

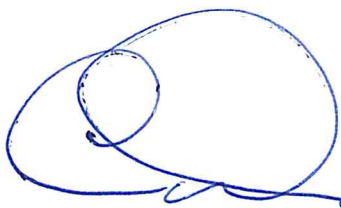
Development consent

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

As delegate of the Minister for Planning, under delegation dated 10 November 2014, 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.



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney **+ DECEMBER** 2014

SCHEDULE 1

Application No.:	SSD 6573
Applicant:	NSW Health Infrastructure
Consent Authority:	Minister for Planning
Land:	54 Ewingsdale Road, Ewingsdale
Development:	The Byron Shire Central Hospital, consisting: <ul style="list-style-type: none">• site earthworks;• construction of a 65 bed hospital building;• infrastructure works;• signage; and• site landscaping.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	NSW Health Infrastructure
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Byron Shire Council
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; 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 Environment or its successors
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	<i>Environmental Impact Statement for a State Significant Development Application – Construction of a New Hospital Building, Byron Shire Central Hospital</i> , prepared by Newton Denny Chapelle, dated 14 August 2014.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning, 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, or its successor
OEH	Office of the Environment and Heritage, or its successor
Reasonable and Feasible	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. Feasible relates to engineering considerations and what is practical to build
Response to Submissions (RtS)	Response to Submissions letter prepared by NSW Health Infrastructure, dated 20 October 2014.
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
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.
Subject Site	54 Ewingsdale Road, Ewingsdale (Lot 100 DP 1140936)

SCHEDULE 2

A ADMINISTRATIVE CONDITIONS

Development Description

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

Development in Accordance with Plans and Documents

- A2. The applicant shall carry out the development generally in accordance with the:
- a) *Environmental Impact Statement for a State Significant Development Application – Construction of a New Hospital Building, Byron Shire Central Hospital*, prepared by Newton Denny Chapelle, dated 14 August 2014.
 - b) Response to Submissions letter prepared by NSW Health Infrastructure, dated 20 October 2014.
 - c) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) as otherwise provided by the conditions of this consent.
 - d) the conditions of this consent.

Architectural (or Design) Drawings prepared by Woods Bagot			
Drawing No.	Issue	Name of Plan	Date
A1001	C	SITE ANALYSIS PLAN	01/08/14
NET-AR-10-XX02	4	SITE PLAN	11/11/14
NET-AR-10-XX04	9	LOWERGROUNND ZONE PLAN	11/11/14
NET-AR-10-XX05	10	GROUND FLOOR ZONE PLAN	11/11/14
NET-AR-10-XX06	3	ROOF PLAN	11/11/14
NET-AR-20-XX01	2	BUILDING 1 OVERALL ELEVATIONS	11/11/14
NET-AR-20-XX02	2	ELEVATIONS	11/11/14
A9300	C	EXTERNAL FINISHES BOARD	01/08/14
Landscape (or Design) Drawings prepared by 360° Landscape Architects			
Drawing No.	Issue	Name of Plan	Date
Sheet 2 of 8	B	SCHEDULES	25/07/14
Sheet 3 of 8	B	KEY PLAN	25/07/14
Sheet 4 of 8	B	LANDSCAPE PLAN	25/07/14
Sheet 5 of 8	B	LANDSCAPE PLAN	25/07/14
Sheet 6 of 8	B	LANDSCAPE PLAN	25/07/14
Sheet 7 of 8		PLANTING SETOUT PLAN	
Sheet 8 of 8	B	PLANTING PALETTE	25/07/14

Inconsistency between documents

- 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.

Building Code of Australia Compliance

- A4. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions, or
 - b) formulating an alternative solution which :
 - i) complies with the performance requirements, or
 - ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - iii) a combination of a) and b).

Development Expenses

- A5. It is the responsibility of the applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

Lapsing of approval

- A6. This consent will lapse five (5) years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

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

Secretary as Moderator

- A8. Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Secretary, the matter is to be referred to the Secretary for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Secretary's resolution of the matter will 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 Secretary.
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B PRIOR TO COMMENCEMENT 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 works and shall include details as required by any of the following conditions.

Additional details to be submitted – Landscaping

- B2. Prior to the commencement landscaping works, an amended landscape plan shall be prepared and submitted to the satisfaction of the Secretary, or her nominee, demonstrating the following:
- a) suitable landscape planting arrangements along the southern site boundary to suit the needs of existing residents and the hospital. Evidence of consultation with adjoining Parkway Drive residents shall be provided with the amended landscape plan; and
 - b) the western boundary (south of the internal access road) shall be suitably embellished to ensure the provision of suitable landscape screening.

Additional details to be submitted – Signage

- B3. Prior to the commencement of signage works, final signage details, including finishes, dimensions, illumination and location, are to be submitted to the Department for endorsement.

Water Requirements

- B4. An application shall be made to Rous Water for Section 68 under section 68 of the *Local Government Act 1993* and evidence provided to the Certifying Authority prior to the certification of Crown Building works.
- B5. Following application, a 'Notice of Requirements' will advise of water supply works to be built. Full design plans of the proposed engineering works to satisfy water supply conditions shall be submitted to and approved by Rous Water.
- B6. A Water Service Application Form shall be submitted along with payment in accordance with Rous Water fees and charges. The water supply services shall be sized in accordance with Australian Standard 3500.1 to service the whole development.

Sewerage Requirements

- B7. An application under section 68 of the *Local Government Act 1993* to carry out sewerage work shall be made to Council for any sewerage reticulation works and evidence provided to the Certifying Authority prior to the certification of Crown Building works.
- B8. 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 sewer requirements and charges to be paid.

Notice of Commencement of Works

- B9. The Certifying Authority and council shall be given written notice, at least 48 hours prior to the commencement of building works on the subject site.

Bush Fire Protection

- B10. At the commencement of construction and in perpetuity, the property around the hospital building for a distance of 50 metres, or to the property boundary (whichever is less), shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reflectivity

- B11. The building materials used on the facades of the buildings shall have a maximum normal spectral 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 commencement of above ground works.

Outdoor Lighting

- B12. All 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 commencement of above ground works.

Access for People with Disabilities

- B13. 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 construction drawings.

Erosion and Sedimentation Control

- B14. A soil erosion and sediment control plan must be developed and implemented 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 commencement of above ground works involving vegetation removal or soil disturbance.

Stormwater and Flooding

- B15.
- a) Prior to the commencement of works, plans of the final stormwater drainage system design, including onsite detention and stormwater quality controls design plans, are to be prepared by a qualified practicing professional and in accordance with the requirements of Council and submitted to the Certifying Authority.
 - b) Where works are located outside the site boundary, an application shall be made to Council under section 68 of the *Local Government Act 1993* to carry out stormwater drainage work.
- B16. Prior to the commencement of works, details shall be submitted to the satisfaction of the Certifying Authority demonstrating that the minimum floor level is above the flood planning level for the site. Details shall also be provided for flood proofing of the building where below the flood planning level in accordance with the requirements of Council.

Public Land Deposit/Bond

- B17. Prior to commencement of works, a bond in the amount of 5% of the value of works in the road reserve is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. A copy of the contract construction cost of the road works is to be submitted with the bond. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held as a maintenance bond upon satisfactory performance as the guarantee against damage to public land. The maintenance period is 6 months in accordance with Council's current Design & Construction Manuals and will commence from the date of satisfactory completion of all road works on the road reserve. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.

Road and Footpath Infrastructure

- B18. Consent from Council, with concurrence from RMS, must be obtained for works within the road reserve pursuant to section 138 of the *Roads Act 1993* prior to commencement of works. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works.
- B19. To ensure suitable vehicular access is provide, a single lane roundabout at the western driveway access shall be provided in accordance with AUSTROADS. The design is to address, but not be limited to, kerb & gutter, pavement (concrete), drainage, siting, verge widths, footpaving, signs, line marking, parking restrictions and night-time visibility (including street lighting). Any encroachments onto the property are to be dedicated as "Road Widening" at no cost to Council.
- B20. To ensure satisfactory shared pedestrian and cyclist access is provided to the hospital, a 3.0 m wide shared path from McGettigans Lane and for the full frontage of the site at a crossfall of 1 % or 1:100 (maximum 2.5% or 1 in 40) shall be provided. Any encroachments onto private property are to be dedicated as "Road Widening" at no cost to Council.
- The design of the shared pedestrian and cyclist access is to address the connectivity with the existing shared path on Ewingsdale Road at McGettigans Lane, signage, line marking, handrails, batters & fencing, and night-time visibility and lighting in accordance with AS/NZ 1158.3.
- B21. To ensure suitable footpath embellishment occurs, grading, trimming, topsoiling and turfing of the unpaved footpath areas shall be undertaken.

Bus Facilities

- B22. To ensure that suitable arrangements are made for alternative modes of transport, the applicant shall investigate the provision of bus facilities (i.e. bus stops, shelters, and pedestrian access) within the site in consultation with Council and local bus operators.
- B23. Should bus stop facilities not be provided within the hospital site, suitable pedestrian access shall be provided from the hospital site to bus facilities, as follows:
- a) a pedestrian refuge shall be provided in Ewingsdale Road and designed in accordance with Australian Standard 1742.10 – Manual of Uniform Traffic Controls – Pedestrian Control and Protection and Traffic Authority of New South Wales Guidelines for Traffic Facilities, Part 4.2 – Pedestrian Refuges. The design is to address siting, signs, line marking, parking restrictions and night-time visibility;
 - b) 1.5 m wide footpaths from bus bays to the hospital site shall be provided at a crossfall of 1% or 1:100 (maximum 2.5% or 1 in 40); and
 - c) a ramped pedestrian crossing shall be provided in accordance with Council's standard plan – No. R-04 at all kerbed pedestrian road crossing paths.

Safety/Heath/Amenity

- B24. Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site and maintained throughout development. Each toilet provided shall be:
- a) a standard flushing toilet, and
 - b) connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the council, or

- iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by council.

B25. A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- a) the name, address and telephone number of the principal certifying authority for the work, and
- b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

B26. Should the development work:

- a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

Pre-Construction Dilapidation Reports

B27. 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, structures and infrastructure (including all public infrastructure) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection 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 issue of the commencement of works. A copy of the report is also to be forwarded to the Council.

Parking and Service Vehicle Layout

B28. Provision shall be made for a minimum of 191 car parking spaces (of which six (6) shall be designated for people with disabilities), 16 motor cycle park spaces and 28 bicycle parking spaces (of which 12 spaces are to be provided as class 1 or 2 facilities for staff). Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior the occupancy or commencement of use.

B29. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to 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 the subject site 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 (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.6 for accessible spaces;
- c) all car parking areas must be illuminated in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces;
- d) the layout, design and security of bicycle facilities off-street must comply with the minimum requirements of Australian Standard AS 2890.3 Bicycle Parking Facilities, and be located in easy to access, well lit areas that incorporate passive surveillance;
- e) appropriate pedestrian and cyclist advisory signs are to be provided at the egress from the car park; and
- f) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Structural Details

B30. Prior to the commencement of works, the applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

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

Mechanical Ventilation

B31. 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 commencement of above ground works.

Storage and Handling of Waste

B32. The building plans and specifications 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, including:

- a) All internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) Include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
- c) include provision for separate storage and collection of organic/food waste.

NOTE:

No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste.

The waste handling and storage area must be retained on site until occupation of the building.

Construction Environmental Management Plan

B33.

- a) Prior to the commencement of any works on the subject site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority, a copy of which shall be submitted to the Department and to Council prior to the commencement of work. 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 council;
 - iv) construction noise and vibration management, prepared by a suitably qualified person;
 - 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; and
 - 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.

Construction Waste Management Plan

B34.

- 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 Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete; and
 - 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 Certifying Authority 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.

Construction Noise and Vibration Management Plan

B35. Prior to the commencement of any works, a Construction Noise and Vibration Management Plan shall be prepared and submitted to the Certifying Authority, that includes but is not limited to the following:

- a) Identification of each work area, site compound and access route (both private and public);
- b) Identification of specific activities that will be carried out and associated noise sources at the premises and access routes;
- c) Identification of all potentially affected sensitive receivers;
- d) The construction noise and vibration objectives identified in accordance with the NSW Interim Construction Noise Guideline and Assessing Vibration: A technical Guideline;
- e) Assessment of potential noise and vibration from construction methods (including noise from construction traffic) against the objectives identified in (d);
- f) Where the objectives are predicted to exceed an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce noise impacts;
- g) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including early erection of operation noise control barriers;
- h) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
- i) Measures to monitor noise performance and respond to complaints.

The applicant shall submit a copy of the plan to the Department and to the Council, prior to commencement of work.

Construction Traffic Management Plan

B36. Prior to the commencement of any works, a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be prepared in consultation with Council and the Roads and Maritime Services (RMS) and submitted to Council. The plan is to address access and parking and maintain safe access for pedestrians and cyclists and access and parking for vehicles to meet the continued operational needs of the current hospital facility. The plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):

- a) strategies to manage traffic volumes and movement anticipated during construction and demolition;
- b) management of loading and unloading of materials on the site and not from the adjoining road reserves;
- c) Identify strategies for the provision of displaced on-site parking during these activities;

- d) identify strategies and procedures for the parking of construction worker vehicles that will minimise impact on existing parking requirements within the area;
- e) measures to minimise the impact of construction traffic on the surrounding road network including the restriction on access for large vehicles during the morning and afternoon peak traffic periods; and
- f) complaint management and contingency measures.

The applicant shall submit a copy of the plan to the Department prior to commencement of work.

Air Quality Management Plan

B37. Prior to the commencement of any works on the subject site, an Air Quality Management Plan is to be prepared which describes project specific mitigation measures and safeguards to control dust and exhaust emissions and shall be submitted to the Certifying Authority. This plan must be implemented at all stages of the development to minimise impacts on nearby sensitive receivers.

Utility Services

- B38. Prior to the commencement of works 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.
- B39. Prior to the commencement of 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.
- B40. If required, all works within the road reserve are to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities and to ensure that the services are constructed flush with the finished surface levels.

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 7:00 am and 5:00 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; or
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
 - iii) variation is approved in advance in writing by the Secretary or her nominee.

Erosion and Sediment Control

- C2. 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.

Water Requirements

- C3. Rous Water will undertake all works involved in the final connection to existing water supply system. This work will be carried out after inspection and testing of the developer constructed works, and will be at the developer's cost. A minimum of 15 days' notice is required.

Excavation

- C4. All excavation and backfilling associated with the erection/demolition of buildings must be properly guarded and protected to prevent them from being dangerous to life or property.

Disposal of Seepage and Stormwater

- C5. Any seepage or rainwater collected on-site during construction or ground water 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

- C6. A copy of the approved and certified plans, specifications and documents incorporating conditions of consent 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 Certifying Authority.

Site Notice

- C7.
- a) A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of the development details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
 - b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) 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
 - 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 are to be displayed on the site notice
 - 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 subject site is not permitted.

Protection of Trees

- C8.
- a) 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.

- b) 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.
- c) 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

- C9. 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.
- C10. 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), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C11. The applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
 - a) 8.00 am to 12.00 pm, Monday to Friday
 - b) 2.00 pm to 5.00 pm Monday to Friday
 - c) 9.00 am to 1.00 pm, Saturday
- C12. 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.
- C13. 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* or exceed approved noise limits for the subject site.

Vibration Criteria

- C14. 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 presented in British Standard BS 6841- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
 - c) Vibratory compactors must not be used closer than 30 metres distance 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 Secretary.

Work Cover Requirements

- C15. 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

C16. 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.

Construction Vehicles

C17. All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

No Obstruction of Public Way

C18. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

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), having regard to the recommendations identified in the *Byron Bay Hospital Aboriginal Cultural Heritage Assessment*, prepared by Advitech, dated 15 September 2014.

A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Structural Inspection Certificate

D1. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to 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.

Certificates for engineering works to be dedicated to Council

- D2. For works proposed to be dedicated to Council, the applicant shall submit to Council all test certificates, owners manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's current "Northern Rivers Local Government Design and Construction Manuals and Specifications".

Stormwater and Flooding

- D3. Where stormwater drainage works are been undertaken outside the site boundary, any easements for drainage required to drain water through private property shall be in place prior to the occupation of the building.

Works-As-Executed Plans

- D4. For works proposed to be dedicated to Council, the applicant shall submit to Council Work-as-Executed Drawings, together with a Work-As-Executed Certification Report, in accordance with Council's requirements. Two categories of Work-as-Executed Drawings are to be submitted to Council, being: Amended Design Work-as-Executed Drawings and Summary Work-as-Executed Drawings.

Amended Design Work-as-Executed Drawings, being certified copies of all approved design plans with as constructed departures, deletions and additions clearly noted and detailed on the plans, are to be submitted to Council in the following formats:

- a) One (1) paper copy at the same scale and format as the approved design plans, but, marked appropriately for as constructed information and with original signatures; and
- b) An electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Summary Work-as-Executed Drawings are to be prepared on a background plan of road layout and kerb lines with a set of separate plans for stormwater drainage, sewerage and water supply. The drawing/s shall include a plan showing the 1 in 100 year flood, PMF and flood planning level extents and levels on the subject land and adjoining roadway. Such drawings are to be submitted to Council in the following formats:

- a) One (1) paper copy of each drawing with original signatures and in accordance with Council's requirements.
- b) An electronic copy of the above in AutoCAD DWG or DXF format and provided to Council on CD, DVD or via email. The AutoCAD (DWG or DXF) files are to be spatially referenced to MGA Zone 56.
- c) An electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Note: Council's requirements are detailed in Council's adopted engineering specifications, currently the Northern Rivers Local Government Development Design and Construction Manuals, and on Council's website.

- D5. Following completion of works proposed to be dedicated to Council, a record of infrastructure coming into Council ownership is to be submitted to Council. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record", which is available on Council's website.

Mechanical Ventilation

- D6. Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the Certifying Authority, prior

to the issue of any occupation or commencement of use, 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.
- D7. The installation and operation of all cooling towers and warm water systems are to comply with the Public Health (Microbial Control) Regulations and Australian Standard 3666. The applicant is required to register with council's Environment and Community Services Directorate any and all water cooled cooling towers and/or warm water mixing systems which are installed on the land.

Post-construction Dilapidation Report

D8. Prior to the commencement of use or 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 is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads within the zone of influence defined in condition B13.
- b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report is to be forwarded to the council.

Road and Infrastructure Damage

D9. 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 and as identified within the Post-construction Dilapidation Report required in accordance with condition D4, is to be met in full by the applicant/developer prior to the commencement of use or occupation of the building.

Fire Safety Certification

D10. Prior to commencement of use or 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, council and a copy forwarded to the New South Wales Fire Brigades and prominently displayed in the building.

Emergency and Evacuation Plan

D11. Prior to the prior to the commencement of use or occupation of the building, an emergency and evacuation plan addressing section 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the site. A copy of the plan shall be provided to the Department and Council.

Completion of Landscape and Public Domain Works

D12. Prior to the prior to the commencement of use or occupation of the building, the Certifying Authority is to be satisfied that all landscape and public domain works,

including the removal of all noxious and/or environmental weed species, has been undertaken in accordance with the approved plan(s) and conditions of consent.

- D13. All landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Byron Shire Central Hospital Site Access

- D14. The eastern vehicular access point off Ewingsdale Road is to be restricted to left-in/left-out manoeuvres, except for emergency vehicles only (such as patient transport vehicles and ambulances). This restriction is to be appropriately signposted, evidence of which shall be submitted to the satisfaction of the Certifying Authority prior to commencement of use.

Certificate of Compliance for works

- D15. Prior to occupation, a Compliance Certificate shall be provided to the Certifying Authority showing that the development has met with the detailed requirements of Rous Water for the provision of water supply.
- D16. Sewer services are to be provided to the land in accordance with the approved design granted by Council.

A copy of the Certificate of Compliance under section 307 of the *Water Management Act 2000* is to be obtained from Byron Shire Council prior to the issue of a Final Occupation Certificate.

Application forms are available from Council's administration building or online at http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf to be submitted for a Certificate of Compliance.

- D17. Prior to occupation, the applicant shall provide to the Certifying Authority 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.

Liquid Trade Waste - Approval required

- D18. An approval to discharge trade waste into Council's sewer must be obtained in accordance with NSW Office of Water Liquid Trade Waste Regulations Guidelines 2009, Council's Liquid Trade Waste Policy and Liquid Trade Waste Guidelines.

Commercial, business, trade and industrial activities discharging or proposing to discharge to the sewer are required to notify Council and complete the Trade Waste Registration Form available at the Mullumbimby Office and from Council's website at: http://www.byron.nsw.gov.au/files/publications/liquid_trade_waste_application_form_0.pdf

Food Preparation Areas

- D19. All food premises must be designed and constructed to comply with Food Safety Standard 3.2.3 *Food Premises and Equipment* of the Food Standards Code.

Note: Requirements of Australian Standard AS4674 – 2004 "*Design, construction and fit-out of food premises*" and NSW Food Authority "*Food premises – Design, construction and fit-out guide*" to be considered to achieve the necessary construction standards for the food premises.

- D20. The applicant must arrange for an inspection by an Environmental Health officer of the food premises to assess compliance with Food Safety Standard 3.2.2 *Food Safety Practices and General Requirements* and Food Safety Standard 3.2.3 *Food Premises and Equipment* of the Food Standards Code prior to operating a food business.

E POST OCCUPATION

Loading and Unloading

- E1. 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

- E2. 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.

Private water supply

- E3. The proposed development shall ensure that the private water supply established on the hospital property has an approved 'Drinking Water Quality Assurance Program' as required by the Public Health Act 2010.

The operation and maintenance of separate water reservoirs and internal reticulation of water and fire services must ensure that a safe water supply is maintained on the property at all times. All potential cross-connections or hazardous activities to be assessed and comply with AS/NZS 3500.1 – "Water services" in respect of individual, zone and containment protection.

Neighbourhood Amenity

- E4. The proposed use of the Byron Shire Central Hospital shall not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:
- a) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
 - b) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid. Contractors with appropriate waste management approval shall be engaged to collect and transport all categories of contaminated wastes, recycled materials and rubbish for off-site disposal.
- E5. Noise associated with the operation of any plant, machinery or other equipment on the subject site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the subject site.
- E6. Details demonstrating compliance with the development specific noise levels are to be verified within 60 days and then one year after the occupation of the building and commencement of operations. These details are to be submitted to the satisfaction of the Secretary verifying that the operational noise levels do not exceed the operation noise level goals identified in the *Byron Shire Central Hospital, 54 Ewingsdale Road, Ewingsdale Noise and Vibration Impact Assessment*, prepared by AECOM, dated 6 August 2014. The noise monitoring program shall also verify compliance with the acceptable noise criteria in the NSW Industrial Noise Policy, January 2000. Should the noise monitoring program identify any exceedence of the noise criteria referred to above, the applicant is required to implement appropriate noise attenuation measures so that operational noise levels comply with the criteria.

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.

Works-as-Executed Plans

- E9. Works-as-executed drainage plans are to be provided to council on completion of works.

External Lighting

- E10. 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 an independent qualified practitioner demonstrating compliance in accordance with this condition.

Fire Safety Certification

- E11. The owner must submit to council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, council's Fire Safety Statement.

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 relevant authority 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*.

Use of Mobile Cranes

- AN3 The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:
- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from council:
 - i) At least 48 hours prior to the works for partial road closures which, in the opinion of council will create minimal traffic disruptions, and
 - ii) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of council, will create significant traffic disruptions.
 - b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am without the prior approval of council.

Responsibility for other consents / agreements

AN4 The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Movement of Trucks Transporting Waste Material

AN5 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.

Building Identification

AN6 The building name and number, if any, should be clearly displayed at either end of the ground level frontages prior to the occupation of the building or commencement of the use.

Temporary Structures

AN7

- 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

AN8 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 and Biodiversity Conservation Act 1999

AN9

- 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

- AN10 All excavation and demolition 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 Work Health and Safety Regulation 2011 , the NSW Government and WorkCover document titled *How to Safely Remove Asbestos: Code of practice* and NOHSC: "Code of Practice for the Safe Removal of Asbestos"
- AN11 Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

Site contamination issues during construction

- AN12 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.