completion of the short-term noise monitoring required under condition E3, or other appropriate time period as agreed by the Secretary.

Green Travel Plan

- E5. As part of the ongoing operation of the hospital, the actions and recommendations identified in the Green Travel Plan at Appendix N of the Environmental Impact Statement for Hornsby Ku-ring-gai Hospital Campus Stage 2, prepared by Taylor Thomson Whitting (NSW) Pty Ltd (24 October 2017), must be implemented accordingly and updated on a regular basis.

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.

Landscape Establishment

- E7. The landscape works must be maintained until establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

External Lighting

- E8. External Lighting must comply with AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

Loading and Unloading

- E9. All loading and unloading of service vehicles in connection with the use of the premises must be carried out within the designated loading and unloading areas at all times and only between 7 am and 6 pm Monday to Saturday, and 8 am and 6 pm Sundays and public holidays.
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ADVISORY NOTES

Appeals

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (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 Subject Site, including from the Civil Aviation Safety Authority, 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 the approved construction hours without the prior approval of Council.

Temporary Structures

AN5. Unless otherwise declared as exempt development under *State Environmental Planning Policy (Educational Establishment and Child Care Facilities) 2017* or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*:

- 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 BCA.
- 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.
- c) Should the height of any temporary structure and/or equipment (including mobile cranes) be greater than 45.72 metres above existing ground level, approval must be sought in accordance with the *Civil Aviation (Buildings Control) Regulation 1988*, prior to the commencement of above ground works.

Disability Discrimination Act

AN6. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant 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 BCA 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 matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the EP&A Act. 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 EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN8. All excavation and demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

Site contamination issues during construction

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