Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

David Gainsford
Executive Director
Priority Projects

Sydney 18th February 2019

SCHEDULE 1

Application Number:	SSD 9241
Applicant:	Health Infrastructure
Consent Authority:	Minister for Planning
Site:	Campbelltown Hospital, Therry Road, Campbelltown (Lot 6 DP1058047)
Development:	Construction and operation of Stage 2 of the redevelopment of Campbelltown Hospital involving the demolition of existing structures, construction of a new 13 storey clinical services building with rooftop helipad, a new multi-storey connection (hospital spine) between the main hospital buildings and associated works including alterations to access and parking, tree removal and landscaping.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the *National Parks and Wildlife Act 1974*
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the *National Parks and Wildlife Act 1974*
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
AHIMS	Aboriginal Heritage Information Management System
Applicant	Health Infrastructure or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	*Biodiversity Conservation Act 2016*
CEMP	Construction Environmental Management Plan
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, *Strata Schemes (Freehold Development) Act 1973* and *Strata Schemes (Leasehold Development) Act 1986* or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following: • building and road dilapidation surveys; • investigative drilling, investigative excavation or Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
Council	Campbelltown City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the construction and operation of the clinical services building, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled *Environmental Impact Statement Campbelltown Hospital Redeployment Therry Road, Campbelltown*, prepared by Ethos Urban dated 10 August 2018 submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material

Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the *Heritage Act 1977,* and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the *National Parks and Wildlife Act 1974'*, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance *Note: "material harm" is defined in this consent*
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Section 8 of the EIS.
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW RFS	New South Wales Rural Fire Service
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*

Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1.
Site Auditor	As defined in section 4 of the *Contaminated Land Management Act 1997*
Site Audit Report	As defined in section 4 of the *Contaminated Land Management Act 1997*
Site Audit Statement	As defined in section 4 of the *Contaminated Land Management Act 1997*
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

A2. The development may only be carried out:

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

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

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

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

Architectural Drawings prepared by *Billard Leece Partnership Pty Ltd*			
Dwg No.	**Rev**	**Name of Plan**	**Date**
SSD-01-002	G	Plan – Site Plan – Demolition	07/11/2018
SSD-01-003	L	Plan – Site Plan Proposed Works	07/11/2018
SSD-02-003	G	Plan – Site Access Proposed	07/11/2018
SSD-03-020	G	Plan – Proposed – L03 – Roadworks – Sheet 1	07/11/2018
SSD-03-021	E	Plan – Proposed – L03 – Roadworks – Sheet 2	07/11/2018
SSD-03-000[H]		Plan – Level L00	30/10/2018
SSD-03-001[H]		Plan – Level L01	30/10/2018
SSD-03-002[J]		Plan – Level L02	30/10/2018
SSD-03-003[H]		Plan – Level L03	30/10/2018
SSD-03-004[H]		Plan – Level L04	30/10/2018
SSD-03-005[H]		Plan – Level L05	30/10/2018
SSD-03-006[H]		Plan – Level L06	30/10/2018
SSD-03-007[H]		Plan – Level L07	30/10/2018
SSD-03-008[H]		Plan – Level L08	30/10/2018
SSD-03-009[H]		Plan – Level L09	30/10/2018
SSD-03-010[H]		Plan – Level L10	30/10/2018
SSD-03-011[J]		Plan – Level L11	30/10/2018
SSD-03-012[J]		Plan – Level L12	30/10/2018
SSD-04-001	H	Sections – Sheet 1	30/10/2018
SSD-04-002	H	Sections – Sheet 2	30/10/2018
SSD-04-003	G	Sections – Sheet 3	30/10/2018
SSD-04-006	G	Elevations – North & West	30/10/2018
SSD-04-007	G	Elevations – South & East	30/10/2018
SSD-04-013	B	Material Schedule	05/09/2018
Landscape Plans prepared by *Arcadia Landscape Architecture*			
Dwg No.	**Rev**	**Name of Plan**	**Date**
LA01	F	Landscape Masterplan	November
LA-ARC-LA02	C	Landscape Graphic Masterplan	September 2018

LA-ARC-LA03	C	Landscape Graphic Masterplan Ground	September 2018
LA-ARC-LA04	C	Ravine Entry Road Precinct	September 2018
LA-ARC-LA05	C	Ravine Landscape Section Entry Road Precinct	September 2018
LA-ARC-LA06	D	Cave Hospital Entry Precinct + Courtyards	January 2019
LA-ARC-LA07	D	Outcrop Landscape External Courtyards	January 2019
LA-ARC-LA08	C	Outcrop Emergency Entry + Carpark Precinct	September 2018
LA-ARC-LA09	C	Outcrop Landscape Areas Adjacent to Building 3B	September 2018
LA-ARC-LA10	C	Outcrop Landscape Areas on Eastern Side of Building	September 2018
LA-ARC-LA11	D	Gully Enclosed Landscape Courtyards	January 2019
LA-ARC-LA15	D	Landscape Graphic Masterplan Upper Levels 1, 2 & 3	January 2019
LA-ARC-LA16	D	Landscape Graphic Masterplan Upper Levels 4 & 5	January 2019
LA-ARC-LA17	D	Landscape Graphic Masterplan Upper Levels 6, 7, 8 & 9	January 2019
LA-ARC-LA18	C	Landscape Podium Sections Level 02 Open Space	September 2018
LA-ARC-LA19	C	Landscape Podium Sections Level 04 Mental Health Courtyard	September 2018
LA-ARC-LA20	C	Landscape Indicative Materials Palette	September 2018
LA-ARC-LA21	C	Landscape Indicative Materials Palette	September 2018
LA-ARC-LA22	C	Landscape Indicative Materials Palette	September 2018
LA-ARC-LA23	C	Landscape Typical Landscape Details	September 2018
LA-ARC-LA24	C	Planting Palette Ground Floor Entrances + Car Parks – River-Flat Eucalypt Forest and Cumbirland Plain	September 2018
LA-ARC-LA25	C	Planting Palette Internal Courtyards – Western Sydney Dry Rainforest	September 2018
LA-ARC-LA26	C	Planting Palette Mental Health Courtyards	September 2018
LA-ARC-LA27	D	Planting Schedule	January 2019

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and

(b) the implementation of any actions or measures contained in any such document referred to in (a) above.

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

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

Prescribed Conditions

A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Long Service Levy

A8. For work costing $25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

Evidence of Consultation

A10. Where conditions of this consent require consultation with an identified party, the Applicant must:

(a) consult with the relevant party prior to submitting the subject document for information or approval; and

(b) provide details of the consultation undertaken including:

(i) the outcome of that consultation, matters resolved and unresolved; and

(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging, Combining and Updating Strategies, Plans or Programs

A11. With the approval of the Planning Secretary, the Applicant may:

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

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

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

A12. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A13. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Demolition

A14. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

Structural Adequacy

A15. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

External Walls and Cladding

A16. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Design and Construction for Bush Fire

A17. Water, electricity and gas services are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bush Fire Protection 2006*.

Applicability of Guidelines

A18. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

A19. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

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

Access to Information

A20. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

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

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

(ii) all current statutory approvals for the development;

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

(iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;

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

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

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

(viii) a complaints register, updated monthly;

(ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;

(x) any other matter required by the Planning Secretary; and

(b) keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance

A21. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

ADVISORY NOTES

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

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

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

Certified Drawings

B2. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

(a) the relevant clauses of the BCA; and

(b) this development consent.

Reflectivity

B3. The building materials used on the facades of all buildings will be designed so as not to result in glare that causes discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating consistency with this requirement will be submitted to the satisfaction of the Certifying Authority prior to the commencement of above ground works.

External Walls and Cladding

B4. Prior to the commencement of construction, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA.

The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Protection of Public Infrastructure

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

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

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

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

Site Contamination

B6. Following demolition works, further investigation of building footprints is to be undertaken in accordance with the Detailed Site Investigation prepared by Douglas Partners dated August 2018. A report outlining the findings of the investigations and a review of the report by a NSW EPA accredited Site Auditor are to be submitted to the satisfaction of the Certifying Authority. Should the investigations identify that remediation works are required, a Remediation Action Plan (RAP) is to be prepared and reviewed by a NSW EPA accredited Site Auditor to confirm that the RAP is appropriate.

B7. Within one month of the completion of remediation works (where required) the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the ongoing use as a hospital and be provided to the satisfaction of the Certifying Authority.

Unexpected Contamination Procedure

B8. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition B30 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Utilities and Services

B9. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

B10. Prior to the commencement of above ground works written advice must 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.

Community Communication Strategy

B11. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

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

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

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

(d) set out procedures and mechanisms:

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

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

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

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

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

Ecologically Sustainable Development

B12. Prior to the commencement of construction, the Applicant must register for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifying Authority, unless the NSW Health Engineering Services Guidelines are updated demonstrating equivalency with an accredited rating scheme to the satisfaction of the Planning Secretary.

Outdoor Lighting

B13. Prior to commencement of construction, all outdoor lighting during construction within the site must comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Lighting must also comply with any recommendations of the review undertaken under Condition B39 to ensure the ongoing safe operation of the existing

helipad on the site. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority.

Access for People with Disabilities

B14. 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 BCA. Prior to the commencement of construction, 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.

Mechanical Ventilation

B15. All mechanical ventilation systems must be designed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction.

Roadworks and Access

B16. Prior to the commencement of construction of the relevant work, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed Therry Road access to the development is designed to accommodate the turning path of the largest vehicle accessing the site.

B17. Prior to the commencement of construction of the relevant work, the Applicant must submit design plans to the satisfaction of Certifying Authority which demonstrate that the proposed internal roads to be traversed by bus services are bus capable as specified by TfNSW.

Car Parking and Service Vehicle Layout

B18. Compliance with the following requirements must be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction:

(a) all vehicles must enter and leave the Site in a forward direction;

(b) the 52 on-site car parking spaces to be provided in the development are designed in accordance with the latest version of AS2890.1;

(c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with AUSTROADS; and

(d) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Road Design and Traffic Facilities

B19. All roads and traffic facilities must be designed to meet the requirements of Council or RMS (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

B20. The new Appin Road access must be designed and constructed in accordance with RMS requirements including the following:

(a) The deceleration lane on Appin Road must be designed to meet RMS requirements and be certified by a suitably qualified practitioner. The design must be in accordance with AUSTROADS and other Australian Codes of Practice. Certified copies of the civil design plans must be submitted to RMS for approval prior to the commencement of road or pavement construction works.

(b) Swept path plans must be provided for the largest vehicles accessing the site from Appin Road for RMS review. The access must cater for the simultaneous entry / exit of vehicles. If the access is used for construction access, additional turning paths must be provided for the largest construction vehicles accessing the site.

(c) A 3.5 metre wide strip of land along the full length of the deceleration lane must be dedicated as public road at no cost to RMS prior to the commencement of road or pavement construction works.

(d) The Applicant is responsible for all public utility adjustment or relocation works necessitated by the Appin Road works and as required by the various public utility authorities and / or their agents.

(e) The Applicant must carry out works to remove the existing deceleration lane and vehicular crossing to Appin Road at no cost to RMS.

(f) The Applicant must enter into a Works Authorisation Deed for the Appin Road works.

(g) A plan checking fee and lodgement of a performance bond are required from the Applicant prior to the release of the approved road design plans by RMS.

(h) A Road Occupancy Licence must be obtained from the Transport Management Centre for any works that may impact on traffic flows on Appin Road during construction activities.

(i) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system must be submitted to RMS for approval prior to the commencement of any road construction or associated drainage works.

***Note**: The Works Authorisation Deed will need to be executed prior to RMS's assessment of the detailed civil design plans. The plan checking fee will be payable and a performance bond may be required before RMS approval is issued.*

End-of-Trip Facilities

B21. Compliance with the following requirements for end-of-trip facilities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction:
a) the provision of end-of-trip facilities for staff in accordance with the Response to Submissions;
b) appropriate pedestrian and cyclist advisory signs are to be provided; and
c) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Public Domain Works

B22. Prior to the commencement of any footpath or public domain works (where proposed), the Applicant must consult with Council and / or RMS and demonstrate to the Certifying Authority that the streetscape design and treatment meets the requirements of Council and / or RMS, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifying Authority.

Stormwater Management System

B23. Prior to the commencement of construction, the Applicant must design a stormwater management system for the development and submit it to the satisfaction of the Certifying Authority. The system must:

(a) be designed by a suitably qualified and experienced person(s);

(b) be generally in accordance with the conceptual design in the EIS as modified in the Response to Submissions;

(c) be in accordance with applicable Australian Standards;

(d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

Flood Management

B24. Prior to the commencement of construction (excluding demolition), evidence must be provided to the satisfaction of the Certifying Authority that flood mitigation measures set out in the Response to Submissions have been implemented.

Operational Noise – Design of Mechanical Plant and Equipment

B25. Prior to commencement of construction, the Applicant must incorporate the noise mitigation recommendations in the Acoustic Report prepared by ARUP dated 27 July 2018, into the

detailed design drawings. The Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Acoustic Report.

Biodiversity

B26. Prior to carrying out development that will impact on biodiversity values, the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

Table 1 *Ecosystem credits required to be retired*

Plant community type	Vegetation formation	Area to be impacted	Credits required
850 - *Grey Box - Forest Red Gum grassy woodland on shale of the Cumberland Plain, Sydney Basin Bioregion*	Coastal Valley Grassy Woodlands	0.12	3

B27. The requirement to retire credits in condition B26 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

B28. Evidence of retirement of credits or payments to the Biodiversity Conservation Fund in satisfaction of condition B26 must be provided to the Planning Secretary for approval prior to carrying out development that will impact on biodiversity values.

Environmental Management Plan Requirements

B29. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:

(a) detailed baseline data;

(b) details of:

(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);

(ii) any relevant limits or performance measures and criteria; and

(iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

(c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;

(d) a program to monitor and report on the:

(i) impacts and environmental performance of the development;

(ii) effectiveness of the management measures set out pursuant to paragraph (c) above;

(e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;

(f) a program to investigate and implement ways to improve the environmental performance of the development over time;

(g) a protocol for managing and reporting any:

(i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);

(ii) complaint;

(iii) failure to comply with statutory requirements; and

(h) a protocol for periodic review of the plan.

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

Construction Environmental Management Plan

B30. The Applicant must prepare a Construction Environmental Management Plan (CEMP) and it must include, but not be limited to, the following:

(a) Details of:

(i) hours of work;

(ii) 24-hour contact details of site manager;

(iii) management of dust and odour to protect the amenity of the neighbourhood;

(iv) stormwater control and discharge;

(v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;

(vi) groundwater management plan including measures to prevent groundwater contamination;

(vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;

(viii) community consultation and complaints handling;

(ix) measures to ensure the ongoing safe operation of the existing helipad on the site identified in the review undertaken in accordance with Condition B39.

(b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B32);

(c) Construction Noise and Vibration Management Sub-Plan (see condition B33);

(d) Construction Waste Management Sub-Plan (see condition B34);

(e) Construction Soil and Water Management Sub-Plan (see condition B35);

(f) Flood Emergency Response Sub-Plan (see condition B36);

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

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

(i) 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

B31. The Applicant must not commence construction of the development until the CEMP is approved by the Certifying Authority and a copy submitted to the Planning Secretary.

B32. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must address, but not be limited to, the following:

(a) be prepared by a suitably qualified and experienced person(s);

(b) be prepared in consultation with Council, RMS and TfNSW;

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

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

(e) ensure all demolition and construction vehicles (excluding worker vehicles) are to be contained wholly within the Site and vehicles must enter the Site before stopping;

(f) include a Driver Code of Conduct to:

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

(ii) minimise conflicts with other road users;

(iii) minimise road traffic noise; and

(iv) ensure truck drivers use specified routes;

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

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

B33. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:

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

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

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

(d) include strategies that have been developed with the community for managing high noise generating works;

(e) describe the community consultation undertaken to develop the strategies in condition B16(d); and

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

B34. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:

(a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;

(b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

B35. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:

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

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

(c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);

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

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

B36. The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:

(a) be prepared by a suitably qualified and experienced person(s);

(b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);

(c) include details of:

(i) the flood emergency responses for the construction phase of the development;

(ii) predicted flood levels;

(iii) flood warning time and flood notification;

(iv) assembly points and evacuation routes;

(v) evacuation and refuge protocols; and

(vi) awareness training for employees and contractors.

Construction Worker Transportation Strategy

B37. Prior to the commencement of construction, a Construction Worker Transportation Strategy must be submitted to the satisfaction of the Certifying Authority. The Strategy must detail measures to ensure that construction traffic associated with the development does not utilise nearby public and residential streets or public parking facilities. The Strategy must detail the provision of sufficient parking facilities for construction workers as set out in the Response to Submissions in combination with other measures proposed to encourage travel modes which do not result in additional demand for parking.

Construction and Demolition Waste Management

B38. The Applicant must notify the RMS Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

Existing Helipad / Helicopter Operations During Construction

B39. Prior to the commencement of construction, helipad / helicopter operations at the site are to be reviewed by a suitably qualified and experienced aviation professional in consultation with relevant stakeholders. The review must consider the proposed construction methodology including plant and equipment to be used (including lighting and cranes) and recommend changes to the construction methodology and / or flight paths where required to ensure safe ongoing helicopter operations at the site. A report summarising the outcome of the review must be submitted to the Certifying Authority.

Proposed Helipad Design

B40. Prior to the construction of the proposed helipad, a report prepared by a suitably qualified and experienced aviation professional must be submitted to the satisfaction of the Certifying Authority which states that the design of the helipad incorporates the relevant details outlined in Civil Aviation Safety Authority Civil Aviation Advisory Publication *CAAP 92-2(2) Guidelines for the establishment* and other relevant National and International guidelines.

Proposed Helipad Operations

B41. Prior to the construction of the helipad, future ongoing helicopter operations to the site are to be reviewed by a suitably qualified and experienced aviation professional. Proposed flight paths to the helipad must be identified in consultation with relevant stakeholders in accordance with Civil Aviation Safety Authority Civil Aviation Advisory Publication *CAAP 92-2(2) Guidelines for the establishment* and other relevant National and International guidelines. A report summarising the outcome of the review and a Three-dimensional Visual Flight Rules Approach and Departure Path and Transitional Surface Survey must be submitted to the satisfaction of Certifying Authority and a copy submitted to the Department and Council.

Compliance Reporting

B42. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.

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

The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.

B43. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

PART C DURING CONSTRUCTION

Approved Plans to be On-site

C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Site Notice

C2. A site notice(s):

(a) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.

(b) is to satisfy all but not be limited to, the following requirements:

(i) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;

(ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;

(iii) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and

(iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

C3. All plant and equipment used on site, or to monitor the performance of the development must be:

a) maintained in a proper and efficient condition; and

b) operated in a proper and efficient manner.

Demolition

C4. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

Construction Hours

C5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

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

(b) between 8am and 3pm, Saturdays.

Preparatory activities (but no construction work) may also be undertaken from 6.30am Monday to Fridays and from 7am on Saturdays.

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

C6. Activities may be undertaken outside of the hours in condition C5 if required:

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

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

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

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

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

C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

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

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

(c) 9am to 12pm, Saturday.

Implementation of Management Plans

C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

Construction Traffic

C9. All construction vehicles (excluding worker vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.

Road Occupancy Licence

C10. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

C11. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

C12. The following hoarding requirements must be complied with:

(a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;

(b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and

(c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

C13. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Construction Noise Limits

C14. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

C15. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C5.

C16. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.

C17. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

Vibration Criteria

C18. Vibration caused by construction at any residence or structure outside the site must be limited to:

(a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and

(b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

C19. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C18.

C20. The limits in conditions C18 and C19 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B33 of this consent.

Tree Protection

C21. For the duration of the construction works:

(a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;

(b) all street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;

(c) all trees on the site that are not approved for removal must be suitably protected during construction as per recommendations of the Arboricultural Impact Assessment prepared by Ecological Australia dated 7 December 2018; and

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

Dust Minimisation

C22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C23. During construction, the Applicant must ensure that:

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

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

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

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

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

Air Quality Discharges

C24. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

Erosion and Sediment Control

C25. All erosion and sediment control measures, must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Imported Soil

C26. The Applicant must:

(a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;

(b) keep accurate records of the volume and type of fill to be used; and

(c) make these records available to the Department or Certifying Authority upon request.

Disposal of Seepage and Stormwater

C27. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.

Unexpected Finds Protocol – Aboriginal Heritage

C28. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of OEH.

Unexpected Finds Protocol – Historic Heritage

C29. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the OEH Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage Division of the OEH.

Waste Storage and Processing

C30. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

C31. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

C32. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste of spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.

C33. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

Handling of Asbestos

C34. The Applicant is to consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Independent Environmental Audit

C35. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.

C36. No later than four weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.

C37. Table 1 of the Independent Audit Post Approval Requirements (Department 2009) is amended so that the frequency of audits required in the construction phase is:

(a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and

(b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.

In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks notice to the applicant of the date upon which the audit must be commenced.

C38. Independent Audits of the development must be carried out in accordance with:

(a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C36 of this consent; and

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

C39. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:

(a) review and respond to each Independent Audit Report prepared under condition C38(a) of this consent;

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

(c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.

C40. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

Incident Notification, Reporting and Response

C41. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

C42. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

C43. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

C44. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C45. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

C46. Within three months of:

(a) the submission of a compliance report under condition B42;

(b) the submission of an incident report under condition C42;

(c) the submission of an Independent Audit under condition C39;

(d) the approval of any modification of the conditions of this consent; or

(e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

C47. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Certifying Authority. Where revisions are required, the revised document must be submitted to the Certifying Authority for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

Operational Noise – Design of Mechanical Plant and Equipment

C48. Prior to commencement of the installation and associated construction of plant and equipment, a detailed operational noise and vibration impact assessment shall be submitted to the Certifying Authority and the Department. The assessment must:

(a) prepared by a suitably qualified person.

(b) detail the operational noise and vibration sources and activities, including mechanical plant.

(c) outline all feasible and reasonable noise and vibration mitigation and management measures to be implemented.

(d) demonstrate that noise levels will not exceed the recommended operational noise levels identified in the Acoustic Report prepared by ARUP dated 27 July 2018.

The Applicant must incorporate the noise mitigation recommendations in the Acoustic Report prepared by ARUP dated 27 July 2018 into the detailed design drawings.

The Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Acoustic Report.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Notification of Occupation

D1. The date of commencement of the occupation of the development must be notified to the Department in writing, at least one month before occupation. If the operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

External Walls and Cladding

D2. Prior to the occupation of the building, the Applicant must provide the Certifying Authority with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

D3. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Protection of Public Infrastructure

D4. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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

Post-construction Dilapidation Report

D5. Prior to occupation of the building, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:

a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure.

b) 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) to be forwarded to Council.

Utilities and Services

D6. Prior to occupation of the building, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Roadworks and Access

D7. The Applicant must complete the Appin Road and Therry Road access works prior to occupation of the building.

Works as Executed Plans

D8. Prior to occupation of the building, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority.

Green Travel Plan

D9. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Green Travel Plan to the satisfaction of the Certifying Authority. The Green Travel Plan must:

(a) be prepared in consultation with TfNSW;

(b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives;

(c) include performance targets for reductions in staff travel by car to the site consistent with those assumed in the Parking Demand Study & Traffic Assessment prepared by PTC dated 10 October 2017 included in the Response to Submissions;

(d) set out measures to encourage staff to park in dedicated staff car parks; and

(e) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

D10. The Applicant must not commence operation until the Green Travel Plan is submitted to the Certifying Authority.

Evacuation and Emergency Planning

D11. Prior to the operation of the development, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December 2014.

Mechanical Ventilation

D12. Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to the final occupation, that the installation and performance of the mechanical systems complies with:

(a) the BCA;

(b) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;

(c) the development consent and any relevant modifications; and

(d) any dispensation granted by the NSW Fire Brigade.

Car Parking Arrangements

D13. Unless otherwise agreed by the Planning Secretary, occupation or commencement of use of the building must not occur until evidence to the satisfaction of the Certifying Authority is submitted demonstrating that a minimum of 1865 car parking spaces are available to staff and visitors on the site.

D14. Prior to the occupation of the building, a car parking wayfinding strategy shall be submitted to the Certifying Authority which details proposed measures, such as the installation of signage, to advise of, and direct drivers to, the various car parking facilities available across the site.

Road Damage

D15. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to commencement of use of any stage of the development.

Fire Safety Certification

D16. Prior to the final occupation, a Fire Safety Certificate must 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

D17. 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 any new or refurbished buildings. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

(a) the site has been periodically inspected and the Certifying Authority 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.

(c) person/s authorised to, for the life of the development.

Stormwater Quality Management Plan

D18. Prior to occupation of the building, an Operation and Maintenance Plan (OMP) is to be prepared to ensure proposed stormwater quality measures remain effective. The OMP must contain the following:

(a) maintenance schedule of all stormwater quality treatment devices;

(b) record and reporting details;

(c) relevant contact information; and

(d) Work Health and Safety requirements.

D19. Details demonstrating compliance must be submitted to the Certifying Authority prior to occupation.

Warm Water Systems and Cooling Systems

D20. The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 2 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

D21. To ensure that lighting of the building is sympathetic to the suburban environment and does not emphasise the scale of the building, the Applicant must prepare a lighting strategy for the proposed building in consultation with Council. The strategy shall be submitted to the satisfaction of the Certifying Authority prior to the occupation of the building and a copy provided to the Department and Council.

D22. The Applicant shall ensure the installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers. Outdoor lighting must:

(a) comply with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and

(b) be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

D23. The Applicant must ensure that the installed lighting associated with the development achieves the objective of not causing distraction to helicopter operations associated with the proposed helipad having regard to the advice of a suitably qualified and experienced aviation professional and relevant National and International guidelines.

D24. Upon installation of outdoor lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with conditions D21 and D22.

Signage

D25. Wayfinding signage and signage identifying the location of staff and public car parking must be installed prior to occupation.

D26. Bicycle wayfinding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.

Operational Waste Management Plan

D27. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Department/Certifying Authority. The Waste Management Plan must:

(a) detail the type and quantity of waste to be generated during operation of the development;

(b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);

(c) detail the materials to be reused or recycled, either on or off site; and

(d) include the Management and Mitigation Measures included in Section 8 of the EIS.

Site Audit Report and Site Audit Statement

D28. Prior to occupation of the building, where required by the unexpected contamination procedure prepared under condition B8 the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use(s).

Long Term Environmental Management Plan

D29. The Applicant must prepare a Long Term Environmental Management Plan (LTEMP), to the satisfaction of the Planning Secretary. The plan must:

(a) be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Planning Secretary in consultation with EPA;

(b) be submitted to EPA for review and be approved by the Planning Secretary within one month of the completion of remediation works, unless otherwise agreed by the Planning Secretary; and

(c) include, but not be limited to:

(i) a description of the nature and location of any contamination remaining on site;

(ii) provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell;

(iii) a description of the procedures for managing any leachate generated from the containment cell, including any requirements for testing, pumping, treatment and/or disposal;

(iv) a description of the procedures for monitoring the integrity of the containment cell;

(v) a surface and groundwater monitoring program;

(vi) mechanisms to report results to relevant agencies;

(vii) triggers that would indicate if further remediation is required; and

(viii) details of any contingency measures that the Applicant is to carry out to address any ongoing contamination.

D30. Upon completion of the remediation works, the Applicant must manage the site in accordance with the LTEMP and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997.*

Landscaping

D31. Prior to occupation of the building, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Certifying Authority. The plan must:

(a) detail the number and species of plants to be planted on-site;

(b) describe the monitoring and maintenance measures to manage revegetation and landscaping works;

(c) be consistent with the Applicant's Management and Mitigation Measures at detailed in the EIS; and

(d) be consistent with the landscape plans listed in condition A2(d).

D32. The Applicant must not commence operation until the Landscape Management Plan is submitted to the Certifying Authority and landscaping is implemented on site.

Operational Flood Emergency Management Plan

D33. An Operational Flood Emergency Response Plan (OFEMP) must be prepared in consultation with Council and the NSW State Emergency Service. The OFEMP must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the building and must address, but not be limited to, the following:

(a) be prepared by a suitably qualified and experienced person(s);

(b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);

(c) include details of:

(i) the flood emergency responses for the operational phases of the development;

(ii) predicted flood levels;

(iii) flood warning time and flood notification;

(iv) assembly points and evacuation routes;

(v) evacuation and refuge protocols; and

(vi) awareness training for employees and contractors.

Compliance with Food Code

D34. The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas (where proposed) have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises*. The Applicant must provide evidence of receipt of the certificate (where required) to the satisfaction of the Certifying Authority prior to occupation.

PART E POST OCCUPATION

Operation of Plant and Equipment

E1. All plant and equipment used on site, or to monitor the performance of the development must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

Community Communication Strategy

E2. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Operational Noise Limits

E3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Acoustic Report prepared by ARUP dated 27 July 2018.

E4. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry*. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within six months of occupation of the building to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Acoustic Report. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

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

Green Travel Plan

E6. The Green Travel Plan required by condition D9 of this consent must be reviewed and updated on an annual basis. The review must consider the performance of the Plan against the specified targets and specify additional measures where required for implementation.

Parking Demand Study

E7. Within 12 months of the occupation of the building and again at three years from occupation, a parking demand study must be submitted to the Department to verify the parking demand on site estimated in the EIS and Response to Submissions to meet demand generated by the development. Where parking demand is found to exceed the parking capacity of the site, measures should be identified to manage existing demand, improve utilisation of existing on site parking and / or where necessary provide additional parking facilities on site to meet that demand. Evidence of implementation of additional parking measures (where required) must be submitted to the Planning Secretary within 12 months of the conclusion of the study.

Outdoor Lighting

E8. Notwithstanding Condition D22, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Fire Safety Certificate

E9. 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.

Landscaping

E10. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D31 for the duration of occupation of the development.

Hazards and Risk

E11. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

(a) the requirements of all relevant Australian Standards; and

(b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual'* if the chemicals are liquids.

E12. In the event of an inconsistency between the requirements of condition E11(a) and E11(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

E13. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Discharge Limits

E14. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Bunding

E15. The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

Ecologically Sustainable Development

E16. Within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star As Built rating unless updated NSW Health Engineering Services Guidelines are accepted by the Planning Secretary. Evidence of the certification or other evidence as agreed with the Planning Secretary in updated NSW Health Engineering Services Guidelines, must be provided to the Certifying Authority and the Planning Secretary.

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C42 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
   a. identify the development and application number;
   b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
   c. identify how the incident was detected;
   d. identify when the applicant became aware of the incident;
   e. identify any actual or potential non-compliance with conditions of consent;
   f. describe what immediate steps were taken in relation to the incident;
   g. identify further action(s) that will be taken in relation to the incident; and
   h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
   a. a summary of the incident;
   b. outcomes of an incident investigation, including identification of the cause of the incident;
   c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
   d. details of any communication with other stakeholders regarding the incident.