

# Development Consent

## ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Karen Harragon  
**Director**  
**Social and Infrastructure Assessments**

Sydney

9 December 2022

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### **SCHEDULE 1**

|                            |   |
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| <b>Application Number:</b> | SSD-16928008  |
| <b>Applicant:</b>          | Health Administration Corporation   |
| <b>Consent Authority:</b>  | Minister for Planning   |
| <b>Site:</b>               | Lot 1 DP1114090, 35-65 Derby Street, Kingswood  |
| <b>Development:</b>        | <p>Stage 2 redevelopment of Nepean Hospital, including:</p> <ul style="list-style-type: none"><li>• demolition of parts of the existing North Block, the Total Asset Management facility and other satellite buildings.</li><li>• construction of a new seven storey health services building with an additional 78 overnight/in-patient beds.</li><li>• reconfiguration of the loading dock area and back-of-house functions.</li><li>• landscaping and other associated public domain and infrastructure works, including off-campus high voltage feeder upgrade.</li><li>• Barber Avenue upgrade and construction of new access road to the forecourt, port cochere and front-of-house area.</li></ul> |

## DEFINITIONS

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| <b>Aboriginal object</b>                    | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>   |
| <b>Aboriginal place</b>                     | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>   |
| <b>Accredited Certifier</b>                 | Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.  |
| <b>Advisory Notes</b>                       | Advisory information relating to the consent but do not form a part of this consent  |
| <b>Applicant</b>                            | Health Administration Corporation or any other person carrying out any development to which this consent applies   |
| <b>BCA</b>                                  | Building Code of Australia   |
| <b>BC Act</b>                               | <i>Biodiversity Conservation Act 2016</i>  |
| <b>CEMP</b>                                 | Construction Environmental Management Plan   |
| <b>Certification of Crown building work</b> | Certification under section 6.28(2) of the EP&A Act  |
| <b>Certifier</b>                            | Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work  |
| <b>Conditions of this consent</b>           | The conditions contained in Schedule 2 of this document  |
| <b>Construction</b>                         | <p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p> |
| <b>Council</b>                              | Penrith City Council   |
| <b>Day</b>                                  | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays  |
| <b>Demolition</b>                           | The deconstruction and removal of buildings, sheds and other structures on the site  |
| <b>Department</b>                           | NSW Department of Planning and Environment   |
| <b>Development</b>                          | The development described in the EIS and Response to Submissions, including the works and activities comprising demolition, construction and operation, as modified by the conditions of this consent  |
| <b>Earthworks</b>                           | Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services  |

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| <b>EHG</b>  | Environment and Heritage Group of the Department of Planning and Environment   |
| <b>EIS</b>  | The Environmental Impact Statement titled Nepean Hospital Stage 2 Redevelopment, prepared by _planning dated December 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application   |
| <b>ENM</b>  | Excavated Natural Material   |
| <b>Environment</b>                                  | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings   |
| <b>EPA</b>  | NSW Environment Protection Authority   |
| <b>EP&amp;A Act</b>                                 | <i>Environmental Planning and Assessment Act 1979</i>  |
| <b>EP&amp;A Regulation</b>                          | Environmental Planning and Assessment Regulation 2000  |
| <b>Evening</b>                                      | The period from 6pm to 10pm  |
| <b>Feasible</b>                                     | Means what is possible and practical in the circumstances  |
| <b>Heritage</b>                                     | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement   |
| <b>Heritage Item</b>                                | An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent |
| <b>Incident</b>                                     | An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance<br><i>Note: "material harm" is defined in this consent</i>   |
| <b>Independent Audit Post Approval Requirements</b> | Independent Audit Post Approval Requirements 2020 (or other updated version as available on the Department's website)  |
| <b>Land</b>   | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act  |
| <b>EMP</b>  | Environmental Management Plan  |
| <b>Management and mitigation measures</b>           | The management and mitigation measures set out in the EIS  |
| <b>Material harm</b>                                | Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>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)</li> </ul> |
| <b>Minister</b>                                     | NSW Minister for Planning (or delegate)  |
| <b>Mitigation</b>                                   | Activities associated with reducing the impacts of the development prior to or during those impacts occurring  |
| <b>Monitoring</b>                                   | Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act  |
| <b>Night</b>  | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays  |

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| <b>Non-compliance</b>                | An occurrence, set of circumstances or development that is a breach of this consent   |
| <b>Operation</b>                     | The carrying out of the approved purpose of the development upon completion of construction   |
| <b>PA</b>                            | Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act  |
| <b>Planning Secretary</b>            | Planning Secretary under the EP&A Act, or nominee   |
| <b>Reasonable</b>                    | 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 |
| <b>Registered Aboriginal Parties</b> | Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)                                    |
| <b>Rehabilitation</b>                | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting  |
| <b>Response to submissions</b>       | The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act   |
| <b>Sensitive receivers</b>           | A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area  |
| <b>Site</b>                          | The land defined in Schedule 1  |
| <b>Site Auditor</b>                  | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>   |
| <b>Site Audit Report</b>             | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>   |
| <b>Site Audit Statement</b>          | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>   |
| <b>Site Investigations</b>           |   |
| <b>TfNSW</b>                         | Transport for New South Wales   |
| <b>Waste</b>                         | Has the same meaning as the definition of the term in the Dictionary to the POEO Act  |
| <b>Year</b>                          | A period of 12 consecutive months   |

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**Obligation to Minimise Harm to the Environment**

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

**Terms of Consent**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS and Response to Submissions;
  - (d) in accordance with the approved plans in the table below:

| <b>Architectural Plans prepared by BVN</b> |            |                                     |             |
|--|------------|-------------------------------------|-------------|
| <b>Dwg No.</b>                             | <b>Rev</b> | <b>Name of Plan</b>                 | <b>Date</b> |
| A0-103                                     | B          | Demolition Site Plan                | 12/11/2021  |
| A0-502                                     | C          | North Block LV 01 – BOH demolition  | 14/04/2022  |
| A0-104                                     | D          | Proposed Site Plan                  | 07/10/2022  |
| A0-200                                     | E          | General Arrangement Plan – Level 00 | 07/10/2022  |
| A0-201                                     | E          | General Arrangement Plan – Level 01 | 07/10/2022  |
| A0-202                                     | E          | General Arrangement Plan – Level 02 | 07/10/2022  |
| A0-203                                     | E          | General Arrangement Plan – Level 03 | 07/10/2022  |
| A0-204                                     | E          | General Arrangement Plan – Level 04 | 07/10/2022  |
| A0-205                                     | E          | General Arrangement Plan – Level 05 | 07/10/2022  |
| A0-206                                     | E          | General Arrangement Plan – Level 06 | 07/10/2022  |
| A0-207                                     | E          | General Arrangement Plan – Level 07 | 07/10/2022  |
| A0-208                                     | E          | General Arrangement Plan – Level 08 | 07/10/2022  |
| A0-209                                     | E          | General Arrangement Plan – Level 09 | 07/10/2022  |
| A0-503                                     | C          | North Block LV 01 – BOH proposed    | 14/04/2022  |
| A0-301                                     | C          | Façade Elevation – North Elevation  | 14/04/2022  |
| A0-302                                     | C          | Façade Elevation – South Elevation  | 14/04/2022  |
| A0-303                                     | C          | Façade Elevation – West Elevation   | 14/04/2022  |
| A0-304                                     | C          | Façade Elevation – East Elevation   | 14/04/2022  |
| A0-311                                     | C          | Section A                           | 14/04/2022  |
| A0-312                                     | C          | Section B                           | 14/04/2022  |
| A0-313                                     | C          | Section C                           | 14/04/2022  |
| A0-314                                     | C          | Section D                           | 14/04/2022  |
| A0-315                                     | C          | Section E                           | 14/04/2022  |
| A0-316                                     | C          | Section F                           | 14/04/2022  |
| A0-317                                     | C          | Section G                           | 14/04/2022  |
| A0-505                                     | B          | Link Elevation                      | 14/04/2022  |

| Landscape Plans prepared by Arcadia |     |  |              |
|-------------------------------------|-----|--|--------------|
| Dwg No.                             | Rev | Name of Plan                               | Date         |
| PLN-0000401                         | C   | Softworks Plan                             | 19/10/2022   |
| PLN-0000402                         | C   | Softworks Plan                             | 19/10/2022   |
| PLN-0000403                         | B   | Softworks Plan                             | 17/05/2022   |
| PLN-0000404                         | B   | Softworks Plan – L00                       | 17/05/2022   |
| PLN-0000405                         | B   | Softworks Plan – L01                       | 17/05/2022   |
| PLN-0000406                         | B   | Softworks Plan                             | 17/05/2022   |
| PLN-0000407                         | B   | Softworks Plan                             | 17/05/2022   |
| PLN-0000408                         | B   | Softworks Plan                             | 17/05/2022   |
| PLN-0000409                         | B   | Softworks Plan                             | 17/05/2022   |
| PLN-0000410                         | B   | Softworks Plan -07                         | 17/05/2022   |
| PLN-0000400                         | C   | Planting Schedule                          | 19/10/2022   |
| 12                                  | C   | Site-Stage 2 Tree Master Plan              | October 2022 |
| 18                                  | C   | Overall Master Plan – Stage 2              | October 2022 |
| 19                                  | C   | Master Plan Stage 2                        | October 2022 |
| 20                                  | C   | Detail Plan – Carpark Link                 | October 2022 |
| 21                                  | C   | Detail – Plan Drop off and Main Entry      | October 2022 |
| 22                                  | C   | Detail – Plan Drop off and Main Entry      | October 2022 |
| 23                                  | C   | Detail Plan – Domestic Services & Mortuary | October 2022 |
| 24                                  | C   | Detail Section – Drop Off and Entry        | October 2022 |
| 25                                  | C   | Detail Plan – Northern Access & Courtyards | October 2022 |
| 26                                  | C   | Detail Section – Northern Access           | October 2022 |
| 27                                  | C   | Detail Section – Northern Courtyards       | October 2022 |
| 28                                  | C   | Detail Plan– Southern Courtyard            | October 2022 |
| 29                                  | C   | Detail Section– Southern Courtyard         | October 2022 |
| 30                                  | C   | Detail Plan– East Block/ Pathology         | October 2022 |
| 31                                  | C   | Detail Plan– Upper Terraces Level 6        | October 2022 |
| 32                                  | C   | Detail Plan– Upper Terraces Level 7        | October 2022 |

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) 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). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### **Limits of Consent**

A5. This consent lapses five years after the date of consent unless work is physically commenced.

### **Prescribed Conditions**

A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

### **Planning Secretary as Moderator**

A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

### **Evidence of Consultation**

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **Staging**

- A9. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project;
  - (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
  - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report including independent auditing requirements.

## **Staging, Combining and Updating Strategies, Plans or Programs**

A13. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

A15. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

## **Structural Adequacy**

A17. 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.

*Notes:*

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

## **External Walls and Cladding**

A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## **External Materials**

A19. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in Condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:

- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
- (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
- (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.



## Applicability of Guidelines

- A20. 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.
- A21. 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

- A22. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

## Access to Information

- A23. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

## Compliance

- A24. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## Incident Notification, Reporting and Response

- A25. The Planning Secretary must be notified through the major projects portal 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.
- A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

## **Non-Compliance Notification**

- A27. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A28. 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.
- A29. 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**

- A30. Within three months of:
- (a) the submission of an incident report under condition A26;
  - (b) the submission of an Independent Audit under condition C40 or C42;
  - (c) the approval of any modification of the conditions of this consent; or
  - (d) the issue of a direction of the Planning Secretary under condition A3 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- A31. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

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

### **Notification of Commencement**

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction at least 48 hours before those dates.
- B2. If the construction of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Certified Drawings**

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **External Walls and Cladding**

- B4. Prior to the commencement of façade construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Pre-Construction Dilapidation Report – Protection of Public Infrastructure**

- B5. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

### **Pre-Construction Survey – Adjoining Properties**

- B6. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of buildings that are likely to be impacted by the development.
- B7. Where the offer for a pre-construction survey is accepted (as required by condition B6), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- B8. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition B7, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
  - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

### **Ecologically Sustainable Development**

- B9. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate to the Certifier that the ESD initiatives recommended by the ESD report (Ref. ESD SSDA SEARs Report, Revision 02, prepared by LCI and dated 11/11/2021) have been incorporated into the design of the development.

- B10. The project is to achieve compliance with section 2.5.6 of the Health Infrastructure Engineering Services Guidelines dated 6 August 2021 (including Design Guidance Note No. 058) by attaining a minimum of 60 points in accordance with the ESD Evaluation Tool.

### **Outdoor Lighting**

- B11. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that outdoor lighting being installed within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Demolition**

- B12. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

### **Existing Helipad / Helicopter Operations During Construction**

- B13. Prior to the commencement of construction, helipad / helicopter operations at the hospital are to be reviewed by a suitably qualified and experienced aviation professional in consultation with relevant stakeholders. The review must consider the proposed construction methodology including plant and equipment to be used (including lighting and cranes) and recommend changes to the construction methodology and / or flight paths where required to ensure safe ongoing helicopter operations at the site. A report summarising the outcome of the review must be submitted to the Certifier.

### **Environmental Management Plan Requirements**

- B14. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

#### *Notes:*

- The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

### **Construction Environmental Management Plan**

- B15. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) temporary site office arrangement;
    - (iv) management of dust and odour to protect the amenity of the neighbourhood;
    - (v) stormwater control and discharge;
    - (vi) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; and
    - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (b) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
  - (c) Construction Traffic and Pedestrian Management Sub-Plan (see condition B16);
  - (d) Construction Noise and Vibration Management Sub-Plan (see condition B17); and
  - (e) Construction Waste Management Sub-Plan (see condition B18).

- B16. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail:
    - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
    - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
    - (iii) heavy vehicle routes, access and parking arrangements;
    - (iv) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2; and
    - (v) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s).
- B17. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers, including existing patient care buildings within the hospital campus;
  - (d) include strategies that have been developed with stakeholders for managing high noise generating works;
  - (e) describe the consultation undertaken to develop the strategies in condition B17(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B14.
- B18. The Construction Waste Management Sub-Plan (CWMSPP) must address, but not be limited to, the procedures for the management of waste including the following:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use for materials to remain;
  - (b) information regarding the recycling and disposal locations; and
  - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- B19. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

## **Construction Parking**

- B20. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be provided to the Planning Secretary for information.

## **Soil and Water**

- B21. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events; and
  - (b) divert existing clean surface water around operational areas of the site.
- B22. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'.

## **Operational Noise – Design of Mechanical Plant and Equipment**

- B23. Prior to installation of mechanical plant and equipment:
- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels as recommended in the *Noise and Vibration Impact Assessment* prepared by EMM and dated December 2021 must be undertaken by a suitably qualified person; and
  - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the recommended project noise trigger levels identified in the *Noise and Vibration Impact Assessment* prepared by EMM and dated December 2021.

## **Biodiversity**

- B24. Prior to the commencement of construction, the number and classes of ecosystem credits and species credits (like-for-like) set out in the BAM Biodiversity Credit Report contained in Appendix H of the Biodiversity Development Assessment Report, prepared by Total Earth Care and dated November 2022 must be retired.
- B25. The requirement to retire like-for-like ecosystem credits and species credits in condition B24 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.
- B26. Evidence of the retirement of credits in satisfaction of condition B24 or payment to the Biodiversity Conservation Fund in satisfaction of condition B25 must be provided to the Planning Secretary prior to commencement of construction.

## **Operational Access and Service Vehicle Arrangements**

- B27. Prior to the commencement of construction of the new vehicle access, evidence of compliance of the design of the access arrangements with the following requirements must be submitted to the Certifier:
- (a) the swept path of the largest service vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2.

## **Public Domain Works**

- B28. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

## **Site Contamination**

- B29. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

## **Barber Avenue On-Street Parking**

- B30. Prior to the commencement of the relevant road works on Barber Avenue:
- (a) on-street parking arrangements are to be redesigned and submitted to the Planning Secretary for approval demonstrating that the eastern most parallel on-street parking space on the southern side of Barber Avenue at its termination is wholly located within the road reservation; or
  - (b) evidence is to be provided to the satisfaction of the Planning Secretary that a boundary adjustment or other agreement has been agreed to by Council and the Applicant in relation to the parking space not being wholly located within the road reserve.
- B31. Prior to the commencement of the relevant road works on Barber Avenue, swept path plans are to be submitted to the Planning Secretary for approval demonstrating that vehicles can safely turnaround to access the three parallel parking spaces at the eastern end of Barber Avenue, unless the spaces are redesigned as 90 degree spaces to satisfy condition B30(a), in which case the swept path plans are not required.
- B32. Prior to the commencement of the relevant road works on Barber Avenue, the two parallel on-street parking spaces within Barber Avenue between the new hospital entry and exit driveways are to be redesigned and constructed as four 90 degree spaces.

## PART C DURING CONSTRUCTION

### Site Notice

- C1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purpose of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
  - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
  - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice(s); and
  - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Demolition

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B12.

### Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding condition C4, provided noise levels do not exceed the existing background noise level plus 5dB, works may also be undertaken during the following hours:
- (a) between 7am and 8am, Saturdays; and
  - (b) between 1pm and 5pm, Saturdays.
- C6. Construction activities may be undertaken outside of the hours in condition C4 and C5 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) for the delivery, set-up and removal of construction cranes, where notice of the crane-related works is provided to the Planning Secretary and affected residents at least seven days prior to the works; or
  - (e) where a variation is approved in advance in writing by the Planning Secretary or her nominee if appropriate justification is provided for the works.
- C7. Notification of such construction activities as referenced in condition C6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;



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

### **Implementation of Management Plans**

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

### **Construction Traffic**

- C10. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

### **Hoarding Requirements**

- C11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **No Obstruction of Public Way**

- C12. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### **Construction Noise Limits**

- C13. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Sub-Plan.
- C14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

### **Vibration Criteria**

- C16. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C17. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C16.
- C18. The limits in conditions C16 and C17 apply unless otherwise outlined in a Construction Noise and Vibration Management Sub-Plan, approved as part of the CEMP required by condition B17 of this consent.

### **Tree Removal and Fauna Protection**

- C19. For the duration of the construction works:

- (a) within one week prior to any removal of vegetation a pre-clearance survey is required to be undertaken by a qualified ecologist to identify, number and flag hollow-bearing trees and other habitat features such as nests or hollow logs proposed to be removed. The results of the pre-clearance survey are to be submitted to the Certifier to inform tree clearance protocols;
- (b) during any tree removal, an experienced and qualified ecologist is to be present to re-locate any displaced fauna that may be disturbed during this activity. All non-habitat vegetation is to be cleared first to allow appropriate space for the felling of habitat trees and retrieval of any fauna that may be present within habitat trees. Trees with hollows are to be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the “grab” attachment of a machine. Any injured fauna is to be appropriately cared for and released on site when re-habilitated;
- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Development Assessment Report (prepared by Moore Trees and dated 25 November 2021);
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater; and
- (e) mitigation measures outlined in Table 6-1 of the submitted Biodiversity Assessment Report by Total Earth Care dated November 2022 must be implemented.

#### **Air Quality**

- C20. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C21. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **Soil and Water**

- C22. All erosion and sediment control measures must 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. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the ‘Blue Book’.

#### **Imported Fill**

- C23. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Certifier upon request.

#### **Disposal of Seepage and Stormwater**

- C24. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

### **Emergency Management**

- C25. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

### **Stormwater Management System**

- C26. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in Appendix G of the EIS, being *Stormwater and Flooding Assessment SSDA SEARS Conditions Report* and accompanying stormwater drawings, prepared by Meinhardt Bonacci and dated November 2021, were appropriate;
  - (c) be in accordance with applicable Australian Standards; and
  - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

### **Aboriginal Cultural Heritage**

- C27. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by Comber Consultants and dated November 2021.

### **Unexpected Finds Protocol – Aboriginal Heritage**

- C28. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
  - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
  - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
  - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
  - (e) works may only recommence with the written approval of the Planning Secretary.

### **Unexpected Finds Protocol – Historic Heritage**

- C29. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
  - (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
  - (c) works may only recommence with the written approval of the Planning Secretary.

### **Waste Storage and Processing**

- C30. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

- C31. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C32. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C33. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C34. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### **Outdoor Lighting**

- C35. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Site Contamination**

- C36. Remediation of the site must be carried out in accordance with the Remediation Action Plan prepared by JK Environments and dated 14 December 2021 and any variations to the Remediation Action Plan approved by an NSW EPA-accredited Site Auditor.
- C37. Where remediation is carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C38. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C39. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

### **Independent Environmental Audit**

- C40. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C41. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C42. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements, upon giving at least 4 week's notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- C43. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under condition C40 of this consent, or condition C42 where notice is given by the Planning Secretary;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agree by the Planning Secretary.
- C44. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C45. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

## PART D PRIOR TO COMMENCEMENT OF OPERATION

### Notification of Occupation

- D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the Certifier 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 requirements of the BCA.
- D3. The Applicant must provide to the Planning Secretary a copy of the documentation given to the Certifier within seven days after the Certifier accepts it.

### Works as Executed Plans

- D4. Prior to the commencement of operation, works-as-executed plans signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier. A copy of the works-as-executed plans shall be submitted to Penrith City Council's Engineering Department.

### Warm Water Systems and Cooling Systems

- D5. The installation 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 Part 1 (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.

### Outdoor Lighting

- D6. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### Mechanical Ventilation

- D7. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

### Operational Noise – Design of Mechanical Plant and Equipment

- D8. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B23 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the project noise trigger levels identified in the *Noise and Vibration Impact Assessment* prepared by EMM and dated December 2021.

### Fire Safety Certification

- D9. Prior to commencement of occupation, 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**

- D10. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the Planning Secretary 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.

### **Post-construction Dilapidation Report – Protection of Public Infrastructure**

- D11. Prior to the commencement of operation, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition B5 of this consent;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary when requested.

### **Repair of Public Infrastructure**

- D12. Unless the Applicant and the relevant public 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 construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.*

### **Road Damage**

- D13. Prior to the commencement of operation, 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 must be met in full by the Applicant.

### **Post-Construction Survey – Adjoining Properties**

- D14. Where a pre-construction survey has been undertaken in accordance with condition B7, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition B7;
  - (b) be provided to the owner of the relevant buildings surveyed;
  - (c) be provided to the Certifier; and
  - (d) be provided to the Planning Secretary when requested.

- D15. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

### **Roadworks**

- D16. Prior to the commencement of operation, the Applicant must complete the road upgrade works on Barber Avenue to the satisfaction of Council. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

### **Bicycle Parking and End-of-Trip Facilities**

- D17. Prior to the commencement of operation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:
- (a) the provision of a minimum 140 bicycle parking spaces;
  - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - (c) the provision of end-of-trip facilities for staff; and
  - (d) appropriate pedestrian and cyclist advisory signs are to be provided.

*Note: All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority.*

### **Green Travel Plan**

- D18. Prior to the commencement of operation, an updated Green Travel Plan (GTP) incorporating both Stage 1 and Stage 2 of the Nepean Hospital redevelopment, must be submitted to the Certifier to promote the use of active and sustainable transport modes and a copy be provided to the Planning Secretary for information. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and (Sydney Coordination Office) Transport for NSW;
  - (b) include 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;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include 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; and
  - (e) include 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 users of the development.
- D19. Prior to the commencement of operation, the nominated employee(s) of the health services facility responsible for implementing the GTP and its ongoing review must be provided to Transport for NSW and the Planning Secretary for information.

### **Utilities and Services**

- D20. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### **Stormwater Operation and Maintenance Plan**

- D21. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;

- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

### **Signage**

- D22. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D23. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

### **Operational Waste Management Plan**

- D24. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
  - (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include the Management and Mitigation Measures included in *Nepean Hospital Stage 2 - Waste Management Plan* prepared by MRA and dated 15 November 2021.

### **Site Contamination**

- D25. Prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

### **Landscaping**

- D26. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2(d).
- D27. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site and submit it to the Certifier. The Plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.

### **Private Infrastructure Works Adjacent to Barber Avenue**

- D28. Prior to the commencement of operation, a revised design for the pedestrian ramp, retaining wall and stormwater pipe that encroach on the current Barber Avenue road reservation (the area shown hatched on plan ALL-00010123 – Barber Avenue Edited Design dated 15/11/22 and attached as Appendix 3 of this consent) is to be submitted to the Planning Secretary for approval. The revised design is to demonstrate that all private infrastructure is located within the hospital site unless evidence is submitted to the satisfaction of the Planning Secretary that Council has agreed to or granted approval/consent for the private infrastructure referred to above (or part thereof) to be constructed within Council land.



## **PART E POST OCCUPATION**

### **Operation of Plant and Equipment**

- E1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### **Warm Water Systems and Cooling Systems**

- E2. The 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 Part 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.

### **Environmental Management Plan**

- E3. Upon completion of remediation works, the Applicant must manage the site in accordance with the Environmental Management Plan approved by the Site Auditor (if any) under condition D25 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

### **Operational Noise Limits**

- E4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in *Noise and Vibration Impact Assessment* prepared by EMM and dated December 2021.
- E5. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* (2017) 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 or other timeframe agreed to by the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in *Noise and Vibration Impact Assessment* prepared by EMM and dated December 2021. 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.

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

- E6. 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.

### **Green Travel Plan**

- E7. The updated Green Travel Plan required by condition D18 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

- E8. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation the Certifier and Planning Secretary are to be provided with a report from the Applicant by a suitably qualified and experienced expert demonstrating that the project attains the minimum number of ESD points as required by condition B10 of this consent.

### **Outdoor Lighting**

- E9. Notwithstanding condition D6, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### **Landscaping**

- E10. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D27 for the duration of occupation of the development.

### **Hazards and Risk**

- E11. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
  - (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- E12. In the event of an inconsistency between the requirements of condition E11(a) and E11(b), the most stringent requirement must prevail to the extent of the inconsistency.

### **Dangerous Goods**

- E13. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with all relevant Australian Standards.

### **Discharge Limits**

- E14. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

### **Stormwater Maintenance**

- E15. The constructed stormwater structures and treatment measures must be maintained by the property owner in perpetuity.

## **APPENDIX 1 ADVISORY NOTES**

### **General**

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

### **Long Service Levy**

AN2. 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**

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### **Access for People with Disabilities**

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### **Utilities and Services**

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. 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.

### **Road Design and Traffic Facilities**

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### **Road Occupancy Licence**

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### **SafeWork Requirements**

AN9. 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**

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reservation.

### **Handling of Asbestos**

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Fire Safety Certificate**

AN12. 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.

## **APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A25 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.

### **APPENDIX 3 BARBER AVENUE ROAD RESERVE ENCROACHMENT AREA**

See over.



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