

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 26 April 2021, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Karen Harragon

Director

Social and Infrastructure Assessments

Sydney

30 November 2021

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

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SCHEDULE 1

Application Number:	SSD-9351535
Applicant:	Health Administration Corporation
Consent Authority:	Minister for Planning and Public Spaces
Site:	John Hunter Hospital, Lookout Rd, New Lambton Heights (Lots 1 and 2 DP 1228246, Lot 202 DP1176551, Lot 11 DP826092, Lot 9 DP826092 and Lot 41 DP1176191)
Development:	<p>John Hunter Health Innovation Precinct, comprising:</p> <ul style="list-style-type: none">• construction and operation of an eleven storey Acute Services Building, including four levels of semi-basement parking and a rooftop helipad.• refurbishment of existing John Hunter Hospital buildings.• construction of new road infrastructure and improvements to existing drop-off facilities.• temporary construction access road.• new pedestrian connections to the new Acute Services Building and a link bridge to the Hunter Medical Research Institute.• upgrade existing car parking facilities.• landscape and public domain works.• mines grouting remediation works.• building services works and utility adjustments.• stormwater drainage.• signage.• site preparation, including bulk earthworks and tree removal.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-9351535-Mod-1	31 August 2022	Team Leader, Social Infrastructure	Rearrangement of Detention Basin, Carpark 4 Redesign and Southern Carpark Bridge Redesign

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	Health Administration Corporation or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
Archaeological Salvage	A program of salvage excavation/s to recover information and/or objects from identified archaeological sites
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
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 or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including (unless specifically excluded by a condition) 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> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Councils	City of Newcastle Council

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Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising demolition and construction, 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
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled John Hunter Health Campus, Lookout Road, New Lambton Heights John Hunter Health and Innovation Precinct, prepared by Ethos Urban dated 17 May 2021, 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	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
IBRA	Interim Biogeographic Regionalisation for Australia
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Independent Post Requirements	Audit Approval 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
EMP	Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in the EIS
Material harm	Is harm that:

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- 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
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction
Operator	The operator of the health services facility the subject of this consent
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Phase 1A	Phase 1A – Enabling works in Table 8 of the EIS
Phase 1B	Phase 1B - Main works in Table 8 of the EIS
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)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response submissions	to The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
SA NSW	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
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>
Stage 1	All works identified in Phase 1A – Enabling works and Phase 1B - Main works in Table 8 of the EIS and illustrated in Proposed Site Plan - Initial Phase
Stage 2	Phase 2 – Eastern Extension of Northern Road as illustrated in Proposed Site Plan - North Road East Phase excluding works shown in Proposed Site Plan - Initial Phase
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material

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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

FOR INFORMATION

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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:

- in compliance with the conditions of this consent;
- in accordance with all written directions of the Planning Secretary;
- generally in accordance with the EIS and Response to Submissions; and
- in accordance with the approved plans in the table below:

Architectural Drawings prepared by BVN Architects			
Dwg No.	Rev	Name of Plan	Date
AR_C0-A21 NL-X0	2	Demolition - Site Plan	14/05/2021
AR_C0-A22 NL-X0	8	Proposed Site Plan - North Road East Phase	11/05/2022
AR_C0-A22 NL-X1	7	Proposed Site Plan - Initial Phase	11/05/2022
AR_C0-B10 B1-00	7	Basement Level 1 Floor Plan	06/08/2021
AR_C0-B10 B2-00	7	Basement Level 2 Floor Plan	06/08/2021
AR_C0-B10 B3-00	7	Basement Level 3 Floor Plan	06/08/2021
AR_C0-B10 B4-00	7	Basement Level 4 Floor Plan	06/08/2021
AR_C0-B10 L0-00	7	Level 00 Floor Plan	06/08/2021
AR_C0-B10 L1-00	7	Level 01 Floor Plan	14/05/2021
AR_C0-B10 L2-00	8	Level 02 Floor Plan	06/08/2021
AR_C0-B10 L3-00	6	Level 03 Floor Plan	14/05/2021
AR_C0-B10 L4-00	6	Level 04 Floor Plan	14/05/2021
AR_C0-B10 L5-00	6	Level 05 Floor Plan	14/05/2021
AR_C0-B10 L6-00	7	Level 06 Floor Plan	06/08/2021
AR_C0-B10 L7-00	8	Level 07 Floor Plan	06/08/2021
AR_C0-B10 L8-00	7	Roof Plan	06/08/2021
AR_C0-C10 XX-X0	8	Elevations Acute Services Building	06/08/2021
AR_C0-C10 XX-X1	8	Elevations Acute Services Building	06/08/2021
AR_C0-C10 XX-X2	7	Elevations - John Hunter Hospital	06/08/2021
AR_C0-D10 XX-X0	6	Building Sections	06/08/2021
AR_C0-D10 XX-X1	6	Building Sections	06/08/2021
AR_C0-Y40 XX-X0	2	Materials Board	06/08/2021
Landscape Plan prepared by Urbis			
Dwg No.	Rev	Name of Plan	Date
LD_C0-A00 XX-00	F	COVER SHEET	09/08/2021
LD_C0-A10 XX-01	B	LEGEND SHEET	13/05/2021
LD_C0-A10 XX-02	D	PLANTING SCHEDULE STREETSCAPE	09/08/2021
LD_C0-A10 XX-03	B	PLANTING SCHEDULE ARRIVAL & ROOFTOPS	13/05/2021
LD_C0-A10-XX-04	B	PLANTING SCHEDULE COURTYARDS & INTERNAL	13/05/2021
LD_C0-01 NL-01	G	SHEET SPLIT SITE RELATED	12/05/2022

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LD_C0-B20 NL-00	D	JHH ARRIVAL FORECOURT	09/08/2021
C0-B20 NL-X0	G	OVERALL ZONAL PLAN	12/05/2022
LD_C0-B20 NL-X1	E	TREE REMOVAL PLAN	12/05/2022
LD_C0-B60 NL-X1	E	SITE WIDE LANDSCAPE PLAN	12/05/2022
LD_C0-B61 NL-01	B	ARRIVAL FORECOURT SECTIONS	13/05/2021
LD_CA-B20 00-20	D	ASB BUILDING LEVEL 00	09/08/2021
LD_CA-B20 01-20	D	ASB BUILDING LEVEL 01	09/08/2021
LD_CA-B20 02-20	B	ASB BUILDING LEVEL 02	13/05/2021
LD_CA-B20 03-20	B	ASB BUILDING LEVEL 03	13/05/2021
LD_CA-B20 04-20	B	ASB BUILDING LEVEL 04	13/05/2021
LD_CA-B20 05-20	B	ASB BUILDING LEVEL 05	13/05/2021
LD_CA-B20 06-20	B	ASB BUILDING LEVEL 06	13/05/2021
LD_CA-B20 B1-20	D	ASB BUILDING LEVEL B1	09/08/2021
LD_CA-B20 B2-20	D	ASB BUILDING LEVEL B2	09/08/2021
LD_CA-B20 B3-20	D	ASB BUILDING LEVEL B3	09/08/2021
LD_CA-B20 B4-20	D	ASB BUILDING LEVEL B4	09/08/2021
LD_CA-B61 00-01	B	ASB BUILDING LEVEL 00 COURTYARD SECTIONS	13/05/2021
LD_CA-B61 00-02	B	ASB BUILDING LEVEL 00 ED ARRIVAL SECTION	13/05/2021
LD_CA-B61 01-02	B	ASB BUILDING LEVEL 01 ELEVATED GARDEN SECTIONS	13/05/2021
LD_CA-B61 04-01	B	ASB BUILDING LEVEL 04 COURTYARD SECTIONS	13/05/2021
LD_CJ-B20 02-30	B	JHH BUILDING LEVEL 02	13/05/2021
LD_CJ-B20 03-30	B	JHH BUILDING LEVEL 03	13/05/2021
LD_CJ-B61 03-01	B	JHH BUILDING LEVEL 03 COURTYARD 1 SECTIONS	13/05/2021
LD_CJ-B61 03-02	B	JHH BUILDING LEVEL 03 COURTYARD 2 SECTIONS	13/05/2021
LD_CJ-B61 03-03	B	JHH BUILDING LEVEL 03 COURTYARD 3 SECTIONS	13/05/2021
Civil Drawings prepared by Northrop			
Dwg No.	Rev	Name of Plan	Date
C001-DA	8	COVER SHEET, LOCALITY PLAN AND DRAWING SCHEDULE	06/05/2022
C100-DA	7	SOIL AND WATER MANAGEMENT PLAN	06/05/2022
C101-DA	7	SOIL AND WATER MANAGEMENT DETAILS	06/05/2022
C102-DA	7	SOIL AND WATER MANAGEMENT NOTES	06/05/2022
C200-DA	8	BULK EARTHWORKS PLAN	06/05/2022
C300-DA	9	CIVIL WORKS ARRANGEMENT PLAN	06/05/2022
C400-DA	9	ROAD SETOUT PLAN	06/05/2022
C401-DA	8	ROAD TYPICAL SECTIONS'	06/05/2022
C501-DA	8	ROAD LONG SECTIONS - SHEET 1	06/05/2022
C502-DA	8	ROAD LONG SECTIONS - SHEET 2	06/05/2022
C503-DA	8	ROADLONG SECTIONS - SHEET 3	06/05/2022
CV_30-B10 NL-C1	D	CIVIL WORKS PLAN - SHEET 1	01/06/2022

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

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- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (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 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

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

Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A9. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and

- (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- A13. The Applicant may:
 - (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A15. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Newcastle Inner City Bypass

- A17. The Applicant must identify potential impact of traffic from operation of the new facilities, as well as investigate opportunities and risk mitigation strategies, in consultation with the Newcastle Inner City Bypass / John Hunter Hospital steering committee, to minimise the impact of the Acute Services Building commencing operation prior to the completion of the Newcastle Inner City Bypass.
- A18. Should the Newcastle Inner City Bypass Rankin Park to Jesmond road works approved as part of State Significant Infrastructure approval SSI 6888 not be completed by the commencement of operations of the Acute Services Building, the Applicant must identify appropriate management measures (such as ensuring there is no uplift in clinical activity, staggered staff start and finish times and modified visiting hours) to minimise traffic growth on the John Hunter Hospital Campus during peak periods to the satisfaction of the Planning Secretary. These measures must be implemented until the completion of the Newcastle Inner City Bypass Rankin Park to Jesmond Road works.

Proposed Northern Road

- A19. Prior to the commencement of construction of Stage 2, the biodiversity impact associated with the additional clearing of vegetation necessary to upgrade the existing fire trail to a standard required for a future access road to the eastern part of the hospital precinct must be

investigated by an accredited biodiversity assessor and suitably qualified engineer and the findings provided to the Planning Secretary for endorsement.

- A20. In the event the net additional clearance of vegetation required to upgrade the existing fire trail as determined under condition A19 has a lesser biodiversity impact compared to Stage 2 (the second stage eastern extension of the proposed Northern Road), the future eastern extension of the proposed Northern Road to Jacaranda Drive must be realigned generally along the existing fire trail (subject to necessary adjustments to facilitate adequate sight distance) and the revised drawings must be submitted to the satisfaction of the Planning Secretary.
- A21. If the future eastern extension of the proposed Northern Road to Jacaranda Drive is required to be realigned generally along the existing fire trail as required by conditions A19 and A20, a revised Biodiversity Development Assessment Report for the realigned Northern Road must be provided to the Planning Secretary prior to any works for Stage 2.

Structural Adequacy

- A22. 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.

External Walls and Cladding

- A23. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

External Materials

- A24. 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;
 - (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
 - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

Applicability of Guidelines

- A25. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A26. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- 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:

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- (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.

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 1**.

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 a compliance report under condition A38;
- (b) the submission of an incident report under condition A31;
- (c) the submission of an Independent Audit under conditions C37 to C38;
- (d) the approval of any modification of the conditions of this consent; or

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

the strategies, plans and programs required under this consent must be reviewed, and the 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, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

Compliance Reporting

- A37. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- A38. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed by the Planning Secretary.
- A39. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A40. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- B3. Prior to the commencement of each stage of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent for that stage of the development.

External Walls and Cladding

- B4. Prior to the commencement of construction of the external walls and cladding, 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.

Protection of Public Infrastructure

- B5. 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.

Unexpected Contamination Procedure

- B6. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition B16 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary for information prior to its removal from the Site.

Ecologically Sustainable Development

- B7. Prior to the commencement of construction of each stage of the development, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate to the Certifier that the ESD initiatives recommended by the ESD report (Issue F, prepared by EMF Griffiths and dated 9 April 2021) relevant to that stage of the development have been incorporated into the design of the development.
- B8. The project is to achieve compliance with section 2.5.6 of the Health Infrastructure Engineering Services Guidelines dated 6 August 2021 (including Design Guidance Note No. 058) by attaining a minimum of 60 points in accordance with the ESD Evaluation Tool.

Outdoor Lighting

- B9. Prior to commencement of external lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting to be installed within the site has been

designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Demolition

- B10. Prior to the commencement of demolition for each stage of the development, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) for that stage must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.
- B11. Prior to any demolition commencing, additional investigations be made by the asbestos removalist in areas not accessible at the time of the assessment and all Asbestos Containing Material likely to be disturbed by those works should be removed in accordance with relevant codes of practices, compliance codes and legislation.

Existing Helipad / Helicopter Operations During Construction

- B12. Prior to the erection of cranes on the site or any structures that may obstruct helicopter flight paths, existing helipad / helicopter operations at the existing hospital are to be reviewed by a suitably qualified and experienced aviation professional in consultation with relevant stakeholders. The review must consider the proposed construction methodology including plant and equipment to be used (including lighting and cranes) and recommend changes to the construction methodology and / or flight paths where required to ensure safe ongoing helicopter operations to and from the existing helipad at the site during construction. A report summarising the outcome of the review must be submitted to the Certifier and Planning Secretary.

Proposed Helipad Design

- B13. Prior to the construction of the approved helipad, a report prepared by a suitably qualified and experienced aviation professional must be submitted to the satisfaction of the Certifier which states that the design of the approved helipad incorporates the relevant details outlined in Civil Aviation Safety Authority Civil Aviation Advisory Publication CAAP 92-2(2) *Guidelines for the establishment* and other relevant National and International guidelines.

Proposed Helipad Operations

- B14. Prior to the construction of the approved helipad, future ongoing helicopter operations to the site are to be reviewed by a suitably qualified and experienced aviation professional. Proposed flight paths to the approved helipad must be identified in consultation with relevant stakeholders in accordance with Civil Aviation Safety Authority Civil Aviation Advisory Publication CAAP 92-2(2) *Guidelines for the establishment* and other relevant National and International guidelines. A report summarising the outcome of the review and a Three-dimensional Visual Flight Rules Approach and Departure Path and Transitional Surface Survey must be submitted to the satisfaction of Certifier and a copy submitted to the Planning Secretary and Council.

Environmental Management Plan Requirements

- B15. Management plans required under this consent must be prepared having regard to the 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>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Construction Environmental Management Plan

- B16. 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 for information. The CEMP must include, but not be limited to, the following:
- (a) details of:
- (i) hours of work;

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- (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
 - (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;
 - (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (d) Biodiversity Management Plan incorporating the Minimisation and Mitigation Measures in the Biodiversity Development Assessment Report, prepared by Umwelt (Australia) Pty Ltd revision 6 dated 21 October 2021;
 - (e) Construction Traffic and Pedestrian Management Sub-Plan (see condition B18);
 - (f) Construction Noise and Vibration Management Sub-Plan (see condition B19); and
 - (g) Construction Waste Management Sub-Plan (see condition B20).
- B17. The Applicant must not commence construction of the development until a copy is submitted to the Planning Secretary.
- B18. 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) detail:
 - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
 - (iii) signage at the entrance of any bushland tracks affected by construction activities to ensure pedestrians and cyclists accessing the tracks are aware of any temporary closures or diversions as a result of construction activities;
 - (iv) initiatives such as park and ride, shuttle bus services and encourage carpooling to ensure that construction workers have a dedicated off-site parking area and transportation to the works site, ensuring workers do not park in local streets;
 - (v) how the use the Lookout Road / Kookaburra Circuit signalised intersection for construction access would be discouraged where possible and the alternatives of Lookout Road / Jacaranda Drive and the future Newcastle Inner City Bypass be considered in the first instance. Where this is not possible additional measures to specifically address the safety of pedestrians and the movement of operational traffic including staff, visitors and emergency vehicles through this intersection;
 - (vi) heavy vehicle routes, access and parking arrangements;
 - (vii) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2; and
 - (viii) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s).

- B19. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) vibration surveys be carried out of each key vibration-generating-activity / equipment;
 - (d) at the relevant on campus buildings (including but not limited to the existing JHH, HMRI, Private Hospital) and other hospital campus areas where sensitive equipment is operated, that the equipment-specific vibration criteria are set and managed accordingly;
 - (e) vibration assessment at the commencement of operations for each vibration generating activity to determine whether the existence of significant vibration levels justifies a more detailed investigation. Site law tests will help determine allowable working distances from structures to manage vibration;
 - (f) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (g) include strategies that have been developed with the community for managing high noise generating works;
 - (h) describe the community consultation undertaken to develop the strategies in condition B19(g);
 - (i) include a complaints management system that would be implemented for the duration of the construction; and
 - (j) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B15.
- B20. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste including the following:
- (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; and
 - (b) information regarding the recycling and disposal locations.

Construction Parking

- B21. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site (or alternative off-site arrangement for workers), including for heavy vehicles, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Soil and Water

- B22. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events;
 - (b) divert existing clean surface water around operational areas of the site; and
 - (c) direct all sediment laden water in overland flow away from the leachate management system and prevent cross-contamination of clean and sediment or leachate laden water.
- B23. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- B24. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

Operational Noise – Design of Mechanical Plant and Equipment

- B25. Prior to installation of mechanical plant and equipment:

- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant noise criteria as recommended in Section 5 of the Noise and Vibration Impact Assessment dated 13 May 2021 and prepared by Acoustic Studio must be undertaken by a suitably qualified person; and
- (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the relevant noise criteria as recommended in Section 5 of the Noise and Vibration Impact Assessment dated 13 May 2021 and prepared by Acoustic Studio.

Biodiversity

- B26. The number and classes of ecosystem credits and species credits (like-for-like) required for Phase 1 as set out in the BAM Biodiversity Credit Report contained in Appendix F of the Biodiversity Development Assessment Report prepared by Umwelt (Australia) Pty Ltd, revision 6, dated 21 October 2021, must be retired prior to the commencement of construction of Stage 1 of the development,
- B27. The number and classes of ecosystem credits and species credits (like-for-like) required for Phase 2 as set out in the BAM Biodiversity Credit Report contained in Appendix F of the Biodiversity Development Assessment Report prepared by Umwelt (Australia) Pty Ltd, revision 6, dated 21 October 2021, must be retired prior to the commencement of construction of Stage 2 of the development, unless a revised Biodiversity Development Assessment Report is approved by the Planning Secretary. Where a revised Biodiversity Development Assessment Report is approved, ecosystem credits and species credits must be retired in accordance with the revised Biodiversity Development Assessment Report and any approval from the Planning Secretary.
- B28. The requirement to retire like-for-like ecosystem credits and species credits in condition B26 and B27 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.
- B29. Evidence of the retirement of credits in satisfaction of condition B26 and B27 or payment to the Biodiversity Conservation Fund for each stage must be provided to the Planning Secretary prior to commencement of construction that would impact biodiversity values in each stage.
- B30. With the agreement of the Planning Secretary, the Applicant may adjust the staging of credit retirement. Any adjustments must be approved in writing and will require the retirement of the relevant credits prior to the corresponding impact on that ecosystem or species.

Northern Road

- B31. Prior to the commencement of road works, the Applicant must demonstrate to the Certifier that the design of the proposed 'Eastern Link' Road - MC 04 permits the continued use of the existing shared pathway (cyclist/pedestrian) that traverses the John Hunter Hospital Campus travelling north to Jesmond Park and Newcastle Road. The design drawings demonstrating adequate connection must be submitted to Council and the drawings must address any issues raised by Council.
- B32. If any approved civil drawings need to be revised to address any concerns raised by Council, the revised civil drawings must be submitted to the satisfaction of the Planning Secretary prior to the commencement of road works.

Operational Waste Storage and Processing

- B33. Prior to the commencement of construction of 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.

Operational Access, Car Parking and Service Vehicle Arrangements

- B34. Prior to the commencement of construction of operational parking and access facilities, evidence of compliance of the design of operational parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) a minimum of 900 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
 - (b) the swept path of the largest service vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2.

Public Domain Works

- B35. Prior to the commencement of any footpath or public domain works, the Applicant must engage appropriately qualified consultant(s), experienced in the preparation of the design for public domain streetscape works and consult with Council and other relevant stakeholders and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of appropriate Australian Standards and other relevant industry guidelines, including addressing pedestrian management. The Applicant must submit evidence of consultation for each stage to the Certifier.

Subsidence Advisory NSW (SA NSW)

- B36. The Applicant must obtain SA NSW approval under section 22 of the *Coal Mine Subsidence Compensation Act 2017* prior to commencement of construction.

PART C DURING CONSTRUCTION

Site Notice

- C1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purpose 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(s); 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

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

Demolition

- C3. 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 B10.

Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding condition C4, provided noise levels do not exceed the existing rating background noise level plus 5dB, works may also be undertaken during the following hours:
- (a) between 6am and 7am, Mondays to Fridays inclusive;
 - (b) between 7am and 8am, Saturdays; and
 - (b) between 1pm and 5pm, Saturdays.
- C6. Construction activities may be undertaken outside of the hours in condition C4 and C5 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) for the delivery, set-up and removal of construction cranes, where notice of the crane-related works is provided to the Planning Secretary and affected residents at least seven days prior to the works; or
 - (e) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- C7. Notification of such construction activities, as referenced in condition C6, must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. 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

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- C10. All construction vehicles (excluding site personnel 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

- C11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

- C12. 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

- C13. 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 in the Noise and Vibration Impact Assessment dated 13 May 2021 and prepared by Acoustic Studio.
- C14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site outside of the construction hours of work outlined under condition C4 and C5.
- C15. 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

- C16. 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).
- C17. The limits in conditions C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B19 of this consent.

Tree Protection

- C18. 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 is required in an emergency to avoid the loss of life or damage to property;

- (b) all trees immediately adjacent to the approved disturbance area must be protected at all times during construction in accordance with Council's tree protection requirements. Any tree, which is damaged or removed during construction due to an emergency, must be replaced;
- (c) all trees on the site that are not approved for removal are to be retained and must be suitably protected during construction as per the recommendations of the Aboricultural Impact Assessment, dated 12 May 2021, prepared by Aborsafe;
- (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;
- (e) an arborist is to be engaged to implement tree protection measures for the hollow bearing trees and other native trees to be retained on site; and
- (f) all project materials must be stored in cleared areas of the site.

Air Quality

- C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C20. 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.

Imported Fill

- C21. 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

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

Emergency Management

- C23. 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

Stormwater Management System

- C24. Within three months of the commencement of construction of any civil stormwater infrastructure works or Phase 1B – Main works, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);

- (b) be generally in accordance with the design in the Civil Design Report and Structural Statement NL191366 Revision H dated 14 May 2021, prepared by Northrop;
- (c) be in accordance with applicable Australian Standards;
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
- (e) ensure that discharged stormwater from the proposed development does not increase post catchment runoff; and
- (f) include details of the proposed scour protection at each culvert outlet in consultation with Council to ensure the stability of the downstream waterways.

Note: Council requires two weeks' notice of any request for an onsite meeting.

Aboriginal Cultural Heritage

C25. The Applicant must advise its employees and contractors that it is an offence under section 86 of the *National Parks and Wildlife Act 1979* to harm or desecrate an Aboriginal object unless that harm or desecration is the subject of an Aboriginal Heritage Impact Permit or approved management plan.

Unexpected Finds Protocol – Aboriginal Heritage

- C26. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
 - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
 - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
 - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
 - (e) works may only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

- C27. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
 - (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
 - (c) works may only recommence with the written approval of the Planning Secretary.

Waste Storage and Processing

- C28. 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.
- C29. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C30. 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.
- C31. 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.
- C32. 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

- C33. 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.

Independent Environmental Audit

- C34. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C35. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C36. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agreed to above, upon giving at least four week's notice to the Applicant of the date or timing upon which the audit must be commenced.
- C37. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C35 of this consent, or condition C36 where notice is given;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C38. 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 unless otherwise agreed by the Planning Secretary.
- C39. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, 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.

Asset Protection Zones

- C40. At the commencement of construction works and in perpetuity to ensure ongoing protection from the impact of bushfires, Asset Protection Zones (APZs) must be provided in accordance with the Bushfire Assessment Report (reference: 1940 JHHIP), prepared by Bushfire Planning Australia, dated 2 March 2021 as shown on Figure 13: Required Asset Protection Zones.
- C41. The APZs required in condition C40 are to be extended to include all lands to the southeast of the proposed Acute Services Building for a distance of 60 metres. When establishing and maintaining an inner protection area (IPA) the following requirements apply in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019:
- (a) tree canopy cover should be less than 15% at maturity;
 - (b) trees at maturity should not touch or overhang the building;
 - (c) lower limbs should be removed up to a height of 2m above the ground;
 - (d) tree canopies should be separated by 2 to 5m;
 - (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.
- C42. The water quality and stormwater detention basins located to the north of the Acute Services Building are to be replanted using species of a type and density which are commensurate with a grassland as described in Appendix 1 of Planning for Bush Fire Protection 2019.

Utilities and Services

- C43. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:
- (a) reticulated water is to be provided to the development where available;
 - (b) fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
 - (c) hydrants are and not located within any road carriageway;
 - (d) reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
 - (e) fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
 - (f) all above-ground water service pipes are metal, including and up to any taps;
 - (g) where practicable, electrical transmission lines are underground;
 - (h) where overhead, electrical transmission lines are proposed as follows:
 - (i) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - (ii) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
 - (i) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
 - (j) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - (k) connections to and from gas cylinders are metal; polymer sheathed flexible gas supply lines are not used; and
 - (l) above-ground gas service pipes are metal, including and up to any outlets.

Construction Standards

- C44. Construction of the Acute Services Building must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bush fire prone areas* or NASH Standard (1.7.14 updated) National Standard *Steel Framed Construction in Bushfire Areas* – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

Access

- C45. Public access roads must comply with general requirements of Table 6.8b of Planning for Bush Fire Protection 2019.
- C46. A 10m vegetation buffer is to be provided within the site, on either side of the east-west road link. The planting in the buffer is to be limited to species type and density commensurate with the grassland vegetation formation, as described by Appendix 1 of Planning for Bush Fire Protection 2019.

Bush Fire Asset Protection Zone Planning

- C47. The Asset Protection Zone is to be selectively cleared to achieve 15 per cent maximum canopy coverage. The 11 moderate retention value trees identified within the APZ numbered 57, 596, 599, 602, 603, 604, 605, 607, 701, 805 and 807 in the Aboricultural Impact Assessment, prepared by Aborsafe (C91951), dated 2 May 2021, must be reviewed by the Bushfire

Consultant and Ecologist as to the most suitable to retain while being in line with the bushfire requirements prior to the commencement of tree removal.

Service Trench Alignment and Trenching Works

- C48. In the event that excavation is required within the Tree Protection Zones of retained trees identified within this report during preliminary design phases, arborist involvement will be required to ensure works are undertaken in accordance with the Australian Standard AS 4970–2009: *Protection of Trees on Development Sites*.
- C49. Excavation/trenching required within the Tree Protection Zones of retained trees to facilitate service installation should be undertaken using sensitive construction methods such as under boring, manual excavation, hydro-vac or air spade, light machinery with spotter and ground protection.

Proposed Tree Pruning

- C50. In the event pruning work is being undertaken on retained trees it is anticipated that minor pruning only will be required of no greater than 10 per cent of the trees total crown spread. Any pruning undertaken would be for hazard reduction works (i.e. deadwood removal, hanging branches) or minor targeted pruning (i.e. crown lifting, reduction pruning) to facilitate the construction works or access. Larger deadwood with identified cavities will be shortened, retaining the cavities, where branch stability and understorey occupancy allow.
- C51. All pruning undertaken is to be completed in accordance with the Australian Standard AS 4373–2007: *Pruning of Amenity Trees* (Standards Australia, 2007) and undertaken by a suitably qualified arborist (minimum AQF 3 arborist).
- C52. Reduction pruning should focus on the removal of smaller diameter branches where feasible and remove no greater than 10 per cent of the total crown. Branches no greater than 50mm diameter are to be removed unless specifically approved by the project arborist.

Groundwater

- C53. In the event groundwater is intercepted during construction, the Applicant must ensure that any take is appropriately licenced unless eligible under an exemption.

Water Management Act 2000

- C54. All works on waterfront land as defined by the Water Management Act 2000 must be in accordance with the NRAR Guidelines for Controlled Activities on Waterfront Land.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

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

External Walls and Cladding

- D2. Prior to commencement of operation of Phase 1B – Main works, 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.
- D3. 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.

Landscape Management Plan

- D4. Prior to the commencement of operation of each stage of the development, a Landscape Management Plan to maintain the landscaping and vegetation on the site for that stage of the development in accordance with the approved development, must be submitted to the Certifier.

Revegetation Areas

- D5. Prior to the commencement of operation of each stage of the development, the Applicant must submit a Plan with quantitative targets for vegetation outcomes in the revegetation areas between the road and remnant bushland in terms of survival rates; weeds present; and plant cover after a minimum period of two years.

Works as Executed Plans

- D6. Prior to the commencement of operation of each stage of the development, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved for that stage of the development, must be submitted to the Certifier.

Warm Water Systems and Cooling Systems

- D7. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

- D8. Prior to the commencement of operation of each stage of the development, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with that stage of the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Mechanical Ventilation

- D9. Prior to commencement of operation of Phase 1B – Main works, 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

- D10. Prior to the commencement of operation of Phase 1B – Main works, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B25 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the project noise trigger levels as recommended in the Noise and Vibration Impact Assessment dated 13 May 2021 and prepared by Acoustic Studio.

Fire Safety Certification

- D11. Prior to commencement of occupation of Phase 1B – Main works, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D12. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings of Phase 1B -Main works, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Compliance with Food Code

- D13. Prior to the commencement of operation of the relevant parts of any new or refurbished buildings of Phase 1B -Main works, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Post-construction Dilapidation Report

- D14. Prior to commencement of operation of each stage of the development, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction of that stage. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - (c) to be forwarded to Council for information.

Protection of Public Infrastructure

- D15. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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

Road Damage

- D16. Prior to the commencement of operation of each stage of the development, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Protection of Property

- D17. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Car Parking Arrangements

- D18. Prior to the commencement of operation of Phase 1B – Main works or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Certifier that demonstrates that:
- (a) the car parking facilities on the Site are operational; and
 - (b) a minimum of 900 spaces are provided.

Bicycle Parking and End-of-Trip Facilities

- D19. Prior to commencement of operation of Phase 1B – Main works, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:
- (a) the provision of a minimum 48 bicycle parking spaces;
 - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
 - (c) the provision of end-of-trip facilities for staff; and
 - (d) appropriate pedestrian and cyclist advisory signs are to be provided.

Note: All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority.

Green Travel Plan

- D20. Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to the Certifier to promote the use of active and sustainable transport modes for the John Hunter Hospital and a copy be provided to the Planning Secretary for information.
- D21. The GTP must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and Transport for NSW;
 - (b) incorporate data from available sources, including but not limited to:
 - (i) surveys of staff and visitors and interviews with key staff to find out barriers and facilitators to modal shift;
 - (ii) quantification and analysis of staff shift times and numbers on the site and analysis of workforce residential postcode data to develop effective strategies in response, as well as help to inform service planning considerations;
 - (iii) opal data to note if there has been changes to bus patronage to the John Hunter Hospital in the last five years (noting that the stop at the entrance almost exclusively serves the hospital) with major changes in the bus network during that time;
 - (c) audit the existing bike parking and end-of-trip facilities and how they are used;
 - (d) include aspirational, achievable, sensible and specific mode targets with the aim to increase non-car modes and car occupancy rates;
 - (e) provide details and maps of end-of-trip facilities, access points and site permeability for active travel, including location of all secure bike parking, casual bike parking, showers and lockers;

- (f) identify and address any gaps in the physical pedestrian and cycling footpaths within the hospital site;
- (g) develop and plan to cater for future bicycle parking provisions, with allocated spaces that are accessible, secure, sheltered and convenient;
- (h) investigate the potential of a strategy to target travel between the University of Newcastle and John Hunter Hospital, noting the relationship between the two institutions. This could include promoting the bike route and bus service between the campuses and complimenting these services with shuttle buses and/or fleet bikes (noting that the route 11 bus currently has a frequency of 30 minutes at John Hunter Hospital);
- (i) consider innovative ways to incorporate public transport and active transport into behavioural norms and the organisational culture for travelling to the hospital, such as:
 - (i) promotion of the benefits of cycling, walking and using active transport for people's health, through information provided by doctors, nurses and allied health staff;
 - (ii) installing a screen with public transport information near reception areas or other appropriate areas for staff and visitors to see when the next buses are arriving and to help avoid waiting at the bus stop longer than necessary;
 - (iii) developing a strategy for staff (such as through flexible working for admin staff and shift times for operating staff) and visitors (through visitors hours) to retime their travel to avoid peak hours where possible;
 - (iv) providing information about the existing numbers of staff working particular shifts, to inform service planning arrangements and optimising of service provision at shift changeover times;
 - (v) considering provision of specific transport for night shift workers (such as shuttle to Broadmeadow station), to address potential barriers around safety and convenience;
 - (vi) identifying and support sustainable transport champions to advocate and model desired behaviours and promote through newsletter or other internal channels;
 - (vii) incentives for active travel including provision of panniers or ergonomic backpack for staff committed to active travel, bike maintenance equipment in end-of-trip facilities, loanable wet weather gear and lights for emergencies;
- (j) evaluate potential to reduce the provision of car parking or implement a car parking management system that preferences patient and visitor use over staff use, given the greater ability of staff to travel by other modes and that a well-implemented green travel plan should assist in reducing car demand. Savings from reducing the number of car parking spaces could be hypothecated to incentivise people that choose to travel by non-car modes;
- (k) include a communications strategy and a completed travel access guide; and
- (l) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for nominated employees involved in the implementation of the GTP.

Note: Travel demand management should be noted as a measure to mitigate the risks associated with the bypass not being operational at the commencements of the occupation of the John Hunter Health and Innovation Precinct.

- D22. Prior to the commencement of operation, the nominated employee(s) of the health services facility responsible for implementing the GTP and its ongoing review must be provided to Transport for NSW and the Planning Secretary for information.

Utilities and Services

- D23. Prior to commencement of operation of Phase 1B – Main works, a compliance certificate under the section 50 of the *Hunter Water Act 1991* must be obtained from Hunter Water and submitted to the Certifier.

Stormwater Operation and Maintenance Plan

- D24. Prior to the commencement of operation of each stage of the development, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier for that stage of the

development. The SOMP 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.

Signage

- D25. Prior to the commencement of operation of each stage of the development, way-finding signage and signage identifying the location of staff car parking must be installed for that stage of the development.
- D26. Prior to the commencement of operation of each stage of the development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Operational Waste Management Plan

- D27. Prior to the commencement of operation of Phase 1B – Main works, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
 - (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in the RtS.

Landscaping

- D28. Prior to the commencement of operation of each stage of the development or other timeframe agreed by the Planning Secretary, landscaping of the site as relevant to that stage of the development must be completed in accordance with landscape plan(s) listed in condition A2(d).
- D29. Prior to the commencement of operation of each stage of the development, all trees adjacent to construction work areas and bush tracks must be inspected to ensure the trees are structurally safe. Any unsafe trees must be removed and replaced.

Bushfire - Emergency Evacuation and Management

- D30. Prior to the commencement of operation of Phase 1B – Main works, a Bush Fire Emergency Management and Evacuation Plan is prepared consistent with the:
 - (a) NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
 - (b) Australian Standard AS 3745:2010 Planning for emergencies in facilities; and,
 - (c) Australian Standard AS 4083:2010 Planning for emergencies – Health care facilities.
- D31. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

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 commencement of operation.

Wind Impacts

- D32. Prior to commencement of operation Phase 1B – Main works, the Applicant must provide a mitigation strategy to reduce wind speeds to the elevated garden in accordance with the recommendations and recommended treatment in the Pedestrian Microclimate CFD Study (W F899-01F04 (Rev 5), dated 17 May 2021, prepared by Windtech Consultants.

PART E POST OCCUPATION

Operation of Plant and Equipment

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

Warm Water Systems and Cooling Systems

- E2. The operation and maintenance of 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.

Operational Noise Limits

- E3. The operator must ensure that noise generated by operation of the development does not exceed the noise limits in project noise trigger levels as recommended in the Noise and Vibration Impact Assessment, dated 13 May 2021, and prepared Acoustic Studio.
- E4. The operator must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development or other timeframe agreed to by the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Noise and Vibration Impact Assessment, dated 13 May 2021, and prepared Acoustic Studio. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the operator is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers only where it can be demonstrate that operational noise levels cannot be practicably reduced at the source.

Unobstructed Driveways and Parking Areas

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

Green Travel Plan

- E6. The Green Travel Plan required by condition D20 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.
- E7. Any changes to the nominated employee(s) responsible for implementing the GTP must be provided to Transport for NSW and the Planning Secretary prior to the annual review of the GTP.

Ecologically Sustainable Development

- E8. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation the Certifier and Planning Secretary are to be provided with a report from the operator by a suitably qualified and experienced expert demonstrating that the project attains the minimum number of ESD points as required by condition B8 of this consent.

Outdoor Lighting

- E9. Notwithstanding condition D8, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the operator must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

- E10. The operator must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D28 for the duration of occupation of the development.

Revegetated Areas

- E11. The operator must maintain the targets for vegetation outcomes in the revegetation areas between the road and remnant bushland on the site in accordance with the targets set in condition D5 for the duration of occupation of the development.

Hazard Audit

- E12. Within twelve months after the commencement of operation and every three years thereafter, or at such intervals as the Planning Secretary may agree, the operator must carry out a comprehensive Hazard Audit of the development. The audits must:
- (a) be carried out at the operator's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development;
 - (b) be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*; and
 - (c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.

Hazards and Risk

- E13. The operator must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- E14. In the event of an inconsistency between the requirements of condition E13(a) and E13(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

- E15. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- E16. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with all relevant Australian Standards

Discharge Limits

- E17. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the 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.

APPENDIX 2 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 \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

AN3. Any advice or notice to the 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.

