

Consolidated Consent

New Tweed Valley Hospital (SSD-9575)

[SSD-9575 – Approved 11.06.2019]

[As modified by SSD-9575-Mod-1 – 11.10.2019]

[As modified by SSD-9575-Mod-2 – 28.04.2020]

SCHEDULE 1

Application Number:	SSD 9575
Applicant:	Health Administration Corporation
Consent Authority:	Minister for Planning
Site:	771 Cudgen Road, Cudgen (Lot 11 DP 1246853)
Development:	<p>Concept development application for the New Tweed Valley Hospital including:</p> <ul style="list-style-type: none">• A Concept Proposal comprising:<ul style="list-style-type: none">○ the maximum building envelope for a nine-storey hospital with helipad and plant rooms on the rooftop;○ the maximum building envelope for a building for support services (health hub);○ the maximum gross floor area of 65,000 square metres for the hospital and the health hub building on the site;○ the site layout, internal roads, site access arrangements and car parking provisions;○ a landscape masterplan, concept public domain treatments and stormwater strategy; and○ Tweed Coast Road and Cudgen Road intersection upgrade works.• Concurrent Stage 1 early and enabling works comprising:<ul style="list-style-type: none">○ site preparation and bulk earthworks to establish site levels;○ identification of the construction compound with temporary car parking areas, laydowns and internal roads;○ new vehicular access points from Cudgen Road;○ improvements to the roundabout at the intersection of Turnock Street and Cudgen Road;○ utility augmentation and connection of permanent services for the future hospital;○ construction of retaining walls;○ stormwater drainage works and soil and water management measures;○ site remediation works; and○ piling works associated with the future hospital.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent.
Applicant	Health Administration Corporation or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
ARI	Annual Recurrence Interval
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Building Height	Building height (or height of building) as defined in the Tweed Local Environmental Plan 2014
Coastal wetlands	The area within the Site at No. 771 Cudgen Road, Cudgen and the adjoining area to the north and west, mapped as 'coastal wetland' in the State Environmental Planning Policy (Coastal Management) 2018 Coastal Wetlands and Littoral Rainforests Area Map
Proximity area for coastal wetlands	Land identified as "proximity area for coastal wetlands" on the Coastal Wetlands and Littoral Rainforests Area Map
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 109R of the EP&A Act
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent	The conditions contained in Schedule 2 and Schedule 3 of this document
Construction	All physical works to enable development, including but not limited to the demolition and removal of buildings (if any), the carrying out of works for the purposes of the development, including bulk earthworks, and other infrastructure permitted by this consent, but excluding the following: <ul style="list-style-type: none"> • on-site announcements about the project by the Applicant; • building and road dilapidation surveys; • investigative drilling, investigative excavation or Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
Council	Tweed Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	NSW Department of Planning and Environment
Development	The development described in the EIS, Response to Submissions, and supplementary Response to Submissions including the works and activities

comprising bulk earthworks, site remediation, construction of roads, drainage and associated works and tree removal as modified by the conditions of this consent.

Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled <i>New Tweed Valley Hospital (Concept Proposal and Stage 1 Works)</i> , prepared by GeoLINK dated 22 November 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Gross floor area	“Gross floor area” as defined in the Standard Instrument—Principal Local Environmental Plan as at the date of this consent
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: “material harm” is defined in this consent</i>
ICN	Interim Construction Noise Guidelines
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Appendix 2.
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence set of circumstances or development that is a breach of this consent
NSW RFS	New South Wales Rural Fire Service

OEH	NSW Office of Environment and Heritage
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Remediation	Remedial Action Plan
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Investigations	Site investigation referred to in the Preliminary and Detailed Site Investigation (Contamination) Report prepared by Octief dated 17 October 2018 and Addendum Responses prepared by Cavvanba dated 31 January 2019.
TfNSW	Transport for New South Wales
TVH	New Tweed Valley Hospital
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
CONDITIONS OF CONSENT FOR CONCEPT DEVELOPMENT APPLICATION
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS, the Response to Submissions, Supplementary Response to Submissions and environmental management mitigation measures provided in **Appendix 2**; and
- (d) **generally, in accordance with SSD-9575-Mod-2; and**
- (e) in accordance with the approved plans in the table below:

Architectural Drawings prepared by <i>STH and Bates Smart</i>			
Dwg No.	Rev	Name of Plan	Date
AR-SKE-02-003	2 3	Topography	23/04/2019 11/09/2019
AR-SKE-10-002	4 2	Building Siting and Aviation	22/01/2019 19/09/2019
AR-SKE-10-003	3 4	Building Footprint and Area of Influence	23/04/2019 11/09/2019
AR-SKE-10-004	3 4	Boundary Setbacks	23/04/2019 11/09/2019
AR-SKE-10-005	3 4	Asset Protection Zones	23/04/2019 11/09/2019
AR-SKE-10-006	7 8	Concept Plan	23/04/2019 11/09/2019
AR-SKE-10-007	3 4	Vehicular Access	23/04/2019 11/09/2019
AR-SKE-10-008	3 4	Vehicular Egress	23/04/2019 11/09/2019
AR-SKE-10-009	2 4	Proposed Site Levels	23/04/2019 11/09/2019
AR-SKE-50-101	8 9	South-East Elevation Hospital	23/04/2019 11/09/2019
<u>AR-SKE-50-110</u>	<u>1</u>	<u>South Elevations Multi-deck carpark</u>	<u>11/09/2019</u>
AR-SKE-50-201	8 9	North-West Elevation Hospital	02/05/2019 11/09/2019
<u>AR-SKE-50-210</u>	<u>1</u>	<u>North Elevations Multi-deck carpark</u>	<u>11/09/2019</u>
AR-SKE-50-301	8 9	South-West Elevation Hospital	02/05/2019 11/09/2019

AR-SKE-50-401	8 <u>9</u>	North-East Elevation Hospital	02/05/2019 <u>11/09/2019</u>
AR-SKE-51-001	3 <u>4</u>	Site Section B – East Carpark	02/05/2019 <u>11/09/2019</u>
AR-SKE-51-002	2	Site Section C – West Carpark	23/04/2019
AR-SKE-51-003	3 <u>4</u>	Building Section, A	02/05/2019 <u>11/09/2019</u>
Retaining Wall Locations prepared by Bonacci			
Dwg No.	Rev	Name of Plan	Date
C300	P1	Drawing Register and construction notes	30/10/2018
C330	P3	General Arrangement and Key Plan	17/12/2018
C334	P3	Concept Intersection works plan – Sheet 1 of 2	17/12/2018
C332	P4	Concept Intersection works plan – Sheet 2 of 2	07/02/2019
Landscape Drawings prepared by Turf Design Studio			
Dwg No.	Rev	Name of Plan	Date
L-EIS-2	E	Landscape Zonal Plan	03/05/2019
L-EIS-3	C <u>F</u>	Pathway Network	18/04/2019 <u>09/09/2019</u>
<u>LS-DWG-10-003</u>	<u>11</u>	<u>Landscape Zonal Plan</u>	<u>16/03/2020</u>

ISSD-9575-Mod-21

- 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 **Error! Reference source not found.** ~~A2(d)~~, **or A2(e)** of Schedule 2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition **Error! Reference source not found.** and ~~A2(d)~~ **A2(e)** of Schedule 2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

ISSD-9575-Mod-21

Limits of Consent

- A5. This consent lapses five years after the date of consent unless the Stage 1 works, identified in Schedule 1 of this development consent, have physically commenced.
- A6. This consent does not allow any components of the Concept Proposal, to be carried out without further approval or consent being obtained from the relevant consent authority, except the 'Stage 1 Early and enabling works', identified in Schedule 1 of this development consent and in accordance with the list of plans approved under condition A2 of Schedule 3.
- A7. This consent does not approve any buildings / uses identified as future expansion opportunities within the Site as outlined in Section 5 of the "Tweed Valley Hospital Built Form and Urban Design Report" prepared by Bates Smart dated 19 October 2018.

Prescribed Conditions

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

Planning Secretary as Moderator

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

Legal Notices

A10. Any advice or notice to the consent authority must be served on the Planning Secretary.

Evidence of Consultation

A11. 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 evidence and details of the consultation undertaken including:
 - (i) methods of consultation;
 - (ii) the outcome of that consultation, matters resolved and unresolved; and
 - (iii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

ADVISORY NOTES

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

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

Use of the Site as a hospital

- B1. The future development application for the detailed design and construction of the New Tweed Valley Hospital and the associated facilities (Stage 2 application), must include the details of:
- (a) the total number of beds to be accommodated in the hospital (day beds and in-patient units (IPU) and emergency);
 - (b) the proposed facilities within the hospital;
 - (c) proposed uses within the support building (health hub) within the Site, fronting Cudgen Road; and
 - (d) proposed operational parameters of the hospital including the helicopter operations.

Built Form, Urban Design and Landscaping

- B2. The future hospital building and the health hub, including the setbacks to the boundaries, must be consistent with the approved plans listed in condition A2 of Schedule 2.
- B3. The future hospital building is restricted to:
- (a) maximum building height of RL 67.1 including the helipad and plant rooms;
 - (b) maximum building height of RL 54.85 for the main building mass;
 - (c) the lowest basement level at RL 14.25; and
 - (d) the level of the entry from Cudgen Road at RL 27.75.
- B4. The health hub fronting Cudgen Road is restricted to:
- (a) a maximum height of RL 39.4; and
 - (b) an entrance level floor height of ~~RL 27.75~~ **RL 26.6** from Cudgen Road.

[SSD-9575-Mod-2]

- B5. The maximum gross floor area of the two buildings within the Site (hospital and health hub), are to be ~~65,000~~ **approximately 65,050** square metres (m²) excluding the helipad on the roof top of the future hospital building.

[SSD-9575-Mod-2]

- B6. All proposed retaining walls within the Site, forming part of the Stage 2 application, must be restricted to a maximum height of approximately 3.4m from the proposed ground level on each side of that location. The Stage 2 application must include the details of treatment of retaining walls, the proposed battered embankment and the landscaping treatment on top of the walls.
- B7. The site plan and the landscape masterplan for the Stage 2 application must include the following as identified in the approved *Landscape Zonal Plan* prepared by Turf Design Studio dated ~~03/05/2019~~ **16/03/2020**:
- (a) details of the tree trunk line along the southern edge of the retained vegetation to the north of the Site;
 - (b) details of Asset Protection Zones (APZ);
 - (c) a minimum 10m wide vegetative buffer on the western side;
 - (d) a minimum 30m wide vegetative buffer fronting Cudgen Road on the southern side;
 - (e) vegetative buffer on the eastern side along Turnock Street;
 - (f) a planting schedule of trees replacing the proposed loss of canopy on the Site;
 - (g) details of species that would be suitable to screen agricultural spray drift from the southern and western side of the Site;
 - (h) the identified landscape zones ~~including farm landscape~~ with details of edible produce;
 - (i) details of 'Koala food trees' to be planted in proximity to the identified potential koala habitat locations in ~~vegetation Zone 6 of~~ **accordance with** the Biodiversity Development Assessment Report prepared by Greencap dated January 2019;

- (j) details of the low maintenance native species to be planted in the APZ areas;
- (k) details of suitable species to be planted within the bio-retention basins proposed for treatment of nutrients within the “proximity area for coastal wetlands”;
- (l) details of the replanting of the exotic grass of Zone 9 as detailed in the Biodiversity Development Assessment Report prepared by Greencap dated January 2019 including rainforest species suitable for habitat of Mitchell’s Rainforest Snail; and
- (m) evidence of consultation with NSW Rural Fire Service (RFS) in identifying the suitable species to be planted within the bio-retention basins and the mapped proximity area to coastal wetlands of the State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) to avoid any inconsistencies with the Planning for Bushfire Protection (PBP) 2006 and PBP 2018 (pre-release version) in relation to APZ guidelines.

[SSD-9575-Mod-2]

B8. The urban design and built form of the buildings, public spaces and open areas, proposed as part of the Stage 2 application must be consistent with the “*Tweed Valley Hospital Built Form and Urban Design Report*” prepared by Bates Smart dated 19 October 2018 and the addendum dated 24 January 2019 **and the “Architectural and Urban Design Report EIS Concept Modification Submission” prepared by Bates Smart dated 23 September 2019 and the addendum dated 26 February 2020.**

[SSD-9575-Mod-2]

- B9. The public spaces, landscaped areas and the buildings proposed as part of the Stage 2 application must have regard to the following matters:
- (a) a high standard of architectural design, materials and detailing appropriate to the building type and location;
 - (b) the form and external appearance of the proposed development to improve the quality and amenity of the public domain;
 - (c) the relationship of the built form with the Site topography including appropriate level changes and built form articulation (where relevant) so that the built form follows the natural contours and avoids the need for high retaining walls, cut and fill where possible;
 - (d) environmental amenity impacts such as solar access to the internal areas of the hospital, specifically, in patient units (IPU) and public spaces within the Site, impacts of noise due to surrounding land uses on the users (specifically the patients);
 - (e) environmental amenity impacts on the surrounding residents, users of agricultural land and other identified sensitive users due to overshadowing, impacts on visual privacy, impacts on visual amenity, wind impacts, reflectivity, light spill and other identified impacts;
 - (f) the integration of the future buildings (specifically the hospital building) with the landscaped areas and public spaces within the Site including connectivity between the hospital building and ground level landscaped areas for patients, staff and visitors;
 - (g) screening of the external courtyards within the building, accessible to the patients and visitors, from the agricultural land uses, as per recommendations of the *Land Use Conflict Assessment Report* prepared by Tim Fitzroy and Associates dated 18 October 2018 and the addendum;
 - (h) integrating local indigenous identity, culture and innovation in design and delivery;
 - (i) the creation of a boulevard within the Site that would act as the central vehicular spine and complemented by pedestrian walkways connecting all the public and service areas of the Site (with appropriate separation where needed);
 - (j) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any internal pedestrian network, covered pedestrian connections throughout the Site, and improvements to the public domain;

- (k) achieving appropriate interfaces between the hospital building and the public domain;
- (l) mitigation measures against mosquito (including preventing mosquito breeding) and biting insects; and
- (m) future proofing the development so that it can adapt to foreseeable changes and future expansion.

B10. The Stage 2 application must include evidence of consultation with GANSW in developing the design of the final built form of the hospital and the associated buildings within the Site.

Visual Impact Assessment

B11. The Stage 2 application must be supported by a Visual Impact Assessment Report to identify and assess all impacts of the proposed hospital, associated retaining walls, **multi-deck carpark** and proposed health hub building(s) on the visual catchment of the Site. The Visual Impact Assessment must be::

- (a) be based on the identified view locations in the *Visual Impact Assessment Report* prepared by Geolink dated 20 October 2018 and by the approved drawings *AR-SKE-53-200 Rev 01* prepared by Bates Smart dated 22 January 2019; and
- (b) consider the impact of the future design of the hospital, health hub building(s), **multi-deck carpark** and the retaining walls on the settings, view lines and significant landmarks identified in the draft Kingscliff Locality Plan and include appropriate management and mitigation measures to minimise adverse visual impacts (where relevant), specifically in relation to distant views to Mt Warning and the associated forested hills.

[SSD-9575-Mod-2]

Disability Access

B12. Where relevant, the Stage 2 application must include a Disability Access Review to address accessibility in accordance with the Disability (Access to Premises - buildings) Standards 2010 (the Premises Standards).

Solar Access

B13. The Stage 2 application must be supported by solar access diagrams to address whether adequate solar access is provided, between 9am and 3pm during winter solstice, to the public spaces (immediately south of the proposed building footprint); internal landscaped courtyards (if any) and IPUs.

Heritage

B14. The Stage 2 application must include details of the retained stone walls on the site (where feasible), the associated archival recordings and interpretation techniques (where removal is proposed) as required by conditions A12 and A13 of schedule 3 and the recommendations of the *Historical Heritage Assessment Report* prepared by Niche Environment and Heritage dated 19 October 2018.

Ecologically Sustainable Development

B15. The Stage 2 application must include a framework detailing how the future development will be designed to consider and reflect national best practice sustainable building principles to improve environmental performance and reduce ecological impact in accordance with *Environmentally Sustainable Design Report* prepared by Steensen Varming Pty Ltd dated 16 August 2018. This should be based on a materiality assessment and include waste reduction design measures, future proofing, use of sustainable and low-carbon materials, energy and water efficient design (including water sensitive urban design) and technology and use of renewable energy.

B16. The Stage 2 application must include preliminary consideration of building performance and mitigation of climate change, including consideration of Green Star Performance.

B17. The Stage 2 application must provide a statement regarding how the design of the future development is responsive to the CSIRO projected impacts of climate change, specifically:

- (a) hotter days and more frequent heatwave events;
- (b) extended drought periods;

- (c) more extreme rainfall events;
 - (d) gustier wind conditions; and
 - (e) how these will inform landscape design, material selection and social equity aspects (respite/shelter areas).
- B18. The future development application is required to address the implementation of water sensitive urban design principles (WSUD) in accordance with the best practise guidelines (such as Water by Design 2014) and energy conservation and efficiency measures, including but not limited to:
- (a) rainwater harvesting and re-use;
 - (b) water efficient fixtures;
 - (c) installation of rooftop solar photovoltaic arrays for on-Site electricity generation;
 - (d) storage of surplus energy generated by rooftop solar photovoltaic arrays;
 - (e) use of electric vehicles for dedicated on Site transport tasks (where possible); and
 - (f) energy efficient electrical equipment, fittings and fixtures.

Bushfire Protection

- B19. The design of the Stage 2 application, must demonstrate satisfactory compliance with the relevant provisions of PBP 2006 or PBP 2018 (pre-release version), including (but not limited to):
- (a) a minimum APZ complying with that marked in the approved plans in condition A2 of Schedule 2;
 - (b) construction of the hospital building in accordance with section 3 & 4 (BAL 12.5) of AS3959-2009 'Construction of Buildings in Bushfire Prone Areas'; and
 - (c) entry and / or exit point to the hospital building, including service delivery areas, not being exposed to more than 10k/W of radiant heat exposure.

Biodiversity

- B20. The Stage 2 application must demonstrate that the proposal is consistent with the endorsed *Biodiversity Development Assessment Report* prepared by Greencap dated January 2019 (BDAR) and the *Matters of National Environmental Significance Report* (MNES) prepared by Greencap dated February 2019 and all recommendations to mitigate the direct, indirect and prescribed impacts in the BDAR and the MNES.
- B21. The Stage 2 application must be supported by a long-term Biodiversity Management Plan (BMP) including the following:
- (a) details of long term measures to protect and maintain the vegetation on the northern part of the Site, specifically the coastal wetlands mapped under the Coastal Management SEPP;
 - (b) details of measures to protect the retained vegetation in the Tweed Coast Road / Cudgen Road intersection upgrade site;
 - (c) details of measures to protect the identified trees for retention in the *Preliminary Arboricultural Report* prepared by Arbor safe dated 17 October 2018;
 - (d) a Vegetation Management Sub-Plan (VMP) for the Site that incorporates revegetation of the exotic grassland in Zone 9 with rainforest species, regeneration and weed management of retained remnant vegetation in the north of the Site;
 - (e) installation of the identified 'stepping-stone' habitats and rain gardens within the Site to improve threatened species connectivity;
 - (f) identification of suitable wide life friendly fencing that would not impede the movement of fauna in the future and excludes fencing on the northern boundary of the Site;
 - (g) details of how the VMP links to the Landscape Masterplan for the Site which is focused on the regeneration of retained windrows, as well as native landscape plantings;
 - (h) details of a lighting strategy to mitigate impacts on light sensitive fauna (if relevant) due to light spill from the development;

- (i) a water quality management plan including the water quality monitoring techniques to be adopted to ensure that the water quality targets to be achieved for the Site are always maintained (except large flood events);
- (j) a Habitat Management Sub-Plan (HMP) for the identified threatened species, ecological endangered communities (EEC) and threatened ecological communities (TEC);
- (k) proposed measures contributing to the recovery of the Mitchell's rainforest snail (*Thersites mitchellae*), consistent with the published recovery plan (NPWS 2011);
- (l) proposed measures of rehabilitating the existing dam at the north-western corner of the Site to prevent the growth of salvinia (*Salvinia molesta*) in the dam and agricultural drain;
- (m) A Fauna Management Sub-Plan (FMP) for the Site including details of impacts and proposed mitigation measures due to loss of connectivity, impact on movement, details of fencing to allow movement, restricting developments in identified areas, light spill and operational noise; and
- (n) evidence of consultation with the Office of Environment and Heritage (OEH) in the preparation of the BMP.

Traffic and Transport

B22. The Stage 2 application must be accompanied by a detailed assessment of the traffic and transport impacts of the development having regard to Roads and Maritime Services (RMS's) Guide to Traffic Generating Development, prepared in consultation with Transport for NSW (TfNSW), **TfNSW** (RMS) and Council and include (but not be limited to) the following:

- (a) a Traffic and Transport Impact Assessment Report having regard to:
 - (i) cumulative traffic impacts of the development on local roads and the State roads including Cudgen Road, Tweed Coast Road, Turnock Street and the Pacific Highway;
 - (ii) details, scope and timing of intersection upgrade works for Tweed Coast Road and Cudgen Road intersection and the signalised intersection on Cudgen Road (at the main entry to the site as identified in the approved plans in condition A2 in Schedule 2);
 - (iii) a pedestrian access plan from the nearest bus stops and the proposed new bus stops on Cudgen Road and the Kingscliff village to the east;
 - (iv) detailed analysis of the car parking demand within the Site based on the proposed number of beds, staff members and all other relevant users as identified in the Stage 2 application;
 - (v) detailed analysis of impact of any parking fee structure system within the Site, through parking analysis of similar hospital sites;
 - (vi) analysis of impacts of any proposed paid parking system within the Site on available parking within the surrounding streets or public / private parking facilities (including but not limited to Kingscliff TAFE, Kingscliff Pool and Kingscliff Library);
 - (vii) potential traffic impacts of the slow-moving agricultural vehicles utilising Cudgen Road on the hospital traffic and the proposed mitigation measures;
 - (viii) impacts of the staff using proposed western service access (access A in approved plans in condition A2 of Schedule 2) on the pedestrian and cyclist safety, and proposed mitigation measures to minimise all adverse safety impacts associated with this access;
 - (ix) impacts of the proposed design of the slip lane (marked as access C in the approved plans in condition A2 of Schedule 2) on the safety of pedestrians and cyclists accessing the Site or other users of the shared path along the Cudgen Road frontage of the Site and any alternative design / additional safety measures proposed for this vehicular access to address the identified impacts (if any);
 - (x) impact of the proposed hospital on the un-restricted parking spaces on Oxford Street and Cambridge Court, Kingscliff and all local roads within 500m of the Site.
- (b) provision of approximately ~~700~~ **1538** car spaces (**as required by demand**) for the users and the staff members (**provided in construction stages of Stage 2**) within the public

and staff car parking areas and a minimum of 43 bicycle spaces, with adequate spaces (bicycle and cars) provided to meet the demand for all staff, users and visitors accessing the site in accordance with the parking demand study required by condition B22(a)(iv) of Schedule 2;

- (c) plans / sections and all associated details of Tweed Coast Road / Cudgen Road intersection upgrade works, prepared in consultation with Council including (but not limited to) the following elements:

~~works identified in plans approved in conditions A2 in Schedule 2 (Intersection upgrade works prepared by Bonacci); and~~

- (i) **works that are generally consistent with the following plans:**

Intersection upgrade works prepared by <i>Bonacci</i>			
Dwg No.	Rev	Name of Plan	Date
<u>C300</u>	<u>P1</u>	<u>Drawing Register and construction notes</u>	<u>30/10/2018</u>
<u>C330</u>	<u>P3</u>	<u>General Arrangement and Key Plan</u>	<u>17/12/2018</u>
<u>C331</u>	<u>P3</u>	<u>Concept Intersection works plan – Sheet 1 of 2</u>	<u>17/12/2018</u>
<u>C332</u>	<u>P4</u>	<u>Concept Intersection works plan – Sheet 2 of 2</u>	<u>07/02/2019</u>

- (ii) any additional works to Cudgen Road (south - east) and Tweed Coast Road (south of the intersection); and
- (iii) **all additional works required at this intersection to cater for hospital traffic corresponding to the following scenarios:**
- **391 overnight and day-only beds and 1120 average number of staff per weekday day shift by 2023 (year of opening).**
 - **443 overnight and day-only beds and 1300 average number of staff per weekday day shift by 2033.**
 - **499 overnight and day-only beds post 2033, including the additional 56 in patient unit beds.**
- (d) details to demonstrate that the Tweed Coast Road / Cudgen Road upgrade works are consistent with Council's plans for the four-lane upgrade of Tweed Coast Road;
- (e) details of design of the proposed new bus stops on Cudgen Road prepared in accordance with the relevant guidelines;
- (f) details of pedestrian access between the hospital and the proposed bus stop within the indented bay on Cudgen Road in accordance with the relevant disability access standards and guidelines;
- (g) details of the shared access ways, the existing shared pathway, pedestrian crossings over the vehicular access points, pedestrian access on the southern side of Cudgen Road near Kingscliff TAFE and all other pedestrian connections outside the site boundary to demonstrate pedestrian and cyclist safety in the local road network surrounding the site;
- (h) details of consideration of distance and grade requirements complying with disability access standards / guidelines (prepared in consultation with TfNSW) and allocation of car parking spaces within the Site near the hospital building for the elderly and vulnerable community;
- (i) a Green Travel Plan (GTP) including recommendations of the Transport Access and Parking Working Group, target mode shares for both staff and visitors to reduce the reliance on private vehicles aligning with the targets in TfNSW's 'Regional NSW Services and Infrastructure Plan';
- (j) details of consideration of community transport such as shuttle buses between the Tweed Heads town centre and the Site, to supplement the public transport system;

- (k) detailed design of the signalised traffic signal on Cudgen Road (at the main entry to the site) and pedestrian crossings demonstrating compliance with the requirements of RMS (formerly RTA) Traffic Signal Design Manual, and considering provisions for pedestrian on all legs of a signalised intersection; and
- (l) a 'Way Finding Signage' strategy to direct traffic from the Pacific Highway to the Tweed Valley Hospital prepared in consultation with RMS and in accordance with the requirements of the Service Signposting guidelines.

ISSD-9575-Mod-21

- B23. Notwithstanding the requirements of condition B22 of Schedule 2, should the future capacity of the hospital in Stage 2 exceed 430 beds and 1050 average number of staff per weekday day shift, adequate evidence must be provided to demonstrate that the traffic, transport and parking impacts of the additional capacity can be managed and mitigated.
- B24. The Stage 2 application must include evidence of consultation with TfNSW, RMS, Council and other identified stakeholders to determine the requirements regarding bus stop designs, signalised traffic intersections, intersection upgrade works and associated wayfinding signs, Council's civil specifications for roadworks on Cudgen road, preparation of the relevant traffic impact assessment reports for construction and operational stages, pedestrian management, bicycle network and parking impacts, and relevant design solutions.

Noise and Vibration

- B25. The Stage 2 application must be accompanied by a detailed Noise and Vibration Impact Assessment Report prepared by a suitably qualified person including (but not limited to):
- (a) details of the main construction and operational noise and vibration sources and activities including future mechanical plants, additional noise due to on-site traffic, additional noise due to construction works on the Tweed Coast Road / Cudgen Road intersection upgrade site, additional traffic on the surrounding roads due to the hospital, emergency vehicles and helicopter operations;
 - (b) outlining all feasible and reasonable noise and vibration mitigation and management measures to reduce the impact of the noise generated by the construction and operation of the future hospital and associated facilities (including the intersection upgrade works), in accordance with *Noise and Vibration Impact Assessment Report* prepared by Acoustic Studio dated 17 October 2018 and the addendum *Stage 1 Works – Site Access and Associated Road Works* prepared by Acoustic Studio dated 18 January 2019;
 - (c) assess the impacts of the traffic noise at the new signalised intersection on Cudgen Road on the property at No. 764 Cudgen Road, Cudgen; and
 - (d) demonstrate that the maximum noise emission from the 24 hours plant operations within the Site would comply with the recommendations of the *Noise and Vibration Impact Assessment Report* prepared by Acoustic Studio dated 17 October 2018.
- B26. The noise and vibration impact assessment, as required by condition B25 of Schedule 2, must demonstrate that the location and operation of the helipad has been designed to minimise noise impacts on sensitive land uses and the biodiversity on the Site and the surroundings.

Waste

- B27. The Stage 2 application must include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development. The Waste Management Plan must identify opportunities for the reduction, re-use and recycling of waste, including food waste.

Agricultural Offset Plan

- B28. The Stage 2 application must include an Agricultural Offset Plan with a strategy of physical works and / or implementation plans and programmes addressing how the development will offset the adverse agricultural impacts on the State Significant Farmland (SSF) of Cudgen Plateau and the land use risks associated with the siting of the hospital adjoining the agricultural

uses (as identified in the *Land Use Conflict Assessment Report* prepared by Tim Fitzroy and Associates dated 18 October 2018). The Agricultural Offset Plan must include (but not be limited to):

- (a) evidence of consultation with Department of Premier and Cabinet, the Tweed Valley Hospital Cross Agency Planning Committee, Department of Industries, Council and the local farmers, specifically on the adjoining lands, in the preparation of this plan;
- (b) details of all additional risks, identified during consultation with local farmers and Council, including possible intensification of agricultural uses on adjoining lands to the south and west, in addition to those identified in the *Land Use Conflict Assessment Report* prepared by Tim Fitzroy and Associates dated 18 October 2018 (if any)
- (c) provide additional management and mitigation measures to avoid any additional risks identified in condition B28(b) of Schedule 2;
- (d) details of feasibility of reuse of the existing topsoil in the landscaped areas of the Site;
- (e) details of the feasibility to reuse the remaining top-soil (if any) on other sites for agricultural purpose;
- (f) details of edible plant varieties within the landscape gardens on the Site;
- (g) details of a local food procurement strategy identifying the opportunities for incorporating local food supplies into the hospital including a commitment to sourcing local food where it is feasible to do so; and
- (h) details of any collaborative approach by the Tweed Valley Hospital Cross Agency Planning Committee in conjunction with the relevant Government agencies including the Department of Premier and Cabinet to support the agricultural industry in the region, specifically improving the production capacity of underutilised land in the Cudgen Plateau.

Geotechnical Assessment Report

B29. The Stage 2 application must be accompanied by a detailed Geotechnical Assessment Report with details of proposed mitigation measures during excavation works and measures to control impacts on adjoining properties due to vibration during construction.

Utilities

B30. The Stage 2 application must:

- (a) address the existing capacity and any augmentation requirements of the development for the provision of utilities including staging of infrastructure through the preparation of an Infrastructure Management Plan and Water Reuse Management Strategy Plan in consultation with relevant agencies and service providers. This plan must be based on the conclusions of the *Integrated Water Management Report* and the information provided within the *Infrastructure Management Report* prepared by ACOR dated 17 October 2018;
- (b) provide details of any fuel storage for back-up emergency generator and all associated pipes, fittings and equipment; and
- (c) be accompanied by evidence of the agreed approach with Council to connect to the existing 300mm water trunk main for water supply services and 300mm diameter sewer rising main for sewerage service for a sewage discharge of up to 35 litres / second. The evidence must include details of financial contributions by the Applicant (if any) with regard to water and sewer headwork charges.

Stormwater and Flooding

B31. The Stage 2 application must be accompanied by:

- (a) an Emergency Flood Evacuation Management Plan for the users of the Site, in case of a major flood event in the region;
- (b) Stormwater Management Plans with the details of drainage infrastructure including the following:

- (i) detailed stormwater analysis and drawings to demonstrate that there would be no increase in pre-development peak flows from the range of design storm events and design storm durations relevant to flooding in the local catchment;
 - (ii) detailed flow regime analysis that demonstrates that the development would not impact significantly on the quantity of surface and groundwater flows to and from the adjacent coastal wetland. This analysis must include evaluation of hydrology from the development over a representative continuous long-term period (20 years minimum). The analysis must also include consideration of a range of indicators relevant to protection of the downstream coastal wetland ecology (e.g. dry spells, low flow duration and high flow frequency analysis);
 - (iii) assessment of the localised impact of the stormwater discharges to the coastal wetlands including proposed mitigation measures to prevent scouring, sedimentation and other physical impacts at the stormwater drainage system outlets into the coastal wetlands on the northern boundary of the Site;
 - (iv) details of measures to manage increased stormwater volumes from the development surfaces (e.g. stormwater harvesting, distributed infiltration, increased surface area to enhance evapotranspiration and infiltration and diversion of stormwater (where feasible);
 - (v) consistency of the sizes, volumes and number of on-site detention basins and the headwalls with the existing sediment basins and headwalls on the Site;
 - (vi) demonstrate that gross pollutant, total suspended solid, phosphorus and nitrogen loads discharged from the development into the coastal wetland after stormwater treatment comply with Council's load-based water quality targets;
 - (vii) demonstrate that the proposed development would not significantly impact on the quality of surface and groundwater flows to and from the adjacent coastal wetland; and
 - (viii) demonstrate how WSUD design principles have been considered across the development to mitigate potential impacts on the mapped coastal wetlands.
- (c) a report prepared by a suitably qualified ecologist assessing the impacts of any changes to hydrology (flow regimes) and stormwater runoff quality associated with the development on the EECs, TECs, threatened species located within the coastal wetlands to the north of the site and on the overall biophysical, hydrological and ecological integrity of the mapped wetlands within the site and the adjoining lands; and
 - (d) evidence of consultation with Council to determine the location of the stormwater assets and in the preparation of the stormwater plans and flood reports, plans for relocating Council assets (if any), proposed connections and the protection of relevant assets.

Relocation Impacts Assessment

B32. The Stage 2 application must include details of the following measures to mitigate the impacts of relocation of the existing hospital from Tweed Heads town centre and to address the impacts during the transitional period of relocation:

- (a) details in relation to provision of a range of community health and other out-of-hospital services located close to Tweed Heads town centre;
- (b) details of proposed establishment of a community transportation plan (including but not limited to opportunities for implementing a shuttle bus facility) between the New Tweed Valley Hospital and the Tweed Heads town centre, for the elderly and vulnerable community in the region; and
- (c) evidence of consultation with Council and TfNSW to improve the local public transport between Tweed Heads town centre and the New Tweed Valley Hospital.

Proposed Helipad Design

B33. The Stage 2 application must include:

- (a) a report prepared by a suitably qualified and experienced aviation professional demonstrating that the design of the helipad incorporates the relevant details outlined in Civil Aviation Safety Authority Civil Aviation Advisory Publication CAAP 92-2(2)

- Guidelines for the establishment and operation of onshore Helicopter Landing Sites and other relevant National and International guidelines including the information provided within the *Aviation SEARS Response* prepared by AviPro dated 28 September 2018; and
- (b) identify the proposed flightpaths in consultation with relevant stakeholders in accordance with Civil Aviation Safety Authority Civil Aviation Advisory Publication CAAP 92-2(2) Guidelines for the establishment and operation of onshore Helicopter Landing Sites and other relevant National and International guidelines.

Contamination

- B34. The Stage 2 application must include evidence that the site has been suitably remediated in relation to all identified soil contaminants identified in Stage 1 of the development and that a Site Auditor was engaged throughout the Site remediation works. Details of documentation must include a final Site Auditor's Report and a Site Audit Statement for the Stage 1 remediation works.

Vehicular access

- B35. The plans listed in condition A2 of Schedule 2 must include the amended design of access A (western service access), in accordance with the requirements of the conditions of Schedule 3 of this development consent.

**SCHEDULE 3
CONDITIONS OF CONSENT FOR STAGE 1 WORKS
PART A ADMINISTRATIVE CONDITIONS**

Obligation to Minimise Harm to the Environment

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

Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS, the Response to Submissions, Supplementary Response to Submissions and environmental management mitigation measures provided in **Appendix 2**; and
- (d) **generally in accordance with SSD-9575-Mod-1 and SSD-9575-Mod-2; and**
- (e) in accordance with the approved plans in the table below:

Architectural Drawings prepared by STH and Bates Smart			
Dwg No.	Rev	Name of Plan	Date
00AR- DWG-10 110 <u>AR-SKE-10-110</u>	4 <u>7</u>	Construction general arrangement	03/05/2019 11/09/2019
Landscape Drawings prepared by Turf Design Studio			
Dwg No.	Rev	Name of Plan	Date
L-EIS-1	F	Tree Removal and Preservation Plan	03/05/2019
<u>LS-DWG -02-001</u>	<u>8</u>	<u>Tree Removal and Preservation Plan</u>	<u>10.10.2019</u>
Stormwater, Roadwork and Civil Drawings prepared by Bonacci			
Dwg No.	Rev	Name of Plan	Date
C001	P5	Drawing Register and Construction Notes	03/09/2018
C006	P2	Soil and Water Management Details	03/09/2018
C007	P3	Soil and Water Management Calculations – Sheet 1	03/09/2018
C008	P2	Soil and Water Management Calculations – Sheet 2	11/01/2019
C055	P2	Retaining Wall Details – Sheet 1	16/10/2018
C056	P2	Retaining Wall Details – Sheet 2	16/10/2018
C060	P2	Stormwater Drainage Details	16/10/2018
C500	P2	Drawing Register and Construction Notes	05/11/2018
C505	P2	Sediment and Erosion Control Plan	05/11/2018
C507	P1	Soil and Water Management Details	05/11/2018
C540	P3	External Works Intersection Plan	22/11/2018
C545	P2	Demolition Plan	05/11/2018
C560	P2	Civil Works Details	05/11/2018
SK001	01	Piling Details Sheet 1	08/08/2018

SK002	01	Piling Details Sheet 2	08/08/2018
Stormwater, Roadwork and Civil Drawings prepared by Robert Bird Group			
Dwg No.	Rev	Name of Plan	Date
C-2-105	3	Sediment and Erosion Control Plan	06/05/2019
C-10-101	3 7	Retaining Wall Plan	06/05/2019 04/02/2020
C-2-104	3	Cut and Fill Plan	06/05/2019
<u>RBG-CV-DWG-RIE-82-701</u>	1	<u>Cut and Fill Plan</u>	<u>25/02/2020</u>
<u>RBG-CV-DWG-RIE-82-721</u>	1	<u>Longitudinal Section – Sheet 1</u>	<u>25/02/2020</u>
<u>RBG-CV-DWG-RIE-82-722</u>	1	<u>Longitudinal Section – Sheet 2</u>	<u>25/02/2020</u>
C-2-120	4	Longitudinal section – Sheet 1	03/05/2019
C-2-124	4	Longitudinal section – Sheet 2	03/05/2019
C-6-150	3	Stormwater Management Plan	06/05/2019
SK02-00	P1	Piling layout	02/05/2019
SK02-01	P1	Foundation Plan	02/05/2019
SK11-11	P1	Typical Sections – Sheet 1	06/05/2019
Hydraulic Services Drawings prepared by JHA			
Dwg No.	Rev	Name of Plan	Date
130559-JHA-HY-DWG-002	2	Hydraulic Services	06/05/2019
Electrical Drawings by LCI Consultants			
Dwg No.	Rev	Name of Plan	Date
LCI-EL-DWG-SSI-1000001	P8	Electrical and ICT Drawing	06/05/2019

[SSD-9575-Mod-1]

[SSD-9575-Mod-2]

- 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 Department 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), **A2(d)** or A2(~~e~~) of Schedule 3. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), **A2(d)** and A2(~~e~~) of Schedule 3, 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 the works associated with Stage 1 of the development have physically commenced.
- A6. This development consent does not include the approval of:
 - (a) the four existing sediment basins on the northern side of the Site constructed as part of preliminary works (identified in approved plans in condition A2 of Schedule 3);
 - (b) the indicative layout of the future hospital building identified in approved plans in condition A2 of Schedule 3;
 - (c) demolition of any existing structures on the Site;
 - (d) the “LPG tanks” identified in approved drawing 130559-JHA-HY-DWG-002 Rev 2, prepared by JHA dated 06/05/2019; and
 - (e) any rock blasting activities.

Prescribed Conditions

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

Planning Secretary as Moderator

- A8. 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.

Long Service Levy

- A9. 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

- A10. Any advice or notice to the consent authority must be served on the Planning Secretary.

Evidence of Consultation

- A11. 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 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.

Heritage

- A12. The Stage 1 works must include the details of the methods to retain the five walls (where possible, either in part or in full) identified in the *Historical Heritage Assessment Report* prepared by Niche Environment and Heritage dated 19 October 2018, in accordance with the recommendations of this report and in consultation with Council, including but not limited to:
 - (a) avoidance of works near wall 2 and 5;
 - (b) retention of wall 4 (where possible, either in part or in full) and integration with the carpark area;
 - (c) part retention of wall 3 with evidence that the demolished materials can be reused in the Stage 2 application; and
 - (d) part retention of wall 1, archival recordings of the demolished section and reconstruction of the remaining section of the wall to ensure its stabilisation.

- A13. If wall 1, wall 3 and wall 4, identified in the *Historical Heritage Assessment Report* prepared by Niche Environment and Heritage dated 19 October 2018, require removal (either in part or full), then archival recording of the walls must be conducted prior to the commencement of Stage 1 works, in consultation with Council.

Construction Staging

- A14. The project may be constructed in stages. Where staged construction is proposed, a Staging Report must be prepared and submitted for the approval of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction.
- A15. The Staging Report 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;
 - specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A16. The project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A17. Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

Staging, Combining and Updating Strategies, Plans, Programs or Drawings

- A18. With the approval of the Planning Secretary, the Applicant may:
- 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, program or drawing applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - combine any strategy, plan, program or drawing required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - update any strategy, plan, program or drawing required by this consent (to ensure the strategies, plans, programs and drawings required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A19. If the Planning Secretary agrees, a strategy, plan, program or drawing may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A20. If approved by the Planning Secretary, updated strategies, plans, programs or drawings supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Applicability of Guidelines

- A21. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A22. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

A23. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

Access to Information

A24. 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 Schedule 3 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance

A25. 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.

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 works at least 48 hours before those dates.
- B2. If the Stage 1 construction works are 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

- B3. 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.

Protection of Public Infrastructure

- B4. 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 Certifying Authority and Council.

Biodiversity

- B5. Prior to carrying out of the Stage 1 construction works that would impact on biodiversity values, the following credits must be retired to offset the residual biodiversity impacts of the development:
- (a) ecosystem credits as specified in Table 1:

Table 1 Ecosystem credits required to be retired - like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-regions from which the credit can be sourced	Plant community type(s) that can be used to offset the impacts from development
PCT 1302 - White Booyong – Fig subtropical rainforest of the NSW North Coast Bioregion Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions endangered ecological community	3.00	Burringbar-Conondale Ranges, Scenic Rim and Sunshine Coast-Gold Coast Lowlands or Any IBRA subregion that is within 100 Kilometres of the outer edge of the impacted site.	Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions (including PCT's 669, 670, 770, 845, 886, 887, 1068, 1201, 1275, 1302, 1525, 1527, 1528, 1529, 1533, 1534, 1535, 1541, 1545)

- (b) species credits as specified in Table 2:

Table 2 Species credits required to be retired – like for like

Impacted species	species credit	Number of species credits	IBRA sub-regions from which the credit can be sourced
<i>Coeranoscincus reticulatus</i> Three-toed Snake-tooth Skink		6.00	Any in NSW
<i>Cryptocarya foetida</i> Stinking Cryptocarya		2.00	Any in NSW
<i>Ninox strenua</i> Powerful Owl		6.00	Any in NSW

- B6. The requirement to retire like – for – like ecosystem credits and like – for – like species credits in condition B5 of Schedule 3 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits / species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- B7. Evidence of retirement of credits in condition B5 or payments to the Biodiversity Conservation Fund in satisfaction of condition B6 must be provided to the Planning Secretary for approval prior to the commencement of the Stage 1 works that would impact on the biodiversity values.

Site Contamination

- B8. Prior to the commencement of any construction works on the Site as part of this development consent, the Applicant must engage a Site Auditor accredited by the NSW Environment Protection Authority under the *Contaminated Land Management Act 1997*, for the full duration of additional soil investigation works / additional contamination assessment (as required by this development consent), the remediation works programme, post remedial validation works and preparation and / or implementation of management plans.
- B9. The Applicant must undertake the following additional investigation of soil and groundwater contamination in the vicinity of the demolished farm shed area, the potential sheep dip structures on the site, the farm dump areas after the removal of the surface slabs and other infrastructure, and the farm dam, prior to the commencement of any construction works in relation to Stage 1 of the development (excluding remediation works) to these areas of the Site. The further assessment must include:
- soil testing at depths to delineate the vertical extents of any fill materials, and contamination (beyond the previously conducted investigation limits of 0.3m depth);
 - groundwater monitoring, including gauging and sampling; and
 - tests for all relevant contaminants of concern including but not limited to arsenic.
- B10. An additional Soil and Groundwater Investigation Report, delineating the extent of any contaminants found in carrying out the investigations in accordance with condition B9 of Schedule 3, must be reviewed and endorsed by the Site Auditor (as required by condition B8 of Schedule 3), and a copy of the Report and interim site audit advice endorsing the Report must be submitted to the Certifying Authority and Planning Secretary.
- B11. If the additional Soil and Groundwater Investigation Report, required by condition B10 of Schedule 3, concludes that there are elevated levels of contamination in the investigation areas, then the following documents must be updated (as required) to include additional remediation strategies addressing the results of the additional investigations:
- Remedial Action Plan (RAP) Addendum for the Residential House (18084 R02)* and the *Farm Shed (18084 R04)* dated January 2019 prepared by Cavvanba Consulting; and
 - Remedial Action Plan* dated 1 February 2019 prepared by Octief.

The updated RAPs (if required) must be endorsed by the engaged Site Auditor, and a copy of the updated RAPs accompanied by interim site audit advice from the Site Auditor endorsing the

documents must be submitted to the Planning Secretary prior to the commencement of the remediation works on the Site.

- B12. The assessment and management of identified contaminants on the Site must be undertaken having regard to guidelines made or endorsed by the NSW EPA including but not limited to:
- (a) Sampling Design Guidelines (NSW EPA, 1995)
www.epa.nsw.gov.au/resources/clm/95059samppgdlne.pdf;
 - (b) Guidelines for the NSW Site Auditor Scheme (3rd edition) (NSW EPA, 2017)
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>;
 - (c) Guidelines for Consultants Reporting on Contaminated Sites (NSW OEH 2011)
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf;
 - (d) Guidelines for the Assessment and Management of Groundwater Contamination (NSW DEC 2007);
 - (e) The National Environment Protection (Assessment of Contamination) Measure 1999 (as amended 2013, NEPC 2013);
 - (f) [Australian and New Zealand Guidelines for Fresh and Marine Water Quality](#) (ANZG 2018); and
 - (g) [Australian and New Zealand Guidelines for Fresh and Marine Water Quality](#) - Water Quality for primary industries (ANZECC 2000).
- B13. The updated RAP (if required as per condition B11 of Schedule 3) must include:
- (a) an unexpected finds contamination procedure to ensure that potentially contaminated material is appropriately managed;
 - (b) a Construction Health, Safety and Environment Management Plan to mitigate risks to site workers and environment during the development arising from exposures to potential contamination.
- B14. Where any material identified as contaminated is to be disposed off-site, the disposal location and results of soil testing must be submitted to the Planning Secretary prior to its removal from the site.
- B15. A Hazardous Materials Management Plan (HMMP) must be prepared and submitted to the Site Auditor for review and approval, prior to the commencement of the remediation works on the Site. The HMMP must satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 'asbestos wastes'.
- B16. The following documents with all details of the proposed remediation / hazardous management (as required by conditions B11 to B15 of Schedule 3) and validation strategies must be provided to the Site Auditor for review and approval, prior to remediation works commencing on the Site:
- (a) a Site Plan identifying all areas that need to be remediated;
 - (b) a Works Plan;
 - (c) a Validation Sampling and Analysis Quality Plan (VSAQP); and
 - (d) a Work Health and Safety Plan (WHSP).
- A copy of the document, accompanied by interim site audit advice from the Site Auditor endorsing the document, must be submitted to the Certifying Authority.
- B17. Remediation approved as part of this development consent must be carried out in accordance with the *Remedial Action Plan Addendum for the Residential House (18084 R02)*, *Remedial Action Plan Addendum for the Farm Shed (18084 R04)* dated January 2019 prepared by Cavvanba Consulting, *Remediation Action Plan* prepared by OCTIEF PTY LTD dated 1 February 2019 and the additional updated recommendations in accordance with condition B11 and B13 of Schedule 3.
- B18. The appointed Site Auditor must prepare a Site Audit Report and Section A Site Audit Statement for all parts of the Site identified in the Site Plan in condition B16(a) of Schedule 3, upon completion of remedial works, remediation validation program, and management of hazardous or residual contaminated material in accordance with conditions B11 to B15 of Schedule 3. The Site Audit Report and Section A Site Audit Statement must verify that the relevant parts of the site (as identified in condition B16 of Schedule 3) have been remediated in

accordance with the RAP (as updated), other identified validation strategies in condition B16 of Schedule 3 and is suitable for the hospital land use.

- B19. The Site Audit Statement is to be submitted to the satisfaction of the Certifying Authority, prior to the commencement of construction works in relation to Stage 1 of the development, to those areas of the Site requiring remediation in the Site Plan required by condition B16(a) of Schedule 3.

Utilities and Services

- B20. Before the construction of each utility works (such as hydraulic, sewer, electricity, telecommunications etc.) associated with the development, the Applicant must:
- (a) obtain an agreed approach with Council regarding the proposed water and sewer headworks and the associated connections from Council for Stage 1 works and the future Stage 2 application;
 - (b) apply to Council for connections to Council's water supply and sewerage infrastructure; and
 - (c) obtain relevant approvals from Council (including payment of any financial contributions for water and sewer connections where applicable), 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

- B21. 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; and
 - (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 the Stage 1 construction works, including disputes regarding rectification or compensation.
- B22. The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than two weeks before the commencement of any Stage 1 construction works.
- B23. 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.

Environmental Management Plan Requirements

- B24. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);

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

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

Construction Environmental Management Plan

B25. The Applicant must prepare a Construction Environmental Management Plan (CEMP) and it must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (condition B27 Schedule 3);
- (c) Construction Noise and Vibration Management Sub-Plan (condition B28 Schedule 3);
- (d) Construction Waste Management Sub-Plan (condition B29 Schedule 3);
- (e) Construction Soil and Water Management Sub-Plan (condition B30 Schedule 3);
- (f) Flood Emergency Response Sub-Plan (condition B31 Schedule 3);
- (g) Construction Air Quality Management and Dust Management Sub-Plan (condition B32 Schedule 3);
- (h) details of location of protective fencing (exclusion fence) to protect the vegetation on the Site, identified for retention in the approved plans in condition A2 of Schedule 3;

- (i) details to demonstrate that the proposed exclusion fence on the site would not impinge on species movement within the site and the adjoining 'coastal wetlands' during the construction works;
 - (j) an unexpected finds protocol for contamination and associated communications procedure;
 - (k) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure including the recommendations of the *Aboriginal Cultural Heritage and Archaeological Report* prepared by Niche Environment and Heritage dated 11 October 2018;
 - (l) an unexpected finds protocol for archaeological deposits within the identified rubbish areas of the site as recommended by *Historical Heritage Assessment Report* prepared by Niche Environment and Heritage dated 19 October 2018 and associated communications procedures;
 - (m) procedures to retain the stone walls identified in the *Historical Heritage Assessment Report* prepared by Niche Environment and Heritage dated 19 October 2018 and conditions A12 and A13 of schedule 3 (where possible);
 - (n) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and
 - (o) mitigation measures against mosquitos and biting insects for construction workers and measures to minimise mosquito breeding on the existing sediment basins, where feasible and ensuring the correct function of the basins and protection of the surrounding environment.
- B26. The Applicant must not commence construction of the development until the CEMP is approved by the Certifying Authority and a copy submitted to the Planning Secretary.
- B27. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must 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 TfNSW, RMS and Council;
 - (c) demonstrate that all construction vehicles can enter and leave the Site in a forward direction;
 - (d) demonstrate that the swept path of the longest vehicle entering and exiting the Site in association with the construction works, would be in accordance with AUSTROADS;
 - (e) detail the measures to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians, bus services and slow-moving agricultural vehicles using the same road network as the construction vehicles;
 - (f) include a procedure for identifying additional impacts and recording the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts;
 - (g) include a procedure to manage the movement of slow-moving agricultural vehicles (tractors etc.) on Tweed Coast Road and Cudgen Road along with the construction traffic (specifically heavy vehicles);
 - (h) detail heavy vehicle routes (including separate access routes for vehicles entering and leaving the Site), access and parking arrangements and demonstrate that all heavy vehicles routes would be via arterial / regional roads only (such as Tweed Coast Road) prior to entering Cudgen Road, and not via any of the local roads within the Kingscliff urban area (such as Kingscliff Street or Pearl Street);
 - (i) includes details that specify that the total number of daily two-way movements for heavy vehicles (as identified in the *Traffic Impact Assessment Report* prepared by Bitzios dated 18 October 2018), to and from the Site during Stage 1 works is restricted to 70 **with the exception of allowing 120 two-way movements for heavy vehicles for a period of**

six weeks (temporarily) during removal of excess soil from the site due to bulk earthworks;

- (j) include details to demonstrate that all heavy vehicle access to / from the Site would occur outside of the identified morning peak period (8am – 9am) and afternoon peak period (2:45pm – 4:15pm);
- (k) include a Traffic Control Plan (TCP) to manage road closures and the works within the Cudgen Road reserve and the Cudgen Road / Turnock Street roundabout;
- (l) 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.
- (m) include a program to monitor the effectiveness of these measures; and
- (n) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes; **and**
- (o) **include all additional traffic management measures in the Construction Traffic and Pedestrian Management Sub Plan prepared by Bitzios dated 16 March 2020.**

[SSD-9575-Mod-21]

B28. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) provide details of all the residential and non-residential receivers in Catchments A, B and C, the Kingscliff TAFE and Kingscliff High School as identified in the *Noise and Vibration Impact Assessment Report* prepared by Acoustic Studio dated 17 October 2018;
- (c) describe procedures for achieving the noise management levels outlined in the EPA's *Interim Construction Noise Guideline* (DECC, 2009) and the relevant provisions of *Australian Standard 2436 - 2010 Guide to Noise Control on Construction and Maintenance and Sites*, at all identified receivers;
- (d) incorporate all reasonable and feasible noise mitigation measures and construction methods during the proposed Stage 1 construction works so that the project specific construction noise management levels (NMLs) at all the identified receivers (B28(b) of Schedule 3), for standard construction hours (air borne, and ground borne), as provided in the following documents are maintained (where possible):
 - (i) Section 5.2 of the *Noise and Vibration Impact Assessment Report* prepared by Acoustic Studio dated 17 October 2018; and
 - (ii) Section 2.4.4 of the document *Additional Stage 1 Works – Site Access and Associated Road Works* dated 18 January 2019.
- (e) identify the construction activities (such as piling, rock crushing, continuous noise generating activities for multiple days / or during weekends) with the associated predicted construction noise levels, that would exceed the NMLs and reach or exceed the Highly Affected Noise Level of 75dB(A) $L_{Aeq(15min)}$, at the identified the residential and non-residential receivers in Catchments A / B, Kingscliff TAFE and Kingscliff High School;
- (f) describe the management and mitigation measures to be implemented when the predicted construction noise levels for the above construction activities exceed 75dB(A) $L_{Aeq(15min)}$ at the residential and non-residential receivers in Catchments A / B, Kingscliff TAFE and Kingscliff High School, including (but not limited to):
 - (i) proposing suitable location of the noise generating equipment (including the location of the rock crusher within the site) so that the predicted construction noise levels at the residential and non-residential receivers in Catchments A / B can be lowered (up to 19dB);

- (ii) intra-day respite periods (such as one hour of respite every three hours or exclusion of such works on the Saturdays);
 - (iii) scheduling of the noisy activities outside the sensitive times of the day and specific periods of the year (such as examination time for educational establishments, between 7am – 9am in the morning, 12noon – 2pm in the afternoon);
 - (iv) equipment-specific temporary screening for noisy equipment or use of noise control measures in AS 2436;
 - (v) use of noise shields (such as hoardings up to 2.4m in height) along the specific boundaries facing the identified sensitive receivers; and
 - (vi) construction methods and procedures to reduce noise predicted to be generated during the roadworks, roundabout improvement and vehicular access points associated within the development.
- (g) include details of noise monitoring procedures and the location of the loggers on the eastern and southern boundaries of the Site, facing the sensitive receiving catchments, to record the noise levels generated by the construction activities, and to ensure that appropriate notification occurs in the event that the construction noise level exceeds 75dB(A) $L_{Aeq(15min)}$ at a receiver, so that mitigation measures can be incorporated on the Site at that time;
- (h) provide details of the surveys of each of the key vibration generating activity / equipment and the predicted vibration levels of the equipment;
- (i) include details of vibration monitoring techniques to be implemented when vibration levels exceed the prescribed criteria identified in the *Noise and Vibration Impact Assessment Report* prepared by Acoustic Studio dated 17 October 2018 and addendum document *Additional Stage 1 Works – Site Access and Associated Road Works* dated 18 January 2019;
- (j) include strategies that have been developed with the community (specifically residents in Catchments A and B), Kingscliff TAFE and Kingscliff High School for managing high noise and vibration generating works;
- (k) describe the community consultation undertaken to develop the strategies in condition B28(g) of Schedule 3; and
- (l) include details of a complaints management system that would be implemented for the duration of the construction.
- B29.** The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- B30.** The 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 accordance with the approved plans in condition A2 of Schedule 3;
 - (b) describe all erosion and sediment control measures to be implemented during construction in accordance with the approved plans in condition A2 of Schedule 3 and the publication *Managing Urban Stormwater Soils and Construction*, 4th Edition published by Landform ('Blue Book');
 - (c) provide details demonstrating that the existing sediment basin at the north-western corner of the site has a minimum volume of 4000 cubic metres;

- (d) include an Acid Sulfate Soils Management Plan, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas (if any);
 - (e) include details of all the alternate flocculants to be used in the existing sediment basins on the Site including “Turbiclear” as recommended by Greencap in a letter dated 10 April 2019;
 - (f) 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);
 - (g) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events during Stage 1 construction works, including, but not limited to 1 in 1-year ARI (Annual Recurrence Interval), 1 in 5-year ARI and 1 in 100-year ARI);
 - (h) include details of all off-site flows from the Site to demonstrate that the peak flows from the Site into the wetland do not exceed the pre-development flows;
 - (i) include details of maintenance and monitoring programme in relation to the four sediment basins (stormwater retention and water quality treatment devices), recording and reporting details, relevant contact information and Work Health and Safety requirements to ensure that the proposed stormwater quality measures remain effective for the duration of Stage 1 works; and
 - (j) provide details of the water quality monitoring techniques to be adopted to ensure that the pre-development water quality levels are maintained (except large flood events including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI) during construction works. The water quality monitoring locations and targets must comply with the recommendations of the BDAR.
- B31. The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
 - (c) include details of:
 - (i) the flood emergency responses during the Stage 1 works;
 - (ii) flood warning time and flood notification;
 - (iii) assembly points and evacuation routes for the contractors and employees;
 - (iv) evacuation and refuge protocols; and
 - (v) awareness training for employees and contractors.
- B32. The Construction Air Quality Management and Dust Management Sub-Plan (CAQDMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with NSW EPA and the Council;
 - (b) describe the measures that would be implemented on site to ensure:
 - (i) the control of air quality and odour impacts of the Development, in particular, during rock crushing and piling activities;
 - (ii) that these controls remain effective over time;
 - (iii) that all reasonable and feasible air quality management practice and measures are employed, with specific reference to the rock crushing and piling activities, including the relevant measures listed in **Appendix 2** of this document;
 - (iv) the air quality impacts are minimised during adverse meteorological conditions or extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Planning Secretary; and
 - (v) compliance with the relevant conditions of this consent.
 - (c) include performance objectives for monitoring dust and ensuring no off-site air quality impacts to users of Kingscliff TAFE, and nearby residences and other businesses;
 - (d) includes an air quality monitoring program that:

- (i) is capable of evaluating the performance of the construction works;
 - (ii) includes a protocol for determining any exceedances of the relevant conditions of consent and responding to complaints;
 - (iii) adequately supports the air quality performance objectives; and
 - (iv) evaluates and reports on the effectiveness of air quality management for the construction works.
- (e) details on monitoring weather conditions and communicating changing conditions to the workforce; and
- (f) stop work procedures if performance objectives are not being met.

Biodiversity Management Plan

- B33. The Applicant must prepare a Biodiversity Management Plan for the Stage 1 works (Stage 1 BMP) and the plan must address, but not be limited to the following:
- (a) all recommendations to mitigate the direct, indirect and prescribed impacts for Stage 1 works contained in the endorsed BDAR, the MNES Report and the management and mitigation measures in **Appendix 2**;
 - (b) details of measures to protect the vegetation on the northern part of the Site, specifically the coastal wetlands mapped under Coastal Management SEPP;
 - (c) details of measures to protect all trees identified for retention in Drawing No ~~L-EIS-1-Rev~~ **LS-DWG -02-001, Rev 8**, *Tree Removal and Preservation Plan* prepared by Turf Design dated ~~03/05/2019~~ **10.10.2019** and in the *Preliminary Arboricultural Report* prepared by Arbor safe dated 17 October 2018;
 - (d) the feasibility of translocation of the one *Cryptocarya foetida* proposed to be removed from the Site;
 - (e) a Vegetation Management Sub-Plan (VMP) for the Site during the construction works;
 - (f) a Habitat Management Sub-Plan (HMP) for the identified threatened species, ecological endangered communities (EEC) and threatened ecological communities (TEC) including the Koala food trees Zone 6;
 - (g) A Fauna Management Sub-Plan (FMP) for the Site including details of impacts and proposed mitigation measures due to impact on movement, construction traffic, proposed construction hours, details of any fencing, restricting developments in identified areas, light spill, construction noise and on-site crane movements; and
 - (h) measures to communicate to the construction workforce the biodiversity values that are to be retained and protected.

[SSD-9575-Mod-1]

- B34. The Stage 1 BMP must be prepared in consultation with OEH and be submitted to the Planning Secretary for approval prior to the commencement of construction works on the Site, approved under Stage 1 of this consent.

Construction Parking

- B35. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel.

Road Design and Traffic Facilities

- B36. All roads and traffic facilities (including provision of access points) must be designed to meet the relevant standards / design specifications of Council and or RMS. The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.
- B37. Prior to the commencement of works for the vehicular access A (as marked in the approved plans in condition A2 of Schedule 3, the Applicant must prepare the final design of this access point in consultation with Council. The design of the access A must consider:

- (a) analysis of the suitability of alternate design options such as provision of a deceleration lane in lieu of the proposed slip lane, to mitigate rear end crashes and also provide an access at right angles to Cudgen Road; and
 - (b) safety of pedestrians and cyclists using the shared path along the Cudgen Road frontage including a Road Safety Evaluation (RSE) (in accordance with the NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit) must be prepared by a suitably qualified person for all of the alternative design options considered;
 - (c) additional road safety measures and / or traffic management measures in accordance with the recommendations of the RSE.
- B38. The final design of the vehicular access A (as marked in the approved plans in condition A2 of Schedule 3) must be approved by the Planning Secretary, prior to commencement of these works.

Intersection Works

- B39. Prior to the commencement of Stage 1 works relating to road / pavement / or driveway crossover construction on Cudgen Road and Turnock Street intersection upgrade works (roundabout improvement), the Applicant must submit design plans to the relevant road authority (Council and / or RMS) and obtain relevant approvals.

Pre-Construction Dilapidation Report

- B40. The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining private properties, and the buildings within the Kingscliff TAFE site that front on to Cudgen Road (the northern-most row of buildings). A copy of the report must be provided to Council and the Certifying Authority.

Stormwater Management System

- B41. Prior to the commencement of construction, the Applicant must design the stormwater management system for the Stage 1 works and submit it to the satisfaction of the Certifying Authority. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the plans approved in Condition A2 of Schedule 3;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines; and
 - (e) ensure that the stormwater system does not increase the pre-development peak flows.

Stockpiles

- B42. The location of the stockpiles of waste materials for disposal and of materials for re-use or recycling on the Site must be planned and mapped prior to the commencement of any works on the site. The details are to be provided to the Certifying Authority and a copy submitted to the Planning Secretary for information prior to the commencement of works. To reduce visual impacts on the surrounding locality, the height of each stockpile must not exceed 3m.

Elements of Stage 1 works

- B43. Detailed drawings of the following elements of Stage 1 works must be submitted to the Certifying Authority prior to commencement of works on the Site:
- (a) all retaining walls on the Site, with a maximum height of 3.4m above the ground level at that location;
 - (b) battered embankments proposed on the western boundary in lieu of retaining walls;
 - (c) details of the piling works;
 - (d) additional landscape treatment measures to reduce the adverse visual impacts of the retaining walls on the Site;
 - (e) the impervious areas including the haul roads and the construction car parking areas;

- (f) details of incorporation of the recommendations of the *Preliminary Geotechnical Investigation* prepared by Morrison Geotechnics dated September 2018 and the addendum dated December 2018, in the construction of the retaining walls, battered embankments, and piling works; and
- (g) details of the existing sediment basin on the north-western corner of the site or proposed alterations to this basin as part of the Stage 1 works (if needed) to demonstrate that the basin as a minimum volume of 4000 cubic metres.

Roadworks and Access

B44. Prior to the commencement of construction of the vehicular access points to the Site and associated crossovers, the Applicant must submit detailed design plans to the satisfaction of the relevant road authority (Council and / or RMS) and obtain approval under section 138 of the Roads Act 1993.

Outdoor Lighting

- B45. The Applicant must ensure the lighting associated with the construction works:
- (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.

Compliance Reporting

- B46. 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 Certifying Authority.
- B47. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- B48. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.
- B49. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), 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.

Temporary Sanitary Facilities

- B50. Temporary sanitary facilities are to be provided on site for persons employed for site and construction works. Each toilet provided must be:
- (a) a standard flushing toilet connected to public sewer or an approved accredited sewage management facility subject to approval from Tweed Shire Council. The required application under Section 68 of the Local Government Act is to include Hydraulic Engineering or On-site Sewerage Management Design, or
 - (b) Chemical closet.

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 Certifying Authority.

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, Certifying Authority 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 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.

Demolition

- C4. Demolition works (including removal of any remaining slabs on the Site) 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 Certifying Authority before the commencement of works.

Construction Hours

- C5. 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.

- C6. Activities may be undertaken outside of the hours in condition C5 of Schedule 3, 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.
- C7. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- C8. The construction hours must include respite periods and specific times for activities during the day (outside the sensitive times), as required by condition B28(g) of Schedule 3 of this consent, for the high noise generating construction activities (such as activities that would reach or exceed the Highly Affected Noise Level as defined in the ICNG).

Implementation of Management Plans

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans) and the Stage 1 BMP (including Sub-Plans).

Construction Traffic

- C10. All construction vehicles (including 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

- C11. 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

- C12. 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

- C13. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and
 - (c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

- C14. 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

- C15. The development must be constructed to achieve the project specific construction NMLs detailed in Section 7 of the *Noise and Vibration Impact Assessment Report* prepared by Acoustic Studio dated 17 October 2018 and addendum report *Additional Stage 1 Works – Site Access and Associated Road Works* prepared by Acoustic Studio dated 18 January 2019 for all the identified residential and non-residential receivers. All feasible and reasonable noise mitigation measures must be implemented and any activities that are likely to exceed the NMLs or the high affected noise level of 75dB(A) must be identified and managed in accordance with the management and mitigation measures in **Appendix 2** and the approved CNVMSP required by condition B28 of Schedule 3.
- C16. The Applicant must ensure construction vehicles do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C5.
- C17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C18. 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.
- C19. Unattended long-term construction noise monitoring must be undertaken during the Stage 1 works. The location of the unattended logger must be in accordance with the approved CNVMSP

required by condition B28 of Schedule 3. These loggers must be maintained and checked by a suitably qualified acoustician. The logger must automatically send a message to the suitably qualified acoustician once noise levels from construction works on the Site exceed 75dBA $L_{Aeq(15min)}$ at the residential and non-residential receivers in Catchments A / B, Kingscliff TAFE and Kingscliff High School, to ensure that the mitigation measures specific to this exceedance are implemented on the Site at that time. The results of this monitoring must be provided to the Department for information on a monthly basis after the commencement of the Stage 1 construction works.

- C20. The intra-day respite periods required to be provided in the CNVMP in condition B28 of Schedule 3 of this development consent must be reviewed on a monthly basis, after the commencement of Stage 1 construction works, in consultation with Kingscliff TAFE and Kingscliff High School. The respite periods are to be maintained / or amended, as agreed with the identified noise receivers. The details of any amendments to the intra-day respite periods due to agreement with the Kingscliff TAFE and Kingscliff High School, must be provided to the Department for information.

Vibration Criteria

- C21. 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).
- C22. Vibratory compactors must not be used closer than 30 metres from any residence unless vibration monitoring confirms compliance with the vibration criteria specified in condition C21 of Schedule 3.
- C23. Prior to the operation of each vibration generating activity, a vibration assessment of that equipment is required to be carried out to determine that the vibration levels do not exceed the criteria in condition C21 of Schedule 3 and vibration monitoring techniques are to be implemented on the Site.
- C24. The limits in conditions C21 and C22 of Schedule 3 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B25 of Schedule 3.

Tree Protection

- C25. 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 recommendations of the BMP required by condition B33 of Schedule 3 and AS4970 – 2009 Protection of trees on development sites;
 - (b) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (c) all street trees to be retained must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (d) all works within the specified tree protection zones or structural root zones of trees to be retained on the site, must be carried out under the supervision of a qualified arborist;
 - (e) during the course of works, alternative tree protection measures must be installed, as required;
 - (f) if access to the area within any protective barrier / exclusion fence is required during the works, it must be carried out under the supervision of a qualified arborist with alternative tree protection measures installed as required; and

- (g) the removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Dust Minimisation

- C26. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent, including avoiding rock crushing where possible and reuse of the boulders in the construction works and / or landscaping of the Site.
- C27. 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 sealed and covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean;
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces; and
 - (f) minimise air quality impacts of the project during adverse meteorological conditions.

Air Quality Discharges

- C28. The Applicant must install and operate equipment in line with best practice to ensure that the construction works comply with all load limits, air quality criteria / air emission limits and air quality monitoring requirements as specified in the CAQMSP required by condition B32 of Schedule 3.
- C29. Dust deposition monitoring must be undertaken during the construction works (as per AS/NZS 3580). This would include monitoring points in appropriate locations on the Site boundary. Monitoring locations must include sensitive receivers that are most likely to be affected. The locations and frequency of the monitoring are to be detailed within the CAQMSP.

Erosion and Sediment Control

- C30. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. The monitoring regime for the four sediment basins and the water quality treatment devices, as required by condition B27 must be implemented throughout the duration of the Stage 1 construction works.

Imported Soil

- C31. The Applicant must:
 - (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Certifying Authority upon request.

Disposal of Seepage and Stormwater

- C32. 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*.
- C33. The maintenance measures for the stormwater quality treatment devices, as identified in the CSWMP in condition B30 of Schedule 3 must be complied with at all times.
- C34. The results of the water quality monitoring, as required by the CSWMP in condition B30 of Schedule 3, must be submitted to the Certifying Authority on a monthly basis to ensure compliance with the water quality levels as prescribed in the BDAR.

Unexpected Finds Protocol – Aboriginal Heritage

C35. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH 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 OEH to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of OEH.

Unexpected Finds Protocol – Historic Heritage

C36. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the OEH Heritage Division 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 Heritage Division of the OEH.

Waste Storage and Processing

- C37. The construction waste must be managed and disposed in accordance with the CWMSP required by condition B29 of Schedule 3.
- C38. 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.
- C39. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C40. 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.
- C41. The Applicant must ensure that:
- (a) concrete waste (if any) and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse;
 - (b) waste concrete (is any) is either returned in the agitator trucks to the supplier or directed to a dedicated watertight skip protected from the entry of precipitation; and
 - (c) concrete rinse water (if any) is directed to a dedicated watertight skip protected from the entry of precipitation or a suitable water treatment plant.
- C42. Materials for re-use or recycling are stockpiled to avoid cross contamination by general and other waste such as hazardous materials and contaminated soil.
- C43. The movement materials from stockpiles of waste materials for disposal and / or materials for reuse or recycling must be recorded at all times.
- C44. The waste materials stockpiled for disposal and materials stockpiled for re-use or recycling must be appropriately managed to ensure waste streams reach their intended final destinations, being premises legally able to accept those wastes and materials for re-use or recycling. Appropriate evidence must be maintained to demonstrate that waste is disposed off to premises that can legally accept the materials.

Handling of Asbestos

C45. The Applicant is to 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.

Community Engagement

- C46. The Applicant must consult with the community throughout construction, including consultation with the nearby sensitive receivers of Catchments A and B identified in the *Noise and Vibration Impact Assessment Report* prepared by Acoustic Studio dated 17 October 2018 and the addendum document *Additional Stage 1 Works – Site Access and Associated Road Works* prepared by Acoustic Studio dated 18 January 2019, the adjoining landowners / users of the agricultural land, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

Independent Environmental Audit

- C47. 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.
- C48. No later than four 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 Certifying Authority.
- C49. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
- an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
 - a subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.

In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least four weeks' notice to the applicant of the date upon which the audit must be commenced.

- C50. Independent Audits of the development must be carried out in accordance with:
- the Independent Audit Program submitted to the Department and the Certifying Authority under condition C48 of this consent; and
 - the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C51. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- review and respond to each Independent Audit Report prepared under condition C49 of this consent;
 - submit the response to the Department and the Certifying Authority; and
 - 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 Certifying Authority in writing at least seven days before this is done.
- C52. 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 ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

Incident Notification, Reporting and Response

- C53. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- C54. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **0**.

Non-Compliance Notification

- C55. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- C56. 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.
- C57. 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

- C58. Within three months of:
- the submission of a compliance report under condition B46 of Schedule 3;
 - the submission of an incident report under condition C54 of Schedule 3;
 - the submission of an Independent Audit under condition C48 of Schedule 3;
 - the issue of a direction of the Planning Secretary under condition A2 of Schedule 3 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Department and the Certifying Authority must be notified in writing that a review is being carried out.

- C59. 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 Certifying Authority. Where revisions are required, the revised document must be submitted to the Certifying Authority 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.*

Discharge Limits

- C60. The development must comply with section 120 of the *Protection of the Environment Operations Act*, which prohibits the pollution of waters, except as expressly provided for in an Environment Protection Licence.

Dewatering

- C61. The site must not be dewatered during the proposed piling works. Appropriate methods must be undertaken to avoid dewatering, in accordance with the recommendations of the *Preliminary Geotechnical Investigation* prepared by Morrison Geotechnics dated September 2018 and the addendum dated December 2018.
- C62. In the event that groundwater is intercepted during construction works and dewatering is required, written approval and relevant licences must be obtained from the relevant authorities (such as NSW Department of Primary Industries).

Bunding

- C63. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded and impervious areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

Roadworks and Access

- C64. The Applicant must complete the intersection upgrade works (roundabout) on Cudgen Road and Turnock Street prior to any heavy vehicles (as identified in the *Traffic Impact Assessment Report* prepared by Bitzios dated 18 October 2018) accessing the Site at this location.

- C65. The Applicant must complete the construction of the vehicular access points to the Site and associated crossovers, to the satisfaction of Council prior to the completion of the Stage 1 works. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

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PART D POST COMPLETION OF STAGE 1 CONSTRUCTION WORKS

Notification

- D1. The applicant must notify the Department that the Stage 1 construction works are complete within one week of completing the works.

Post-construction Dilapidation Report

- D2. Within one month of completion of the Stage 1 construction works, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure and the Kingscliff TAFE buildings.
 - (b) to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure or the Kingscliff TAFE buildings that front on to Cudgen Road (northern-most row of the buildings), the Certifying Authority must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - (c) to be provided to Council for information.

Protection of Public Infrastructure

- D3. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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

Roadworks and Access

- D4. All roadworks and access included in Stage 1 must be completed by the Applicant at their cost.

Road Damage

- D5. 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 is to be met in full by the Applicant prior to commencement of use of any stage of the development.

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 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 C53 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

APPENDIX 2 ENVIRONMENTAL MANAGEMENT AND MITIGATION MEASURES

See attached.

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