

09 October 2019

Mr David Gibson
Team Leader - Social Infrastructure Assessments
NSW Department of Planning, Industry and Environment
320 Pitt Street
Sydney NSW 2000

Dear David

Proposed s4.55 (1A) modification to SSD 9211 to amend conditions B15, B16 and B22 for Mudgee Hospital Redevelopment

On 12 December 2018, SSD approval was granted for the Mudgee Hospital Redevelopment (MHR). Since the consent being issued, HI has become aware that a number of Conditions are unable to be implemented. These are Conditions B15, B16 and B22 are the issues are outlines below.

Remediation

Conditions B15 and B16 of the Consent, (under Part B Prior to the Commencement of Construction) provide:

- B15. All demolition and site remediation is to be undertaken in accordance with the Remedial Action Plan and Waste Management Plan prepared by Regional Enviroscience Pty Ltd Dated 6 August 2018.*
- B16. Upon completion of remedial works, the applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the hospital land use and be provided to the satisfaction of the Certifying Authority.*

As constructed, conditions B15 and B16 are not feasible or practical. In order to remediate the site, earthworks are required. A Site Audit Report and Section A Statement for the area of the new hospital 'prior to the commencement of construction' is therefore not possible.

The completion of the remedial works, as referenced in B16, is guided by the project staging which envisages:

1. Remedial works for the new Acute Clinical Services Building (ACSB) during Early Works and Main Works to the same area; and
2. Remedial works undertaken to the remainder of the development site which is subject to demolition of the existing hospital building following occupancy of the new Acute Services Building.

The remedial works, therefore necessarily must be undertaken in stages.

Each area of the site (2 areas) will only be remediated once and will only require one Site Audit Report and Statement per relevant area. Central West Project Management (CWPM) has prepared a Site Staging Plan dated 4 October 2019 for these works at MHR

(Attachment A), which identifies the two (2) distinct stages for which the audits will be undertaken across the construction site.

- Stage 1 - New Hospital Site
- Stage 2 - Remainder of the development site

This is further described in the attached letter from Andrew Kohlrusch of GHD (**Attachment B**).

Proposed Modifications

In order to permit the staging of remediation works across the site, it is requested that Condition B15 & B16 are amended as outlined below:

B15 All demolition and site remediation is to be undertaken in accordance with the Remedial Action Plan and Waste Management Plan prepared by Regional Envirosience Pty Ltd Dated 6 August 2018 and in accordance with the approved stages of remediation under condition B16.

B16. Upon completion of remedial works, in accordance with the MHR Site Staging Plan (dated 4 October 2019), the applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site, [as defined within condition D19 and D20] prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the hospital land use and be provided to the satisfaction of the Certifying Authority.

Construction Traffic and Parking

Conditions B22 and C9 state:

B22. Prior to the commencement of construction, the Applicant must demonstrate to the satisfaction of the Certifying Authority that sufficient parking facilities have been provided on-site, or suitable alternative location as agreed to by the Planning Secretary, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

C9. All construction vehicles (excluding worker vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping

Condition B22 requires all construction parking, including parking for site personnel to be accommodated onsite. However condition C9 excludes workers vehicles from being located on site. Condition C9 is consistent with the approved Parking and Traffic Assessment Report prepared by ptc and dated 22 June 2018 (Appendix 19 to the EIS for the Mudgee Hospital redevelopment) which included at Section 12.8:

“During the construction period, construction workers will be required to park using available on-street parking on roads other than those in close proximity of the Hospital.

While some parking will remain on site, staff and visitors may use the available on-street.

According to our parking surveys, there are over 50% vacant spaces in Church, Meares and Lewis Streets in the vicinity of the hospital. As most of the residential properties

have more than one (1) off-street parking capacity, the parking impact at the nearby residential street during the construction period is considered to be minimal.”

Parking on-site for construction personnel is not feasible or practical, given the complexity of the construction and the requirement to keep the existing hospital operational (and provide onsite parking for staff and visitors) during the construction of the new hospital building.

Proposed Modification

To ensure that the hospital remains functional, HI requests that condition B22 be amended to be consistent with condition C9 as follows:

*B22 Prior to the commencement of construction, the Applicant must demonstrate to the satisfaction of the Certifying Authority that sufficient parking facilities have been provided on-site (**excluding worker vehicles**), or suitable alternative location as agreed to by the Planning Secretary, including for heavy vehicles **and for site personnel**, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.*

Substantially the Same

The proposed modifications will have a minimal environmental impact and the proposed development will remain “substantially the same” development for which SSD Consent No 9211 was granted. The development retains the key elements of the original consent, with the description, use, nature, bulk and scale, and intensity of the development remaining unchanged.

Assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact”. Under Section 4.55 (3) the Consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act. The planning assessment of the proposed modified development remains unchanged with respect to the relevant matters under Section 4.15(1).

The Environmental Impact Statement (EIS) submitted with the SSDA addressed compliance with the following relevant strategic and statutory plans and principles:

- *Environmental Planning and Assessment Act 1979* (EP&A Act);
- *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation);
- *Biodiversity Conservation Act 2016*;
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure);
- State Environmental Planning Policy 55 – Remediation (SEPP 55);
- State Environmental Planning Policy 33 – Hazardous and Offensive Development;
- Mid-Western Regional Local Environmental Plan 2012.
- Central West and Orana Regional Plan 2036;
- Future Transport Strategy 2056 and supporting plans;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- Planning Guidelines for Walking and Cycling;
- Healthy Urban Development Checklist, NSW Health; and
- Better Placed – An integrated design policy for the built environment of NSW 2017.

The EIS submitted with the original SSDA in conjunction with the Response to Submissions (RtS) and additional information provided addressed a variety of environmental impacts. The development as proposed to be modified remains consistent with respect to the environmental impacts previously assessed.

An EPA accredited Site Auditor has been engaged by Health Infrastructure (HI) to provide independent review of whether the land at Mudgee Hospital Redevelopment site is suitable for the proposed hospital uses as defined in Section 4(1)(b)(iii) of the NSW *Contaminated Land Management Act 1997*.

HI is of the view that the consent that was granted remains substantially the same development and that the proposed modification is minor and will have minimal environmental impact on the receiving environment. There is no impact of this change on the outcomes of the consent.

On that basis, HI looks forward to the Department's consideration and determination of this application. If you have any questions or wish to discuss any element of the Application, please contact Rachel Mitchell on 0438 220 252.

Yours sincerely



Leoné McEntee
Manager, Planning

Attachment A – MHR Site Staging dated 4 October 2019, prepared by GHD.
Attachment B – Site Auditor Letter (Dated 4 October 2019)