

9 August 2013



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NSW Department of Planning & Infrastructure
23-33 Bridge Street
Sydney NSW 2000

Section 75W Modification Application (MP07_0070) - Wollongong Private Hospital, 360-364 Crown Street Wollongong

Attention: Peter McManus – Senior Planner

Dear Sir,

We herewith apply to modify Project Approval MP07_0070 for Wollongong Private Hospital pursuant to Section 75W of the *Environmental Planning & Assessment Act 1979*. Due to obligations with the development programme in place, it is essential to make these amendments in order to ensure works commence on time and the private hospital is operational by the scheduled date.

Condition B25 is sought to be modified within the instrument of approval under MP07_0070 as follows (shown in red):

B25 NSW Department of Health – Private Hospital Licence

*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 the issue of a ~~Construction Certificate~~ **Construction Certificate for the above ground works.***

The following condition within the statement of commitments to be modified is:

B5. Water and Energy Efficiency Program

The Proponent shall prepare and implement a Water and Energy Efficiency Program for the project, to the satisfaction of the Director-General. The program must:

- a) be approved by the Director-General prior to the issue of any Construction Certificate;*
- b) describe the measures that would be implemented onsite, quantify the savings made and demonstrating the use of best available technology;*

A revised Statement of commitments is attached within **Annexure A** detailing the proposed changes.

Favourable consideration of the proposed amendments is requested to enable the project to move forward in a timely manner.

Should you require further information, please contact the undersigned.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Andrew Cowan'.

Andrew Cowan
Senior Planner
McKenzie Group Consulting Planning (NSW) Pty Ltd
ACN 146 035 707

ANNEXURE A - STATEMENT OF COMMITMENTS

The Statement of Commitments which formed part of Project Approval MP07_0070 is to remain unchanged except as amended as follows.

Part A – Administrative Conditions

A1. Development Description

Project Approval is granted for the construction and operation of an 8 storey private hospital with 3 storeys of basement car parking and associated infrastructure.

A2. Development in accordance with Plans and Documents

The Proponent shall carry out the project generally in accordance with the following plans, documentation and recommendations made therein:

Report/Drawings/Documentation Prepared by:

- ~~• Environmental Assessment Report TPG NSW~~
- **75W Report McKenzie Group Consulting Planning**
- ~~• Architectural Drawings Murphy's Architects~~
- **Architectural Drawings HPI**
- ~~• Architectural Statement Murphy's Architects~~
- **Architectural Design Statement HPI**
- Landscape Drawings Context Landscape Architects
- Utilities Report TPG NSW
- Civil Drawings Henry and Hymas Consulting Engineers
- Contamination Report Geo-Logix
- ~~• ESD Report SEMF~~
- **ESD Report GPA**
- Acoustic Report Acoustic Logic
- Heritage Impact Statement NBRS&P
- Geotechnical Report Geo-Environmental Engineering
- Crime Prevention Through Environmental Design Report TPG NSW
- Traffic and Parking Assessment Report Colston Budd Hunt and Kafes
- Survey Information Higgins Surveyors
- Waste Management Plan TPG NSW
- ~~• Preferred Project Report and Appendices TPG NSW~~

A3. Inconsistency between Plans and Documents

If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

A4. Lapsing of Approval

This approval shall lapse if the Proponent does not physically commence 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 and comply with relevant Australian Standards.

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 Departments Assessment of:

- a) any strategies, plans, programs, reviews, audits or correspondence that are submitted inaccordance 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 cost associated with repairing, any public infrastructure that is damaged by the development; and
- b) relocate, or pay full costs associated with relocating, any public infrastructure that needs relocating 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.

A10. Incident Reporting

Within 24 hours detecting an exceedance of the limits/performance criteria in this approval or a incidence causing (or threatening to cause) material harm to the environment, the Proponent shall notify the Director-General, and any other relevant agencies. Within 7 days of the date of the exceedance /incidence the Proponent must provide a report on the exceedance /incidence to the Department, and any other relevant agency. This report must:

- a) describe the date, time, and nature of the exceedance/incident;
- b) identify the cause (or likely cause) of the exceedance /incident;
- c) describe what action has been taken to date; and
- d) describe the proposed measures to address the exceedance/incident.

Part B- Prior to issue of Construction Certificate

B1. Construction Management Strategy

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

- a) be approved by the Director-general prior to the issue of any construction certificate;
- b) describe in general how the environmental performance of the project would be monitored and managed;
- c) describe the procedures that would implemented to:
 - i. keep the local community and relevant agencies informed about the construction and the environmental performance of the project;
 - ii. receive, handle, respond to, and record complaints;
 - iii. resolve any disputes that may arise during the course of the project;
 - iv. respond to any non-compliance;
 - v. manage cumulative impacts;
 - vi. respond to emergencies;
 - vii. outline methods and construction equipment to minimise vibrations.
- d) Include a Construction Traffic Management Plan. This plan must:
 - i. be prepared in consultation with Council;
 - ii. describe the measures to be implemented to minimise and manage construction parking and traffic impacts;
 - iii. identify the contingency measures that would be implemented should these measures prove insufficient; and
 - iv. include a Local Development Management Plan, describing how the development would be managed to minimise impacts on the remainder of the locality.

B2. Dilapidation Report

The Proponent shall prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) and dilapidation surveys of all adjoining properties to the satisfaction of Council, prior to the issue of any Construction Certificate.

B3. Hazard Management Plan

The Proponent shall prepare and implement a Hazard and risk Management Plan for the project, to the satisfaction of the Director-General. The Plan must;

- a) be approved by the Director-General prior to the issue of any Construction Certificate;
- b) identify and assess the potential risks and hazards associated with liquid oxygen tanks, given their proximity to the 123kV overhead electricity transmission lines and gas easement;
- c) outline the measures that would be implemented to manage the risk; and
- d) demonstrate the adequacy of these measures, and that any hazards and risks associated with the liquid oxygen tanks would be managed.

B4. Stormwater Management Strategy

The Proponent shall prepare and implement a detailed Stormwater Management System to the satisfaction of council. The system must;

- a) be approved by Council, prior to the issue of any Construction Certificate;
- b) be prepared in accordance with the requirements of the DECCW's *Managing Urban Stormwater: Council Handbook*;
- c) be designed to treat and control the 1%AEP event;
- d) include:
 - i. a detailed stormwater management Master Plan;
 - ii. details of the stormwater detention and drainage design, in accordance with *Council's Drainage Design Code(1994) and On-site Stormwater Detention Code (2006)*
 - iii. detailed Civil Design Plans;
 - iv. scour and erosion protection;
 - v. rainwater harvesting and reuse;
- e) ensure any stormwater outlets into a riparian zone or natural watercourse and their spillways are of soft engineering design, consistent with the DECCW's guideline *Watercourse and Riparian Area Planning ,Assessment and Works Design Guideline (published by the former Department of Water and Energy)*
- f) provide for verification of the drainage works executed ;and provide for monitoring and maintenance to ensure the ongoing integrity of the system for the life of the project.

B5. Water and Energy Efficiency Program

The Proponent shall prepare and implement a Water and Energy Efficiency Program for the project, to the satisfaction of the Director-General. The program must:

- a) be approved by the Director-General prior to the issue of ~~any Construction Certificate~~ **a Construction Certificate for the above ground works**;
- b) ~~compare the proposed energy and water use ratio of the project to other existing hospital facilities and set benchmarks for best practice; (DELETED)~~ **provide an effective energy and water use design to achieve levels better than the minimum requirements of BCA section J**;
- c) ~~investigate energy and water efficiency measures available ,including the installation of solar panels and eogeneration; (DELETED)~~
- d) describe the measures that would be implemented onsite, quantify the savings made and demonstrating the use of best available technology;
- e) ~~demonstrate the building will achieve a minimum 5 star rating under the Green Building Council of Australia – Healthcare rating tool; and (DELETED)~~
- f) include a program to monitor and report on the effectiveness of the measures implemented and a protocol for periodic review of the plan to ensure the project would continue to operate at best practice overtime

B6. Detailed Noise Report

Detailed assessment of all mechanical plant ~~should~~ **will** be conducted ~~at CC stage~~ to determine acoustic treatments (if any) required to ensure plant noise does not exceed acoustic criteria.

B7. Noise Treatment

In order for noise from the loading dock to comply with noise emission requirements, a 2.1 metre high fence of Colorbond or masonry construction must be erected along the portion of the eastern boundary of the site

that is adjacent to loading dock. Details of which are to be shown on the drawings prior to the issue of Construction Certificate.

B8. Detailed Waste Management Plan

A detailed waste management plan is to be prepared to deal with biomedical, infectious wastes, toxic wastes and storage of chemicals and hazardous materials prior to the issue of a Construction Certificate.

B9. Lighting

Lighting details are to comply with the Australian Standard and ensure light spill is minimised with the use of appropriate design devices. ~~details of which are to be shown on the drawings which form part of the Construction Certificate.~~ **(DELETED)**

~~B10. ESD~~

~~The commitments to ESD outlined in the SEMF report are to be shown on the drawings, where necessary included in the specifications and form part of the documentation which form part of the Construction Certificate.~~ **(DELETED)**

Part C - During Construction

C1. Construction Hours

The Proponent shall comply with the construction and operation hours in Table 1.

Table 1 - Construction Hours

Activity	Day	Time
Construction	Monday – Friday	7am to 5pm
	Saturday	7am to 1pm 3pm
	Sundays and Public Holidays	Nil

Notes:

- Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site; and
- Emergency work to avoid the loss of life, property and/or prevent environmental harm may be undertaken outside the hours on Table 1.

C2. 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.

C3. 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*.

C4. Fill

Any material brought to the site must be Virgin Excavated Natural Material or material subjected to a Resource Recovery Exemption that is permitted to be used a fill material, in accordance with the provisions of the *Protection of the Environment (Waste) Regulations 2005*.

C5. Service Providers/Additional Approvals

Prior to the construction of any utility works, the Proponent shall obtain all relevant approvals from service providers, including Sydney Water.

C6. Lighting

The Proponent shall ensure that lighting associated with the project;

- a) complies with the latest version of Australian standard AS4282(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 public road network.

C7. Sight Lines

Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists

C8. Waste Minimisation, Classification and Management

During the construction of the project the Proponent must;

- a) implement all reasonable and feasible measures to minimise waste generated by the project; and
- b) ensure all waste generated by the project is classified in accordance with the DECCW's *Waste Management Guidelines – Part1: classifying Waste*, and disposed of appropriately

Part E- Prior to the issue Occupation Certificate or Commencement of use

E1. Local Road Upgrades

The Proponent shall provide all required road upgrades, access and infrastructure identified in the Project Application, prior to the issue of any Occupation Certificate, and to satisfaction of council and the Director-General.

E2. Landscaping

The Proponent shall prepare and implement a detailed Landscaping Plan for the project to the satisfaction of the Director-General. The plan must:

- a) be prepared in consultation with Council and submitted to the department and Council prior to the issue of any Occupation Certificate;
- b) uses endemic species only, ensuring seed and propagule sources are from local botanical provenance (except in the internal courtyard)
- c) illustrate how the landscape would integrate with the design of the building ;and
- d) provide for the monitoring and maintenance of the landscaping

E3. Sustainable Travel Plan

The Proponent shall prepare and implement a sustainable travel Plan for the project, to be approved by the Director- General prior to the issue of any Occupation Certificate The Plan must:

- a) be prepared in consultation with Council and NSW Transport and Infrastructure;
- b) describe the public transport infrastructure in place ;
- c) consider the measures that could be implemented to reduce vehicle movements, including options for increasing public transport services and providing shuttle bus for staff, any decision not to provide a shuttle bus, must be supported by evidence that other suitable public transport options are available;
- d) describe the measures that would be put in place to reduce vehicle movements including details of any shuttle bus routes and times, ensuring it would connect with appropriate destinations and public transport nodes;
- e) provide for ongoing monitoring of the effectiveness of the plan; and
- f) ensure the findings of the monitoring are used to improve the effectiveness of the plan overtime and with the development of subsequent stages of the precinct.

E4. On-site Detention - Restriction on Use

The Proponent must create a restriction on use under the *Conveyancing Act 1919* over the on-site detention system. The following terms must be included in an appropriate instrument created under the *Conveyancing Act 1919* for approval of Council:

- The registered owner of the lot burdened must not make or permit or suffer the making of any alterations to any onsite stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefitted.
- The expression 'on-site stormwater detention system' shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and services graded to direct stormwater to those structures.
- Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.
- The instrument, showing the restriction, must be submitted to the Principal Certifying authority for endorsement prior to the commencement of the development.

E5. On-Site Detention – Positive Covenant for Maintenance

A positive covenant shall be created under the *Conveyancing Act 1919*, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance schedule (application number to be referenced) The Instrument, showing the positive covenant must be submitted to the consent authority for endorsement prior to the commencement of use of project.

E6. On-Site Detention – Structural Certification

Then Proponent must submit a certificate from a suitably qualified civil and/or structural engineer to council prior to the commencement of use of the project. This certificate is required to verify structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Plans

E7. 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 any 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;
- c) describe the procedures that would be implemented to;
 - i. keep the local community and relevant agencies informed about the operation on environmental performance of the project
 - ii. receive, handle, and respond to, and record complaints;
 - iii. resolve any disputes that may rise during the course of the project;
 - iv. respond to any non-compliance
 - v. manage cumulate impacts;
 - vi. 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.

E8. Pre-Operation Compliance Audit

Prior to the issue of any Occupation Certificate, the proponent shall submit work as executed plans to the department of all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

E9. Retaining Walls

Any proposed retaining wall shall be constructed in accordance with councils retaining Wall Policy and shall be supported by a certificate from a structural engineer with confirms the structural adequacy of the proposal retaining wall structure (s) and compliance with Council's Retaining Wall Policy.

E10. Work Place Travel Plan

A work place travel plan is to be developed prior to the occupation of the building. The principles of the work place travel plan, to be developed by the future tenants in consultation with Council, RTA and other relevant stakeholders such as tenants, to consider the following:

- encourage the use of public transport to travel to and from the hospital;
- work with public transport providers to improve services;
- encourage public transport by employees through the provision of information, maps and timetables;
- provide appropriate pedestrian facilities which improve accessibility to the adjacent hospital, surrounding uses and public transport services;
- raise awareness of health benefits of walking (including maps showing safe walking routes);
- encourage cycling by providing safe and secure bicycle parking, including the provision of lockers and change facilities;
- provide appropriate on-site parking provision.

Part F – During Operations

F1. Noise Limits

The proponent shall ensure that noise from the operation of the project does not exceed the noise limits presented in Table 2.

Table 2

Location	Day	Evening	Night
Residences on Urunga Parade	LAeq (15min) 45	LAeq (15min) 45	LAeq (1min) 45

Note Noise generated by then project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy

F2. Noise Validation

The proponent shall prepare a noise validation report, to the satisfaction of the Director- General. The report must:

- be prepared by a suitably qualified person whose appointment has been endorsed by the Director-General;
- be undertaken within 3 months of the commencement of operations, while operating under normal conditions;
- be submitted to the Director-General within 4 months of the commencement of operations;
- determine the noise levels from the project;
- demonstrate compliance with the limits in this approval;
- provide details of any complaints received regarding noise from the project, and action taken to respond to these complaints; and
- if any non-compliance are detected, describe the measures that would be implemented to ensure compliance, with a timetable for implementation and a program to assess and report on the effectiveness of the measures.

F3. Access

The Proponent shall ensure;

- that internal roads ,driveways and parking comply with the Australian Standards AS 2890.1- 2004 and AS 2890.2-2002;
- bicycle facilities are provided on site;
- all parking generated by the project is able to be accommodated on site; and
- all vehicles are able to enter and exit the site in a forward direction.

F4. Energy and Water Efficiencies

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

F5. Waste Management

During the operation of the project the Proponent shall;

- implement all reasonable and feasible measures to minimise waste generated by the project; and
- ensure all waste generated by the project is classified in accordance with the DECCW's Waste Classification Guidelines – Part1 Classifying Waste, and disposal of appropriately

F6. Bunding

All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with the:

- requirements of all relevant Australian Standards; and
- DECCW's *Storing and Handling Liquids: Environmental Protection –Participants Man*

F7. Detention tanks

The Proponent must ensure that the 1-131 (radioiodine) detention tanks are designed and operated to the satisfaction of Sydney Water.

F8. Wastewater

The Proponent shall remove all wastewater generated from the operations on site to a facility that is lawfully able to reuse or dispose of it.

F9. Odour

The Proponent shall not cause or permit the emission of offensive odours from the site as defined under Section 129 of the POEO Act.

F10. Registration and Operation of Apparatus

Then Proponent shall ensure that any radiation apparatus on site;

- a) is registered, tested and certified by a DECCW accredited radiation expert; and
- b) is operated by a licensed operator.

F11. Radiation Exposure Limits

The Proponent shall ensure that the radiation generated by the proposed development and any other sources on site would not exceed the limits in Table 3

Table 3 Radiation Exposure Limits

	Exposure Limit
Any member of public	1 mSv of radiation a year
Any occupationally expose person	20mSv of radiation a year

F12. Required Licences

Prior to operations commencing on-site, the appropriate licences are to be obtained.

F13. Car Park Management Plan

The operational requirements of the car park management plan prepared by Colston Budd Hunt and Kafes are to be implemented during the operation of the site.