



Environmental Planning and Assessment Act 1979

**Determination of the Illawarra International Health Precinct – Stage 1 SurgiCentre
Project
Major Project No. 08_0156**

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* (the Act), having considered the matters in section 75J(2) of the Act, determine pursuant to section 75J(1) of the Act to **give approval** to the project referred to in Schedule 1 subject to the conditions in Schedule 2.

The reasons for the imposition of conditions are to:

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

**Tony Kelly MLC
Minister for Planning**

Sydney,

31 JAN 2010

2010

SCHEDULE 1

Part A – Table

Application made by:	La Vie Developments Pty Ltd
Approval Authority:	Minister for Planning
Major Project Number:	08_0156
On land comprising:	22 Avondale Road, Penrose (Lot 22 DP 6077550)
Local Government Area:	Wollongong
For the carrying out of:	Subdivision of the site, to create 2 new lots; and Development of Stage 1 of the Illawarra Health Precinct, a SurgiCentre, with 2 storeys of basement parking and associated infrastructure.
Capital Investment Value:	\$38 million
Type of Development:	Project Approval under Part 3A of the EP&A Act
Date approval is liable to lapse:	5 years from the date of this approval unless the building works associated with the project have physically commenced.

Part B – Definitions

In this approval the following definitions apply:

BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Wollongong City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or nominee
EA	Environmental Assessment titled <i>Illawarra International Health Precinct, Huntley</i> , compiled by La Vie Developments Pty Ltd, dated 11 June 2009, the response to submissions titled <i>Preferred Project Report</i> dated 12 October 2009 and the additional information titled <i>Illawarra International Health Precinct Staged Traffic Impact Assessment</i> Final Report, prepared by Cardno EppellOlsen dated 25 November 2009.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	Minister for Planning, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Project	The development of stage 1 – the SurgiCentre, as described in the EA
Proponent	La Vie Developments Pty Ltd, or anyone else entitled to act on this Approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and	Reasonable relates to the application of judgement in arriving at a

Feasible	decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RTA	Roads and Traffic Authority
Site	Lot 22 DP 6077550
Statement of Commitments	The Proponent's commitments in Appendix 2 of the concept plan.

TABLE OF CONTENTS

SCHEDULE 1	2
Part A – Table	2
Part B – Definitions.....	2
SCHEDULE 2	6
Part A – Administrative Conditions	6
A1. Development Description.....	6
A2. Development in accordance with Plans and Documents.....	6
A3. Inconsistency between Plans and Documents	6
A4. Lapsing of Approval	6
A5. Compliance with Relevant Legislation and Australian Standards	6
A6. Obligation to Minimise Harm to the Environment	7
A7. Compliance with any reasonable requirements of the Director-General	7
A8. Protection of Public Infrastructure	7
A9. Operation of Plant and Equipment	7
A10. Incident Reporting.....	7
Part B – Prior to issue of Construction Certificate	8
B1. Construction Management Strategy	8
B2. Dilapidation Report	8
B3. Design	8
B4. Hazard Management Plan	9
B5. Stormwater Management Strategy.....	9
B6. Water and Energy Efficiency Program	9
B7. Obtain Drainage Easement.....	10
Part C – During Construction.....	11
C1. Construction Hours.....	11
C2. Air Quality Management	11
C3. Erosion and Sediment Controls	11
C4. Groundwater Investigations	11
C5. Groundwater Identification	11
C6. Design for Groundwater.....	11
C7. Fill.....	11
C8. Service Providers/Additional Approvals	12
C9. Lighting.....	12
C10. Sight Lines.....	12
C11. Waste Minimisation, Classification and Management.....	12
Part D – Prior to the issue of Subdivision Certificate.....	13
D1. Subdivision Certificate	13
D2. Registration of Easements, Restrictions to use, Right of carriageway.....	13
Part E – Prior to the issue of Occupation Certificate or Commencement of Use	14
E1. Local Road Upgrades	14
E2. Landscaping	14
E3. Sustainable Travel Plan	14
E4. On-Site Detention – Restriction on Use	14
E5. On-Site Detention – Positive Covenant for Maintenance.....	15
E6. On-Site Detention – Structural Certification.....	15
E7. Environmental Management Strategy	15
E8. Pre-Operation Compliance Audit	15
E9. Retaining Walls.....	15
Part F – During Operations.....	16
F1. Noise Limits.....	16
F2. Noise Validation	16
F3. Access.....	16
F4. Energy and Water Efficiencies	16

F5.	Waste Management.....	16
F6.	Bunding	17
F7.	Detention Tanks.....	17
F8.	Wastewater.....	17
F9.	Odour	17
F10.	Registration and Operation of Apparatus	17
F11.	Radiation Exposure Limits	17
ADVISORY NOTES.....		18
AN1.	Requirements of Public Authorities for Connection to Services.....	18
AN2.	Application for Hoarding and Scaffolding	18
AN3.	Use of Mobile Cranes	18
AN4.	Roads Act 1993	18
AN5.	Stormwater Drainage or Effluent Systems	18
AN6.	Temporary Structures	18
AN7.	Excavation – Historical Relics	19
AN8.	Long Service Levy	19
AN9.	Commonwealth <i>Environmental Protection and Biodiversity Conservation Act</i> 1999	19
SCHEDULE 3		20

SCHEDULE 2

Part A – Administrative Conditions

A1. Development Description

Project Approval is granted for the subdivision of the site; and construction and operation of a 2 storey SurgiCentre, with 2 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:

(a)	The approved Concept Plan;				
(b)	The EA;				
(c)	Statement of Commitments;				
(d)	The Architectural Drawings (key plans also at Appendix 1) prepared by Imagescape Design Studios Health Studio:				
	Drawing No	Issue	Name of Plan	Date	Plot Stamp
	SK 101 PL	14	Site Plan and Roof Plan	12/08/2009	06/01/2010
	SK 102 PL	14	CP2 Carpark Level 2 Plan	12/08/2009	03/01/2010
	SK 103 PL	14	CP1 Carpark Level 1 Plan	12/08/2009	03/01/2010
	SK 104 PL	14	L1 Floor Plan	12/08/2009	03/01/2010
	SK 105 PL	14	L2 Floor Plan	12/08/2009	03/01/2010
	SK 106 EL	14	Elevations	12/08/2009	03/01/2010
	SK 107 EL	14	Elevations	12/08/2009	03/01/2010
	SK 108 SE	14	Sections	12/08/2009	03/01/2010
	SK 130 PL	14	Liquid Oxygen Cylinder and Loading Dock	12/08/2009	03/01/2010
(e)	Draft Plan of Subdivision, prepared by Craven, Elliston & Hayes (Dapto) Pty Ltd, Drawing No. A3-D208150, dated 18/03/2009				
(f)	The conditions of this approval.				

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 Department's assessment of:

- (a) any strategies, plans, programs, reviews, audits, or correspondence that are submitted in accordance 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 costs associated with repairing, any public infrastructure that is damaged by the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated 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 of detecting an exceedance of the limits/performance criteria in this approval or an incident 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/incident the Proponent must provide a report on the exceedance/incident 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 be implemented to:
 - (i) keep the local community and relevant agencies informed about the construction and 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;
- (d) provide contact details and describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project;
- (e) include a Construction Noise Management Plan. This plan must:
 - (i) identify noise goals at all sensitive receivers;
 - (ii) describe the measures to be implemented to manage noise within these levels during construction;
 - (iii) provide for attended monitoring of construction activities;
 - (iv) include a consultation, notification and complaints handling procedure;
 - (v) provide for scheduling of works to minimise impacts on sensitive receivers;
 - (vi) incorporate the recommendations of the *Construction Noise and Vibration Assessment*, prepared by Wilkinson Murray and dated April 2009, submitted as Part 9 of the EA;
- (f) 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
- (g) include a Precinct Development Management Plan, describing how the development of stage 1 would be managed to minimise impacts on the remainder of the site, consistent with the Precinct Development Management Plan for the precinct.

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) to the satisfaction of Council, prior to the issue of any Construction Certificate.

B3. Design

The Proponent shall prepare and implement detailed architectural plans, and photomontages, for the buildings to be constructed on site. The plans must:

- (a) be approved by the Director-General prior to the issue of any Construction Certificate;
- (b) demonstrate minimum setbacks of 3 metres to Avondale Road and 6 metres to Goolagong Street would be achieved;
- (c) demonstrate the treatments are of sufficient design quality to minimise the visual impacts of the project, especially as viewed from Avondale Road, Turnbull

- Crescent and Goolagong Street, through the provision of a variety of materials and external finishes;
- (d) illustrate how the design of the building would integrate with the landscaping proposed, including additional landscaping along the Avondale Road frontage, as required through condition E2(c); and
 - (e) incorporate the principles of the Crime Prevention Through Environmental Design Guidelines and the NSW Police Service "Safer by Design" Guidelines, or their latest versions, in consultation with the NSW Police.

B4. 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 132 kV overhead electricity transmission lines and the gas easement;
- (c) outline the measures that would be implemented to manage the risks; and
- (d) demonstrate the adequacy of these measures, and that any hazards and risks associated with the liquid oxygen tanks would be managed.

B5. 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 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
- (g) provide for monitoring and maintenance to ensure the ongoing integrity of the system for the life of the project.

B6. 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) compare the proposed energy and water usage ratio of the project to other existing hospital facilities and set benchmarks for best practice;
- (c) investigate energy and water efficiency measures available, including the installation of solar panels and cogeneration;
- (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
- (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.

B7. Obtain Drainage Easement

The Proponent must obtain an easement to drain water over those parts of other land through which stormwater drainage from the land is to be conveyed. Evidence that the easement has been created must be submitted to Council prior to the issue of any construction certificate.

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
	Sunday 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 in Table 1.

C2. Air Quality Management

During construction, the Proponent shall ensure that:

- all reasonable and feasible measures to minimise dust generated by the project, are implemented;
- all trucks entering or leaving the site, that could generate dust, have their loads covered;
- trucks associated with the project do not track dirt onto the public road network; and
- 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. Groundwater Investigations

The Proponent shall ensure that rock coring is completed below the deepest excavation level to allow all groundwater levels to be confirmed.

C5. Groundwater Identification

The Proponent shall ensure that the Office of Water (a part of DECCW) is immediately notified if any groundwater is encountered during construction. Test results for this groundwater must be provided, to the satisfaction of the Office of Water.

C6. Design for Groundwater

The Proponent shall ensure that construction of structures that may be impacted by groundwater include a waterproof retention system with adequate provision for watertable fluctuations.

Note: permanent or semipermanent pumping of groundwater to protect the buildings is prohibited.

C7. Fill

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

Note: Any fill material received at the site, subject to a Resource Recovery Exemption, must be accompanied by documentation demonstrating the material's compliance with the conditions of the exemption, and this documentation must be provided to the Department, Council or the Principle Certifying Authority on request.

C8. 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.

C9. Lighting

The Proponent shall ensure that lighting associated with the project:

- (a) complies with the latest version of Australian Standard *AS 4282(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 the public road network.

C10. Sight Lines

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

C11. 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 Classification Guidelines - Part 1: Classifying Waste*, and disposed of appropriately.

Part D – Prior to the issue of Subdivision Certificate

D1. Subdivision Certificate

The Proponent shall ensure that:

- (a) the works as executed and final plan of subdivision, including any easement, right of carriageways, building management statements are submitted to the Certifying Authority and endorsed prior to registration of the subdivision certificate; and
- (b) prior to registration of the final subdivision plan in the Office of Registrar-General, a Part 4A certificate is obtained under section 109D(1)(d) of the EP&A Act for each stage of the subdivision (if any).

D2. Registration of Easements, Restrictions to use, Right of carriageway

The Proponent shall ensure that:

- (a) the creation of easements for services, rights of carriageway and restrictions as to user are applicable under section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - (i) easements for sewer, water supply and drainage over all public services/infrastructure on private property;
 - (ii) drainage easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners (maintenance of subsurface drains is to be included in the 88B instrument).
 - (iii) documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas; and
- (b) any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Part E – Prior to the issue of Occupation Certificate or Commencement of Use

E1. Local Road Upgrades

The Proponent shall provide all required road upgrades, access and infrastructure identified in the Local Road Upgrade Plans for Stage 1 (as per modification B1 of the Concept Plan approval), prior to the issue of any Occupation Certificate, and to the 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) use endemic species only, ensuring seed and propagule sources are from local botanical provenance (except in the internal courtyard);
- (c) provide additional landscaping along the Avondale Road site frontage to minimise the visual impacts of the car park;
- (d) illustrate how the landscaping would integrate with the design of the building; and
- (e) 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 a 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 proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces 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 use 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 the project.

E6. On-Site Detention – Structural Certification

The Proponent must submit a certificate from a suitably qualified practising civil and/or structural engineer to Council prior to the commencement of use of the project. This certificate is required to verify the 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:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance;
 - manage cumulative impacts;
 - 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 for 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 Council's Retaining Wall Policy and shall be supported by a certificate from a structural engineer with confirms the structural adequacy of the proposed retaining wall structure(s) and compliance with Council's Retaining Wall Policy.

Part F – During Operations

F1. Noise Limits

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

Table 2: Precinct Noise Limits (dB(A))

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Residences on Avondale Road, Turnbull Crescent & Goolagong Street	45	40	35	45

Note: Noise generated by the 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 and experienced 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 any action taken to respond to these complaints; and
- if any non-compliances 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 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 - Part 1: Classifying Waste*, and disposed 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:

- (a) requirements of all relevant Australian Standards; and
- (b) DECCW's *Storing and Handling Liquids: Environmental Protection – Participants Manual*.

F7. Detention Tanks

The Proponent must ensure that the I-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

The 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 exposure limits in Table 3.

Table 3: Radiation Exposure Limits

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

ADVISORY NOTES

AN1. Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of any public authorities (e.g. Sydney Water, energy and gas providers, telecommunications carriers, 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.

AN2. Application for Hoarding 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; and
- (2) structural certification prepared and signed by a suitably qualified practising structural engineer.

AN3. 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; and
- (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.

AN4. 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.

AN5. Stormwater Drainage 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.

AN6. 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.

AN7. 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*.

AN8. Long Service Levy

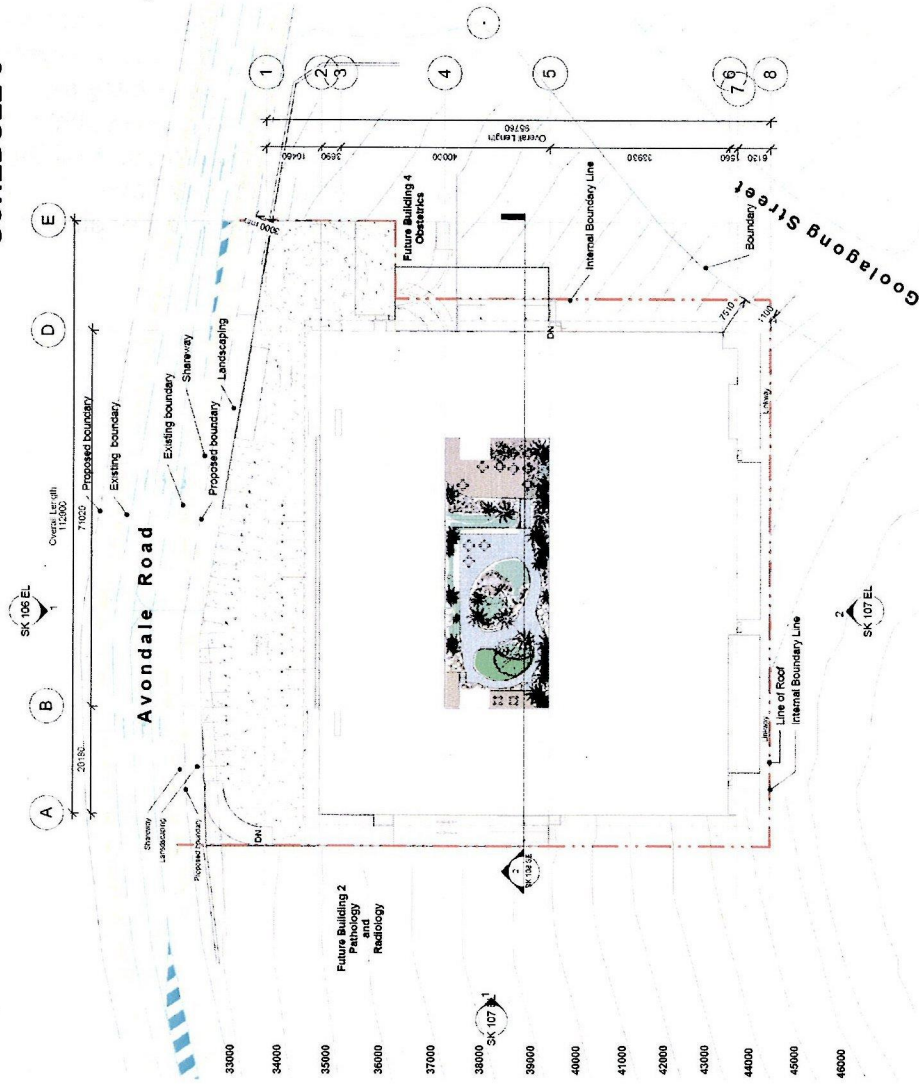
Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act 1979* this payment must be made prior to commencement of building works.

AN9. Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*

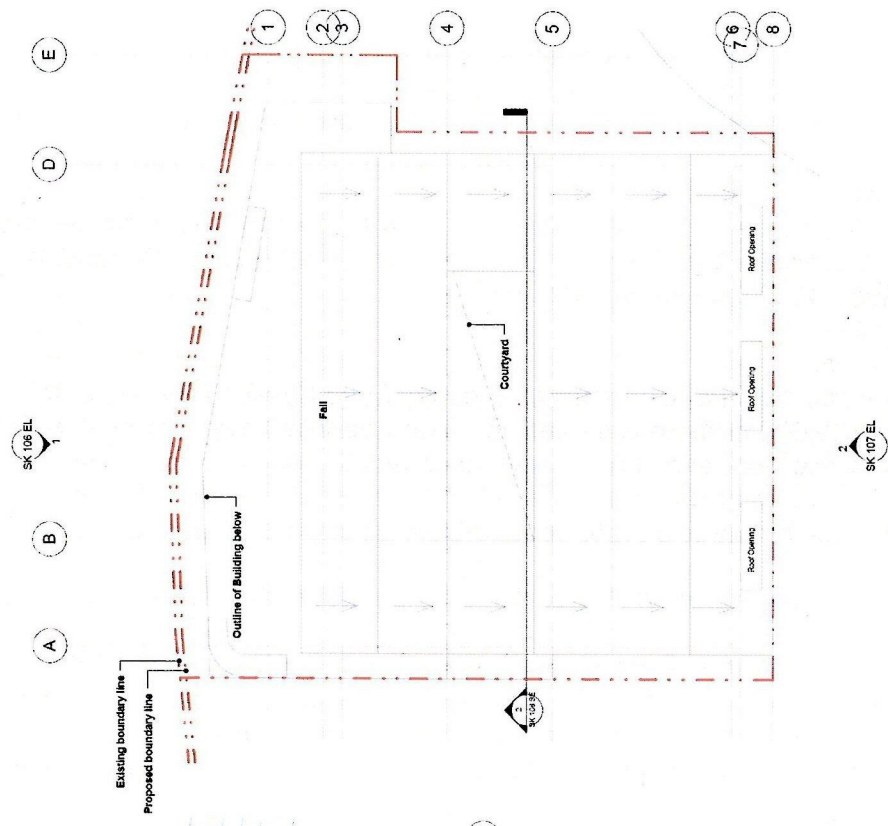
The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from 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.

SCHEDULE 3



1 Site
1:500



2 Roof Plan
1:500

