

# ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Determination of the Private Hospital at Rippon Grange  
35-45 Water Street, Wahroonga

Approval of Major Project No. 07\_0151  
(File No. S07/01865-3)

I, the Minister for Planning, having considered the matters in section 75J(2) of the *Environmental Planning and Assessment Act 1979* (the Act), determine pursuant to section 75J(1) of the Act to **give approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the conditions in Schedule 2.

The reasons for the imposition of conditions are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) encourage ecologically sustainable development;
- (c) adequately mitigate the environmental impacts of the project;
- (d) protect the amenity of the local area; and
- (e) protect the public interest.



Tony Kelly MLC  
**Minister for Planning**

Sydney,

- 9 JUN 2010

2010



## SCHEDULE 1

### PART A – TABLE

<b>Application made by:</b>	Murlan Consulting Pty Ltd for Waterbrook
<b>Application made to:</b>	Minister for Planning
<b>Major Project Number:</b>	07_0151
<b>On land comprising:</b>	Lot 1 in DP 375262, 35-45 Water Street, Wahroonga
<b>Local Government Area:</b>	Ku-ring-gai
<b>For the carrying out of:</b>	The construction and operation of a private hospital, adaptation and conservation of Rippon Grange house, demolition of several structures, excavation, landscaping and widening a section of Young Street.
<b>Capital Investment Value:</b>	\$44.23 million
<b>Type of Development:</b>	Project approval under Part 3A of the EP&A Act
<b>Determination:</b>	Project Approval is granted subject to the conditions in the attached Schedule 2
<b>Date of commencement of approval:</b>	This approval commences on the date of the Minister's approval
<b>Date approval is liable to lapse:</b>	5 years from the date of determination unless the building works associated with the project have physically commenced.



## PART B – DEFINITIONS

In this approval the following definitions apply:

Accredited Site Auditor	Site Auditor accredited under the <i>Contaminated Land Management Act 1997</i>
BCA	Building Code of Australia
BGHF	Blue Gum High Forest
Construction Council	Any works including remediation, earth and building works Ku-ring-gai Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Minister	Minister for Planning, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PPR	Preferred Project Report titled Water Street Wahroonga Part 3A Major Project, dated November 2009 by Murlan Consulting Pty Ltd
Project	The development as described in the EA
Proponent	Murlan Consulting Pty Ltd on behalf of Waterbrook, or their successors
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
Response to Submissions	The Proponent's response to issues raised in submissions
RTA	Roads and Traffic Authority
Site	Lot 1 in DP 375262, 35-45 Water Street, Wahroonga
Statement of Commitments	The Proponent's commitments are in Appendix 1.

## SCHEDULE 2:

### CONDITIONS OF APPROVAL

#### PART A – ADMINISTRATIVE CONDITIONS

##### A1. Project Description

Except as amended by the conditions of this approval, approval is granted only to carrying out the development as described in Schedule 1.

##### A2. Project in Accordance with Plans and Documentation

The Proponent shall carry out the project generally in accordance with the following plans, documentation and recommendations made therein, except where varied by these conditions:

<b><i>The Environmental Assessment titled 'Proposed Hospital 35–45 Water Street, Wahroonga' (EA) including all appendices 1–26 prepared by BBC and Murlan Consulting Pty Ltd for Waterbrook, dated April 2009.</i></b>				
<b><i>Preferred Project Report titled Water Street Wahroonga Part 3A Major Project', prepared by BBC and Murlan Consulting Pty Ltd, dated November 2009.</i></b>				
<b><i>Architectural Drawings in the Preferred Project Report prepared by Tanner Architects:</i></b>				
<b>Project No</b>	<b>Drawing No</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
05 0832	AR.DA.001	C	Site Analysis	18/11/2009
05 0832	LS.DA.001	G	Landscape Masterplan	18/11/2009
05 0832	LS.DA.002	E	Landscape Elevations	18/11/2009
05 0832	LS.DA.003	E	Landscape Elevations	18/11/2009
05 0832	LS.DA.003a	C	Landscape Elevations	18/11/2009
05 0832	AR.DA.002	C	Site & Roof plan	18/11/2009
05 0832	AR.DA.004	C	Rippon Grange Plans & Elevations	18/11/2009
05 0832	AR.DA.005	C	Floor Plan Basement — B3	18/11/2009
05 0832	AR.DA.006	C	Floor Plan Basement — B2	18/11/2009
05 0832	AR.DA.007	C	Floor Plan Basement — B1	18/11/2009
05 0832	AR.DA.008	C	Floor Plan Ground	18/11/2009
05 0832	AR.DA.009	C	Floor Plan First, Second & Third	18/11/2009
05 0832	AR.DA.010	C	Elevations & Sections 1	18/11/2009
05 0832	AR.DA.011	C	Elevations & Sections 2	18/11/2009
05 0832	AR.DA.012	C	Elevations East Wing	18/11/2009
05 0832	AR.DA.013	C	Shadow Diagrams	18/11/2009
05 0832	AR.DA.014	C	Visual Impact Study — 1	18/11/2009
05 0832	AR.DA.015	C	Visual Impact Study — 2	18/11/2009
05 0832	AR.DA.016	C	Visual Impact Study — 3	18/11/2009
<b><i>Landscape Drawings prepared by Taylor Brammer:</i></b>				
	LS.DA.004	E	Existing Site Key Plan	18/11/2009
	LS.DA.005	H	Site Strategy Plan	18/11/2009
	LS.DA.005a	H	Alterations from LS.DA.05/G	18/11/2009
	LS.DA.006	F	Planting Plan	18/11/2009
	LS.DA.007	E	Planting Plan	18/11/2009
	LS.DA.008	E	Planting Plan	18/11/2009
	LS.DA.009	F	Raised Planter Details	18/11/2009
	LS.DA.010	E	Detail plan	18/11/2009

<b>Hydraulic Drawings prepared by the LHO Group Pty Ltd:</b>				
C.01	B	Stormwater Concept Plan	18/11/2009	
		Basement A, B & C		
C.02	B	Stormwater Concept Plan	18/11/2009	
		Basement D		
C.03	B	Stormwater Concept Plan	18/11/2009	
		North		
C.04	B	Stormwater Concept Plan	18/11/2009	
		South		
C.05	A	OSD Tank & Details	18/11/2009	
C.06	B	Sediment & Erosion Control	18/11/2009	
		Plan North		
C.07	B	Sediment & Erosion Control	18/11/2009	
		Plan South		

### **A3. Inconsistency between plans and documentation**

- (a) In the event of any inconsistency between conditions of this approval, the proponent's Statement of Commitments and the drawings/documents referred to above, the conditions of this approval prevail to the extent of the inconsistency.
- (b) The ground levels in the landscape plans take precedence over those in the civil engineering drawings.

### **A4. Lapsing of Approval**

This approval shall lapse if the Proponent has not physically commenced the building works associated with the project within 5 years of the date of this approval.

### **A5. Compliance with Relevant Legislation and Australian Standards**

The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

#### *Notes:*

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

### **A6. Obligation to minimise harm to the environment**

The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the remediation, construction or operation of the project.

### **A7. Compliance with any reasonable requirements of the Director-General**

The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:

- (a) any strategies, plans, programs, reviews, audits, or correspondence that are submitted in accordance with this approval; and
- (b) the implementation of any actions or measures contained in these documents.

**A8. Protection of Public Infrastructure**

The Proponent shall:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

**A9. Operation of Plant and Equipment**

The Proponent shall ensure that all plant and equipment used on site is:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.



## **PART B – PRIOR TO CONSTRUCTION CERTIFICATE**

### **B1. Design Details and Changes**

In order to reduce the overall bulk and scale of buildings and to provide for improved building design, the proponent shall submit to the Director General for approval prior to the issue of a construction certificate, revised architectural plans detailing the following:

1. Main Wing
  - (a) Deletion of rooms 13 and 14 on Level 2, and eastern half of room 1 and its adjacent sitting room;
  - (b) Deletion of rooms 6 and 7 on Level 3, the glazed link, and the sitting room adjacent to room 4 and the eastern half of room 4 in line with the proposed sitting room; and
  - (c) The design and treatment of the roof above rooms 11 and 12 and adjacent store and dining rooms on Level 2 that is compatible with the overall building design.
2. East Wing
  - (a) Deletion of rooms 5 and 6 on the Ground Level;
  - (b) Setback of Level 1 rooms 1 and 2 by at least 3 metres from the north, and deletion of the stair riser in the south-eastern corner; and
  - (c) Improved design compatibility with the Main Wing through greater façade articulation and variety of materials, colours and treatments.

Note: it is expected that stairways, lifts, general services, corridors and outdoor terraces may also require minor amendment as a result of the above design amendments.

3. Revised location of the proposed garbage pick-up in order to minimise potential amenity impacts on neighbouring properties.
4. The staircase proposed in Rippon Grange house between rooms G2 and F5 is to be deleted to limit adverse impacts on heritage fabric.
5. Demonstrate that trucks of 11m length can enter and leave the site in a forward direction.

### **B2. Construction Management Plan**

The proponent shall prepare and implement a Construction Management Plan for the project to the satisfaction of the Director General. This strategy must:

1. be approved by the Director General;
2. describe how the environmental performance of the project would be monitored and managed;
3. describe the procedures that would be implemented to:
  - (a) keep the local community and relevant agencies informed about the construction and environmental performance of the project;
  - (b) receive, handle, respond to and record complaints;
  - (c) resolve any disputes that may arise during the course of the project;
  - (d) respond to any non-compliances;
  - (e) manage cumulative impacts; and
  - (f) respond to emergencies.
4. provide contact details and describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.
5. include a Construction Noise and Vibration Management Plan. This plan must:
  - (a) be prepared in consultation with Council;
  - (b) identify noise and vibration goals at all sensitive receivers;
  - (c) describe the measures to be implemented to manage noise and vibration within these levels during construction;
  - (d) provide for attended monitoring of construction activities;
  - (e) include a consultation, notification and complaints handling procedure;
  - (f) provide for scheduling of works to minimise impacts on sensitive receivers; and

- (g) incorporate the recommendations of the *Acoustic Assessment*, prepared by Vipac Engineers and Scientists dated 2 March 2008, submitted as Appendix 18 of the EA.
- 6. Include a Construction Traffic Management Plan. This plan must:
  - (a) be prepared in consultation with Council;
  - (b) identify the nearby school drop off and pickup times;
  - (c) ensure that construction traffic avoids Water Street for all but works for Rippon Grange house. Such traffic in Water Street is to avoid school days between the hours of 8am and 9:30am, and 2:30pm and 4pm;
  - (d) identify that Junction Road and Burns Road are load-limited roads and should be avoided unless the vehicle has an origin or destination on that road;
  - (e) ensure that the locations of employee parking and zones for waste, production and storage on site do not have adverse impacts on the BGHF;
  - (f) identify truck loading and unloading areas, location of material storage areas and location of site sheds and other temporary structures; and
  - (g) measures to maximise parking and standing of construction vehicles on site and minimise parking and standing of construction vehicles on public roads.
- 7. Include a revised Vegetation Management Plan to:
  - (a) detail measures to protect the BGHF and significant exotic trees during excavation and construction works;
  - (b) ensure a suitably qualified arborist is on site during all tree felling during the excavation and construction works;
  - (c) ensure a suitably qualified arborist has approved all tree pruning and root pruning prior to the work commencing;
  - (d) ensure all tree protection measures are inspected and approved by a suitably qualified arborist prior to the excavation and construction works. The arborist is to liaise with compliance authorities should any issues arise;
  - (e) clarify that areas to be paved or covered in gravel are not recorded as areas of BGHF; and
  - (f) identify further compensatory areas on site that can be planted with BGHF species in accordance with DECCW's recommendations, to be protected and managed.
- 8. Include a work method statement for the removal of hazardous materials.

### **B3. Dilapidation Report**

The proponent shall prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, power poles etc) to the satisfaction of Council and/or relevant agencies, prior to the commencement of construction.

### **B4. Disabled Access**

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access policy.

### **B5. Works to Young Street and the associated Verge**

The proponent shall widen Young Street to 7.5m between the Young Street site access and Billyard Avenue at their cost, including any works to construct or reconstruct the traffic islands, footpath, guttering and retaining walls as detailed in the 7.5m road widening option prepared by Traffix, dated November 2009. The proponent shall dedicate the area subject to road widening, including the footpath and verge, to Council.

The proponent shall construct a kerb, gutter and footpath along the property boundary of Young Street. The final road widening plans are to be prepared in consultation with Ku-ring-gai Council and approved by the Director General.

The proponent shall seek approval from Energy Australia and other relevant service providers to relocate existing services affected by the Young Street road widening. The proponent shall allow for the costs of such works as required.

#### **B6. Bicycle Spaces**

A minimum of 10 bicycle spaces are to be provided for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate. Showers and change rooms for staff members are also to be provided.

#### **B7. Car Park and Service Vehicle Layout**

The layout of the car park shall comply with Australian Standard AS2890.1: 1993 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be linemarked. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of the relevant Construction Certificate.

#### **B8. Transport and Access**

The proponent shall:

- (a) ensure that internal roads, driveways and parking comply with Australian Standards AS 2890.1 – 2004 and AS 2890.2 – 2002;
- (b) ensure all vehicles are able to enter and exit the site in a forward direction; and
- (c) ensure all driveways and parking areas are unobstructed at all times.

#### **B9. Remediation and Hazardous Materials Action Plan**

- (a) Prior to the issue of a Construction Certificate the Proponent shall undertake a Phase 1 Site Investigation and submit to the Certifying Authority a Remedial Action Plan and a Hazardous Materials Survey if found to be required. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.
- (b) Upon completion of any required remediation works on the site, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. Such a site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. Such a site audit must verify that the land is suitable for the proposed uses.

#### **B10. Reflectivity**

The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements shall be prepared and approved by the certifying authority.

#### **B11. Sydney Water**

A section 73 Certificate is to be obtained from Sydney Water prior to the issue of the first Construction Certificate.

#### **B12. Stormwater Management System**

The proponent shall prepare and implement a detailed Stormwater Management System, prior to the commencement of operations, to the satisfaction of Council. The system must:

- (a) be prepared in accordance with the requirements of the DECCW's *Managing Urban Stormwater: Council Handbook*;

- (b) include rainwater harvesting and reuse;
- (c) be designed to treat and control the 5% AEP event; and
- (d) be monitored and maintained to ensure the ongoing integrity of the system for the life of the project.

**B13. Easement to Billyard Avenue**

The proponent is to demonstrate to the Department of Planning that an easement has been or can be created to drain stormwater from 35 Water Street over 64 Billyard Avenue.

**B14. Detailed Plans for Conservation Works**

Final plans for detailed conservation works to structures of heritage significance are to be approved by a suitably qualified heritage consultant in accordance with the Conservation Management Plan, prior to the issue of a construction certificate.

**B15. NSW Department of Health — private hospital licence ‘approval in-principle’**

The requirements of the NSW Department of Health are to be complied with. An ‘approval in principle’ to operate the private hospital facility is to be obtained from the NSW Department of Health and a copy is to be provided to the Department of Planning and Certifying Authority prior to issue of a Construction Certificate.

## **PART C – PRIOR TO THE COMMENCEMENT OF WORKS**

### **C1. Notice to be given prior to Commencement / Excavation**

1. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.
2. The Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.

## PART D —DURING CONSTRUCTION

### D1.Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### D2.Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to:

1. details of the Builder, Principal Certifying Authority and Structural Engineer for all stages of the project;
2. the approved hours of work;
3. the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
4. state that unauthorised entry to the site is not permitted.

### D3.Demolition

The proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

### D4.Construction Hours

The proponent shall comply with the construction hours in the table below.

*Table 1: Construction Hours*

Activity	Day	Time
Construction	Monday – Friday	7am to 6:00pm
	Saturday	8am to 1 pm
	Sunday and Public Holidays	Nil

Note:

- *Emergency work to avoid the loss of life, property and/or prevent environmental harm may be undertaken outside the hours in the above table.*

### D5.Noise Control

All work, including excavation and construction work must comply with the Australian Standard 2346–1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

### D6.Vibration Criteria

For all stages of the project, vibration resulting from construction of all stages of the project must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide* (DEC, 2006).

#### **D7.No Parking Restrictions**

The proponent shall seek the approval of the Ku-ring-gai Traffic Committee for the installation of full time 'No Parking' restrictions in Water Street, Young Street and Randolph Street for the duration of the works.

#### **D8.Setting Out of Structures**

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifying Authority certifying that structural works are in accordance with the approved project application.

#### **D9.Air Quality Management**

During construction, the proponent shall ensure that:

- (a) all reasonable and feasible measures to minimise dust generated by the project, are implemented;
- (b) all trucks entering or leaving the site, that could generate dust, have their loads covered;
- (c) trucks associated with the project do not track dirt onto the public road network; and
- (d) public roads used by these trucks, in the vicinity of the site, are kept clean.

#### **D10. Erosion and Sediment Controls**

During construction, the proponent shall implement appropriate erosion and sediment controls on site, in accordance with the relevant requirements in Landcom's (2004) *Managing Urban Stormwater: Soils and Construction* manual.

#### **D11. Service Providers/Additional Approvals**

Prior to the construction of any utility works, including works required by Sydney Water and Energy Australia, the proponent shall obtain all relevant approvals from service providers.

#### **D12. Outdoor Lighting**

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area* (Category P) Lighting and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

#### **D13. Sight Lines**

Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists. There may be no fences or signage within the 2m wide x 5m long sight triangle at corners traversed by traffic as specified in Ku-ring-gai DCP 43.

#### **D14. Young Street Boundary Fencing**

The proponent is to ensure the site is adequately fenced prior to the commencement of construction works, to the satisfaction of Ku-ring-gai Council.

#### **D15. Waste Minimisation**

During the construction of the project the proponent shall implement all reasonable and feasible measures to minimise waste generated by the project.

#### **D16. Waste classification and management**

The proponent must ensure all waste generated by the project is classified in accordance with the DECCW's *Waste Classification Guidelines - Part 1: Classifying Waste*, and disposed of appropriately.

#### **D17. No Obstruction of the Public Way**

- (a) The public way (outside of the work area) must not be obstructed by any materials, vehicles, refuse, skips or the like.
- (b) Where the proponent requires the use of Council land for placement of building waste, skips or storing materials, a 'Building waste containers of materials' application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

#### **D18. Protection of Heritage Fabric**

- (a) Significant building and landscape elements, features, fixtures, fittings and fragile materials shall be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed; and
- (b) The installation of services in Rippon Grange shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features. Service runs shall be grouped and concealed within the new work wherever possible. Any penetrations through visible heritage fabric for supply and waste pipes and mechanical ducts shall be prevented. New services should avoid significant spaces, views and fabric.

#### **D19. Traffic Movement**

- (a) All loading and unloading associated with works must occur on site.
- (b) All construction vehicles other than those permitted in (c) below, must enter the site via 64 Billyard Avenue and exit via Young Street in a forward direction.
- (c) Traffic associated with conservation work may use the Water Street entry, when the Young Street route is unavailable, and must avoid the hours of 8am to 9:30am, and 2:30pm to 4pm.
- (d) The cost of all traffic management works shall be borne by the proponent.
- (e) No trucks associated with the approved works are permitted to park or stand on public roadways.
- (f) The Contractor shall make provision for safe, continuous movement of traffic and pedestrians in public roads and private roads accessible to the public and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355) where relevant. Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 2002.

#### **D20. Protection of the Blue Gum High Forest**

The proponent is to engage a suitably qualified and experienced ecologist during the construction period who will ensure compliance with the construction management plan and liaise with compliance authorities should any issues arise.



## **PART E — PRIOR TO OCCUPATION CERTIFICATE**

### **E1. NSW Department of Health — Private Hospital Licence**

The requirements of the NSW Department of Health are to be complied with. A licence to operate the private hospital facility is to be obtained from the NSW Department of Health and a copy is to be furnished to the Department of Planning prior to the issue of an occupation certificate in order to demonstrate that the development complies with:

- (a) the approval; and
- (b) the NSW Department of Health's requirements for a private hospital.

### **E2. Pre-Operation Compliance Audit**

Prior to the issue of an occupation certificate, the proponent shall submit works as executed plans to the Department of Planning for all the development associated with the project. These plans must be prepared by a registered architect, and include plans showing the works as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

### **E3. Fire Safety Certificate**

A fire safety certificate shall be furnished to the certifying authority for all the essential fire or other safety measures forming part of this approval prior to issue of any occupation certificate. A copy of the fire safety certificate must be submitted to the approval authority and Council by the certifying authority.

### **E4. Environmental Management Strategy**

The proponent shall prepare and implement an environmental management strategy for the project to the satisfaction of the Director General. This strategy must be submitted to the Director General and Council prior to the issue of an occupation certificate, and:

- (a) identify the statutory requirements that apply to the project;
- (b) describe in general how the environmental performance of the project would be monitored and managed, specifically relating to the on-going protection and maintenance of the BGHF including consideration of hydrological impacts;
- (c) describe the procedures that would be implemented to:
  - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
  - receive, handle, respond to, and record complaints;
  - resolve any disputes that may arise during the course of the project;
  - respond to any non-compliance;
  - manage cumulative impacts; and
  - respond to emergencies; and
- (d) provide contact details and describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.

### **E5. Structural Inspection Certificate**

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall 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.

**E6. Road Damage**

Prior to issue of the Occupation Certificate, the PCA must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.

**E7. Archival Record**

An archival record of Rippon Grange, in accordance with current Heritage Branch guidelines, shall be prepared and submitted to the Department of Planning within 3 months of completion of the works. A second copy is to be forwarded to Ku-ring-gai Council.

## **PART F – DURING OPERATIONS**

### **F1. Energy and Water Efficiency**

The proponent shall ensure the project is energy and water efficient, in accordance with industry best practice.

### **F2. Waste Management**

During the operation of the project, the proponent shall:

- (a) implement all reasonable and feasible measures to minimise waste generated by the project;
- (b) indicate where bins would be positioned for collection;
- (c) ensure all waste generated by the project is classified in accordance with the DECCW's *Waste Classification Guidelines - Part 1: Classifying Waste*, and disposed of appropriately; and
- (d) ensure that waste collection occurs during normal business hours.

### **F3. Annual Fire Safety Certification**

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

### **F4. Lighting**

The proponent shall ensure that lighting associated with the project:

- (a) complies with the latest version of Australian Standard *AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting*; and
- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties, conservation areas or the public road network.

### **F5. Operation of the Cafe**

The operation of the public café within Rippon Grange house is to be limited to within 7am to 8pm Monday to Sunday.

### **F6. Heritage Interpretation Plan**

A heritage interpretation plan addressing the history and heritage significance of the site is to be prepared and installed in a suitable location on site in public view, in accordance with the Heritage Council's 'Heritage Interpretation Policy'.

### **F7. Noise Control – Operational**

The use of the premises shall not cause a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.

### **F8. Noise Control – Plant and Machinery**

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.

- (c) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

#### **F9. Loading and Unloading**

All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

#### **F10. Unobstructed Driveways and Parking Areas**

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

#### **F11. Signage**

The proponent shall not install any signage on site without the written approval of the Director General. In seeking this approval, the proponent shall:

- (a) Submit detailed plans of the proposed signage; and
- (b) Demonstrate the proposed signage is consistent with the relevant requirements in any relevant Council Development Control Plan.

#### **F12. Promotion of Young Street as the Address**

Young Street is to be nominated as the property's street address in order to minimise traffic movements on Water Street.

## ADVISORY NOTES

### AN1. Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of any public authorities (e.g. Sydney Water, Energy Australia and gas providers, telecommunications carriers, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

### AN2. Use of Mobile Cranes

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- 1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- 2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

### AN3. Roads Act, 1993

A separate application shall be made to Council for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- 1) erect a structure or carry out a work in, on or over a public road, or
- 2) dig up or disturb the surface of a public road, or
- 3) remove or interfere with a structure, work or tree on a public road, or
- 4) pump water into a public road from any land adjoining the road, or
- 5) connect a road (whether public or private) to a classified road.

### AN4. Stormwater Drainage Works or Effluent Systems

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act, 1993* require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

### AN5. Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

### AN6. Excavation – Historical Relics

Should any historical relics be unexpectedly discovered, then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

**AN7. Long Service Levy**

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act, 1979* this payment must be made prior to commencement of building works.

**AN8. Commonwealth *Environment Protection and Biodiversity Conservation Act 1999***

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning and Assessment Act, 1979*. This assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

## APPENDIX 1: STATEMENT OF COMMITMENTS (REVISED)

### A. General

- A1. The development will be undertaken generally in accordance with the Environmental Assessment prepared by BBC Consulting Planners, as amended by the Preferred Project Report and the appendices thereto.
- A2. The development will be undertaken generally in accordance with the architectural and landscape drawings included in the Preferred Project Report, and with the civil services drawings submitted with the Environmental Assessment, while allowing for reasonable design development to occur.
- A3. The proponent is committed to the principles of sustainability as defined in the *Environmental Planning and Assessment Act, 1979*.

### B. Further Approvals

- B1. The proponent will obtain all necessary approvals and licences required by State and Commonwealth legislation in implementing and operating the project.
- B2. The proponent will obtain a Construction Certificate prior to the implementation of building works, other than demolition and preparatory site works (including the removal of trees and other site vegetation).

### C. Demolition, Excavation and Construction Management

- C1. All demolition, excavation and construction work will be undertaken in accordance with the Construction Management Plan, Hydrogeology Report and Arboricultural Impact Assessment submitted with the Environmental Assessment.
- C2. The proponent will put in place environmental controls to mitigate the effects of noise, dust, vibration and erosion during demolition, excavation and construction, including the implementation of:-
- excavation methodologies consistent with the geotechnical report and hydrogeology report submitted with the Environmental Assessment and the mitigative measures for noise and vibration set out therein;
  - noise mitigation on construction equipment where necessary;
  - management of dust by use of screens and/or hose down; and
  - implementation of erosion and sediment control devices as shown in the set of civil services plans submitted with the Environmental Assessment.
- C3. The building contractor will establish a Safety Plan before work commences on-site detailing safe work methods and procedures to be followed on-site and to ensure compliance with OH&S and statutory requirements, such plan to address safety risks during demolition, excavation and construction activity, including:-
- stability of adjacent structures;
  - excavation support;
  - falls from heights;
  - protection of the public;
  - traffic controls around the perimeter of the site; and
  - working with high voltage electrical supply.

- C4. Construction activities (including demolition and excavation) will only occur between 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 1.00pm Saturdays, unless further acoustic analysis of specific noise-producing works has been carried out and endorsed by a qualified acoustic engineer.
- C5. The building contractor will be required to arrange sorting and recycling of waste materials to ensure maximum recycling is achieved, in accordance with the Construction Management Plan.
- C6. Prior to the commencement of demolition and excavation, a Hazardous Materials Assessment will be undertaken on all structures. Any hazardous materials identified will be disposed of in accordance with statutory and EPA requirements and guidelines.
- C7. The proponent will ensure construction traffic and parking requirements during construction activities are as per the traffic and parking assessment report submitted with the Environmental Assessment, as supplemented by Appendix 6 in the Preferred Project Report which include:
- management measures are to be put in place to maximise use of Billyard Avenue to/from the east via Eastern Road, which provides access to Burns Road and Junction Road. No restrictions on the use of rigid trucks are considered necessary due to the expected low truck volumes, with use of Billyard Avenue to/from both the east and west. These are public roads that already carry similar classes of vehicles; and
  - all construction employee parking demands are to be contained within the site as far as practicable. The use of basement car parks will be available following their completion. Accordingly, no use of on-street parking is expected.
- C8. The proponent will carry out all construction activities in accordance with relevant environmental protection legislation.
- C9. The proponent will prepare and implement a further detailed construction management plan including construction traffic management in conjunction with the contractor and submit to the Principal Certifying Authority prior to issue of a Construction Certificate.
- C10. The proponent will instigate environmental management and mitigation measures during construction activities as per the CMP.
- C11. The proponent will prepare a dilapidation survey of adjoining roads and provide same to Ku-ring-gai Council prior to the commencement of demolition and earthworks.

**D. Tree Protection**

- D1. Designed tree protection measure and general tree protection measures (as appropriate) will be implemented for the trees identified as being retained in the Arboricultural Impact Assessment appended to the Environmental Assessment.
- D2. Trees will be protected in accordance with the Arboricultural Impact Assessment appended to the Environmental Assessment.

**E. Biodiversity/Tree Loss**

- E1. The proponent will implement the amended Vegetation Management Plan appended to the Preferred Project Report.
- E2. The proponent will implement the recommendations of the Species Impact Statement appended to the Environmental Assessment.
- E3. The Proponent will cause a covenant under Section 88E of the *Conveyancing Act 1919* in favour of the Crown in the right of New South Wales (Minister for Climate



Change, Environment and Water) to be registered on the title of the land in accordance with this commitment.

- E4. Prior to the issue of the Construction Certificate, the proponent shall prepare and submit to the Department of Environment, Climate Change and Water a Section 88B instrument in registrable form that sets out the covenant.
- E5. The Section 88B instrument must state that the owner of the lot burdened for itself and other owners from time to time of the lot burdened covenants with the Crown in the right of New South Wales (Minister for Climate Change, Environment and Water) under Section 88E of the *Conveyancing Act 1919* will retain, conserve, rehabilitate and manage the remnant of Blue Gum High Forest on site, at all times in perpetuity and in accordance with the Vegetation Management Plan and any subsequent reviews of this VMP.
- E6. All costs associated with the preparation, execution and registration of the instrument are to be born by the owner of the land.

**F. Promotion of public transport use, walking and cycling**

- F1. A workplace travel plan will be developed and maintained and disseminated to staff at the hospital.
- F2. On-site provision will be made for staff bicycle storage and associated facilities.

**G. Acoustic considerations**

- G1. Noise and vibration during demolition, excavation and construction will be mitigated in accordance with the recommendations and guidelines in the geotechnical report, Construction Management Plan and acoustic report submitted with the Environmental Assessment report.
- G2. The building (which is Class 9a under the BCA) will meet the acoustic requirements for a Class 9a building.
- G3. Once plant and equipment has been selected for the new hospital, a separate acoustic assessment will be carried out to ensure that noise emissions are controlled, and compliance achieved with the criteria specified in the DECC Industrial Noise Policy guidelines.

**H. ESD**

- H1. The proponent will implement the recommendations in the Energy Efficiency Assessment submitted with the Environmental Assessment.
- H2. The proponent will consider the following measures to improve energy efficiency and reduce greenhouse gas emissions:-
- Use of light colouring for the internal walls to maximise the use of natural daylight.
  - Rainwater harvesting tank for landscape irrigations.
  - Minimum R1.3 External Wall insulation.
  - Minimum R2.63 Roof/Ceiling Insulation.
  - Equipment with automatic power off.
  - Use of air-conditioning systems with high coefficient of performance.
  - Negotiating power agreements with local providers.

**I. Health Services Plan**

- I1. The Health Services Plan included in the Environmental Assessment is to be refined following appointment of an operator. The refined Health Services Plan is to be submitted to the Department of Planning.

**J. Traffic and Parking**

- J1. Internal traffic signal control within the site via the Young Street access driveway will be installed as per the RTA's recommendation.
- J2. Internal accesses and car parking spaces will comply with the requirements of AS 2890.1 and AS 2890.2.
- J3. The swept path of the largest vehicle requiring access to and movement through the site shall be in accordance with AUSTROADS.
- J4. The proponent will install signage at the Water Street egress prohibiting right turns out during school student drop-off and pick-up periods.
- J5. The proponent will install signage at the Young Street egress and configure the geometry of the egress to prohibit left turns out.
- J6. The proponent will implement management measures to monitor the effectiveness of the above measures in J4 and J5 and improve the education of parkers, if required.
- J7. The proponent will ensure that shift change-over times do not coincide with school student drop-off and pick-up times.
- J8. Staff and visitor parking space dimensions will be in accordance with AS 2890.1 for long-stay and short-stay parking, respectively.

**K. Waste**

- K1. The operator of the proposed hospital must develop a clinical and related waste management plan in accordance with the NSW Health: Waste Management Guidelines for the health care facility (as in force from time to time).