



10 October, 2014

Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Email: peter.mcmanus@planning.nsw.gov.au

Dear Megan,

Re; Submission on Byron Shire Central Hospital Major Project SSD 6573

Development Application: SSD 6573 10.2014.521.1

Description: State significant application - Proposed Byron Shire Central Hospital

Parcel No. 240778

**Property address:: LOT: 100 DP: 1140936
54 Ewingsdale Road EWINGSDALE**

In response to the exhibition of the Byron Shire Central Hospital Major Project SSD 6573 Council considered a report on the impacts and issues associated with the development and at the Ordinary meeting of Council held on 9 October 2014 Council resolved:

- 1) *That Council:*
 - a) *Advise the Department Planning and Environment of its general support for the development of a Byron Shire Central Hospital (BSCH); and*
 - b) *Forward a copy of this report to the Department to identify the issues associated with the BSCH; and*
 - c) *Forward a copy of this report to the media including a press release identifying the issues associated with the BSCH.*
 - d) *Request that the Department include the recommended conditions of consent at the end of this report into the consent for the BSCH;*
 - e) *Endorse the payment of Section 64 charges for sewer in accordance with the table at the top of page 44.*
- 2) *That Council delegate staff to set the design parameters required for the rising main to service the BSCH and the development immediately adjacent that site (east and west) that is currently the subject of a rezoning. The holding well capacity shall be designed to satisfy the demand for the possible future development of Ewingsdale locality. The cost of Council's share of the design and construction to be funded from the Section 64 Sewer Fund.*
- 3) *That due to the proposed new Hospital not containing an operating theatre providing surgical services, which has always been considered essential by the Byron Shire Community Consultative Committee in its support for a new facility, this council cannot support the proposal in its current form.* (Spooner/Richardson)

The report and recommended conditions of consent accompanying the resolution is attached. It is to be noted that item 1 e) of the resolution alters draft condition 12 as set out below:

12 Certificate of Compliance for Payment- Water Management Act 2000



TRADITIONAL HOME OF
THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
DX20007 Mullumbimby E: council@byron.nsw.gov.au
P: 02 6626 7000 F: 02 6684 3018
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Prior to the commencement of works payment of developer charges in accordance the adopted Development Servicing Plan for sewer shall be made to Byron Shire Council
Charges will be calculated based on the additional sewerage load that the proposed development generates, shown in Equivalent Tenements (ET) by the following table:

ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT
[ET Policy No:13/005]

Sewer	95.47 ET
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Payment by Personal or Company Cheque will not be Accepted

A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Construction Certificate.

Application forms are available from Council's administration building or online at http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf to be submitted for a Certificate of Compliance.

Should you have any further questions or issues on this matter please do not hesitate to contact me on 02 66 26 0758

Yours sincerely



Mr C Soulsby
Section 94 Officer

Enc. E2014/55602

Report No. 13.8. PLANNING – Submission to Department of Planning on Byron Shire Central Hospital

Directors: Environment and Planning and Infrastructure Services

Report Author: Section 94 Officer Christopher Soulsby

File No: #E2014/55602 Parcel No 240778

Theme: Community Infrastructure, Local Roads and Drainage
Sustainable Environment and Economy Development Assessment

Summary: The Department of Planning and Environment has referred State Significant Development Application SSD 6573 Byron Shire Central Hospital (BSCH) to Council for comment. The purpose of this report is to advise Council of the issues and for Council to endorse the recommended conditions of consent for the Department to impose.

A key issue with regard to Infrastructure provision is the necessity to extend sewer to serve the hospital and adjacent development. Should the rising main and pump well be designed so that the rural/residential area can also be sewered.

NOTE TO COUNCILLORS:

In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council Meetings of Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

RECOMMENDATION:

1. That Council:

- a) Advise the Department Planning and Environment of its general support for the Byron Shire Central Hospital; and
- b) Forward a copy of this report to the Department to identify the issues associated with the BSCH; and
- c) Request that the Department include the recommended conditions of consent at the end of this report into the consent for the BSCH;
- d) Council endorse the payment of Section 64 charges for sewer;

2. That Council delegate staff to set the design parameters required for the rising main to service the BSCH and the development immediately adjacent that site (east and west) that is currently the subject of a rezoning. The holding well capacity shall be designed to satisfy the demand for the possible future development of Ewingsdale locality. The cost of Council's share of the design and construction to be funded from the Section 64 Sewer Fund.

3. That Council notes that the proposed new Hospital does not contain an Operating Theatre and Council supports an operating theatre being incorporated into the design.

Attachments:

- Hospital Site Analysis Plan #E2014/62145 [1 page] **Annexure 3**

Report

The Department of Planning and Environment has referred State Significant Development Application SSD 6573 Byron Shire Central Hospital (BSCH) to Council for comment. The proposal involves construction of a one and two storey hospital building with approximately 9,400m² of floorspace to support 65 beds. The following is the make-up of services proposed for the BSCH:

- Emergency Department – operating 24 hours a day, 7 days per week, with 4 bays;
- 45 Overnight beds (incorporating 2 birthing rooms);
- 20 non-acute Mental Health beds;
- 13 Emergency care spaces;
- Delivery suite (co-located with 2 birthing rooms)
- Chemotherapy service;
- Maternity services,
- Oral health services;
- Pharmacy;
- Enhanced and integrated community based services including nursing, allied health, mental health and drug and alcohol services.

The BSCH is State Significant Development under the terms of State Environmental Planning Policy (Major Developments) 2005 (SEPP Major Developments). Division 4.1 of the Environmental Planning and Assessment Act 1979 applies to the BSCH and this division of Act makes the Minister the consent authority. The Department of Planning and Environment is managing the assessment on behalf of the Minister.

The process for the assessment of the BSCH by the Department is:

1. Prepare Director General's Requirements (Council staff had input into these DGRs);
2. DGRs Issued by the Department;
3. Application prepared and lodged by Health Infrastructure;
4. Exhibition
5. Preparing Response to Submissions by Health Infrastructure
6. Assessment by the Department
7. Determination by the Minister.

We are currently in the exhibition phase. An outcome of this report will be Council's submission to the Department. The Department will then seek a response from Health Infrastructure on the issues raised. Council may not get the opportunity for further comment despite staff forming the opinion that more information is required to enable a proper assessment of the application. Staff have highlighted the deficiencies in the application and have also tried to recommend suggested conditions of consent to the Department in an attempt to cover the eventuality that the application and requested additional information is not returned to Council for further comment.

A project team was formed and has reviewed the proposal in the short time frame provided by the Department. The project team has focussed on the infrastructure issues and the impacts of the development rather than strict compliance with policies. The most significant issues relating to the development of the BSCH for Council are:

1. Water and Sewer infrastructure and contributions;
2. Site access;

The water and sewer infrastructure issues involve the construction of a pump station and rising main at significant cost (potentially greater than \$1.3 million) and the payment of sewer contributions. The site access will involve the construction of a roundabout.

The application proposes a single lane roundabout. Currently all Council road studies and section 94 plan propose dual lane roundabouts on Ewingsdale Road.

5 There are other issues associated with the development that Council should flag to the Department for consideration as they relate to the assessment of the application. It is the Departments role to consider these issues and make a recommendation to the Minister. These issues are:

- 10 a) Carparking;
- b) Traffic impacts;
- c) Stormwater drainage;
- d) Flooding
- e) Contaminated Land
- f) Onsite Sewerage Management;
- 15 g) Food Premises;
- h) Noise;
- i) Electro magnetic radiation (EMR)

20 This assessment is not an exhaustive assessment in accordance with section 79C of the Environmental Planning and Assessment Act 1979. It is not the role of Council to under take such an assessment, that is a role for the Department and the Minister as the determining authority.

25 Staff have deliberately left the application of Environmental Planning Instruments and Development Control Plans to the Department and have instead focussed on the infrastructure issues that will impact on Council.

Staff broadly support the construction of the BSCH and see this as a valuable piece of community infrastructure. The construction of the BSHC should not come at a cost to Council and by inference the community.

30 **Water & Sewer Infrastructure Issues**

Introduction

35 This development is subject to the Section 306 of the Water Management Act 2000 and Section 396 also binds the Crown to the Act. The Environmental Impact Statement document presented by Newton Denny Chappelle only refers to Section 91E of the Act which relates to controlled activities on waterfront land; it does not deal with Section 306 at all in its review. In addition, the EIS document did not make reference to Council's Developer Servicing Plans for Sewerage or Water Supply Services.

40 Section 306 of the Water Management Act 2000 allows Council as the Authority to impose certain requirements before granting certificate of compliance:

- 45 (1) This section applies to such kinds of development as are prescribed by the regulations for the purposes of this section.
- (2) As a precondition to granting a certificate of compliance for development, a water supply authority may, by notice in writing served on the applicant, require the applicant to do either or both of the following:
 - 50 (a) to pay a specified amount to the water supply authority by way of contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both,
 - (b) to construct water management works to serve the development.
- (3) In calculating an amount for the purposes of subsection (2) (a):

- (a) the value of existing water management works and the estimated cost of projected water management works may be taken into consideration, and
- (b) the amount of any government subsidy or similar payment is not to be deducted from the relevant value or cost of the water management works, and
- (c) consideration is to be given to any guidelines issued for the time being for the purposes of this section by the Minister.

(4) If a water supply authority imposes a requirement under this section on the Crown, the Crown may request the Minister for Urban Affairs and Planning to determine whether such a requirement should be imposed and, if so, in what terms.

(5) The determination made by the Minister for Urban Affairs and Planning in response to such a request is final and is taken to be the determination of the water supply authority.

(6) Any water management works constructed in compliance with a requirement under this section are the property of the water supply authority.

Subsection (2) and (4) are relevant for the Hospital development.

Water Supply

A water supply is available; however, the requirements and conditions for connection to it remain with Rous Water. The condition to levy s64 contributions will also be a decision for Rous Water to consider. Rous Water needs to be informed of the Byron Shire Central Hospital development and its demands on the water supply. Section 306 of the Water Management Act 2000 is available to Rous Water for this development. The water supply component is not discussed further within this report.

Construction of Sewerage Works

The Environmental Impact Statement document presented by Newton Denny Chapelle has very little detail in regards to the sewer component of the development and only mentions two options by the Hydraulic Consultant:

Option 1 – Authority Sewer Connection- Further authority discussions are required to determine the location and date of the proposed capped junction which will be provided for the hospital site.

Option 2 – Onsite Sewer Pump Out Station – This is the least preferred option due to ongoing running and maintenance costs for the site sewer discharge. The sewer pump out station will be located in the north-eastern corner of the site adjacent to the existing ambulance building in a separate building with requiring vehicular access. A sewer rising main will be required to extend from the pump station to the authority treatment plant approx. 4.32km away.

Neither of the options provides any real clarity and indicates a lack of knowledge of both the site restrictions and the existing sewerage services available for the site.

The consultant engaged to prepare the Integrated Water Management Plan issues appears to have a clearer understanding, however, the EIS document doesn't provide a consistent approach in dealing with the sewerage component.

It is the view of the staff that a sewerage pump station and associated rising main is a piece of fundamental infrastructure for the hospital development to proceed and in this regard it is the responsibility of NSW Health Infrastructure to design and construct this infrastructure to service the hospital. This is where Section 306 subsection 2(b) of the Water Management Act is relevant.

The hospital is being constructed in an area that is not serviced by a sewerage system and as such the development, in order to discharge sewage to Council, will require an adequately sized sewerage pump station and associated rising main (approximately 3.5km in length) from the site to the Byron Sewerage Treatment Plant.

Given the expectation that NSW Health Infrastructure will construct the sewerage pump station and rising main, it is expected that they will not want to operate the system and will transfer ownership of the system to Byron Shire Council. This is where Section 306 subsection 6 of the Water Management Act is relevant – Any water management works constructed in compliance with a requirement under this section are the property of the water supply authority/sewerage authority.

This will require that Council condition the standards required of the pump station and rising main, a transfer of a portion of land to Council to accommodate the pump station and associated operational equipment, creation of easements over the land for access to the pump station and for pipelines entering the pump station and leaving the pump station.

The construction of the pump station and rising main also provides a significant opportunity to extend sewerage services into Ewingsdale area including the approved seniors' housing development adjacent to the site. The realisation of this opportunity involves building the pump station holding well to ultimate capacity including an allowance for storage during maintenance and emergency purposes and additional rising main capacity to service potential sewerage connection/development in Ewingsdale.

The proposal to sewer Ewingsdale has not been considered in any of Councils long term strategic planning documents. The timeframes imposed on the determination of the BSCH development mean that there is insufficient time to undertake a comprehensive planning review of the opportunities. There has also been insufficient time to have any community consultation on the future development of this locality. Council needs to be aware that any additional capacity over and above requirements of the hospital would be Council's responsibility to fund. It would also be Council's responsibility to provide the design parameters of these works and to pay a proportion of the design costs. The funding of the additional capacity in the holding well and the rising main has not been planned for in any Development Servicing Plan (DSP). The BSCH and the adjoining development proposal are of sufficient size to warrant their own DSP.

There are four options available for Council to deal with this issue. Each option has risks and potential benefits associated with it.

Option 1 Set the design parameters for the holding well and rising main at the minimum required for Health Infrastructure to service the BSCH. This is all Council would be required to do in order for the development to proceed. In the short term there is minimal financial risk to Council as Health Infrastructure has to fund the infrastructure required to service their development. In the medium to long term there is a risk that if the current rezoning proposal proceeds and Council makes a strategic decision to sewer and allow further development in Ewingsdale then Council would have to duplicate the rising main and potentially add an additional holding well. The duplication would be at a significant additional cost, particularly for the rising main. However the costs would be recovered over time via section 64 contributions set in a new DSP.

Option 2 Set the design parameters for the holding well and rising main to meet the demand of the BSCH and the development immediately adjacent (east and west) that is currently the subject of a rezoning application. Additional capacity to service the existing approved cheese factory to the north should also be considered in the design parameters. Council would be responsible for the proportional cost of the design and the additional cost of the larger holding well and additional capacity in the rising main. The additional capacity would likely be used in the short to medium terms as the

development adjacent to the BSCH occurs. There is a considerable saving by laying the additional capacity main once and only disturbing the existing infrastructure once. The risk with this approach is that if Council wishes to include the existing rural residential area in and around Parkway Drive or increase densities in Ewingsdale or identify additional urban release areas then there is a significant cost to adding the required storage capacity for the holding well and rising main.

- Option 3** Set the design parameters for the holding well and rising main to meet the demand of the:
- i) BSCH; and
 - ii) Development immediately adjacent that is currently the subject of a rezoning application; and
 - iii) Potential lot yield from increased densities in the existing rural residential areas of Ewingsdale and potential urban land releases to the north of Ewingsdale road.

Council would be responsible for the proportional cost of the design and the additional cost of the larger holding well and additional capacity in the rising main. There is a risk that the additional development doesn't occur and the additional capacity is wasted or that the development does not occur within the timeframe to realise the cost savings of provision of the additional capacity when compared to putting the additional capacity in later. The less tangible cost is the Council has not undertaken any community consultation on the need for this additional capacity. No detailed assessment has been undertaken to determine the suitability of the increasing densities or adding additional land release areas. These costs could be forward funded from exiting section 64 contributions and recouped over time from a site specific DSP. Council would not be able to recoup all of the costs via a DSP if the development did not occur.

- Option 4** Uses part of options 2 and 3. The rising main would be designed to meet the requirements of the BSCH and the development immediately adjacent (east and west) that is currently the subject of a rezoning application. As the holding well is difficult to augment in the future it would be sized cater for the ultimate capacity if Ewingsdale were to be redeveloped. There is a moderate cost increase to construct the bigger well now when compared to building a new or augmented well on a constrained site in the future. The pumps and equipment can be upgraded when required in the future.

It is recommended that Council enter into negotiations with NSW Health Infrastructure in order to scope the requirements for a sewer pump station and rising main to meet the requirements of option 4.

The EIS Document recommended the following at Clause 5.9 Utilities:

Compliance with the requirements of the relevant public authorities in regard to the connection to, relocation and/or adjustment of services affected by the construction of the proposed development is included as a recommendation of this EIS.

Recommended compliance conditions for the development are listed below.

Developer Servicing Charges

This development will increase the load on Council's Sewerage System. This is where Section 306 subsection 2(a) of the Water Management Act becomes relevant.

From Council's Water and Sewer Equivalent Tenements Policy 13/005, the load generated from the proposed development is as follows:

Development	Standard Unit	ET Rate	ET
		Sewer	Sewer
Hospital including medical facilities (ET Policy Ref 7.1)	65 Beds	1.43 / bed	92.95
Dental Consultation Room (ET Policy Ref 8.7)	4 Rooms	0.63 / room	2.52
TOTAL			95.47

Using the Council's current Developer Serving Plan for Sewerage Services, \$1,235,190.86 in s64 contributions would need to be paid either prior to construction or prior to occupation of the building.

In its letter dated 12 August 2014 NSW Health Infrastructure has expressed some apprehension in paying this s64 contribution and requested a review of the levy.

The EIS Document recommended the following at Clause 5.11 Contributions:

...we recommend that no Section 94 or Section 64 contributions be imposed for the development as it will contribute to providing a significant social and health benefit to the community.

Section 306 subsection (4) is available to NSW Health Infrastructure at this point as well. Why should Council Levy the s64 contributions the Minister for Urban Affairs and Planning may ask? The answer is that spare capacity in the sewerage treatment plant will be taken up by the development leading to an earlier upgrade required for the existing plant. Future developers would then be required to cross-subsidise the hospital development.

At a meeting on 18 August 2014 staff raised the option of rolling back the existing demand on the current Byron Bay Hospital site to 1 ET and transferring the demand over to the new hospital. The current Byron Bay Hospital is, through preliminary information, a 39 bed facility. This represents 55.77 Sewer ET (nearly 60% of the new development).

This is an arrangement that would not be available to a developer under normal circumstances; however, we must recognise that this is a development of the Crown. Such an arrangement will require a resolution of Council and would require that NSW Health Infrastructure agree to all development consents and/or continuing use rights of the existing Byron Bay Hospital site be surrendered. This arrangement would significantly reduce the contributions required for the Ewingsdale site.

As the Mullumbimby Hospital is not serviced by the same treatment plant the demand from this hospital cannot be considered.

It is recommended that Council make a condition for NSW Health Infrastructure to pay the s64 contributions under its power from Section 306 of the Water Management Act, however, there are two options available.

1. Pay in full as calculated; or
2. Pay the reduced calculated amount and surrender all development consents and/or continuing use rights of the existing Byron Bay Hospital site whilst leaving a 1 ET credit for Water and for Sewerage on the existing site. In order to facilitate this Health Infrastructure would have to surrender any and all existing development consents, existing or continuing

use rights for the existing Byron Bay Hospital. Such surrender would have to be done in accordance with Clause 97 of the Environmental Planning and Assessment Regulation.

Site Access

The Statement of Environmental Effects advises the following in regard to access:

“A traffic and parking assessment has been prepared by TTW to address this SEAR and is contained within Attachment 3 of this EIS. A summary of the findings of that assessment is provided below:

Access

The BSCH site will be serviced by two entry points off Ewingsdale Road. TTW has incorporated within their assessment for the main entry point to the site (western side) to be treated by a single lane roundabout, while the eastern entry point will be a T – junction with restriction left in/left out only (ambulance access could be excepted with provision for right turn movements during emergency situations).

Along with the two access points, TTW propose the implementation of a 60km/hr speed limit along a section of Ewingsdale Road adjacent to the Hospital site, subject to RMS and Council approval.

Accordingly, an assessment of intersections performances were carried out using SIDRA traffic modelling software and proposed intersections layouts to the proposed site with consideration to the morning and afternoon commuter peak hour traffic volumes.

TTW modelling results have identified all proposed access points and intersections relevant to the site will operate at a good level of service during the morning and afternoon commuter peak hours on a weekday. The average delay for all vehicles at these intersections is well below the 28 seconds per vehicle (i.e. very good level of service), indicating an ample capacity at these intersections. Since the allowable maximum average delay for vehicles is about 70 seconds per vehicle.”

Council is the Roads Authority for Ewingsdale Road, which is a classified road. Concurrence from RMS is required for approval of works on Ewingsdale Road under section 138 of the Roads Act 1993. Approval of traffic regulation (roundabout, traffic islands, etc.) and regulatory signage (signs and line marking) is required through the Local Traffic Committee. The speed reduction will require approval of RMS, probably through the Local Traffic Committee as well.

Issues that need to be addressed are as follows:

- I. A dual lane roundabout is required for the main entry to the site to allow for a future upgrade of Ewingsdale Road to four lanes. This will improve traffic flow by separating traffic turning into the hospital site from through traffic in the short term. The roundabout construction will more than likely require land dedications from the subject site and adjoining properties. As an alternative to a dual lane roundabout the Department may wish to consider traffic lights at this intersection.
- II. Eastern access – the proposed “Keep Clear” pavement marking across the eastern access road entrance is not sufficient. Neither is restricting access to left-in, left-out only. Instead the site needs to be constructed to an AUSTROADS ‘BAR’ for right-turns in and Rural Access Standard for left-turns in and out. Vegetation along the boundary would also require removal to improve sight distances for traffic and ambulances. The plans for the new hospital shows a centrally raised median across this access to prevent right-turns in. This will restrict ambulance eastbound movements and should not be installed. Instead, the access to the ambulance station should not be used by the general public an automatic gate placed across it that opens on demand. All other access should be via the proposed roundabout or signalised intersection.

III. The turning area for service vehicles appears to be insufficient to allow large rigid and articulated vehicles to enter and exit the site at the main entry, especially if service vehicles are parked in the loading bays. Amended plans will be required to address this issue.

5 IV. Street Lighting – as a minimum requirement the roundabout and eastern access street shall be lit in accordance with the appropriate Australian Standard. Council preference however is for lighting along the whole frontage.

Car Parking

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The Statement of Environmental Effects advises the following in regard to car parking:

15 *“A traffic and parking assessment has been prepared by TTW to address this SEAR and is contained within Attachment 3 of this EIS. A summary of the findings of that assessment is provided below:*

Car Parking

Pursuant to State Environmental Planning Policy (Infrastructure) 2007, at grade car parking is identified as an exempt development. Accordingly, the early works for the BSCH project has commenced with the construction of a car park to accommodate 195 cars.

20 *In respect to the total number of spaces, TTW has addressed the quantum of parking within Section 3.2 of their report.*

25 *Initially the estimated parking requirements were developed by TTW based on the Byron Shire Development Control Plan (DCP) (2010 and Draft 2014). TTW have then compared parking generation to the assumed anticipated staff, visitor and patient numbers to better ascertain expected parking demand specifically for the Byron Shire Central Hospital development.*

From the assessment completed by TTW, a parking demand of 195 spaces during the peak period as part of the BSCH is identified. This figure exceeds the number specified under the Byron Development Control Plan 2014.

30 *The design plans lodged with this EIS shows the total parking supply of 195 car spaces. The on-site car parking is complimented by the creation of 28 bicycle and 16 motorcycle spaces, all of which are currently under construction.”*

35 DCP 2014 does not provide a car parking rate for hospitals and refers applicants to the RTA's Guide to Traffic Generating Developments (the RMS guide) or a merits based assessment if there is no rate in the guide. The RMS guide does not recommend a rate for hospitals. A merit assessment has been undertaken and is considered to be a reasonable estimate of parking demand.

Issues that need to be addressed are as follows:

40 I. Car spaces for people with disabilities identified on the architectural plans are not in accordance with AS 2890.6.

II. Conditions to be imposed for the parking area to comply with AS 2890, provision of 191 car spaces (of which 6 to be for people with access disabilities), 16 motor cycle spaces and 28 bicycle spaces (of which 12 to be class 1 or 2 facilities for staff).

45 III. Earthworks should not encroach onto the right of carriageway. Landscape buffer and a physical barrier (eg. Fencing or bollards) should be provided between access driveway and right of carriageway.

Traffic/Roadworks

The Statement of Environmental Effects advises the following in regard to access:

5

“A traffic and parking assessment has been prepared by TTW to address this SEAR and is contained within Attachment 3 of this EIS. A summary of the findings of that assessment is provided below:

Traffic

10 *Section 5 of the TTW report assesses the potential traffic impact of the development. TTW conclude within their assessment as provided below:*

15 *A traffic generation of 120 vehicles per hour (during peak periods) has been estimated for the future Hospital activities – considering that not all staff arrive or depart at the same time. Assuming 80% of all cars arriving or departing the site during a peak hour plus 12 vehicle trips associated with fleet and service vehicles.*

Considering this level of vehicular traffic (i.e. about 2 car per minute), the road system will continue to operate at a good level of service.

The introduction of parking management measures will provide an appropriate parking condition for the new facility.

20 *The development proposals will ensure the accessibility of the Hospital in terms of vehicular and pedestrian movements. As part of the concept plan proposal, appropriate walkways should be provided within the Hospital site. Vehicular access and pick-up and set-down facilities should also be included to provide amenity for the Hospital’s users.*

25 *Directional signs should be placed as part of the concept master plan to improve the accessibility for the Hospital and to encourage a higher use of the Hospital’s Entrance at designated locations.”*

Issues that need to be addressed are as follows:

- I. The combination of this development and planning proposals on the land on either side of the subject land has the potential to have a negative impact on traffic efficiency and safety.
30 The traffic assessment should be extended to include the adjacent planning proposals to allow the full extent of traffic impacts to be considered.
- II. An estimated traffic generation of 120 vehicles per hour is an increase of in the order of 10% to the current peak hour traffic on Ewingsdale Road.
- III. Bus stops with an indented bay and shelters should be provided in close proximity to the hospital, preferably within the hospital site if this can be negotiated with bus operators to reduce the risk associated with pedestrians crossing Ewingsdale Road.
35
- IV. If the bus bays are to be provided on the frontage roadway, rather than within the site, they should be located on the approach sides of the roundabout and pedestrian pathways provided to and within the hospital site.
- 40 V. The ability of vehicles to enter a roundabout can be affected by pedestrians, which can decrease the rate that vehicles can both enter and leave the roundabout and this should be considered in the intersection analysis.
- VI. A shared pathway should be extended from McGettigans Lane to and for the frontage of the site.
- 45 VII. A minimum verge width of 3.5m each side of the road should be maintained including at the roundabout for pedestrians, services, drainage and landscaping.
- VIII. Preliminary engineering plans should be prepared for the road works (roundabout, bus bays, footpaths & shared paths, drainage infrastructure, adjustment of services, etc.) to

determine the **necessary land acquisitions** and road dedications. Appropriate arrangements should be made with property owners for the required land acquisitions.

Stormwater Management

5 The Statement of Environmental Effects advises the following in regard to stormwater drainage:

“TTW has prepared schematic drainage design with specific regard to the Byron Shire Council Development Control Plan, Northern Rivers Local Government Handbook of Stormwater Drainage Design, AS3500, and Australian Rainfall and Runoff to address the requirements of SEAR’s 14.

10 *Excerpts from the TTW Civil Design Report (Attachment 4) demonstrate the proposed stormwater management for the BSCH project.*

Stormwater

15 *The proposed development stormwater will be picked up and conveyed via pipe, swales, and overland flow to the OSD basin. A larger OSD basin will replace the existing retention/detention dam constructed for the ambulance station. The OSD basin will maintain the discharge point at the Simpsons’ Creek tributary.*

20 *All proposed roofs will collect stormwater via gutters and downpipes and be connected to the in-ground system.*

Stormwater pipes and pits will be in accordance with AS3500 _ National Plumbing and Drainage Code and in accordance with Byron Shire Council & Northern River’s Stormwater Drainage management guidelines.

25 *A stormwater concept plan is shown in Appendix 1.*

On-site Stormwater Detention

In accordance with Byron Shire Council Onsite Detention Policy and Council’s Draft DCP, OSD will be required for the development. It is required post development flows are to be reduced to the pre development flow rates for storms including the 5 year ARI up to the 100 year ARI.

30 *Due to the natural fall of the land – west to east, the detention basin is proposed to be on the eastern boundary, reconstructing the existing retention/detention dam.*

Initial basin estimates using DRAINS stormwater modelling program indicates that 900m3 OSD volume is required with a footprint of about 1,000m2.

35 *As stormwater is being retained and released at pre-development rate in accordance with Council’s requirements, there will be no increase in stormwater impact on downstream properties and this includes flows in Simpsons’ Creek tributary.*

Recommended Mitigation Measures

40 *The recommendations of the civil design report as they relate to the management of the drainage network for the BSCH project prepared by TTW at Attachment 4 are to be implemented within the detailed design documentation.”*

Issues that need to be addressed are as follows:

- 45 I. The detention basin will likely concentrate collected or diverted stormwater flow onto an adjoining property. Easements should be acquired to direct collected stormwater to a **lawful point of discharge**. Negotiations with property owners should be undertaken along feasible easement routes to determine whether an easement can be obtained to provide stormwater system that will drain to the tributary on the adjoining property.
- 50 II. The detention basin may need to be located out of the land inundated by the 1% AEP flood of the tributary on the adjoining property. The detention basin design must consider any **worsening of upstream or downstream conditions** due to :
 - a) Backwater effects and possible raised upstream flood levels;

- b) Extended periods of flow for minor ARI events; and
- c) Creation of flood peaks which occur at the same time as the tributary flood peaks.

Flooding

5 The Statement of Environmental Effects advises the following in regard to flooding:

“TTW has reviewed the potential flood inundation of the BSCH site within their Civil Design Report contained at Attachment 4. Section 6.1 of the TTW report provides the following flood impact assessment.

10 *The Byron Hospital site is not known to be located within a flood area. However, the Simpsons’ Creek Tributary has been previously assessed (Black Earth Environmental Services, 2010) to have a 1% AEP flood height of RL15.00.*

15 *The hospital is required to sit above the 1% AEP flood height plus the required freeboard. The freeboard as required by Council is 0.5m above the 1% AEP.*

Recommended Mitigation Measures

20 *As the site is not known to be flood prone, no recommended mitigation measures are identified for the BSCH project.”*

25 The NSW Floodplain Development Manual (2005) defines flood prone land as land susceptible to flooding by the PMF event. The TTW Civil Design Report dated 31 July 2014 (ref. 141233) advises that the site is not known to be in a flood area but references a flood report as specifying a 1% AEP flood height of RL15.0m AHD. The referenced flood report does not appear to be included in the application, however based on the survey plan included in the application, the land is subject to inundation by the 1% AEP flood and therefore will also be subject to flooding by the PMF event. The TTW Civil Design Report also advises that investigation into the PMF generated by the catchment upstream in the Simpsons Creek Tributary will need to be undertaken and advises that

30 Council is currently undertaking a flood analysis for Simpsons Creek including the hospitals tributary. The flood modelling currently being undertaken by Council will only cover Simpsons Creek to a point 5km from its junction with the Brunswick River, which is more than 6km downstream of the subject site.

35 Chapter C2 – Areas Affected by Flood, of Byron DCP 2014 recommends the following in regard to critical facilities (eg. Hospitals) to satisfy clauses 6.3 & 6.4 of Byron LEP 2014:

- I. Where possible Emergency Services should be located on land currently flood free during the **PMF** event.
- 40 II. Where practical the minimum fill level should be greater than or equal to the existing climate **PMF** flood level.
- III. If practical, all floor levels to be greater than or equal to the **Projected 2100 Flood Planning Level** (FPL3), so that these buildings will be available for accommodation / storage during and after a flood emergency.
- 45 IV. Buildings to have **flood compatible material** below the relevant **flood planning level** according to development/building type.
- V. The flood impact of the development to be considered.
- VI. Emergency service site – should have good access up to the **PMF** and preferably not cut-off from the main residential area(s).

50 The **NSW Floodplain Development Manual (2005)** recommends using the **PMF** as the **Flood Planning Level** when siting and developing emergency response facilities such as hospitals.

Accordingly, a **flood assessment** should be undertaken to establish design flood levels, hazard categories, flood planning levels, flow rates for structural design, to assess the potential impact of the development on local flood behaviour, and to assess the potential effects of climate change such as increased rainfall intensity.

Contaminated Land (SEPP 55)

Preliminary site contamination report (Tim Fitzroy and Associates dated 24 July 2014 [Appendix 5]) presented a detailed assessment of the past land uses, a statistical sampling analysis of the subject land and results from a NATA accredited laboratory.

A former dip site located on the property was identified and assessed. The experienced and qualified consultant came to the conclusion:

“Based on the site history, site inspections and the laboratory results from soil sampling, there is, in our considered opinion, no impediment to the proposed Development”

The site appears to be below the National Environmental Protection Measures (NEPM) thresholds for assessing land contamination, and is therefore considered suitable for development as a public health facility.

Onsite Sewerage Management

The application discusses onsite sewerage management in the absence of a sewer connection. There is insufficient land area to allow any form of on-site sewage management system for this proposal. Without any public sewer connection point on the property via gravity sewer main or pump station, the proposed development cannot proceed.

Interim measures such as “pump-out” by road tanker or similar should not be supported as the option is not environmentally or economically sustainable.

Food Premises

All food businesses including kiosk and kitchens within the proposed hospital development must be constructed to satisfy the requirements of the NSW Food Act 2003.

Noise

The establishment of a hospital within an existing rural residential subdivision will result in increased noise and vibration intruding into the nearest residential dwellings. The noise character of the area has changed significantly since many of the light-framed dwellings were constructed, mostly up to this point by increased traffic flows along Ewingsdale Road.

Within the next few years the use of the new Pacific Highway corridor and activities associated with the development on and around the Byron Shire Central Hospital site will further raise the background sound pressure levels.

The acoustic study [Byron Shire Central Hospital, 54 Ewingsdale Road, Ewingsdale Noise and Vibration Assessment ~ AECOM Australia P/L dated 6 August 2014] indicates that the existing background levels (without the hospital development in operation) already exceed the Industrial Noise Guideline maximum value of 45 dB(A) during the night-time period (10:00 pm to 7:00 am).

The acoustic report indicated that a number of noise sources, some potentially operating at 100 dB(A) (very loud) will be located on the property as part of the proposed hospital development.

The report indicates that construction noise at certain stages will impact noticeably upon residences in Parkway Drive Ewingsdale, and to their credit also offers a range of mitigating actions to reduce these impacts upon the residents.

What was not disclosed within the acoustic report is the combined and cumulative effects of the numerous point source noise generators that will be operating on the hospital site. The report visually modelled the construction noise impacts, but failed to produce any discussion or modelling on the expected operational noise elements of the working hospital.

The identification and quantification of the total numbers of plant units and the range of noisy plant and equipment firstly, can allow the overall 24 hour per day impacts upon residents to be quantified and modelled, but also secondly, needs to feed through into the architectural drawings for the development to maximise options for acoustic damping and isolation of vibration and noise.

The general statements within the EIS that nominates that some noisy plant can be placed into the basement level, needs to not ignore the cooling towers and required air circulation systems that may not be located within the lower basement nor be readily mitigated by a 'noise barrier' treatment at the conclusion of the development.

The applicant should provide additional acoustic modelling and specifications of appropriate acoustic barrier design where such mitigation is likely to be effective for the proposed operations at the hospital.

It is clear that the noise environment within the hospital buildings for staff and patients will be an important feature of the architects brief. Designing out noisy activities, and effectively shielding noisy equipment which is located on the exterior of the buildings must not be allowed to affect the neighbouring residents who continue to be located in a quiet rural residential subdivision.

Traffic within the hospital grounds will change with shift changes, the number of vehicles attending the hospital on a daily basis for a hospital development that will operate 24 hours a day/ 365 days per year. The noise impacts, particularly during the evening and night periods, will need effective management to reduce the intrusiveness of vehicle related noise impacts. The development needs to have a set of clear operational regulations developed, prior to the opening of the hospital, that can effectively limit vehicle noise in the areas most sensitive to the community.

It is clear that the noise environment within the hospital for staff and patients will be an important feature of the architects brief. Designing out noisy activities, and effectively shielding noisy equipment close to the point of emission are critical requirements for any hospital being located in a quiet rural residential subdivision.

EMR

The EIS offered an assessment of the electromagnetic force [Faraday P/L Report No. F1019 dated June 2014] associated with the adjoining electricity substation. The report concluded as follows:

- (i) From the measurements, none of the magnetic field limits prescribed in the reference standards and guidelines were currently exceeded within the boundaries of Lot 54. The field levels varied between less than 10nT (0.01µT(micro teslas)) and 830nT (0.83 µT). However, the recorded values will increase, following the increased load on electrical system as well as expansion of services by Essential Energy.
- (ii) The 132kV load data obtained from Essential Energy indicate that the electrical system was loaded to 46.2% at the time of measurement. Essential Energy forecasts the increase in power consumption to up to 68% (winter load) of the substation's total capacity by 2019.
- (iii) There are presently no plans to increase the designed capacity of the substation, but the recorded magnetic field may still double after 2019. However, for the next five

years, the magnetic field should not increase to levels exceeding its current values by 50%.

(iv) None of the magnetic field limits, as stated in the referenced standards and guidelines, should be exceeded in the event of the Zone Substation being loaded to its maximum capacity. This is with the exception of faults or severely unbalanced phase loads.

(v) The expected increases in the magnetic field level may impact only on the most sensitive hospital equipment as defined in section 4.3.2 of this report. This is because the externally generated field will combine with the field generated by in-building electrical services.

(vi) Irrespective of the above, magnetic shielding may be required to some of the in-building electrical services to protect the highly sensitive hospital equipment. The future shielding requirement, if any, can be determined based on the magnetic field calculations considering the field sources external and internal to the building.

The conclusions answer the frequently asked question about the influence of EMF and accordingly offered a measure of surety for the health and safety of staff, patients and visitors to the proposed hospital site.

Operating Theatre

Although not part of the Planning Assessment, there have been concerns raised that the new Hospital, as proposed does not contain an Operating Theatre and the NSW Health should consider whether this should be incorporated into the plan.

Financial Implications

There will be cost implications for the construction of the additional capacity in the sewer infrastructure but as these are funded from the sewer fund and may be recouped via a new DSP there are no impacts on the general fund.

Statutory and Policy Compliance Implications

There are no statutory considerations for Council in making this submission. The responsibility for compliance with the statutory provisions rests with the Department.

RECOMMENDED CONDITIONS

1. Drainage Easement

Prior to commencement of works, drainage easements are to be created over outlet structures, including tailout drains, and concentrated flows from the onsite stormwater detention that are located within any adjoining property. Easements are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals.

2. Stormwater drainage

Prior to commencement of works, plans of the stormwater drainage systems, including onsite stormwater detention and stormwater quality controls, are to be prepared by a suitable qualified engineer. The onsite stormwater detention basin shall not be located within land inundated by the 1% AEP for the tributary djoin the site unless it can be demonstrated that there is no worsening of upstream or downstream flood conditions. The plans must be in compliance with Council's Development Control Plan 2014 and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

3. Road Widening

Prior to commencement of works and before consent is granted, under section 138 of the Roads Act 1993, for the road infrastructure, the land adjacent to the road reserve containing all proposed encroachments, including minimum 3.5m wide verge widths, must be acquired and dedicated as road widening.

4. Road Infrastructure

Consent from Council, with concurrence from RMS, must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993 prior to commencement of works. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

Eastern Driveway Access

A driveway in accordance with AUSTROADS 'BAR' for right-turns in and Rural Access Standard for left-turns in and out. Vegetation along the boundary would also require removal to improve sight distances for traffic and ambulances. The footpath crossing must be designed to provide for pedestrians with access disabilities.

Western Driveway Access

A dual lane roundabout at the western driveway access in accordance with AUSTROADS. The design is to address, but not be limited to, kerb & gutter, pavement (concrete), drainage, siting, verge widths, footpaving, signs, line marking, parking restrictions and night-time visibility (including street lighting). Any encroachments onto the property are to be dedicated as "Road Widening" at no cost to Council.

Shared path

A 3.0m wide shared path from McGettigans Lane and for the full frontage of the site at a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40). The design is to address the connectivity with the existing shared path on Ewingsdale Road at McGettigans Lane, signs, line marking, handrails, batters & fencing, and night-time visibility.

Bus Bay and Shelter

Indented bus bays, shelters and pathways in close proximity to the hospital. The design is to address the State Transit Bus Infrastructure Guide, Disability Discrimination Act and any relevant RMS guidelines.

Footpath

1.2m to 1.5m wide footpaths from bus bays to the hospital at a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40).

Ramped pedestrian crossing

A ramped pedestrian crossing in accordance with Council's standard plan – No. R-04 at all kerbed pedestrian road crossing paths.

Pedestrian refuge

A pedestrian refuge to allow pedestrians to cross Ewingsdale Road from any bus bays. The pedestrian refuge is to be designed in accordance with Australian Standard 1742.10 – Manual of Uniform Traffic Controls – Pedestrian Control and Protection and Traffic Authority of New South Wales Guidelines for Traffic Facilities, Part 4.2 – Pedestrian Refuges. The design is to address siting, signs, linemarking, parking restrictions and night-time visibility.

Footpath embellishment

Grading, trimming, topsoiling and turfing of the unpaved footpath areas.

5 **Adjustment of Services**

All works are to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities and to ensure that the services are constructed flush with the finished surface levels.

10 **Regulatory Signage**

The provision of regulatory signage must be approved by the Local Traffic Committee.

The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings" and any requirements and/or relevant guidelines of NSW Roads and Maritime Services (RMS).

15 **5. Traffic Management Plan**

Consent from Council, with concurrence from RMS, must be obtained for a Traffic Management Plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The plan shall incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by a suitably qualified and RMS accredited Work Site Traffic Controller.

30 **6. Parking, vehicle circulation and access.**

Provision of at least 191 car spaces (of which 6 to be for people with access disabilities), 16 motor cycle spaces and 28 bicycle spaces (of which 12 to be class 1 or 2 facilities for staff). The access, parking and manoeuvring for the site is to comply with the requirements of AS/NZS 2890.1:2004, Parking facilities – Off-street car parking, AS 2890.2-2002 Parking facilities – Off-street commercial vehicle facilities, AS 2890.3-1993 Parking facilities – Bicycle parking facilities and AS/NZS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities. Plans demonstrating compliance with the above and the following shall be prepared by a suitably qualified person prior to commencement of works:

- 45 (a) the internal circulation system and the external access points are to be designed for pedestrian & cyclist safety and to minimise pedestrian, cycle and vehicle conflicts, having regard to pedestrian and cycle paths within and external to the site;
- (b) all vehicles must enter and leave the site in a forward direction;
- (c) an automated gate to be provided within the site at the eastern driveway access to prohibit access to all vehicles other than ambulances;
- 50 (d) a turning area for the longest service vehicles to be provided near the loading zone without compromising vehicles parked in the loading zone and the ambulance access; and
- (e) a landscape buffer and a physical barrier (eg. Fencing or bollards) between access driveway and right of carriageway. Earthworks must not affect the ability for the right of carriageway to be used for its purpose.

55

7. Flood Planning Level for new buildings

The flood planning level for this development is the estimated probable maximum flood (PMF) level for the tributary adjoining the site. The plans and specifications for the building works are to provide for a minimum floor level that is above the flood planning level. The plans and specifications for the building works are to also provide for the flood proofing of the building where below the flood planning level in accordance with section C2.3.4 of Byron Shire Council Development Control Plan 2014.

8. Bond required to guarantee against damage to public land

Prior to commencement of works, a bond in the amount of 5% of the value of works in the road reserve is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. A copy of the contract construction cost of the road works is to be submitted with the bond. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held as a maintenance bond upon satisfactory performance as the guarantee against damage to public land. The maintenance period is 6 months in accordance with Council's current Design & Construction Manuals and will commence from the date of satisfactory completion of all road works on the road reserve. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.

9. Certificates for engineering works to be dedicated to Council.

The submission of all test certificates, owners manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's current "Northern Rivers Local Government Design and Construction Manuals and Specifications".

10. Works-As-Executed Plans

Following completion of works, Work-as-Executed Drawings, together with a Work-As-Executed Certification Report, in accordance with Council's requirements are to be submitted to Council. Two categories of Work-as-Executed Drawings are to be submitted to Council, being: Amended Design Work-as-Executed Drawings and Summary Work-as-Executed Drawings.

Amended Design Work-as-Executed Drawings, being certified copies of all approved design plans with as constructed departures, deletions and additions clearly noted and detailed on the plans, are to be submitted to Council in the following formats:-

- (a) One (1) paper copy at the same scale and format as the approved design plans, but, marked appropriately for as constructed information and with original signatures; and
- (b) An electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Summary Work-as-Executed Drawings are to be prepared on a background plan of road layout and kerb lines with a set of separate plans for stormwater drainage, sewerage and water supply. The drawing/s shall include a plan showing the 1 in 100 year flood, PMF and flood planning level extents and levels on the subject land and adjoining roadway. Such drawings are to be submitted to Council in the following formats:

- (a) One (1) paper copy of each drawing with original signatures and in accordance with Council's requirements.
- (b) Electronic copy of the above in AutoCAD DWG or DXF format and provided to Council on CD, DVD or via email. The AutoCAD (DWG or DXF) files are to be spatially referenced to MGA Zone 56.
- (c) Electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Note: Council's requirements are detailed in Council's adopted engineering specifications, currently the Northern Rivers Local Government Development Design and Construction Manuals, and on Council's website.

11. Record of Infrastructure

Following completion of works, a record of infrastructure coming into Council ownership is to be submitted to Council. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record", which is available on Council's website.

12. Certificate of Compliance for Payment– Water Management Act 2000

Prior to the commencement of works payment of developer charges in accordance the adopted Development Servicing Plan for sewer shall be made to Byron Shire Council

Charges will be calculated based on the additional sewerage load that the proposed development generates, shown in Equivalent Tenements (ET) by the following table:

ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT **[ET Policy No:13/005]**

Sewer	95.47 ET
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This ET rate may be reduced down to 39.7 ET if the development consents and continuing use rights for Lot 1 DP 847910 to operate as a hospital or other alternative use are surrendered and the ET credit for that site is reduced to 1 ET.

Payment by Personal or Company Cheque will not be Accepted

A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Construction Certificate.

Application forms are available from Council's administration building or online at http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf to be submitted for a Certificate of Compliance.

13. Sewerage Pump Station and Rising Main

In accordance with Section 306 of the Water Management Act and as a precondition to the grant of a certificate of compliance notice is hereby give to carry out sewerage works for the purpose of a sewerage pump station and sewer rising main to service the site of the development. An approval of the design is to be obtained from Council prior to construction.

Sewerage works are to comply with Council's latest Standards and Policies including but not limited to:

- Development Servicing Plan for Water Supply Services, Byron Shire Council, 2011;

- Development Servicing Plan for Sewerage Services, Byron Shire Council, 2011;
- Fire Flow Design Guidelines, Water Directorate, 2011;
- Water and Sewer Equivalent Tenement Policy (13/005), Byron Shire Council, 2013;
- WSAA Water supply code of Australia - WSA 03 2002;
- WSAA Sewerage Code of Australia (WSA 02-2002),
- WSAA Sewerage Pumping Code of Australia (WSA 04-2005),
- WSAA Pressure Sewerage Code of Australia (WSA 07-2007),
- WSAA Vacuum Sewerage Code of Australia (WSA06-2008); and
- Northern Rivers Local Government Development Design and Construction Manuals.

Transfer of a portion of land to Council to accommodate the pump station and associated operational equipment, and;

Creation of easements over the land for access to the pump station; and

Creation of easements for sewerage pipelines entering the pump station and leaving the pump station.

14. Engineering Construction Plans

Three (3) copies of engineering construction plans and specifications must accompany the construction certificate application. Such plans are to provide for the following works in accordance with Council's current Design and Construction Manuals and Specifications. The submission of the design plans must be accompanied by Northern Rivers Local Government Design and Construction Manual Design Checklist in accordance with Specification DQS:

15. Certificate of Compliance for works– Water Management Act 2000

Sewer services are to be provided to the land in accordance with the approved design granted by Council.

A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Final Occupation Certificate.

Application forms are available from Council's administration building or online at http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf to be submitted for a Certificate of Compliance.

16. Liquid Trade Waste - Approval required

An approval to discharge trade waste into Council's sewer must be obtained in accordance with NSW Office of Water Liquid Trade Waste Regulations Guidelines 2009, Council's Liquid Trade Waste Policy and Liquid Trade Waste Guidelines.

Commercial, business, trade and industrial activities discharging or proposing to discharge to the sewer are required to notify Council and complete the Trade Waste Registration Form available at the Mullumbimby Office and from Council's website at:

http://www.byron.nsw.gov.au/files/publications/liquid_trade_waste_application_form_0.pdf

17. Food safety – design and construction

- a) All food premises must be designed and constructed to comply with Food Safety Standard 3.2.3 *Food Premises and Equipment* of the Food Standards Code.

Note: Requirements of Australian Standard AS4674 – 2004 “*Design, construction and fit-out of food premises*” and NSW Food Authority “*Food premises – Design, construction and fit-out guide*” to be considered to achieve the necessary construction standards for the food premises.

- b) The applicant must arrange for an inspection by an Environmental Health officer of the food premises to assess compliance with Food Safety Standard 3.2.2 *Food Safety Practices and General Requirements* and Food Safety Standard 3.2.3 *Food Premises and Equipment* of the Food Standards Code prior to operating a food business.

18. Air conditioning cooling towers:

All cooling towers, evaporative condensers and warm-water systems must be installed, operated and maintained in accordance with the requirements of the Public Health Act, 2010 and achieve the minimum standards set out under AS/NZS 3666 – 1995: Parts 1 and 2 ~ “*Air handling and water systems of buildings – Microbial Control*”.

All evaporative cooling towers, evaporative condensers and warm-water systems are required to be registered with the local government authority, and maintained to prevent the spread of *Legionella* by operation and maintenance in accordance with AS/NZS 3666 Part 2.

19. Private water supply

The proposed development shall ensure that the private water supply established on the hospital property has an approved ‘Drinking Water Quality Assurance Program’ as required by the Public Health Act 2010.

The operation and maintenance of separate water reservoirs and internal reticulation of water and fire services must ensure that a safe water supply is maintained on the property at all times. All potential cross-connections or hazardous activities to be assessed and comply with AS/NZS 3500.1 – “*Water services*” in respect of individual, zone and containment protection.

20. Neighbourhood Amenity

The proposed use of the Byron Shire Central Hospital shall not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise.

In particular:

- a) The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy so as not to cause offensive noise.
- b) Only clean and unpolluted water is permitted to be discharged to Councils’ stormwater drainage system or any waters.
- c) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid. Contractors with appropriate waste management approval shall be engaged to collect and transport all categories of contaminated wastes, recycled materials and rubbish for off-site disposal.