

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 26 April 2021, I determine:

- (a) to grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2 and Schedule 3; and
- (b) that pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979*, any subsequent part of the development that is not State significant development pursuant to State Environmental Planning Policy (State and Regional Development) 2011 is to be determined by the relevant consent authority and that part of the development ceases to be State significant development.

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.

Keiran Thomas
Director
Regional Assessments

Sydney 2021

SCHEDULE 1

Application Number:	SSD 10159
Applicant:	AA Crown Holdings Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	Faunce Street West, West Gosford Lot 2 in DP 1226932
Development:	Concept and Stage 1 Development Application for a new Private Hospital including: • A Concept Proposal comprising: - o The maximum building envelope for a hospital constructed in two stages: ▪ Stage One building envelope 3 to 9 storeys above basement parking with maximum RL 57.19 ▪ Stage Two building envelope 3 to 5 storeys above basement parking with maximum RL 33.19 - o Maximum GFA of 27,574 m²

- o Site layout and access arrangements
- o Use of the site as a Hospital (health services facility) with ancillary retail
- o Subdivision to create a separate lot for the hospital site
- Stage 1 Works comprising:
 - o Demolition of existing structures and removal of 40 trees
 - o Bulk earthworks including excavation for basement
 - o Construction of a 3 to 9 storey hospital building above basement carparking
 - o Parking for 389 cars and 49 bicycles
 - o Construction of access road and landscape works on residual allotment
 - o Landscape works including on-site plantings, roof terraces, street tree provision
 - o Public domain works including provision of new footpaths, creation of right turn bay on Racecourse Road
 - o Associated infrastructure works including stormwater works, utility augmentation and connections

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	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.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	AA crown Holdings Pty Ltd or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to 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: • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)
Council	Central Coast Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Design Architect	SJB Architects
Development	The development described in the EIS and Response to Submissions, as modified by the conditions of this consent.

Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled Environmental Impact Statement prepared by Willowtree Planning dated September 2019 submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	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
Incident	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 <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Par G of the EIS, as updated
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act

Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW RFS	New South Wales Rural Fire Service
NRAR	Natural Resources Access Regulator
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	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.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
TfNSW(RMS)	Transport for New South Wales (Roads and Maritime Services)
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2: CONDITIONS FOR CONSENT FOR CONCEPT APPROVAL

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) in accordance with the EIS, Response to Submissions and additional information; and
 - (d) in accordance with the approved plans in the table below:

Architectural Drawings - Concept Envelope prepared by SJB Architects		
Dwg. No.	Name of Plan	Date
4.1	Site Plan	October 2020
4.2	Basement 2	October 2020
4.3	Basement 1	October 2020
4.4	Lower Ground Floor	October 2020
4.5	Ground Floor	October 2020
4.6	Level 1	October 2020
4.7	Level 2	October 2020
4.8	Levels 3- 4	October 2020
4.9	Level 5 - 8	October 2020
4.10	Roof Level	October 2020
5.1	North Elevation	October 2020
5.2	East Elevation	October 2020
5.3	South Elevation	October 2020
5.4	West Elevation	October 2020
5.5	Section A	October 2020
5.6	Section B	October 2020

- 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; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.

- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Determination of future development applications

- A5. In accordance with Section 4.22 of the EP&A Act, development under the Concept and the subsequent stages are to be subject of future development applications.
- A6. The determination of future development applications must not be inconsistent with the terms of development consent SSD 10159 as described in Schedule 1 and subject to the conditions in Part B, Schedule 2.
- A7. For the avoidance of doubt, the consent authority for any future development application(s) pursuant to this consent shall be in accordance with Clause 1.6 of *State Environmental Planning Policy (Gosford City Centre) 2018* or *State Environmental Planning Policy (State and Regional Development) 2011*.

Limits on Consent

- A8. This consent will lapse five (5) years from the date of consent, unless works associated with the development have physically commenced.
- A9. This consent does not allow any components of the concept development application to be carried out without further approval or prior consent being granted.

Legal notices

- A10. Any advice of notice to the consent authority shall be served on the Planning Secretary.

Planning secretary as moderator

- A11. In the event of a dispute between the Applicant and a public authority in relation to an application requirement in this approval or relevant matter relating to the development, either part may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter shall be binding on the parties.

Gross Floor Area

- A12. A maximum GFA of 27,574 m² is approved, comprising:
- (a) Stage 1: 23,254 m²
 - (b) Stage 2: 4,320 m²

ADVISORY NOTES

- 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.

PART B CONDITIONS TO BE SATISFIED IN FUTURE DETAILED DEVELOPMENT APPLICATION(S)

Design Excellence

- B1. In addition to the requirements of the State Environmental Planning Policy (Gosford City Centre) 2018, all future development applications shall be carried out in accordance with the Design Excellence Strategy titled 'Northside Private Hospital Design Excellence Strategy' prepared by Willowtree Planning and dated 12 October 2020, the Design Guidelines titled 'Northside Private Hospital Design Guidelines' prepared by Roberts Day and dated October 2020, and shall be reviewed by the City of Gosford Design Advisory Panel (DAP).

Built form and urban design

- B2. Future development application(s) for the development must include:
- (a) detailed plans, elevations and sections
 - (b) artists perspectives and photomontages
 - (c) a design statement demonstrating the design quality of the proposed development having regard to the existing / approved buildings on site and character of surrounding development
 - (d) consideration of the Design Excellence Strategy and the Design Guidelines
 - (e) consideration of any design advice provided by the City of Gosford Design Advisory Panel
- B3. Future Development of Stage 2 must incorporate active uses at the ground floor level to streets and internal pedestrian areas and minimise the occurrence of long inactive facades.
- B4. Any proposed built form must be contained within the approved building envelope illustrated in the approved plans.
- B5. Future development applications shall include a Reflectivity Analysis demonstrating the external treatments do not cause excessive glare.
- B6. Future development applications shall include an Access Report demonstrating the development achieves an appropriate degree of accessibility.

Landscaping

- B7. Future development applications shall include a detailed Landscape Plan for upper level landscape treatments. The landscape plan should be generally consistent with the details provided in the Landscape Report prepared by Arcadia and dated July 2020

Environmental Performance

- B8. Future development applications must address the National Construction Code of Australia 2019 and demonstrate how the Principles of Ecologically Sustainable Development have been incorporated into the design, construction and on-going operation of the development.
- B9. The development must meet or exceed environmental standards equivalent to a 4-star Green Star Design and As Built rating.

Traffic and Transport

- B10. Future development applications shall be accompanied by a Traffic and Transport (TIA) assessment that assesses the traffic, transport, pedestrian impacts on the road and footpath networks and nearby intersection capacity. The TIA shall also address vehicle and pedestrian safety, loading, unloading, servicing and pick-up drop off arrangements, on site car parking, pedestrian and bicycle infrastructure and facilities, access and transport arrangements.
- B11. Future development applications are to provide car parking generally in accordance with the requirements of the Gosford City Centre Development Control Plan 2018.

- B12. Future development applications are to demonstrate adequate provision of bicycle parking for staff and visitors as well as associated end of trip facilities.
- B13. Future development applications shall be accompanied by a Green Travel Plan identifying opportunities to maximise use of sustainable transport choices.

Security and crime assessment

- B14. Future development applications shall be accompanied by a Security and Crime Risk Assessment prepared in consultation with NSW Police having regard to NSW Police publication "Safe Places" Vehicle Management: A comprehensive guide for owners, operators and designers" and Crime Prevention Through Environmental Design (CPTED) principles

Wind assessment

- B15. Future development applications shall be accompanied by an assessment demonstrating the Wind Impacts of the proposal and demonstrating that spaces within and around the site are suitable for their intended purpose.

Waste Management

- B16. Future development applications shall be accompanied by an Operation Waste Management Plan to address storage, collection and management of waste

Utilities

- B17. Future development applications shall include a Utility Services Infrastructure Assessment which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities. The assessment shall be prepared in consultation with relevant agencies and service providers.

Noise and Vibration Assessment

- B18. Future development applications shall be accompanied by a Noise and Vibration Impact Assessment (NVIA) that identifies and provides a quantitative assessment of noise generating sources and vibration during the construction and operational phases. The NVIA shall include detail of any mitigation measures to ensure the amenity of sensitive landuses (including nearby sites and the use of the operational part of the hospital) during the construction and operation of the development.

Hydrology

- B19. Future development applications shall consider potential flooding, stormwater, climate change / sea level rise and water quality impacts. Buildings are to be designed to appropriately respond to any constraints and address water sensitive urban design principles.

Structure

- B20. Future development applications shall include a Structural Report that demonstrates the proposal can be constructed in accordance with the Building Code of Australia

Construction

- B21. All future development applications must provide an assessment of the impacts of construction and include:
- (a) Construction Traffic Management Plan
 - (b) Cumulative Construction Impact Assessment
 - (c) Noise and Vibration Impact Assessment
 - (d) Community Consultation and Engagement Plans
 - (e) Construction Waste Management Plan
 - (f) Air Quality Management Plan

Subdivision

B22. A future development application is required for subdivision of the site. The future development application for subdivision is to:

- (a) Ensure the hospital site has a lot size of 10,180m² or greater
- (b) Include a right of way and right of carriageway providing public access over the access road and access pathways on the site
- (c) Include the access road and the landscape works approved as part Stage 1 on the same lot as the Hospital site or include measures (such as a positive covenant or similar mechanism) that would ensure the roadway and the landscaping would be maintained in good condition in perpetuity.

B23. The provisions of Conditions B1 to B21 of this schedule do not apply to the future development application for subdivision.

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SCHEDULE 3: CONDITIONS FOR CONSENT FOR STAGE 1

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, the Response to Submissions and Additional Information;
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by SJB Architects			
Dwg No.	Rev	Name of Plan	Date
DA-0102	5	Proposed Site Plan	09.10.2020
DA-0201	5	Basement 2 Plan	09.10.2020
DA-0202	5	Basement 1 Plan	09.10.2020
DA-0203	5	Lower Ground Floor Plan	09.10.2020
DA-0204	5	Ground Floor Plan	09.10.2020
DA-0205	5	Level 1 Plan	09.10.2020
DA-0206	5	Level 2 Plan	09.10.2020
DA-0207	5	Level 3 Plan	09.10.2020
DA-0208	5	Level 4 Plan	09.10.2020
DA-0209	4	Level 5 Plan	09.10.2020
DA-0210	4	Level 6 Plan	09.10.2020
DA-0211	4	Level 7 Plan	09.10.2020
DA-0212	4	Level 8 Plan	09.10.2020
DA-0213	4	Level 9 / Plant Plan	09.10.2020
DA-0214	3	Roof Plan	29.07.2020
DA-0501	4	Elevations – North & East (Main Tower)	21.08.2020
DA-0502	4	Elevations – South & West (Main Tower)	21.08.2020
DA-0503	4	Elevations – Podium East	21.08.2020
DA-0504	4	Elevations – Podium North	21.08.2020
DA-0601	4	Sections A & B	21.08.2020
DA-0602	4	Sections C & D	21.08.2020
DA-1701	1	Finishes Board	29.07.2020
DA-2901	3	GFA Plans	21.08.2020
DA-3011	2	Enscape 01	21.08.2020
DA-3012	2	Enscape 02	21.08.2020
DA-3013	2	Enscape 03	21.08.2020

DA-3014	2	Enscape 04	21.08.2020
DA-3015	2	Enscape 05	21.08.2020
DA-3016	2	Enscape 06	21.08.2020
DA-3021	1	CGI 01	29.07.2020
Landscape Plans prepared by Arcadia			
Dwg No.	Rev	Name of Plan	Date
000	A	Cover Sheet and Planting Schedule	July 2020
001	A	Key Plans	July 2020
401	A	Stage 2 – Softworks Plans Ground Floor	July 2020
402	A	Stage 2 – Softworks Plans Ground Floor	July 2020
403	A	Stage 2 – Softworks Plans Ground Floor	July 2020
404	A	Stage 2 – Softworks Plans Ground Floor	July 2020
405	A	Stage 2 – Softworks Plans Ground Floor	July 2020
406	B	Stage 2 – Softworks Plans Ground Floor	February 20210
407	A	Stage 2 – Softworks Plans Ground Floor	July 2020
410	A	Stage 2 – Softworks Plans Level 3	July 2020
411	A	Stage 2 – Softworks Plans Level 3	July 2020
412	A	Stage 2 – Softworks Plans Level 5	July 2020
413	A	Stage 1 – Softworks Plans Ground Floor	July 2020
601	A	Landscape Details	July 2020
700	A	Landscape Specification	July 2020
Civil Plans prepared by Warren Smith & Partners			
Dwg No.	Rev	Name of Plan	Date
C1.02	1	Specification Notes	31/07/20
C1.04	1	General Arrangement Plan	31/07/20
C2.01	1	Sediment and Erosion Control Plan	31/07/20
C2.02	1	Sediment and Erosion Control Details Sheet 1	31/07/20
C2.03	1	Sediment and Erosion Control Details Sheet 2	31/07/20
C3.01	1	Bulk Earthworks Plan	31/07/20
C3.02	1	Bulk Earthworks Cut & Fill Plan	31/07/20
C4.01	1	Driveway Plan and Longsections	31/07/20
C6.01	1	Stormwater Layout Plan	31/07/20
C6.02	1	Stormwater Pit Schedule	31/07/20
C6.03	1	Stormwater Catchment Plan	31/07/20
C6.04	1	On-Site Detention (OSD) Tank Plan	31/07/20
C6.05	1	On-Site Detention (OSD) Tank Sections	31/07/20
C6.06	1	Stormwater Drainage Details	31/07/20
C6.07	1	Ocean Protect Treatment System Standard Details	31/07/20

- 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.
- A6. This consent does not approve:
- (a) any signage. Where required, separate approvals shall be obtained from the relevant consent authority (except where exempt and/or complying development applies).
 - (b) subdivision of the site. A separate development application for subdivision is to be sought in accordance with the requirements of Part B, Schedule 2.

Prescribed Conditions

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Ongoing Engagement of Design Architect

- A8. The Design Architect (SJB Architects) is to have direct involvement in the design documentation, contract documentation and construction phases of the project.
- A9. The Design Architect of the project is not to be changed without the prior notice and approval of the Planning Secretary.

Planning Secretary as Moderator

- A10. 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

- A11. Where conditions of this consent require consultation with an identified party, evidence of the consultation undertaken must be submitted to the Planning Secretary with that document. The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

Staging

- A12. 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).
- A13. A Staging Report prepared in accordance with condition A12 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; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A14. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A15. 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.

Staging, Combining and Updating Strategies, Plans or Programs

- A16. 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).
- A17. Any strategy, plan or program prepared in accordance with condition A16, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A18. 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.

- A19. 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

- A20. 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:

- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

Applicability of Guidelines

- A21. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A22. 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

- A23. 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.

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 via 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 1**.

Non-Compliance Notification

- A27. The Planning Secretary must be notified via the Major Projects Portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary via 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/s 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 a compliance report under condition A36;
- (b) the submission of an incident report under condition A29;
- (c) the submission of an Independent Audit under condition D39;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 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 ISSUE OF A CONSTRUCTION CERTIFICATE

External Walls and Cladding

- B1. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B2. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority 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.
- B3. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Design and Construction for Bush Fire

- B4. New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2019*.
- B5. Water, electricity and gas are to comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

Operational Car Parking, Service Vehicle, Bicycle Parking and End-of-trip facilities

- B6. The construction certificate plans (for the relevant construction sub-stage) must demonstrate compliance with the following requirements and be submitted to the satisfaction of the Certifier:
 - (a) all vehicles are able to enter and leave the site in a forward direction;
 - (b) a minimum of 347 and maximum of 389 on-site car parking spaces for use during operation of the development, including at least 14 accessible car parking spaces;
 - (c) the provision of 14 motorbike spaces;
 - (d) the swept path of the longest vehicle entering and exiting the car parking areas is in accordance with latest version of AS 2890.2;
 - (e) the layout, and design of all on-site car parking and drop-off and pick-up spaces must comply with latest versions of AS2890.1 and AS 2890.6 (for disabled parking spaces);
 - (f) the provision of at least 49 bicycle parking spaces (24 staff and 25 visitor spaces),
 - (g) the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance.
 - (h) the provision of end-of-trip facilities for staff; and
 - (i) provision of appropriate pedestrian and cyclist advisory signs.

Operational Waste Storage and Processing

- B7. Prior to the issue of a construction certificate, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.
- B8. Prior to the issue of a construction certificate a final plan set showing travel paths for internal transfer of waste, intuitive transfer of waste from each floor and stage of the proposed development, identification of interim waste storage and transfer on each floor, and the provision of bin lifters to facilitate waste transfer is to be provided to the satisfaction of Council. Evidence of the design and Council endorsement must be provided to the Certifier.

Landscaping

- B9. Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan and associated documentation to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan and documentation must:
- be generally in accordance with the approved plans identified in condition A2 but all references to Stage 2 landscaping are to be deleted;
 - detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - include species (trees, shrubs and groundcovers) indigenous to the local area;
 - include the planting of trees with a pot container of 100 litres or greater;
 - demonstrate all planting on structures would comply with the soil volume and soil depth of the 'Planting on Structures' recommendations of the Apartment Design Guide
 - amend the provision of street tree planting: species are to achieve a mature height of 15 metres, with species and spacing of trees to be determined by Council (evidence of Council's advice or approval is to be submitted with the updated landscape plan);
 - demonstrate the street trees will be able to grow to maturity having regard to the location of underground services, including the undergrounding of electricity wiring required in accordance with this consent,
 - include provision of visitor bike parking close to the entrance of the site on Racecourse Road;
 - comply with the principles of Appendix 4 of *Planning for Bush Fire Protection 2019*, including details of any required ongoing maintenance measures.

Operational Noise – Design of Mechanical Plant and Equipment

- B10. Prior to issue of any construction certificate which includes installation of mechanical plant and equipment, the Applicant must incorporate all necessary noise mitigation measures into the detailed design drawings. A qualified acoustic consultant must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise and Impact Assessment prepared by SLR dated 4 February 2020.

Ongoing Engagement of Design Architect

- B11. Evidence of the Design Architect's commission in accordance with the requirements of this approval is to be provided to the Certifier prior to the release of the construction certificate.

Development Contributions

- B12. Prior to the commencement of works for any part of the development other than demolition, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

Special Infrastructure Contributions

- B13. The Developer must obtain a determination by the Planning Secretary as to whether a special infrastructure contribution is required to be made under the Environmental Planning and Assessment (Special Infrastructure Contribution – Gosford City Centre) Determination 2018 (2018 Determination). The developer must do so before the time by which a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.

To assist the Planning Secretary in making that determination, the developer is to provide the Planning Secretary with an up-to-date estimate of the proposed cost of carrying out the development, as referred to in the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, a contribution must be made in accordance with that Determination (as in force when this consent takes effect).

A person must not apply for a construction certificate in relation to development the subject of this development consent unless the person provides, in connection with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

In this condition:

Developer means the person having the benefit of this development consent

Planning Secretary means the Secretary of the Department of Planning, Industry and Environment.

Management of Groundwater Impacts

- B14. The design of the basement is to be a tanked basement. Construction drawings are to be updated to confirm the design as a tanked basement prior to the issue of a Construction Certificate.
- B15. Prior to the issue of a construction certificate, the applicant must confirm the details of licencing arrangements for potential take (covering both the construction and occupation stages) with NRAR. The proponent must obtain a Water Access Licence in the relevant groundwater source and ensure they have sufficient water available in their account before dewatering commence.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction or operation 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.

Access to Information

- C3. 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.

Certified Drawings

- C4. 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.

Protection of Public Infrastructure

- C5. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services 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 dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- C6. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, Ausgrid and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, and Ausgrid and Council assets that are likely to be impacted by the proposed works.

Unexpected Contamination Procedure, Health and Contamination Investigations

- C7. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C18 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.
- C8. In conjunction with the design of the basement structure and prior to the commencement of earthworks, a Human Health Risk Assessment (HHRA) must be undertaken as recommended by the Detailed Site Investigation prepared by Douglas Partners and dated November 2020. The HHRA is to consider the design of the basement structure and evaluate the possible risks posed to future users of the site. The HHRA is to advise if further remediation or management of potential impacts is required for the proposed development, or if supplementary remediation and validation is required. The HHRA and details of any additional remediation or management measures (including, if necessary, a Remedial Action Plan) are to be submitted to the Planning Secretary for approval prior to the commencement of earthworks.

Community Communication Strategy

- C9. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- C10. The Community Communication Strategy must:
- (a) identify people to be consulted during the design and construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- C11. The Community Communications Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work.
- C12. Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.
- C13. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Ecologically Sustainable Development

- C14. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
 - (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

- C15. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting 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. The Applicant must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the development, in consultation with affected landowners.

Demolition

- C16. 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.

Environmental Management Plan Requirements

- C17. Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Note: The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

Construction Environmental Management Plan

- C18. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier for approval and provide a copy to the Planning Secretary. 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) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C20);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition C21);
- (d) Construction Waste Management Sub-Plan (see condition C22);
- (e) Construction Soil and Water Management Sub-Plan (see condition C23);
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and

- C19. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.

- C20. A 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 the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- C21. 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;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition C21(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 management measures.
- C22. The Construction Waste Management Sub-Plan (CWMSMP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) 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 in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- C23. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction;
 - (c) provision for storage, testing and treatment of surface water prior to discharge from any erosion and sediment control structure
 - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (e) detail all off-Site flows from the Site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI
- C24. 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.

Soil and Water

- C25. Prior to the commencement of construction, the Applicant must install erosion and sediment controls on the site to manage wet weather events.
- C26. 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* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

Construction Parking

- C27. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Intersection and Road Works

- C28. Prior to the commencement of construction, the Applicant must submit plans to the satisfaction of Council for the roadwork upgrades surrounding the site. The plans are to include a channelised right turn bay into the site from Racecourse road and to ensure exit movements onto Racecourse road are restricted to left-turn only. The plans are also to include pedestrian facilities including a pedestrian refuge island and kerb ramps on Racecourse Road.
- C29. Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the Certifier which demonstrates that the proposed internal roads comply with Table 6.8b of *Planning for Bush Fire Protection 2019*.

Undergrounding overhead wires

- C30. Prior to the commencement of construction, the Applicant must make arrangements to underground all overhead wires within the site and along the Faunce Street frontage. Undergrounding must be carried out in accordance with the requirements of Ausgrid and any necessary approvals from Ausgrid prior to the commencement of above ground works.

Utilities and Services

- C31. Prior to commencement of construction, the applicant must apply for a compliance certificate under the section 305 of the *Water Management Act 2000* from Council. The Applicant is to make all necessary payments, construct all necessary works and make all necessary associated applications as required by the Council under the *Water Management Act 2000*. Details are to be submitted to the Certifier.

Public Domain Works

- C32. 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.

Aviation Safety

- C33. Prior to the commencement of construction, details of the approved project must be reported to Airservices Australia and published in En Route Supplement Australia (ERSA) and other relevant aeronautical chart products.

Groundwater Management and Dewatering

- C34. Prior to the commencement of construction, a Ground Water Management Plan is to be developed that generally complies with the recommendations of the 'Report on Groundwater Investigation and Dewatering Management Plan' prepared by Douglas Partners and dated 04/03/2021 and also includes:
- (a) trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts
 - (b) details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping)

- (c) where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to the relevant consent authority
 - (d) details on the installation of metering of ongoing groundwater where metering instruments should meet the NSW Government's requirements for water meters and relevant Australian standards, or the prescribed process to be applied for measuring take
 - (e) provision for temporary storage, testing and treatment prior to discharge as necessary
- C35. Prior to the commencement of construction, a dewatering reporting schedule is to be developed to cover the duration of construction that includes:
- (a) collation of monitoring records
 - (b) analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed
 - (c) magnitude and extent of potential long-term effects from the completed structure
 - (d) arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D2. 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

- D3. 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 C16.
- D4. Prior to demolition, asbestos containing materials likely to be disturbed by the works are to be removed in accordance with the National Code of Practice How to Safely remove Asbestos (safe Work Australia 2017),

Construction Hours

- D5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 6.00 pm, Mondays to Fridays inclusive; and
 - (b) between 8.00 am and 1.00 pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D6. Construction activities may be undertaken outside of the hours in condition D5 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) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D7. Notification of such construction activities as referenced in condition D6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D8. 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

- D9. 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

- D10. All construction 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

- D11. 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

- D12. 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

- D13. 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 Plan.
- D14. 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 D5.
- D15. 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

- D16. 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).
- D17. 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 D16.
- D18. The limits in conditions D16 and D17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C21 of this consent.

Air Quality

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D20. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;

- (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.

Erosion and Sediment Control

D21. 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* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Imported Soil

D22. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by 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

D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal 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

D24. 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

D25. 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 the RTS;
- (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;
- (e) include design of safe overflow mechanisms for the on-site detention facility
- (f) include provision for the removal of stormwater which may enter the basement due to surface or groundwater ingress.

Unexpected Finds Protocol – Aboriginal Heritage

D26. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement

management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

Unexpected Finds Protocol – Historic Heritage

- D27. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

Unexpected Finds Protocol – Human Remains

- D28. In the event that surface disturbance identifies human remains or suspected human remains, all works must halt and the site be secured. NSW Police, Heritage NSW, EES Group and the Planning Secretary must be immediately notified. Works shall only recommence with the approval of NSW Police, Heritage NSW, EES Group and the Planning Secretary.

Waste Storage and Processing

- D29. 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.
- D30. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D31. 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.
- D32. 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.
- D33. 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

- D34. The Applicant must ensure that all external lighting is constructed and maintained in in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting. The Applicant must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the site, in consultation with affected landowners.

Independent Environmental Audit

- D35. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D36. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- D37. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- D38. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under Condition C5 of this consent, or Condition D37 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 agreed by the Planning Secretary..

- D39. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.
- D40. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), 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 independent operational audits have demonstrated operational compliance.

Aviation Safety

- D41. Any crane used during construction must be referred to NSW Health for approval prior to use, be appropriately marked, operated during daylight hours only and notified to pilots via NOTAM.

PART E PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

- E1. 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

- E2. 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.
- E3. 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.

Post-construction Dilapidation Report

- E4. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) to be forwarded to Council.

Protection of Public Infrastructure

- E5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by B10 of this consent.

Protection of Property

- E6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Utilities and Services

- E7. Prior to commencement of operation, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council and submitted to the Certifier.

Roadworks and Access

- E8. Prior to the commencement of operation, the Applicant must complete the roadworks and intersection upgrade works described in condition C29 to the satisfaction of Council. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

Works as Executed Plans

- E9. Prior to the commencement of operation, works-as-executed drawings 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.

Green Travel Plan

- E10. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Central Coast 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 provision of a shuttle bus service to be operational from the commencement of operations and to provide access between the site and Gosford Station, including details of the frequency of the service having regard to demand and shift change times;
 - (e) 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
 - (f) 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.

Bicycle Parking and End-of-Trip Facilities

- E11. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:
- a) the provision of a minimum 24 staff and 25 visitor 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;
 - d) appropriate pedestrian and cyclist advisory signs are to be provided; and
 - e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Evacuation and Emergency Planning

- E12. Prior to the commencement of operation, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December 2014. A copy of the Bush Fire Emergency Management and Evacuation Plan is to be provided to the Local Emergency Management Committee for its information prior to occupation of the development.
- E13. Prior to the commencement of operation, emergency management procedures must be in place for the detection and removal of stormwater which may enter the basement, as well as emergency management procedures for the evacuation of the basement area in the case of any flooding.

Mechanical Ventilation

- E14. 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

- E15. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the plant and associated noise mitigation measures as installed would not exceed the

recommended operational noise levels identified in the Noise and Vibration Impact Assessment prepared by JHA and dated 03/08/2020.

Road Damage

- E16. 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.

Fire Safety Certification

- E17. 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

- E18. 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 satisfaction of 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 approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Compliance with Food Code

- E19. Prior to the commencement of operation, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Stormwater Quality Management Plan

- E20. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP 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.

Warm Water Systems and Cooling Systems

- E21. 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

- E22. 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.

Signage

- E23. Prior to the erection of any signage, a signage strategy is to be submitted to and approved by the Planning Secretary to demonstrate a coherent and consistent approach to the delivery of signage on the site. All signage must be delivered in accordance with the signage strategy and separate approval obtained as necessary for all signs (unless exempt and complying development provisions apply).
- E24. Prior to the commencement of operation, way-finding signage and signage identifying the location of car parking must be installed.
- E25. 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

- E26. 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 RtS Appendix 35.

Operational Waste Management

- E27. Prior to the commencement of operation, the Applicant must obtain approval from Council's Trade Waste Section for use and disposal of any food waste to the sewer from Dehydrators, pre-digestors or Macerators.

Site Contamination

- E28. If remediation is carried out on the site, it must be in accordance with the Remedial Action Plan approved under condition C8.
- E29. If a Remedial Action Plan is approved under condition C8, Prior to the commencement of operation, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the Hospital land use and be provided for the information of the Planning Secretary and the Certifier.

Landscaping

- E30. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
- E31. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

Asset Protection Zones

- E32. Prior to the commencement of operation, the entire property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of the *Planning for Bush Fire Protection 2019*.

Aviation Safety

- E33. Prior to the commencement of operation, a medium intensity read steady light is to be installed on the rooftop of the proposed building, in accordance with Manual of Standards Part 139 –

Aerodromes Section 9.4.2.4 and Section 9.4.3.1. The light must to be lit at night in perpetuity for the life of the development.

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PART F POST OCCUPATION

Operation of Plant and Equipment

- F1. 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

- F2. 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.

Community Communication Strategy

- F3. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Operational Noise Limits

- F4. 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 JHA and dated 3 August 2020.
- F5. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within three months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Noise and Vibration Impact Assessment prepared by JHA and dated 3 August 2020. 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

- F6. 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

- F7. The Green Travel Plan required by condition E10 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary. The Shuttle Bus service must operate for the life of the development in accordance with the details set out in the Green Travel Plan.

Ecologically Sustainable Development

- F8. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition C14, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- F9. Notwithstanding condition E22, 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

- F10. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E30 for the duration of occupation of the development.

Asset Protection Zones

- F11. The asset protection zones required by condition E32 shall be maintained for the duration of occupation of the development.

Hazard Audit

- F12. Within twelve months after the commencement of operation and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development. Division 9.4 of Part 9 of the EP&A Act applies to these audits. The audits must:
- (a) be carried out at the Applicant's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development;
 - (b) be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*; and
 - (c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.

Hazards and Risk

- F13. 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.
- F14. In the event of an inconsistency between the requirements of condition F13(a) and F13(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

- F15. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- F16. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
 - (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - (c) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin* (EPA, 1997).
- F17. In the event of an inconsistency between the requirements F16(a) to F16(c), the most stringent requirement must prevail to the extent of the inconsistency.

Discharge Limits

- F18. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

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(RMS) (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 reserve.

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 submitted to the Planning Secretary via 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 A28 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. 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.