
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 08_0062

(FILE NO. S08/00477)

I, the Minister for Planning, having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine pursuant to section 75J(1) of the Act to **grant 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 of approval in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To adequately mitigate the environmental and construction impacts of the development;
- (2) To reasonably protect the amenity of the local area; and
- (3) To protect the public interest.



Kristina Keneally MP
Minister for Planning

Sydney,



2009

SCHEDULE 1

PART A — TABLE

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|-----------------------------------|---|
| Application made by: | Health Infrastructure |
| Application made to: | Minister for Planning |
| Major Project Number: | 08_0062 |
| On land comprising: | Lot 2 DP 596770 |
| Local Government Area | Liverpool City Council |
| For the carrying out of: | Liverpool Hospital Infrastructure and Ancillary Hospital Works |
| Capital Investment Value | \$48,181,718 |
| Type of development: | Project approval under Part 3A of the EP&A Act |
| Determination made on: | |
| Determination: | Project approval is granted subject to the conditions in the attached Schedule 2. |
| Date of commencement of approval: | This approval commences on the date of the Minister's approval. |
| Date approval is liable to lapse | 5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act. |

PART B — DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Environmental Assessment means the document titled Liverpool Hospital Redevelopment Stage 2 Infrastructure and Ancillary Hospital works Project Application and Environmental Assessment (All volumes and appendices) prepared by LFA (Pacific) Pty Ltd and dated October 2008.

BCA means the Building Code of Australia.

Council means Liverpool City Council.

Department means the Department of Planning or its successors.

Director means the Director of the Strategic Assessments Branch of the Department of Planning or its successors.

Director General means the Director General of the Department of Planning or its successors.

Executive Director means the Executive Director of the Strategic Sites and Urban Renewals Division within the Department of Planning.

Major Project No. 08_00062 means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 2.

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Preferred Project Report means the document titled Liverpool Hospital Redevelopment Stage 2 Infrastructure and Ancillary Hospital Works - Preferred Project Report prepared by LFA (Pacific) Pty Ltd dated February 2009 and Addendum dated March 2009.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RTA means the Roads and Traffic Authority.

Statement of Commitments means the Statement of Commitments (as they apply to this project) made by the Proponent.

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2**CONDITIONS OF APPROVAL****MAJOR PROJECT APPLICATION NO. MP 08_0062****PART A – GENERAL CONDITIONS****A1 Development Description**

Project Approval is granted for the Liverpool Hospital Infrastructure and Ancillary Hospital Works, consisting of the following works:

- (a) Multi storey car park on the eastern campus
- (b) At grade car parks on the western and eastern campuses
- (c) Pedestrian bridge over the rail corridor
- (d) Vehicle bridge over the rail corridor
- (e) Extensions to the child care centre on the eastern campus
- (f) Engineering services building on the eastern campus
- (g) Internal road works
- (h) External road works comprising the new Northern Link Road, modifications to Hart Street and new Hume Highway intersection
- (i) Landscaping

A2 Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

- Environmental Assessment Report for Liverpool Hospital Redevelopment Stage 2 Infrastructure and Ancillary Hospital Works (including Appendices A-R) prepared by LFA (Pacific) Pty Ltd and dated October 2008.
- Supplementary Car Parking Data prepared by LFA (Pacific) Pty Ltd and dated December 2008
- Stage 2 Infrastructure and Ancillary Hospital Works - Preferred Project Report prepared by LFA (Pacific) Pty Ltd dated February 2009 and Addendum dated March 2009.

A3 Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

A4 Lapsing of Approval

The project approval will lapse 7 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5 Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia and the Food Act 2003) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

A6 Public Consultation

Public consultation to be undertaken to advise the local community of the construction works (including consultation as detailed in the Neighbourhood Participation Management Plan) shall include consultation with schools in the vicinity of the site, especially schools adjoining Bigge Street, Campbell Street and Forbes Street, Liverpool.

A7 *Appropriate Legally Binding Agreements*

Legally binding with the following authorities shall be finalised and executed prior to commencement of the relevant works:

- (a) RailCorp (and Australian Rail track Corporation and Transport Infrastructure Development Corporation where appropriate) in respect of any works affected by the rail corridor;
- (b) Council, in respect of any works on roads and reserves owned by or vested in Council.
- (c) Department of Education and Training, in respect of any works on the Liverpool Girls and Boys High School sites.

PART B—PRIOR TO COMMENCEMENT OF WORKS**B1 *Dilapidation Report***

The proponent must submit to Council a photographic record and report on the visible condition of the existing public infrastructure over any part of the site frontage and adjacent areas, that are subject to the works subject to this approval. The photos must include detail of:

- The existing footpath
- The existing kerb and gutter
- The existing full road surface between the opposite kerb
- The existing verge area
- The existing driveway and layback where to be retained
- Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded in detail and demonstrated under the requirements of this condition.

B2 *Damage to Public Infrastructure*

The proponent shall advise Council, in writing or by photographic record, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to commencement of work.

B3 *Hart Street and Hume Highway Intersection works*

The design and construction of road and intersection works from Hart Street to the proposed Hume Highway intersection shall comply with RTA's requirements, in particular the following:

- (a) The proposed road extension through Berryman Park reserve is to be agreed to by Council and endorsed by the RTA;
- (b) The design of the upgrade of the intersection of Hart Street and Remembrance Drive to address traffic flow along these streets shall be agreed to by Council and RTA for approval prior to the commencement of these works.
If no agreement has been reached within 12 weeks after the submission of the information to Council and the RTA, the dispute is to be decided by the Director General of the Department of Planning;
- (c) The proposed new Hume Highway intersection and the extension of Hart Street are to meet RTA guidelines and standards, including the RTA's Road Design Guide and other Australian Codes. A Works Authorisation Deed may need to be executed prior to the RTA's assessment of the detailed civil design plans for these works.
- (d) Detailed design plans and hydraulic calculation of any changes to the RTA stormwater drainage system are to be submitted to Council for approval, and details forwarded to the RTA, prior to commencement of any works.

PART C—DURING CONSTRUCTION

C1 *Hours of Construction*

All building work shall be restricted to within the hours of 7.00 am to 7.00 pm Monday to Friday, and on Saturday to within the hours of 8.00 am to 5.00 pm inclusive, with no work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

- The delivery of materials is required outside these hours by the Police or other authorities;
- The works are required to be undertaken outside these hours by the RTA or rail authorities;
- It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- Approval is granted by the Director General of Department of Planning.

Residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

C2 *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 Council or the Department.

C3 *Erosion and Sediment Control*

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

C4 *Disposal of Seepage and Stormwater*

All seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

C5 *Dust Control Measures*

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood, including schools in the vicinity of the site, during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

C6 *Waste Management*

- (a) All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and leas shall be in accordance with work Cover requirements and relevant Australian Standards.

- (b) Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the *Protection of the Environmental Operations (Waste) Regulation 2005*.

PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

D1 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to Council for all the Essential Fire or Other Safety Measures forming part of this approval.

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.

D2 Works As Executed Plans

Prior to occupation, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to Council for information purposes only.

D3 Post-construction Dilapidation Report

- (1) The proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the Department and the Council and is to:
 - (a) Compare the post-construction dilapidation report with the pre-construction dilapidation report, identifying the nature and costs of damage (if any) which has occurred during and as a result of construction, and
 - (b) Have written confirmation from the relevant authority that there is no adverse structural damage to its infrastructure and roads (as far as reasonably practical) or that satisfactory arrangements have been made to remedy any damage. If this has been unreasonably delayed by the relevant authority, attempts to seek such confirmation shall be given to the satisfaction of the Department.

ADVISORY NOTES

AN1 Self Certification by Crown Authorities

Self-certification can be made by the Crown or on behalf of the Crown under Section 116G(2) of the Environmental Planning and Assessment Act 1979.

Where the Crown building provisions are used under Section 116G(1) of the Environmental Planning and Assessment Act 1979 the Crown is not required to obtain a construction certificate or appoint a principal certifying authority nor does it require an occupation certificate to be obtained (Section 109M of the Environmental Planning and Assessment Act 1979).

The Crown Authority undertaking the building work may contract a Council or an accredited certifier to undertake the BCA assessment of the proposed building. The Crown can then certify the building relying upon this advice. The certification is not to be confused with certification under Part 4A of the Environmental Planning and Assessment Act 1979.

AN2 Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, 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.

AN3 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's policies.
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

AN4 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.

AN5 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 outside the scope of this approval:

- (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.

AN6 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.

AN7 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.

AN8 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*.

AN9 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.

AN10 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.