

Lake Macquarie Private Hospital: SSD-38025700 (9-storeys) & SSD-71941462 (6-storeys)

Changes to Conditions of Consent

Notes:

1. Not all conditions in the table below are replicated in full, only necessary parts of the conditions to demonstrate changes.
2. As a result of new conditions, re-numbering of conditions will be required/undertaken.

Relevant SSDA (9 storeys or 6 storeys)	Condition No.	Commission's Intended Outcome / Question to the Department	Revised Condition (Additions in bold and underlined , deletions in strike through)	DPHI Comments
SSDA-38025700 (9 storeys) & SSDA-71941462 (6 storeys)	DEFINITIONS (including conditions referring to BCA)	For all references to the BCA (Building Code of Australia) to be updated to NCC (National Construction Code).	BCA <u>NCC</u> Building Code of Australia <u>National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board</u>	
	DEFINITIONS	Include new term for CCC (Community Consultative Committee).	<u>CCC</u> <u>Community Consultative Committee</u>	
		Refer to comment/question for condition E27 below.	<u>Landscaping</u> Includes, but is not limited to, all soft and hard landscape elements (such as planting, paving, retaining walls, fencing, and street furniture) as well as all associated works, encompassing public domain areas and Connecting with Country elements outlined in the landscape plans listed in condition A2.	
SSDA-38025700 (9 storeys)	DEFINITIONS	Include new term for ACHAR (Aboriginal Cultural Heritage Assessment Report).	<u>ACHAR</u> <u>Aboriginal Cultural Heritage Assessment Report, prepared by Umwelt and dated February 2023</u>	
		Include new term for NVIA (Noise and Vibration Impact Assessment).	<u>NVIA</u> <u>Noise and Vibration Impact Assessment, prepared by Wilkinson Murray and dated 22 February 2024</u>	
		Include new term for RAP (Remediation Action Plan).	<u>RAP</u> <u>Remediation Action Plan, prepared by Douglas Partners and dated May 2024</u>	
		Include new term for SIA (Social Impact Assessment).	<u>SIA</u> <u>Social Impact Assessment, prepared by Umwelt and dated September 2024</u>	
SSDA-71941462 (6 storeys)	DEFINITIONS	Include new term for ACHAR (Aboriginal Cultural Heritage Assessment Report).	<u>ACHAR</u> <u>Aboriginal Cultural Heritage Assessment Report, prepared by Umwelt and dated September 2024</u>	
		Include new term for NVIA (Noise and Vibration Impact Assessment).	<u>NVIA</u> <u>Noise and Vibration Impact Assessment, prepared by Wilkinson Murray and dated 26 September 2024</u>	
		Include new term for RAP (Remediation Action Plan).	<u>RAP</u> <u>Remediation Action Plan, prepared by Douglas Partners and dated 12 September 2024</u>	
		Include new term for SIA (Social Impact Assessment).	<u>SIA</u> <u>Social Impact Assessment, prepared by Umwelt and dated September 2024</u>	

PART A – ADMINISTRATIVE CONDITIONS				
SSDA-38025700 (9 storeys) & SSDA-71941462 (6 storeys)	Community Consultative Committee New condition	To require the establishment and operation of a CCC that comprising representatives from the local council, nearby businesses, schools, and residents living in proximity to the project in accordance with the recommendations of the Applicant's SIA.	<u>The Applicant must operate a Community Consultative Committee (CCC) for the development in accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects (2023), or its latest version. The CCC should comprise of representatives of Council, local businesses, nearby schools and residents residing in proximity to the project.</u>	
	Community Engagement Strategy New condition	To require the preparation of the Community Engagement Strategy to ensure effective communication and meaningful engagement between the Applicant and the local community throughout the construction phase and the first 12 months of operation.	<u>The Applicant must prepare a Community Engagement Strategy in consultation with the CCC and must include:</u> (a) <u>mechanisms for regular communication with the local community, including residents, businesses, and other stakeholders;</u> (b) <u>procedures for managing complaints, feedback, and community concerns; and</u> (c) <u>a schedule of engagement activities and reporting obligations.</u>	
		Could the Department please advise if the condition is in the correct location in the instrument.	<u>The Community Engagement Strategy is to be implemented from the commencement of construction to 12 months following the completion of construction.</u>	
	SIA recommendations New condition	To require the implementation of the SIA recommendations in accordance with the Department's AR.	<u>The Applicant must implement the recommendations of the Social Impact Assessment (SIA) prepared by Umwelt.</u>	
SSDA-38025700 (9 storeys)	Privacy impact mitigation New condition	To address privacy impact concerns raised in the submission received by the Commission, and privacy amenity impacts to properties adjacent to the site.	<p><u>Prior to occupation, the Applicant must contact the landowners of 37, 39 and 41 O'Brien Street, Gateshead, to offer privacy impact mitigation measures on their properties with the aim to minimise the privacy impacts of the development on their residences.</u></p> <p><u>In addition, any landowner of a property located opposite the site and fronting O'Brien Street or Casey Street may submit a written request to the Applicant for such mitigation.</u></p> <p><u>If the landowner accepts the offer, the Applicant must implement appropriate mitigation measures (such as landscaping or other type of screening) in consultation with the landowner.</u></p> <p><u>These mitigation measures must:</u></p> <p>(a) <u>be reasonable and feasible;</u> (b) <u>be aimed at mitigating the privacy impacts to the property from the development's 9 storey tower; and</u> (c) <u>be implemented within 12 months of receiving the written request unless the Planning Secretary agrees otherwise.</u></p> <p><u>If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.</u></p>	
PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE				
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PART C – PRIOR TO THE COMMENCEMENT OF CONSTRUCTION				
SSDA-38025700 (9 storeys) & SSDA-71941462 (6 storeys)	Construction Environmental Management Plan C11	<p>To include site remediation requirements in the CEMP.</p>	<p>Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) Details of: <ul style="list-style-type: none"> (i) hours of work; (ii) 24-hour contact details of site manager; (iii) management of dust and odour to protect the amenity of the neighbourhood; (iv) stormwater control and discharge during construction; (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; (vi) groundwater management plan including measures to prevent groundwater contamination; (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; (viii) community consultation and complaints handling as set out in the Community Engagement-Communication Strategy; (ix) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition Error! Reference source not found.); (c) Construction Noise and Vibration Management Sub-Plan (see condition 0); (d) Construction Soil and Water Management Sub-Plan (see condition Error! Reference source not found.); (e) an unexpected finds protocol for contamination and associated communications procedure; (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and (h) <u>details of site remediation which are to be carried out in accordance with the Remediation Action Plan prepared by Douglas Partners.</u> 	
	Construction Environmental Management Plan C14	<p>To link the NVIA in accordance with the AR which states:</p> <p><i>The CVNMP is required to outline management and mitigation measures generally in accordance with the Applicant's NVIA.</i></p>	<p>The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced noise expert; (b) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009); (c) describe the measures to be implemented to manage high noise and vibration generating works such as piling, in close proximity to sensitive receivers; (d) include strategies that have been developed with the community for managing high noise and vibration generating works; (e) describe the community consultation undertaken to develop the strategies in condition 0(d), <u>including those matters agreed or not agreed by community members;</u> (f) include a complaints management system that would be implemented for the duration of the construction; (g) include a program to monitor and report on the impacts and environmental performance of the construction of the development and the effectiveness of the management measures; and (h) <u>include construction noise and vibration mitigation measures recommended in the Noise and Vibration Impact Assessment (NVIA) prepared by Wilkinson Murray.</u> 	

SSDA-38025700 (9 storeys) & SSDA-71941462 (6 storeys)	Aboriginal Heritage C20	<p>Question:</p> <p>Could the Department clarify the intended purpose of C20 in this context? Given that the ACHAR has already been completed and the ACHMP clearly states there are no known Aboriginal objects and a negligible likelihood of new finds, it appears that C20 may duplicate existing work.</p> <p>Is this condition intended solely to address the unlikely event of new discoveries during construction? If so, would it be appropriate to consider removing or refining the condition to avoid redundancy?</p>	Prior to the commencement of construction, the Applicant must consult with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity.	
	Aboriginal Heritage C21	<p>Question:</p> <p>C21 requires implementation of the recommendations of the ACHAR which aligns with the AR's recommendation. However, the ACHAR also recommends the preparation and implementation of an Aboriginal Cultural Heritage Management Plan (ACHMP), however no specific condition requiring an ACHMP appears to be included.</p> <p>Could the Department provide a draft condition to this effect?</p>	Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Umwelt dated February 2023 .	
PART D – DURING CONSTRUCTION				
SSDA-38025700 (9 storeys) & SSDA-71941462 (6 storeys)	Construction Noise Limits D14	To include other potential noise reducing methods where applicable.	The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' <u>and other noise reducing methods</u> to ensure noise impacts on surrounding noise sensitive receivers are minimised.	
PART E – PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION				
SSDA-38025700 (9 storeys) & SSDA-71941462 (6 storeys)	Green Travel Plan E11	To strengthen wording in E11 and ensure the GTP is appropriately implemented.	<p>Prior to the commencement of operation, a Green Travel Plan (GTP) must be prepared to <u>support</u> promote the use of active and sustainable transport modes by hospital employees. The plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified traffic consultant in consultation with Council; (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP; (c) include specific tools and actions to help achieve the objectives and mode share targets; (d) include measures to promote and support the implementation ation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development. 	

SSDA-38025700 (9 storeys)	Car Parking, Service Vehicles and Bicycle Parking Arrangements E14	<p>Question:</p> <p>It is noted that the following requirement under condition E14 is required for the 6 storey proposal (SSDA-71941462), but not the 9 storey proposal (SSDA-38025700):</p> <p><i>a minimum of 3 x 15 minute parking spaces are provided within the Casey Street carpark</i></p> <p>Can the Department confirm if this requirement is also intended for the 9 storey proposal (SSDA-38025700)?</p>	<p>Prior to the issue of an occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Certifier, which demonstrates that:</p> <ul style="list-style-type: none"> (a) the car parking, service vehicle areas, bicycle parking facilities comply with condition Error! Reference source not found. (b) appropriate pedestrian and cyclist advisory signs are to be provided; (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority; (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and (e) end-of-trip facilities for staff are provided. 	
SSDA-38025700 (9 storeys) & SSDA-71941462 (6 storeys)	Landscaping E27	<p>Question:</p> <p>Could the Department confirm whether the definition of “landscaping” is intended to be broad enough to encompass all public domain works and the Connecting with Country elements outlined in the landscape plans?</p> <p>Proposed definition to be added to the conditions:</p> <p>Landscaping – includes, but is not limited to, all soft and hard landscape elements (such as planting, paving, retaining walls, fencing, and street furniture) as well as all associated works, encompassing public domain areas and Connecting with Country elements outlined in the landscape plans listed in condition A2.</p> <p>Could the Department clarify the intent behind the phrase “of the site”? Given that a significant portion of the proposed landscaping works will occur within the public domain (e.g., street trees and verge treatments)?</p>	<p>Prior to the issue of the final occupation certificate, landscaping must be completed generally in accordance with the landscape plans listed in condition A2.</p>	
	Landscaping E28	<p>To clarify, given that landscaping is proposed on road reserves/public domain.</p>	<p>Prior to the issue of the final occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site. The plan must:</p> <ul style="list-style-type: none"> (a) describe the ongoing monitoring and maintenance measures to manage <u>the</u> revegetation and landscaping; and (b) be consistent with the Applicant’s Management and Mitigation Measures in the RtS. 	
PART F – POST OCCUPATION				
SSDA-38025700 (9 storeys) & SSDA-71941462 (6 storeys)	Community Engagement Communication Strategy F3	<p>Update wording in accordance with the recommendations of the Applicant’s SIA.</p>	<p>The Community <u>Engagement</u> Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.</p>	
	Operational Noise Limits F7	<p>To strengthen wording in F7 and ensure mitigation measures of any operational noise exceedances are appropriately implemented.</p>	<p>Should the noise monitoring program required by condition Error! Reference source not found. identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels when measured at the affected noise sensitive receivers, or provide attenuation measures at the affected noise sensitive receivers <u>so the exceedance is mitigated</u>.</p>	
SSDA-38025700 (9 storeys)	Unobstructed Driveways and Parking Areas F9	<p>Question:</p> <p>Noting that submissions received by the Department noted concerns regarding potential parking displacement and residential amenity impacts, could the Department please provide a draft condition</p>	<p>All driveways, <u>roads</u>, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely</p>	

SSDA-71941462 (6 storeys)	Unobstructed Driveways and Parking Areas F8	requiring a post-occupation monitoring study (which is to be provided to Council and the CCC) to assess the impact of on-site parking arrangements on surrounding residential streets?	for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.	
SSDA-38025700 (9 storeys)	Landscaping F13	Question: Same question as per E27 above.	The Applicant must maintain the landscaping and vegetation on the site generally in accordance with the approved Landscape Management Plan required by condition C2 for the duration of occupation of the development.	
SSDA-71941462 (6 storeys)	Landscaping F12			
APPENDIX 1 – ADVISORY NOTES				
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