

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under section 2.7 of the State Environmental Planning Policy (Planning System) 2021 (formerly clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves 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;
- providing a process to inform and consult with the public; and
- provide for the ongoing environmental management of the development.

(Commissioner)

**Member of the
Commission**

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Sydney

2022

SCHEDULE 1

Application Number: SSD 10320

Applicant: MACQUARIE HEALTH CORPORATION LIMITED

Consent Authority: Independent Planning Commission of NSW

Site: Lot 1 DP 841502
(369-381 President Ave, Kirrawee NSW 2232)
Lot 24A and Lot 23 DP 26995
(65 and 61 Hotham Road, Gymea NSW 2227)
Lot 53 and 54 DP 29493
(2 and 3 Bidurgal Ave, Kirrawee NSW 2232)

Development: Redevelopment of President Private Hospital

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Macquarie Health Corporation Ltd
Archaeological Salvage	A program of salvage excavation/s to recover information and/or objects from identified archaeological sites but excluding demolition of Hotham House.
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings (including the demolition of Hotham House), 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:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	Sutherland Shire 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, additional information submitted and Response to Submissions, including the works and activities comprising as specified in Schedule 1 and 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

EHG	Environment and Heritage Group of the Department of Planning and Environment
EIS	The Environmental Impact Statement titled Environmental Impact Statement Redevelopment of President Private Hospital, prepared by Imagescape Design Studios dated 13 November 2020, 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	<i>Environmental Planning and Assessment Act 1979</i>
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 NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Hotham House	The heritage item described as 'Hotham House' – house and garden under the Sutherland Shire Local Environmental Plan 2015.
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 <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
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: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or • 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 9.39 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 consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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 (RAP)	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
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 (RtS)	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.
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 <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation.
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
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, Request for Information Response (RFI) and Response to Submissions (RtS);
 - (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by <i>Imagescape design studios</i>			
Dwg No.	Rev	Name of Plan	Date
A 015	56	Services Layout for Ground and First Floor	30/09/2020
A 016	60	Construction Phasing	24/02/2022
A 026	60	Proposed Site Set out Plan	24/02/2022
A 027	60	Easement for Stormwater Pipe	24/02/2022
A 028	60	West Carpark Detail Plan	24/02/2022
A 101	56	Ground Floor Demolition Plan	30/09/2020
A 102	60	Basement Plan LVL 3 & 4	24/02/2022
A 103	60	Basement Plan LVL 1 & 2	24/02/2022
A 104	60	Ground Floor General Arrangement Plan	24/02/2022
A 105	60	First Floor General Arrangement Plan	24/02/2022
A 107	60	Second Floor General Arrangement Plan	24/02/2022
A 108	60	Roof General Arrangement Plan	24/02/2022
A 123	60	Ground floor fire strategy plan	24/02/2022
A 124	56	First floor fire strategy plan	30/09/2020
A 125	55	Second floor fire strategy plan	22/06/2020
A 300	60	Street Elevations	24/02/2022
A 302	60	West & Entry Elevations	24/02/2022
A 401	60	East/West Sections	24/02/2022
A 402	60	North/South Sections	24/02/2022
A 403	60	Sections - Building Height	24/02/2022

- 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;
 - (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 A3(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 work is physically commenced.

Prescribed Conditions

- A6 The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 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.

Evidence of Consultation

- A8 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:
 - (c) the outcome of that consultation, matters resolved and unresolved; and
 - (d) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A9 The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction 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).
- A10 A Staging Report prepared in accordance with condition A9 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;
 - (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
 - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11 Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12 Where construction or operation is being staged in accordance with a Staging Report, 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 as identified in the Staging Report, including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

A13 The Applicant may:

- a) prepare and submit any strategy, plan (including management plan, architectural or design 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 (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 consent (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 consent (to ensure the strategies, plans (including management plan, architectural or design plan), or 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).

A14 Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

A15 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 consent.

A16 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.

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.

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.

A19 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

A20 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, 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 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

A21 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:
- (b) the documents referred to in condition A2 of this consent;
- (c) all current statutory approvals for the development;
- (d) all approved strategies, plans and programs required under the conditions of this consent;
- (e) 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;
- (f) 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;
- (g) a summary of the current stage and progress of the development;
- (h) contact details to enquire about the development or to make a complaint;
- (i) a complaints register, updated monthly;
- (j) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
- (k) any other matter required by the Planning Secretary; and
- (l) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

Compliance

- A22 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.

Incident Notification, Reporting and Response

- A23 The Planning Secretary must be notified through the major projects portal 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.
- A24 Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 2.

Non-Compliance Notification

- A25 The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A26 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.
- A27 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

- A28 Within three months of:
- (a) the submission of an incident report under condition A23;
 - (b) the submission of an Independent Audit under condition D38;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under condition A3 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

A29 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 consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) 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.

Activities Prior to Construction

A30 The Applicant must prepare the following protocols prior to carrying out works requiring ground disturbance for the purposes of the development:

- a) an unexpected finds protocol for contamination and an associated communications procedure; and
- b) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and an associated communications procedure.

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PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

External Walls and Cladding

- B1 Prior to the issue of a construction certificate, the Applicant 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 Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Stormwater Management System

- B2 Prior to the issue of a construction certificate, the Applicant must design an operational stormwater management system for the development, to the satisfaction of the Planning Secretary. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be in accordance with applicable Australian Standards;
 - (c) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016), Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines and consideration of the Sutherland Shire 2015 Development Control Plan, Chapter 40 and Sutherland Shire Stormwater Specification 2009;
 - (d) provide for an on-site stormwater detention system with adequate storage capacity to hold a 1:100 year rainfall event and with a minimum storage capacity of 57kL.
 - (e) be informed by a Flood and Stormwater Impact Assessment, prepared by a suitably qualified and experienced person(s) and with consideration of the potential impacts described in the EIS, RTS and Preliminary Flood Assessment (Martens, February 2002);
 - (f) be prepared in consultation with the NSW State Emergency Service noting limitations described in the NSW Floodplain Development Manual, Appendix N;
 - (g) address the provisions of the Floodplain Risk Management Guidelines (EHG);
 - (h) convey overland flows of water and ponding water generally in accordance with the conceptual design described in the plan titled 'Detail Site Plan North', version 61, dated 15 July 2022 and prepared by Imagescape Design Studios;
 - (i) provide for a 600mm floodproofing treatment of the existing operating theatre generally in accordance with the conceptual design described in the plan titled 'Detail Site Plan North', version 61, dated 15 July 2022 and prepared by Imagescape Design Studios;
 - (j) consider the need for any additional flood wall or door proofing of existing buildings as described in the EIS and additional information dated 18 July 2022 from Martens & Associates Pty Ltd (ref. P1907286JC0701).
 - (k) result in all floor levels being no lower than the 1% Annual Exceedance Probability flood level plus 500mm of freeboard and all floor levels being no lower than the PMF level;
 - (l) provide for an overall reduction in flood hazard across the site;
 - (m) demonstrate that the proposed President Avenue driveway road level is designed to be no lower than the 1% Annual Exceedance Probability flood level plus 300mm of freeboard;
 - (n) incorporate a flood warning device with audible and visual alarm systems linked by wiring or telemetry (as described in the Preliminary Flood Assessment (Martens, February 2002));
 - (o) provide a suitably designed flood wall around the southern carpark, which prevents PMF level stormwater flows from entering the carpark;
 - (p) demonstrate that the basement car park entrance from President Avenue has a crest level of at least 70.2AHD and prevents basement flooding;
 - (q) demonstrate that all footings in the vicinity of the proposed drainage easement are suitably designed to ensure that they will not be adversely affected by stormwater or floodwater;
 - (r) Consider the effectiveness of widening and increasing the length of swale with spread discharge points along its length;
 - (s) demonstrate that all flood impacted buildings are designed to withstand PMF forces; and
 - (t) be generally in accordance with the conceptual design as listed in the table below (and as amended by the conditions of this consent where applicable):

Martens & Associates Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
PS01-A000	A	Cover Sheet	26/06/2020
PS01-E100	A	Drainage Plan	26/06/2020
PS01-E200	A	Drainage Details	26/06/2020
Martens & Associates Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
PS01-E600	A	OSD Catchment Plan & Details	26/06/2020
PS01-E700	A	Water Quality Catchment Plan and Details	26/06/2020
Imagescape design Studios			
Dwg No.	Rev	Name of Plan	Date
A 029	61	Detail Site Plan North	15/07/2022

Mechanical Plant and Equipment

- B3 Prior to the issue of a construction certificate, the Applicant must:
- Prepare a detailed assessment of the mechanical plant and equipment design, prepared by a suitably qualified and experienced person(s), assessing compliance with the relevant noise criteria described in the EPA Noise Policy for Industry as recommended in the Noise and Vibration Assessment for Proposed Alterations and Additions to President Private Hospital dated 29 June 2020 and prepared by Acoustic Directions Pty Ltd; and
 - Submit evidence to the Certifier that any noise mitigation recommendations described in the assessment carried out under condition B3(a) have been incorporated into the design to ensure the development will not exceed the proposed operational noise levels described in the Noise and Vibration Assessment for Proposed Alterations and Additions to President Private Hospital dated 29 June 2020 and prepared by Acoustic Directions Pty Ltd.

Electrical Substation

- B4 Prior to the issue of a construction certificate, the Applicant must submit detailed plans of the electrical stand-alone substation (shown on plan titled 'Proposed Site Set out Plan', version 60, dated 13 December 2021 and prepared by Imagescape Design Studios) to the satisfaction of the Planning Secretary. The plans must:
- demonstrate that service connections, cabling or associated works will not be located within the Tree Protection Zone or the Structural Root Zone of any existing trees;
 - confirm the appropriate tree protection measures to be implemented during construction;
 - demonstrate that the substation is safely accessible; and
 - include details of landscaping around the substation to visually screen / reduce the visibility of the structure from Hotham Road.

Operational Waste Storage and Processing

- B5 Where waste removal will be undertaken by Council, prior to the issue of a construction certificate for waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area. Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- is constructed using solid non-combustible materials;
 - is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
 - includes a hot and cold water supply with a hose through a centralised mixing valve;
 - is naturally ventilated or an air handling exhaust system must be in place; and
 - includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Roadworks/Intersection works and Access

- B6 Prior to the issue of a construction certificate, the Applicant must submit design plans to the satisfaction of the relevant roads authority which:
- (a) demonstrate that all proposed driveways are designed to accommodate the turning path of a 12.5m Large Rigid truck operation vehicle;
 - (b) are informed by, and incorporate the recommendations of, a Road Safety Audit of the proposed President Avenue driveway design, prepared by a suitably qualified and experienced person(s) in accordance with a Guide to Road Safety Part 6: Road Safety Audit (Austroads 2022).

Note: Approval must be obtained for roadworks under section 138 of the Roads Act 1993. All costs associated with the proposed road upgrade works must be borne by the Applicant. In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section of the 138 Roads Act 1993 cannot be refused if it is necessary for carrying out State Significant Development that is authorised by a development consent and is substantially consistent with the consent.

Car Parking and Service Vehicle Layout

- B7 Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
 - (b) all vehicle routes used for ambulances provide for a minimum 15m turning circle and are designed with consideration of Ambulance Access Specifications for Hospitals and Other Buildings (ASNSW 2019);
 - (c) the safety of vehicles and pedestrians where shared vehicle and pedestrian access occurs, has been addressed, considering patient needs;
 - (d) a minimum of 168 on-site car parking spaces (incorporating at least 8 accessible spaces and 3 drop off spaces) are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
 - (e) 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, is in accordance with the latest version of AS 2890.2.

Bicycle Parking and End-of-Trip Facilities

- B8 Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- (a) the provision of a minimum 20 bicycle parking spaces generally consistent with plans listed in condition A2;
 - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking;
 - (c) the provision of end-of-trip facilities for staff.
 - (d) the provision of appropriate pedestrian and cyclist advisory signs.

Heritage Interpretation Plan

- B9 Prior to the issue of a construction certificate, the Applicant must submit a Heritage Interpretation Plan addressing Hotham House, to the satisfaction of the Planning Secretary. The plan must be prepared in general accordance with the recommended mitigation measures described in the Statement of Heritage Impact prepared by GBA Heritage, Rev D and dated 7 May 2021 and must:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) apply best practice measures described within the Australia ICOMOS Burra Charter;
 - (c) where appropriate, include engagement of local community artists or organisations to assist with development of the interpretation material in a culturally appropriate manner;
 - (a) include provision for naming elements within the development to acknowledge the site's heritage;
 - (d) incorporate interpretive information into the landscape design for the site;

- (e) outline all interpretation measures to be implemented that acknowledge the heritage values of the heritage item described as 'Hotham House' – house and garden under the Sutherland Shire Local Environmental Plan 2015.
- (f) provide for the retention of the large cook pine tree identified as T7 in the Arboricultural Impact Assessment prepared by Rennie Bros. Tree Surgeons and dated 30 November 2020;
- (g) provide an inventory of all items to be retained and describe the construction methods to be used to prevent damage to any items selected for re-use;
- (h) provide details of any associated physical works including any relocation of building materials into the landscaping scheme and provide updated landscape plans accordingly.

Landscaping

- B10 Prior to the issue of a construction certificate, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan(s) must:
- (a) incorporate any necessary amendments resulting from the Heritage Interpretation Plan required by Condition B9;
 - (b) provide for the planting of a minimum of 153 trees;
 - (c) detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) include species (trees, shrubs and groundcovers) indigenous to the local area;
 - (e) provide at least 26 trees (of the required 153), with a pot container of 100 litres or greater and a minimum height at maturity of 12m;
 - (f) provide for native street tree planting in consultation with Council;
 - (g) be generally in accordance with the landscape concept masterplan as listed in the table below (and as amended by the conditions of this consent where applicable):

Landscape Masterplans prepared by <i>Habit 8</i>			
Dwg No.	Rev	Name of Plan	Date
L-1001	K	Landscape Concept Masterplan	11/1/2021
L-1002	K	Landscape Concept Detail Plan: Hotham House Park	11/1/2021
L-1003	K	Landscape Section: Hotham House Park	11/1/2021
L-1004	K	Landscape Concept Detail Plan: Central Courtyard	11/1/2021
L-1005	K	Landscape Section: Central Courtyard	11/1/2021
L-1006	K	Landscape Concept Detail Plan: Southwestern Courtyard	11/1/2021
L-1007	K	Landscape Section: Southwestern Courtyard	11/1/2021
L-1008	K	Landscape Concept Detail Plan: Mental Health Courtyard North	11/1/2021
L-1009	K	Landscape Section: Mental Health Courtyard North	11/1/2021
L-1010	K	Indicative Planting Palette	11/1/2021

Public Domain Works

- B11 Prior to the issue of a construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- C1 The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2 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

- C3 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 this development consent.

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- C4 Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services and Infrastructure 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 Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

Pre-Construction Survey – Adjoining Properties

- C5 Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential buildings that are likely to be impacted by the development.
- C6 Where the offer for a pre-construction survey is accepted (as required by condition C5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7 Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C5, the Applicant must:
 - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Community Communication Strategy

- C8 No later than four weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval and approved by the Planning Secretary prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. The Community Communication Strategy must 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.
 - (iv) to discuss construction noise impacts with all directly adjoining neighbours including sites on Hotham Road and set out any specific noise mitigation requirements.

Ecologically Sustainable Development

- C9 Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant 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.

Demolition

- C10 Prior to the commencement of construction, demolition work plans required by *AS 2601-2001 The demolition of structures* (Standards Australia, 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 Certifier and Planning Secretary.

Heritage Photographic Archival Recording

- C11 Prior to the commencement of construction (which includes the demolition of Hotham House), a photographic archival record of the external and internal areas of the heritage items on site and all other items of heritage significance on the site identified in the Statement of Heritage Impact prepared by GBA Heritage must be prepared in accordance with the NSW Heritage Branch guidelines titled *Photographic Recording of Heritage Items using Film or Digital Capture*. A digital copy must be submitted to Council, any relevant local studies collection in the locality and the Planning Secretary prior to the commencement of demolition of Hotham House.

Outdoor Lighting

- C12 Prior to the installation of outdoor lighting, evidence must be submitted to 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

- C13 Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Note: The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>

Construction Environmental Management Plan

- C14 Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the Planning Secretary. The CEMP must include, but not be limited to, the following details:
- (a) hours of work;
 - (b) 24-hour contact details of the site manager;
 - (c) management of dust and odour to protect the amenity of the neighbourhood;
 - (d) consideration of whether a Staging Report is required, as described by condition A9;
 - (e) how safe separation is maintained between construction activities and the continued operation of the existing hospital and on-site facilities, including:

- i. measures to maintain the safety of all people on-site (including staff, patients and visitors), at all times;
 - ii. adequate separation of on-site access during construction and operation;
 - iii. the safe and reliable delivery of infrastructure to the existing hospital and on-site facilities, as may be required to support operation activities;
 - iv. timing and methods to decommission areas of the existing hospital and on-site facilities to enable construction.
- (f) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
- (g) Community consultation and complaints handling as set out in the Community Communication Strategy required by condition C8;
- (h) Construction Traffic and Pedestrian Management Sub-Plan (see condition C15);
- (i) Construction Noise and Vibration Management Sub-Plan (see condition C16);
- (j) Construction Waste Management Sub-Plan (see condition C17);
- (k) Construction Soil and Water Management Sub-Plan (see condition C18);
- (l) Construction Flood Emergency Management Sub-Plan (see condition C20);
- (m) an unexpected finds protocol for contamination and associated communications procedure; and
- (n) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- C15 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 access, 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 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) details of specific measures to ensure the arrival of construction vehicles to the site does not cause additional queuing on President Avenue;
 - (f) measures to prohibit construction vehicles accessing the site directly from President Avenue until such time as a new site access to President Avenue is constructed in accordance with design plans required by condition B6;
 - (g) detail measures to ensure that all construction vehicles are contained wholly within the site;
 - (h) details of the construction program and methodology and how safe and efficient site access will be maintained during construction;
- C16 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 to achieve the noise management levels in the *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe procedures to achieve the vibration management levels in the *Assessing Vibrations: A Technical Guideline 2006* (EPA);
 - (d) describe measures which address the recommendations of the Noise and Vibration Assessment for Proposed Alterations and Additions to President Private Hospital dated 29 June 2020 and prepared by Acoustic Directions Pty Ltd.
 - (e) describe the measures to manage high noise generating works such as piling, in close proximity to sensitive receivers;

- (f) include consideration of the ongoing use of President Private Hospital and describe all reasonable and feasible work practices to be implemented to achieve noise affected management level as per the *Interim Construction Noise Guideline* (DECC, 2009);
 - (g) include strategies that have been developed with the community for managing high noise generating works;
 - (h) include a complaints management system that would be implemented for the duration of construction; and
 - (i) 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 C13.
- C17 The Construction Waste Management Sub-Plan (CWMSPP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
 - (b) information regarding the recycling and disposal locations; and
 - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- C18 The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSPP) 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, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (c) direct all sediment laden water in overland flow away from any leachate management system and prevent cross-contamination of clean and sediment or leachate laden water.
 - (d) provide a plan of how all construction works will be managed during wet-weather events (i.e. storage of equipment, stabilisation of the site);
 - (e) detail all flows from the site; and
 - (f) 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 5-year ARI and 1 in 100-year ARI).
- C19 The Construction Flood Emergency Management Sub-Plan (FEMSPP) 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 Guidelines (EHG);
 - (c) include details of:
 - (i) the flood emergency responses for both construction and operation 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;
 - (vi) awareness training for employees and contractors, and students; and
 - (vii) consultation with NSW State Emergency Service and consideration of any provided advice.
- C20 A Driver Code of Conduct must be prepared and communicated by the Applicant 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.

Flood Management

- C21 Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
 - (b) evacuation and refuge protocols.
- C22 Prior to the commencement of construction, the Certifier must be satisfied that all floor levels will be no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard and all floor levels will be no lower than the PMF level.
- C23 Prior to the commencement of construction, the Certifier must be satisfied that any structures below the 1% Annual Exceedance Probability plus 500mm of freeboard will be constructed from flood compatible building components.

Construction Parking

- C24 Prior to the commencement of construction, the Applicant 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.

Construction Worker Transportation Strategy

- C25 Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

Aboriginal Heritage

- C26 Prior to the commencement of construction, the Applicant must consult with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity.

Easement

- C27 Prior to the commencement of construction within the existing stormwater easement (as shown in Basement Plan LVL 1 & 2, prepared by imagescape design studios dated 24 February 2022 (A103, v.60), an access and realignment application (or an application in a suitable form as required by Council), addressing the proposed easement realignment, must be submitted to and approved by Council.

Site Contamination

- C28 Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

Noise and Vibration Monitoring Program

- C29 Prior to the commencement of construction, the Applicant must submit a Construction Noise and Vibration Monitoring Program to the satisfaction of the Planning Secretary. The program must include, but not be limited to:
- (a) consideration of the recommendations described in the Noise and Vibration Assessment for Proposed Alterations and Additions to President Private Hospital dated 29 June 2020 and prepared by Acoustic Directions Pty Ltd.
 - (b) noise and vibration monitoring at representative residential and other locations (including at the worst- affected residences), subject to property owner approval, to confirm construction noise and vibration levels;
 - (c) noise monitoring during the day, evening and night time periods throughout the construction period, covering the range of activities (including worst-case construction noise levels) being undertaken;
 - (d) method and frequency for reporting monitoring results; and
 - (e) procedures to identify and implement additional mitigation measures where monitoring indicates noise and/or vibration levels in excess of noise and vibration criteria.

DURING CONSTRUCTION

Site Notice

- D1 A site notice(or notices) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, 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
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D2 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.

Demolition

- D3 Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C10.

Construction Hours

- D4 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 1pm, Saturdays.

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

- D5 Construction activities may be undertaken outside of the hours in condition D4 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 his nominee if appropriate justification is provided for the works.
- D6 Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7 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

- D8 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

- D9 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 or an approved on-street work zone before stopping.

Hoarding Requirements

- D10 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

- D11 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

- D12 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.
- D13 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 D4.
- D14 The Applicant 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.

Noise Monitoring Program

- D15 The Applicant must implement the Construction Noise and Vibration Monitoring Program in accordance with condition C29.

Vibration Criteria

- D16 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).
- D17 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 D16.
- D18 The limits in conditions D16 and D17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C14 of this consent.

Tree Protection

- D19 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 immediately adjacent to property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, 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 the recommendations of the Arboricultural Impact Assessment prepared by Craig Kenworthy date 20 November 2020; 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.

Air Quality

- D20 The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D21 During construction, the Applicant must ensure that:
- D22 activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (a) all trucks entering or leaving the site with loads have their loads covered;
 - (b) trucks associated with the development do not track dirt onto the public road network;
 - (c) public roads used by these trucks are kept clean; and
 - (d) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- D23 All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

Imported Fill

- D24 The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the 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

- D25 Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the 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

- D26 The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

Unexpected Finds Protocol – Aboriginal Heritage

- D27 In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
 - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
 - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
 - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
 - (e) works may only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

- D28 If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
 - (b) 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 as determined in consultation with Heritage NSW; and

(c) works may only recommence with the written approval of the Planning Secretary.

Waste Storage and Processing

- D29 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.
- D30 All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D31 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.
- D32 The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D33 The Applicant 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

- D34 The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

- D35 Remediation of the site must be carried out in accordance with the Remediation Action Plan prepared by Land & Groundwater Consulting Pty Ltd and dated 28 October 2020 and any variations to the Remediation Action Plan approved by a NSW EPA accredited Site Auditor.
- D36 If work is to be carried out / completed in stages, a NSW EPA accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of interim audit advice(s).
- D37 The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Independent Environmental Audit

- D38 Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D39 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.
- D40 The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 week's notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- D41 In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
 - (a) review and respond to each Independent Audit Report prepared under condition D38 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 within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- D42 Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- D43 Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION

Notification of Occupation

- E1 At least one month before the issue of the occupation certificate, 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

- E2 Prior to the issue of the occupation certificate, the Applicant 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.
- E3 The Applicant 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 – Protection of Public Infrastructure

- E4 Prior to the issue of an occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition C4 of this consent;
 - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
 - (c) be submitted to the Certifier;
 - (d) be forwarded to Council for information; and
 - (e) be provided to the Planning Secretary when requested.

Repair of Public Infrastructure

- E5 Unless the Applicant and the relevant public 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 construction works; and/or
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
 - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

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

Road Damage

- E6 Prior to the issue of an occupation certificate, 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 Applicant.

Post-Construction Survey – Adjoining Properties

- E7 Where a pre-construction survey has been undertaken in accordance with condition C5, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition C5;
 - (b) be provided to the owner of the relevant buildings surveyed;
 - (c) be provided to the Certifier; and
 - (d) be provided to the Planning Secretary when requested.

- E8 Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Development Contributions

- E9 Prior to the commencement of construction for any part of the development, payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

Easements

- E10 Within 6 months after the date of this consent, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming the Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, and provides for access to stormwater infrastructure, must be registered on title of Lot 1 DP 841502 or any amalgamated lot inclusive of Lot 1 DP 841502.

Utilities and Services

- E11 Prior to the issue of the occupation certificate, 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

- E12 Prior to the issue of the occupation certificate, the Applicant must complete the construction of President Avenue access and Hotham Road access to the satisfaction of the relevant roads authority. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*, where required by that Act.

Works as Executed Plans

- E13 Prior to the issue of the occupation certificate, 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.

Green Travel Plan

- E14 Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to the satisfaction of 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 Council and Transport for NSW;
 - (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;
 - (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.

Operational Transport and Access Management Plan (OTAMP)

- E15 Prior to the commencement of operation or issue of occupation certificate, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council and TfNSW, and submitted to the satisfaction of the Planning Secretary. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures to ensure people are able to access and leave the Site in a safe and efficient manner;

- (b) the location of all car parking spaces on the site and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- (c) the location and operational management procedures of the pick-up and drop-off parking located within the site, including any staff management/traffic controller arrangements;
- (d) delivery and service vehicle access management arrangements;
- (j) restrict the use of the loading dock to the following periods (excluding during medical or operational emergencies):
 - 7am and 6pm on Monday to Saturday, and
 - 8am and 6pm Sunday and Public Holidays
- (e) management of approved access arrangements;
- (f) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing parking from President Avenue; and
- (g) a monitoring and review program.

Mechanical Ventilation

- E16 Prior to the issue of the occupation certificate, the Applicant 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

- E17 Prior to the issue of an occupation certificate, the Applicant must submit evidence, including the results of attended noise monitoring, to the Certifier demonstrating that the noise mitigation recommendations in the assessment undertaken under condition B3 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the relevant noise criteria described within the EPA Noise Policy for Industry and Noise and Vibration Assessment for Proposed Alterations and Additions to President Private Hospital dated 29 June 2020 and prepared by Acoustic Directions Pty Ltd.
- E18 Prior to the issue of an occupation certificate, the Applicant must submit evidence that consultation with all neighbouring properties, including all properties identified as receivers within the Applicants Noise and Vibration Assessment has been undertaken, focusing on the ongoing operation noise impacts.

Car Parking, Service Vehicles and Bicycle parking Arrangements

- E19 Prior to the issue of an occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with conditions B7 and B8;
 - (b) appropriate pedestrian and cyclist advisory signs are to be provided;
 - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
 - (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
 - (e) end-of-trip facilities for staff are provided.

Fire Safety Certification

- E20 Prior to the issue of an occupation certificate, 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

- E21 Prior to the issue of an occupation certificate 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

- E22 Prior to the issue of the occupation certificate, the Applicant 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

- E23 Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP) must 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.

Warm Water Systems and Cooling Systems

- E24 The installation 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 Part 1 (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

- E25 Prior to the issue of the occupation certificate, the Applicant 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.

Heritage Interpretation Plan

- E26 Prior to the issue of an occupation certificate, the Applicant must demonstrate to the Certifier that the Heritage Interpretation Plan has been implemented to the satisfaction of the Planning Secretary.

Signage

- E27 Prior to the issue of an occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E28 Prior to the issue of an occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- E29 Prior to the issue of an occupation certificate, the Applicant must demonstrate to the Certifier that the luminous output of all prominent way-finding signage and identification signage is adjustable.

Operational Waste Management Plan

- E30 Prior to the issue of an occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. 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 described in the EIS.

Site Contamination

- E31 Prior to the issue of an occupation certificate, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

Landscaping

- E32 Prior to the issue of an occupation certificate, landscaping of the site must be completed in accordance with landscape plan(s) approved under condition B10.
- E33 Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Planning Secretary. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping;

Operational Flood Emergency Response Management Plan

- E34 Prior to the commencement of operations, a Flood Emergency Response Management Plan must be prepared to the satisfaction of the Planning Secretary which:
- (a) has been prepared by a suitably qualified and experienced person(s);
 - (b) has been prepared in consultation with the NSW State Emergency Service noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;
 - (c) incorporates and complies with all advice provided by NSW State Emergency Service;
 - (d) considers feedback from Sutherland Shire Council;
 - (e) addresses the provisions of the Floodplain Risk Management Guidelines (EHG);
 - (f) incorporates the following:
 - (i) the flood emergency management protocols for the operational phase of the development;
 - (ii) predicted flood levels within the site and within the adjoining road system;
 - (iii) strategies such as early or pre-emptive hospital closure, temporary suspension of services and other management requirements where relevant and where consistent with SES advice;
 - 1. clear emergency management triggers and responses;
 - 2. details of flood warning time and flood notification;
 - 3. details of assembly points and flood free routes where required;
 - 4. clear roles and responsibilities for emergency flood management within the site;
 - 5. recognition that the NSW SES is the lead combat agency for floods and state that any flood response directive issued by the SES must be followed
 - 6. clear messaging and communication protocols;
 - 7. clear requirements that the Plan be regularly reviewed; and
 - 8. details of awareness training for employees, contractors, visitors, caregivers and induction of new staff members.

9. describes routine inspection of any warning devices, swales and any other flood mitigating equipment or structures.
10. describes measures to ensure the regular maintenance and proper operation of any warning devices, swale and any other flood mitigating equipment.

Privacy

E35 Prior to the issue of an occupation certificate, any proposed privacy measures identified in the plan titled 'North Line of Site Diagrams' and 'West Line of Site Diagrams', versions A020 and A021, dated 24 February 2022 and prepared by Imagescape design Studios; must be implemented, including louvers and privacy fencing.

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POST OCCUPATION

Operation of Plant and Equipment

- F1 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

- F2 The 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 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.

Community Communication Strategy

- F3 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 Transport and Access Management Plan (OTAMP)

- F4 The OTAMP(s) approved under condition E15 (and as revised from time to time) must be implemented by the Applicant for the life of the development.

Operational Noise Limits

- F5 The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits described in the EPA Noise Policy for Industry and in the Noise and Vibration Assessment for Proposed Alterations and Additions to President Private Hospital dated 29 June 2020 and prepared by Acoustic Directions Pty Ltd.
- F6 The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry 2017 or any latest version 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 recommended noise levels for mechanical plant identified in in the EPA Noise Policy for Industry. 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.

Driveways and Parking Areas

- F7 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

- F8 The Green Travel Plan required by condition E14 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- F9 Unless otherwise agreed by the Planning Secretary, within 12 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 C9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- F10 Notwithstanding condition D324, 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.

Landscaping

F11 The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B10 for the duration of occupation of the development.

Hazards and Risk

F12 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 EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.

Dangerous Goods

F13 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.

F14 Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:

- (a) all relevant Australian Standards;
- (b) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997).

Discharge Limits

F15 The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Signage

F16 All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development.

F17 The illumination of signage and LED screen(s) must be switched off between 6pm and 7am, unless otherwise agreed by the Planning Secretary.

F18 The lighting to be used in connection with approved signage including LED screen(s) must comply with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting.

F19 LED signage must not:

- (a) dazzle or distract drivers due to colouring of the digital content;
- (b) be able to be mistaken for a traffic signal because the digital content has, for example, red, amber, or green circles, octagons, crosses or triangles;
- (c) be able to be mistaken as an instruction to drivers;
- (d) display advertising or messages which contain fully animated or video/movie style advertising or images;
- (e) display advertising material unrelated to the hospital;
- (f) be used for any live television, satellite, internet or similar broadcast; and
- (g) emit sound.

F20 LED signage must have a default setting that will display an entirely black display area when no content is being displayed or if a malfunction were to occur.

APPENDIX 1 - ADVISORY NOTES

General

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.

Long Service Levy

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

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

Access for People with Disabilities

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

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

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

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

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

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

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

Handling of Asbestos

The Applicant 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

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 through the major projects portal 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 A23 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - identify the development and application number;
 - provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - identify how the incident was detected;
 - identify when the applicant became aware of the incident;
 - identify any actual or potential non-compliance with conditions of consent;
 - describe what immediate steps were taken in relation to the incident;
 - identify further action(s) that will be taken in relation to the incident; and
 - 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 summary of the incident;
 - outcomes of an incident investigation, including identification of the cause of the incident;
 - details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - details of any communication with other stakeholders regarding the incident.