

ATTACHMENT I – DRAFT CONDITIONS OF CONSENT

General Conditions

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Site Plan	DA-0001, Rev 12	Team 2 Architects	02/02/24
Ground	DA-1001, Rev 25	Team 2 Architects	02/02/24
Level 1	DA-1002, Rev 16	Team 2 Architects	14/12/23
Roof	DA-1003, Rev 12	Team 2 Architects	14/12/23
Elevation	DA-2001, Rev 13	Team 2 Architects	14/12/23
Sections	DA-3001, Rev 8	Team 2 Architects	14/12/23
Sections	DA-3002, Rev 3	Team 2 Architects	14/12/23
Landscape Plan	LDA100, Rev 6	Studio 151	13/12/2023
Landscape Planting Palette	LDA200, Rev 2	Studio 151	01/11/2023
Concept Stormwater and Levels Plan	DA-C03 - Revision 5	Northrop	8/12/2023
Concept Civil Details	DA-C04 - Revision 3	Northrop	8/12/2023
Operational Management Plan	-	Cancer Care Associates	Not dated

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Compliance with National Construction Code Series - Building Code of Australia

All building work must be carried out in accordance with the requirements of the National Construction Code Series - Building Code of Australia as in force on the date the application for the relevant construction certificate was made.

Reason: Prescribed condition under the *Environmental Planning & Assessment Regulation 2021*.

3. Separate application required for advertising structures

A separate development application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures, other than those permitted as exempt development.

Reason: To limit the visual impact of advertising signs.

4. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services remain in a serviceable condition.

5. Support for neighbouring buildings

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

Reason: To protect development on adjoining premises. Prescribed condition under the Environmental Planning and Assessment Regulation 2021.

6. Operational Management Plan

The facility is to operate strictly in accordance with the approved Operational Management Plan including hours of operation and capacity of facility.

Reason: To ensure the development operates in the manner in which it was approved.

7. Restriction on Operations

The approved operations of the facility are restricted to radiation oncology and associated services only. Medical oncology services are prohibited.

Reason: To ensure the development operates in the manner in which it was approved.

Conditions which must be satisfied prior to the issue of a Construction Certificate

8. Plans of retaining walls

Prior to the issue of a construction certificate plans and specifications of retaining walls or other approved methods of preventing the movement of soil, where excavation or fill exceeds 600mm above or below the existing ground level, must be submitted to and approved by an appropriately registered certifier, adequate provision must be made for drainage in the design of the structures.

Reason: To ensure site stability and safety.

9. Erosion and sediment control plan

Prior to the issue of a construction certificate, an erosion and sediment control plan prepared by a suitably qualified person in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction" (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

Reason: To protect the environment from the effects of erosion and sedimentation.

10. Water and sewerage Section 68 approval

Prior to the issue of a construction certificate, an approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

Reason: Statutory requirement.

11. Water and Sewerage Certificate of Compliance

Prior to the issue of a construction certificate, a Certificate of Compliance from MidCoast Council Water Services, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to an appropriately registered certifier.

Reason: To ensure suitable water and sewage disposal is provided to the development.

12. Works within the road reserve

Prior to the issue of a construction certificate, an application for a Public Engineering Works Permit (PEWP) must be submitted to and approved by Council for the road reserve works listed in the table below.

Work	Standard to be provided
Grading, trimming, topsoiling and turfing of the unpaved footpath area.	The surface levels are to be finished flush with adjacent road or kerb levels.
Removal of the disused driveway and vehicular crossings.	Existing kerb to be reinstated as per Auspec standards.
New kerb and gutter and road pavement to merge with existing.	Provision of concrete kerb and gutter and extension of the existing bitumen seal to the new kerb and gutter to Council's Adopted Engineering Standard.
New standard Kerb inlet pit to be constructed as per the approved plan.	Standard kerb inlet pit as per Council's Standard Drawing SD0110.
Cut in and Connection of stormwater to stormwater drainage line in Cornwall Lane. And re-establishment of road surface.	900x900 Junction pit as per Council's Standard Drawing SD0110.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

13. Driveway application

Prior to the issue of a construction certificate, a Driveway Application must be submitted to and approved by Council for any new driveway and removal of any redundant vehicular crossing.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

14. Construction management plan

Prior to the issue of a construction certificate, a construction management plan must be submitted to and approved by the certifying.

The construction management plan must include:

- a traffic control plan designed in accordance with the requirements of the Roads and Maritime Services, Traffic Control at Work Sites Version 2 and Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads' prepared by an accredited person trained in the use of the current version of RMS Traffic Control at Work Sites manual approved by the relevant Road Authority.
- a traffic management plan
- provision for pedestrian movement and safety
- details of loading and unloading areas;
- details of parking for tradesman's vehicles

Reason: To ensure public safety during the construction of the development.

15. Internal vehicular access

Prior to the issue of a construction certificate, plans and specifications prepared in accordance with AS/NZS 2890.1-2004: Parking facilities, Part 1: Off-street car parking must be submitted to and approved by the certifying authority.

The plan must include the following:

- a) Detail of vehicular access from the site boundary to the proposed car space(s).
- b) Pavement description being concrete, asphalt or similar.
- c) Car park and driveway layout.
- d) Pavement description.
- e) Longitudinal section along the critical edge of the vehicle travel path from the property boundary to the car space(s).
- f) Cross sections at appropriate intervals, with a maximum separation of 10 metres.
- g) Drainage (pipes, pits, on-site detention, etc.).
- h) A physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways.
- i) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: Parking facilities - Off-street parking for people with disabilities
- j) Turning paths; and
- k) Line-marking and signs.

Reason: To ensure suitable vehicular access is provided to the development.

16. On-site stormwater detention

Prior to the issue of a construction certificate, plans and specifications of the stormwater drainage system, including on-site stormwater detention must be submitted to and approved by MidCoast Council, this system must be designed in accordance with Australian Standard AS/NZS 3500.3: Plumbing and drainage - Stormwater drainage.

On-site stormwater detention must be designed to restrict stormwater discharge to the pre-development runoff rate for all storms up to and including a 1 in 100-year storm event. Stormwater drainage must be designed to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. All piped drainage lines over adjoining land must be located within drainage easements at no cost to Council.

The plans and specifications must be designed by a qualified practising civil engineer/surveyor. The civil engineer/surveyor is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The stormwater disposal system must discharge to Cornwall Lane.

An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out stormwater drainage work.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

17. Landscape plan

Prior to the issue of a construction certificate, the approved Landscape Plan must be updated to reflect the site layout as per the approved Site Plan.

In particular, the Landscape Plan must reflect changes to the site layout resulting from the removal of the substation from the site.

Reason: To maintain environmental and streetscape amenity.

18. Land to be consolidated

Prior to the issue of a construction certificate, Lot 56 DP 626521 & Lot 6 DP 666993 must be consolidated into one allotment and evidence of the lodgement with the Register General of the NSW Land and Property Information must be submitted to the certifying authority.

Reason: To ensure development is not constructed over lot boundaries.

19. S7.12 Development Contributions

Prior to the issue of a construction certificate, a monetary contribution must be paid to Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979. The Section 7.12 developer contribution calculations are as follows:

1% of \$8,492,217.00 (total cost of works)
= \$84,922.17

Contribution rates are subject to indexation.

The Contributions Plan and the Standard Schedule for Section 7.12 Plans may be viewed on Council's web site or at Council's offices.

Reason: To provide for the improvement of facilities and services.

20. Bond required to guarantee against damage to public land

Prior to the issue of a construction certificate, a Damage Bond Application together with payment of a bond in the amount of \$4000 and an administration fee in accordance with Council's current adopted fees and charges must be submitted to Council.

Reason: Protection of public assets.

21. Acoustic attenuation certification

Prior to the issue of a construction certificate for the development, final construction plans, mechanical plant selection and specifications detailing the mitigation measures to reduce noise impacts on surrounding residential properties must be reviewed by an appropriately qualified and experienced acoustic consultant.

Written certification from the appropriately qualified and experienced acoustic consultant confirming that the selected plant, construction design and mitigation measures will achieve the requirements of the Noise Impact Assessment prepared by E-LAB Consulting (dated 15 December 2023, Project No. P00392, Revision 004) must be submitted to the Principal Certifying Authority.

Reason: To protect the amenity of adjoining premises.

22. Asbestos clearance

Prior to the issue of a construction certificate, an asbestos clearance inspection must be undertaken, and a copy of a clearance certificate prepared in accordance with SafeWork NSW requirements must be provided to the Principal Certifying Authority.

Reason: To ensure public health and safety.

23. Stormwater Treatment System

Prior to the issue of a construction certificate, final engineering plans and maintenance plan prepared by a suitably qualified professional engineer who is a corporate member of the Institution of Engineers Australia must be submitted to and approved by MidCoast Council's Water Quality Team. Plans and specifications for the stormwater treatment system shall be in accordance with:

- the approved Stormwater Strategy
- Bioretention Technical Design Guidelines, Water by Design, Healthy Waterways Initiative (current version).

In addition, the engineering plans must detail:

- Size and dimensions of each component of the treatment system (inlet pits, outlet pits, pre treatment, lining and batter slopes)
- A planting plan certified by a suitably qualified horticulturist (or equivalent) showing the planting schedule and species selection for the bioretention (and batter slopes) in accordance with MidCoast Council's fact sheet 'Raingarden plants' (current version), planted at densities indicated in the fact sheet.
- Filter media consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, CRC for Water Sensitive Cities (Monash University, Version, current version).
- Maximum batter/side slope no greater than 1:5 (v:h), unless otherwise retained by a structural wall and landscaping, with a structural wall no higher than 1m or terraced or demonstrate that no greater than 20% of the filter media area is within shade for less than 3 hours a day.
- Construction staging and measures to avoid damage to the stormwater treatment system/s during construction.
- Adequate access for maintenance purposes
- Bioretention must include protection to prevent damage / access from vehicles to the satisfaction of MidCoast Council.
- Roof gutter guards to reduce leaf litter ingress and blockage of raingarden inlet pipes

The maintenance plans for the bioretention, must include (but not be limited to):

- a) the location and nature of stormwater management structures;
- b) requirements for inspection, monitoring and maintenance including the frequency of these activities during the establishment and operational phases; and
- c) identification of responsibilities for maintenance including a reporting protocol and checklists.

Conditions which must be satisfied prior to the commencement of any development work

24. Construction certificate required

Prior to the commencement of any building work (including excavation), a construction certificate must be issued by an appropriately registered certifier.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

25. Notification of commencement and appointment of principal certifier

Prior to the commencement of any building work (including excavation), the person having the benefit of the development consent must appoint a principal certifier and give at least two (2) days notice to Council, in writing, of the persons intention to commence construction work.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

26. Toilet facilities - sewerred areas

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

Reason: To maintain public health.

27. Site construction sign

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed condition under the *Environmental Planning and Assessment Regulation 2021*.

Conditions which must be satisfied during any development work

28. Construction times

Construction works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.

Saturday, from 8 am to 1 pm.

No construction work, including deliveries are to take place on Sundays or Public Holidays.

Reason: To maintain amenity during construction of the development.

29. Construction dust suppression

All necessary works must be undertaken to control dust pollution from the site. These works must include, but are not limited to:

- a) restricting topsoil removal;
- b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
- c) alter or cease construction work during periods of high wind;

Reason: To maintain amenity during construction of the development.

30. Builders rubbish to be contained on site

All builders rubbish is to be contained on the site in a suitable waste bin/enclosure. Building materials must be delivered directly onto the property. Footpaths, road reserves and public reserves must be maintained clear of rubbish, building materials and other items at all times.

Reason: To ensure that materials and waste do not adversely affect traffic or pedestrian safety and amenity.

31. Aboriginal heritage

This consent does not authorise the harming of an Aboriginal object or place. Under the National Parks and Wildlife Act 1974, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object or place. If an Aboriginal object is found, whilst undertaking development work, all work must stop and the NSW Office of

Environment and Heritage notified. All directions of the Office of Environment and Heritage must be complied with at all times.

Reason: To protect Aboriginal heritage.

32. Construction of stormwater treatment measures

Construct the stormwater management system so that it is consistent with the approved Stormwater Strategy and engineering plans.

Install the bioretention filter media in accordance with Adoption Guidelines for Stormwater Biofiltration Systems Appendix C - Guidelines for filter media in stormwater biofiltration systems, Section 7 - Installation, (CRC for Water Sensitive Cities, Monash University, Version 2, 2015) or current version.

Temporary protection measures for the bioretention are not to be removed, nor the filter area of the basin planted out until a minimum of 80% of the catchment upstream of the basin is developed. The removal of temporary measures is to either be directed by Council or approved by Council following a report by the developer demonstrating that 80% of the catchment upstream of the development has been achieved.

Reason: To protect water quality

33. Inspection of stormwater treatment measures

Engage a suitably qualified professional engineer to inspect the stormwater treatment during construction. Verify compliance with the approved plans using the sign off forms for bioretention in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways (current version) using the following sheets:

Bioretention Sheets are:

- a) Form A (Bioretention) - Earthworks and Functional Structures
- b) Form B (Bioretention) - Under-drainage
- c) Form C (Bioretention) - Bioretention Media
- d) Form D (Bioretention) - Finished Levels
- e) Form F (Bioretention) - Protective Measures
- f) Form G (Bioretention) - Landscape Installation

Confirm that the stormwater treatment systems have been constructed to plan by submitting the following information to the certifying authority:

- signed inspection sheets
- photographs
- NATA test results for the filter media

Reason: To protect water quality.

34. Implementation of Construction Management Plan

During construction, measures contained within the approved Construction Management Plan must be implemented.

Reason: To ensure construction related impacts are mitigated.

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part

35. Works to be completed

The building or part thereof must not be occupied or used until a part occupation/whole occupation certificate has been issued in respect of the building or part.

Reason: To ensure compliance with the development consent and statutory requirements.

36. Implementation of the Landscape Plan

The Registered Proprietor of the land, or their agents, shall fully implement all of the required actions outlined in the approved landscape plan. The occupation certificate shall not be issued until such time as the required landscaping set-out in the relevant plan has been appropriately established.

Reason: To appropriately conduct landscaping on the subject land.

37. Completion of car parking areas and provision of signs

Prior to the issue of an occupation certificate, the car parking areas must be constructed in accordance with the approved plans and be fully line-marked.

Reason: To ensure that adequate parking facilities for the development are provided on site.

38. Driveway in accordance with approved Driveways Application

Prior to the issue of an occupation certificate, driveways must be constructed from the edge of the road formation to the property boundary and any redundant vehicular crossings removed in accordance with the approved Driveway Application. A certificate of compliance must be obtained from Council certifying that the works have been constructed to comply with the approved driveway application.

Reason: To ensure suitable vehicular access to the development.

39. Stormwater drainage work

Prior to the issue of an occupation certificate, stormwater must be collected and disposed of to the approved location as set out in the approved Section 68 Stormwater application. Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works must be installed by a suitably qualified person and in accordance with the requirements of Australian Standard AS/NZS 3500.3: Plumbing and drainage - Stormwater drainage.

Reason: To ensure compliance with the development consent and statutory requirements.

40. Water and Sewerage Certificate of Attainment

Prior to the issue of an occupation certificate, a Certificate of Attainment from MidCoast Council Water Services, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to an appropriately registered certifier.

Reason: To ensure suitable water and sewage disposal is provided to the development.

41. Implementation of noise attenuation methods

Prior to the issue of an occupation certificate, certification prepared by a suitably qualified and experienced acoustic engineer must be submitted to the Principal Certifying Authority confirming:

- a) Noise attenuation methods specified in the Noise Impact Assessment prepared by E-LAB Consulting (dated 15 December 2023, Project No. P00392, Revision 004) have been installed and tested to ensure that operational noise levels do not exceed identified Project Trigger Noise Levels;
- b) Plant including linear accelerator, outdoor air conditioning condensers, roof-mounted fans and medicinal gas emission discharge points comply with those assessed by the Noise Impact Assessment prepared by E-LAB Consulting (dated 15 December 2023, Project No. P00392, Revision 004)

Reason: To maintain acoustic amenity.

42. Soundproofing of mechanical equipment

Prior to the issue of an occupation certificate, all mechanical equipment must be located and/or adequately soundproofed so as not to create offensive noise as defined under the Protection of the Environmental Operations Act 1997 and Regulations.

Reason: To maintain acoustic amenity.

43. Inspections of engineering work

Prior to the issue of any occupation certificate, a Certificate of Practical Completion from MidCoast Council, stating that all works identified in the Public Engineering Works Permit have been satisfactorily completed, must be submitted to the principal certifying

authority.

Reason: To ensure the provision of required civil infrastructure.

44. Section 88B Instrument

Prior to the issue of an occupation certificate, an instrument created under Section 88B of the Conveyancing Act 1919 must be registered on the Certificate of Title and confirmation of registration must be submitted to the certifying authority. The Section 88B Instrument must provide for the items listed in the following table:

Items for inclusion in the Section 88B Instrument	Details of Item
Dedication to road widening	1.91m along the full frontage of Cornwell Lane of existing Lot 6 DP666993.
Easement of electricity	The creation of any necessary easements for electricity purpose and required by the electricity supply authority.
On-Site Stormwater Detention	'Restriction on the Use of Land' prohibiting any alteration to the on-site stormwater detention system. "Positive Covenant" requiring the registered proprietor to ensure on-going maintenance is completed for the on-site stormwater detention system.

Reason: To ensure the proper management of land.

Conditions which must be satisfied during the ongoing use of the development

45. Hours of operation

The hours of operation of the business are restricted to the times set out in the following table:

Location/Day	Start Time	Finish Time
Monday to Friday	8:30am	5:00pm
Saturdays	9:00am	12 midday
Deliveries Monday to Friday	8:30am	5:00pm

Reason: To protect the amenity of adjoining premises.

46. Noise

Noise associated with the premises including all associated mechanical plant and equipment must not be a source of "offensive noise" at the nearest affected premises:

"offensive noise" is defined under the Protection of the Environment Operations Act 1997 as noise:

- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

- i. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

Reason: To maintain acoustic amenity to adjoining properties.

47. Maintenance and monitoring of stormwater treatment measures

Maintain the bioretention in accordance with the approved Water Sensitive Design Maintenance plan in perpetuity.

Submit a report to Council 30 September each year for the previous financial year detailing the condition of the bioretention and details of maintenance activities that have taken place in accordance with the approved Water Sensitive Design Maintenance Plan.

Reason: To ensure the stormwater treatment system are maintained so as to protect water quality.