

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 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



David Gainsford
Executive Director
Infrastructure Assessments

Sydney

12/06/2020

SCHEDULE 1

Application Number:	SSD-10353
Applicant:	Health Administration Corporation
Consent Authority:	Minister for Planning and Public Spaces
Site:	771 Cudgen Road, Cudgen (Lot 11 DP 1246853)
Development:	<p>Detailed design, construction and operation of the Tweed Valley Hospital, in five construction sub-stages, comprising:</p> <ul style="list-style-type: none">• a new hospital building with rooftop helipad.• three buildings for support services (Health Hub) and a substation.• a temporary building (Tweed Skills Centre) accommodating a skills centre during the construction phase.• car parking areas including the detailed design and construction of a multi-deck car park.• internal road layouts, landscaping, wetland rehabilitation, services and signage.• operation and use of the hospital and the ancillary buildings.• public domain works, external roadworks including upgrade to the intersection of Tweed Coast Road and Cudgen Road and a new signalised intersection on Cudgen Road.

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	Health Administration Corporation
ARI	Annual Recurrence Interval
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Stage 2 SSD Biodiversity Assessment Report prepared by Greencap dated September 2019
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
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	<p>Includes all works required to construct and operate the proposed development and permitted by this consent including commissioning and trials of equipment, but excluding the following low impact work which is completed prior to approval of the CEMP:</p> <ul style="list-style-type: none"> • survey works including general alignment survey and survey controls (including installation of global positioning system (GPS)), repeater stations, survey of existing and future utilities or building /road / infrastructure dilapidation surveys; • further investigations including investigative drilling, excavation or salvage; • treatment of contaminated soil or work undertaken in accordance with a strategy / management plan or salvage operation required by the conditions of this consent; • installation of at-house acoustic treatment and low impact mitigation measures identified in approved strategies, plans, programs and other documents required by the conditions of this consent; • establishing temporary site offices (in locations identified by the conditions of this consent); and • low impact utility works including minor adjustments to services or utilities conducted within the approved construction hours undertaken in accordance with this development consent. <p>Low impact work becomes construction with the approval of the first CEMP. 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</p>

	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).
Coastal wetlands	The area within the Site at No. 771 Cudgen Road, Cudgen and the adjoining area to the north and west, mapped as 'coastal wetland' in the State Environmental Planning Policy (Coastal Management) 2018 Coastal Wetlands and Littoral Rainforests Area Map
Proximity area for coastal wetlands	Land identified as "proximity area for coastal wetlands" on the Coastal Wetlands and Littoral Rainforests Area Map
Council	Tweed Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS, Response to Submissions and supplementary Response to Submissions including the works and activities comprising construction and operation of Stage 2 of Tweed Valley Hospital, 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 <i>New Tweed Valley Hospital – Stage 2 (Main Works and Operation)</i> prepared by Geolink dated 24/09/2019, 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>
Feasible	Means what is possible and practical in the circumstances
Gross floor area	"Gross floor area" as defined in the Standard Instrument—Principal Local Environmental Plan as at the date of this consent
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
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>
ICNG	Interim Construction Noise Guidelines
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 Section 7 of the EIS and Appendix 3 of this consent.

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
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction. For the purpose of this development consent, operation excludes the commencement of any administrative activities or commissioning of equipment within the site to facilitate its day to day functional activities.
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.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
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)
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.
SRtS	Supplementary Response to Submissions
Stage 2 BMP	Stage 2 Biodiversity Management Plan prepared by Greencap dated September 2019
TfNSW	Transport for New South Wales
TfNSW (RMS)	Transport for New South Wales (Roads and Maritime Services)
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
VENM	Virgin Excavated Natural Material
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally, in accordance with the EIS, Response to Submissions (RtS), Supplementary Response to Submissions (SRtS) and the Environmental Management and Mitigation Measures in **Appendix 3**; and
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by <i>STH and Bates Smart</i>			
Dwg No.	Rev	Name of Plan	Date
STB-AR-SKE-PRW-1000015	2	Proposed Site Plan	28/02/2020
STB-AR-SKE-MHB-20B1001	1	General Arrangement Plan Basement	06/09/2019
STB-AR-SKE-MHB-20LG001	1	General Arrangement Plan Lower Ground	06/09/2019
STB-AR-SKE-MHB-2000001	1	General Arrangement Plan Lower Ground Level	06/09/2019
STB-AR-SKE-MHB-2001001	1	General Arrangement Plan Level 1	06/09/2019
STB-AR-SKE-MHB-2002001	1	General Arrangement Plan Level 2	06/09/2019
STB-AR-SKE-MHB-2003001	1	General Arrangement Plan Level 3	06/09/2019
STB-AR-SKE-MHB-2004001	1	General Arrangement Plan Level 4	06/09/2019
STB-AR-SKE-MHB-2005001	1	General Arrangement Plan Level 5	06/09/2019
STB-AR-SKE-MHB-2006001	1	General Arrangement Plan Level 6	06/09/2019
STB-AR-SKE-MHB-2007001	1	General Arrangement Plan Level 7	06/09/2019
STB-AR-SKE-HUB-2000001	1	Health Hub Ground Level	06/09/2019
STB-AR-SKE-HUB-2001001	1	Health Hub Level 1	06/09/2019
STB-AR-SKE-MCP-20B2001	1	Multi-Deck Carpark Basement 2	06/09/2019
STB-AR-SKE-MCP-20B1001	1	Multi-Deck Carpark Basement 1	06/09/2019
STB-AR-SKE-MCP-2000001	1	Multi-Deck Carpark Ground Level	06/09/2019
STB-AR-SKE-	1	Multi-Deck Carpark Level 1	06/09/2019

MCP-2001001			
STB-AR-SKE-MCP-2002001	1	Multi-Deck Carpark Level 2	06/09/2019
STB-AR-SKE-MCP-2003001	1	Multi-Deck Carpark Level 3	06/09/2019
STB-AR-SKE-MCP-2004001	1	Multi-Deck Carpark Level 4	06/09/2019
STB-AR-SKE-MCP-2005001	1	Multi-Deck Carpark Level 5	06/09/2019
STB-AR-SKE-MCP-2006001	1	Multi-Deck Carpark Level 6	06/09/2019
STB-AR-SKE-MCP-2007001	1	Multi-Deck Carpark Level 7	06/09/2019
STB-AR-SKE-MHB-21B1001	1	Façade Type Plans MHB - Basement	06/09/2019
STB-AR-SKE-MHB-21LG001	1	Façade Type Plans MHB – Lower Ground	06/09/2019
STB-AR-SKE-MHB-2100001	1	Façade Type Plans MHB – Level Ground	06/09/2019
STB-AR-SKE-MHB-2101001	1	Façade Type Plans MHB – Level 1	06/09/2019
STB-AR-SKE-MHB-2102001	1	Façade Type Plans MHB – Level 2	06/09/2019
STB-AR-SKE-MHB-2103001	1	Façade Type Plans MHB – Level 3	06/09/2019
STB-AR-SKE-MHB-2104001	1	Façade Type Plans MHB – Level 4	06/09/2019
STB-AR-SKE-MHB-2105001	1	Façade Type Plans MHB – Level 5	06/09/2019
STB-AR-SKE-MHB-2106001	1	Façade Type Plans MHB – Level 6	06/09/2019
STB-AR-SKE-MHB-2107001	1	Façade Type Plans MHB – Level 7	06/09/2019
STH-AR-SKE-MHB-2500001	1	Hospital Helipad and Roof Plan	06/09/2019
STH-AR-SKE-HUB-2500001	1	Health Hub and Roof Plan	06/09/2019
STH-AR-SKE-MCP-2500001	1	Multi-Deck Carpark Lift Overrun	06/09/2019
STB-AR-SKE-MHB-4000000	1	Key Plan Elevations and Sections	06/09/2019
STB-AR-SKE-MHB-4000001	1	Key Elevations 1 and 2	06/09/2019
STB-AR-SKE-MHB-4000005	1	Key Elevations 3 and 4	06/09/2019
STB-AR-SKE-HUB-4000001	1	Health Hub Elevations Building A	06/09/2019
STB-AR-SKE-HUB-4000010	1	Health Hub Elevations Building B	06/09/2019
STB-AR-SKE-MCP-4000001		Multi-Deck Carpark Elevations 1 and 2	06/09/2019
STB-AR-SKE-MCP-4000002	1	Multi-Deck Carpark Elevations 3 and 4	06/09/2019
STB-AR-SKE-	1	Continuous Elevations Cudgen Road and	06/09/2019

PRW-4000001		Turnock Street	
STB-AR-SKE-MHB-5000001	1	Overall Building Sections A & B.	06/09/2019
STB-AR-SKE-MHB-5000002	1	Overall Building Sections C & D.	06/09/2019
STB-AR-SKE-MHB-5000003	1	Overall Building Sections E & F.	06/09/2019
STB-AR-SKE-MHB-5000004	1	Overall Building Sections G & H.	06/09/2019
STB-AR-SKE-MCP-5000001	1	Multi-Deck Carpark Sections A & B.	06/09/2019
STB-AR-SKE-MCP-5000002	1	Multi-Deck Carpark Section C.	06/09/2019
STB-AR-SKE-HUB-5000001	1	Health Hub Sections A, B, C & D.	06/09/2019
STB-AR-SKE-MHB-6500001	1	Façade System FS-121A / FS-131	06/09/2019
STB-AR-SKE-MHB-6500002	1	Façade System FS-121 / FS-131.	06/09/2019
STB-AR-SKE-MHB-6500003	1	Façade System FS-122.	06/09/2019
STB-AR-SKE-MHB-6500004	1	Façade System FS-123.	06/09/2019
STB-AR-SKE-MHB-6500005	1	Façade System FS-131.	06/09/2019
STB-AR-SKE-MHB-6500006	1	Façade System FS-132 / FS-133.	06/09/2019
STB-AR-SKE-MHB-6500007	1	Façade System FS-111.	06/09/2019
STB-AR-SKE-MHB-6500008	1	Façade System FS-124.	06/09/2019
STB-AR-SKE-MHB-6500009	1	MHB Façade Sections.	06/09/2019
STB-AR-SKE-MCP-6500001	1	Multi-Deck Carpark Façade Types FS-221/ FS-212/ FS-262.	06/09/2019
STB-AR-SKE-MCP-6500002	1	Multi-Deck Carpark Façade Types FS-211/ FS-212/ FS-262.	06/09/2019
STB-AR-SKE-MCP-6500003	1	Multi-Deck Carpark Façade Types FS-212/ FS-263/ FS-211.	06/09/2019
STB-AR-SKE-MCP-6500004	1	Multi-Deck Carpark Façade Types FS-261.	06/09/2019
STB-AR-SKE-HUB-6500001	1	Health Hub Façade Types FS-312.	06/09/2019
STB-AR-SKE-PRW-8100001	1	East On-Grade Carpark	06/09/2019
STB-AR-DWG-PRW-1000012	4	Site Hardstand Zonal	09/12/2019
STB-AR-SKE-MHB-9400050	-	Schedule of External Materials	Undated
STB-AR-DWG-PSC-1000030	2	Prototype Skills Centre Compound Plan	05/09/2019
STB-AR-DWG-PSC-2200001	2	Prototype Skills Centre Ground Floor Plan	05/09/2019
STB-AR-DWG-	2	Prototype Skills Centre Roof Plan	05/09/2019

PSC-2201001			
STB-AR-DWG-PSC-5000001	3	Prototype Skills Centre Elevations and Sections	05/09/2019
Landscape Plans prepared by <i>Turf Design Studios</i>			
Dwg No.	Rev	Name of Plan	Date
LS-DWG -02-001	7	Tree Removal and Preservation - Plan	23/09/2019
LS-DWG -10-001	7	Site-wide Landscaping Plan	23/09/2019
LS-DWG -10-002	6	Pathway Network Plan	23/09/2019
LS-DWG -10-003	1 1	Zonal Plan	16/03/2020
LS-DWG -20-001	7	Landscape Plans & Sections - Health Hub & SE Forecourt	23/09/2019
LS-DWG -20-002	6	Landscape Plans & Sections - Southern Entry Plaza	23/09/2019
LS-DWG -20-003	7	Landscape Plans & Sections - Northern Terrace	23/09/2019
LS-DWG -20-004	7	Landscape Plans & Sections - Eastern Entry & Green Spine	23/09/2019
LS-DWG -20-005	7	Landscape Plans & Sections - Western Entry & Green Spine	23/09/2019
LS-DWG -20-006	7	Landscape Plans & Sections - Agriculture Buffer at hospital	23/09/2019
LS-DWG -20-007	4	Landscape Plans & Sections - East and west Buffer	23/09/2019
LS-DWG -20-008	7	Landscape Plans & Sections - Central Energy Plant	23/09/2019
LS-DWG -20-009	7	Landscape Plans & Sections - Lower Ground Courtyards	23/09/2019
LS-DWG -20-010	7	Landscape Plans & Sections - Ground level Terraces	23/09/2019
LS-DWG -20-011 N	7	Landscape Plans & Sections - Lower Ground Courtyards & Terrace	23/09/2019
LS-SCH -90-001	7	Plant Schedules	23/09/2019
		Koala Food Trees Markup Plan	16/03/2019
Wayfinding Plans prepared by <i>Urbanite</i>			
Dwg No.	Rev	Name of Plan	Date
-	C	GEN - Signage Hierarchy – External	02/08/2019
-	B	GEN - Finishes Schedule	22/07/2019

-	B	GEN - Finishes Schedule	22/07/2019
-	E	External precinct signage masterplan	12/09/2019
-	E	External precinct signage masterplan - Pedestrian Directionals only	12/09/2019
-	B	S1.A - Building ID - Main ID	17/06/2019
-	C	S2.A - Building Entry ID – Main Entry	02/08/2019
-	A	S2.C - Building Entry ID - Emergency	06/09/2019
-	A	S2.B - Building Entry ID - Specialist Entry (East)	06/09/2019
-	C	S3.A - Precinct ID - Cudgen Road Totem	06/09/2019
-	C	S3.A - Precinct ID - Cudgen Road Totem	06/09/2019
-	-	Precinct Signage – Day	-
-	-	Precinct Signage – Night	-
-	-	N Precinct Signage – Day	-
-	-	N Precinct Signage – Night	-
-	D	N S3.B - Precinct ID - Main Entry – Option 1	02/08/2019
-	B	S3.B - Precinct ID - Main Entry – Option 2	02/08/2019
-	D	D1.A - Vehicular Directional - Primary	05/09/2019
-	D	D1.A - Vehicular Directional - Primary	05/09/2019
-	D	D1.B - Vehicular Directional - Roundabout	05/09/2019
-	B	D2 - Pedestrian Directional	17/07/2019
Civil Plans prepared by Robert Bird Group			
Dwg No.	Rev	Name of Plan	Date
RBG-CV-DWG -RIE-80-300	B	Site Plan	28/02/2020
RBG-CV-DWG -RIE-80-301	G	General Arrangement - Sheet 1 of 10	28/02/2020
RBG-CV-DWG -RIE-80-302	H	General Arrangement - Sheet 2 of 10	28/02/2020
RBG-CV-DWG -RIE-80-303	2	General Arrangement - Sheet 3 of 10	27/05/2019
RBG-CV-DWG -RIE-80-304	2	General Arrangement - Sheet 4 of 10	27/05/2019
RBG-CV-DWG -RIE-80-305	G	General Arrangement - Sheet 5 of 10	28/02/2020
RBG-CV-DWG -RIE-80-306	E	General Arrangement - Sheet 6 of 10	28/02/2020
RBG-CV-DWG -RIE-80-307	C	General Arrangement - Sheet 7 of 10	28/02/2020
RBG-CV-DWG -RIE-80-308	1	General Arrangement - Sheet 8 of 10	20/05/2019
RBG-CV-DWG -RIE-80-309	D	General Arrangement - Sheet 9 of 10	28/02/2020
RBG-CV-DWG -RIE-80-310	1	General Arrangement - Sheet 10 of 10	20/05/2019
RBG-CV-DWG -RIE-80-320-D	1	Roadworks Typical Section - Sheet 1 of 2	20/05/2019

WG			
RBG-CV-DWG -RIE-80-321-D WG	1	Roadworks Typical Section - Sheet 2 of 2	20/05/2019
RBG-CV-DWG -RIE-82-501	2	Multi-Storey Carpark – Bulk Earthworks Plan	12/09/2019
RBG-CV-DWG -RIE-82-510	1	Multi-Storey Carpark Bulk Earthworks Section (1 of 5)	27/08/2019
RBG-CV-DWG -RIE-82-511	2	Multi-Storey Carpark Bulk Earthworks Section (2 of 5)	12/09/2019
RBG-CV-DWG -RIE-82-512	2	Multi-Storey Carpark Bulk Earthworks Section (3 of 5)	12/09/2019
RBG-CV-DWG -RIE-82-513	1	Multi-Storey Carpark Bulk Earthworks Section (4 of 5)	27/08/2019
RBG-CV-DWG -RIE-82-514	1	Multi-Storey Carpark Bulk Earthworks Section (5 of 5)	27/08/2019

- 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) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. The temporary building “Tweed Valley Skills Centre” must be removed within one year of completion of the construction works pursuant to this development consent and the area reinstated with landscaping as per the approved Landscape Plans in Condition A2.
- A7. The maximum gross floor area of the new hospital building, and the Health Hub must be limited to approximately 65,050 square meters.

Prescribed Conditions

- A8. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

- A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter is binding on the parties.

Evidence of Consultation

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

Staging

- A11. 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).
- A12. A Staging Report prepared in accordance with condition A11 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.
- A13. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A14. 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

- A15. 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).

- A16. Any strategy, plan or program prepared in accordance with condition A15, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A17. 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.
- A18. 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

- A19. 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.*

External Walls and Cladding

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Design and Construction for Bush Fire

- A21. New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 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 2006.

Applicability of Guidelines

- A22. 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.
- A23. 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

- A24. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

Access to Information

- A25. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed in writing 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.

Compliance

A26. 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

- A27. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A28. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A29. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A30. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A31. 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

- A32. Within three months of:
- (a) the submission of a compliance report under condition A35;
 - (b) the submission of an incident report under condition A27;
 - (c) the submission of an Independent Audit under condition C44;
 - (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.
- A33. 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.*

Completion of Stage 1 Works

- A34. The Applicant must notify the Department in writing of the timing of completion of the Stage 1 works under SSD-9575.

Compliance Reporting

- A35. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements.
- A36. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed by the Planning Secretary.
- A37. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A38. Notwithstanding the requirements of the Compliance Reporting Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. 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.

Certified Drawings

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

External Walls and Cladding

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

Protection of Public Infrastructure

- B5. Prior to the commencement of construction, the Applicant must update the pre-construction dilapidation report for public infrastructure, submitted for Stage 1 works of SSD-9575. The report must
 - (a) consult with the relevant owner and provider of any additional services that are likely to be affected by the proposed works under this development consent (in addition to the Stage 1 works under SSD-9575) to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) include an additional dilapidation report (or update the Stage 1 dilapidation report for public infrastructure) identifying the condition of all additional public infrastructure in the vicinity of the Site (including roads, gutters and footpaths); and
 - (c) submit a copy of the updated dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- B6. Prior to the commencement of construction, the Applicant must update the pre-construction dilapidation report submitted for Stage 1 works of SSD-9575. The report must:
 - (a) include all the detailed submitted with the pre-construction dilapidation report for Stage 1 works of SSD-9575; and
 - (b) provide an accurate record of the existing condition of any additional adjoining private properties, and Council assets that are likely to be impacted by the proposed works that are subject of this development consent (including the Tweed Coast Road / Cudgen Road intersection).

The updated pre-construction dilapidation report must be submitted to Council and the Certifier.

Unexpected Contamination Procedure

- B7. Prior to the commencement of construction, 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 B13 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 for information prior to its removal from the Site.

Community Communication Strategy

- B8. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must include the details of Stage 1 of SSD-9575 and any additional community communication strategies needed for the works subject of this development consent (including the Tweed Coast Road / Cudgen Road intersection works).
- (a) The additional strategies must identify people to be consulted (the relevant Council and the community including adjoining affected landowners and businesses, and others directly impacted by the development) during the design and construction phases and for a minimum of 12 months following the completion of construction;
 - (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.

Ecologically Sustainable Development

- B9. 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

- B10. 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.

Reflectivity

- B11. The building materials used on the facades of all buildings will be designed so as not to result in glare that causes discomfort or threatens the safety of pedestrians or drivers. A report / statement demonstrating consistency with this requirement will be submitted to the satisfaction of the certifier prior to commencement of construction of the above ground works for the new hospital building, multi-deck carpark or the Health Hub.

Environmental Management Plan Requirements

- B12. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

- (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
- (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development;
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
- (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
- (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.

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

Construction Environmental Management Plan

B13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. 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 B15);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition B16);
- (d) Construction Waste Management Sub-Plan (see condition B17);
- (e) Construction Soil and Water Management Sub-Plan (see condition B18);
- (f) Flood Emergency Response Sub-Plan (see condition B19);
- (g) Construction Air Quality Management Sub-Plan (condition B20);
- (h) be consistent with the CEMP of Stage1 of SSD-9575;
- (i) details of location of protective fencing (exclusion fence) to protect the vegetation on the Site, identified for retention in the approved plans in condition A2;
- (j) an unexpected finds protocol for contamination and associated communications procedure;

- (k) details to demonstrate that the proposed exclusion fence on the Site would not impinge on species movement within the Site and the adjoining 'Coastal wetlands' during the construction works;
 - (l) an unexpected finds protocol for contamination and associated communications procedure;
 - (m) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure including recommendations for works within the Tweed Coast Road / Cudgen Road intersection;
 - (n) procedures to protect the retained stone walls on the Site identified in the Historical Heritage Assessment Report prepared by Niche Environment and Heritage dated 23 September 2019;
 - (o) 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
 - (p) mitigation measures against mosquitos and biting insects for construction workers and measures to minimise mosquito breeding on the existing sediment basins, where feasible and ensuring the correct function of the basins and protection of the surrounding environment.
- B14. 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.
- B15. 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) details that are consistent with the CTPMSP approved for the Stage 1 works pursuant to development consent SSD-9575;
 - (b) be prepared by a suitably qualified and experienced person(s);
 - (c) be prepared in consultation with Council and TfNSW;
 - (d) demonstrate that all construction vehicles can enter and leave the Site in a forward direction;
 - (e) demonstrate that the swept path of the longest vehicle entering and exiting the Site in association with the construction works, would be in accordance with AUSTROADS;
 - (f) detail the measures to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians, bus services and slow-moving agricultural vehicles using the same road network as the construction vehicles;
 - (g) include a procedure for identifying additional impacts and recording the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts;
 - (h) include a procedure to manage the movement of slow-moving agricultural vehicles (tractors etc.) on Tweed Coast Road and Cudgen Road along with the construction traffic (specifically heavy vehicles);
 - (i) detail heavy vehicle routes (including separate access routes for vehicles entering and leaving the Site), access and parking arrangements and demonstrate that all heavy vehicles routes would be via arterial / regional roads only (such as Tweed Coast Road) prior to entering Cudgen Road, and not via any of the local roads within the Kingscliff urban area;
 - (j) includes details that specify that the total number of daily two-way movements for heavy vehicles are restricted to 20 vehicles per hour (average) as identified in the *Stage 2 Traffic Impact Assessment* prepared by Bitzios dated 23/09/2019;
 - (k) include details to demonstrate that all heavy vehicle access to / from the Site would occur outside of the identified morning peak period (8am – 9am) and afternoon peak period

(2:45pm – 4:15pm) except circumstances (such as continual supply of concrete pouring) where evidence is provided to the Planning Secretary and

- (l) include a Traffic Control Plan (TCP) to manage road closures and the works within the Cudgen Road and Tweed Coast Road reserve.

B16. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) provide details of construction noise management procedures within the Site, Cudgen Road signalised intersection and the Tweed Coast Road / Cudgen Road intersection upgrade site;
- (c) provide details of all the residential and non-residential receivers in Catchments A, B and C, the Kingscliff TAFE and Kingscliff High School as identified in the *Noise and Vibration Impact Assessment for SSDA Tweed Valley Hospital Stage 2* by JHA dated 19 September 2019;
- (d) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) and the relevant provisions of Australian Standard 2436 - 2010 *Guide to Noise Control on Construction and Maintenance and Sites*, at all identified receivers;
- (e) incorporate all reasonable and feasible noise mitigation measures and construction methods (where feasible) during the proposed construction works so that the project specific construction noise management levels (NMLs) at all the identified receivers (B16(c)), for standard construction hours (airborne) as identified in Section 6.5.2 of the *Noise and Vibration Impact Assessment for SSDA Tweed Valley Hospital Stage 2* by JHA dated 19 September 2019, be maintained ();
- (f) identify the construction activities (including works within the Tweed Coast Road / Cudgen Road intersection upgrade site) with the associated predicted construction noise levels, that would exceed the NMLs and reach or exceed the Highly Affected Noise Level of 75dB(A) LAeq(15min), at the identified the residential and non-residential receivers in Catchments A / B / C, Kingscliff TAFE and Kingscliff High School;
- (g) describe the management and mitigation measures to be implemented when the predicted construction noise levels for the above construction activities (exceed 75dB(A) LAeq(15min) at the residential and non-residential receivers in Catchments A / B / C, Kingscliff TAFE and Kingscliff High School, including (but not limited to):
 - (i) proposing suitable location of the noise generating equipment so that the predicted construction noise levels at the residential and non-residential receivers in Catchments A / B / C can be lowered;
 - (ii) intra-day respite periods (such as one hour of respite every three hours or exclusion of such works on the Saturdays);
 - (iii) scheduling of the noisy activities outside the sensitive times of the day and specific periods of the year;
 - (iv) equipment-specific temporary screening for noisy equipment or use of noise control measures in AS-2436; and
 - (v) use of noise shields where feasible;
- (h) include details of noise monitoring procedures and the location of the loggers on the eastern and southern boundaries of the Site, and at the Tweed Coast / Cudgen Road intersection, facing the sensitive receiving catchments, to record the noise levels generated by the construction activities, and to ensure that appropriate notification occurs in the event that the construction noise level exceeds 75dB(A) LAeq(15min) at a receiver, so that mitigation measures can be incorporated on the Site at that time;
- (i) provide details of the surveys of each of the key vibration generating activity / equipment and the predicted vibration levels of the equipment;

- (j) include details of vibration monitoring techniques to be implemented when vibration levels exceed the prescribed criteria identified in the *Noise and Vibration Impact Assessment for SSDA Tweed Valley Hospital Stage 2'* by JHA dated 19 September 2019;
 - (k) include strategies that have been developed with the community (specifically residents in Catchments A and B), Kingscliff TAFE and Kingscliff High School for managing high noise and vibration generating works, especially during the Tweed Coast Road / Cudgen Road intersection upgrade works;
 - (l) describe the community consultation undertaken to develop the strategies in condition B16(g); and
 - (m) include details of a complaints management system that would be implemented for the duration of the construction.
- B17. The Construction Waste Management Sub-Plan (CWMSP) 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.
- B18. 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;
 - (b) be consistent with the CSWMP prepared for the Stage 1 works of SSD-9575;
 - (c) describe all erosion and sediment control measures to be implemented during construction, generally in accordance with:
 - (i) *RBG-CV-DWG-RIE-81-300 Rev 2 - Erosion and Sediment Control Plan* dated 12/09/2019;
 - (ii) the publication *Managing Urban Stormwater Soils and Construction*, 4th Edition published by Landcom ('Blue Book');
 - (iii) the measures proposed in *Stormwater Management Plan Issue E* prepared by Robert Bird Group dated 19 September 2019; and
 - (iv) the recommendations in Section 3.2.4 of the Stage 2 SSD Biodiversity Assessment Report prepared by Greencap dated September 2019 (BDAR).
 - (d) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas (if any);
 - (e) 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);
 - (f) detail all off-site flows from the Site; and
 - (g) 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;
 - (h) include details of all off-site flows from the Site to demonstrate that the peak flows from the Site into the wetland do not exceed the pre-development flows during construction works;
 - (i) include details of maintenance and monitoring programme in relation to the four sediment basins (stormwater retention and water quality treatment devices), recording and reporting details, relevant contact information and Work Health and Safety requirements to ensure that the proposed stormwater quality measures remain effective for the duration of Stage 2 works;

- (j) management measures for cane toad *Rhinella marina* around sediment basins during construction works in accordance with the *Stage 2 Biodiversity Management Plan* prepared by Greencap dated September 2019 (as updated by conditions of this development consent) (Stage 2 BMP);
 - (k) monitoring methods for aquatic weeds (particularly salvinia *Salvinia molesta*) in sediment basins in accordance with the recommendations of Stage 2 BMP;
 - (l) provide details of the water quality monitoring techniques to be adopted to ensure that the pre-development water quality levels are maintained (except large flood events including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI) during construction works. The water quality monitoring locations and targets must comply with the recommendations of the BDAR; and
 - (m) details of a water quality monitoring program including periodic review programs;
- B19. The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
 - (c) include details of:
 - (i) the flood emergency responses for the construction phase of the development;
 - (ii) flood warning time and flood notification;
 - (iii) assembly points and evacuation routes;
 - (iv) evacuation and refuge protocols; and
 - (v) awareness training for employees and contractors, and students.
- B20. The Construction Air Quality Management and Dust Management Sub-Plan (CAQDMSP) 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) be consistent with the air quality and dust control measures adopted in the Stage 1 CAQDMSP for SSD-9575;
 - (c) describe the measures that would be implemented on Site to ensure:
 - (i) the control of air quality and odour impacts of the Development, in particular, during rock crushing and piling activities;
 - (ii) that these controls remain effective over time;
 - (iii) that all reasonable and feasible air quality management practice and measures are employed, with specific reference to the rock crushing and piling activities;
 - (iv) the air quality impacts are minimised during adverse meteorological conditions or extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Planning Secretary; and
 - (v) compliance with the relevant conditions of this consent.
 - (d) include performance objectives for monitoring dust and ensuring no off-site air quality impacts to users of Kingscliff TAFE, and nearby residences and other businesses;
 - (e) includes an air quality monitoring program that:
 - (i) is capable of evaluating the performance of the construction works;
 - (ii) includes a protocol for determining any exceedances of the relevant conditions of consent and responding to complaints;
 - (iii) adequately supports the air quality performance objectives; and
 - (iv) evaluates and reports on the effectiveness of air quality management for the construction works.
 - (f) details on monitoring weather conditions and communicating changing conditions to the workforce.

B21. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:

- (a) minimise the impacts of earthworks and construction on the local and regional road network;
- (b) minimise conflicts with other road users;
- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

Construction Parking

B22. 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 residential streets and nearby public carparks are not utilised for any vehicle parking associated with construction of the project.

Road and Intersection Works

B23. Prior to the commencements of the relevant roadworks pursuant to this development consent, the Applicant must:

- (a) submit detailed design and engineering plans to the satisfaction of Council or TfNSW (RMS) and provide a copy to the Certifier and the Planning Secretary for information;
- (b) prepare design plans for the intersection upgrade for Tweed Coast Road / Cudgen Road and the signalised vehicular access to the Site from Cudgen Road, generally in accordance with the following and Council's Development Design and Construction Specifications:

Civil Plans prepared by <i>Robert Bird Group</i>			
Dwg No.	Rev	Name of Plan	Date
RBG-CV-DWG -RIE-87-300	2	Main Entrance – General Arrangement – (1 of 3)	11/11/2019
RBG-CV-DWG -RIE-87-301	3	Main Entrance – General Arrangement – (2 of 3)	03/02/2020
RBG-CV-DWG -RIE-87-302	2	Main Entrance – General Arrangement – (3 of 3)	11/11/2019
RBG-CV-DWG -RIE-88-300	2	Tweed Coast Road and Cudgen Road - GA - 1 of 3	11/11/2019
RBG-CV-DWG -RIE-88-301	2	Tweed Coast Road and Cudgen Road - GA - 2 of 3	11/11/2019
RBG-CV-DWG -RIE-88-302	2	Tweed Coast Road and Cudgen Road - GA - 3 of 3	11/11/2019

- (c) provide details to demonstrate that the Tweed Coast Road / Cudgen Road upgrade works are consistent with Council's plans for the four-lane upgrade of Tweed Coast Road, unless otherwise agreed with Council;
- (d) provide details to demonstrate that all proposed works for Tweed Coast Road / Cudgen Road intersection recommended in the *Stage 2 Traffic Impact Assessment* prepared by Bitzios dated 23/09/2019 are incorporated;
- (e) provide any additional details for vehicular access points to the Site from Cudgen Road or Cudgen Road / Turnock Street roundabout;
- (f) include details of additional works as necessary to ensure:
 - (i) the northern side of Cudgen Road along the entire Site frontage is upgraded to an urban road with kerb and gutter, street lighting, drainage, signage and line marking;

- (ii) the existing pathway along the Site's frontage to Cudgen Road and Turnock Street is upgraded to a 2.5metre wide share pathway facilitating pedestrian, cycle and mobility scooter access;
 - (iii) provision of all-weather shelters and seating at the two bus bays in accordance with Council and TfNSW requirements;
 - (iv) details of all associated stormwater works, sediment and erosion control measures, relocation of any existing services and installation of new service conduits (as necessary) to facilitate the proposed roadworks;
 - (v) details of location of electrical reticulation plans clearly identifying the location of streetlights, underground cables and other electrical infrastructure including transformers and substations (if any); and
 - (vi) details of line marking and signage generally in accordance with the wayfinding signage plans in condition A2 and in accordance with Austroads Road Design Guide;
 - (g) include copies of all compliance certificates relied upon, details of roadwork furnishings and Traffic Control Plans; and
 - (h) include a detailed design Road Safety Audit (RSA) of the proposed pedestrian facility improvements and bus stop arrangements on Cudgen Road. Where necessary, the design plans must be amended to address any deficiencies identified by the RSA.
- B24. A separate construction certificate application under section 138 of the *Roads Act 1993*, is required to be submitted to Council to obtain approval for the road works outside the boundary of the Site.
- B25. Traffic signal traffic facilities must be designed to meet the requirements of TfNSW (RMS). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of associated roadworks.

Note: Applications to TfNSW for traffic signals are to demonstrate appropriate consultation with Ambulance NSW, as required.

Public Domain Works

- B26. 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, two weeks prior to commencement of that stage of work.

Operational Noise – Design of Mechanical Plant and Equipment

- B27. Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the *Noise and Vibration Impact Assessment for SSDA Tweed Valley Hospital Stage 2* by JHA dated 19 September 2019, into the detailed design drawings. The Certifier 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 report.

Landscaping

- B28. Prior to the commencement of construction of the landscape works on the Site, the Applicant must update the approved Landscape Plans in condition A2, to the satisfaction of the Planning Secretary. The updated landscape plans must:
- (a) include the provision of additional large canopy trees (reaching a mature height of at least 25m) / or replace proposed smaller sized trees with larger canopy trees, on all sides of the new hospital building (where feasible), to screen and soften views of the building from all directions. Particular consideration should be given to providing canopy trees:
 - (i) within the vegetative buffers;
 - (ii) along most of the remainder of the western boundary, subject to Asset Protection Zone (APZ) requirements;

- (iii) to the north of the building on the upper slopes, subject to APZ requirements; and
 - (iv) to the east and south-east of the building such as throughout the car parking areas;
 - (b) detail the location, species, maturity and height at maturity of plants to be planted on-site including identification of the location of each species / planting on the plans;
 - (c) include additional photomontages to indicatively demonstrate that the proposed canopy tree planting on the edges of the new hospital building and within the vegetative buffer would suitably assist to soften, filter and / or screen the development from the public domain (where feasible while complying with requirements of B28(f));
- Note:** *It is acknowledged that photomontages are indicative and cannot account for natural variation in tree growth/shape over time.*
- (d) include species indigenous to the local area, complying with the recommendations of the Stage 2 BMP, and provide similar outcomes for koala food tree provision as compared to the approved landscaped plans;
 - (e) provide advanced plantings of all canopy trees with a pot container of 100 litres or greater;
 - (f) comply with the principles of the current version of *Planning for Bush Fire Protection*; and
 - (g) outline measures to maintain vegetation and replace vegetation as necessary.

Operational Car Parking and Service Vehicle Layout

- B29. Prior to the commencement of construction of each car parking / bicycle parking areas or facilities (including provisions of access / driveways), compliance with the following requirements must be submitted to the Certifier:
- (a) all vehicles are capable of entering and leaving the Site in a forward direction;
 - (b) the swept path of the longest vehicle entering and exiting the car parking areas is in accordance with latest version of AS 2890.2;
 - (c) the layout, and design of all on-site car parking and drop-off and pick-up spaces comply with latest versions of AS2890.1 and AS 2890.6 (for disabled parking spaces);
 - (d) the layout, design and security of bicycle facilities comply with the minimum requirements of AS 2890.3:2015 Parking facilities - Bicycle parking, and are located in easy to access, well-lit areas that incorporate passive surveillance; and
 - (e) accessible parking spaces are provided in accordance with Part D3 of the Building Code of Australia and located near necessary medical services.
- B30. The car parking design plans for car parking / bicycle parking areas or facilities must demonstrate that at the commencement of operation of the new hospital building:
- (a) a minimum of 1201 on-site car parking spaces (within the multi-deck carpark and the at grade car park) are provided on the Site; and
 - (b) 23 drop-off / pick-up bays are provided on the Site.

Biodiversity Management Plan (BMP)

- B31. Prior to commencement of any construction the Stage 2 BMP must be updated to the satisfaction of the Planning Secretary to include the following commitments:
- (a) deletion of the recommendation to introduce Duckweed and Azolla to suppress the growth of Salvinia;
 - (b) define the areas of 'environmental conservation';
 - (c) describe how pet animals would be restricted with an on-leash control;
 - (d) include responsibilities for the Mitchell's Rainforest Snail both during and post construction works; and
 - (e) include salvage measures for animals that could be impacted by the dam infill works.

Heritage Interpretation Plan

- B32. Prior to the commencement of landscape works on the site, the Applicant must submit a Heritage Interpretation Plan to the satisfaction of the Planning Secretary. The plan must be

prepared in accordance with the *Interpretation Strategy* prepared by Niche Environment and Heritage and dated 23 September 2019 and must:

- (a) be prepared by a suitably qualified and experienced expert in consultation with the local South Sea Islander Community;
- (b) where appropriate include engagement of local South Sea Islander and community artists to assist with development of the interpretation material in a culturally appropriate manner;
- (c) outline all interpretation measures to be implemented that acknowledges the Site's heritage; and
- (d) provide details of any associated physical works including any relocation of previously removed drystone walls into the landscaping scheme and provide updated landscape plans accordingly.

Pedestrian Amenity

- B33. Prior to the commencement of construction of the landscape works on the site, the Applicant must submit the plans for an all-weather covered pedestrian access between the multideck carpark building and the new hospital building (except where there is a conflict with vehicular access or pedestrian crossings), to the satisfaction of the Certifier.

Proposed Helipad Design

- B34. Prior to the construction of the proposed helipad, a report prepared by a suitably qualified and experienced aviation professional must be submitted to the satisfaction of the Certifier which states that the design of the helipad incorporates the relevant details outlined in Civil Aviation Safety Authority Civil Aviation Advisory Publication CAAP 92-2(2) Guidelines for the establishment and operation of onshore Helicopter Landing Sites and other relevant National and International guidelines.

Pump Station

- B35. Prior to commencement of the works in relation to the construction of the proposed pumping station, the Applicant must lodge an application with Council to install / operate an on-site sewage management system (pump station) under section 68 of the *Local Government Act 1993*. The application must include copies of detailed hydraulic design report certified by a qualified hydraulic engineer and include the following:
- (a) system type and specifications including pump-well volume, pump specifications and rising main size, length and location (sized for industrial / commercial developments);
 - (b) details of operation and maintenance of the system with a confirmation that the pump unit would be owned, operated and maintained by the Applicant;
 - (c) details to demonstrate that the pumps are:
 - (i) limited to a maximum discharge of 35 litres/second to Council's sewerage system;
 - (ii) designed to pump a minimum of less than every eight hours to reduce the septicity in the pump well and rising mains;
 - (iii) constructed in a flood proof well with electrical equipment located above the Probable Maximum Flood (PMF) level and outside the area marked as Coastal wetlands;
 - (iv) designed for the sewer pressure systems to comply with the Water Services Association (WSA) of Australia's Pressure Sewerage Code of Australia WSA07-2007; and
 - (v) designed to have at least 24 hours of Average Dry Weather Flow (ADWF) emergency storage capacity within the system, or hours of storage equivalent to the operating hours of the property per day.

Appropriate application fees must be paid to Council and an approval obtained prior to the commencement of the above works.

Water and Wastewater Infrastructure

- B36. The water and sewer infrastructure work and connections are to be designed generally in accordance with the conceptual Civil Works Plans submitted with this application. The final design plans:
- (a) for sewerage infrastructure within the Site must be designed in accordance with the Water Services of Australia sewerage standards (WSA04-2005) and any other relevant requirements;
 - (b) must demonstrate that, at the points where the sewerage infrastructure meets Council's public infrastructure (i.e. connection at the boundary), the sewerage infrastructure is designed in accordance with Council's design standards for Sewerage (D12), the Water Services of Australia sewerage standards (WSA04-2005) and any other relevant requirements;
 - (c) must demonstrate that the water and sewerage reticulation would be connected to a single water and sewerage connection on the lot, ensuring the lot only has one connection to Council's public water and sewer infrastructure; and
 - (d) must demonstrate that the proposed Civil works in the road reserve meet Council's Development Design Specification D15 – Work in Proximity (in relation to plans submitted to the Water Authority).
- B37. Prior to the connection of water or sewerage services to Council's infrastructure, relevant applications must be lodged with Council (with appropriate application fees paid) and approvals obtained.
- B38. Prior to the water services connections, the Applicant must submit an appropriate 'Application for Water Service Connection' form to Council's Water Unit to facilitate a property service water connection, from the existing water main in Turnock Street.
- B39. If the development results in disturbance to or impact upon exiting water or sewer infrastructure (such as extending, relocating or lowering of pipeline), written agreement regarding the works must be obtained from the relevant service provider (such as Water Authority), and a copy submitted to the Certifier for information, prior to those works commencing.

Liquid Trade Waste

- B40. Prior to commencement of construction of the sewerage system / infrastructure which proposes to discharge wastewater into Council's sewerage system, the Applicant must submit a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement to Council, pay the appropriate fees and obtain the necessary approval.
- B41. The Liquid Trade Waste Application Form must include:
- detailed hydraulic plans and specifications indicating the size, type and location of pre-treatment devices (e.g. grease arrestor, oil separator, basket traps);
- (a) design plans to confirm that all plumbing and drainage installations to these devices comply with AS3500;
 - (b) details confirming that the pre-treatment devices would be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to the Sewerage System;
 - (c) full details of drainage installations in accordance with AS3500.
- B42. The Applicant must provide Council with the hydraulic drawings for the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
- B43. The design plans must designate a durable and pervious construction vehicle wash- down area/s. The area/s must be appropriately sized and identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

Food Premises Requirements

B44. Prior to the commencement of construction of those areas of the building that would be used for food preparation and sales, plans (drawn to a scale of 1:50) detailing the following, must be submitted to Council for approval, accompanied by a completed Application for Approval of Food Premise Fitout and the adopted fee in Council's Fees and Charges. The plans must include:

- (a) layout of kitchens and all equipment;
- (b) all internal finish details including floors, wall, ceiling and lighting;
- (c) hydraulic design in particular method of disposal of trade waste; and
- (d) mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2.

B45. The submitted plans in relation food preparation areas must demonstrate that:

- (a) all walls in the food preparation and storage areas are to be of solid construction;
- (b) in case of stud wall construction, the wall is lined as a minimum with high impact resistant materials and tiled to a height of at least 2m;
- (c) masonry walls, where not tiled, is cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling;
- (d) metal stud wall framing is used (in lieu of timber framing) in areas where the walls and floor surfaces are subject to high levels of moisture unless an alternative is agreed;
- (e) all penetrations of the wall surface in food preparation areas are effectively sealed;
- (f) all flooring materials in the food preparation and storage areas are impervious, non-slip, non-abrasive and capable of withstanding heavy-duty operation;
- (g) windows and doors opening into food handling, preparation and storage areas are pest proofed in accordance with the provisions of Food Safety Standard 3.2.3;
- (h) separate hand washing facilities are provided with warm water in a suitable location;
- (i) a floor waste connected to the drainage system is provided within 1.5m of the opening of each cool room.

PART C DURING CONSTRUCTION

Site Notice

- C1. 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. It 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.

Construction Staging

- C2. The construction works are to be undertaken in accordance with the five stages outlined in the EIS submitted with the application or in accordance with a Staging Report that has been prepared and submitted to the satisfaction of the Planning Secretary.

Operation of Plant and Equipment

- C3. 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.

Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Construction activities may be undertaken outside of the hours in condition C4 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;
 - (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; or
 - (e) for the delivery, set-up and removal of construction cranes, where notice of the crane related works is provided to the Planning Secretary and affected residents at least seven days prior to the works.
- C6. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. The construction hours must include respite periods and specific times for activities during the day (outside the sensitive times), as required by condition B16 of this consent, for the high noise generating construction activities (such as activities that would reach or exceed the Highly Affected Noise Level as defined in the ICNG).

Implementation of Management Plans

- C8. The Applicant must carry out the construction of the development in accordance with the most recent version of:

- (a) the approved CEMP (including Sub-Plans); and
- (b) the Stage 2 BMP (including Sub-Plans if any).

Construction Traffic

- C9. 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

- C10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application;
 - (c) if works are likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or if the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards;
 - (d) where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 must be provided; and
 - (e) an application is to be made to Council including associated fees for approval prior to any structure being erected within Councils road reserve.

No Obstruction of Public Way

- C11. 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

- C12. The development (including roadworks) must be constructed to achieve the project specific construction NMLs detailed in the *Noise and Vibration Impact Assessment for SSDA Tweed Valley Hospital Stage 2* by JHA dated 19/09/2019. Additional mitigation measures must be implemented and any activities that are likely to exceed the NMLs or the high affected noise level of 75dB(A) in accordance with the management and mitigation measures in **Appendix 3** and the approved CNVMSP required by condition B16.
- C13. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.
- C14. Unattended long-term construction noise monitoring must be undertaken during the duration of the Stage 2 works, consistent with the Stage 1 works in SSD-9575. The location of the loggers and the details of the monitoring methods including the reporting methods should be consistent with the CNVMSP in condition B16 and the Stage 1 works in SSD-9575.
- The results of this monitoring must be provided to the Department for information on a monthly basis after the commencement of the Stage 2 construction works.
- C15. The intra-day respite periods required to be provided in the CNVMSP in condition B16 of this development consent must be reviewed on a monthly basis, after the commencement of Stage 2 construction works, in consultation with Kingscliff TAFE and Kingscliff High School. The respite periods are to be maintained / or amended, as agreed with the identified noise receivers. The details of any amendments to the intra-day respite periods due to agreement with the Kingscliff TAFE and Kingscliff High School, must be provided to the Department for information.
- C16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding streets outside of the construction hours of work outlined under condition C4.

- C17. 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

- C18. 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).
- C19. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C18.
- C20. The limits in conditions C18 and C19 apply unless otherwise outlined in the CNMSP, approved as part of the CEMP required by condition B16 of this consent.

Tree Protection

- C21. For the duration of the construction works:
- (a) all trees on the Site that are not approved for removal must be suitably protected as per recommendations of the Stage 2 BMP (as updated by conditions of this consent) and AS4970 – 2009 Protection of trees on development sites;
 - (b) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (c) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (d) all works within the specified tree protection zones or structural root zones of trees to be retained on the site, must be carried out under the supervision of a qualified arborist;
 - (e) during the course of works, alternative tree protection measures must be installed, as required;
 - (f) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required; and
 - (g) the removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Heritage Wall Protection

- C22. For the duration of the construction works:
- (a) the dry-stone walls that are not approved for removal must be suitably protected during construction as per the recommendations of the *Historic Heritage Assessment* prepared by Niche Environment and Heritage dated 23 September 2019.

Air Quality

- C23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C24. 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;
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces; and
- (f) minimise air quality impacts of the project during adverse meteorological conditions.

Air Quality Discharges

- C25. The Applicant must install and operate equipment in line with best practice to ensure that the construction works comply with all load limits, air quality criteria / air emission limits and air quality monitoring requirements as specified in the CAQMSP.
- C26. Dust deposition monitoring must be undertaken during the construction works (as per AS/NZS 3580). Monitoring locations must include sensitive receivers that are most likely to be affected. The locations and frequency of the monitoring are to be detailed within the CAQMSP.

Erosion and Sediment Control

- C27. 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. The monitoring regime for the four sediment basins and the water quality treatment devices, as required by the CSWMSP must be implemented throughout the duration of the Stage 2 construction works.

Imported Soil

- C28. 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

- C29. 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

- C30. 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

- C31. Within three months of the commencement of construction and prior to the commencement of any stormwater management works (whichever occurs earlier), the Applicant must update the submitted Hydrology Assessment Report to include an analysis of changes to the seasonal flows draining from the Site to the wetland during the August to November period. The updated analysis must be submitted to the satisfaction of the Planning Secretary. The analysis must:
- (a) utilise the method outlined in *McManus et al (2007) Water Sensitive Urban Design Solutions for Catchments above Wetlands – Overview Report* (or other method approved by the Department);
 - (b) focus on the *Swamp Sclerophyll Forest* on Coastal Floodplains Forest vegetation community adopting a reference duration of 60 days for evaluating changes to low flows; and
 - (c) demonstrate that the proposed measures for stormwater harvesting (such as the proposed 400 kilolitres rainwater tank) and evapotranspiration are sufficient to intercept runoff from the impervious areas (roof and road surfaces).

C32. Should the analysis required by condition C31 conclude that there would be additional flow volumes to the Coastal wetlands on the site during the dry periods (such as an average of 50 to 100 cubic metres (m³) / day between late August to late November), that would not be satisfactorily managed by the proposed methods in C31(c), the stormwater management system must include additional stormwater harvesting measures such as:

- (a) irrigation of landscaped areas;
- (b) provision of submerged zone in biofiltration basins;
- (c) irrigation of biofiltration basin vegetation during dry periods;
- (d) interception by / topping up of ornamental ponds / fountains;
- (e) permeable paving in low traffic areas; passive raingardens (lined to prevent infiltration) in carpark areas or along access roads; and
- (f) other suitable methods distributed throughout the site.

Note: These measures may only be needed to prevent excess runoff flow into the Coastal wetlands during the identified dry seasons of the year. During the other periods, the Coastal wetlands would be partially or fully inundated by catchment runoff under existing conditions. Therefore, additional stormwater harvesting measures would be of limited benefit.

C33. The proposed stormwater harvesting measures in condition C32 must incorporate measures that would not interfere with and contribute to groundwater recharge within the catchment of the site. The proposed methods of groundwater recharge must be supported by an advice from a suitably qualified Geotechnical Engineer confirming that the proposed measures would not impact on the stability of the slope / land of the Site.

C34. Within three months of commencement of the construction works or prior to the commencement of any stormwater management works on the site, 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 designs in the following plans:

Civil Plans prepared by Robert Bird Group			
Dwg No	Rev	Name of Plan	Date
RBG-CV-DW G-RIE-86-300	2	Stormwater Drainage Plan	12/09/2019
RBG-CV-DW G-RIE-86-310	3	Bioretention Basins and Details	05/12/2019
RBG-CV-DW G-RIE-86-350	2	Stormwater Catchment Plan – Pre-Development	12/09/2019
RBG-CV-DW G-RIE-86-351	2	Stormwater Catchment Plan – Post-Development	12/09/2019

- (c) include details of water quality treatment devices Stormwater Management Plan Issue E prepared by Robert Bird Group dated 19 September 2019;
- (d) include details of all additional stormwater harvesting measures in condition C32 resulting due to the analysis in condition C31;
- (e) be in accordance with applicable Australian Standards;
- (f) 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;
- (g) demonstrate that the proposed stormwater management measures would not result in flooding of any downstream properties immediately adjoining the Site; and
- (h) demonstrate that the proposed stormwater harvesting measures would not interfere with and assist in groundwater recharge within the catchment of the Site.

Unexpected Finds Protocol – Aboriginal Heritage

- C35. 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 must only recommence with the written approval of EES Group.

Unexpected Finds Protocol – Historic Heritage

- C36. 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.

Waste Storage and Processing

- C37. 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.
- C38. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C39. 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.
- C40. 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.
- C41. 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

- C42. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Independent Environmental Audit

- C43. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the or commencement of an Independent Audit.
- C44. Table 1 of the Independent Audit Requirements (available on the Department's website) is amended so that the frequency of audits required in the construction phase is:
- (a) an initial construction Independent Audit must be undertaken within twelve weeks of the notified commencement date of construction under this development approval; and
 - (b) a subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.
- C45. In all other respects Table 1 of the Independent Audit Requirements remains the same. 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 to the applicant of the date or timing upon which the audit must be commenced.
- C46. Independent Audits of the development must be carried out in accordance with the Independent Audit Post Approval Requirements.

- C47. In accordance with the specific requirements in the Independent Audit Requirements, the Applicant/Proponent must:
- (a) review and respond to each Independent Audit Report prepared under condition C44 of this consent, or condition C45 where notice is given;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C48. Independent Audit Reports and the applicant/proponent'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 Approval Requirements unless otherwise agreed by the Planning Secretary.
- C49. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

Public Infrastructure

- C50. Works in the vicinity of public infrastructure must comply with the following requirements:
- (a) no portion of any structure may be erected within 1m of public infrastructure over the subject site (if any). All structures must be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure;
 - (b) ensure that:
 - (i) no retaining walls are constructed over any public infrastructure;
 - (ii) retaining walls (if any) constructed adjacent to a public infrastructure is designed so as not to impose loads on existing underground pipelines and facilitate its maintenance while maintaining its structural integrity and stability;
 - (iii) retaining walls constructed adjacent to a public infrastructure comply with Council's Works in Proximity Specification D15 and associated Standard Drawings; and
 - (iv) all footings and slabs (if any) constructed within the area of influence of public infrastructure are designed by a suitably qualified Structure Engineer and does not impact in the stability of that public infrastructure.
 - (c) surface treatment over public infrastructure be limited to soft landscaping, non-interlocking paving, asphalt or similar treatments as specified by Council, to allow ready access to the pipe for excavation;
 - (d) any fencing erected across the sewer main is to be designed and constructed with removable panels and footings located at least 1m horizontally clear of sewer main;
 - (e) trees and other landscaping, reaching a mature height of over 1m in height at maturity, are not permitted to be planted within 1m of public infrastructure, to prevent the tree roots intruding into pipes; and
 - (f) any landscaping in the vicinity of public infrastructure must be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.

APZ Requirements

- C51. At commencement of construction works and in perpetuity, the proposed asset protection APZ as identified in the approved plans in condition A2 must be managed as outlined within section 4.1.3 and Appendix 5 of "Planning for Bush Fire Protection 2006" and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The APZ can generally be divided into a 47m inner protection area and 20m outer protection area.

Council Plumbing Requirements

- C52. Council is to be given 24 hours' notice for any of the following inspections:
- (a) internal drainage, prior to slab preparation;

- (b) water plumbing rough in, and/or stack work, prior to the erection of brick work or any wall sheeting;
 - (c) external drainage, prior to backfilling; and
 - (d) completion of work, prior to occupation of the building.
- C53. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- C54. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.
- C55. All hot water installations must comply with the relevant standards.
- C56. Back flow prevention devices must be installed wherever cross connection occurs or is likely to occur. The type of device must be determined in accordance with AS 3500.1 and be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
- C57. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

Sewer Connection

- C58. The connection of the sewerage system with Council's infrastructure is to be undertaken by Council, with all applicable costs and application fees paid by the Applicant. Prior to commencement of the works in relation to the construction sewerage connection, the Applicant must lodge an application for approval with Council to carry out sewerage work under section 68 of the *Local Government Act 1993*.
- C59. All proposed works in relation to sewer connections and discharge to Council's sewerage system are to be undertaken in accordance with the approved plans, Council's Development Design Specification D12 – Sewerage System and the trade waste agreement.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

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

Operational Staging

- D2. The proposed operation of the development is to be completed in stages as identified in the EIS supporting the application as follows:
- (a) at the commencement of first operation of the Site: the new hospital building with supporting road network, road infrastructure upgrades, landscaping, a minimum of 1201 car spaces in association with 391 (overnight and day only) beds within the new hospital building are provided with approximately 1120 staff on-site during the day shift;
 - (b) incremental increase to 443 (overnight and day only) beds; and
 - (c) future operation stage: additional 56 (overnight and day only) beds are provided (total of 499 overnight and day only beds and 46 emergency treatment spaces) within the new hospital building.

External Walls and Cladding

- D3. Prior to the occupation of each building on the site, 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.
- D4. 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

- D5. Prior to commencement of first 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 submitted to Council and the Certifier for information.

Protection of Public Infrastructure

- D6. 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.

Protection of Property

- D7. 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.

Easements

- D8. Prior to the commencement of first operation, an easement under section 88A and / or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* (naming the Council as the prescribed authority), must be created along the proposed open stormwater drain on the western boundary of the Site that would allow for drainage of stormwater from public land (such as public road stormwater drainage) and the stormwater from the Site. The easement / restriction / positive covenant must be registered on the title of Lot 11 DP 1246853 and can only be revoked, varied or modified with the consent of the Council.

Note: *The drain on the western boundary of the Site benefits the hospital and Health Administration Corporation.*

Utilities and Services

- D9. Prior to commencement of first 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

- D10. Prior to the commencement of first operation, the Applicant must complete the all roadworks required by this development consent 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

- D11. Prior to the commencement of first 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.
- D12. Council's standard "Asset Creation Form" must be completed (including all quantities and unit rates) and submitted to Council with the application for works-as-executed (where necessary).

Liquid Waste

- D13. Prior to commencement of first operation, the Applicant is required to enter into a service agreement with a Council approved waste contractor for servicing the pre-treatment devices. service frequency will be approved as part of the Liquid Trade Waste Services Agreement.
- D14. Prior to the commencement of first operation, the Applicant must obtain a Liquid Trade Waste Services Agreement from Council. A Liquid Trade Waste Approval Number is to be allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement.

Green Travel Plan

- D15. Prior to the commencement of first operation, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Certifier 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 TfNSW and Council;
 - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c) include specific tools and actions to help achieve the objectives and mode share targets;
 - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP;
 - (e) quantification and analysis of staff shift times and numbers on the Site and analysis of workforce residential post code data to properly understand public transport and car

- parking demand and develop effective strategies in response, as well as help to inform service planning considerations;
- (f) consideration of a staff travel survey and workforce data analysis for the existing Tweed Hospital, to inform likely staff travel patterns and resultant travel plan strategies to / from the Site;
 - (g) strategies for promoting higher mode share targets for alternate transport use, particularly amongst day shift and administrative staff;
 - (h) identification of a responsible party (or Committee) for the ongoing implementation of the Travel Plan and its initiatives;
 - (i) confirmation of extent and nature of end of trip facilities and bike parking and how they will be promoted to staff;
 - (j) identification of a communications strategy for conveying Travel Plan information to staff, patients and visitors, including for the Travel Access Guide;
 - (k) consideration of car parking management strategies that may be required to encourage sustainable transport use / mode share targets (such as pricing, reserving spots for patients and visitors, prioritisation for those that carpool, use of wait lists, etc);
 - (l) a detailed action plan comprising specific tasks needed to complete the proposed actions, the person/s responsible for completion of the task, completion date and anticipated costs;
 - (m) an implementation checklist to achieve the proposed initiatives;
 - (n) alternative actions to undertake where targets are not achieved;
 - (o) the set-up of a steering group or committee of relevant internal and external stakeholders to inform future targets and the ongoing monitoring and revision of the GTP for five years; and
 - (p) 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.

Evacuation and Emergency Planning

- D16. Prior to the commencement of first operation, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with the NSW Rural Fire Service document '*Guidelines for the Preparation of Emergency / Evacuation plans* an Australian Standard AS 3745 2010' Planning for Emergencies in Facilities'. A copy of the emergency evacuation plan must be provided to the Department and the Local Emergency Management Committee for information.

Mechanical Ventilation

- D17. Prior to commencement of first 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

- D18. Prior to the commencement of first operation, the Applicant must submit evidence to the satisfaction of the Certifier that the noise mitigation recommendations in the *Noise and Vibration Impact Assessment for SSDA Tweed Valley Hospital Stage 2* by JHA dated 19/09/2019 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

Car Parking Arrangements

- D19. Prior to the commencement of first operation or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Planning Secretary that demonstrates that:
- (a) the car parking facilities on the Site are operational and a minimum of 1201 spaces are provided; and
 - (b) if visitors would be required to pay for parking at the Site, any paid parking scheme has been developed in consultation with Council to minimise impacts to adjacent residences and businesses.

Bicycle Parking and End-of-Trip Facilities

- D20. Prior to the first operation, 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 52 staff and 20 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; and
 - (d) provision of appropriate pedestrian and cyclist advisory signs within the site.

Road Damage

- D21. Prior to the commencement of first 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

- D22. Prior to commencement of first operation, 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

- D23. Prior to the occupation of the relevant parts of the new buildings on the Site, 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

- D24. Prior to the commencement of first 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 and submit to Council for information.

Stormwater Quality Management Plan

- D25. Prior to the commencement of first 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.

BMP, dam rehabilitation and stormwater harvesting

- D26. Prior to the commencement of first operation, the Applicant must demonstrate, to the satisfaction of the Certifier, that:
- (a) all relevant recommendations of the Stage 2 BMP in relation to vegetation management, weed management, habitat management (for flora and fauna) and water quality management have been incorporated in the Site;
 - (b) the farm dam rehabilitation works have been completed in accordance with the Stage 2 BMP;
 - (c) the steppingstone habitats within the Site required to maintain fauna connectivity, have been incorporated within the landscaping on the Site; and
 - (d) all stormwater harvesting measures including recommendations as a result of the analysis in conditions C31, C32 and C33 have been incorporated in the Site.

Warm Water Systems and Cooling Systems

- D27. 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

- D28. 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 lighting strategy submitted with the application;
 - (b) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (c) 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.
- D29. The Applicant must demonstrate that the installed lighting associated with the development does not distract helicopter operations associated with the proposed helipad having regard to the advice of a suitably qualified and experienced aviation professional and relevant National and International guidelines.
- D30. Prior to the final commissioning of the outdoor lighting (post installation), the Applicant must submit to the Certifier, evidence from a qualified practitioner demonstrating compliance with conditions D28 and D29.

Signage

- D31. Prior to the commencement of first operation, way-finding signage and business identification signage must be installed in accordance with the plans in condition A2 and as updated by conditions of this consent.
- D32. 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

- D33. 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 in **Appendix 3**.

Landscaping

- D34. Prior to the commencement of operation, the Applicant must demonstrate to the satisfaction of the Certifier that the landscaping on the site has been completed in accordance with the conditions listed in A2 and as updated by condition B28 of this development consent.
- D35. Prior to commencement of operation of the landscaped areas of the Site, 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:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping;
 - (b) be consistent with the details provided in the Stage 2 BMP; and
 - (c) be consistent with the requirements of the most current version of Planning for Bushfire Protection.

Water and Sewerage Management and Headwork Charges

- D36. Prior to the occupation of any building on the Site, approval to operate the on-site sewage management facility must be obtained from Council.
- D37. Prior to the occupation of any building on the Site the sewer and water services must be connected to Council's public infrastructure as required by this development consent including the payment of associated fees and charges or as agreed between the Applicant and Council.
- D38. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage, sewerage, and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Agricultural Offsets

- D39. Prior to commencement of operation, the Applicant must demonstrate to the satisfaction of the Planning Secretary:
- (a) that there is a plan in place outlining the future implementation of the recommendations of the approved Agricultural Offset Report to result in tangible offsets to the loss of State significant farmland; and
 - (b) that a procurement strategy has been developed and in place for the new hospital that includes initiatives for supporting and engaging local food providers/suppliers, as far as possible within the constraints of the State Purchasing Policy.

Helicopter Operations

- D40. Prior to commencement, a detailed Helicopter Operations Manual is to be developed by a suitably qualified and experienced aviation professional in consultation with relevant stakeholders to ensure protocols and management of helicopter operations on the site minimise impacts to neighbours, the environment and biodiversity impacts in line with all applicable measures set out in the AviPro Report 'Aviation Response to Submissions in Relation to Aviation Report' dated 26 November 2019, and the prevailing requirements of the Civil Aviation Regulation 92.

Mosquito and Biting Midge Measures

- D41. Mosquito and biting insect management measures must be incorporated into the final development in accordance with the Local Health District policies.

Heritage Interpretation

- D42. All physical works as required by the Heritage Interpretation Plan in this development consent must be completed prior to the commencement of first operation of the Site.

PART E POST OCCUPATION

Operation of Plant and Equipment

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

Warm Water Systems and Cooling Systems

- E2. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Community Communication Strategy

- E3. The Community Communication Strategy must be implemented for a minimum of 12 months following the completion of construction.

Heritage Interpretation

- E4. The Applicant must implement the requirements of the most recent version of the Heritage Interpretation Plan approved under condition B32.

Agricultural Offset

- E5. Within two years of operation of the hospital, the Applicant must provide evidence to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the commitments in the implementation plan required by condition D39 in relation to Applicant commitments are been implemented or implementation is underway; or
 - (b) a positive contribution to offset the loss of State Significant farmland has been made by the Applicant through funding assistance or carrying out an initiative, based on the outcomes of the Working Group consultation.

Operational Noise Limits

- E6. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in '*Noise and Vibration Impact Assessment for SSDA Tweed Valley Hospital Stage 2*' by JHA dated 19/09/2019.
- E7. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement of operation 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 for SSDA Tweed Valley Hospital Stage 2*] by JHA dated 19/09/2019.

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

- E8. 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

- E9. The Green Travel Plan required by condition D15 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- E10. 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 B9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- E11. Notwithstanding condition D28 and D29, should outdoor lighting result in any adverse 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

- E12. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D35 for the duration of occupation of the development.

APZ

- E13. The APZ required by condition C51 must be maintained for the duration of occupation of the development.

Hazard Audit

- E14. 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

- E15. 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.

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

Dangerous Goods

- E16. 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.

Discharge Limits

- E17. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Helicopter Operations

- E18. All Helicopter Operations must be carried out in accordance with the Helicopter Operations Manual developed under condition D42.

Liquid trade waste

- E19. Council must be notified in writing, of any proposed changes to the wastewater pre-treatment devices.
- E20. The disposal of all wash water, oil, grease or other pollutants from the business must be disposed in accordance with the Liquid Trade Waste Services Agreement and conditions of this development consent.

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.

Bushfire Safety

AN5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

AN6. Access provisions are to comply with Table 6.4b of Planning for Bush Fire Protection Pre-release 2018.

Utilities and Services

AN7. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN8. 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 Occupancy Licence

AN9. 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

AN10. 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

AN11. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN12. 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

AN13. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements


1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A27 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

APPENDIX 3 ENVIRONMENTAL MANAGEMENT AND MITIGATION MEASURES

Attached.

Table 7.1 Stage 2 Main Works and Operation - Mitigation Measures and Safeguards

Matter	Action/Measure
General	<ul style="list-style-type: none"> ■ A detailed CEMP would be prepared by the Main Works contractor prior to any works/activities commencing and would include all relevant sub plans. ■ All employees, contractors and subcontractors to receive a project induction. The environmental component may be covered in toolbox talks and should include: <ul style="list-style-type: none"> - Environmental mitigation measures - Unexpected Finds Protocols and responsibilities (historic heritage, Aboriginal heritage, contamination and waste) - Waste management strategies and measures. ■ Implement community consultation measures to keep the community informed of the construction program and potential impacts, including relevant contact details. ■ A complaint handling procedure and register will be implemented to assist in recording and managing complaints during construction.
Environmental Amenity	<ul style="list-style-type: none"> ■ External materials and finishes that are complementary to the landscape context and natural colour palettes will be used where possible. ■ The proposed façade treatments and materials will be selected to ensure that building reflectivity does not exceed acceptable limits as per the Built Form and Urban Design Report prepared by STH+BS. ■ The development will be in accordance with the landscape design and strategy prepared by Turf Design.
Transport and Accessibility	<ul style="list-style-type: none"> ■ Operational traffic will be in accordance with the recommendations of Traffic Impact Assessment prepared by Bitzios. ■ Construction traffic will be managed in accordance with the Construction Traffic Management Plan prepared by Lendlease.
Ecologically Sustainable Development	<ul style="list-style-type: none"> ■ The detailed design of the development is to incorporate ESD principles and measures set out in the ESD report prepared by LCI.
Agricultural Impact	<ul style="list-style-type: none"> ■ The development would be in accordance with the Land Use Conflict Risk Assessment prepared by Tim Fitzroy and Associates. ■ Implementation of the Agricultural Offset Plan prepared by GeoLINK.
Heritage	<ul style="list-style-type: none"> ■ The development would be in accordance with the Historical Heritage Assessment, Interpretation Plan, and Statement of Heritage Impact prepared by Niche. ■ If any unexcepted item of Aboriginal or historical heritage is discovered during works, work in the vicinity shall cease immediately, and the Project heritage consultant or Office of Environment and Heritage be notified, and relevant protocols followed. Works would not recommence until clearance is provided.
Social and economic	<ul style="list-style-type: none"> ■ Undertake further consultation and planning around the proposed HealthOne model for Tweed Heads and use of redundant parts of the existing hospital site noting that this will be subject to a separate decision by the NSW Government and appropriate planning pathway. ■ Implement the measures identified in the Social and Economic Impact Assessment prepared by SGS Economics and Planning.
Noise and Vibration	<ul style="list-style-type: none"> ■ Noise and vibration impact for the construction and operation of the Tweed Valley Hospital will be in accordance with the recommendations of the Noise and Vibration Impact Assessment prepared by JHA.



Matter	Action/Measure
Contamination and Geotechnical	<ul style="list-style-type: none"> ■ Confirmation of remediation and development of the Project Site for the purposes of a hospital is to be in accordance with the Site Audit Statement by JBS&G. ■ The development will be in accordance with the applicable recommendations of the Geotechnical Reports prepared by Morrison Geotechnics and any required further geotechnical investigations.
Services and Utilities	<ul style="list-style-type: none"> ■ The Project will be adequately serviced, and relevant service and utility works will be undertaken in accordance with the relevant infrastructure management plans prepared by JHA and LCI.
Drainage and Stormwater	<ul style="list-style-type: none"> ■ Drainage and stormwater management, including sedimentation and erosion control, will be in accordance with the Stormwater Management Plan (prepared by Robert Bird Group), Construction Sediment and Erosion Control Management Plan (prepared by Lendlease), and Hydrology Assessment (prepared by SMEC). ■ The CEMP prepared by the contractor would include: <ul style="list-style-type: none"> - Fuel and chemical storage requirements - Safety Data Sheet (SDS) register and requirements - Refuelling protocols - Spill management and response procedures. ■ All fuels, chemicals, and liquids will be stored at least 50 m away from any drainage line or waterways, or as far away as is practicable, and will be stored in an impervious bunded and covered area within the compound site. ■ Visual monitoring of local water quality (i.e. turbidity, sheen, oil and grease) will be undertaken regularly to identify any potential water quality issues.
Bush fire	<ul style="list-style-type: none"> ■ The development will be in accordance with the Bushfire Hazard Assessment prepared by GeoLINK.
Biodiversity	<ul style="list-style-type: none"> ■ Implement recommendations and measures of the Stage 2 BDAR and BMP prepared by Greencap.
Air Quality and Dust	<ul style="list-style-type: none"> ■ Construction would be undertaken in accordance with a Construction Air Quality and Dust Management Sub Plan.
Aviation	<ul style="list-style-type: none"> ■ The development will be in accordance with the advice from AviPro regarding aviation considerations.
Waste	<ul style="list-style-type: none"> ■ Construction and operational waste would be managed in accordance with the Waste Management Plans prepared by Lendlease (Construction) and TTM (Operational).
Cumulative Construction Impacts	<ul style="list-style-type: none"> ■ The CEMP would incorporate measures to manage potential cumulative construction impacts. The CEMP and relevant sub-plans would be reviewed and updated as required (such as when new work begins or if complaints are received) to incorporate potential cumulative impacts from surrounding development activities as they become known.