

# Development consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.



Executive Director  
Development Assessment Systems & Approvals  
**Department of Planning and Infrastructure**

Sydney

29. January

2014

### SCHEDULE 1

<b>Application No.:</b>	SSD 5363
<b>Applicant:</b>	Health Infrastructure
<b>Consent Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Kempsey District Hospital, 119 River Street, West Kempsey (Lots 1-8 Sec 20A DP 759080, Lots 1 and 14 Sec 23A DP 759080 and Lot 20 DP 112084)
<b>Approved Development:</b>	Kempsey District Hospital Redevelopment, including: <ul style="list-style-type: none"><li>• demolition of the 1919 Blood Bank building;</li><li>• construction of a new five storey hospital building;</li><li>• refurbishment of existing hospital buildings;</li><li>• modified Main Entrance;</li><li>• modified car parking for staff, patients and visitors;</li><li>• landscape works; and</li><li>• associated infrastructure works.</li></ul>

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## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	Kempsey Shire Council
Certification of Crown Building works	Certification under s109R 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
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure
Director General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate)
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning and Infrastructure, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water
OEH	Office of the Environment and Heritage
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RTS	Response to Submissions report titled <i>Kempsey District Hospital Redevelopment (SSD5363) Response to Submissions Report</i> prepared by LFA (Pacific) Pty Ltd, dated 23 October 2013
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services Division, Department of Transport
Site	Land referred to in Schedule 1
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Zone of Influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth.

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Development Description

A1 Except as amended by the conditions of this approval, development approval is granted only to carrying out the development as described in Schedule 1.

#### Terms of Consent

- A2 The applicant shall carry out the project generally in accordance with the:
- a) State Significant Development Application SSD 5363;
  - b) Environmental Impact Statement prepared by LFA (Pacific) Pty Ltd dated 24 July 2013;
  - c) Response to Submissions report prepared by LFA (Pacific) Pty Ltd dated 23 October 2013;
  - d) The conditions of this consent; and
  - e) The following drawings, except for:
    - i) any modifications which are Exempt' or Complying Development;
    - ii) otherwise provided by the conditions of this consent.

<b>Architectural (or Design) Drawings prepared by SKM Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
5027-SKM-AR-DWG-N1-B102	3	SITE PLAN – EXISTING & DEMOLITION	03-10-2013
5027-SKM-AR-DWG-N1-B101	6	SITE PLAN – PROPOSED	03-10-2013
5027-SKM-AR-DWG-N1-Y201	2	DEPARTMENTAL PLAN – LOWER GROUND FLOOR	13-06-2010
5027-SKM-AR-DWG-N1-Y202	2	DEPARTMENTAL PLAN – GROUND FLOOR	13-06-2010
5027-SKM-AR-DWG-N1-Y203	2	DEPARTMENTAL PLAN – LEVEL 01	13-06-2010
5027-SKM-AR-DWG-N1-Y204	2	DEPARTMENTAL PLAN – LEVEL 02	13-06-2010
5027-SKM-AR-DWG-N1-D106	9	ROOF PLAN	06-09-2013
5027-SKM-AR-DWG-N1-E301	7	NORTH ELEVATION	18-09-2013
5027-SKM-AR-DWG-N1-E302	7	SOUTH ELEVATION	18-09-2013
5027-SKM-AR-DWG-N1-E303	7	EAST ELEVATION	18-09-2013
5027-SKM-AR-DWG-N1-E304	7	WEST ELEVATION	18-09-2013
5027-SKM-AR-DWG-N1-E401	4	SECTIONS	06-09-2013
5027-SKM-AR-DWG-N1-E402	4	SECTIONS	06-09-2013
5027-SKM-AR-DWG-N1-E403	3	SECTIONS	23-08-2013
<b>Landscape Drawings prepared by Site Image Landscape Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
5027-SI-LA-DWG-N-N-D1-00	3	Landscape Coversheet	06/09/2013
5027-SI-LA-DWG-N-N-D1-01	3	Landscape Plan – Entry Area	06/09/2013
5027-SI-LA-	3	Landscape Plan – Central Courtyard	06/09/2013

DWG-N-N-D1-02			
5027-SI-LA-DWG-N-N-F1-01	3	Landscape Details	06/09/2013
5027-SI-LA-DWG-N-N-F1-02	1	Landscape Details	06/09/2013

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4 The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the department's assessment of:
- any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
  - the implementation of any actions or measures contained in these documents.

#### **Limits on Consent**

- A5 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.
- A6 The extent of the works within this application are limited to those contained within the orange dashed line (main hospital building) and those highlighted in blue (the refurbishment works) on drawing no. 5027-SKM-AR-DWG-N1-B101, Issue 6, titled Site Plan – Proposed, dated 03-10-2013.

#### **Prescribed Conditions**

- A7 The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

#### **Dispute Resolution**

- A8 In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the Director-General for resolution. The Director-General's resolution of the matter shall be binding on the parties.

#### **Long Service Levy**

- A9 For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### **Legal notices**

- A10 Any advice or notice to the consent authority shall be served on the Director-General.

#### **Obligation to Minimise Harm to the Environment**

- A11 In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

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

### **Certified Plans**

- B1 Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority and the department prior to commencement of each stage of the construction works and shall include details as required by any of the following conditions.

### **Heritage Archival Recording**

- B2 No works shall commence until an archival record of the Blood Bank building has been prepared and submitted to the council and OEH (Heritage Branch). This shall include measured drawings and an archival photographic record. This archival record shall be prepared in accordance with guideline, Photographic Recording of Heritage Items using Film or Digital Capture (Heritage Office, 2006).

### **Blood Bank Building**

- B3 Significant items within the Blood Bank building (such as memorials, foundation stones) must be retrieved prior to the commencement of demolition works and be relocated to the new building and interpreted.

### **Water and Sewerage Requirements**

- B4 An application under Section 68 of the *Local Government Act 1993* to carry out water supply work and sewerage work shall be made to council for any sewerage or water reticulation works and evidence provided to the Certifying Authority prior to the commencement of works.
- B5 An application shall be made under Section 305 of the *Water Management Act 2000* to council for a Compliance Certificate prior to the commencement of works. Following application, council will advise of water and sewer extension requirements and charges to be paid.

### **Noise Attenuation Measures**

- B6 Prior to commencement of works, the applicant shall incorporate the recommendations of the Acoustic Schematic Design Report Kempsey District Hospital prepared by Resonate Acoustics, dated 4 April 2013, in the detailed design drawings and submit to the department documentation demonstrating that the noise impacts have been mitigated. The report shall demonstrate the noise generated by the project would not exceed the limiting sound power levels in Table 5 of the Acoustic Schematic Design Report Kempsey District Hospital prepared by Resonate Acoustics, dated 4 April 2013.

### **Airspace Operations**

- B7 Prior to commencement of works, the applicant shall advise users of the helicopter landing surface of any changes to approach and departure procedures required for the construction period.

### **Reflectivity**

- B8 The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 percent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

### **Outdoor Lighting**

- B9 All new outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

### **Car Park and Service Vehicle Layout**

- B10 Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works:
- a) all vehicles should enter and leave the Subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave in

- a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
- b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage;
  - c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
  - d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority;
  - e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Subject Site, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS.

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

- B11 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### **Erosion and Sedimentation Control**

- B12 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

### **Pre-Construction Dilapidation Reports**

- B13 The applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to the council.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Director-General that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

### **Structural Details**

- B14 Prior to the commencement of works, the applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA, and
  - b) the development consent.

### **Mechanical Ventilation**

- B15 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue commencement of works.

### **Storage and Handling of Waste**

- B16 The building plans and specifications accompanying the relevant plans submitted to the principal certifying authority prior to the commencement of any works shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises.

### **Stormwater and Drainage Works Design**

- B17 Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of council shall be submitted to the certifier prior to the commencement of any works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

### **Demolition**

- B18 The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall 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 shall be submitted to the satisfaction of the PCA prior to the commencement of works.

### **Notice of Commencement of Works**

- B19 The PCA and council shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Subject Site.

### **Acid Sulphate Soil Management Plan**

- B20 An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the Acid Sulphate Soil Manual (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the Certifying Authority prior to the commencement of works.

### **Construction Environmental Management Plan**

B21

- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters where relevant:
  - i) hours of work,
  - ii) 24 hour contact details of site manager,
  - iii) traffic management, in consultation with the local council,
  - iv) construction noise and vibration management,
  - v) management of dust to protect the amenity of the neighbourhood,
  - vi) erosion and sediment control,
  - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site,
  - viii) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting,
  - ix) flora and fauna management.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The applicant shall submit a copy of the CEMP to the department and to the council, prior to commencement of work.

## **Waste Management Plan during construction**

**B22**

- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the council, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
  - i) Recycling of demolition materials including concrete;
  - ii) Removal of hazardous materials 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
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- c) The applicant shall submit a copy of the plan to the department and to the council, prior to commencement of work.
- d) The applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

## **Traffic & Pedestrian Management Plan**

**B23**

- a) Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the council.
- b) The Plan shall address, but not be limited to, the following matters:
  - i) ingress and egress of vehicles to the Subject Site,
  - ii) loading and unloading, including construction zones,
  - iii) predicted traffic volumes, types and routes,
  - iv) pedestrian and traffic management methods, and
- c) The applicant shall submit a copy of the final plan to the council, prior to the commencement of work.

## **Noise and Vibration Management Plan**

**B24** The applicant shall prepare and implement a Noise and Vibration Management Plan and this plan must:

- a) be prepared by a suitably qualified expert;
- b) be prepared in consultation with council and in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
  - best management practice is being employed;
  - compliance with the relevant conditions of this approval;
- d) describe the proposed noise and vibration management measures in detail;
- e) include strategies that have been developed with the community for managing high noise generating works;
- f) describe the community consultation undertaken to develop the strategies in e) above;
- g) evaluate and report on the effectiveness of the noise and vibration management measures.
- h) include a complaints management system that would be implemented for the duration of the project.

## **Utility Services**

**B25** Prior to the commencement of work the applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the

relocation and/or adjustment of the services affected by the construction of the underground structure.

- B26 Prior to the commencement of above ground works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.
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## **PART C DURING CONSTRUCTION**

### **Hours of Work**

- C1 The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
  - b) between 8:00 am and 1:00 pm, Saturdays;
  - c) no work on Sundays and public holidays.
  - d) works may be undertaken outside these hours where:
    - i) the delivery of materials is required outside these hours by the Police or other authorities;
    - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
    - iii) variation is approved in advance in writing by the Director General or his nominee.
- C2 The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Director General.
- a) 9.00 am to 12.00 pm, Monday to Friday;
  - b) 2.00 pm to 5.00 pm Monday to Friday; and
  - c) 9.00 am to 12.00 pm, Saturday

### **Erosion and Sediment Control**

- C3 All erosion and sediment control measures, are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

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

- C4 Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by council.

### **Approved Plans to be On-site**

- C5 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the department, council or the PCA.

### **Site Notice**

- C6 A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- C7 The site notice(s) is to satisfy all but not be limited to, the following requirements:
- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) 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 are to be displayed on the site notice; and
- d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

### **Protection of Trees**

- C8 No street trees are to 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.
- C9 All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of council.
- C10 All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

### **Construction Noise Management**

- C11 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- C12 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C13 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- C14 Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.

### **Vibration Criteria**

- C15 Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
  - a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
  - b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).
  - c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
  - d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Director-General.

### **Heritage Superintendent**

- C16 Works on heritage components of the Subject Site shall be superintended by a consultant(s) experienced in the conservation of similar heritage buildings.

### **Work Cover Requirements**

- C17 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

### **Hoarding Requirements**

- C18 The following hoarding requirements shall be complied with:
- (a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
  - (b) The construction site manager shall 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.

### **Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics**

- C19 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

### **Discovery of Aboriginal Heritage**

- C20 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 archaeologist and OEH to develop and implement management strategies for all objects/sites.
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## **PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Bushfire Risk Management**

- D1 Prior to occupation of the buildings the subject of this consent, a suitably qualified consultant shall submit to the department, council and the Certifying Authority certification that the landscaping, internal access road and water, electricity and gas supply comply with the requirements of the document 'Planning for Bush Fire Protection 2006'.
- D2 Prior to occupation of the buildings the subject of this consent, the applicant must submit to the department and council a program identifying the schedule of works required to address the following matters:
- a) all existing buildings on the campus located within 100 metres of the bushfire prone land on the western side of River Street must be upgraded for ember protection (i.e. enclosing all openings or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm); and
  - b) gutters for the mental health and maternity buildings are removed or any guttering or valleys for these buildings are screened to prevent build up of flammable materials. Any materials used shall be non-combustible.

The schedule of works must be completed within two years of occupation of the buildings the subject of this consent.

- D3 The hospital's emergency and evacuation plan shall be revised to address the hospital redevelopment and a copy submitted to council and the Certifying Authority prior to the

occupation of the facilities the subject of this consent. The plan shall address Section 4.2.7 of 'Planning for Bushfire Protection 2006'.

### **Number of Car Spaces**

- D4 The applicant must demonstrate to the satisfaction of the Certifying Authority that prior to operation of the facilities the subject of this consent, a total of 161 line marked off-street car spaces are available for use by staff, patients and visitors of Kempsey District Hospital.

### **Water and Sewerage Requirements**

- D5 An approval under Section 68 of the *Local Government Act 1993* to carry out water supply work and sewerage work shall be obtained from council for any sewerage or water reticulation works and evidence provided to the Certifying Authority prior to the occupation of the buildings the subject of this consent.
- D6 A Certificate of Compliance under the provisions of section 307 of the *Water Management Act 2000* must be obtained from council prior to the occupation of the buildings the subject of this consent.

### **Mechanical Ventilation**

- D7 Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the occupation of the building, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
  - b) Australian Standard AS1668 and other relevant codes;
  - c) The development consent and any relevant modifications; and,
  - d) Any dispensation granted by the New South Wales Fire Brigade.

### **Road Damage**

- D8 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/developer prior to the occupation of the building.

### **Registration of Easements**

- D9 Prior to the occupation of any building, the applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

### **Post-construction Dilapidation Report**

- D10 Prior to occupation of the building:
- a) The applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
  - b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA 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) A copy of this report is to be forwarded to the council.

### **Fire Safety Certification**

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

### **Structural Inspection Certificate**

- D12 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the occupation of the building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the council after:
- a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
  - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Signage**

- D13 Additional way finding signage and signage identifying public car parks for patients and visitors shall be installed prior to occupation of the building.
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## **PART E POST OCCUPATION**

### **Bushfire Risk Management**

- E1 The hospital site shall be managed as an inner protection area in perpetuity as outlined in 'Planning for Bush Fire Protection 2006' and 'Standards for asset protection zones'.
- E2 The ember protection works required for all existing buildings on the campus located within 100 metres of the bushfire prone land and upgrade works for the mental health and maternity buildings shall be completed within two years of occupation of the buildings the subject of this consent.

### **Green Travel Plan**

- E3 Within 12 months of occupation of the buildings the subject of this consent, a green travel plan must be prepared and shall identify all measures and incentives that would be provided to promote a reduction in the private vehicle mode share of journeys to work, including incentives to promote car pooling and measures to support the use of the bus service.

### **Loading and Unloading**

- E4 All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.

### **Unobstructed Driveways and Parking Areas**

- E5 All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

### **Noise Control – Plant and Machinery**

- E6 Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5 dB(A) above the background noise level when measured at the boundary of the Subject Site.

**Storage of Hazardous or Toxic Material**

- E7 Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

**Public Way to be Unobstructed**

- E8 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

**External Lighting**

- E9 External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the applicant shall submit to the consent authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

## **ADVISORY NOTES**

### **Appeals**

AN1 The applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

### **Other Approvals and Permits**

AN2 The applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

### **Responsibility for other consents / agreements**

AN3 The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **Temporary Structures**

AN4

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

### **Disability Discrimination Act**

AN5 This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### **Commonwealth Environment Protection & Biodiversity Conservation Act 1999**

AN6

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

**Asbestos Removal**

AN7 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence" and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

**Site contamination issues during construction**

AN8 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the department.