

HEALTH INFRASTRUCTURE

Batemans Bay Community Health

Yuin Country

Decision Statement for Review of Environmental Factors –
Prepared by Ethos Urban

Version Number 01



Batemans Bay Community Health

Project Details	
Project Name	Batemans Bay Community Health
Project Location	Batemans Bay Hospital – 7 Pacific Street, Batemans Bay
REF Prepared by	Ethos Urban, 8 November 2025
Activity Description	Construction of a new community health service facility, at grade parking and ancillary works

Decision Statement

- Based on the REF document, the Recommendation report and any other information and any advice from other relevant determining authorities:
- the proposed activity is not likely to significantly affect the environment and therefore an Environmental Impact Statement (EIS) is not required;
 - the proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values, meaning a Species Impact Statement (SIS) and/or Biodiversity Assessment Report (BDAR) is not required;
 - the proposed activity may proceed subject to the mitigation measures in Schedule 1 below that are required to eliminate, minimise or manage environmental impacts.

Determination

Acting as a delegate of the Health Administration Corporation, and, in accordance with Section 5.5 of the *Environmental Planning and Assessment Act 1979*, having taken into account to the fullest extent possible all matters likely to affect the environment as a result of the proposed activity, and having regard to the HI-Assessment Report, and the Review of Environmental Factors prepared by Ethos Urban dated 8 November 2025, I hereby determine the Review of Environmental Factors by granting approval subject to the Mitigation Measures in Schedule 1 below.

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Leisa Rathborne
A/ Chief Executive, Health Infrastructure

25 March 2025.....

Date

Main REF Standard Mitigation Measures

Mitigation measures

The following Mitigation Measures have been imposed to ensure that the activity is carried out in accordance with the plans/documentation and any amendment approved under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). These mitigation measures are required to eliminate, minimise or manage environmental impacts of the activity. They provide measures for the appropriate environmental performance of the activity, including regular monitoring and reporting.

General measures

1. Obligation to prevent impacts to the environment

In addition to meeting the mitigation measures in this determination, all reasonable and feasible measures should be implemented to prevent impacts to the environment that may result from the activity.

2. Development in Accordance with Plans and Documentation

The proposal must be carried out generally in accordance with the Review of Environmental Factors dated 10 October 2024 and prepared by Ethos Urban on behalf of NSW Health Infrastructure (including accompanying **Appendices A – BB**) and in accordance with the recommendations of the Submissions Report prepared by HI dated 18 February 2025 and generally in accordance with the following plans/documentation as modified below and by any of the under- mentioned measures:

Drawing/Report Title	Drawing Ref	Revision	Date	Prepared by
Cover Sheet	DD-AR-DR-0000	H	20/09/2024	Architectus and Conrad Gargett
Campus Plan	DD-AR-DR-1000	H	31/07/2024	Architectus and Conrad Gargett
Proposed Site Plan	DD-AR-DR-1100	G	31/07/2024	Architectus and Conrad Gargett
Proposed Staging Plan	DD-AR-DR-1200	B	31/07/2024	Architectus and Conrad Gargett
Existing Site Plan	DD-AR-DR-2000	F	31/07/2024	Architectus and Conrad Gargett
Demolition Plan	DD-AR-DR-2100	G	20/09/2024	Architectus and Conrad Gargett
General Arrangement Plan – Ground Floor	DD-AR-DR-2200	K	20/09/2024	Architectus and Conrad Gargett
General Arrangement Plan – Undercroft	DD-AR-DR-2201	H	20/09/2024	Architectus and Conrad Gargett
Roof Plan	DD-AR-DR-2800	K	20/09/2024	Architectus and Conrad Gargett
Elevations – Sheet 01	DD-AR-DR-3001	M	20/09/2024	Architectus and Conrad Gargett
Elevation – Sheet 02	DD - AR - DR - 3002	K	20/09/2024	Architectus and Conrad Gargett
Sections – Sheet 01	DD-AR-DR-3500	J	31/07/2024	Architectus and Conrad Gargett
Sections – Sheet 02	DD-AR-DR-3501	G	31/07/2024	Architectus and Conrad Gargett
Wayfinding Plan	DD - AR - DR - 8000	D	31/07/2024	Architectus and Conrad Gargett

Drawing/Report Title	Drawing Ref	Revision	Date	Prepared by
Cover Sheet	DD-AR-DR-0000	H	20/09/2024	Architectus and Conrad Gargett
Perspective Renders	DD-AR-DR-0100	F	31/07/2024	Architectus and Conrad Gargett
Reflected Ceiling Plan	DD-AR-DR-2500	L	20/09/2024	Architectus and Conrad Gargett
Ecologically Sustainable Development Report			27/08/2024	Climatewise Design
Building Code of Australia Assessment Report		3	15.07.2024	BMplusG
Arboricultural Impact Assessment and Tree Protection Plan		3	10.06.2024	Tree Survey
Specification Notes	DD-LA-DR-1001	B	20.05.2024	Architectus and Conrad Gargett
Material Schedule	DD-LA-DR-1002	C	07.06.2024	Architectus and Conrad Gargett
Planting Schedule	DD-LA-DR-1101	C	07.06.2024	Architectus and Conrad Gargett
Planting Plan – 1	DD-LA-DR-1102	C	07.06.2024	Architectus and Conrad Gargett
Planting Plan – 2	DD-LA-DR-1103	C	07.06.2024	Architectus and Conrad Gargett
Planting and Material Details	DD-LA-DR-1200	C	07.06.2024	Architectus and Conrad Gargett
Locality Plan and Drawing Index	DRG-CI-00001	P02	10.06.2024	GHD
General Notes	DRG-CI-00002	P01	10.06.2024	GHD
General Arrangement Plan	DRG-CI-00003	P03	10.06.2024	GHD
Signage and Linemarking Plan	DRG-CI-00004	P02	10.06.2024	GHD
Disabled Linemarking and Raised Pedestrian crossing Details	DRG-CI-00005	P01	10.06.2024	GHD
Pavement and Bollard Details	DRG-CI-00006	P02	10.06.2024	GHD
Stormwater Plan	DRG-CI-00007	P02	10.06.2024	GHD
Standard Drainage Details	DRG-CI-00008	P01	10.06.2024	GHD
Bulk Earthworks Plan	DRG-CI-00009	P02	10.06.2024	GHD
Sediment Erosion Control Plan	DRG-CI-00010	P02	10.06.2024	GHD
Sediment Erosion Control Notes and Details	DRG-CI-00011	P02	10.06.2024	GHD
Combined Services Site Plan	DRG-CS-00001	C	18.06.2024	GHD
Preliminary Construction Management Plan		1.0	27.09.2024	BD Infrastructure
Cover Sheet	DD-AR-DR-0000	H	20/09/2024	Architectus and Conrad Gargett

Drawing/Report Title	Drawing Ref	Revision	Date	Prepared by
Noise and Vibration Report	RP 001 20240228	R01	08.04.2024	Marshal Day Acoustics
Geotechnical Investigation Report			02.07.2024	Fortify Geotech
Aboriginal Cultural Heritage Due Diligence Assessment Batemans Bay Community Health		V2	26.03.2024	Past Traces
Preliminary Waste Management Plan		V1.0	28.05.2024	BD Infrastructure
Hazardous Building Materials Register			23/04/2024	Getex Pty Ltd.
Preliminary Site Contamination Report			06/05/2024	Getex Pty Ltd.
Cover Sheet	DD-AR-DR-0000	H	20/09/2024	Architectus and Conrad Gargett
Noise and Vibration Report	RP 001 20240228	R01	08.04.2024	Marshal Day Acoustics
Geotechnical Investigation Report			02.07.2024	Fortify Geotech
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Preliminary Site Contamination Report			06/05/2024	Getex Pty Ltd.

3. Design integrity

The 'for construction drawings' with materials, colours and finishes are to be consistent with the approved Plans and the Design Statement dated 20/09/2024 by Architectus Conrad Gargett and Landscape Drawings, dated 07/06/2024 by Architectus Conrad Gargett. Changes to design including materials and finishes are to be made in consultation with HI's Design Advisor, HI's Sustainability Team and/or through the HI Design Assurance process and where required, approved via an Addendum REF, as appropriate and submitted to HI-Planning for assessment and determination by HI's Chief Executive.

4. Crown Certificate

A Certificate under Section 6.28 of the *Environmental Planning and Assessment Act 1979* is to be obtained prior to any work commencing.

5. National Construction Code of Australia

All building work is to be undertaken in accordance with the National Construction Code of Australia and referenced Australian Standards, including the requirements of AS 1428.1:2021 Design for access and mobility, Part 1: General requirements for access – New building work.

6. Approvals

These mitigation measures do not remove any obligation to obtain all other licences, permits and approvals from all relevant authorities as required under any other legislation for the Project. The terms and conditions of such licences, permits, approvals and permissions must be complied with at all times. A copy of all approvals is to be kept on site.

7. Works In the Road Reserve

Prior to the commencement of any work, approval under Section 138 of the *Roads Act 1993* is to be obtained from the relevant road authority. Any work in the road reserve, including a road opening permit for temporary construction access, requires Section 138 approval.

8. Long Service Levy

The Crown Certificate must not be issued unless the Crown Certifier is satisfied the required levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid. The levy must be paid by the person liable, as specified in Section 38 of the *Building and Construction Industry Long Service Payments Act 1986*. For further information contact the Long Service Corporation on their Helpline 131441.

9. Tree Management and Landscape

- 9.1 Trees not proposed to be removed are to be protected in accordance with AS 4970-2009 Protection of Trees on Development Sites.
- 9.2 No building materials, builder's sheds and the like are permitted to be stored under the canopy of existing trees.
- 9.3 Trees proposed to be removed are to be in accordance with the Plans and Documentation approved under this Determination
- 9.4 Trees are to be replaced on the site at a minimum ratio of 1:1.
- 9.5 General maintenance and pruning of the vegetation along the eastern and southern side of the hospital shall be conducted to ensure no trees impact on private properties immediately adjoining the hospital and the area is not overgrown and unmanageable. This process shall be conducted in consultation with the adjoining neighbours and a fully Qualified Arborist and shall not impact on any ecological features.
- 9.6 The Landscape Plan prepared by Architectus and Conrad Gargett shall be updated to include additional screen planting (where possible) along the rear of No 9 Pacific Street in consultation with a Qualified Arborist and the resident.

10. Prior Notice of Category 2 Remediation Work

Where relevant, all required regulatory notifications and permits are to be obtained including Notification of Category 2 Remediation Works to Council for the remedial work at least 30 days before the commencement of the work. Notice must be given in accordance with clause 4.13 of the *State Environmental Planning Policy (Hazards and Resilience) 2021*.

11. Demolition

Demolition work must be undertaken in accordance with the provisions of Australian Standard AS 2601-2001 The Demolition of Structures. The Demolition Work Plan must comply with the safety requirements of this standard.

12. Structural adequacy

All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the activity, must be constructed in accordance with the relevant requirements of the Building Code of Australia.

13. External walls and cladding

The external walls of buildings, including additions to existing buildings, that are part of the activity, must comply with the relevant requirements of the Building Code of Australia.

14. External materials

The external colours, materials and finishes of buildings must be consistent with the approved plans under mitigation measure 2. Any minor changes to the colour and finish of the approved external materials may be approved by the Crown Certifier, provided that:

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

15. Sustainability

- 15.1 Prior to the commencement of construction, unless otherwise agreed by HI's Executive Director – Development & Commercial, it must be demonstrated to the Crown Certifier that the ESD initiatives recommended by the ESD Statement, prepared by Climatewise Design and dated 18/06/2024 have been incorporated into the design, construction and operation of the activity.
- 15.2 Prior to the commencement of construction, unless otherwise agreed by HI's, Executive Director – Development & Commercial, it must be demonstrated to the Crown Certifier that the that the project is able to achieve compliance with Design Guidance Note No. 058.

16. Flood management

The activity shall adopt the relevant and reasonable recommendations of the Flood Assessment Report titled Flooding Assessment, prepared by Southeast Engineering and Environmental dated April 2024.

17. Compliance with Mitigation Measures

The Proponent engaged by HI, must ensure that all relevant personnel, including contractors (and their subcontractors), are aware of these Mitigation Measures, and the requirement to undertake the activity within these Measures.

18. Non-compliance notification

- 18.1 The HI-Planning Team and the HI-Regional Executive Director must be notified where a non-compliance with a mitigation measure is identified. Notification to the HI-Planning team should be via email: HI-Planning@health.nsw.gov.au
- 18.2 The notification should identify relevant activity, set out the mitigation measure that is non-compliant with, the way in which it does not comply, any known reasons for the non-compliance and what actions have been, or will be undertaken, to address the non-compliance.

Prior to commencement of works

Note: The following Measures are to be complied with prior to the commencement of works on the activity site, and at other stages where stated.

19. Consultation Approach

- 19.1 Prior to the commencement of work, a communication strategy shall be prepared that:
- (a) provides mechanisms to facilitate regular communication between the contractor, and the immediately adjoining residents to the south prior to commencement of works and through the construction process.
 - (b) The strategy shall Identify people to be consulted during the construction phase; and
 - (c) Set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the stages of construction to keep the neighbours informed of construction staging and the building process.
 - (d) Determines the suitable methods of consultation with relevant stakeholders, including the receipt of feedback; and
 - (e) Provides the approach access to project information.

20. Notice of Commencement

- 20.1 The Proponent must notify HI-Planning in writing (using the email address HI-Planning@health.nsw.gov.au) of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- 20.2 The public authority must also give written notice of the intention to start work at least 2 days before the work starts to—
- (a) the occupiers of any dwelling located within 20m of the site boundary of the proposed development, and

(b) if the public authority is not the relevant council—the relevant council.

21. Community Notification

- 21.1 Prior to commencement of work, the Proponent must notify in writing to Council and the occupier of any land within 40 metres of the boundary of the site works. The notification should outline the project, the expected timing for commencement and completion of construction works.
- 21.2 Where practicable, work programs for noisy work should be coordinated with the hospital at least two (2) weeks prior to commencement to minimise impacts on their operations.
- 21.3 Complaints received prior to and during the undertaking of works shall be recorded and attended to promptly. On receiving a complaint, works shall be reviewed to determine whether issues relating to the complaint can be avoided or minimised. Feedback shall be provided to the complainant explaining what remedial actions (if any) were taken.
- 21.4 The Proponent shall develop a complaints management system and record details of all complaints received and the means of resolution of those complaints. The Complaints Register shall be made available on request. A site notice board must be located at the entrance or other appropriate location on the site in a prominent position. The notice must be A1 sized, durable and weatherproof and include the following:
- 24-hour contact person for the site;
 - Telephone, facsimile numbers and email addresses;
 - Site activities and time frames; and
 - Details of where accessible project information can be sourced.
- 21.5 The site notice must be placed at eye level and be erected no less than 2 days prior to the commencement of works.

22. Site contamination

Prior to the commencement of work, an NSW EPA-accredited Site Auditor must be engaged to provide advice throughout the duration of the works to ensure that any work required in relation to contamination is appropriately managed.

23. Hazardous Materials

- 23.1 All asbestos handling shall be carried out consistent with the recommendations of the Hazardous Materials Survey prepared by Getex and dated 23/04/2024.
- 23.2 An Asbestos Management Plan is to be prepared to provide a procedure to control the risk of exposure from asbestos and lead impacted topsoil during the work.
- 23.3 An unexpected finds procedure is to be included in an overarching Construction Management Plan (CMP) for the work, in the event that other contamination is encountered which have not been identified during this assessment.
- 23.4 Waste must be transported by an appropriately licensed transporter, and disposed to a facility that is licensed to receive that class of waste. It is recommended that this report is sent to the proposed receiving facility to confirm their acceptance of the material prior to off-site disposal. If the description of the soil differ from that described within, then further assessment for waste classification purposes may be required prior to off-site disposal.
- 23.5 SafeWork NSW is to be notified in accordance with the relevant policy prior to work involving asbestos material being undertaken.
- 23.6 Air monitoring devices shall be put in place, around the site, during the demolition. A qualified environmental hygienist shall be on site to supervise the work to ensure the safety of workers and the public are not compromised in anyway. Daily monitoring and results will be taken and analysed to ensure safe air quality levels ensue.

- 23.7 A Lead Removal Control Plan will be developed and implemented by the contractor. Lead based paint is defined as paint containing more than 1% lead by weight, and is classified as hazardous waste according to EPA NSW Waste Classification Guidelines. Part 1: Classifying Waste.

24. Pre-Construction Dilapidation Report

- 24.1 Prior to construction, a dilapidation report is to be prepared for the hospital, Council or other assets within the zone of influence of the work.
- 24.2 The dilapidation report should:
- Be prepared in consultation with the relevant asset owner or provider of any services and infrastructure that are to be affected by the activity, to make suitable arrangements for access to diversion, protection and support of the affected assets or infrastructure;
 - Identify the condition of affected assets or infrastructure in the vicinity of the work; and
 - Be provided to the hospital, Council, other assets or provider and the Crown Certifier.

25. Pre-Construction Survey – Adjoining Properties

- 25.1 Prior to construction, an offer of a pre-construction survey is to be made to adjoining buildings within the zone of influence of the work.
- 25.2 Where the offer of a pre-construction survey is accepted, it should:
- 25.3 Be prepared prior to the commencement of vibration generating works that could impact on identified buildings; and
- 25.4 Provided to the owner of identified buildings and Crown Certifier in the form of a Pre-Construction Survey Report.

26. Construction Management

A detailed Construction Environmental Management Plan (CEMP) is to be prepared prior to the commencement of works, provided to the Crown Certifier, and implemented during the undertaking of works. The CEMP must be prepared having regard to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects (2020)* prepared by the Department of Planning, Housing and Infrastructure (formally the Department of Planning and Environment) and is to include (where relevant), but not be limited to, the following:

- a. Details of:
 - i. hours of work;
 - ii. 24-hour contact details of site manager;
 - iii. management of dust and odour;
 - 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. any other specific environmental construction mitigation measures detailed in this REF;
 - vii. any requirements outlined in any relevant approvals, permits or licences; and
 - viii. community consultation and complaints handling.
- b. Construction traffic and Pedestrian Management Plan;
- c. Construction noise and vibration management;
- d. Construction waste management, including contaminated waste;
- e. Construction soil and water management;
- f. Flood management;
- g. Tree protection;
- h. Air quality and dust management measures;

- i. Demolition Work Plan;
- j. Unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- k. Unexpected finds protocol for historical heritage;
- l. Unexpected finds protocol for contamination;
- m. Emergency Management Plan; and
- n. Training of responsibilities under *National Parks and Wildlife Act 1975*, *Heritage Act 1977* and any other relevant legislation.

27. Construction Noise and Vibration Management Plan

The Construction Noise and Vibration Management Plan to be included in the CEMP required by condition/mitigation measure 26, is to include (not limited to) the following conditions/mitigation measures:

- a. All works will be in accordance with AS 2436-2010: Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites;
- b. Building contractors are to implement the requirements of the Office of Environment Interim Construction Noise Guideline (July 2009) as far as practicable;
- c. Construction is to be carried out in accordance with the National Construction Code deemed-to-satisfy provisions with respect to noise transmission;
- d. All reasonable, practicable steps are to be undertaken to reduce noise and vibration from the site;
- e. Plant and equipment are to be maintained, checked and calibrated in accordance with the appropriate design requirements and to ensure that maximum sound power levels are not exceeded;
- f. Plant and equipment (where possible) are to be strategically positioned on site to reduce the emission of noise from the site to the surrounding area, users of the site and on site personnel;
- g. Unnecessary noise is to be avoided when carrying out manual operations and operating plant; and
- h. Any equipment not used for extended periods is to be switched off.

Additional project-specific mitigation measures are also to be included, as required.

28. Demolition/Construction Waste Management Plan

- 28.1 A Demolition/Construction Waste Management Plan shall be prepared by an appropriately qualified contractor prior to the commencement of works. The Waste Management Plan should be prepared in accordance with the Department of Environment and Climate Change (DECC) *Waste Classification Guidelines (2008)* and the *Protection of the Environment Operations Act 1997*. A copy of the plan is to be provided to the Crown Certifier.
- 28.2 The Demolition/Construction Waste Management Plan is to include the following requirements and details:
 - The type and volume of all waste materials (e.g. excavation material, green waste, bricks, concrete, timbers, plasterboard and metals) is to be estimated prior to the commencement of works, with the destination for each waste identified. Waste should be re-used or recycled as much as practicable. Where not practicable, the location of a suitable waste disposal facility is to be identified;
 - Cleaning out of batched concrete mixing plant is not permitted within any construction compound;
 - Non-recyclable waste and containers are to be regularly collected and disposed of at a licensed disposal site. Frequency of collection should be identified;
 - No burning or burying of waste is permitted on the site; and
 - Any bulk garbage bins delivered by authorised waste contractors are to be placed and kept within the property boundary.
- 28.3 The following mitigation measures will be implemented in order to prevent adverse impacts in relation to waste generated by the proposed works:
 - No materials will be used in a manner that will pose a risk to public safety and waste generated from the proposed works will be recycled where possible;

- Unnecessary resource consumption will be avoided; and
- Non-recyclable wastes will be collected and disposed of or recycled in accordance with Office of Environment and Heritage (OEH) guidelines.

29. Air Quality and Dust Management Plan

The Construction Air Quality and Dust Management Plan to be included in the CEMP required by condition/mitigation measure 26 is to include (not limited to) the following conditions/mitigation measures:

- a. Spraying of paint and other materials with the potential to become air borne is only to be undertaken on days with still or light wind conditions to prevent drift;
- b. No burning of materials is permitted;
- c. Dust generated during construction works is to be controlled to avoid impact on surrounding properties;
- d. All necessary maintenance for construction vehicles and equipment is to be undertaken during the construction period/approved work hours;
- e. Excessive use of vehicles and powered construction equipment is to be avoided;
- f. Exposed areas are to be progressively revegetated as soon as practical;
- g. Vehicle wash down areas are to be established on-site to ensure all mud and soil from construction vehicles is not carried onto public roads;
- h. All vehicles involved in any excavation and/or demolition and departing the site with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway; and
- i. Vehicles, machinery and equipment will be maintained in accordance with manufacturer's specifications and meet the requirements of the Protection of the Environment Operations Act 1997 and associated regulations.

Additional project-specific conditions/mitigation measures are also to be included, as required.

30. External walls and cladding

- 30.1 Prior to commencement of work, independent advice is required to confirm that the products and systems proposed for use or used in the construction of any external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the National Construction Code.
- 30.2 The independent advice is to be prepared and signed by a suitable qualified expert, such as a façade engineer or other building professional and a copy of the advice is to be provided to the Crown Certifier.

31. External lighting

- 31.1 Prior to commencement of work, independent advice is required to confirm that the proposed external lighting design would be in accordance Australian Standards AS/NZS 1158.3.1:2020 Lighting for roads and public spaces – Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements and AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting.
- 31.2 The independence advice is to be prepared and signed by a suitably qualified expert, such as a practising lighting engineer, and a copy of the advice is to be provided to the Crown Certifier.

32. Operational noise – Mechanical Plan and Equipment

- 32.1 Prior to the installation of mechanical plant and equipment, independent advice is required to confirm compliance with relevant project noise trigger levels as recommended in the Noise and Vibration Impact Assessment titled Batemans Bay Community Health Noise and Vibration Report, prepared by Marshal Day Acoustics and dated 27/05/2024.
- 32.2 The independent advice should be prepared by suitably qualified expert, such as a practising acoustic engineer, and a copy of the advice is to be provided to the Crown Certifier.

33. Noise Management Measures

- 33.1 During preparation of the construction program, consult with the hospital to determine what areas (if any) of the hospital is particularly noise sensitive, and at what time (ward rooms, operating theatres, etc.).
- 33.2 Identify feasible acoustic controls or management techniques (use of screens, scheduling of noisy works, notification of adjoining land users, respite periods) when excessive levels may occur.
- 33.3 For activities where acoustic controls and management techniques still cannot guarantee compliant noise levels, implement a notification process whereby nearby development is made aware of the time and duration of noise intensive construction processes.

34. Erosion and Sediment Control

- 34.1 Erosion and sediment controls will be implemented in accordance with the Landcom/Department of Housing *Managing Urban Stormwater, Soils and Construction Guidelines* (Blue Book) and ensure any water diversion or control outlets associated with the works do not result in scouring.
- 34.2 Works will only commence once all erosion and sediment controls have been established. The controls will be maintained in place until the works are complete and all exposed erodible materials are stable.
- 34.3 Erosion and sedimentation controls will be checked and maintained (including clearing of sediment from behind barriers) on a regular basis (including after any precipitation events) and records kept and provided on request.

35. Stormwater Management System

Prior to the commencement of any construction work, the operational stormwater management system for the activity must be designed and submitted to the satisfaction of the Crown Certifier. The system must:

- a. Be in accordance with the relevant plans and supporting documents under condition/mitigation measure 2;
- b. Be in accordance with the applicable Australian Standards;
- c. Ensure that the system capacity has been designed in accordance with Australian Standards; and
- d. Ensure that the system has been designed in accordance with *Australian Rainfall and Runoff (Engineers Australia, 2016)* and *Managing Urban Stormwater: Council Handbook (EPA, 1997) Guidelines*.

36. Services and Utilities

Prior to the commencement of works, any services and utilities that may be impacted by the works are to be appropriately relocated.

37. Construction Traffic Management

A Construction Traffic Management Plan shall be prepared in consultation with Council prior to commencement of works. A copy of the plan is to be provided to the Crown Certifier.

38. Construction worker transport strategy

Prior to the commencement of works, a construction worker transport strategy shall be prepared. The strategy is to detail the provision of sufficient parking facilities or other travel arrangements for construction worker for the activity, in order to minimise parking in adjacent areas. A copy of the strategy is to be provided to the Crown Certifier.

39. Monitoring and Reporting

- 39.1 Prior to the commencement of works, a program for the monitoring and reporting of compliance with these mitigation measures shall be prepared. The timing and scope of these are to be defined in the program, however, must be undertaken at least every 6 months following the commencement of works.
- 39.2 The compliance reporting should:
 - Provide a summary and analysis of the monitoring undertaken;

- Details of any complaints received, and responses and actions to these;
- Any strategies to reduce the recurrence of such complaints; and
- Results from any other monitoring and/or audit undertaken, and any actions taken in response to these.

39.3 The compliance reports are to be provided to the HI-Planning Team (email to HI-Planning@health.nsw.gov.au) and the relevant HI-Regional Executive Director.

39.4 Refer also to Advisory Note AN1.

40. Independent Audit

40.1 Prior to the commencement of works, a program of independent audits shall be prepared for the activity generally in accordance with the *Independent Post Approval Requirements 2020* (published on the Department of Planning, Housing and Infrastructure website) and AS/NZS ISO 19011-2019 Guidelines for Auditing Management Systems.

40.2 The timing and scope of each audit is to be defined in the program. The program is to be submitted to and approved by HI-Planning via HI-Planning@health.nsw.gov.au.

The program shall identify the alignment of the Audit program generally in accordance with the *Independent Post Approval Requirements 2020* and include justification for any departures from its frequency schedule. Projects seeking an amended Audit schedule are to include no less than two Independent Environmental Audits, the first being undertaken at between 3 and 9 months, post commencement of the approved activity.

40.3 The independent auditor must be engaged in accordance with HI's *Town Planning Approvals – Guide to Post Approval Management (Feb 2023)*.

40.4 Audits should be undertaken by suitably qualified personnel independent to the activity ('independent auditor') and documented in an audit report which:

- Assesses how the mitigation measures of the Determination are being satisfied;
- Adequacy of any documents required under the mitigation measures;
- Outlines the performance of the activity with respect to any impacts on the surrounding environment including local community; and
- Recommends any measures or actions to improve the performance of the activity, if deemed required.

40.5 The independent audit reports are to be provided to the HI-Planning Team (HI-Planning@health.nsw.gov.au) and the HI-Regional Executive Director.

During construction/undertaking of work

Note: The following Measures are to be complied with during the approved construction/undertaking of works.

41. Construction Management

The site and all construction works are to be managed and carried out in accordance with:

- a. The CEMP and all of its associated plans, protocols and procedures, which were required to the satisfaction of condition/mitigation measure 26;
- b. The approved REF, plans and supporting documents approved under condition/mitigation measure 2 [amend number if different]; and
- c. Any other licences, permits, approvals and land owners consents as required under any other legislation.

42. Site notice

The Site Notice(s) required by mitigation measure 21.5 must be prominently displayed during the construction of the activity.

43. Construction Site Management

- 43.1 Construction site fencing is to be installed around the construction site. Vehicle and workforce access points and roads to the construction compounds are to be clearly designated and controlled for authorised access only. Vegetation clearance is to be minimised.
- 43.2 The work site should be left tidy and rubbish free each day prior to leaving the site and at the completion of works.
- 43.3 The use and storage of hazardous materials and dangerous goods, including petroleum, distillate and other chemicals, shall be in accordance with the relevant legislation including, but not limited to:
 - *Protection of the Environment Operations Act 1997*;
 - Work Health and Safety Regulation 2017;
 - AS 1940:2017 The Storage and Handling of Flammable and Combustible Liquids; and
 - Safe Work NSW Code of Practice – Managing Risks of Hazardous Chemicals in the Workplace.
- 43.4 All materials on site or being delivered to the site must be wholly contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- 43.5 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.
- 43.6 All equipment and machinery should be secured against vandalism outside of working hours.
- 43.7 No batching plant is permitted on the site.
- 43.8 A copy of the approved and certified plans, specifications and documentation shall be kept on site at all times and shall be available for perusal by any officer of Council.
- 43.9 All contractor(s) must meet all workplace safety legislation and requirements.
- 43.10 No vehicle maintenance is permitted in the demolition and construction areas except in emergencies.
- 43.11 All loose material stockpiles are to be stored within the temporary construction compound(s) and are to be protected from possible erosion.

44. Erosion and Sediment Control

- 44.1 Disturbance of sediment during the construction phase of the development and the design management and implementation of pollution controls must be consistent with *Managing Urban Stormwater: Soils and Construction* (NSW Landcom, 2004), (Blue Book), and *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (EPA) to ensure containment of sediment to the immediate work site.
- 44.2 All sediment control measures must be regularly inspected and cleaned out and/or repaired as necessary, and all collected silt disposed of appropriately. Stockpiles should also have adequate sediment control measures in place.
- 44.3 Erosion and control measures are not to be removed until disturbed areas have stabilised.

45. Air Quality and Dust Management

- 45.1 Spraying of paint and other materials with the potential to become air borne particulates is only to be undertaken on days with still or light wind conditions.
- 45.2 No burning of materials is permitted.
- 45.3 Dust generated during construction activities is to be controlled to avoid impact on surrounding properties.

- 45.4 All necessary maintenance for construction vehicles and equipment is to be undertaken during the construction period.
- 45.5 Excessive use of vehicles and powered construction equipment is to be avoided. Exposed areas are to be progressively revegetated as soon as practical.
- 45.6 Vehicle wash down areas are to be established to ensure all mud and soil from construction vehicles is not carried onto public roads.
- 45.7 All vehicles involved in any excavation and/or demolition and departing the site with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.
- 45.8 Vehicles, machinery and equipment will be maintained in accordance with manufacturer's specifications in order to meet the requirements of the *Protection of the Environment Operations Act 1997* and associated regulations.

46. Construction

- 46.1 No blasting shall be permitted during construction.
- 46.2 To minimise the noise levels during construction and loss of amenity to the surrounding area, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of:
 - 9am to 12pm, Monday to Friday;
 - 2pm to 5pm Monday to Friday; and
 - 9am to 12pm Saturday.

47. Services

- 47.1 All services and utilities in the area of construction must be appropriately disconnected and reconnected as required. The contractor is required (if necessary) to consult with the various service authorities regarding their requirements for the disconnection of services.
- 47.2 Where services are found not to be adequate to support the activity they shall be appropriately augmented.

48. Stormwater management system

- 48.1 Within three months of the commencement of construction, the operational stormwater management system for the activity must be designed and submitted to the satisfaction of the Crown Certifier. The system must:
 - Be generally in accordance with the stormwater report and plans at mitigation measure 2;
 - Be in accordance with the applicable Australian Standards;
 - Ensure that the system capacity has been designed in accordance with Australian Standards; and
 - Ensure that the system has been designed in accordance with *Australian Rainfall and Runoff (Engineers Australia, 2016)* and *Managing Urban Stormwater: Council Handbook (EPA, 1997) Guidelines*.

49. Traffic Management

Existing traffic access and arrangements should be maintained during construction as much as practicable.

50. Contamination (Unexpected Finds)

- 50.1 Should any new soil contamination information or contaminants be identified during the undertaking of works which have the potential to alter previous conclusions about site contamination, then the Managing Contractor and HI must be immediately notified and works must cease in the location of the contamination.
- 50.2 Works must not recommence until a suitably qualified contaminated land specialist (i.e. a Certified Environmental Practitioner) has investigated and assessed the category of the contamination in accordance with SEPP (Resilience and Hazards) 2021 and if required prepare a Remediation Action Plan (RAP) which details the necessary remedial work or management required to render the site suitable for the proposed development.

- 50.3 Following completion of the remediation, a Site Remediation and Validation Report (SRVR) which documents the completeness of the remedial work is to be submitted to HI and the EPA, if required.
- 50.4 Any contaminated materials or hazardous substances that need to be removed from the site are to be classified first and then stored, transported and disposed of in accordance with EPA requirements at an EPA licensed waste facility.
- 50.5 Asbestos removal and management in NSW is regulated under the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017*. The handling of asbestos work must be carried out in accordance with Safe Work Australia Code of Practice *How to Manage and Control Asbestos in the Workplace February 2016*, including being undertaken by contractors who hold a current Safe Work Asbestos or Demolition Licence and any other current Safe Work Licence required.
- 50.6 If soils are to be disposed offsite during construction, they are required to be disposed in accordance with the waste classification, subject to additional sampling and analysis.
- 50.7 Construction works should not result in the contamination of the site.
- 50.8 A spill containment kit will be available at all times. All personnel will be made aware of the location of the kit and trained in its effective deployment.
- 50.9 The contractor shall develop a procedure for the management of acid sulfate material (ASM) including identification, testing and treatment of ASM encountered during the works and opportunities for reuse of treated ASM within the site.
- 50.10 Materials will be sourced from licensed quarries and operators. All materials will be certified uncontaminated and environmentally safe.

51. Noise and Vibration Management

- 51.1 All works will be in accordance with AS 2436-2010: Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites.
- 51.2 Building contractors are to implement the requirements of the Office of Environment *Interim Construction Noise Guideline (July 2009)* as far as practicable.
- 51.3 Construction is to be carried out in accordance with the Building Code of Australia deemed-to-satisfy provisions with respect to noise transmission.
- 51.4 All reasonable, practicable steps are to be undertaken to reduce noise and vibration from the site.
- 51.5 Plant and equipment is to be maintained, checked and calibrated in accordance with the appropriate design requirements and to ensure that maximum sound power levels are not exceeded.
- 51.6 Plant and equipment (where possible) is to be strategically positioned on site to reduce the emission of noise from the site to the surrounding area, users of the site and on site personnel.
- 51.7 Unnecessary noise is to be avoided when carrying out manual operations and operating plant.
- 51.8 Any equipment not used for extended periods is to be switched off.
- 51.9 Construction vehicles (including concrete agitator trucks) are to not arrive at the site or any surrounding residential precincts outside of the construction hours of work outlined under mitigation measure 54.1.

52. Non Aboriginal Heritage

- 52.1 All personnel working on site will receive training in their responsibilities under the *Heritage Act 1977*.
- 52.2 If any item of European heritage is discovered during works, work shall cease immediately and the project heritage consultant, the relevant Council and/or Office of Environment and Heritage notified.

- 52.3 Work shall not recommence until the significance of the find is established.
- 52.4 Should significant relics be identified, external approvals to impact the relics may be required

53. Aboriginal Heritage

- 53.1 If suspected Aboriginal material has been uncovered as a result of development activities within the Project Area:
- Work in the surrounding area is to stop immediately;
 - A temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
 - An appropriately qualified archaeological consultant is to be engaged to identify the material; and
 - If the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010).
- 53.2 Should human remains be located at any stage during earthworks within the Project Area, all works must halt in the immediate area to prevent any further impacts to the remains. The site should be cordoned off and the remains themselves should be left untouched. The nearest police station, the relevant Local Aboriginal Land Council and the OEH Regional Office are all to be notified as soon as possible.
- 53.3 If Aboriginal cultural materials are uncovered as a result of development activities within the Project Area, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the OEH. Any management outcomes for the site will be included in the information provided to the AHIMS. If Registered Aboriginal Parties (RAPs) were engaged as part of an ACHAR process, the RAPs are to be invited to site along with the archaeologist. Following the on-site assessment, the archaeologist and RAPs (if they attended the site) are to advise on whether further management, mitigation or approvals are required in consultation with the HI Project Team. An Aboriginal Heritage Impact Permit (AHIP) would also need to be obtained to impact the site.
- 53.4 All efforts must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal community.

54. Restriction on Hours during Construction

- 54.1 The undertaking of any construction activity on the subject site is to be limited to the following hours:
- Monday to Friday inclusive: 7.00am to 6.00pm;
 - Saturdays: 8.00am to 1.00pm; and
 - Sundays and Public Holidays: No work permitted.
- 54.2 Entry and departure of vehicles from the site will be restricted to the imposed work hours.
- 54.3 Activities may be undertaken outside of hours in measures 54.1 if required:
- By the police or a public authority for the delivery of vehicles, plant or materials; or
 - In an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- 54.4 Where the works are inaudible at the nearest sensitive receiver, a disruption notice has been issued by the relevant Local Area Health District (LHD) or hospital and a letter of support has been provided from the relevant LHD or hospital for the Out of Hours Works.
- 54.5 Consideration will be given to extending these hours to allow for specific work tasks on a case by case basis, subject to approval from HI being sought prior to this occurring and the assessment of any impact of this extension.

55. Access and pedestrian movements

- 55.1 Safe pedestrian access and movement to the hospital and surrounding buildings shall remain unimpeded at all times.

55.2 Appropriate signage and directional information shall be provided.

Prior to commencement of operation

Note: The following Measures are to be complied with prior to commencement of operation of the facility.

56. Crown Certificate Completion

A Crown Completion Certificate is to be issued by a Crown Certifier prior to the occupation of the works.

57. Compliance with Plans and Supporting Documentation

Prior to issue of a Crown Completion Certificate, evidence must be provided to the satisfaction of the Crown Certifier that the works have been carried out in accordance with the approved REF, plans and supporting documents outlined under condition/mitigation measure 2, except where a condition/mitigation measure expressly required or allowed otherwise.

58. Works as Executed

Prior to use of the facility, "Works as Executed" drawings are to be submitted to HI.

59. Structural certification

- 59.1 All new buildings and structures, and any alterations or additions to existing buildings and structures, shall have a structural certificate prior to the use of the facility.
- 59.2 The structural certificate must be prepared by a qualified and practicing Structural Engineer and confirms that the structural work is compliant with the structural drawings.
- 59.3 A copy of the structural certificate is to be provided to the Crown Certifier.

60. Warm water systems and cooling systems

- 60.1 Prior to the use of the facility, 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 NSW Health Code of Practice for the Control of Legionnaires' Disease.
- 60.2 Documentation demonstrating compliance must be submitted to the Crown Certifier.

61. Fire safety certification

- 61.1 Prior to the use of the facility, a Fire Safety Certificate must be obtained for all Essential Fire or Other Safety Measures required as part of the operation of the activity.
- 61.2 A copy of the Fire Safety Certificate is to be provided to the Crown Certifier, the hospital and/or the LHD.

62. Post-construction dilapidation report

- 62.1 Prior to use of the facility, a post-construction dilapidation report is to be prepared.
- 62.2 The post-construction dilapidation report should:
- 62.3 Identify whether the construction work created any structural damage to affected infrastructure, as identified in the pre-construction dilapidation report at mitigation measure 24;
- 62.4 Have written confirmation from the relevant infrastructure authorities that there is no damage to their infrastructure; and

- 62.5 Be provided to the hospital, Council, asset or other provider and the Crown Certifier in the form of a Post-Construction Dilapidation Report.
- 62.6 Where the post-construction dilapidation report determines that there is damage to infrastructure as a result of construction activity, the Proponent must repair any damage caused by carrying out the works.

63. Post-construction survey – adjoining properties

- 63.1 Prior to the use of the facility, a post-construction survey report is to be prepared.
- 63.2 The post-construction survey should:
- Identify whether construction work caused any damage to affected buildings identified in the pre-construction survey at mitigation measure 24; and
 - Be provided to the owner of identified buildings and Crown Certifier in the form of Post-Construction Survey Report.
- 63.3 Where the post-construction survey report determines that there is damage to a building as a result of construction activity, the Proponent must repair any damage caused by carrying out the works.

64. Operational waste management

- 64.1 Prior to the use of the facility, any operational waste management measures necessary for the activity shall be finalised in an Operational Waste Management Plan. This plan should outline how waste would be minimised, handled, stored and disposed of appropriately, including in accordance with any relevant guidelines.
- 64.2 A copy of the Operational Waste Management Plan is to be provided to the Crown Certifier, hospital and/or LHD.

65. Stormwater operation and maintenance plan

- 65.1 Prior to the use of the facility, a Stormwater Operation and Maintenance Plan is to be prepared and submitted to the satisfaction of the Crown Certifier. The Stormwater Operation and Maintenance Plan shall ensure that stormwater quality measures remain effective and contain the following:
- Maintenance schedule of all stormwater quality treatment devices;
 - Record and reporting details; and
 - Work Health and Safety requirements.
- 65.2 A copy of the Stormwater Operation and Maintenance Plan is to be provided to the hospital and/or LHD.

66. Flood management

- 66.1 Prior to the use of the facility, it must be demonstrated to the Crown Certifier that the relevant and reasonable recommendations of the flood management report titled Flooding Assessment prepared by Southeast. Engineering and Environment have been incorporated into the activity. This includes any operational emergency management measures (where provided).

67. External Lighting

- 67.1 Prior to the use of the facility, it must be demonstrated to the Crown Certifier that the external lighting complies with Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting.

68. Mechanical ventilation

- 68.1 Prior to the use of the facility, it must be demonstrated to the Crown Certifier that the mechanical ventilation systems complies with:
- Australian Standard AS 1668.2-2012 The use of ventilation and air-conditioning in buildings –

Mechanical ventilation in buildings and other relevant codes; and

- Any dispensation granted by Fire and Rescue NSW.

69. Operational Noise – Plant and Machinery

Prior to the use of the facility, it must be demonstrated to the Crown Certifier that noise associated with the operation of any mechanical plant or machinery does not exceed the relevant project noise trigger levels as recommended in the Noise and Vibration Impact Assessment prepared by Marshall Day Acoustics and dated 27/05/2024.

70. Landscaping

Prior to the use of the facility, landscaping of the site in accordance with the landscape plans under mitigation measure 2 must be completed to the satisfaction of the Crown Certifier.

71. Landscape Management Plan

- 71.1 Prior to the use of the facility, a Landscape Management Plan must be prepared that provides measures for on-going operation and management of landscaping.
- 71.2 A copy of the Landscape Management Plan is to be provided to the Crown Certifier, hospital and/or LHD.

72. Car Parking

- 72.1 Prior to the use of the facility, it must be demonstrated to the Crown Certifier that the following requirements for car parking have been satisfied:
- The provision of a maximum of 17 car parking spaces;
 - The layout and design of car parking complies with the relevant Australian Standards;
 - Associated lighting to the car parking facilities, and any required operational measures; and
 - Appropriate wayfinding and advisory signage.

73. Signage

Prior to the use of the facility, signage and directional information must be installed to the satisfaction of the Crown Certifier. This includes any necessary advisory signage and/or wayfinding and identification signage provided on the plans under mitigation measure 2.

Post occupation/ operation

Note: The following Conditions are to be complied with post occupation of the facility.

74. Operation of plant and machinery

All plant and equipment used as part of the activity must be maintained and operated in proper and efficient condition.

75. External lighting

Should the external lighting result in any impacts on the amenity surrounding sensitive receivers, the Proponent must provide appropriate measures to reduce the impacts. Such measures may include adjusting light mounting and direction, and/or screening devices such as shades.

76. Stormwater management

Stormwater management systems, including any water treatment systems, must be maintained and operated in a proper and efficient condition.

77. Discharge limits

The activity must remain compliant with Section 120 of the POEO Act, which prohibits the pollution of waters.

78. Sustainability

Within 6 months of operation of the facility, the Crown Certifier is to be provided with evidence that the activity attains the minimum number of ESD points as required by mitigation measure 15.

79. Landscape management

Landscaping must remain appropriately maintained, and cared, for in accordance with the Landscape Management Plan required at mitigation measure 71.

80. Hazards and risks

Chemicals, fuel and oils that could be used on the site are to be handled in accordance with:

- a. The requirements of relevant Australian Standards; and/or
- b. The EPA Storing and Handling of Liquids: Environmental Protection – Participants Manual if the chemicals are liquids.

81. Dangerous goods

Dangerous goods, as defined by the Australian Dangerous Goods Code, are to be stored and handled in accordance with all relevant Australian Standards.

82. Boundary fencing

A detailed review of the boundary fencing along the south-eastern and southern part of the site shall occur and fencing shall be replaced and repaired where it is broken and new fencing constructed where required and as appropriate (to a minimum height of 1.8m) to ensure safety and security around the hospital boundary is maintained.

Any new or replacement boundary fencing adjoining private residential properties shall be undertaken in consultation with the property owners.

Advisory Notes

AN1 Project Compliance – Town Planning Approvals – Guide to Post Approval Management (Feb 2023)

Health Infrastructure (HI) is responsible for ensuring that the conditions of consent are complied with during the course of the delivery of the project. To ensure that HI is complying with its legal obligations, compliance with the requirements of HI's *Town Planning Approvals – Guide to Post Approval Management (Feb 2023)* is required.