

APPENDIX A. INSTRUMENT OF APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MANILLA HOSPITAL PROJECT APPROVAL

Major Project No. 08_0231
(File No. S08/01801-3)

I, the Director-General, as delegate for 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 **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 of approval in Schedule 2.

The reasons for the imposition of conditions are to:

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

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Sam Haddad

Director-General

(As delegate for the Minister for Planning)

Sydney, *9th* December 2009

SCHEDULE 1

PART A — TABLE

Application made by:	NSW Health
Application made to:	Minister for Planning
Major Project Number:	08_0231
On land comprising:	Court Street Manilla (Lot 14 in DP 814059; Lot 13 in DP 814059 and Lot 172 in DP 595749).
Local Government Area	Tamworth Regional Council
For the carrying out of:	Construction of a hospital building including staff accommodation, on-site car parking area, associated landscaping and site works as described in Condition A1, Part A, Schedule 2.
Capital Investment Value	\$16.6 Million
Type of development:	Project approval under Part 3A of the EP&A Act
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 Director General'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).

Council means Tamworth Regional Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning

Manilla Hospital has the same meaning as the land identified in Part A of this schedule.

Manilla Hospital Project Application means the project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.

Major Project No. 08_0231 means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.

Minister means the Minister for Planning.

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

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.

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_0231

PART A – ADMINISTRATIVE CONDITIONS

A1. Development Description

Project Approval is granted for the staged construction of a hospital building, on-site car parking area, associated landscaping and site works.

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 Manilla Hospital prepared by Environmental Planning P/L dated June 2009 including appendices and attachments and Preferred Project Report prepared by Environmental Planning P/L dated September 2009 including appendices and attachments.			
Statement of Commitments dated September 2009			
Architectural Drawings prepared by Rice Daubney and detailed as follows:			
Drawing No	Revision	Name of Plan	Date
ZZ AA DA 0300	F	Staged Demolition	January 2009
ZZ AA DA 0301	D	Construction – Stage 01	January 2009
ZZ AA DA 0302	B	Construction – Stage 02	January 2009
ZZ AR DA 0201	C	Location Plan/Site Plan	January 2009
ZZ AR DA 0202		Site view analysis	January 2009
ZZ AR DA 0203		Site Analysis	January 2009
ZZ AR DA 1200	P	GA Ground layout plan	November 2008
ZZ AR DA 1300	G	Plant	February 2009
ZZ AR DA 1400	G	Roof plan	February 2009
ZZ AR DA 1500	B	1:200 North elevation	February 2009
ZZ AR DA 1501	A	1:200 East Elevation	February 2009
ZZ AR DA 1502	A	1:200 South Elevation	February 2009
ZZ AR DA 1503	A	1:200 West Elevation	February 2009
ZZ AR DA 1600	A	Sections	February 2009
SS08-1781	F	Landscape Materplan	15 January 2009
ZZ AR DA 0900	B	Shadow Diagram – March and June	May 2009
ZZ AR DA 0901	B	Shadow Diagram – September and December	May 2009
ZZ AR DA 0303	A	Construction & Parking Compound	June 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 5 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 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.

PART B—PRIOR TO COMMENCEMENT OF WORKS**B1 Construction Management Plan**

Prior to a Construction Certificate, a Construction Environmental Management Plan will be prepared and forwarded to the Department and Council. This plan will include:

- (a) Development of a site specific soil erosion and sediment control plan,
- (b) Construction hours,
- (c) Construction traffic and transport,
- (d) Air quality/dust control procedures (refer to Condition C4),
- (e) Asbestos material control,
- (f) Noise management procedures,
- (g) Waste management plan,
- (h) Flora and Fauna Protection Plan,
- (i) Community Safety Plan,
- (j) Arrangements for temporary pedestrian and vehicular access,
- (k) Storage and Handling of Materials Procedures,
- (l) Environmental Training and Awareness,
- (m) Contact and complaints handling procedures,
- (n) Emergency Preparedness and Response.

An Access and Safety plan will be prepared to maintain access and use of the site during the redevelopment of the building to ensure the safety of staff, visitors and the public.

B2 Development Staging

The proponent is to comply with the conditions contained in this instrument for all stages of development subject to this approval.

Prior to the commencement of each stage of works, the proponent is to notify the Department and Council of the proposed works and compliance to date with this approval. The proponent, or any party acting upon this approval, shall also submit a report addressing future compliance with all relevant conditions of this approval.

B3 Dilapidation Report

The applicant must submit to Council a photographic record and report on the visible condition of the existing public infrastructure over the full site frontage and adjacent areas (in colour). 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.

B4 Car park

The car park is to be designed to comply with AS 2890.1-2004.

B5 Stormwater Plan

The proponent is to prepare and submit a detailed storm water plan to Council for approval prior to the commencement of construction works.

B6 Remediation

All demolition, excavation and construction works are to be undertaken in accordance with the Remediation Action Plan prepared by Coffey Projects.

B7 Tree replanting

The proponent is to undertake further investigation to determine the maximum number of White Box trees that can be planted on site. The proponent is to submit to the Department, for approval by the Director, Government Land and Social Projects, evidence of this investigation work prior to the Construction Certificate. At a minimum, the proponent is to plant 42 White Box Trees of 45 litre capacity. Artificial hollows (nesting boxes) are to be installed on retained trees at a ratio of one nest box for each four trees removed.

PART C—DURING CONSTRUCTION

C1 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.

C2 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.

C3 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.

C4 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood 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.

C5 Waste Management

- (a) All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and lead 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 Environment Operations (Waste) Regulation 2005*.

C6 Hours of Construction

All building work shall be restricted to within the hours of 7.00 am to 5.00 pm between Monday to Friday, and 8.00 am to 1.00 pm on Saturday, with no work on Sundays and/or Public Holidays. Measures shall be undertaken to ensure no adverse noise or amenity impacts occur to any residential premises.

C7 Archaeologist engaged during excavation

A suitably qualified archaeologist, trained in recognising Aboriginal artefacts, is to be engaged during any excavation works to look for sites on the surface prior to disturbance and during excavations.

PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

D1 Operational Management Plan

An operational environmental management plan will be prepared and submitted to the Department and Council prior to the opening of the hospital. The plan will address, but will not be limited to, the following matters:

- (a) Minimisation of anti-social behaviour,
- (b) Visitor safety,
- (c) Site security,
- (d) Noise management,
- (e) Traffic and pedestrian management,
- (f) Storage of materials,
- (g) Emergency and evacuation procedures,
- (h) Fire safety,
- (i) Waste management and ESD initiatives,
- (j) Lighting,
- (k) Signage.

D2 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.

D3 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.

D4 *Post-construction Dilapidation Report*

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.

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:

- (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.