Infrastructure Approval

Section 5.19 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the State significant infrastructure application referred to in Schedule 1, subject to the conditions specified in Schedules 2 and 3.

These conditions are required to:

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

David Gainsford
Executive Director
Priority Projects

Sydney 7th November 2018

SCHEDULE 1

Application Number:	SSI 9022
Proponent:	Health Administration Corporation
Approval Authority:	Minister for Planning
Site:	Metford Road, Metford (Lot 7314 DP 1162607 and Part Lot 401 DP 755237)
Development:	New Maitland Hospital, comprising: • concept proposal for the development of a new hospital with approximately 60,000sqm of floorspace on the subject site, including a nine storey building envelope and site access arrangements. • Stage 1 site clearance and preparatory works, including: bulk earthworks; utility connections; in-ground infrastructure works; vegetation removal; building foundations; drainage infrastructure; and construction of temporary roads, temporary car parking area, temporary fencing and site office/compound.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the *National Parks and Wildlife Act 1974*
Advisory Notes	Advisory information relating to the approval but do not form a part of this approval
BAR	Biodiversity Assessment Report
BCA	Building Code of Australia
BOS	Biodiversity Offset Strategy
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, *Strata Schemes (Freehold Development) Act 1973* and *Strata Schemes (Leasehold Development) Act 1986* or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this approval	Conditions contained in Schedule 2 of this document
Construction	All physical works, including but not limited to the carrying out of works for the purposes of the development, including bulk earthworks and erection of infrastructure permitted by this approval, but excluding the following: • building and road dilapidation surveys; • investigative drilling, investigative excavation or Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this approval); and • installation of environmental impact mitigation measures, fencing, enabling works.
Council	Maitland City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising Stage 1 site clearance and preparatory, as modified by the conditions of this approval.
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 *New Maitland Hospital Stage 1 (Concept Design and Early Works) Environmental Impact Statement*, prepared by pitt&sherry dated 7 June 2018, submitted with the application for approval for the development, including any additional information provided by the Proponent 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	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2000

Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
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 *Note: "material harm" is defined in this approval*
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 the EIS.
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (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 approval 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
NMH	New Maitland Hospital
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval
NSW RFS	New South Wales Rural Fire Service
OEH	NSW Office of Environment and Heritage
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*
Proponent	Health Administration Corporation, or any person carrying out any development to which this approval applies
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the development under the EP&A Act, including the *New Maitland Hospital Stage 1 (Concept Design and Early Works) SSI 9022 Response to Submissions*, prepared by pitt&sherry dated 17 August 2018 and additional information submitted by Health Infrastructure on 30 August 2018.
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 *Contaminated Land Management Act 1997*
Site Audit Report	As defined in section 4 of the *Contaminated Land Management Act 1997*
Site Audit Statement	As defined in section 4 of the *Contaminated Land Management Act 1997*
TfNSW	Transport for New South Wales
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 APPROVAL FOR CONCEPT PROPOSAL
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

A1. In addition to meeting the specific performance measures and criteria in this approval, 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 Approval

A2. The development may only be carried out:

(a) in compliance with the conditions of this approval;

(b) in accordance with all written directions of the Planning Secretary;

(c) generally in accordance with the EIS and Response to Submissions;

(d) generally in accordance with the approved plans in the table below:

Drawings prepared by *fitzpatrick+partners*			
Dwg No.	**Issue**	**Name of Plan**	**Date**
DA07	10	CONCEPT PLAN	6/06/2018
DA08	10	CONCEPT PLAN – LANDSCAPE ZONAL PLAN	6/06/2018
DA09	10	CONCEPT PLAN – APZ	6/06/2018
DA10	10	AREA OF INFLUENCE – BUILDING FOOTPRINT	6/06/2018
DA11	10	AREA OF INFLUENCE – AERIAL OVERLAY	6/06/2018
DA12	10	CONCEPT PLAN – VEHICULAR CIRCULATION	6/06/2018
DA13	10	CONCEPT PLAN – PEDESTRIAN CIRCULATION	6/06/2018
DA14	10	ELEVATIONS – NORTH & SOUTH	6/06/2018
DA15	10	ELEVATIONS – EAST & WEST	6/06/2018
DA22	10	CONCEPT PLAN – SETBACKS	6/06/2018

A3. Consistent with the requirements in this approval, the Planning Secretary may make written directions to the Proponent 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 approval, 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 approval and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Vegetative Buffer

A5. A vegetation buffer of a minimum depth of five metres must be provided along the southern boundary outside of any Asset Protection Zone. Revised plans must be submitted to the Planning Secretary demonstrating the provision of the vegetative buffer, any associated amendments reconfiguring the southern building envelope and the Asset Protection Zone.

Limits of Approval

A6. This approval lapses five years after the date of approval unless the works associated with the development have physically commenced.

Planning Secretary as Moderator

A7. In the event of a dispute between the Proponent 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

A8. Any advice or notice to the approval authority must be served on the Planning Secretary.

ADVISORY NOTES

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

PART B REQUIREMENTS FOR FUTURE STAGES

Built Form and Urban Design

B1. To ensure that a high quality urban design and architectural response is achieved, the site layout and architectural design of the NMH must have regard to, and be generally consistent with, the concept proposal and the Architectural Design Statement prepared by fitzpatrick + partners in the EIS, and the following:

- demonstrating the primary objectives as set out in the Architectural Design Statement are incorporated into the design.
- integrating local indigenous identity and culture in the design.
- incorporating measures to reduce water and energy usage.
- the suitability of the offset distances between east and west wings of the hospital building.
- safe pedestrian circulation.
- incorporating the natural setting in the design.
- integrating landscaping with car parking areas.
- connectivity between the hospital building and landscaped areas for patients, staff and visitors.
- heritage interpretation.

Biodiversity

B2. The SSI application(s) for the detailed design and construction of the NMH must demonstrate that the proposal is consistent with the endorsed Biodiversity Assessment Report (BAR) and Biodiversity Offset Strategy (BOS).

Traffic and Transport

B3. The SSI application(s) for the detailed design and construction of the NMH must be accompanied by a detailed assessment of the traffic and transport impacts associated with the NMH on the surrounding road network and intersection capacity, and must detail provisions demonstrating that sufficient access and car parking has been provided having regard to RMS's Guide to Traffic Generating Developments, and details to promote non-car travel modes. The traffic and transport impact assessment must also have specific regard to:

- cumulative traffic impacts, in particular the Stockland Green Hills Shopping Centre development, and undertaking additional analysis of New England Highway between Mitchell Road and Chisholm Road (inclusive of the New England Highway/Chelmsford Road intersection).
- the scope and timing of required road and intersection upgrades within the surrounding road network, including but not limited to the Chelmsford Drive/Metford Road and Raymond Terrace Road/Metford Road intersections.
- preparing a pedestrian access plan, including from Victoria Street Railway Station and nearest bus stops.
- the design of the proposed on-site car parking and on-street car parking impacts from any parking fee structure system, through detailed parking analysis of similar hospital sites.
- potential traffic impacts on businesses fronting Metford Road, between Fieldsend Street and Chelmsford Drive.

Residential Amenity Impacts

B4. Details are to be provided in the SSI application(s) for the detailed design and construction of the NMH demonstrating that consideration has been given to the protection and minimisation of potential amenity impacts on adjoining sensitive land uses, including, but not limited to visual amenity, privacy and lighting.

Noise and Vibration

B5. The SSI application(s) for the detailed design and construction of the NMH must be accompanied by a detailed noise and vibration impact assessment prepared by a suitably qualified person, which details the main construction and operational noise and vibration sources and activities, including future mechanical plant. Details are also to be included outlining all feasible and reasonable noise and vibration mitigation and management measures.

B6. The noise and vibration impact assessment, as required by condition B5 of Schedule 2, must demonstrate that the location and operation of the helipad has been designed to minimise noise impacts on sensitive land uses.

Landscaping

B7. The SSI application(s) for the detailed design and construction of the NMH must be accompanied by a landscape plan for the future hospital campus, including incorporating the vegetative buffer required by condition A5 of Schedule 2.

Bushfire Protection

B8. The design of the NMH, including all Asset Protection Zones and other bushfire protection measures, must demonstrate satisfactory compliance with the relevant provisions of Planning for Bushfire Protection 2006.

Ecologically Sustainable Development

B9. The SSI application(s) for the detailed design and construction of the NMH development must demonstrate how the principles of ESD have been incorporated into the design, construction and on-going operation of the hospital.

B10. The SSI application(s) for the detailed design and construction of the NMH development must include a framework for 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. 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.

B11. The SSI application(s) for the detailed design and construction of the NMH development must include preliminary consideration of building performance and mitigation of climate change, including consideration of Green Star Performance.

B12. The SSI application(s) for the detailed design and construction of the NMH development 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).

SCHEDULE 3

CONDITIONS OF APPROVAL FOR STAGE 1 SITE CLEARANCE AND PREPARATORY 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 approval, 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 Approval

A2. The development may only be carried out:

(a) in compliance with the conditions of this approval;

(b) in accordance with all written directions of the Planning Secretary;

(c) generally in accordance with the EIS and Response to Submissions;

(d) generally in accordance with the approved plans in the table below:

Drawing prepared by *fitzpatrick+partners*			
Dwg No.	**Issue**	**Name of Plan**	**Date**
DA21	10	STAGE 1 EARLY WORKS SITE PLAN	6/06/2018
Drawing prepared by *Wood & Grieve Engineers*			
Dwg No.	**Rev**	**Name of Plan**	**Date**
CI-100-002	A	EARLYWORKS PLAN – GENERAL ARRANGEMENT	24.04.18

A3. Consistent with the requirements in this approval, the Planning Secretary may make written directions to the Proponent 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 approval, 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 approval and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Approval

A5. This approval lapses five years after the date of approval unless the works associated with the development have physically commenced.

Planning Secretary as Moderator

A6. In the event of a dispute between the Proponent 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

A7. 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

A8. Any advice or notice to the approval authority must be served on the Planning Secretary.

Evidence of Consultation

A9. Where conditions of this approval require consultation with an identified party, the Proponent must:

(a) consult with the relevant party prior to submitting the subject document to the Certifying Authority 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 Proponent and how the Proponent has addressed the matters not resolved.

Staging, Combining and Updating Strategies, Plans or Programs

A10. With the approval of the Planning Secretary, the Proponent may:

(a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

(b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and

(c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A11. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.

A12. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Structural Adequacy

A13. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

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

Design and Construction for Bush Fire

A14. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bush Fire Protection 2006.*

Applicability of Guidelines

A15. References in the conditions of this approval 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 approval.

However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Planning Secretary may, when issuing directions under this approval 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

A16. Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act.

This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the approval 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 approval or the environmental management or impact of the development.*

Access to Information

A17. At least 48 hours before the commencement of construction until the completion of all works under this approval, or such other time as agreed by the Planning Secretary, the Proponent must:

(a) make the following information and documents (as they are obtained or approved) publicly available on its website:

(i) the documents referred to in condition A2 of this approval;

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this approval;

(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 approval;

(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;

(vi) a summary of the current stage and progress of the development;

(vii) contact details to enquire about the development or to make a complaint;

(viii) a complaints register, updated monthly;

(ix) audit reports prepared as part of any independent environmental audit of the development and the Proponent'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

A18. The Proponent 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 approval 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 approval removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

B2. Prior to the commencement of construction, the Proponent must submit to the satisfaction of the Certifying Authority 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 approval.

Biodiversity

B3. Prior to the removal of any vegetation, a revised BAR and BOS must be submitted and approved by the Planning Secretary, addressing the vegetative buffer requirements in condition A5 of Schedule 2. The revised BAR and BOS must be prepared in accordance with the OEH's *Framework for Biodiversity Assessment* (FBA) and the *Biobanking Assessment Methodology 2014* (BBAM).

B4. Within 12 months of commencement of the vegetation clearance works, unless otherwise approved by the Planning Secretary, the Proponent must submit evidence that the BOS has been implemented.

Protection of Public Infrastructure

B5. Before the commencement of construction, the Proponent must:

(a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;

(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and

(c) submit a copy of the dilapidation report to the Planning Secretary, Certifying Authority and Council.

Site Contamination

B6. Prior to the commencement of construction, the Proponent must submit to the satisfaction of the Certifying Authority a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor verifying the relevant part of the site is suitable for the hospital land use.

Unexpected Contamination Procedure

B7. Prior to the commencement of earthworks, the Proponent must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition B11 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing must be submitted to the Planning Secretary prior to its removal from the site.

Utilities and Services

B8. Before the construction of any utility works associated with the development, the Proponent must obtain relevant approvals from service providers.

Community Communication Strategy

B9. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Proponent, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

(a) identify people to be consulted during the design and construction phases;

(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

(c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;

(d) set out procedures and mechanisms:

  (i) through which the community can discuss or provide feedback to the Proponent;

  (ii) through which the Proponent will respond to enquiries or feedback from the community; and

  (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

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

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

Outdoor Lighting

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

Construction Environmental Management Plan

B11. Prior to commencement of construction, the Proponent 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 (see Condition B13);

(c) Construction Noise and Vibration Management Sub-Plan (see Condition B14);

(d) Construction Waste Management Sub-Plan (see Condition B15);

(e) Construction Soil and Water Management Sub-Plan (see Condition B16);

(f) Aboriginal Cultural Heritage Management Sub-Plan (see Condition B17);

(g) Biodiversity Management Sub-Plan (see Condition B18);

(h) an unexpected finds protocol for contamination and associated communications procedure;

(i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;

(j) 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.

B12. The Proponent must not commence construction of the development until the CEMP is approved by the Certifying Authority and a copy submitted to the Planning Secretary.

B13. 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 Council, RMS and TfNSW;

(c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;

(d) detail heavy vehicle routes, access and parking arrangements;

(e) include a Driver Code of Conduct to:

  (i) minimise the impacts of earthworks and construction on the local and regional road network;

  (ii) minimise conflicts with other road users;

  (iii) minimise road traffic noise; and

  (iv) ensure truck drivers use specified routes;

(f) include a program to monitor the effectiveness of these measures; and

(g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

B14. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:

(a) be prepared by a suitably qualified and experienced noise expert;

(b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);

(c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;

(d) include strategies that have been developed with the community, including all noise sensitive receivers where construction noise levels are predicted to exceed the noise management level, for managing high noise generating works;

(e) describe the community consultation undertaken to develop the strategies in condition B14(d);

(f) include a complaints management system that would be implemented for the duration of the construction.

B15. 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;

(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.

B16. The Construction Soil and Water Management Plan (CSWMSP) must address, but not be limited to the following:

(a) be prepared by a suitably qualified expert, in consultation with Council;

(b) describe all erosion and sediment controls to be implemented during construction;

(c) 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);

(d) detail all off-Site flows from the Site; and

(e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI).

B17. The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:

(a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;

(b) be submitted to the Planning Secretary prior to construction of any part of the development;

(c) measures to locate, document and salvage the previously identified artefact;

(d) procedures to ensure all works are to immediately cease if unexpected archaeological artefacts are found on-site during any stage of the works and appropriate procedures for notification and recommencing works;

(e) protocols for the salvage required for the project and also for the long term management of any areas of cultural or archaeological significance, within the project boundaries, but not subject to salvage excavations;

(f) a requirement for all salvage works to be carried out under supervision of a qualified archaeologist and representatives of the Registered Aboriginal Parties (RAPs) for the project; and

(g) a requirement for preparation of a final report outlining the results of any salvage work undertaken, which must be prepared in consultation with the project RAPs and should include all comments provided by the project RAPs regarding the salvage process and any long term management of Aboriginal objects.

B18. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:

(a) be prepared by a suitably qualified and experienced ecologist;

(b) engagement of an appropriately qualified ecologist with experience in capturing native wildlife to be on site for all vegetation removal activities;

(c) clearing protocol;

(d) measures to minimise the loss of key fauna habitat, including tree hollows;

(e) measures to minimise the impacts on fauna on site, including conducting fauna pre-clearance surveys prior to vegetation clearing;

(f) controlling weeds and feral pests;

(g) measures to ensure biodiversity values not intended to be impacted are protected, including barriers and mapping of protected/ 'no-go' areas; and

(h) a program to monitor the effectiveness of the measures in the BMSP.

Construction Parking

B19. Prior to the commencement of construction, the Proponent must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Construction and Demolition Waste Management

B20. The Proponent must notify the RMS Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

Compliance Reporting

B21. 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.

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

The Proponent 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.

Independent Environmental Audit

B22. No later than two weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.

B23. Independent Audits of the development must be carried out in accordance with:

(a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition B22 of this approval; and

(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).

B24. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Proponent must:

(a) review and respond to each Independent Audit Report prepared under condition B23of this approval;

(b) submit the response to the Department and the Certifying Authority; and

(c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing when this has been done.

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.

Construction Hours

C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

(a) between 7am and 6pm, Mondays to Fridays inclusive; and

(b) between 8am and 1pm, Saturdays.

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

C5. Activities may be undertaken outside of the hours in Condition C4 if required:

(a) by the Police or a public authority for the delivery of vehicles, plant or materials; or

(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or

(c) where works are inaudible at the nearest sensitive receivers; or

(d) where a variation is approved in advance in writing by the Secretary or her nominee and sufficient justification is provided for the works.

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

C6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

(a) 9am to 12pm, Monday to Friday;

(b) 2pm to 5pm Monday to Friday; and

(c) 9am to 12pm, Saturday.

Implementation of Management Plans

C7. The Proponent must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

Construction Traffic

C8. All construction vehicles (excluding worker vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.

Road Occupancy Licence

C9. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

C10. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

C11. 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 Proponent must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

C12. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, unless there is prior approval from the relevant authority. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Construction Noise Limits

C13. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

C14. The Proponent must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under Condition C4.

C15. The Proponent must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.

C16. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

Vibration Criteria

C17. 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).

C18. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C17.

C19. The limits in conditions C17 and C18 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B14 of this approval.

Tree Protection

C20. 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; and

(b) if access to the area within any protective barrier is required to undertake the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Dust Minimisation

C21. The Proponent must take all reasonable steps to minimise dust generated during all works authorised by this approval.

C22. During construction, the Proponent must ensure that:

(a) exposed surfaces and stockpiles are suppressed by regular watering;

(b) all trucks entering or leaving the site with loads have their loads covered;

(c) trucks associated with the development do not track dirt onto the public road network;

(d) public roads used by these trucks are kept clean; and

(e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

C23. 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.

Imported Soil

C24. The Proponent 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 Department or Certifying Authority upon request.

Disposal of Seepage and Stormwater

C25. 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*.

Unexpected Finds Protocol – Aboriginal Heritage

C26. 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 Proponent 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

C27. 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

C28. 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.

C29. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

C30. 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.

C31. The Proponent must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural of artificial watercourse.

Incident Notification, Reporting and Response

C32. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

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

Non-Compliance Notification

C33. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Proponent 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.

The notification must identify the development and the application number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

C34. Within three months of:

(a) the submission of a compliance report under condition B21;

(b) the submission of an incident report under condition C32;

(c) the submission of an Independent Audit under condition B22;

(d) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans and programs required under this approval must be reviewed, and the Department and the Certifying Authority must be notified in writing that a review is being carried out.

C35. 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 approval 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.*

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 Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition C32 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 Proponent became aware of the incident;
   e. identify any actual or potential non-compliance with conditions of approval;
   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 Proponent 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.