

# Development Consent

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

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

These conditions are required to:

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



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

Sydney

24 March 2022

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### SCHEDULE 1

<b>Application Number:</b>	SSD-10394
<b>Applicant:</b>	St John of God Health Care Inc.
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	235 Grose Vale Road, North Richmond Lot 11 DP 1134453
<b>Development:</b>	Redevelopment of the St John of God Richmond Hospital, including: <ul style="list-style-type: none"><li>• construction of four new two-storey Residential Pavilions, a new one to two storey Garden Pavilion and a single storey Wellness Centre.</li><li>• demolition of eight existing buildings.</li><li>• removal of 17 car spaces.</li><li>• refurbishment of Belmont House, Administration Building and Xavier Building.</li><li>• earthworks, tree removal and landscaping.</li></ul>

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	St John of God Health Care Inc. or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>Archaeological Salvage</b>	A program of salvage excavation/s to recover information and/or objects from identified archaeological sites
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	Hawkesbury City Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays

<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising construction, refurbishment and occupation of new and refurbished hospital buildings, as modified by the conditions of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled St John of God Richmond Hospital Environmental Impact Statement for State Significant Development, prepared by Mecone NSW Pty Ltd on behalf of St John of God Health Care dated December 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in the EIS
<b>Material harm</b>	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)

<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>NSW RFS</b>	New South Wales Rural Fire Service
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

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

**Obligation to Minimise Harm to the Environment**

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

**Terms of Consent**

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS and Response to Submissions;
- (d) in accordance with the approved plans in the table below:

<b>Architectural Plans prepared by <i>Silver Thomas Hanley</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SSk03	P5	Proposed Site Plan	27.11.2020
SSK05	P5	Demolition Plan	27.11.2020
SSK08	P4	Proposed Basement Floor Plan	27.11.2020
SSK09	P4	Proposed Ground Floor Plan	27.11.2020
SSK10	P4	Proposed First Floor Plan	27.11.2020
SSK11	P5	Roof Plan	27.11.2020
SSK12	P6	Elevations – Residences & Garden Pavilion	05.10.2021
SSK13	P5	Sections	05.10.2021
SSK14	P3	Wellness Centre – Floor Plans, Sections & Elevations	05.10.2021
SSK15	P4	Elevations – Xavier and St Pauls Annex	05.10.2021
SSK31	P4	Staging Plan – Stage 01	11.04.2021
SSK32	P4	Staging Plan – Stage 02	11.04.2021
SSK33	P4	Staging Plan – Stage 03	11.04.2021
SSK34	P4	Staging Plan – Stage 04	11.04.2021
SSK35	P4	Staging Plan – Stage 05	11.04.2021
SSK36	P4	Staging Plan – Stage 06	11.04.2021
SSK37	P4	Staging Plan – Stage 07	11.04.2021
SSK38	P4	Staging Plan – Stage 08	11.04.2021
<b>Landscape Plans prepared by <i>Site Image Landscape Architects</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
101	B2	Landscape Masterplan	17.02.2022
101	D2	Landscape Plan	17.02.2022
102	D3	Landscape Plan	17.02.2022
103	D2	Landscape Plan	17.02.2022
104	D3	Landscape Plan	17.02.2022
105	D3	Landscape Plan	17.02.2022
106	D2	Landscape Plan	17.02.2022
107	E3	Landscape Plan	17.02.2022

200	A4	Tree Removal Plan	17.02.2022
501	E3	Landscape Details	17.02.2022

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the 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.

#### **Prescribed Conditions**

- A6. 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**

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

#### **Evidence of Consultation**

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

#### **Staging**

- A9. The project may be constructed and operated in stages in accordance with the terms/conditions of this consent and the details set out in the EIS and RtS.
- A10. Staging of the proposed development may be varied (for either construction or operation) in accordance with a revised Staging Report submitted to and approved by the Planning Secretary.
- A11. Any revised Staging Report prepared in accordance with condition A10 must:
- 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;
  - 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);
  - 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.
- A12. The project must be staged in accordance with the details approved under condition A9 unless a revised Staging Report has been approved under condition A10 in which case the project must be staged in accordance with the approved revised Staging Report.
- A13. The terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage set out in the details as approved under condition A9 or a revised Staging Report approved under condition A10, must be complied with at the relevant time for that stage.

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

- A14. 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).
- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A16. 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.
- A17. 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**

- A18. 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.

*Note: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

### **External Walls and Cladding**

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **External Materials**

- A20. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in Condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
  - (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and

- (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

### **Design and Construction for Bush Fire**

- A21. New construction must comply with AS3959 as per Drawing SSK07 - Façade Types – BAL Ratings Map prepared by STH, Revision J, dated 27/09/21 within the BLACKASH Bushfire consulting report dated 13 October 2021. Any material element of construction or system when tested to the method described in Australian Standard AS1530.8.2 *Methods for fire tests on building materials, components and structures* Part 8:2: *Tests on elements of construction for buildings exposed to simulated bushfire attack – Large flame sources* must comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted.
- A22. Water, electricity and gas are to comply with Table 6.8c of Planning for Bush Fire Protection 2019.
- A23. Existing buildings, except Belmont House, the Gate House and the Stables, are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm, where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- A24. All exits on the Residential Pavilion buildings must be located on the non-hazard side of the buildings.
- A25. All new roofing is to either be gutter-less or guttering and valleys are to be screened to prevent the build-up of flammable material. Any materials used are to be non-combustible.

### **Conservation Works**

- A26. All relevant works on the Subject Site are to be consistent with and incorporate:
- (a) the conservation works to Belmont House detailed within the submitted *Schedule of Conservation Works – Belmont House – St. John of God Richmond Hospital – 177 Grose Vale Road, North Richmond* prepared by Weir Phillips Heritage and Planning dated November 2021; and
  - (b) the detailed demolition works contained with the *Heritage Asset Action Plan – St. John of God Hospital – 177 Grose Vale Road, Richmond* prepared by Weir Phillips Heritage and Planning dated November 2021.
- A27. Weatherproofing works are to undertaken to the top sandstone course of the remnant sandstone wall of the former detached rear maid's quarters. The weatherproofing works must:
- (a) be undertaken in consultation with a certified heritage consultant; and
  - (b) be sympathetic to and not detract from or confuse the original historic form of the wall.

### **Applicability of Guidelines**

- A28. 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.
- A29. 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**

- A30. 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

- A31. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

## Compliance

- A32. 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

- A33. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A34. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

## Non-Compliance Notification

- A35. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A36. 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.
- A37. 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

- A38. Within three months of:
- (a) the submission of a compliance report under condition **Error! Reference source not found.**;
  - (b) the submission of an incident report under condition A34;

- (c) the submission of an Independent Audit under condition D34;
- (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.

A39. 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.*

### **Compliance Reporting**

- A40. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- A41. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- A42. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A43. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), 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 THE ISSUE OF A CONSTRUCTION CERTIFICATE

### External Walls and Cladding

- B1. Prior to the issue of any construction certificate for external walls and cladding, 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.

### Stormwater Management System

- B2. Prior to the commencement of any construction, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS;
  - (c) be in accordance with applicable Australian Standards;
  - (d) demonstrate no downstream properties would be adversely impacted due to cumulative stormwater discharge from the site;
  - (e) demonstrate that the post development discharge would not significantly increase when compared to the predevelopment discharge from the site;
  - (f) be designed to ensure that surface flows from upstream are collected and conveyed through the site in a satisfactory manner;
  - (g) demonstrate that the alterations to the natural surface contours would not impede or divert natural surface water runoff so as to cause a nuisance to adjoining downstream properties;
  - (h) be designed to ensure that any discharge into any riparian corridor will not cause harmful erosion; and
  - (i) 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.

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

- B3. Prior to the issue of any construction certificate of mechanical plant and equipment:
- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels as recommended in the SJOG Richmond Hospital Acoustics Report, Assessment of Operational Acoustic Impact dated 16 September 2021 and prepared by Silver Thomas Hanley must be undertaken by a suitably qualified person; and
  - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the recommended project noise trigger levels identified in the SJOG Richmond Hospital Acoustics Report, Assessment of Operational Acoustic Impact prepared by Silver Thomas Hanley dated 16 September 2021.

### Operational Waste Storage and Processing

- B4. Prior to the issue of the construction certificate for waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
  - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
  - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;

- (d) is naturally ventilated or an air handling exhaust system must be in place; and
- (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

### **Car Parking and Service Vehicle Layout**

- B5. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;
  - (b) a minimum of 129 on-site car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
  - (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

### **Roadworks and Access**

- B6. Prior to the issue of any relevant construction certificate for roadworks and access (if any), the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a 12.5m heavy rigid trucks.

*Note:*

- Approval must be obtained for roadworks under section 138 of the Roads Act 1993.
- All costs associated with the proposed road upgrade works must be borne by the Applicant.

- B7. Prior to the issue of any relevant construction certificate, the Applicant must submit design plans to the satisfaction of the Certifier which demonstrate that the proposed internal roads comply with Table 6.8b of *Planning for Bush Fire Protection 2019*.

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

### **Notification of Commencement**

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Certified Drawings**

- C3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

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

- C4. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

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

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential and/or heritage listed buildings that are likely to be impacted by the development.
- C6. Where the offer for a pre-construction survey is accepted (as required by condition C5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C6, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
  - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

### **Demolition**

- C8. Prior to the commencement of construction, demolition work plans required by *AS 2601-2001 The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

### **Ecologically Sustainable Development**

- C9. Prior to the commencement of any 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**

C10. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting to be installed within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Environmental Management Plan Requirements**

C11. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

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

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

### **Construction Environmental Management Plan**

C12. 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) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C14);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition C15);
- (d) Construction Waste Management Sub-Plan (see condition C16);
- (e) Construction Soil and Water Management Sub-Plan (see condition C17);
- (f) Aboriginal Cultural Heritage Management Sub-Plan (see condition C18);
- (g) an unexpected finds protocol for contamination and associated communications procedure; and
- (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.

C13. 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.

C14. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council and TfNSW;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
- (d) detail heavy vehicle routes, access and parking arrangements.

C15. 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) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition C15(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C11.
- C16. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
  - (b) information regarding the recycling and disposal locations; and
  - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- C17. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) 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.
  - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site); and
  - (e) detail all off-Site flows from the Site.
- C18. The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
  - (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development;
  - (c) describe the measures to protect the Richmond Hill Memorial Garden in perpetuity;
  - (d) minimise and avoid potential harm to the Richmond Hill Memorial Garden and areas of Aboriginal archaeological sensitivity adjacent to the construction footprint; and
  - (e) an aboriginal cultural heritage awareness induction which must be completed by all contractors and staff involved.
- C19. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) identify areas of land where impacts on biodiversity are to be avoided as outlined in the biodiversity development assessment report prepared by Cumberland Ecology and dated 9 October 2020 and set out how these areas will be protected from construction impacts; and

- (c) set out the measures identified in the Biodiversity Development Assessment Report to minimise, mitigate and manage impacts on biodiversity, including timing and responsibility for delivery of the measures.

C20. 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.

#### Unexpected Contamination Procedure

C21. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. Where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

#### Construction Parking

C22. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

#### Aboriginal Heritage

C23. Prior to the commencement of construction, the Applicant must consult with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity.

#### Biodiversity

C24. Prior to the commencement of construction, the number and classes of ecosystem credits and species credits (like-for-like) set out in the Table below must be retired.

Impacted Plant Community Type (PCT)	Number of ecosystem credits	IBRA subregion	Plant community type(s) that can be used to offset the impacts from development
1395 – Narrow-leaved Ironbark – Broad-leaved Ironbark – Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion	1	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  or  Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Shale Sandstone Transition Forest in Sydney Basin Bioregion. This includes PCT's: 792, 1281, 1395

C25. The requirement to retire like-for-like ecosystem credits and species credits in condition C24 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.

C26. Evidence of the retirement of credits in satisfaction of condition C24 or payment to the Biodiversity Conservation Fund in satisfaction of condition C25 must be provided to the Planning Secretary prior to commencement of construction.



## **Crane Operation**

- C27. Prior to commencement of any relevant construction, the Applicant must engage with the Richmond RAAF Base and obtain consent for the use of cranes within the airspace above the property. Within seven days of receiving approval from the Richmond RAAF Base, it is to be provided to the Certifier and the Planning Secretary for information.

## PART D DURING CONSTRUCTION

### Site Notice

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

### Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C8.

### Construction Hours

- D4. 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.

- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D6. Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### Implementation of Management Plans

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

### **Construction Traffic**

- D9. 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**

- D10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

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

- D11. 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**

- D12. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D4.
- D14. 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**

- D15. 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).
- D16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D15.
- D17. The limits in conditions D15 and D16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C15 of this consent.

### **Tree Protection**

- D18. For the duration of the construction works:
- (a) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arborist Inspection – Tree Risk Assessment* prepared by Australian Tree Consultants dated 23 October 2019; and
  - (b) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

## **Air Quality**

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D20. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## **Erosion and Sediment Control**

- D21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

## **Imported Soil**

- D22. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Certifier upon request.

## **Disposal of Seepage and Stormwater**

- D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

## **Emergency Management**

- D24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

## **Aboriginal Cultural Heritage**

- D25. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by Biosis dated 7 September 2020.

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

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

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

- D27. If any unexpected archaeological relics (including related to the Belmont Homestead) 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 (or delegate).

## **Waste Storage and Processing**

- D28. 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.
- D29. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D30. 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.
- D31. 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.
- D32. 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**

- D33. 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**

- D34. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D35. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D36. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agreed to above, upon giving at least 4 week's notice to the applicant of the date or timing upon which the audit must be commenced.
- D37. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under condition D35 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- D38. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- D39. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

## **Historic Heritage**

- D40. Upon completion of the Stage 2 construction works and prior to commencement of Stage 3 construction works, an inspection of the redevelopment works must be undertaken by Council's nominated Heritage staff member.
- D41. Construction must be undertaken in accordance with the recommendations within the *Historic Archaeology Assessment* prepared by Biosis dated 10 December 2021, which requires:
  - (a) works are to avoid the two areas of archaeological potential identified within the *Historic Archaeology Assessment* report prepared by Biosis dated 10 December 2021. To ensure no impacts occur within these designated areas, any disturbance to the subsurface deposits (including but not limited to excavation, trenching and demolition of buildings which could

remove footings or foundations etc) should be avoided. If impacts cannot be avoided in these areas', then the following must be undertaken prior to recommencement of construction works:

- (i) if any works are to be undertaken within adjacent areas designated as low potential the implementation of a 5-10 metres fenced (hard barrier) buffer around the boundary of the identified areas of moderate potential is required to ensure no impacts to these areas occur.
- (b) site workers must undertake a heritage induction to ensure that they are aware of the heritage significance of items and potential archaeological resources within the study, their statutory obligations under the *Heritage Act 1977* (Heritage Act) and the penalties for breaching the provisions of the Heritage Act. The heritage induction will also provide information to site workers on potential archaeological items that they may encounter during works, and the steps to take should they be encountered.

## **PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- E1. At least one month before the issue of the first occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **External Walls and Cladding**

- E2. Prior to the issue of the relevant occupation certificate, 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. 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 – Protection of Public Infrastructure**

- E3. Prior to the issue of the relevant occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition C4 of this consent;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary when requested.

### **Repair of Public Infrastructure**

- E4. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

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

### **Road Damage**

- E5. Prior to the issue of the relevant occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

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

- E6. Where a pre-construction survey has been undertaken in accordance with condition C6, prior to the commencement of any relevant operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition C6;
  - (b) be provided to the owner of the relevant buildings surveyed;

- (c) be provider to the Certifier; and
- (d) be provided to the Planning Secretary when requested.

E7. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

#### **Easements**

E8. Within six months after the date of this consent, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming Endeavour Energy as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, and which provides for electrical connection to the substation, must be registered on title of Lot 11 DP 1134453.

#### **Utilities and Services**

E9. Prior to the issue of the relevant occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

#### **Works as Executed Plans**

E10. Prior to the issue of the relevant occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

#### **Green Travel Plan**

E11. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the Planning Secretary for information 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;
- (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 details of the shuttle service for staff and/or patients and visitors to/from Richmond train station;
- (e) include an analysis of residential postcode data for existing staff and a breakdown of shift patterns;
- (f) include a Travel Access Guide (TAG) for staff, patients and visitors, detailing the sustainable arrangements available for all cohorts;
- (g) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (h) 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.

#### **Mechanical Ventilation**

E12. Prior to the issue of the relevant occupation certificate, 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**

- E13. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B3 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the project noise trigger levels identified in the SJOG Richmond Hospital Acoustics Report, Assessment of Operational Acoustic Impact prepared by Silver Thomas Hanley dated 16 September 2021.

### **Car Parking and Service Vehicles parking Arrangements**

- E14. Prior to the issue of the relevant occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car parking and service vehicle areas comply with condition B5;
  - (b) appropriate pedestrian and cyclist advisory signs are to be provided;
  - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority; and

### **Fire Safety Certification**

- E15. Prior to the issue of the relevant occupation certificate, 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**

- E16. Prior to the issue of the relevant occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Compliance with Food Code**

- E17. Prior to the issue of the relevant occupation certificate, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

### **Stormwater Quality Management Plan**

- E18. Prior to the issue of the relevant occupation certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

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

- E19. 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**

- E20. Prior to the issue of the relevant occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that lighting associated with the development to be installed achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Conservation Management Plan**

- E21. Prior to the issue of the final occupation certificate, the Applicant must prepare and implement a Conservation Management Plan (CMP) for the whole of the site. The CMP must:
- (a) be undertaken by a suitably experienced consultant (in accordance with CMP guiding documents from Heritage NSW) and submitted to Hawkesbury City Council for endorsement; and
  - (b) include and be consistent with (unless superseded as a result of additional investigations) information contained within the:
    - (i) *Costed Heritage Asset Maintenance Plan – 'Belmont House' St. John of God Hospital, 177 Grose Vale Road, North Richmond, NSW* prepared by Weir Phillips Heritage and Planning and dated November 2021; and
    - (ii) *Heritage Asset Action Plan – St. John of God Hospital – 177 Grose Vale Road, Richmond* prepared by Weir Phillips Heritage and Planning dated November 2021.

### **Signage**

- E22. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- E23. 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**

- E24. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include the Management and Mitigation Measures included in EIS.

### **Landscaping**

- E25. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2(d).
- E26. Prior to the issue of the relevant occupation certificate, the Applicant must prepare an Operational Landscape and Vegetation 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) comply with the recommendations of the Bushfire Assessment reports prepared by BLACKASH bushfire consulting dated 13 August 2021 and 13 October 2021.

- (c) be consistent with the Applicant's Management and Mitigation Measures in the EIS;
- (d) include the provision of nest boxes suitable to native fauna likely to use the site; and
- (e) comply with the following principles of 'Planning for Bush Fire Protection 2019':
  - (i) suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways;
  - (ii) grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building;
  - (iii) planting is limited in the immediate vicinity of the building;
  - (iv) planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
  - (v) landscape species are chosen in consideration needs of the estimated size of the plant at maturity and proximity to buildings;
  - (vi) species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies;
  - (vii) smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown;
  - (viii) planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter);
  - (ix) climbing species are avoided to walls and pergolas;
  - (x) combustible materials such as woodchips/mulch and flammable fuel are stored away from the building and not within the area of defendable space;
  - (xi) combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building and not within the area of defendable space; and
  - (xii) low flammability vegetation species are used.

### **Asset Protection Zones**

- E27. Prior to the commencement of operation, the entire property must be established (and continued to be managed) as an inner protection zone (IPA) as outlined within Appendix 4 of the *Planning for Bush Fire Protection 2019* and the NSW RFS document Standards for asset protection zones. When establishing and maintaining an IPA the following requirements apply:
- (a) tree canopy cover should be less than 15 per cent at maturity;
  - (b) trees at maturity should not touch or overhang the building;
  - (c) lower limbs should be removed up to a height of 2m above the ground;
  - (d) tree canopies should be separated by 2 to 5m;
  - (e) preference should be given to smooth barked and evergreen trees;
  - (f) large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
  - (g) shrubs should not be located under trees;
  - (h) shrubs should not form more than 10 per cent ground cover;
  - (i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
  - (j) grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
  - (k) leaves and vegetation debris should be removed.
- E28. A distance of 5m around the new Residential Pavilions is to be kept in a minimal vegetated state in order to provide a defendable space around the buildings. No storage of flammable materials is to be kept within this area.

## Evacuation and Emergency Planning

- E29. Prior to the commencement of operation, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*, and detail the following as a minimum:
- (a) under what circumstance the complex will be evacuated;
  - (b) where occupants will be evacuated to;
  - (c) roles and responsibilities of persons co-ordinating the evacuation;
  - (d) roles and responsibilities of persons remaining with the complex after evacuation;
  - (e) a procedure to contact the NSW Rural Fire Service District Office/NSW Fire and Rescue Brigade and inform them of the evacuation and where they will be evacuated to;
  - (f) the closure of the Wellness Centre on Extreme and Catastrophic fire danger days, or as instructed by the NSW RFS; and
  - (g) the closure of the entire facility and evacuation of all facility occupants as instructed by the NSW RFS.

*Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.*

## Safe Refuge

- E30. Prior to the commencement of operation, the Garden Pavilion is to be allocated as the designated safe refuge to be used as a place of last resort. The safe refuge must comply with BAL12.5 construction in accordance with Sections 3 and 5 of the AS3959:2018 and should be fire separated from any adjoining structures. The refuge building must have sufficient space for all occupants and comply with the occupancy levels permissible for that structure.

## Loading Dock Management Plan

- E31. Prior to the commencement of operation, the Applicant must submit a Loading Dock Management Plan (LDMP) to the satisfaction of the Certifier and for information to the Planning Secretary, that manages vehicles entering and exiting the loading dock (including the ambulance parking bay). The LDMP must address:
- (a) measures to ensure there is no conflict during operation of the loading dock, managing the delivery requirements and service schedules;
  - (b) operational aspects on how to use the facilities; and
  - (c) management duties and responsibility.

## External Bush Fire Sprayer System

- E32. Prior to the commencement of operation, an External Bush Fire Sprayer System (EBSS) is required to be installed on the proposed Residential Pavilions as an active protection measure. The system must be designed to meet the following minimal requirements:
- (a) sprayers must direct spray at the vulnerable elements of the building. Special consideration should be given to all exposed glazing such as windows;
  - (b) water discharge rates must be of sufficient pressure to ensure droplet size allows for high winds that accompany bush fires;
  - (c) sprays must provide 100 per cent overlap around the protected area;
  - (d) all exposed piping used must be non-combustible;
  - (e) ground sprinklers must be fixed metal risers;
  - (f) sufficient additional water must be provided to allow full operation of the system for a minimum of one hour;
  - (g) controls must be accessible to fire fighters, with clear operating instructions displayed near the controls;
  - (h) the EBSS must be designed by a suitably qualified person/engineer with appropriate hydraulic expertise; and
  - (i) on completion of works, the EBSS must be tested by a qualified engineer and certified that it meets the above minimal criteria.

### **Heritage Interpretation Strategy**

- E33. Prior to commencement of operation, the Applicant must submit a Heritage Interpretation Strategy to acknowledge the heritage of the site to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified and experienced heritage interpretation specialist in consultation with the Heritage NSW (or its delegate) and Council;
  - (b) be prepared in accordance with Heritage Council of NSW Guidelines;
  - (c) include an explanation of the site's State significant heritage values (including historical archaeological values) associated with the Belmont Park Homestead; and
  - (d) include the history and significance of the site, including potential archaeological resource and implement the site interpretation within a publicly accessible space where available within the site.

## PART F POST OCCUPATION

### Operation of Plant and Equipment

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### Warm Water Systems and Cooling Systems

- F2. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### Heritage Interpretation Strategy

- F3. The Applicant must implement the most recent version of the Heritage Interpretation Strategy approved under condition E33.

### Heritage Conservation Management Plan

- F4. The Applicant must implement the most recent version of the Conservation Management Plan approved under condition E21.

### Operational Noise Limits

- F5. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in SJOG Richmond Hospital Acoustics Report, Assessment of Operational Acoustic Impact prepared by Silver Thomas Hanley dated 16 September 2021.
- F6. 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 use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in SJOG Richmond Hospital Acoustics Report, Assessment of Operational Acoustic Impact prepared by Silver Thomas Hanley dated 16 September 2021. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

### Unobstructed Driveways and Parking Areas

- F7. 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

- F8. The Green Travel Plan required by condition E11 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### Ecologically Sustainable Development

- F9. 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 C9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### Outdoor Lighting

- F10. Notwithstanding condition D33, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### **Landscaping**

F11. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape and Vegetation Management Plan required by condition E26 for the duration of occupation of the development.

### **Asset Protection Zones**

F12. The asset protection zones required by conditions E27 and E28 must be maintained for the duration of occupation of the development.

### **Hazards and Risk**

F13. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.

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

### **Dangerous Goods**

F15. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

### **Discharge Limits**

F16. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

## APPENDIX 1 ADVISORY NOTES

### General

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

### Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

### Legal Notices

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

### Access for People with Disabilities

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

### Utilities and Services

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

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### Road Design and Traffic Facilities

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

### Road Occupancy Licence

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

### SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### Hoarding Requirements

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

### Handling of Asbestos

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

### Fire Safety Certificate

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.



## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A33 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.