



THE NORTHERN BEACHES HOSPITAL (STAGE 1)

SECTION 115ZI MODIFICATION APPLICATION

SUBMISSIONS REPORT

20 January 2015



Prepared by LFA (Pacific) Pty Ltd for:





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**LFA (PACIFIC) PTY LIMITED**

MASTERPLANNING
URBAN DESIGN
ARCHITECTURE
LANDSCAPE ARCHITECTURE
INTERIORS

SUITE 4, EDGECLIFF COURT, 2 NEW McLEAN ST, EDGECLIFF NSW 2027
M PO BOX 259, EDGECLIFF NSW 2027 T 02 9327 6822 F 02 9327 5554
E lfa@lfa.com.au W www.lfa.com.au ABN 92 830 134 905 QM ISO 9001 #100903

NOMINATED ARCHITECTS ALF LESTER NO.2128 STEPHEN ANDERS NO.5764

In Conjunction with

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1 INTRODUCTION

This Submissions Report has been prepared by LFA (Pacific) Pty Ltd on behalf of Health Infrastructure (HI). It provides a response to comments and issues raised in relation to the 115ZI modification application for Stage 1 of the Northern Beaches Hospital development.

Exhibition of the modification application was managed by the Department of Planning and Environment (DP&E) commencing 1st December 2014.

The Submissions Report supports the Section 115ZI Modification Application for planning approval under the *Environmental Planning and Assessment Act* (EP&A Act). Planning approval is being sought in respect of the:

- Earthworks to provide a platform for haul roads generally in the north western sector of the site.
- Earthworks to provide a platform for haul roads generally in the north eastern and eastern sector of the site and provision of associated retaining walls to contain stormwater infrastructure.
- Two underground OSD tanks located under the proposed haul roads.
- Earthworks to provide a platform for site accommodation in the southern sector of the site.
- Stockpiling of excess fill material on site.
- Removal of excess fill material from site to an appropriate receiving facility.
- Temporary on ground car park for workforce in the south western corner of the site.
- Preliminary infrastructure.

Stage 2 of the NBH project, comprising the construction and operation of the hospital, is the subject of a separate State Significant Infrastructure (SSI) application.

The Submissions Report is structured as follows:

- Section 1: Introduction and purpose of the Submissions Report;
- Section 2: HI's response to issues raised in submissions from government agencies, business and the public;
- Section 3: Concluding statement with respect to the planning approval application for the Stage 1 modification works.
- Appendix: Supporting / relevant documentation and reports.

2 RESPONSE TO SUBMISSIONS

Submissions were received in relation to the Stage 1 Section 115ZI Modification Application from:

- Warringah Council;
- Environmental Protection Agency (EPA);
- Office of Environment & Heritage (OEH); and
- Transport Roads & Maritime Services (RMS)

This section provides responses to the issues raised in the submissions.

Warringah Council

Comment	Response
<p>1. Biodiversity</p> <p><i>“The proposed modification to the Stage 1 approval including construction of the retaining walls is in close proximity to retained trees and native vegetation forming part of the Endangered Ecological Community, Duffys Forest. It is unclear from the plans whether the proposal requires additional removal of trees and native vegetation previously identified as being retained in the consent. Access for construction of the retaining wall may also require further clearing and disturbance on site. Where further vegetation removal is required as part of the proposed Stage 1 modification, it is considered that a review of the assessment of potential impacts on threatened species and ecological community will be required.”</i></p>	<p>An independent biobanking assessment was undertaken for the proposed NBH development.</p> <p>The biodiversity offset strategy provided for the clearing of the total hospital site (refer Biobanking Agreements, ID 55 and ID 38).</p> <p>Despite making provision to clear the total hospital site, the design has provided for the retention of a sector of the endangered ecological community along the eastern boundary. The retained sector will, however, be subject to asset protection zone measures to meet requirements identified by the Rural Fire Service as part of the Stage 1 assessment.</p> <p>It is not proposed to carry out any further clearance of the endangered ecological community as part of the Stage 1 Modification works. It is noted that the approved Stage 1 clearing works will allow for the proposed retaining walls to be constructed within the cleared site.</p> <p>Also refer to OEH Comment 1 which acknowledges that the proposed Stage 1 modification works fall within the development site and that the previous (Stage 1) approval ‘allows for the entire clearing’ of the site.</p>

Comment	Response
2. Development Engineering	
<p><i>“NEU Development Engineering has reviewed all the submitted documentation including the engineering plans and have no further comments to add. It has been noted that the onsite stormwater detention tanks will now be built as part of the stage one works.”</i></p>	<p>Noted</p>
3. Stormwater Quality Management	
<p><i>“ It is noted that current sediment and erosion controls (as outlined in the Stage 1 Soil and Water Management Plan) do not provide adequate mitigation for present works, resulting in release of sediment onto adjoining roads during recent relatively minor rain events. As such, it is considered appropriate that a review of current controls is undertaken to ensure that they have been certified as complying with Stage 1 SWMP and “Blue Book” (Managing Urban Stormwater – Soils and Construction, 4th Edition by Landcom 2004). Furthermore, it is considered appropriate that consideration is given to updating the Stage 1 SWMP to reflect the increase in proposed works, with a possibility that increased sediment and erosion controls may be required as part of the proposed modification.”</i></p>	<p>The proposed Stage 1 Modification works include the preparation and implementation of a Soil and Water Management Plan (SWMP). Part of that process will involve a review of the approved Stage 1 SWMP and the identification of the relevant sediment and erosion controls to comply with the requirements of the “Blue Book”.</p>

EPA

Comment	Response
<p>1. Site contamination</p> <p><i>"The EPA notes the proposed bringing forward of site levelling and services excavation into Stage 1 and considers that the proponent should also bring forward measures to more adequately investigate site contamination before such earthworks commence. Accordingly, the EPA's comments and recommendations take into account a review of the following documents:</i></p> <p><i>a) (Stage 1) EIS Appendix H Contamination Assessment (CA)</i></p> <p><i>(b) (Stage 1) Preferred Infrastructure Report</i></p> <p><i>(c) (Stage 2) EIS and EIS Appendix S Geotechnical Baseline Report</i></p>	
<p>EPA recommended that:-</p> <p><i>The proponent be required to engage an accredited site auditor to review future investigation, remediation and validation work conducted by contaminated land consultants at the site.</i></p>	<p>A Phase 2 contamination assessment (refer Appendix 1) has been carried out in accordance with the Stage 1 approval.</p> <p>Based on advice prepared by GHD (refer Appendix 2) it is understood that the relevant RAP actions are being undertaken and that subject to the preparation of site clearance certificates, a site validation report confirming the site's suitability for the proposed land use will be issued prior to the commencement of the Stage 1 modification works.</p> <p>Accordingly the engagement of an external site auditor is not required.</p> <p>A copy of the site validation report will be provided to DP&E following the completion of the remediation works.</p> <p>An unexpected finds protocol will remain in place and will form part of the Construction Environmental Management Plan (CEMP) and waste management strategy.</p>

Comment	Response
<p>a. Asbestos</p> <p><i>“As it appears from the Phase 1 Assessment that asbestos containing materials (ACM) may be encountered on the site, the EPA has the following recommendations:</i></p> <p>EPA recommended that:-</p> <ul style="list-style-type: none"> ▪ <i>The proponent should inform itself of its obligations under the Protection of the Environment Operations (Waste) Regulation 2014, particularly in regard to the transport and disposal of asbestos waste.</i> <p><i>Given the historical presence of asbestos containing material (ACM) at the site, the proponent be required to implement risk mitigation measures for encountered and unexpected finds of ACM.”</i></p>	<p>Management of ACM at the site is being carried out in accordance with <i>NSW WorkCover Guidance for Managing asbestos in or on soil, 2014</i> and the documented Asbestos Management Plan (AMP) .</p> <p>Prior to the Stage 1 modification works, an Occupational Hygienist will issue a clearance certificate to confirm the removal of asbestos and that the site is suitable for commercial/industrial use.</p> <p>Suitable risk mitigation measures for unexpected ACM, should it be encountered, will be incorporated into the unexpected finds procedure within the Stage 1 Modification.</p>

Comment	Response
<p>b. Herbicides</p> <p><i>“The EPA notes that as part of the Phase 1 Assessment, pesticides were measured in soil at the site, but the presence of herbicides was not assessed.</i></p> <p>EPA recommended that:-</p> <p><i>Herbicide compounds in soil should be assessed before undertaking site levelling or excavation for services.”</i></p>	<p>The Phase 2 Environmental Assessment (Appendix 2) notes that previous investigations identified the potential for pesticide-related spray-drift contamination from a former neighbouring orchard. Extensive soil sampling that has been undertaken across the site did not find widespread evidence of DDD or DDT contamination (indicators for pesticide spray drift).</p> <p>Pesticides are commonly associated with activities that also use herbicides, and the absence of pesticide contamination at the site indicates that herbicides are also unlikely to be present and hence investigation of herbicides as a significant source of contamination is not required.</p>

Comment	Response
<p>c. Groundwater Contamination</p> <p><i>“The EPA notes that potential groundwater contamination in the underlying siltstone and shale bedrock was not assessed and thus the contamination status of site groundwater is unknown. Geotechnical assessment of conditions of the site underlying Bantry Bay Road has not been undertaken. In Section 5.2.2 of Stage 2 Appendix S, the report indicated rock coring was undertaken at BH6, BH10, BH22 and BH33 only. However, the EPA notes that according to the Phase 1 report NLMC diamond coring was undertaken at BH9 also. The EPA notes that it appears that an assessment of the degree of fracturing and weathering of the bedrock has not been undertaken. The EPA further notes that groundwater underlying the site is reported at RL 157.5 metres and 152 metres AHD and, that basement levels are proposed RL 154.2 which suggest that footing and basement excavations are likely to intersect the watertable.”</i></p>	<p>Baseline groundwater monitoring was undertaken at the site in 2013, the findings of which are provided in <i>SMEC Factual Groundwater Report, Sept 2013</i>.</p> <p>Since the baseline monitoring was completed, the onsite groundwater monitoring wells have been destroyed due to activities associated with the Stage 1 works.</p> <p>Notwithstanding, the site land use has not changed since the monitoring was undertaken, nor have any additional potential sources of contamination been identified. As a result, it is considered the monitoring results within the SMEC groundwater report are valid for use as baseline conditions.</p> <p>The groundwater monitoring undertaken by SMEC included sampling of groundwater from nine monitoring wells. The samples were analysed for a variety of potential contaminants of concern including petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAH), organics, pesticides and heavy metals. In summary, the results found no concentrations of hydrocarbons, PAHs or pesticides, and concentrations of heavy metals recorded were considered to be indicative of background conditions.</p>

Comment	Response
<p>2. Bulk Earthworks (environment protection licence)</p> <p><i>“The EPA understands that project Stages 1 and 2 involve excavation of an estimated 243,260 tonnes of material. And, of that tonnage approximately 200,000 tonnes will be extracted in the course of bulk excavation works. The EPA draws the proponent’s attention to the provisions of clause 19 to Schedule 1 of the Protection of the Environment Operations Act 1997 and the requirement to hold an environment protection licence for the purposes of undertaking land-based extractive activity’.”</i></p>	<p>To address the issue raised, Leighton has reviewed whether similar projects required the Environment Protection Licences foreshadowed by EPA. Leighton representatives have also held a number of discussions with relevant EPA officers in an attempt to clarify the issue.</p> <p>The investigations into the approvals for comparable projects, including Royal North Shore, Blacktown and Bega Hospitals indicated that there was no requirement for Environment Protection Licences despite the quantum of bulk earthworks for each hospital exceeding 30,000 tonnes per year during the relevant construction periods.</p> <p>The detailed discussions indicated that the legal advice held by EPA re Clause 19 of Schedule 1 states that if the primary purpose of the project is for construction and not extraction for sale / re-use then Clause 19 does not apply.</p> <p>EPA has confirmed in discussion that the intent of Clause 19 is not to capture building works. EPA has advised that a current review is focused on ways of modifying rail and road licensing provisions to accommodate the extraction of materials during tunnelling to ensure consistency with quarrying licences and managing environmental impacts.</p> <p>In summary, a review of similar building projects, together with detailed discussions and advice received from EPA, indicates that Clause 19, Schedule 1 of the POEO Act 1997 does not apply to the NBH project, given that excavation works associated with the NBH represent an ancillary function of the construction process and are not related to tunnelling or quarry works.</p>



Comment	Response
	<p>Accordingly, a requirement to hold an Environment Protection Licence should not form part of the Conditions of Approval for the NBH Stage 1 Modification.</p>

Comment	Response
<p>3. Bulk Earthworks</p> <p>(erosion and sediment control)</p> <p><i>“The EPA is aware that although there was extensive publicity concerning forecast storm events during the weekend of 6 and 7 December 2014, erosion and sediment controls reportedly failed and may not have been inspected and maintained on a daily basis.</i></p> <p>EPA recommended that:-</p> <p><i>Please note the EPA's previous advice that emphasised the importance of daily inspection of erosion and sediment controls.”</i></p>	<p>Refer to response to Warringah Council (Issue 3) addressing the commitment to prepare a Stage 1 Modification SWMP in accordance with the “Blue Book”.</p> <p>It is also noted that daily inspections of the erosion and sediment measures will be included in the CEMP and implemented as part of the Stage 1 Modification works.</p> <p>The preparation of the Stage 1 modification SWMP will involve a review of the approved Stage 1 SWMP and performance criteria.</p>

Comment	Response
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**4. Earthworks
(queuing and idling trucks)**

“The EPA is aware from previous major infrastructure projects of community concern arising from noise impacts associated with the early arrival and idling of tip trucks and other construction vehicles at a development site and in the residential precincts surrounding that site.

EPA recommended that:-

The proponent should be required to ensure that tip trucks and other construction vehicles do not arrive at the project site or in surrounding residential precincts other than during the approved construction hours.”

The preparation of a Stage 1 Modification CEMP will address the issues raised including a review of the approved Stage 1 CEMP and performance criteria.

Comment	Response
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5. Provision for noise barriers

“The EPA understands that retaining walls are proposed to be constructed parallel to Frenchs Forest Road West and the Wakehurst Parkway to support engineered fill as a base for the perimeter circulation roads and ambulance manoeuvring apron adjoining the proposed emergency department reception area.

The EPA raised concerns in paragraph (f) of its previous comments dated 28 November 2013 about the need to consider feasible and reasonable noise mitigation measures including noise barriers.

The EPA anticipates significant noise impacts on Frenchs Forest Road West residences particularly during ambulance reversing operations at night and considers that provision should be made during construction of the retaining walls to facilitate installation of acoustic barriers along frontages to Frenchs Forest Road West and the Wakehurst Parkway.

EPA recommended that:-

The proponent be required to make provisions to facilitate the installation of noise barriers along the site frontages to Frenchs Forest Road West and the Wakehurst Parkway, including along the top of the proposed retaining walls.”

This issue is not directly linked to the Stage 1 modification works but rather to the design and operation of the hospital.

Accordingly, the issue will be addressed as part of the Stage 2 Submissions Report / Preferred Infrastructure Report.

OEH

Comment	Response
<p>1. <i>“The modification works involve additional site preparation works including the construction of retaining walls and associated landscaping. These are proposed within the development site and the previous approval allows for the entire clearing of this site. OEH does not raise any issues with this current application.</i></p>	<p>Noted</p>
<p>2. <i>OHE notes the consent conditions for Stage 1 require the retirement of ecosystem credits and species credits from Biobanking Agreement 55 and Biobanking Agreement 38 as well as the execution of a Biobanking Agreement for the Aquatic Drive site (Lot 2782 DP46992) and retirement of credits within 12 months of the approval (dated June 2014).</i></p>	<p>The Biobanking Agreement for the Aquatic Drive site as well as the retirement of ecosystem and species credits related to Biobanking Agreements 55 and 38 will be completed prior to June 2015.</p>
<p>3. <i>The required number and types of biodiversity credits from Biobanking Agreements 55 and 38 have been purchased but are yet to be retired. To date, OEH has not received an application for a Biobanking Agreement for the Aquatic Drive site. It is recommended that an application be submitted to OEH as soon as possible to ensure that the Biobanking Agreement is approved and registered on land title within the designated approval period”.</i></p>	<p>Refer above to response to OEH Comment 2.</p>



RMS

Comment	Response
<i>“Roads & Maritime has reviewed the modification application and raises no objections to the proposed additional site preparations works as an extension of approved Stage 2 preparatory works”.</i>	Noted



3 CONCLUSION

This report has been prepared to support HI's modification application for Stage 1 works of the Northern Beaches Hospital. It should be read in conjunction with the *Northern Beaches Hospital (Stage 1), Section 115ZI Modification Application* and the supporting appendices.

This report has considered the issues raised in the submissions made during the public exhibition process. Where appropriate, further information has been provided identifying the relevant actions and studies that have been undertaken as well as proposals aimed at mitigating any potential negative impacts associated with the Stage 1 Modification Application.

Accordingly, it is recommended that the proposed Stage 1 modification works be approved.



SCHEDULE OF APPENDICES

1. Phase 2 Environmental Site Assessment (SMEC) – November 2014
2. Response to issues raised by EPA (GHD) – January 2015