

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 clause 8A of the State Environmental Planning Policy (Planning Systems) 2021 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 in Schedule 2.

These conditions are required to:

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

[Name of Commissioner]
Member of the Commission

[Name of Commissioner]
Member of the Commission

[Name of Commissioner]
Member of the Commission

Sydney

2023

SCHEDULE 1

Application Number:	SSD-13619238
Applicant:	Hammondcare
Consent Authority:	The Independent Planning Commission
Site:	95-115 River Road, Greenwich (Lots 3 and 4 DP584287)
Development:	Greenwich Hospital Redevelopment – Detailed Design, comprising the design, staged construction and operation of the hospital and integrated healthcare campus, including: <ul style="list-style-type: none">• hospital and aged care building (with integrated basement);• two serviced seniors housing buildings (with integrated basement carpark);• respite care facility;• use of ‘Pallister House’ for research and administrative functions;• demolition works and remediation;• site facilities, services and infrastructure works;• pedestrian and vehicle access and circulation;• landscaping, including bushland regeneration; and• signage.

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	Hammondcare, or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as Subject land in Figure 1.4 – Site map in the <i>Biodiversity Development Assessment Report</i> , prepared by Travers bushfire & ecology and dated 2 August 2023
Archaeological Salvage	Works identified in the Archaeological Research Design & Excavation Methodology appended to <i>Greenwich Hospital Historical Archaeology Updated Impact Assessment</i> prepared by Cultural Heritage Connections dated May 2022
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, 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; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</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	Lane Cove
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 as refined in the Response to Submissions and the Applicant's responses to RFIs, including the works and activities comprising site preparation, demolition, remediation, construction and use/operation, 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, Department of Planning and Environment
EIS	The Environmental Impact Statement titled Environmental Impact Statement Greenwich Health Campus – Detail Design (SSD 13619238), prepared by Ethos Urban dated 26 August 2022, 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 2021
Evening	The period from 6pm to 10pm
Feasible	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 NSW, Department of Planning and Environment
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
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"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)

Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this 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
NSW RFS	New South Wales Rural Fire Service
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
People with a disability	People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life
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	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Response to submissions	The Applicant's response to issues raised in submissions titled Response to Submissions Report Greenwich Health Campus – Detail Design (SSD 13619238) & Concept Plan, prepared by Ethos Urban dated 6 February 2023 received in relation to the application for consent for the development under the EP&A Act
RFI	Request for information issued to the Applicant on the major projects portal.
Seniors	Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the <i>Aged Care Act 1997</i> (Cth)) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider
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>
Site Investigations	Data gap investigation identified in Section 4 of the <i>Remediation Action Plan</i> prepared by JK Environments and dated 5 May 2022
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS, Response to Submissions and responses to RFIs;
 - (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by <i>Bickerton Masters</i>			
Dwg No.	Rev	Name of Plan	Date
DD-SW-0101	P23	Proposed Site Plan	27.06.2023
DD-SW-0120	P15	Staging Plan	27.06.2023
DD-SW-0121	P11	Stage 1 Plan – Early Works	27.06.2023
DD-SW-0122	P12	Stage 2.1 Plan – Demolition	27.06.2023
DD-SW-0123	P15	Stage 2.2 Plan – Construction	27.06.2023
DD-SW-0124	P15	Stage 3.1 Plan – Demolition	27.06.2023
DD-SW-0125	P15	Stage 3.2 Plan – Construction	27.06.2023
DD-SW-0126	P15	Stage 4 Plan – Construction	27.06.2023
DDSW-0110	P18	Site Elevations & Sections – Sheet 1	27.06.2023
DDSW-0111	P18	Site Elevations & Sections – Sheet 2	27.06.2023
DDSW-0112	P18	Site Elevations & Sections – Sheet 3	27.06.2023
DDSW-0113	P18	Site Elevations & Sections – Sheet 4	27.06.2023
DDSW-0114	P18	Site Elevations & Sections – Sheet 5	27.06.2023
DD-HST-0100	P27	H&C – Overall Plan – L1	27.06.2023
DD-HST-0101	P26	H&C – Overall Plan – L2	27.06.2023
DD-HST-0102	P29	H&C – Overall Plan – L3	27.06.2023
DD-HST-0103	P26	H&C – Overall Plan – L4	27.06.2023
DD-HST-0104	P27	H&C – Overall Plan – L5	27.06.2023
DD-HST-0105	P26	H&C – Overall Plan – L6	27.06.2023
DD-HST-0106	P25	H&C – Overall Plan – L7	27.06.2023
DD-HST-0107	P24	H&C – Overall Plan – L8	27.06.2023
DD-HST-0108	P24	H&C – Overall Plan – L9	27.06.2023
DD-HST-0109	P24	H&C – Overall Plan – L10	27.06.2023
DD-HST-0110	P24	H&C – Overall Plan – L11/Roof	27.06.2023
DD-HST-0500	P19	H&C – External Elevations – Sheet 1 (Overall)	27.06.2023
DD-HST-0501	P19	H&C – External Elevations – Sheet 2 (Overall)	27.06.2023
DD-SL-0100	P18	SL – Overall Plan – L1	27.06.2023
DD-SL-0101	P18	SL – Overall Plan – L2	27.06.2023

DD-SL-0102	P18	SL – Overall Plan – L3	27.06.2023
DD-SL-0103	P18	SL – Overall Plan – L4	27.06.2023
DD-SL-0104	P18	SL – Overall Plan – L5	27.06.2023
DD-SL-0105	P18	SL – Overall Plan – L6	27.06.2023
DD-SL-0106	P9	SL – Overall Plan – Roof	27.06.2023
DD-SL-0500	P10	SL – External Elevations (Overall)	27.06.2023
DD-SL-0501	P10	SL – External Elevations (Overall)	27.06.2023
DD-RS-0200	P7	RS – General Arrangement Plan – L1	24.08.2022
DD-RS-0201	P7	RS – General Arrangement Plan – L2	24.08.2022
DD-RS-0202	P7	RS – General Arrangement Plan – L3	24.08.2022
DD-RS-0203	P6	RS – Roof Plan	24.08.2022
DD-RS-0500	P8	RS – External Elevations – Sheet 1	12.09.2022
DD-SW-0901	P5	Signage Details – Location Plan	27.06.2023
DD-SW-0900	P4	Signage Details	27.06.2023
Landscape Drawings prepared by TaylorBrammer			
Dwg No.	Rev	Name of Plan	Date
LA-001	B	Tree Retention and Removal Plan	17.05.2022
LA-100	D	Landscape Masterplan	09.10.2023
LA-101	D	Overall Site Plan 1/4	09.10.2023
LA-102	D	Overall Site Plan 2/4	09.10.2023
LA-103	D	Overall Site Plan 3/4	09.10.2023
LA-104	D	Overall Site Plan 4/4	09.10.2023
LA-HST-202	D	H&C – Level 2	09.10.2023
LA-HST-203	D	H&C – Level 3	09.10.2023
LA-HST-204	D	H&C – Level 4	09.10.2023
LA-HST-205	D	H&C – Level 5	09.10.2023
LA-HST-206	D	H&C – Level 6	09.10.2023
LA-HST-207	D	H&C – Level 7	09.10.2023
LA-HST-208	D	H&C – Level 8-10	09.10.2023
LA-PAL-200	D	Pallister House	09.10.2023
LA-SL-201	D	Senior Living Podium	09.10.2023
LA-SL-203	D	Senior Living Level 3-4	09.10.2023
LA-SL-204	D	Senior Living Level 5-6	09.10.2023
LA-SL-205	D	Senior Living Green Roof	09.10.2023
PL-000	D	Plant Schedule	09.10.2023
PL-101	D	Overall Planting Plan 1 of 4	09.10.2023
PL-102	D	Overall Planting Plan 2 of 4	09.10.2023
PL-103	D	Overall Planting Plan 3 of 4	09.10.2023
PL-104	D	Overall Planting Plan 4 of 4	09.10.2023
PL-HST-202	D	Planting Plan H&C – Level 2	09.10.2023
PL-HST-203	D	Planting Plan H&C – Level 3	09.10.2023
PL-HST-204	D	Planting Plan H&C – Level 4	09.10.2023
PL-HST-205	D	Planting Plan H&C – Level 5	09.10.2023

PL-HST-206	D	Planting Plan H&C – Level 6	09.10.2023
PL-HST-207	D	Planting Plan H&C – Level 7	09.10.2023
PL-HST-208	D	Planting Plan H&C – Level 8-10	09.10.2023
PL-PAL-200	D	Planting Plan Pallister House	09.10.2023
PL-SL-201	D	Planting Plan Senior Living Level 2	09.10.2023
PL-SL-203	D	Planting Plan Senior Living Level 3-4	09.10.2023
PL-SL-204	D	Planting Plan Senior Living Level 5-6	09.10.2023
PL-SL-205	D	Planting Senior Living Roof	09.10.2023
LD01	A	Landscape Details	14.04.2022
LD02	A	Landscape Details	14.04.2022

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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;
 - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) 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:
- consult with the relevant party prior to submitting the subject document for information or approval; and
 - provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - 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 in accordance with the terms/conditions of this consent and the details set out in the RTS.

- A10. Staging of the development may be varied (for either construction or operation) in accordance with a revised Staging Report submitted to and approved by the Planning Secretary prior to that stage of construction and/or operation commencing.
- A11. Any revised Staging Report prepared in accordance with condition A10 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.
- A12. The project must be staged in accordance with the details approved under condition A9, unless a revised Staging Report has been approved under condition A10, in which case the project must be staged in accordance with the approved revised Staging Report.
- A13. The terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage set out in the details as approved under condition A9 or a revised Staging Report approved under condition A10, must be complied with at the relevant time for that stage, including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

- A14. 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).
- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A16. 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.
- A17. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

A18. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

External Walls and Cladding

A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

External Materials

A20. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:

- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials; and
- (b) the quality and durability of any alternative material is the same standard as the approved external building materials.

A21. Details of any approved changes by the Certifier to the external colours and/or building materials as set out under A20, must be provided to the Planning Secretary within seven days, upon request.

Design and Construction for Bush Fire

A22. New construction must comply with Sections 3 and 5 (minimum BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014, as appropriate.

A23. The project must comply with the relevant sections of Planning for Bush Fire Protection (2019) including, but not limited to:

- (a) Chapter 6 – Special Fire Protection Purpose Developments (where relevant);
- (b) Asset Protection Zones (APZs) and building construction (Table 6.8a);
- (c) Safe operational access for emergency services personnel (Table 6.8b); and
- (d) Water, electricity and gas (Table 6.8c).

A24. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this consent.

A25. 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, Australian Standard or policy, or a replacement of them.

Fire Safety

A26. The hospital and seniors housing buildings must incorporate the installation of a fire sprinkler system.

Monitoring and Environmental Audits

A27. 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

- A28. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant’s response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations of each of the respective stages (where relevant).

Compliance

- A29. 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

- A30. 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.

- A31. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A32. 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.
- A33. 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.

A34. 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

A35. Within three months of:

- (a) the submission of an incident report under condition A31;
- (b) the submission of an Independent Audit under condition D46;
- (c) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act; or
- (d) the issue of a direction of the Planning Secretary under condition A2(b) 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.

A36. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans or programs 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.

Other Approvals

A37. This consent does not permit the seniors housing to be used for hospital purposes unless separate approval(s) is obtained from the relevant authority for the above use (where required).

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Design Amendments

- B1. Prior to the issue of a construction certificate, the relevant construction drawings must be updated and design verification must be provided to the Certifier detailing:
- compliance with Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings as stipulated in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 for Stage 3; and
 - incorporation of recommendations in the *Accessibility Design Review Report*, prepared by ABE Consulting, dated 11 August 2022.

External Walls and Cladding

- B2. Prior to the issue of the relevant 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.

Ecologically Sustainable Development

- B3. Prior to issue of the relevant construction certificate, all conditions of the BASIX Certificate No. 1378162M, and any updated certificate issued if amendments are made, must be clearly shown on the construction certificate plans.

Note: This condition has been imposed to satisfy the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Stormwater Management System

- B4. Prior to the issue of the relevant construction certificate, the Applicant must design an operational stormwater management system for each stage of the development and submit it to the Certifier for approval. The system must:
- be designed by a suitably qualified and experienced person(s);
 - be generally in accordance with the conceptual design in the EIS;
 - be in accordance with applicable Australian Standards; and
 - ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Flood Management and Mitigation

- B5. Prior to the issue of any construction certificate (excluding for Stage 1, demolition and excavation), the Applicant must provide evidence from a suitably qualified chartered engineer to the Certifier and Planning Secretary confirming that:
- all habitable floor levels are above the probable maximum flood (PMF) level and that the development achieves the required flood planning levels outlined in *Greenwich Hospital Flood Assessment*, prepared by Water Modelling Solutions and dated 4 July 2023.
 - any part of structures below the PMF level are constructed from flood compatible building components.
 - the buildings have been designed to ensure shelter in place of vulnerable persons as outlined in the *Greenwich Hospital - Flood Emergency Response Plan*, prepared by Water Modelling Solutions and dated 20 July 2023, during all flood scenarios (1% AEP through to PMF) until it is safe to leave the buildings.
 - the building has been designed, so that the part of the building that will be used for egress after a flood event will be safe to be used for this purpose after the flood waters recede from the 1% AEP through to PMF flood events described in the *Greenwich Hospital Flood Assessment*, prepared by Water Modelling Solutions and dated 4 July 2023.

- (e) the buildings would comply with relevant BCA requirements and the supplementary 'Construction of buildings in flood hazard areas' guidance with regard to structural adequacy and building material resilience during all flood events 1% AEP to PMF as described in the *Greenwich Hospital Flood Assessment*, prepared by Water Modelling Solutions and dated 4 July 2023.

Operational Noise – Design of Mechanical Plant and Equipment

- B6. Prior to the issue of the relevant construction certificate for the mechanical plant and equipment, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *Greenwich Hospital Redevelopment Noise & Vibration Impact Assessment* prepared by Acoustic Logic and dated 25 July 2023 have been incorporated into the design, to ensure the development will not exceed the project noise trigger levels identified in the *Greenwich Hospital Redevelopment Noise & Vibration Impact Assessment* prepared by Acoustic Logic and dated 25 July 2023.

Operational Waste Storage and Processing

- B7. Prior to the issue of the 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 Council). 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:
- (a) is constructed using solid non-combustible materials;
 - (b) 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;
 - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
 - (d) is naturally ventilated or an air handling exhaust system must be in place; and
 - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Car Parking and Service Vehicle Layout

- B8. Prior to the issue of a construction certificate for each stage, evidence must be submitted to, and approval obtained from, 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) for the relevant stage:
 - (i) a minimum of 174 on-site car parking spaces are provided for the operation upon completion of Stage 2 of the development;
 - (ii) a minimum of 326 on-site car parking spaces are provided for the operation upon completion of Stage 3 of the development;
 - (iii) a minimum of 329 on-site car parking spaces are provided for the operation upon completion of Stage 4 of the development;
 - (c) adequate access is provided to service vehicle parking / loading / unloading areas upon completion of each stage;
 - (d) the spaces are designed in accordance with AS 2890.1 and AS 2890.6; and
 - (e) the swept path of the longest vehicle entering and exiting the Site, as well as manoeuvrability through the Site, is in accordance with AS 2890.2.
 - (f) any requirements of Fire and Rescue NSW.

Bicycle Parking and End-of-Trip Facilities

- B9. Prior to the issue of the relevant construction certificate, design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier demonstrating:
- a) the provision of a minimum 20 bicycle parking spaces;
 - b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and;
 - c) the provision of end-of-trip facilities for staff.

Landscaping

- B10. Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site. The plan must:
- provide for the planting of 86 trees in deep soil;
 - identify details of planting in bushland regeneration areas;
 - detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - use species (trees, shrubs and groundcovers) indigenous to the local area;
 - include the planting of trees with a pot container of 100 litres or greater;
 - include the provision of nest boxes suitable to native fauna likely to use the site; and
 - comply with the standards in Appendix 4 of Planning for Bush Fire Protection (2019).
- B11. The updated landscape plans required by condition B10 must be prepared in consultation with adjoining property owners to the west and south-west (117, 117A and 117B River Road and 24 Gore Street) where the bushland regeneration works on the site are to be undertaken, to ensure that tree planting would optimise visual privacy.
- B12. Prior to the commencement of construction, the updated landscape plans required by condition B10 must be submitted to the Planning Secretary for approval and incorporate the outcomes of the consultation required by condition B11.

Geotechnical Report

- B13. Prior to the issue of the relevant construction certificate, evidence demonstrating that the construction certificate plans include the design recommendations of the Additional Geotechnical Investigation prepared by JK Geotechnics dated 10 May 2022 must be provided to the Certifier.

Public Domain Works

- B14. Prior to the issue of construction certificate for footpath or public domain works required to address State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, as referenced in the *Accessibility Design Review Report*, prepared by ABE Consulting and dated 11 August 2022 and to rectify the kerb ramps at the River Road, 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.

Roadworks/Intersection Works and Access

- B15. Prior to the issue of construction certificate for external roadworks and access (if any), the Applicant must obtain approval from the relevant roads authority.

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.*

- B16. Prior to the issue of the relevant construction certificate, the Applicant must demonstrate that the proposed internal roads comply with Table 6.8b of Planning for Bush Fire Protection 2019 and obtain approval from the Certifier.

Crime Prevention Through Environmental Design

- B17. Prior to the issue of the relevant construction certificate, Crime Prevention Through Environmental Design (CPTED) measures must be incorporated into the development to maximise security in and around the development. The final CTPED measures must be prepared in consultation with NSW Police and shown on all relevant architectural and landscape plans approved by the Certifier. CPTED measures must include, but not be limited to:
- monitored CCTV facilities throughout the development;

- (b) a lighting policy designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 – Pedestrian which considers crime risk and fear when selecting lamps and lighting levels;
- (c) security mirrors installed within corridors and on blind corners to enable users to see around blind corners;
- (d) intercom facilities installed at all pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development;
- (e) all recommendations within the *Crime Prevention Through Environmental Design* report prepared by Ethos Urban dated 29 April 2022.

PART C 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 at least 48 hours before those dates.
- C2. If the construction 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 each stage of construction, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with this development consent must be submitted to and approved by the Certifier.

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 conditions C5 and C6, the Applicant must provide a copy of the:
 - (a) relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) Pre-Construction Survey Report to the Certifier; and
 - (c) Pre-Construction Survey Report to the Planning Secretary within seven days, upon request.

Community Communication Strategy

- C8. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Certifier and published on the Applicant's website in accordance with condition A28. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, Council and the community (including adjoining affected landowners, and others directly impacted by the development), during the detailed design and construction of the development and for a minimum of 12 months following the completion of construction.
- C9. The Community Communication Strategy must:
 - (a) identify people to be consulted during the detailed 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;
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination and heritage.

Demolition

- C10. Prior to the commencement of each stage of construction that includes demolition, 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 be made available to the Planning Secretary within seven days upon request.

Ecologically Sustainable Development

- C11. Prior to the commencement of construction of Stage 2, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that Ecologically Sustainable Development (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.

Environmental Management Plan Requirements

- C12. 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>

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

Construction Environmental Management Plan

- C13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary within seven days upon request. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) groundwater management plan including measures to prevent groundwater contamination;
 - (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vi) community consultation and complaints handling as set out in the Community Communication Strategy required by condition C9;
 - (vii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C15);

- (c) Construction Noise and Vibration Management Sub-Plan (see condition C16);
 - (d) Construction Waste Management Sub-Plan (see condition C17);
 - (e) Construction Soil and Water Management Sub-Plan (see condition C18); and
 - (f) Biodiversity Management Sub-Plan (see condition C19).
- C14. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy of the CEMP is published on the Applicant's website in accordance with condition A28.
- 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 address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) include a road safety audit of St Vincents Road and incorporate any measures required to address any identified safety concerns associated with construction vehicles accessing the site from this road;
 - (d) detail the measures that are to be implemented to ensure road safety and network efficiency during construction, in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (e) detail heavy vehicle routes, access and parking arrangements.
- 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 for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works, such as piling in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken, including consultation with all sensitive receivers where construction noise impacts exceed the highly noise affected level, to develop the strategies in condition C16(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C12.
- C17. The Construction Waste Management Sub-Plan (CWMSP) 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 Construction Soil and Water Management Sub-Plan (CSWMSP) 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) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site); and
 - (d) detail all off-Site flows from the Site.
- C19. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) identify areas of land where impacts on biodiversity are to be avoided as outlined in the *Biodiversity Development Assessment Report*, prepared by Travers bushfire & ecology and dated 2 August 2023 and set out how these areas will be protected from construction impacts; and
 - (c) set out the measures identified in the *Biodiversity Development Assessment Report* to minimise, mitigate and manage impacts on biodiversity, including timing and responsibility for delivery of the measures.
- C20. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address, but not be limited to, 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.

Dewatering Management Plan

- C21. Prior to the commencement of any dewatering on the site, a Dewatering Management Plan (DMP) must be prepared and submitted to the Certifier and provide a copy to the Planning Secretary within seven days upon request. The DMP must address, but not be limited to, the following:
- (a) identify the estimated groundwater dewatering take reported in the EIS, set staged cumulative performance targets for the volume of de-watering extracted;
 - (b) include a trigger action and response procedure (TARP) inclusive of agency notification should the performance targets identified be breached;
 - (c) identify the procedures for re-assessment of the predicted take for both during and post construction phases if there is an exceedance of the predicted groundwater dewatering volume during the construction phase (within 28 days); and
 - (d) the TARP must document mitigation options to ensure post construction take will be less than 3 ML/yr and if it will exceed 3ML, actions to be undertaken to obtain the necessary water access licences (WALs) before the 3ML limit is exceeded.

Flood Management – Construction

- C22. Prior to the commencement of construction, the Applicant must prepare:
- (a) flood warning and notification procedures for construction workers on site; and
 - (b) evacuation and refuge protocols.

Social Impact Management Plan

- C23. Prior to the commencement of construction, the Applicant must prepare and submit a Social Impact Management Plan (SIMP) to the Certifier and provide a copy to the Planning Secretary within seven days upon request. The SIMP must address the details identified in *Social Impact Assessment*, prepared by Ethos Urban and dated 11 August 2023.

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 residential streets or public parking facilities.

Aboriginal Heritage

- C25. Prior to the commencement of construction of Stage 4, 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.

Pallister Conservation Works

- C26. Prior to the commencement of Pallister conservation works, the Applicant must engage a suitably experienced and qualified heritage consultant for the conservation works. The heritage consultant must be consulted in relation to:
- (a) providing input on colour scheme;
 - (b) providing heritage inductions for construction staff;
 - (c) overseeing works; and
 - (d) providing input on selection of appropriate tradespersons.

Archaeological Salvage – Historic Archaeology

- C27. Prior to the commencement of construction (excluding demolition) a suitably qualified archaeologist must be appointed as the Excavation Director and must oversee all archaeological works for the entire duration of the construction works.
- C28. The development must be carried out in accordance with the *Archaeological Research Design & Excavation Methodology* appended to *Greenwich Hospital Historical Archaeology Updated Impact Assessment* prepared by Cultural Heritage Connections and dated May 2022, under the supervision of the Excavation Director appointed under condition C27.
- C29. Any amendments to the *Archaeological Research Design & Excavation Methodology* must be prepared in consultation with Heritage NSW, and be submitted to and approved in writing by the Planning Secretary prior the relevant works being undertaken.
- C30. Prior to the commencement of any construction works (excluding demolition) which results in any ground disturbance, archaeological monitoring and salvage must be undertaken as required and in accordance with the *Archaeological Research Design & Excavation Methodology*.

Biodiversity

- C31. Prior to the commencement of construction, the number and classes of ecosystem credits and species credits (like-for-like) set out in the BAM Biodiversity Credit Report contained in Appendix 3 of the *Biodiversity Development Assessment Report*, prepared by Travers bushfire & ecology and dated 2 August 2023, must be retired.
- C32. The requirement to retire like-for-like ecosystem credits and species credits in condition C31 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.
- C33. Evidence of the retirement of credits in satisfaction of condition C31 or payment to the Biodiversity Conservation Fund in satisfaction of condition C32 must be provided to the Planning Secretary prior to commencement of construction.

Site Contamination

- C34. 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.
- C35. Prior to the commencement of construction involving ground disturbance (excluding demolition), the Applicant must conduct site investigations to confirm the full nature and extent of the contamination at the project area and comply with the following requirements:

- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
- (b) the reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
- (c) the recommendations and the unexpected find procedure of the *Remediation Action Plan* prepared by JK Environments and dated 5 May 2022 must be updated following results of further site investigations and implemented throughout the duration of the project work.

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice(s) 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 7:30am and 5:30pm, 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
 - (a) for the delivery, set-up and removal of construction cranes, where notice of the crane-related works is provided to the Planning Secretary and affected residents at least seven days prior to the works; or
 - (b) 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. Construction works may be undertaken outside of the hours in condition D4, unless directed otherwise by the Planning Secretary, between the following hours: Saturday: 1pm to 3:30pm if construction works achieve construction noise management levels for 'Outside recommended standard hours' detailed in the *Interim Construction Noise Guideline* (DECC, 2009).
- D8. 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

- D9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Social Impact Management Plan

- D10. The Applicant must implement the SIMP required by condition C23 for the duration of the construction works.

Aboriginal Cultural Heritage

- D11. The Applicant must carry out the construction of the development in accordance with the recommendations of the *Aboriginal Cultural Heritage Management Plan*, prepared by Cultural Heritage Connections and dated October 2023.

Vegetation Management Plan

- D12. The Applicant must implement all relevant measures in the *Vegetation Management Plan*, prepared by Travers bushfire & ecology and dated 17 May 2022.

Construction Traffic

- D13. 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

- D14. 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 being made aware of its application.

No Obstruction of Public Way

- D15. 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

- D16. 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.
- D17. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential areas outside of the construction hours of work outlined under condition D4 and D7.
- D18. 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.

Vibration Criteria

- D19. 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).

D20. 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 D19.

D21. The limits in conditions D19 and D20 apply unless otherwise outlined in an approved CNVMSP required by condition C16.

Tree Protection

D22. 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 the approved disturbance area and property boundary 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 Tree Management Plan for Hammondcare Greenwich Hospital NSW appended to the *Tree Impact Assessment Report and Tree Management Plan*, prepared by Mark Bury Consulting and dated 27 September 2021; 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

D23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D24. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust, including emission of windblown or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

D25. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP required by condition C17.

Imported Fill

D26. 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

D27. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the buildings, 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.

Flood Management – Construction

D28. The Applicant must implement the procedures and protocols required under condition C22 for the duration of construction.

Emergency Management

D29. 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

D30. 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, 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

D31. 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.

Unexpected Finds Protocol – Burials

D32. In the event that a burial or skeletal remains are uncovered during work, then:

- (a) all works must cease immediately in that area and the NSW Police and Heritage NSW contacted;
- (b) a suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains;
- (c) the Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains; and
- (d) works may only recommence with the written approval of Heritage NSW.

Waste Storage and Processing

D33. 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.

D34. All waste generated during construction must be assess, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).

- D35. 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.
- D36. 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.
- D37. 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

- D38. 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

- D39. Remediation of the site must be carried out in accordance with the *Remediation Action Plan* prepared by JK Environments and dated 5 May 2022, as updated by condition C35(c), and any variations to the *Remediation Action Plan* prepared by JK Environments and dated 5 May 2022 and approved by an NSW EPA-accredited Site Auditor.
- D40. 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).
- D41. 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

- D42. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D43. 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.
- D44. 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.
- D45. 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 D42 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.
- D46. 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.
- D47. 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.

PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION

Notification of Occupation

- E1. At least one month before the issue of the relevant 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 relevant 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 upon request.

Seniors Housing Accessibility and Useability Standards

- E4. Prior to the issue of any occupation certificate for Stage 3, details demonstrating compliance with Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings for all ground level dwellings and all other dwellings as stipulated in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are to be submitted to the Certifier.

Compliance with BASIX Certificate

- E5. Prior to the issue of occupation certificate for Stage 3, the Applicant must submit evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented and obtain the approval of the Certifier that compliance has been achieved.
- Note: This condition has been imposed to satisfy the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

Post-Construction Dilapidation Report – Protection of Public Infrastructure

- E6. Prior to the issue of the relevant 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 within seven days upon request.

Repair of Public Infrastructure

- E7. 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

- E8. Prior to the issue of any relevant occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

Post-Construction Survey – Adjoining Properties

- E9. Where a pre-construction survey has been undertaken in accordance with condition C6, 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 C6;
 - (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.
- E10. 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.

Easements

- E11. Prior to the occupation of Stage 3, a public positive covenant under section 88E of the *Conveyancing Act 1919* naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, must be registered on the title of the land to which this development consent applies, stipulating that Stage 3 of the development is only permitted to be occupied by persons detailed as follows:
- (a) seniors or people who have a disability;
 - (b) people who live within the same household with seniors or people who have a disability; or
 - (c) staff employed to assist in the administration of and provision of services to the residents on the site.

Visual Privacy - Adjoining Properties

- E12. Prior to the occupation of Stage 3, the Applicant must consult with the owners of the adjoining properties (117, 117A and 117B River Road and 24 and 55 Gore Street) and offer to install more solid replacement fencing to improve screening and minimise visual privacy impacts. If any adjoining property accepts the offer, the replacement fencing (of a height and screening standard as agreed to) must be installed prior to the occupation of Stage 3.
- E13. Prior to the occupation of Stage 3, evidence of the offer required by condition E12, any response and evidence of any fencing described in condition E12, must be provided to the Certifier and Planning Secretary for information.

Pallister Conservation Works

- E14. Prior to the issue of the final occupation certificate for the final stage, works identified in the schedule of conservation works for Pallister, excluding ongoing maintenance works, must be completed and evidence of completion of those works provided to the Certifier and be provided to the Planning Secretary within seven days on request.

Utilities and Services

- E15. Prior to the issue of the relevant 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*.

Works as Executed Plans

- E16. Prior to the issue of the relevant 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.

Bus Service

- E17. Prior to the occupation of Stage 3, the Applicant must ensure a bus service is available or provided to residents for travel to local centres as described in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The bus service must be capable of carrying at least 10 passengers and must be available to transport residents to and from the proposed development to any such local centre at least once between 8am and 12pm on Sundays and at least once between 12pm and 6pm on Sundays.

Green Travel Plan

- E18. Prior to the commencement of operation, a Green Travel Plan (GTP), must be prepared to promote the use of active and sustainable transport modes by residents and employees. The plan must:
- be prepared by a suitably qualified traffic consultant in consultation with Council;
 - 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;
 - include specific tools and actions to help achieve the objectives and mode share targets;
 - 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;
 - 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 (residents and employees) of the development; and
 - a monitoring and review program.

Roadworks/Intersection Works and Access

- E19. Prior to the issue of an occupation certificate for Stage 2, the Applicant must rectify the kerb ramps at the River Road signalised intersection to ensure compliance with current design safety standards as referenced in the *Thematic Road Safety Audit Report*, prepared by J. Wyndham Prince Pty Ltd and dated 28 June 2022.
- E20. Prior to the issue of an occupation certificate for Stage 3, minor rectification works to the internal and external footpaths from the seniors housing buildings to the bus stop adjacent to the site on River Road is to be completed, to ensure gradients comply with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, as referenced in the *Accessibility Design Review Report*, prepared by ABE Consulting and dated 11 August 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.

- E21. Prior to the issue of an occupation certificate for Stage 3, the Applicant must rectify the River Road south side elevated pathway deficiencies as referenced in the *Thematic Road Safety Audit Report*, prepared by J. Wyndham Prince Pty Ltd and dated 28 June 2022.

Evacuation and Emergency Planning

- E22. Prior to the issue of each occupation certificate, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December 2014.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

Mechanical Ventilation

- E23. Prior to the issue of an 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 – Design of Mechanical Plant and Equipment

- E24. Prior to the issue of an occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *Greenwich Hospital Redevelopment Noise & Vibration Impact Assessment* prepared by Acoustic Logic and dated 25 July 2023 have been incorporated into the installed mechanical plant and equipment, to ensure the development will not exceed the project noise trigger levels identified in the *Greenwich Hospital Redevelopment Noise & Vibration Impact Assessment* prepared by Acoustic Logic and dated 25 July 2023.

Car Parking, Service Vehicles and Bicycle Parking Arrangements

- E25. Prior to the issue of an occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Certifier, which demonstrates that:
- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with condition B8 and condition B9;
 - (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

- E26. 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 Commissioner of Fire and Rescue NSW and Council. A copy must be provided to the Planning Secretary within seven days upon request. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- E27. Prior to the issue of an occupation certificate for each Stage of the development, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier, which certifies that:
- (a) the development is structurally adequate for the approved use of the building as a hospital building or residential aged care facility, as relevant.
 - (b) any structures below the PMF level have been constructed from flood compatible building components.
 - (c) the buildings have been constructed to ensure shelter-in-place of vulnerable persons both during the 1% AEP through to PMF flood events and after these flood events, until it is safe to leave the buildings, as required by condition B5(c).
 - (d) the building has been constructed so that the part of the building that will be used for egress by those sheltering in place during a PMF event will be safe to be used for this purpose after the flood waters recede from the PMF flood, as required by condition B5(d).
 - (e) the flood impact buildings have been constructed in accordance with relevant BCA requirements and the supplementary 'Construction of buildings in flood hazard areas'

guidance with regard to structural adequacy during a 1% AEP through to PMF flood event.

- E28. A copy of the Certificate(s) required by condition E27, 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

- E29. Prior to the issue of any relevant occupation certificate, the Applicant must 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 Certifier.

Stormwater Quality Management Plan

- E30. Prior to the issue of the relevant occupation certificate, a Stormwater Operation and Maintenance Plan (SOMP) and evidence of compliance with the SOMP is to be approved by the Certifier. 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

- E31. Prior to the issue of an occupation certificate, the Applicant must demonstrate that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) 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

- E32. Prior to the issue of an occupation certificate, the Applicant must submit a revised External Lighting Report 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 AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997);
 - (b) complies with Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings for all ground level dwellings and all other dwellings as stipulated in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
 - (c) addresses best practice lighting design identified in the *National Light Pollution Guidelines for Wildlife* (DCCEEW, 2023), including: using adaptive controls, directing lighting to avoid impact; using shielded lights; lowering lights; considering lumens in light selection; using motion sensors; and low glare lighting; and
 - (d) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties, bushland or the public road network.

Vegetation Management Plan

- E33. Prior to the issue of an occupation certificate for Stage 3, the Applicant must submit sufficient evidence to demonstrate to the Certifier that all relevant measures in the *Vegetation*

Management Plan, prepared by Travers bushfire& ecology and dated 17 May 2022 have been fully implemented. A copy of the submitted evidence must be provided to the Planning Secretary within seven days upon request.

Heritage Interpretation Plan

- E34. Prior to the issue of an occupation certificate, the Applicant must submit a Heritage Interpretation Plan to acknowledge the heritage of the site to the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Heritage NSW and Council;
 - (b) include provision for naming elements within the development that acknowledges the site's heritage;
 - (c) address any findings from archaeological investigations; and
 - (d) incorporate interpretive strategies being delivered as part of the development in accordance with those identified in the *Heritage Interpretation Strategy*, prepared by Cultural Heritage Connections and dated May 2022.

Archaeological Salvage – Historic Archaeology

- E35. Within 12 months of completion of salvage works or prior to the issue of an occupation certificate (whichever occurs earlier), the Applicant must prepare a final post-excavation archaeological report. The post-excavation archaeological report must:
- (a) be prepared by a suitably qualified consultant;
 - (b) confirm that all archaeological monitoring and salvage works have been undertaken in accordance with the Archaeological Research Design (or any amendments that have been approved by the Planning Secretary as required by condition C29);
 - (c) detail the result of monitoring works and any salvage excavation undertaken in accordance with condition C30; and
 - (d) be submitted to the Planning Secretary and a copy provided to Council and Heritage NSW.

Signage

- E36. Prior to the issue of an occupation certificate for Stage 2, appropriate signage must be installed to the eastern unsignalised entrance at River Road restricting vehicle movements to left in/left out only.
- E37. Prior to the issue of the relevant occupation certificate, way-finding signage and signage identifying the allocation of the car parking must be installed.
- E38. Prior to the issue of the relevant occupation certificate, vegetation obscuring any existing or proposed way-finding signage must be managed.
- E39. 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.

Operational Waste Management Plan

- E40. Prior to the issue of each 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 waste management measures outlined in the *Waste Management Plan*, prepared by Waste Audit and dated 8 August 2022.

Site Contamination

- E41. If it is determined that ongoing on-site management of soil or groundwater contamination is required, based on further site investigations undertaken in accordance with condition C35, then the following requirements must be satisfied:
- (a) the Applicant must engage a NSW EPA-accredited Site Auditor to confirm the appropriateness of the site for the proposed use. The Applicant must obtain from a NSW EPA-accredited Site Auditor a Section A2 Site Audit Statement accompanied by an Long Term Environmental Management Plan (LTEMP) prepared by a certified consultant and submit it to the Planning Secretary and relevant Council for information no later than one month before the commencement of operation; and
 - (b) the development must not be used for the purpose approved under the terms of this consent until a Site Audit Statement determines the land is suitable for that purpose and any conditions on the Site Audit Statement have been complied with.

Landscaping

- E42. Prior to the issue of an occupation certificate for each stage of the development, landscaping relevant for that Stage must be completed in accordance with landscape plan(s) approved under condition B10.
- E43. Prior to the issue of the relevant occupation certificate, the Applicant must prepare an Operational Landscape Management Plan (OLMP) and update the Vegetation Management Plan (VMP) for the bushland regeneration works to provide planting and management details if excluded from the OLMP, to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The OLMP must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping;
 - (b) describe the measures to manage overgrown vegetation impacting sightlines and affecting pedestrian and vehicle safety; and
 - (c) be consistent with the plans required under condition B10.
- E44. The Applicant must not commence operation of the relevant Stage until the OLMP and VMP, where relevant, for that Stage is approved by the Certifier.

Asset Protection Zones

- E45. Prior to the issue of the relevant occupation certificate, the entire property must be managed as an inner protection zone (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA, the following requirements apply:
- (a) tree canopy cover should be less than 15 per cent at maturity;
 - (b) trees at maturity should not touch or overhang the building;
 - (c) lower limbs should be removed up to a height of two metres above the ground;
 - (d) tree canopies should be separated by two to five metres;
 - (e) preference should be given to smooth barked and evergreen trees;
 - (f) large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
 - (g) shrubs should not be located under trees;
 - (h) shrubs should not form more than 10% ground cover;
 - (i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - (j) grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
 - (k) leaves and vegetation debris should be removed.

Evacuation and Emergency Planning

E46. Prior to the issue of each occupation certificate, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan must be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

Operational Flood Emergency Response Plan

E47. Prior to the issue of each occupation certificate, a Flood Emergency Response Plan (FERP) must be submitted to the Certifier that:

- (a) is prepared by a suitably qualified and experienced person(s);
- (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG) in relation to visitors, staff and residents;
- (c) is prepared in consultation with Council, EHG, SES, Ambulance NSW, the relevant health area and fire agency servicing the area;
- (d) includes details of:
 - (i) the flood emergency responses for operational phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) intended evacuation and refuge protocols; and
- (e) awareness training for employees, residents, contractors and visitors.

PART F POST OCCUPATION

Hospital use

- F1. All beds within the residential aged care facility within the hospital building are only to be provided to persons with complex needs, including dementia, requiring specialist support and care from the health care team.

Self-care seniors housing use

- F2. All dwellings within the senior housing buildings must be provided access to:
- (a) home delivered meals;
 - (b) personal care and home nursing; and
 - (c) assistance with housework.

Eastern River Road Access

- F3. Vehicle movements at the eastern unsignalised entrance at River Road must be restricted to left in/left out only.

Operation of Plant and Equipment

- F4. 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

- F5. 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

- F6. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Vegetation Management Plan

- F7. The Applicant must implement all relevant measures in the *Vegetation Management Plan*, prepared by Travers bushfire& ecology and dated 17 May 2022.

Heritage Interpretation Plan

- F8. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition E34.

Long Term Environmental Management Plan

- F9. Upon completion of remediation works, the Applicant must manage the site in accordance with any LTEMP required under condition E41 and any on-going maintenance of remediation notice issued by EPA under the *Contaminated Land Management Act 1997*.

Operational Noise Limits

- F10. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in *Greenwich Hospital Redevelopment Noise & Vibration Impact Assessment* prepared by Acoustic Logic and dated 25 July 2023.
- F11. Short term operational noise monitoring must be:
- (a) carried out within four months of commencement of use of Stages 2 and 3 approved by this development consent; and
 - (b) undertaken by an appropriately qualified person in accordance with the *Noise Policy for Industry* (EPA, 2017) or any latest version where valid data is collected.
- F12. The resultant monitoring report prepared by the appropriately qualified person must be submitted to the Planning Secretary within five months of commencement of use of Stages 2 and 3, to verify that operational noise levels do not exceed the noise levels for mechanical plant

identified in the *Greenwich Hospital Redevelopment Noise & Vibration Impact Assessment* prepared by Acoustic Logic and dated 25 July 2023.

- F13. Should the noise monitoring program required by condition F11 identify any exceedance of the recommended noise levels referred to above, the Applicant must implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels when measured at the affected noise sensitive receivers, or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- F14. 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

- F15. The Green Travel Plan required by condition E18 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- F16. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition C11, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- F17. Notwithstanding condition D38, 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

- F18. The Applicant must maintain the landscaping and vegetation on the site in perpetuity in accordance with the approved Landscape Management Plan required by condition B10.

Asset Protection Zones

- F19. The asset protection zones required by condition E45 must be maintained in perpetuity.

Bush Fire Emergency Management and Evacuation Plan

- F20. The site must be managed and operated in accordance with the Bush Fire Emergency Management and Evacuation Plan required by condition E46 in perpetuity.

Operational Flood Emergency Response Plan

- F21. The site must be managed and operated in accordance with the FERP required by condition E47 in perpetuity.

Hazards and Risk

- F22. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards (including compliance with AS 1894 (1997) for the storage of liquid oxygen); and
 - (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- F23. In the event of an inconsistency between the requirements of condition F22(a) and F22(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

F24. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Discharge Limits

F25. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Signage

F26. 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.

F27. The lighting to be used in connection with approved signage must comply with AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting*.

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

Legal Notices

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

Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services

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

AN6. Prior to the commencement of above ground works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant), stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

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

Handling of Asbestos

AN11. 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

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary 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 A30 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.