

Development consent

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

As delegate of the Minister for Planning, under delegation dated 16 February 2015, 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.



David Gainsford
Executive Director
Priority Projects Assessments

Sydney 15th November 2016

SCHEDULE 1

Application No.:	SSD 7588
Applicant:	Ramsay Health Care
Consent Authority:	Minister for Planning
Land:	10 Herbert Street, St Leonards (Lot 2 DP 1212720)
Development:	<p>A mental health services facility involving:</p> <ul style="list-style-type: none">• site remediation works;• construction of an eight storey hospital building containing 112 beds, 25 consulting suites, treatment rooms, offices and amenities;• 139 car parking spaces;• identification signage• landscaping; and• connections to existing infrastructure services.

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	Willoughby City Council
Certification of Crown Building works	Certification under s109R of the <i>Environmental Planning and Assessment Act 1979</i>
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	The Department of Planning and Environment
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	<i>Environmental Impact Statement, 10 Herbert Street, St Leonards, Hospital</i> prepared by JBA Urban Planning Consultants Pty Ltd, dated July 2016.
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of Environment and Heritage, or its successor
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
Response to Submissions (RtS)	Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated September 2016 and accompanying attachments
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	10 Herbert Street, St Leonards (Lot 2 DP 12112720)

SCHEDULE 2

PART 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 Condition A2.

Development in Accordance with Plans and Documents

- A2. The Applicant shall carry out the development in accordance with the conditions of consent and generally in accordance with the:
- a) *Environmental Impact Statement, 10 Herbert Street, St Leonards, Hospital* prepared by JBA Urban Planning Consultants Pty Ltd, dated July 2016;
 - b) Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated September 2016 and accompanying attachments; and
 - c) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) as otherwise provided by the conditions of this consent.

Architectural Drawings prepared by Silver Thomas Hanley (AUS) Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
A-01-00	B	SITE ANALYSIS/LOCATION PLAN	27/01/16
A-01-01	B	EXISTING SITE PLAN	27/01/16
A-01-02	C	PROPOSED SITE PLAN	24/06/16
A-02-00	B	DEMOLITION PLAN	27/01/16
A2.201	F	FLOOR PLAN – GROUND	01/07/16
A2.202	G	FLOOR PLAN – LEVEL 01	24/06/16
A2.203	G	FLOOR PLAN – LEVEL 02	24/06/16
A2.204	G	FLOOR PLAN – LEVEL 03	24/06/16
A2.205	E	FLOOR PLAN – LEVEL 04	24/06/16
A2.206	E	FLOOR PLAN – LEVEL 05	24/06/16
A2.207	E	FLOOR PLAN – LEVEL 06	24/06/16
A2.208	E	FLOOR PLAN – LEVEL 07	24/06/16
A2.209	D	FLOOR PLAN – LEVEL 08 ROOF	24/06/16
A2.210	D	FLOOR PLAN – LEVEL 09 ROOF PLANT	24/06/16
A2.211	D	ROOF PLAN	24/06/16
A5.001	D	ELEVATION – NORTH	24/06/16
A5.002	D	ELEVATION – EAST	24/06/16
A5.003	D	ELEVATION – SOUTH	24/06/16
A5.004	D	ELEVATION – WEST	24/06/16
A-03-10	D	AREA PLANS	24/06/16
A-04-10	D	EXTERNAL FINISHES	24/06/16
A-05-00	B	SHADOW DIAGRAMS	24/06/16
Landscape Drawings prepared by Site Design + Studios			
Drawing No.	Revision	Name of Plan	Date
LP01	C	Landscape Plan Ground Floor	05/02/16
LP02	C	Landscape Plan Level 1	05/02/16
LP03	C	Landscape Plan Level 2	05/02/16

Stormwater Drainage Drawings prepared by ACOR Consultants Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
C1.01	A	COVER SHEET AND NOTES	16/12/15
C2.01	A	STORMWATER MANAGEMENT PLAN GROUND FLOOR	16/12/15
C2.02	A	STORMWATER MANAGEMENT PLAN LEVEL 1	16/12/15
C3.01	A	SOIL EROSION AND SEDIMENT CONTROL PLAN AND DETAILS	16/12/15

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.

Lapsing of approval

- A4. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A5. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Secretary as Moderator

- A6. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

Long Service Levy

- A7. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

- A8. Any advice or notice to the consent authority shall be served on the Secretary.

Section 94A Developer Contributions

- A9. In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay section 94A monetary contributions of **\$487,900** to Council. This is based on 1% of the estimated development cost of \$48,790,000 and the *Willoughby City Section 94A Development Contributions Plan 2011*.

To calculate the monetary contributions payable, the proposed cost of development is to be indexed to reflect quantity variations in the Building Price Index (Enterprise Bargaining Agreement) (BPI (EBA)) between the date of the Capital Investment Value Statement in the EIS and the date the levy is to be paid.

In the event that the current BPI (EBA) is less than the previous BPI (EBA), the current BPI (EBA) shall be taken as not less than the previous BPI (EBA). Evidence of payment to Council shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Damage Deposit

- A10. The applicant shall lodge a Damage Deposit of \$140000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$450 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.
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PART B PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- B1. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Subject Site.

Certified Plans

- B2. 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.

Site Contamination

- B3. Remediation approved as part of this development consent shall be carried out in accordance with the *Remediation Action Plan, 10 Herbert Street, St Leonards, NSW*, dated November 2015 and prepared by Parsons Brinckerhoff. A site audit must be carried out by an EPA accredited site auditor as part of the remediation works.
- B4. Upon completion of the remediation works on the subject site, the Applicant shall submit to the Certifying Authority a site audit report and site audit statement prepared by an EPA accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the uses proposed as part of this approval.

Reflectivity

- B5. The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

Access for People with Disabilities

- B6. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia (BCA). 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

- B7. 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

- B8. 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 within the site, infrastructure and roads within the 'zone of influence'. The report must include a photographic record of Council owned property extending to a distance of 50m from the subject site, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip and any retaining walls. 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 falls 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 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 Secretary 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.

Car Parking and Service Vehicle Layout

- B9. Plans demonstrating compliance with the following traffic and parking requirements shall be prepared by a suitably qualified traffic engineer and submitted to the satisfaction of the Certifying Authority prior to the commencement of relevant 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) the layout of the proposed car parking areas that form part of this approval (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage;
 - c) all demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Frederick Street once the regular rail replacement bus services commence due to the planned temporary Epping to Chatswood rail closure;
 - d) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
 - e) all works/ regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority;
 - f) the swept path of the longest vehicle entering and exiting the Subject Site in association with the new work, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement; and
 - g) the driveway from Frederick Street is to be designed in accordance with the Australian Standards AS2890.1-2004 and AS2890.2-2002.
- B10. Plans indicating line marking and signage, of public roads and footways shall be submitted to the relevant roads authority for approval where required.

Structural Details

- B11. 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 demonstrates compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Temporary Ground Anchors

- B12. The applicant shall obtain written permission from all property owners affected by any encroachment either below ground or the air space above as a result of the above works. Design engineering drawings for the temporary ground anchors and written permission from all affected property owners shall be submitted for approval by the Certifying Authority with a copy sent to Council prior to issue of a Construction Certificate.

Mechanical Ventilation

- B13. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the BCA and shall comply with the 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 commencement of works.

Stormwater and Drainage Works Design

- B14. Final design plans of the stormwater drainage systems are to be prepared by a suitably qualified practicing professional, in accordance with the requirements of Council and must be submitted to the Certifying Authority prior to the commencement of works (except for site preparatory works). The hydrology and hydraulic calculations must be based on models described in the current edition of Australian Rainfall and Runoff.

Overland Flow

- B15. Prior to the issue of any Construction Certificate, plans must be provided to the Certifying Authority confirming the development complies with the recommendations outlined in the *Overland Flow Study* (Document No. SY140494_OFS, Issue A) prepared by ACOR Consultants Pty Ltd.

Storage and Handling of Waste

- B16. The building plans and specifications accompanying the relevant plans submitted to the 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. Requirements of these storage areas shall be designed in consultation with Council and shall:
- a) ensure 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.

Storage and Handling of Waste

- B17. The building plans and specifications accompanying the relevant plans submitted to the 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. Requirements of these storage areas shall be designed in consultation with Council and shall:

- a) ensure 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.

Road Design

B18. Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (vehicle crossings, if applicable) and paved footpaths shall be constructed along the areas where road works are to be undertaken. All roads and traffic facilities shall be designed to meet the requirements of Council and Roads and Maritime (RMS) (if applicable) and obtain the necessary permits and approvals from the relevant road authority.

Construction Environmental Management Plan (CEMP)

B19.

- a) Prior to the commencement of works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. 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 suitable qualified person;
 - v) management of dust and odour to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) stormwater control and discharge;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) procedures for encountering groundwater during construction works;
 - x) external lighting in compliance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - xi) an unexpected finds protocol;
 - xii) a spoil removal route plan outlining the entry and exit locations of all heavy vehicle movements;
 - xiii) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and
 - xiv) waste storage, recycling and litter control;
- 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 Council, prior to commencement of work.

B20. The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Noise and Vibration Management Plan

- B21. The Applicant shall prepare and implement a Construction Noise and Vibration Management Plan (CNVMP) and the plan must:
- a) be prepared by a suitably qualified expert and submitted to the Certifying Authority;
 - b) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
 - c) describe the measures that would be implemented to ensure:
 - i. best management practice is being employed;
 - ii. compliance with the relevant conditions of this consent;
 - d) describe the proposed noise and vibration management measures in detail;
 - e) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
 - f) describe the consultation undertaken to develop the strategies in e) above;
 - g) evaluates and reports on the effectiveness of the noise and vibration management measures; and
 - h) include a complaints management system that would be implemented for the duration of the project.
- B22. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan

- B23.
- a) Prior to the commencement of works on the Subject Site, a Construction Waste Management Plan (CWMP) 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 the commencement of work.
 - d) The Applicant must notify the RMS Traffic Management Centre 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.
- B24. The CWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Traffic and Pedestrian Management Plan

- B25.
- a) Prior to the commencement of works on the Subject Site, a Traffic and Pedestrian Management Plan (TMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. 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; and
 - iv) pedestrian and traffic management methods.
- c) The Applicant shall submit a copy of the final plan to the Council, prior to the commencement of works.

B26. The TMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Utility Services

B27. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and telecommunication carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.

B28. 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 provisions of adequate services.

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 am and 5 pm, Mondays to Fridays inclusive;
 - b) between 7 am and 4 pm, Saturdays; and
 - c) no work on Sundays and public holidays.

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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- C3. 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 the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

Approved Plans to be On-site

- C4. 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 Certifying Authority.

Public Transport Operations

- C5. The Applicant shall consult with Transport for NSW to address any outstanding transport issues, particularly in relation to the utilisation of Herbert Street and Frederick Street for bus layovers during the planned temporary closure of the Epping to Chatswood rail line. The Applicant is also to ensure there are no disruptions to existing bus services which may utilise Herbert Street, Frederick Street, Campbell Street and/or Reserve Road.

Road Occupancy Licence

- C6. A Road Occupancy Licence must be obtained from the Transport Management Centre (RMS) for any works that have impact on traffic flows on Frederick Street during construction activities.

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

Construction Noise Management

- C8. 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.
- C9. 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.

- C10. 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 Secretary:
- a) 9 am to 12 pm, Monday to Friday;
 - b) 2 pm to 5 pm Monday to Friday; and
 - c) 9 am to 12 pm, Saturday.
- C11. 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.
- C12. 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

- C13. 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 6472 – Guide to Evaluate Human Exposure to Vibration in Buildings (1 Hz to 80 Hz) for low probability of adverse comment.
- C14. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- C15. These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Secretary.

Temporary Ground Anchors - Supervisions

- C16. A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of the ground anchors. On completion, a report from the Geotechnical Engineer shall be submitted to Council.

A Chartered Professional Engineer shall monitor adjoining public infrastructure to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

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/Fencing 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; and

- c) the applicant shall submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

- C19. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

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 Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all projects/sites.

Green Star Certification – Construction

- C21. The Applicant is to demonstrate environmentally sustainable development practices during construction and ensure the proposal meets sustainability benchmarks by obtaining a Green Star certification (Design & As Built) from the Green Building Council of Australia.

Street Signs

- C22. The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

Neighbouring Buildings

- C23. If development involves an excavation that extends below the level of the base of the footings of a building on an adjoining property, the applicant must:
- a) protect and support the adjoining premises from possible damage from the excavation;
 - b) if necessary, underpin and support the adjoining premises to prevent any such damage; and
 - c) at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. The 'allotment of land' includes a public road and any other public place.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Bicycle Spaces

- D1. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

Surveillance

- D2. CCTV shall be provided on the external perimeter of the building and car park and within Level 1 (ground floor) of the car park (including the bicycle storage area).

Mechanical Ventilation

- D3. 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 final occupation of the new building, that the installation and performance of the mechanical systems complies with:
- a) The BCA;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The development consent and any relevant modifications; and
 - d) Any dispensation granted by the NSW Fire Brigade.

Road Damage

- D4. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the final occupation of the new hospital building.

Compliance Certificate

- D5. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the building.

Post-construction Dilapidation Report

- D6. Prior to final 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 or infrastructure.
 - b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, 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 Council.

Temporary Ground Anchors – Destressing

- D7. Any damage to public infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Council, at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons upon completion of works. A certificate issued by a suitably qualified Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to the Certifying Authority and Council.

Fire Safety Certification

- D8. Prior to the final occupation of the new hospital 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. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D9. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the relevant parts of the new hospital 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; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Signage

- D10. Way-finding signage and signage identifying public car parks for patients and visitors shall be installed prior to occupation.
- D11. Bicycle way-finding signage shall be installed to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.

Stormwater Quality Management Plan

- D12. An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality measures remain effective. The Plan must contain the following:
- a) maintenance schedule of all stormwater quality treatment devices;
 - b) record and reporting details;
 - c) maintenance costs and funding arrangements for the maintenance of all stormwater quality treatment devices;
 - d) vegetation species list associated with each type of vegetated stormwater treatment device;
 - e) waste management and disposal;
 - f) traffic control measures (if required);
 - g) relevant contact information;

- h) renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices; and
- i) Work Health and Safety requirements.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation.

Onsite Stormwater Management System

- D13. Stormwater runoff from the site shall be collected and disposed of in accordance with Sydney Water requirements, the NSW Code of Practice – Plumbing and Drainage, the Willoughby DCP and Technical Standards. All storage outlet pipes from the onsite detention tank shall be located above the 1 in 100 year ARI level.

Work-as-executed plans are to be prepared by a registered surveyor shall be submitted to the Certifying Authority verifying the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted on the approved stormwater management plans.

Basement Pump-Out Drainage System

- D14. The as-built basement drainage pump-out system must comply with Part C5 of the Willoughby DCP and all relevant codes and standards.

Work-as-executed plans are to be prepared by a registered surveyor shall be submitted to the Certifying Authority verifying the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted on the approved pump-out system plans.

Certification of Stormwater Works

- D15. A suitably qualified civil engineer shall confirm to the Certifying Authority that the as-built stormwater drainage system in Frederick Street has been constructed in accordance with the approved plans and complies with the Willoughby DCP and Technical Standards.

Public Infrastructure Restoration

- D16. Prior to the release of the Damage Deposit, any damage to public infrastructure as a result of the construction works must be fully repaired in accordance with Council's specification and AUS-SPEC, at no cost to Council.

Mechanical Ventilation Systems

- D17. Mechanical ventilation systems that comprise water cooling, and/or evaporative cooling shall be registered with Council in accordance with the requirements of the *Public Health Act 2010* and *Public Health Regulations 2012*.

Screening of Rooftop Plant/Structures

- D18. Any rooftop or exposed structures including lift motor rooms, plant rooms etc., together with air conditioning, ventilation and exhaust systems are to be suitably screened and integrated within the building design.

PART E POST OCCUPATION

Public Transport Operations

- E1. All feasible measures are to be undertaken on an ongoing basis to prevent any impediments on the Metrobus M20 high frequency bus service, in consultation with Transport for NSW.
- E2. The applicant is to prepare and implement a Workplace Travel Plan to ensure getting to and from the workplace is easier for employees, and to reduce dependence on private vehicle usage.

Unobstructed Driveways and Parking Areas

- E3. All driveways, footways and parking areas shall be unobstructed at all times. Driveways, footways and car spaces shall not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and shall be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Noise Control – Plant and Machinery

- E4. 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 sensitive receiver.
- E5. The Applicant shall undertake a noise monitoring program for a minimum period of one week following the commencement of operations on the Subject Site. The monitoring program shall be undertaken by an appropriately qualified person and monitoring reports shall be submitted to the Department within two months of commencement of operations to verify that operational noise levels do not exceed the noise objectives identified in *Northside Clinic, St Leonards, Development Application, Noise Impact Assessment* (Report No. 15363, Version A) prepared by Wilkinson Murray Pty Ltd and dated December 2015. Should the noise monitoring program identify any exceedance 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.

Loading and Unloading

- E6. 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.

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.

Green Star Certification – Operational

- E10. The Applicant is to demonstrate environmentally sustainable development practices during operation of the facility and ensure the proposal meets sustainability benchmarks by obtaining a Green Star certification (Performance) from the Green Building Council of Australia.

Safer by Design

- E11. The Applicant is to demonstrate Crime Prevention Through Environmental Design principles through incorporation of the following design elements:
- a) in order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS 1158 standard is to be provided to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, including the waste storage areas. This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage;
 - b) the ceiling of the parking area (excluding the insulation below air conditioned spaces) shall be painted a gloss white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels;
 - c) the design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other;
 - d) the means to isolate visitors and residents/staff components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control;
 - e) adequate signage within the development to identify facilities, entry/exit points and direct movement within the development;
 - f) all medical stores must be locked;
 - g) all doors that give external access to the streets are to be locked and alarmed;
 - h) mobile panic alert alarms are to be provided to staff and fixed panic alarms are to be provided throughout the premise; and
 - i) CCTV is to be installed to monitor the basement car parking areas.
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ADVISORY NOTES

Appeals

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (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*.

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.

Use of Mobile Cranes

AN4. 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 four 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.

Temporary Structures

AN5.

- 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 BCA.
- 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

AN6. 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 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 BCA 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

AN7.

- a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) 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 matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the EP&A Act. 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 EPBC Act does not have application. The EPBC 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

- AN8. 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 NOHSC: "Code of Practice for the Safe Removal of Asbestos".

Site contamination issues during construction

- AN9. 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.