

# Development Consent

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

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



David Gainsford  
Executive Director  
Priority Projects

Sydney 20th September 2018

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### SCHEDULE 1

**Application Number:** SSD 8963

**Applicant:** Health Administration Corporation

**Consent Authority:** Minister for Planning

**Site:** 60 Uralba Street, Lismore  
(Lot 1 DP511444, Lots 21 and 22 DP589890)

**Development:** Lismore Base Hospital Redevelopment Stage 3C comprising construction and operation of a four storey addition above a four storey hospital building with a maximum height of RL 63.4.

## DEFINITIONS

<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Health Administration Corporation, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	All physical works to enable operation, including but not limited to the carrying out of works for the purposes of the development, including erection of buildings and other infrastructure permitted by this consent, but excluding the following: <ul style="list-style-type: none"><li>• building and road dilapidation surveys;</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>
<b>Council</b>	Lismore 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>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 and operation of the hospital building, as modified by the conditions of this consent.
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement State Significant Development Application SSD 17_8963 Lismore Base Hospital Redevelopment Stage 3C</i> , prepared by City Plan Services dated May 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<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>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<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>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 Response to submissions.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 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>OEH</b>	NSW Office of Environment and Heritage
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>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>RMS</b>	NSW Roads and Maritime Services
<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>TfNSW</b>	Transport for New South Wales
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

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

**Obligation to Minimise Harm to the Environment**

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

**TERMS OF CONSENT**

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

<b>Architectural Drawings prepared by Conrad Gargett</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA10000	B	Site Plan Proposed	11/04/18
DA22007	E	GA Level 7	13/07/18
DA22008	E	GA Level 8	13/07/18
DA22009	E	GA Level 9	13/07/18
DA22010	E	GA Level 10	13/07/18
DA28000	C	Roof Plan	14/05/18
DA30001	C	North Elevation	14/05/18
DA30002	D	East West Elevations	13/07/18
DA30004	A	South Building Elevation	13/07/18
DA31001	C	Building Section	14/05/18
DA31002	C	Building Section	14/05/18
DA81001	C	Materials	14/05/18

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

**Limits of Consent**

- A5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

### **Evidence of Consultation**

- A6. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

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

- A7. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, 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 or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
  - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and 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).
- A8. If the Planning Secretary agrees, a strategy, 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.
- A9. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

### **Demolition**

- A10. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 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 before the commencement of works.

### **Structural Adequacy**

- A11. 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**

- A12. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **Applicability of Guidelines**

- A13. 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.

However, 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**

A14. 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, compliance reporting 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**

A15. 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 environmental 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.

### **ADVISORY NOTES**

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

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

### **Notification of Commencement**

- B1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department 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**

- B2. 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:

- (a) the relevant clauses of the BCA; and
- (b) this development consent.

### **External Walls and Cladding**

- B3. Prior to the commencement of construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use 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.

### **Reflectivity**

- B4. The building materials used on the facades of the buildings must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers must be submitted to the satisfaction of the Certifier prior to the commencement of construction.

### **Protection of Public Infrastructure**

- B5. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

### **Utilities and Services**

- B6. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- B7. 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.

### **Community Communication Strategy**

- B8. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;
  - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than two weeks before the commencement of any work.

Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

### **Compliance**

- B9. 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.

### **Outdoor Lighting**

- B10. Prior to commencement of construction, all outdoor lighting within the site must comply with *AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282-1997 Control of the obtrusive effects of outdoor lighting*. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifier.

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

- B11. 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.

### **Construction Environmental Management Plan**

- B12. Prior to commencement of construction, the Applicant must prepare a **Construction Environmental Management Plan (CEMP)** and it must include, but not be limited to, the following:
- (a) details:
    - (i) community consultation and complaints handling;
    - (ii) hours of work;
    - (iii) 24-hour contact details of site manager;
    - (iv) management of dust and odour to protect the amenity of the neighbourhood;
    - (v) stormwater control and discharge;
    - (vi) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
    - (vii) external lighting in compliance with *AS 4282-1997 Control of the obtrusive effects of outdoor lighting*; and

- (viii) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B14);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition B15); and
  - (d) Construction Waste Management Sub-Plan (see condition B16).
- B13. 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.
- B14. The **Construction Traffic and Pedestrian Management Sub-Plan (CTPMP)** as required by condition B12, must address, but not be limited to, the following matters:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council;
  - (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;
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) ensure truck drivers use specified routes;
  - (f) include a program to monitor the effectiveness of these measures; and
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B15. The **Construction Noise and Vibration Management Sub-Plan (CNVMP)** as required by condition B12, must address, but not be limited to, the following matters:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (e) include strategies that have been developed with the community for managing high noise generating works;
  - (f) describe the community consultation undertaken to develop the strategies in condition B15(e); and
  - (g) include a complaints management system that would be implemented for the duration of the construction.
- B16. The **Construction Waste Management Sub-Plan (CWMP)** as required by condition B12, must address, but not be limited to, the following matters where relevant:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

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

- B17. Prior to commencement of construction, the Applicant must incorporate the noise mitigation recommendations in the *Lismore Hospital Stage 3C SEAR 9 Noise Impact Assessment*, prepared by Acoustic Logic, dated 11 April 2018, into the detailed design drawings. The Certifier must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise emission criteria identified in the *Lismore Hospital Stage 3C SEAR 9 Noise Impact Assessment*, prepared by Acoustic Logic, dated 11 April 2018.

## **Mechanical Ventilation**

- B18. Details demonstrating that all mechanical ventilation systems selected will be installed in accordance with Part F4.5 of the BCA and will comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* must be submitted to the satisfaction of the Certifier prior to the commencement of construction to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

## **Compliance Reporting**

- B19. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifier.

Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifier in writing at least seven days before this is done.

## **Independent Environmental Audit**

- B20. No later than two weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifier.

- B21. Independent Audits of the development must be carried out in accordance with:

- (a) the Independent Audit Program submitted to the Department and the Certifier under condition B20 of this consent; and
- (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).

- B22. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition B21(b) of this consent;
- (b) submit the response to the Department and the Certifier; and
- (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifier in writing when this has been done.

- B23. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be terminated, where it has been demonstrated to the Secretary's satisfaction that an audit has verified and confirmed operational compliance.

## PART C DURING CONSTRUCTION

### Approved Plans to be On-site

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

### Site Notice

- C2. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer.
  - (b) is to satisfy all but not be limited to, the following requirements:
    - (i) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
    - (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
    - (iii) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
    - (iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Construction Plant and Equipment

- C3. All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
  - b) operated in a proper and efficient manner.

### Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- C5. Activities may be undertaken outside of the hours in Condition C4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
  - (c) works are inaudible at the nearest sensitive receivers.
  - (d) works are approved in advance in writing by the Planning Secretary and sufficient justification is provided for the works.

Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- C6. 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**

- C7. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved **CEMP**.

### **Construction Traffic**

- C8. All construction vehicles (excluding worker 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 before stopping.

### **Road Occupancy Licence**

- C9. 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**

- C10. 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.

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

- C11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, unless there is prior written approval from the relevant authority. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

### **Construction Noise Limits**

- C12. 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 CNVMP.
- C13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under Condition C4.
- C14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C15. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

### **Vibration Criteria**

- C16. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C17. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C16.
- C18. The limits in conditions C16 and C17 apply unless otherwise outlined in a CNVMP, approved as part of the CEMP required by condition B12 of this consent.

### **Dust Minimisation**

- C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

- C20. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

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

- C21. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.

#### **Waste Storage and Processing**

- C22. Waste 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.
- C23. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C24. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste of spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.
- C25. 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.

#### **Incident Notification, Reporting and Response**

- C26. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

#### **Non-Compliance Notification**

- C27. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.

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.

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**

- C28. Within three months of:
- (a) the submission of a compliance report under condition B19 and B19;
  - (b) the submission of an incident report under condition C26;
  - (c) the submission of an Independent Audit under condition B20;
  - (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 Department and the Certifier must be notified in writing that a review is being carried out.

- C29. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Certifier. Where revisions are required, the revised document must be submitted to the Certifier for approval within six weeks of the review.

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

## PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Notification of Occupation

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

### External Walls and Cladding

- D2. Prior to the occupation of the building, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Car Parking

- D4. Prior to the occupation of the building, the Applicant must demonstrate to the satisfaction of the Certifier that 10 new car parking spaces have been provided within the Lismore Base Hospital campus and documentation demonstrating the final layout of the additional car parking must be submitted to the Secretary for information.

### Protection of Public Infrastructure

- D5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### Post-construction Dilapidation Report

- D6. Prior to occupation of the building, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure.
  - to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - to be forwarded to Council.

### Obstacle Lighting

- D7. Prior to occupation of the building, obstacle lighting as identified in the Response to Submissions must be installed and operational.

### Utilities and Services

- D8. Prior to occupation of the building, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council and submitted to the Certifier.

### Sustainable Travel Plan and Travel Access Guide

- D9. Prior to occupation of the building, a revised **Sustainable Travel Plan (STP)** and **Travel Access Guide** that would be implemented for the development must be prepared and submitted to the Department and Certifier. The **STP** must:
- be prepared in consultation with TfNSW and Council;
  - outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and

- (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

### **Mechanical Ventilation**

- D10. Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifier, prior to the final occupation, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
  - (b) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
  - (c) the development consent and any relevant modifications; and
  - (d) any dispensation granted by the NSW Fire Brigade.

### **Fire Safety Certification**

- D11. Prior to the final occupation, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

- D12. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifier prior to the occupation of the relevant parts of any new or refurbished buildings. 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.
  - (c) person/s authorised to, for the life of the development.

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

- D13. Details demonstrating that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 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 must be submitted to the Certifier prior to occupation.

### **Signage**

- D14. Way-finding signage and signage identifying the location of car parking must be installed prior to occupation.
- D15. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.

## PART E POST OCCUPATION

### Operation of Plant and Equipment

- E1. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

### Community Communication Strategy

- E2. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### Operational Noise Limits

- E3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise emission criteria in *Lismore Hospital Stage 3C SEAR 9 Noise Impact Assessment*, prepared by Acoustic Logic, dated 11 April 2018.
- E4. 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 emission criteria identified in *Lismore Hospital Stage 3C SEAR 9 Noise Impact Assessment*, prepared by Acoustic Logic, dated 11 April 2018.

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.

### Sustainable Travel Plan

- E5. The **STP** required by Condition D9 of this consent must be updated annually.
- E6. The Applicant must implement the most recent version of the **STP** required by Condition D9 of this consent for the duration of the development.

### Car Parking Management Strategy

- E7. At five years from the completion of construction, an assessment of the parking occupancy of the multi-level carpark and on-street parking along Hunter Street (from Orion Street to McKenzie Street), Uralba Street (from Hunter Street to Dibbs Street), Dibbs Street (North of Hewett Street) and Dalziell Street is to be undertaken.

The results of such parking assessment must be compared against the parking assessment in *Transport and Accessibility Impact Assessment* report prepared by TTW, dated 15 May 2018 (TTW Report). The Car Parking Management Strategy prepared in accordance with development consent for SSD 6848 must be reviewed, in consultation with Council, where the average of the peak hour occupancy for the abovementioned streets exceed 85 per cent or where occupancy of the multi-level car park falls below occupancy rates in the TTW Report. The Car Parking Management Strategy must be revised to detail the actions to address on-street parking impacts and the timeframes for such proposed actions and submitted to the Planning Secretary for information.

### Lighting

- E8. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Fire Safety Certificate**

- E9. 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.

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

- E10. 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 Parts 1 and 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.

## **APPENDIX 1 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 Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C27 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.