Infrastructure Approval

Section 5.19 of the Environmental Planning and Assessment Act 1979

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

These conditions are required to:

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

David Gainsford
Executive Director
Infrastructure Assessments

Sydney 6th December 2019

SCHEDULE 1

Application Number:	SSI 9775
Proponent:	Health Administration Corporation
Approval Authority:	Minister for Planning and Public Spaces
Site:	Metford Road, Metford (Lot 7314 DP 1162607 and Part Lot 401 DP 755237)
Development:	New Maitland Hospital (Stage 2), comprising construction and operation of the new hospital, including: • a new eight storey building (including basement and plant levels); • internal roads; • car parking; • rooftop helipad; • signage; • site landscaping; • utility and service connections; • earthworks; and • tree removal.

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*
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the *Building Professionals Act 2005* acting in relation to matters to which the accreditation applies.
Additional Information	The Proponent's Additional Information in a letter titled *RE: New Maitland Hospital – Stage 2 (SSI-9775), Request for Additional Information*, prepared by Health Infrastructure dated 5 November 2019, in relation to the application for approval for the infrastructure development under the EP&A Act.
Advisory Notes	Advisory information relating to the approval but do not form a part of this approval
BCA	Building Code of Australia
BC Act	*Biodiversity Conservation Act 2016*
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown building work
Conditions of this approval	The conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this approval, but excluding the following: • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices; • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the *Biodiversity Conservation Act 2016*) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).
Council	Maitland City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Preferred Infrastructure Report, including the works and activities comprising construction and operation of the New Maitland Hospital, as modified by the conditions of this approval.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material,

	excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled *Environmental Impact Statement New Maitland Hospital - Stage 2 Main Works, Metford Road, Metford*, prepared by Ethos Urban dated 21 June 2019, submitted with the application for approval for the infrastructure development, including any additional information provided by the Proponent in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Division	Heritage, Community Engagement of the Department of Premier and Cabinet
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 approval
IBRA	Interim Biogeographic Regionalisation for Australia
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance *Note: "material harm" is defined in this approval*
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
LTEMP	Long Term Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in the EIS.
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this approval must be undertaken in accordance with section 9.39 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 approval
NSW RFS	New South Wales Rural Fire Service
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*
Preferred Infrastructure Report	The Proponent's Preferred Infrastructure Report titled *Preferred Infrastructure Report New Maitland Hospital – Stage 2 Main Works, Metford Road, Metford*, prepared by Ethos Urban dated 30 September 2019, and response to issues raised in submissions received in relation to the application for approval for the infrastructure development under the EP&A Act.
Proponent	Health Administration Corporation, or any person carrying out any development to which this approval applies
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled "*Aboriginal cultural heritage consultation requirements for proponents 2010*" (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
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
TfNSW (RMS)	Transport for New South Wales (Roads and Maritime Services)
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 approval, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Terms of Approval

A2. The development may only be carried out:

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

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

(c) generally in accordance with the EIS, Preferred Infrastructure Report and Additional Information;

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

Architectural plans prepared by *BVN*			
Dwg No.	**Rev**	**Name of Plan**	**Date**
01A-AX0-102	3	SITE PLAN	25/09/19
11B-B00-100	-	HOSPITAL - GENERAL ARRANGEMENT PLAN - LEVEL LOWER GROUND	25/09/19
11B-100-100	14	HOSPITAL - GENERAL ARRANGEMENT PLAN - LEVEL GROUND	25/09/19
11B-100-100	17	HOSPITAL - GENERAL ARRANGEMENT PLAN - LEVEL 01	25/09/19
11B-200-100	16	HOSPITAL - GENERAL ARRANGEMENT PLAN - LEVEL 02	25/09/19
11B-300-100	15	HOSPITAL - GENERAL ARRANGEMENT PLAN - LEVEL 03	25/09/19
11B-400-100	15	HOSPITAL - GENERAL ARRANGEMENT PLAN - LEVEL 04	25/09/19
11B-500-100	15	HOSPITAL - GENERAL ARRANGEMENT PLAN - LEVEL 05	25/09/19
11B-600-100	3	HOSPITAL - LV06 - GENERAL ARRANGEMENT	25/09/19
11B-600-102	14	HOSPITAL - GENERAL ARRANGEMENT PLAN - LEVEL 06 MEZZANINE	25/09/19
11B-600-103	2	HOSPITAL - LV06 ROOF - GENERAL ARRANGEMENT	25/09/19
11C-A00-102	11	HOSPITAL – ELEVATIONS NORTH AND SOUTH	18/09/19
11C-A00-101	11	HOSPITAL – ELEVATIONS EAST AND WEST	18/09/19
11C-A00-103	11	HOSPITAL – ELEVATIONS PART EAST AND WEST	18/09/19
SK408	-	BUILDING SECTIONS	04/02/19 *(as marked)*
SK414 *(as marked)*	2 (*as mark*	MAITLAND HOSPITAL MATERIALS BOARD	-

	ed)		
Landscape drawings prepared by *Black Beetle pty ltd*			
Dwg No.	**Rev**	**Name of Plan**	**Date**
BBE-LSA-DRW-GXO-100	14	COVER SHEET & KEY PLAN	31.10.19
BBE-LSA-DRW-GA1-1A1	02	Landscape General Arrangement Plan Quadrant A1	05.09.19
BBE-LSA-DRW-GA2-1A2	02	Landscape General Arrangement Plan Quadrant A2	05.09.19
BBE-LSA-DRW-GA3-1A3	06	Landscape General Arrangement Plan Quadrant A3	09.09.19
BBE-LSA-DRW-GA4-1A4	07	Landscape General Arrangement Plan Quadrant A4	31.10.19
BBE-LSA-DRW-GB1-1B1	02	Landscape General Arrangement Plan Quadrant B1	05.09.19
BBE-LSA-DRW-GB2-1B2	02	Landscape General Arrangement Plan Quadrant B2	09.05.19
BBE-LSA-DRW-GB3-1B3	05	Landscape General Arrangement Plan Quadrant B3	05.09.19
BBE-LSA-DRW-GB4-1B4	05	Landscape General Arrangement Plan Quadrant B4	05.09.19
BBE-LSA-DRW-GC0-103	10	Landscape General Arrangement Plan Quadrant C0	05.09.19
BBE-LSA-DRW-G10-110	07	Landscape General Arrangement Plan Quadrant 10	09.09.19
BBE-LSA-DRW-G20-120	06	Landscape General Arrangement Plan Quadrant 20	05.09.19
BBE-LSA-DRW-G30-130	10	Landscape General Arrangement Plan Quadrant 30	31.10.19
BBE-LSA-DRW-G40-140	05	Landscape General Arrangement Plan Quadrant 40	05.09.19
BBE-LSA-DRW-GD1-1D1	05	Landscape General Arrangement Plan Quadrant D1	05.09.19
BBE-LSA-DRW-GD2-1D2	05	Landscape General Arrangement Plan Quadrant D2	05.09.19
BBE-LSA-DRW-GD3-	05	Landscape General Arrangement Plan	05.09.19

1D3		Quadrant D3	
BBE-LSA-DRW-GD4-1D4	01	Landscape General Arrangement Plan Quadrant D4	05.09.19
BBE-LSA-DRW-GE0-106	10	Landscape General Arrangement Plan Quadrant E0	05.09.19
BBE-LSA-DRW-GF1-1F1	05	Landscape General Arrangement Plan Quadrant F1	05.09.19
BBE-LSA-DRW-GF2-1F2	05	Landscape General Arrangement Plan Quadrant F2	09.09.19
BBE-LSA-DRW-GG1-1G1	05	Landscape General Arrangement Plan Quadrant G1	05.09.19
BBE-LSA-DRW-GG2-1G2	01	Landscape General Arrangement Plan Quadrant G2	05.09.19
BBE-LSA-DRW-GXO-300	06	PLANT SCHEDULES AND NOTES	16.09.19
BBE-LSA-DRW-L41-1L41	09	General Arrangement Plan Mortuary Courtyard Lower Ground Level Quadrant 41	09.09.19
BBE-LSA-DRW-142-1142	05	General Arrangement Plan Multi Faith Courtyard Ground Level Quadrant 42	09.09.19
BBE-LSA-DRW-323-1323	07	General Arrangement Plan Rehabilitation Courtyard Level 03 Quadrant 23	09.09.19
BBE-LSA-DRW-324-1324	07	General Arrangement Plan Mental Health Courtyard Level 03 Quadrant 24	09.09.19
BBE-LSA-DRW-344-1344	04	General Arrangement Plan Mental Health Courtyard Level 03 Quadrant 44	09.09.19
BBE-LSA-DRW-523-1523	05	General Arrangement Plan Paediatric Courtyard Level 05 Quadrant 23	09.09.19
BBE-LSA-DRW-123-1123	02	General Arrangement Plan Level 01 Quadrant 23	16.09.19
BBE-LSA-DRW-124-1124	01	General Arrangement Plan Level 01 Quadrant 24	09.09.19
BBE-LSA-DRW-140-1140	01	General Arrangement Plan Level 01 Quadrant 40	19.06.19

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

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval,

including those that are required to be, and have been, approved by the Planning Secretary;

(b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and

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

A4. The conditions of this approval and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) 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 Approval

A5. This approval lapses five years after the date of approval unless work is physically commenced.

Planning Secretary as Moderator

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

Evidence of Consultation

A7. Where conditions of this approval require consultation with an identified party, the Proponent must:

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

Staging

A8. The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the approval of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

A9. A Staging Report prepared in accordance with condition A8 must:

(a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;

(b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);

(c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and

(d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

A10. Where staging is proposed, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.

A11. Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

Staging, Combining and Updating Strategies, Plans or Programs

A12. The Proponent may:

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

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

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

A13. The Planning Secretary must approve any strategy, plan or program prepared in accordance with condition A15 where previously approved by the Planning Secretary under this consent.

A14. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.

A15. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

A16. 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

A17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Site Contamination

A18. Remediation approved as part of this approval must be carried out in accordance with the *New Maitland Hospital, Part Lot 401, Remediation Action Plan / Contamination Management Plan* dated September 2019 and prepared by GHD Pty Ltd.

Design and Construction for Bush Fire

A19. New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

A20. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bush Fire Protection 2006*.

Applicability of Guidelines

A21. References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.

A22. Consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Planning Secretary may, when issuing directions under this approval in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

A23. Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

Access to Information

A24. At least 48 hours before the commencement of construction until the completion of all works under this approval, or such other time as agreed by the Planning Secretary, the Proponent must:

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

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

(ii) all current statutory approvals for the development;

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

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

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

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

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

(viii) a complaints register, updated monthly;

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

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

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

Compliance

A25. The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

A26. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A27. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

A28. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A29. The notification must identify the development and the application number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A30. 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

A31. Within three months of:

(a) the submission of a compliance report under condition B34;

(b) the submission of an incident report under condition A26;

(c) the submission of an Independent Audit under condition C36;

(d) the approval of any modification of the conditions of this approval; 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 approval must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

A32. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this approval must be revised, and submitted to the Certifier or to the satisfaction of the Planning Secretary, where previously approved by the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier 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.*

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

B1. The Proponent must notify the Planning Secretary in writing of the dates of commencement of construction and operation at least 48 hours before those dates.

B2. If the construction or operation of the development is to be staged, the Planning Secretary 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

B3. Prior to the commencement of construction, the Proponent must submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this approval.

External Walls and Cladding

B4. Prior to the commencement of construction, the Proponent must provide the Certifier 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 Proponent must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Protection of Public Infrastructure

B5. Prior to the commencement of construction, the Proponent must:

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

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

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

Ecologically Sustainable Development

B6. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Proponent must demonstrate that ESD is being achieved by either:

(a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or

(b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

B7. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Environmental Management Plan Requirements

B8. Management plans required under this approval 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 / update of the plan and any updates in response to incidents or matters of non-compliance.

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

Construction Environmental Management Plan

B9. Prior to the commencement of construction, the Proponent must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP 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 4282-2019 Control of the obtrusive effects of outdoor lighting;

(viii) community consultation and complaints handling;

(b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B13);

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

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

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

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

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

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

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

(j) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and

B10. The Proponent must not commence construction of the development until the CEMP is submitted to the Certifier and the Planning Secretary.

B11. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and 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, TfNSW and TfNSW (RMS);

(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; and

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

B12. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:

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

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

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

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

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

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

(g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with Condition B10(d).

B13. 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; and

(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 construction.

B14. The Proponent 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

B15. The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:

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

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

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

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

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

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

B16. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:

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

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

(c) clearing protocol in accordance with letter titled *Re: BDAR for NMH Stage 2 SSI Application 9775 (Revised) – FINAL*, prepared by Sclerophyll Flora Surveys and Research Pty Ltd, dated 20 September 2019;

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

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

(f) controlling weeds and feral pests;

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

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

B17. A Driver Code of Conduct must be prepared and communicated by the Proponent to heavy vehicle drivers and must address the following:

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

(b) minimise conflicts with other road users;

(c) minimise road traffic noise; and

(d) ensure truck drivers use specified routes.

Construction Parking

B18. Prior to the commencement of construction, the Proponent must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities, unless otherwise agreed with Council.

Soil and Water

B19. Prior to the commencement of construction, the Proponent must:

(a) install erosion and sediment controls on the site to manage wet weather events; and

(b) divert existing clean surface water around operational areas of the site.

(c) direct all sediment laden water in overland flow away from the leachate management system;

(d) prevent cross-contamination of clean and sediment or leachate laden water.

B20. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

Biodiversity Offset Strategy

B21. Prior to the commencement of vegetation clearing, the class and number of ecosystem and species credits in the table below must be retired to offset the residual biodiversity impacts of the development.

Impacted plant community type (PCT)	**Number of ecosystem credits**	**Plant community type(s) that can be used to offset the impacts from development**	**Trading Group**	**IBRA sub-region**
1592 - Spotted Gum - Red Ironbark - Grey Gum shrub - grass open forest of the Lower Hunter	23	Like-for-like option		
		Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin Bioregion (including PCT's: 1590, 1592, 1593, 1600, 1602)	-	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong, Yengo or any IBRA sub-region that is within 100kms of the outer edge of the impacted site.
		Variation option(s)		
		Dry Sclerophyll Forests (Shrub/grass subformation)	Tier 3 or higher	Sydney Basin or any IBRA subregion within 100 kilometres of the outer edge of the impacted site.
Impacted species	**Number of species credits**	**Species that can be used to offset the impacts from development**		**IBRA sub-region**
Petaurus norfolcensis / Squirrel Glider	23	Like-for-like option		
		Petaurus norfolcensis / Squirrel Glider		Any in NSW
		Variation option(s)		
		Any fauna species with a vulnerable or higher category of listing under Part 4 of the BC Act		Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong, Yengo or any IBRA sub-region that is within 100kms of the outer edge of the impacted site.

B22. The requirement to retire credits in Condition B24 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem and species credits, as calculated by the Biodiversity Offsets Payment Calculator.

B23. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B24 must be provided to the Planning Secretary prior to carrying out development that will impact on biodiversity values.

Rainwater Harvesting

B24. Within three months of commencement of construction, the Proponent must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

Operational Noise – Design of Mechanical Plant and Equipment

B25. Prior to installation of mechanical plant and equipment, the Proponent must incorporate the noise mitigation recommendations in the *New Maitland Hospital State Significant Infrastructure Application – Stage 2 Noise and Vibration Assessment*, prepared by Acoustic Logic, dated 5 April 2019, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the project specific noise levels identified in the *New Maitland Hospital State Significant Infrastructure Application – Stage 2 Noise and Vibration Assessment*.

Roadworks and Access

B26. Prior to the commencement of construction, the Proponent must submit design plans to the satisfaction of the Certifier which demonstrates that the Rural Fire Services Vehicle Access Track as identified on Drawing Number 01A-AX0-102, titled Site Plan, Revision 3, dated 25 September 2019:

(a) is an all weather road with a width of 5.5m capable of a 15 Tonne load;

(b) has a four metre vertical clearance;

(c) has a minimum distance of six metres between inner and outer curves;

(d) has a maximum cross fall of 10 degrees; and

(e) incorporates traffic management devices to facilitate access by emergency service vehicles.

B27. Prior to the commencement of construction, the Proponent must submit design plans to the satisfaction of the Certifier which demonstrates that the proposed internal roads, excluding the Rural Fire Services Vehicle Access Track, comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

Operational Car Parking and Service Vehicle Layout

B28. Prior to the commencement of construction, evidence that the layout of the car parking areas and vehicle access areas comply with the following requirements must be submitted to the satisfaction of the Certifier:

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

(b) a minimum of 682 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and

(c) the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with the latest version of AS 2890.2.

Bicycle Parking and End-of-Trip Facilities

B29. Prior to the commencement of construction, evidence that with the following requirements for secure bicycle parking and end-of-trip facilities are incorporated in the certified drawings must be submitted to the satisfaction of the Certifier:

a) the provision of a minimum 23 staff and 12 visitor bicycle parking spaces;
b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
c) the provision of end-of-trip facilities for staff; and
d) appropriate pedestrian and cyclist advisory signs are to be provided.

Heritage Interpretation Plan

B30. Prior to the commencement of façade works, the Proponent must submit a Heritage Interpretation Plan to acknowledge the industrial heritage of the site to the Planning Secretary. The plan must:

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

(b) include provision for naming elements within the development that acknowledges the site's heritage; and

(c) incorporates interpretive information demonstrating the historical use of the site.

Compliance Reporting

B31. No later than 48 hours prior to the commencement of construction, a Compliance Monitoring and Reporting Schedule prepared in accordance with section 2.1 of the Compliance Reporting Post Approval Requirements (Department 2018, or as amended), as amended by Condition A2 must be submitted to the Planning Secretary and the Certifier.

B32. Table 1 of the Compliance Reporting Post Approval Requirements (Department 2018, or as amended) is amended so that the Compliance Monitoring and Reporting Schedule, minimum frequency of Compliance Reports required is:

(a) a Pre-Construction Compliance Report must be submitted to the Planning Secretary prior to commencement of construction;

(b) a Pre-Operational Compliance Report must be submitted to the Planning Secretary prior to commencement of operation and/or use; and

(c) Operation Compliance Reports are required for the duration of operation and must be submitted to the Planning Secretary at intervals, no greater than 52 weeks from the commencement of operation or as otherwise by the Planning Secretary.

B33. Compliance Reports of the development must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018, or as amended)

B34. Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Schedule.

B35. The Proponent must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.

B36. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018, or as amended), the Planning Secretary may approve a request for ongoing annual operation Compliance Reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that consistent operational compliance has been achieved.

PART C DURING CONSTRUCTION

Site Notice

C1. A site notice(s):

(a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;

(b) 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;

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

(d) 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

(e) 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

C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Construction Hours

C3. 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 5pm, Saturdays.

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

C4. Construction activities may be undertaken outside of the hours in condition C4 if required:

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

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

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

(d) for the delivery, set-up and removal of construction cranes, where notice of the crane-related works is provided to the Planning Secretary and affected residents at least seven days prior to the works; or

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

C5. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

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

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

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

(c) 9am to 12pm, Saturday.

Implementation of Management Plans

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

Construction Traffic

C8. All construction 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, unless directed by traffic control.

Hoarding Requirements

C9. The following hoarding requirements must be complied with:

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

(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.

No Obstruction of Public Way

C10. 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.

Construction Noise Limits

C11. 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.

C12. The Proponent must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.

C13. The Proponent must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

C14. 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).

C15. 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 C15.

C16. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B14 of this approval.

Tree Protection

C17. For the duration of the construction works:

(a) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arborist Report for New Maitland Hospital, prepared by Tattersall Lander Pty Ltd, dated September 2019; and

(b) 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.

Air Quality

C18. The Proponent must take all reasonable steps to minimise dust generated during all works authorised by this approval.

C19. During construction, the Proponent must ensure that:

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

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

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

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

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

Erosion and Sediment Control

C20. 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. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Imported Soil

C21. The Proponent must:

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

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

(c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

C22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

C23. The Proponent must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Stormwater Management System

C24. Within three months of the commencement of construction, the Proponent must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. 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 and PIR;

(c) be in accordance with applicable Australian Standards; and

(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.

Unexpected Finds Protocol – Historic Heritage

C25. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the NSW 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 the NSW Heritage Division.

Waste Storage and Processing

C26. All waste generated during construction 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.

C27. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

C28. The Proponent 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.

C29. The Proponent must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.

C30. The Proponent must ensure that the 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 is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

C31. The Proponent must ensure that all external lighting is constructed and maintained in in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Independent Environmental Audit

C32. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

C33. Within four weeks of the commencement of construction, an Independent Audit Schedule prepared in accordance with section 2.1 of the Independent Audit Post Approval Requirements, (Department 2018, or as amended), as amended by Condition A9 must be submitted to the Planning Secretary and the Certifier.

C34. Table 1 of the Independent Audit Post Approval Requirements (Department 2018, or as amended) is amended so that the Independent Audit Schedule frequency of Independent Audits required in the construction phase is:

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

(b) subsequent Independent Audits of construction must be undertaken at intervals, no greater than 26 weeks from the date of the initial construction Independent Audit.

C35. In all other respects Table 1 of the Independent Audit Post Approval Requirements (Department 2018, or as amended) remains the same. The Planning Secretary may require Independent Audits to be undertaken at different times to those specified above, upon giving at least eight weeks notice to the Proponent of the date upon which the Independent Audit must be commenced.

C36. Independent Audits of the development must be carried out in accordance with:

(a) the Independent Audit Schedule submitted to the Planning Secretary and the Certifier under condition C33 of this consent; and

(b) the Independent Audit Post Approval Requirements (Department 2018, or as amended).

C37. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018, or as amended), the Proponent must:

(a) review and respond separately to each Independent Audit Report prepared under condition C36 of this consent;

(b) submit the response to the Planning Secretary and the Certifier; and

(c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary.

C38. Independent Audit Reports and the proponent's response to audit findings must be submitted to the Department within 21 days of the date referenced in the Independent Audit Schedule, unless otherwise agreed by the Planning Secretary.

C39. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing operational Independent Audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that Independent Audits have demonstrated consistent operational compliance.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary 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 commencement of operation, the Proponent must provide the Certifier 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 Proponent must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Post-construction Dilapidation Report

D4. Prior to commencement of operation, the Proponent 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 Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier 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.

Protection of Public Infrastructure

D5. Unless the Proponent and the applicable authority agree otherwise, the Proponent 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 conditions of this approval.

Protection of Property

D6. Unless the Proponent and the applicable owner agree otherwise, the Proponent must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Utilities and Services

D7. Prior to commencement of operation, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from the relevant authority and submitted to the Certifier.

Roadworks and Access

D8. Prior to the commencement of operation, the Proponent must demonstrate to the satisfaction of the Planning Secretary that the intersection upgrade works at the Chelmsford Drive and Metford Road intersection have been completed or that the intersection is able to operate within design capacity until the intersection upgrade works can be completed.

D9. Prior to the commencement of operation, the Proponent must demonstrate to the Planning Secretary that a shared path along the eastern side of Metford Road, has been completed in accordance with design specifications prepared in consultation with Council.

Works as Executed Plans

D10. Prior to the commencement of operation, 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 Certifier.

Heritage Interpretation Plan

D11. The Proponent must implement the most recent version of the Heritage Interpretation Plan approved under condition B33.

Green Travel Plan

D12. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:

(a) be prepared by a suitably qualified traffic consultant in consultation with TfNSW;

(b) include objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;

(c) include specific tools and actions to help achieve the objectives and mode share targets, including supporting TfNSW develop and deliver suitable bus routes to support the use of that transport mode;

(d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and

(e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

Evacuation and Emergency Planning

D13. Prior to the commencement of operation, 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

D14. Prior to commencement of operation, the Proponent must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

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

(b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

D15. Prior to the commencement of operation, the Proponent must submit evidence to the Certifier that the noise mitigation measures required by condition B23 have been implemented to ensure the development does not exceed the project specific noise levels identified in the *New Maitland Hospital State Significant Infrastructure Application – Stage 2 Noise and Vibration Assessment*.

Road Damage

D16. Prior to the commencement of operation, 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 must be met in full by the Proponent.

Fire Safety Certification

D17. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this approval. 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

D18. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. 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 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.

Compliance with Food Code

D19. Prior to the commencement of operation, the Proponent is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Stormwater Quality Management Plan

D20. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and 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.

Rainwater Harvesting

D21. Prior to the commencement of operation, signed works-as-executed Rainwater Re-use Plan must be provided to the Planning Secretary and Certifier.

Warm Water Systems and Cooling Systems

D22. The installation of water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and the relevant parts 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

D23. Prior to the commencement of operation, the Proponent must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

(a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and

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

Signage

D24. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.

D25. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

D26. Prior to the commencement of operation, 'Do not drink' signage on non-potable water to new hose taps and irrigation systems for landscaped areas must be installed within the site.

Site Audit Statement

D27. Prior to the commencement of operation, the Proponent 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 intended land use and be provided for the information of the Planning Secretary and the Certifier.

Asset Protection Zones

D28. Prior to the commencement of operation, the Asset Protection Zones (APZ) surrounding the building as identified in Figure 5 of *Bushfire Assessment Report New Maitland Hospital Stage 2 – State Significant Infrastructure Application*, prepared by Newcastle Bushfire Consulting, dated 2 April 2019, must be provided in accordance with section 4.1.3 and Appendix 5 of the *Planning for Bush Fire Protection 2006* and the NSW RFS document Standards for asset protection zones, as amended by the following requirements:

(a) an inner protection area (IPA) for a distance of 40m to the south-east of the building;

(b) an IPA for a distance of 50m to the east of the building;

(c) an IPA for a distance of 68m to the west of the building; and

(d) an APZ of 70m to the south and south-west, consisting of an IPA of 60m and an outer protection area of 10m.

Landscaping

D29. Prior to the commencement of operation, the Proponent must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.

D30. The Operational Landscape Management Plan must ensure that all landscaping within APZs complies with the principles outlined in Appendix 5 of the *Planning for Bush Fire Protection 2006.*

D31. The Proponent must not commence operation until the Operational Landscape Management Plan endorsed by the Certifier is submitted to the Planning Secretary.

PART E POST OCCUPATION

Operation of Plant and Equipment

E1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

E2. The operation and maintenance of water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 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.

Operational Noise Limits

E3. The Proponent must ensure that noise generated by operation of the development does not exceed the noise limits in *New Maitland Hospital State Significant Infrastructure Application – Stage 2 Noise and Vibration Assessment*, prepared by Acoustic Logic, dated 5 April 2019.

E4. The Proponent must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the project specific noise levels identified in *New Maitland Hospital State Significant Infrastructure Application – Stage 2 Noise and Vibration Assessment*, prepared by Acoustic Logic, dated 5 April 2019. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Proponent is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the project specific 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 D12 of this approval must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Parking Demand Study

E7. Within two years of commencement of operations, an additional 140 line-marked car parking spaces must be provided, unless otherwise agreed by the Planning Secretary, where:

(a) it can be demonstrated that an alternate timing for delivery should be approved as the gradual occupation of the building and increase in hospital operations is progressing at a different rate; or

(b) a car parking review undertaken by a suitably qualified and experienced person demonstrates that actual demand is lower than the total projected 822 car parking spaces required.

Ecologically Sustainable Development

E8. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under Condition B7, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

E9. Notwithstanding Condition D23, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Proponent must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

E10. The Proponent must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D29 for the duration of occupation of the development.

Rainwater Harvesting

E11. The Proponent must implement the rainwater re-use plan required by condition D21 for the duration of the development

Asset Protection Zones

E12. The asset protection zones required by condition D28 shall be maintained for the duration of occupation of the development.

Hazards and Risk

E13. The Proponent must store all chemicals, fuels and oils used on-site in accordance with:

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

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

E14. In the event of an inconsistency between the requirements of condition E14(a) and E14(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

E15. 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.

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

AN2. 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

AN3. Any advice or notice to the approval authority must be served on the Planning Secretary.

Access for People with Disabilities

AN4. 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 Certifier 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.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Proponent must obtain relevant approvals from service providers.

AN6. 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.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (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.

Road Occupancy Licence

AN8. 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

AN9. 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

AN10. The Proponent must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN11. The Proponent must 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.

Fire Safety Certificate

AN12. 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.

APPENDIX 2 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 Planning Secretary at the following address: compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition A25 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
   a. identify the development and application number;
   b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
   c. identify how the incident was detected;
   d. identify when the Proponent became aware of the incident;
   e. identify any actual or potential non-compliance with conditions of approval;
   f. describe what immediate steps were taken in relation to the incident;
   g. identify further action(s) that will be taken in relation to the incident; and
   h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
   a. a summary of the incident;
   b. outcomes of an incident investigation, including identification of the cause of the incident;
   c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
   d. details of any communication with other stakeholders regarding the incident.