



Dr Brett Gooley
La Vie Development Pty Ltd
Mariners Court
44-50 McElhone Street
WOOLLOOMOOLOO NSW 2011

Dear Dr Gooley

Subject: Illawarra International Health Precinct, Class 4 Proceedings Consent Orders dated 04/05/12 – approval for First Three Major Removal Events

I refer to your email of 16 July 2012 and the attached covering letter dated 13 July 2012 (cover letter), SWMP dated July 2012 (July SWMP) and letter dated 12 July 2012 from Southern Geotechnics (major removal event methodology). I also refer to the Orders made in the Land and Environment Court on the 4 May 2012 (the Orders).

Approval sought

Approval is sought for the first three Major Removal Events under the Orders, namely:

- Relocation of the Rock Wall under Order 2;
- Relocation of the Acoustic Mound under Order 7; and
- Initial Stockpile Reduction under Order 12.

In addition to the above, the Soil and Water Management Plan (SWMP) for the Major Removal Events must be in accordance with Order 24.

Approval subject to annotations to July SWMP

For the purposes of Orders 2, 7 and 12, the Department approves:

1. the July SWMP, subject to annotations, which are set out in the attached document; and
2. the major removal event methodology.

The approved documents are attached.

Reasons for the annotations

The annotations to the July SWMP have been made to delete ambiguous, incorrect or inconsistent references. In reviewing the submitted documents, it is noted that the July SWMP contained an ambiguity in Section 4. Section 4 indicates that all existing basins are to be maintained and are to remain until construction is completed; whereas Section 7 of the July SWMP identifies that modification works are required to increase the capacity of the existing basins to ensure they are designed for no less than the 85th percentile 5 day rainfall, as required Order 24(a).

Your cover letter dated 13 July 2012, says that Order 24(a) does not apply to the existing basins, on the basis that the existing basins were constructed prior to the Order being issued and were associated with the interim drainage works. However, the approval for the three Major Removal Events requires compliance with Order 24(a), which means that the modifications to the basins as outlined in section 7 of the July SWMP are integral to the approval of the SWMP.

The modifications to the basins in Section 7 must therefore be undertaken in conjunction with the other works and methodology outlined in the SWMP and letter from Southern Geotechnics.

Completion timeframes

Under the Orders, the period of assessment by the department is not included in the completion timeframes of the above major removal events. Accordingly, the number of days expired between 16 July 2012 and the date of this letter, being a period of 9 days, may be added to completion timeframes for the above three major removal events for which approval has been granted.

This means that

- the Rock Wall is to be relocated in accordance with the Orders on or before 13 November 2012;
- the Acoustic Mound is to be relocated in accordance with the Orders on or before 13 November 2012; and
- the Initial Stockpile Reduction is to be carried out in accordance with the Orders on or before 13 February 2013.

Order 23

In relation to Order 23, it is noted that this still has not been complied with, but it is understood that you have been liaising with the Department's John Sparkes and Council on this issue. As compliance with this Order is significantly overdue and is necessary to implement the Major Removal Events, you are advised to ensure the necessary stormwater connections are rectified to the satisfaction of Council in compliance with Order 23.

I remind you that a number of other Orders need to be complied with prior to commencing the Major Removal Events associated with this approval.

Should you have any further inquiries, please contact me directly on 9228 6461 or via email at heather.warton@planning.nsw.gov.au.

Yours sincerely



Heather Warton

Director Metropolitan and Regional Projects North

As delegate for the Director General

25/7/12

Copy provided to David Day, Wollongong City Council.