



NSW GOVERNMENT  
**Department of Planning**

**MAJOR PROJECT ASSESSEMENT:  
Macquarie University Private Hospital  
Major Project No. 06\_0172**



Director-General's  
Environmental Assessment Report  
Section 75I of the *Environmental Planning and  
Assessment Act 1979*

May 2007

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NSW Department of Planning  
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# 1 EXECUTIVE SUMMARY

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The project site is known as No.2 and No.3 Technology Place, North Ryde and it lies in the Macquarie University Research Park. The site is bounded by Research Park Drive to the north-west, Talavera Road to the east, the existing Macquarie Research Park to the south and includes a portion of Technology Place.

The proposal seeks project approval for;

- demolition of all buildings, structures and landscaping at No. 3 Technology Place;
- staged construction of an **18,709sq.m, 208-bed, 6 storey** private hospital at No. 3 Technology Place including basement car parking for **228** vehicles, associated site landscaping and infrastructure works and a pedestrian bridge across Technology Place (connecting to No. 2 Technology Place);
- amendments to the basement, internal layout and facade of the building approved on No. 2 Technology Place (approved and substantially commenced under Ryde City Council's development consent of LDA 676/2001); and
- use of the proposed building at No. 2 Technology as specialist consulting rooms and the like in conjunction with the private hospital constructed at No. 3 Technology Place.

The proposal, on behalf Dalcross Hospital, will result in the relocation (and expansion) of Dalcross' existing surgical hospital from its Killara site as the existing hospital has reached capacity. It is understood the Killara site is proposed to be used for a comprehensive aged care, independent living and sub-acute mental health care facility.

The estimated Capital Investment Value (CIV) of the development is **\$86 million**. The proposal will create **100 full time equivalent construction jobs and 400 full time equivalent operational jobs**.

The subject site is zoned 3(h) Business Special (Mixed Activity) under the Ryde Planning Scheme Ordinance 1979 and the proposal is permissible within that zone.

The project was placed on formal exhibition from 14 February 2007 until 15 March 2007. The Department received a total of **3 submissions** from Government agencies (including RTA, Sydney Water and Ryde City Council). **No public submissions** were received from adjoining land owners / properties. Setbacks, height, car parking and Section 94 contributions were raised as key issues.

The proponent lodged a response to submissions on **18 April 2007**. The response to submissions provided further justification for the proposal and clarification of the issues raised during the exhibition period. Neither the scheme nor the previously exhibited Statement of Commitments were revised, with the exception of an earlier commitment made by the proponent to pay Section 94 contributions in line with the Ryde City Council's Section 94 Contribution Plan. This issue is discussed in detail in Section 6 of this report.

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed. Furthermore the Department's recommended conditions of approval ensure a satisfactory resolution to the outstanding matters. The recommended conditions (at Appendix A) seek to encourage good urban design, provide sufficient landscaping, encourage public transport use, maintain the amenity of the local area, and adequately mitigate the environmental impacts of the proposal. A revised Section 94 contribution has also been conditioned which strikes a balance between the extra demand for services and infrastructure against the medical research and educational benefits the hospital will provide, together with the existing open space and recreational facilities that already exist on the Macquarie University campus.

The Department is satisfied that the site is suitable for the proposed development and that the project will provide important health care services to western Sydney along with social and economic benefits to the region. The project is in line with relevant planning controls and objectives of the State Government's Metropolitan Strategy, particularly those which support Macquarie Park as a strategic centre, for knowledge based employment.

The Department recommends that the project be **approved** subject to the imposition of conditions set out in **Appendix A**.

## 2 BACKGROUND

### 2.1 Site Location and Description



**Figure 1 – Location Plan**

The subject site is located in the north east corner of the Macquarie University Research Park at North Ryde. The site is located approximately 17kms north-west of the Sydney CBD and lies within the Ryde Local Government Area (LGA). The site has access to Epping Road, the M2 Motorway, Lane Cove Tunnel and the Orbital Motorway. The project site lies within 300m of the soon to be completed Macquarie University Train Station. A map of the site's regional context can be seen in **Figure 1**, above.

The project site consists of two separate land parcels known No. 2 and No. 3 Technology Place, North Ryde. The project site is bounded by Research Park Drive to the north-west, Talavera Road to the east, the existing Macquarie Research Park to the south and includes a portion of Technology Place. For the purpose of this report No 2 Technology Place is referred to as Site 1 while No 3 Technology Place is known as Site 2. Both sites are zoned Business Special (Mixed Activity) 3(h) under the Ryde PSO 1979 (LEP Amendment 137).

Site 1 is vacant however, approval has been recently granted by Ryde City Council for the construction of a 5 storey 'research and development' office building with 250 car parking spaces and associated landscaping works. The Department understands that this approval has been substantially commenced.

Site 2 is the site of a proposed private hospital development. The site has an area of 9379sq.m and is irregular in shape. The site slopes approximately 5m from the north-west to the south-east. The site is extensively landscaped and contains a mixture of native and exotic tree species. The site contains no items of environmental heritage. The subject sites are illustrated in **Figure 2** overleaf.

The subject land is owned by the Macquarie University.



**Figure 2 – Project Area**

## 2.2 Surrounding Built Form

The surrounding built form consists of a wide range of land uses with a contemporary character and is largely dominated by technology based businesses.

In terms of the immediate area, a contemporary 7 storey office building lies to the south-east of the site at 75 Talavera Road and is occupied by Goodman Fielder Pty Ltd and OPSM. To the north of site, lies the Macquarie University Travel Lodge Building and the school of Graduate Management. The land to the east across Talavera Road consists of a multi level industrial complex known as Macquarie View Estate. The land to the west of the site is currently used as an open bitumen car park with a multi storey university science research building beyond. All surrounding properties have generously landscaped setbacks, particularly those fronting Talavera Road. The subject sites, within the context of the Macquarie University are illustrated in **Figure 3** overleaf.

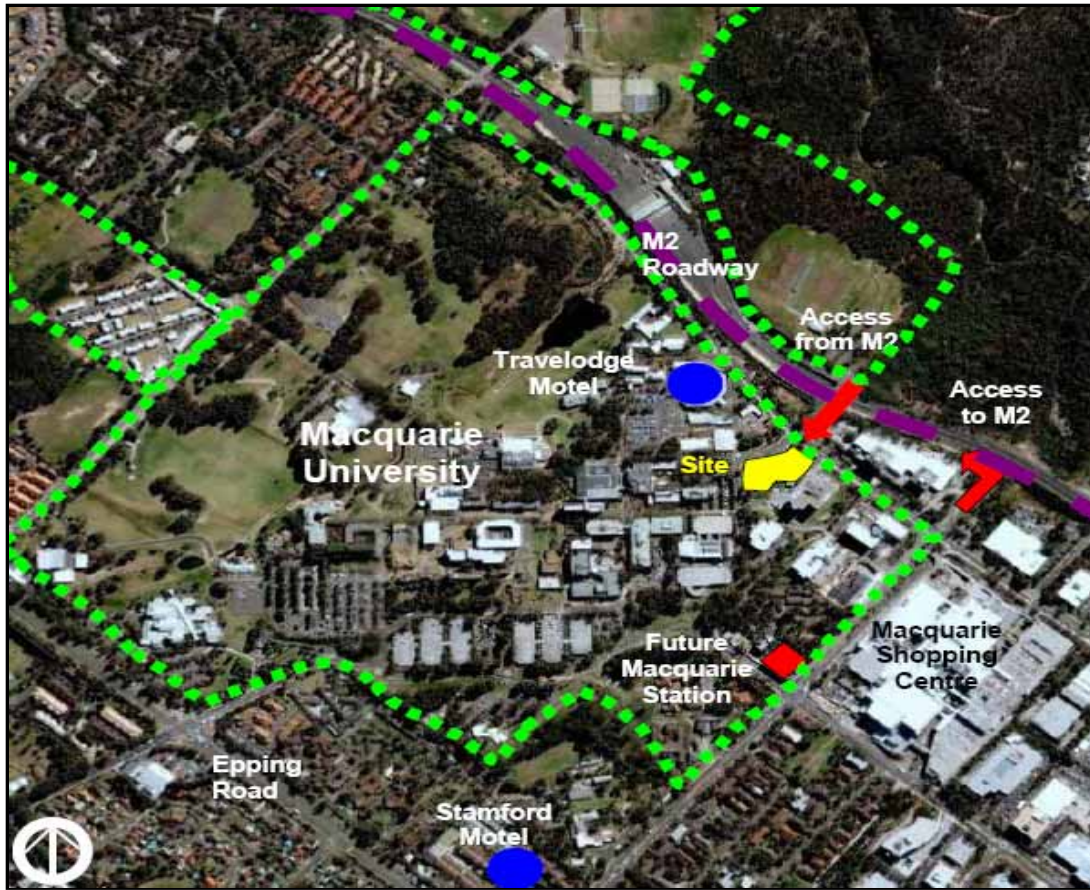


Figure 3 Macquarie University

### 2.3 Existing Development

Site 1 is vacant however development has commenced on a 5 storey 'research and development' office building which was approved by Ryde City Council under DA 676/2001.

The existing development on Site 2 consists of a complex of single storey brick buildings with an attached workshop and an asphalt car park adjacent, which is used by Macquarie University. The existing site contains a number of advanced exotic and native trees.

### 3 PROPOSED DEVELOPMENT

#### 3.1 Project Application

The proponent seeks project approval for the following works;

- demolition of all buildings, structures and landscaping on Site 2;
- staged construction of an **18,709sq.m, 208-bed, 6 storey** private hospital at No. 3 Technology Place including basement car parking for **228** vehicles, associated site landscaping and infrastructure works and a pedestrian bridge across Technology Place (connecting to No. 2 Technology Place) (as illustrated in Figure 4 below);
- amendments to the basement, internal layout and facade of the Site 1 (building approved under LDA 676/2001); and
- use of the Site 1 building as specialist consulting rooms and the like in conjunction of the private hospital.

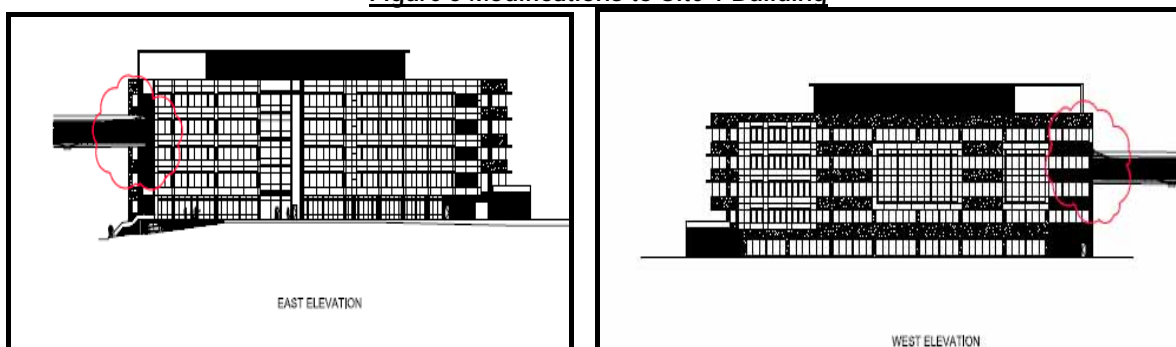
The proposal, on behalf Dalcross Hospital, will result in the relocation (and expansion) of Dalcross' existing surgical hospital from its Killara site as the existing hospital has reached capacity. It is understood the Killara site is proposed to be used for a comprehensive aged care, independent living and sub-acute mental health care facility.

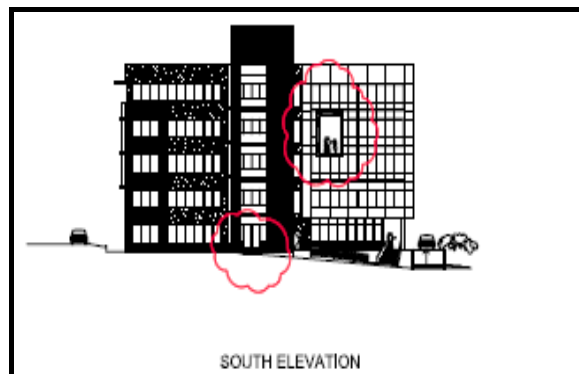
**Figure 4 East Elevation Stage 1 – Site 2**



The minor amendments proposed to the approved building on Site 1 are clouded in Figure 5 below and comprise, the bridge link to the proposed hospital on site 2, an additional entry on ground floor from Technology Place and changes to the parking on basement 1 to link to the basement of the private hospital and provide additional underground car parking on the eastern side adjacent Talavera Road, accessed from the hospital.

**Figure 5 Modifications to Site 1 Building**





### 3.2 Response to Submissions

Following exhibition of the proposal, the proponent submitted a response to submissions, providing further justification for the proposal and clarifying issues raised in the exhibition period. The proponent did not choose to lodge a Preferred Project Report or revised Statement of Commitments, (nor were required to by the Department) however an earlier commitment made to pay Section 94 Contributions in-line with Ryde's Section 94 contributions plan was revised and clarified.

### 3.3 Detailed Development Description

The proposal is described in detail in Table 1 below, while Figures 6 - 9 illustrate components of the proposal graphically.

Table 1

Aspect	Description
Development description / staging  (Figures 6 and 7)	<p><u>Stage 1</u></p> <p>Site 1</p> <ul style="list-style-type: none"> <li>• construction of a bridge link to the proposed hospital on Site 2;</li> <li>• construction of an additional entry on ground floor from Technology Place;</li> <li>• changes to the parking on Basement 1 to link to the Basement 1 of the private hospital and provide additional underground parking on the eastern side adjacent to Talavera Road, accessed from the hospital;</li> <li>• change of use to include specialist consulting rooms.</li> </ul> <p>Site 2</p> <ul style="list-style-type: none"> <li>▪ demolition of existing buildings and landscaping on Site 2;</li> <li>▪ construction of a new 6-7 storey private hospital building above ground and one level of basement car park;</li> <li>▪ 144-bed private hospital including associated support functions;</li> <li>▪ 2 retail shops, a coffee shop, medical imaging services area and physiotherapy/hydrotherapy on ground level; and</li> <li>▪ loading dock area for deliveries</li> </ul> <p><u>Stage 2 (denoted by red coloured clouding)</u></p> <ul style="list-style-type: none"> <li>▪ the expansion of operating theatres on Level 1, which will occur over the current loading dock to the south west of the site;</li> <li>▪ additional 5 patient bed bays to recovery on Level 1, east side; and</li> </ul>

	<ul style="list-style-type: none"> <li>▪ an additional floor comprising 64 private hospital beds.</li> <li>▪</li> </ul>
GFA / Footprints	<ul style="list-style-type: none"> <li>▪ Site 1 No Change</li> <li>▪ Site 2 18,700sq.m (equivalent FSR 1.99:1)</li> </ul>
Height	<ul style="list-style-type: none"> <li>▪ 6-7 Storeys</li> </ul>
Landscaping (Figure 8)	Perimeter landscaping will be provided around the site boundary of the proposal. A landscaped courtyard will also be provided on Level 3.
Access and Car Parking	<ul style="list-style-type: none"> <li>▪ main public access – Technology Place;</li> <li>▪ main hospital servicing – Research Park Road;</li> <li>▪ car parking entrance – Research Park Road;</li> <li>▪ car parking – 238 spaces;</li> <li>▪ public transport – 300m to proposed Macquarie Station.</li> </ul>

**Figure 6 - East & West Elevation Stage 2 – Site 2**

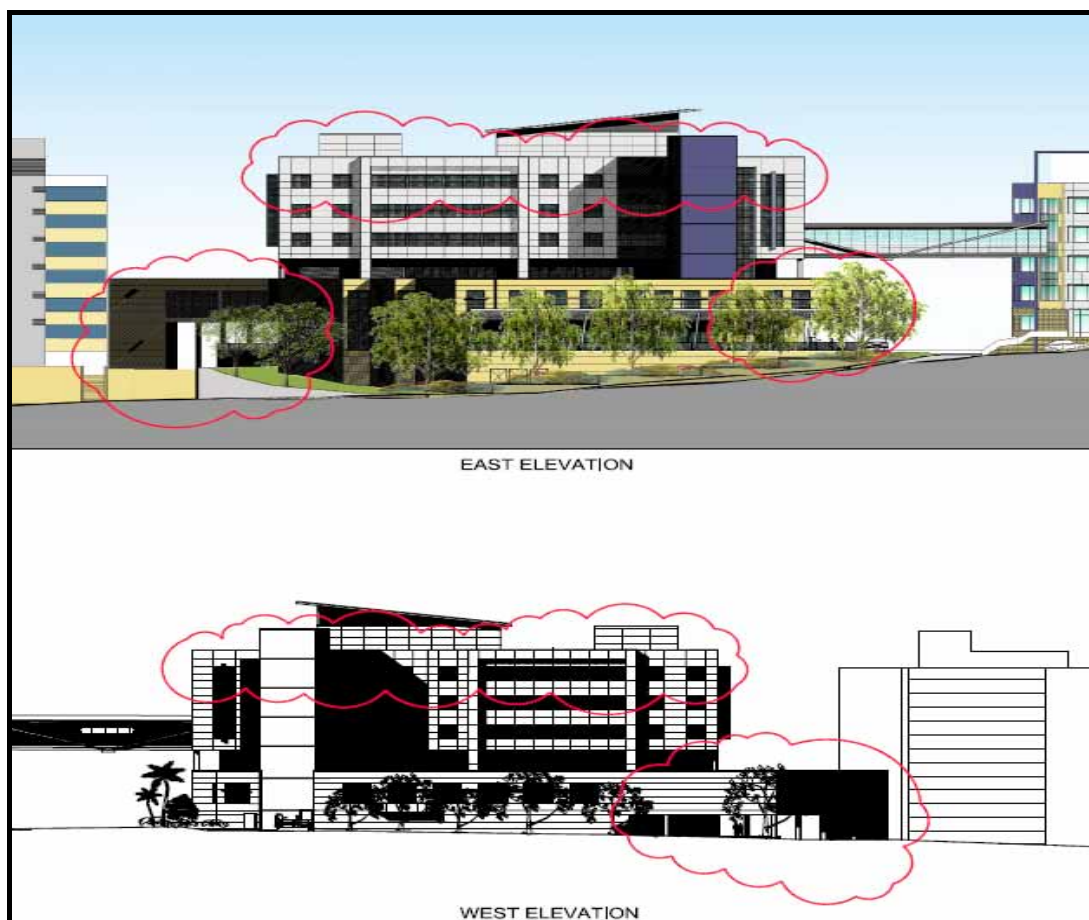


Figure 7, North & South Elevation Stage 2 – Site 2



Figure 8- Landscaping

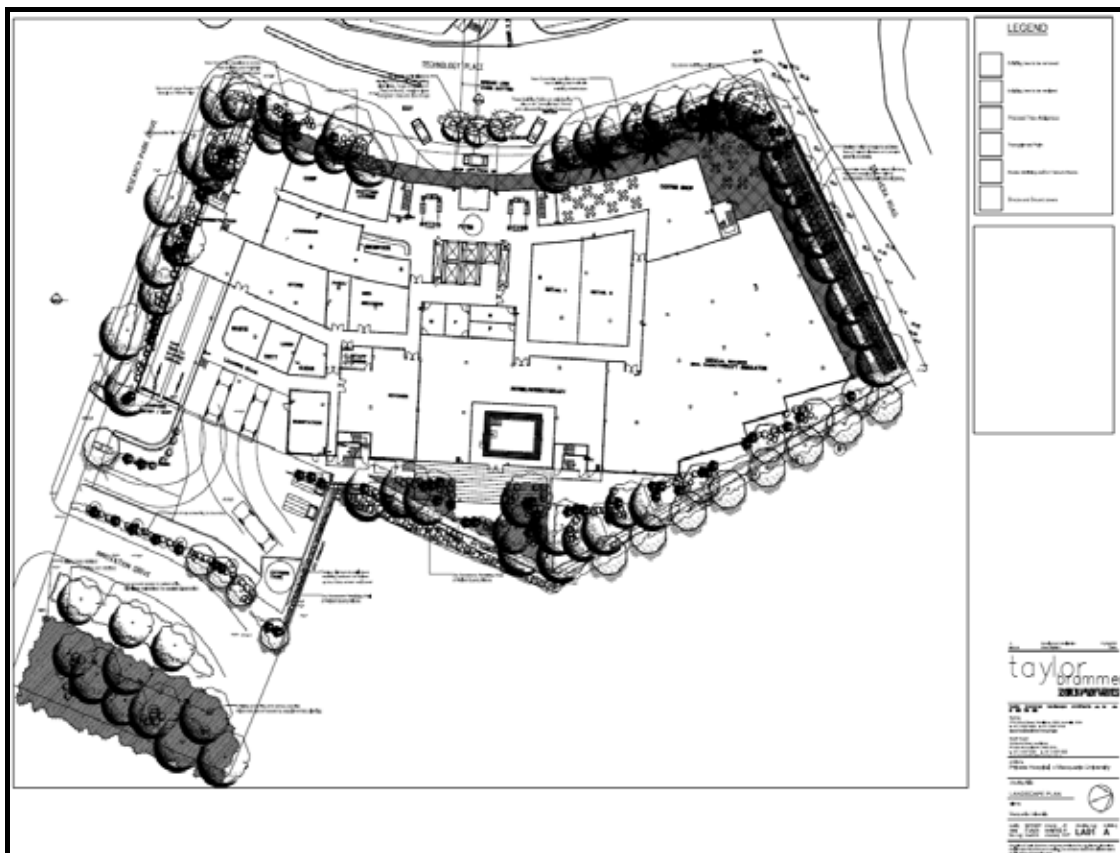
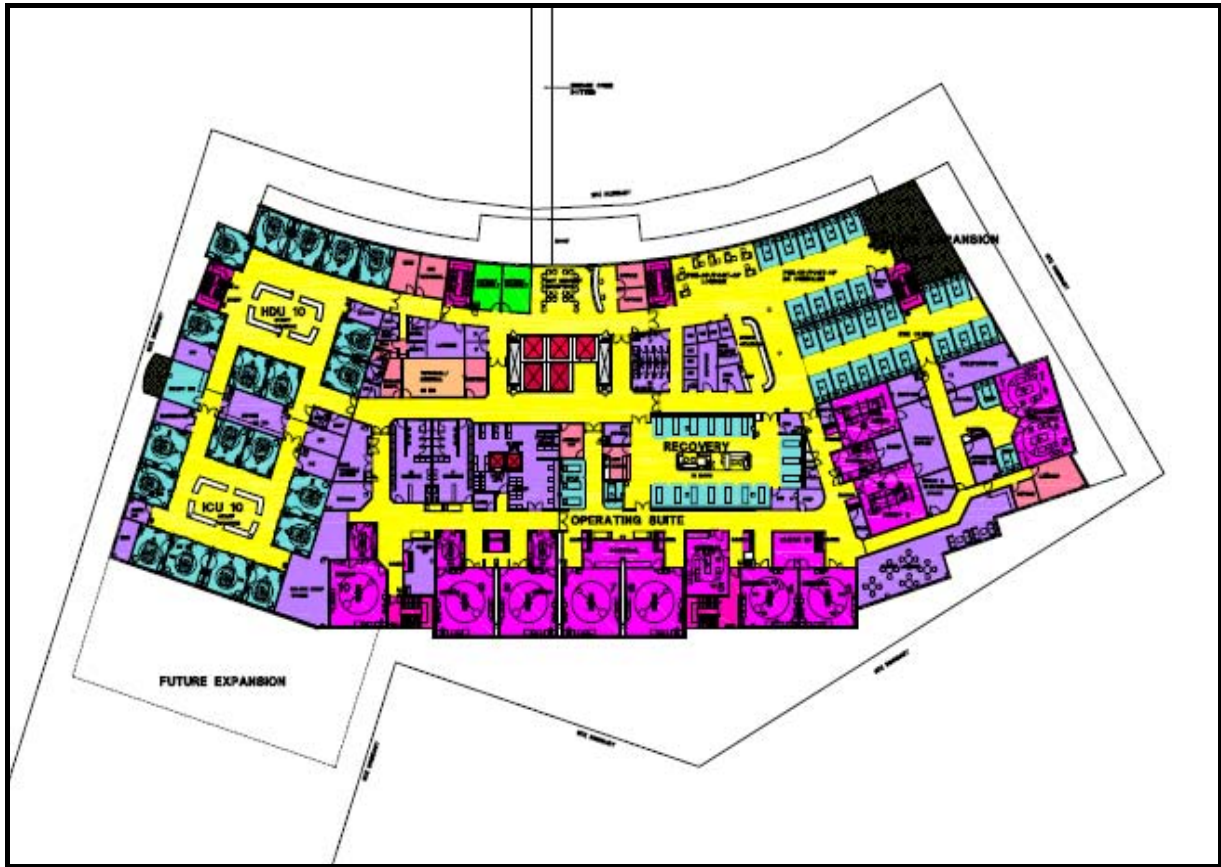


Figure 9 Typical Floor Plan – Stage 1 (level 1)



## 4 STATUTORY CONTEXT

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### 4.1 The Environmental Planning and Assessment Act 1979

Part 3A of the Environmental Planning and Assessment Act 1979 (the Act) commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all Major Projects previously considered under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the Act.

Under the provisions of Section 75B of the Act development may be declared to be a Major Project by virtue of a State Environmental Planning Policy or by order of the Minister published in the Government Gazette.

### 4.2 State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP) outlines the types of development declared a project for the purposes of Part 3A of the Act. For the purposes of the Major Projects SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within it.

On 14 July 2006, the Director General as delegate of the Minister, formed the opinion that the project as initially proposed (i.e. construction of the private hospital only) is a development which meets the criteria of Clause 18, Group 7 of Schedule 1 of the SEPP, namely:

#### *Hospitals*

- (1) *Development that has a capital investment value of more than \$15 million for the purpose of providing professional health care services to people admitted as in-patients (whether or not out-patients are also cared for or treated there), including ancillary facilities for:*
  - a) *day surgery, day procedures or health consulting rooms, or*
  - b) *accommodation for nurses or other health care workers, or*
  - c) *accommodation for persons receiving health care or for their visitors, or*
  - d) *shops or refreshment rooms, or*
  - e) *transport of patients, including helipads and ambulance facilities, or*
  - f) *educational purposes, or*
  - g) *research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use, or*
  - h) *any other health related use. is the subdivision of land (not including strata subdivision or boundary adjustments), or*
  - i) *has a capital investment value of more than \$5 million.*
- (2) *For the purposes of this clause, professional health care services include preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, care or counseling services provided by health care professionals.*

The Director General formed that opinion having satisfied himself that the \$50 million capital investment value (CIV) of the proposal (as indicated by the proponent at the time) exceeds the \$15 million threshold identified in the SEPP.

On 2 November 2006 the proponent requested that a revised proposal incorporating No 2 and No 3 Technology Place be declared a Major Project to which Part 3A of Act applies. The proponent sought to incorporate No 2 Technology Place into the Part 3A project, as the private hospital proposal would involve altering the façade of the 5 storey research and development office building approved under (LDA) 676/2001 by Ryde City Council under Part 4 of the Act. The applicant sought to include the site under the Part 3A declaration as opposed to seeking approval for a Section 96 application from Ryde City Council as the alterations to the façade arose from

the proposed construction of an overhead pedestrian bridge to connect the two buildings, as well as necessary changes required to enable shared basement car parking.

The Department agreed to this approach following confirmation from the proponent that the research and development office building had been substantially commenced. The Department has taken the view that the substantially commenced works are taken to be existing structures and can therefore be assessed under Part 3A without the proponent having to surrender the Council approval, as required ordinarily under section 75ZA of the Act.

The Director General agreed that this was an appropriate way to deal with the matter and a revised Clause 6 opinion was formed on the 9 November 2006.

#### **4.3 Permissibility**

The subject sites are zoned 3(h) Business Special (Mixed Activity) under the Ryde Planning Scheme Ordinance 1979 and the proposal is permissible within that zone.

#### **4.4 Other relevant legislation and environmental planning instruments**

**Appendix G** sets out the relevant consideration of legislation (including other Acts) and environmental planning instruments as required under Part 3A of the Act.

## 5 CONSULTATION AND ISSUES RAISED

### 5.1 Public Exhibition

Section 75H(3) of the Act requires that once the Environmental Assessment ("EA") has been accepted by the Director General, the Director General must, in accordance with any guidelines published in the Gazette, make the EA publicly available for at least 30 days. The Director General has not published any specific guidelines in relation to the public exhibition of the Project Application.

A "test of adequacy" was undertaken by the Department and determined that the matters contained in the Environmental Assessment Requirements (EARs) were not adequately addressed in the EA prior to public exhibition. The proponent was requested to address the outstanding issues. An amended EA was submitted on the 29 January 2007 and a subsequent test of adequacy determined that the EA addressed all issues raised in the EARs in its amended form.

Broadly the process followed in terms of the public exhibition was as follows:

- Public exhibition was conducted from 14 February 2007 until 15 March 2007.
- Copies of the EA were available for inspection at Ryde City Council offices and the Department of Planning's offices in Sydney during the exhibition period.
- Details of the application were published in the Northern District Times and The Weekly Times and made available on the Department of Planning's website.
- Copies of the EA were forwarded to relevant Government agencies (RTA, Ministry of Transport, and the Department's Regional Branch), and adjoining resident / businesses.
- All landowners in the vicinity of the site were notified and invited to make submissions.

In response, the Department received 3 written submissions from Ryde City Council, Sydney Water and the RTA. Copies of submissions received for the project application are provided at Appendix E. The Department forwarded these responses to the proponent as they were received.

### 5.2 Issues raised

Table 2 below, summarises the issues raised in relation to the project application:

**Table 2: Summary of Issues**

Submitter	Issue Raised
Ryde City Council	<ul style="list-style-type: none"> <li>▪ Supported the proposal</li> <li>▪ Recommended set of conditions</li> </ul>
RTA	<ul style="list-style-type: none"> <li>▪ Public Transport</li> <li>▪ Bicycle parking</li> <li>▪ Car parking</li> <li>▪ Appropriate design of Pick up drop off bay</li> <li>▪ Car parking layout</li> </ul>
Sydney Water	<ul style="list-style-type: none"> <li>▪ Sydney water requirements under S.73</li> <li>▪ Trade Waste</li> <li>▪ Landscaping</li> </ul>
Department of Planning	<ul style="list-style-type: none"> <li>▪ Height</li> <li>▪ Visual impact assessment</li> <li>▪ Car parking</li> <li>▪ Setbacks</li> </ul>

On 18 April 2007 the proponent lodged a response to the issues raised (Appendix D). No amendments were made to the proposal or the Statement of Commitments, other than revision of a previous commitment to pay Section 94 developer contributions in accordance with Ryde City Council's applicable Section 94 Contributions Plan. This matter is discussed later in Section 6 of the report.

### 5.3 Independent Hearing and Assessment Panel

Section 75G of the Environmental Planning and Assessment Act provides that the Minister may constitute an independent panel to assess any aspect of a project. No panel was constituted for the purposes of Section 75G.

## 6 ASSESSMENT

### 6.1 Director General's Environmental Assessment Report

The purpose of this submission is for the Director General to provide a report to the Minister for the purposes of deciding whether or not to grant project application approval pursuant to Section 75J of the Act.

Section 75I(2) sets out the scope of the Director General's report to the Minister. Each of the criteria set out therein have been addressed as outlined in Table 3:

**Table 3: Compliance with Section 75I(2) of the Environmental Planning and Assessment Act, 1979**

Section 75I(2) criteria	Response
(a) a copy of the proponent's environmental assessment and any preferred project report;	The proponent's EA is included at Appendix F. A preferred project report has not been submitted, although the response to issues is set out at Appendix D.
(b) any advice provided by public authorities on the project;	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix E.
(c) a copy of any report of a panel constituted under Section 75G in respect of the project;	No independent hearing and assessment panel was undertaken in respect of this project.
(d) a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project;	A brief assessment of each relevant State Environmental Planning Policies that substantially govern the carrying out of the project is set in Appendix G.
(e) except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division; and	An assessment of the development relative to the prevailing EPI's is provided in Appendix G.
(f) any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project is this report in its entirety. All relevant environmental impacts associated with this proposal have been assessed within this report.
(g) a statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The EA and subsequent submissions by the proponent forms the basis for consideration of the environmental impacts associated with the development. The Department is satisfied that the project complies with the environmental assessment requirements issued on 30 June 2006 and subsequent amendment as issued on 22 November 2006.

### 6.2 Summary of Significant Issues

In addition to the above matters, Clause 8B of the Regulation sets out the matters for environmental assessment and Ministerial consideration. It states that the Director General's report is to include an assessment of the environmental impact of the project, any aspect of the public interest that the Director General considers relevant to the project, the suitability of the site for the project and copies of public submissions received by the Director General.

The **suitability of the site** can be readily justified, as outlined below:

- the proposal is permissible within the (3h) Business Special (Mixed Activity) zone;
- the proposal will utilise existing services and infrastructure;
- the hospital has been designed and sited to capitalise on site opportunities and linkages to the University adjacent;
- the proposal will locate substantial employment alongside new public transport infrastructure;

- the location is served by major transport infrastructure including the soon to be completed Epping to Chatswood railway line (including Macquarie University Station), the M2 motorway, the Sydney Orbital and the Lane Cove tunnel;
- proposed operations on the site are not offensive or hazardous, do not pose a risk to nearby neighbours and do not generate excessive waste; and
- the land does not contain any flora or fauna that would be affected by the proposal.

Similarly the **public interest** can be satisfied on the basis that:

- the development comprises a well designed facility providing in-patient and outpatient services, and will make a positive contribution to health services in the area;
- it will complement teaching and research services already offered at the University adjacent and will be a resource available for referral by general practitioners and specialists;
- by maximising existing facilities and infrastructure, the proposal is meeting sustainability objectives;
- there will be no impact on the public domain during operations and minimal impact during construction;
- the proposal will have positive economic impacts on the economy of northern Sydney during both construction and operations;
- there are no negative acoustic and air quality impacts and the proposal is unlikely to generate additional waste or create hazards that cannot be managed; and
- the proposal supports the Metropolitan Strategy in terms of utilising existing and future infrastructure including public transport, locating and strengthening job opportunities within the Global Economic Corridor (i.e. the "Global Arc") and Macquarie University, which is identified as a specialised centre.

### 6.3 Height

Issue:

Non compliance with the Ryde Planning Scheme Ordinance Height controls.

Raised by:

Department of Planning.

Consideration:

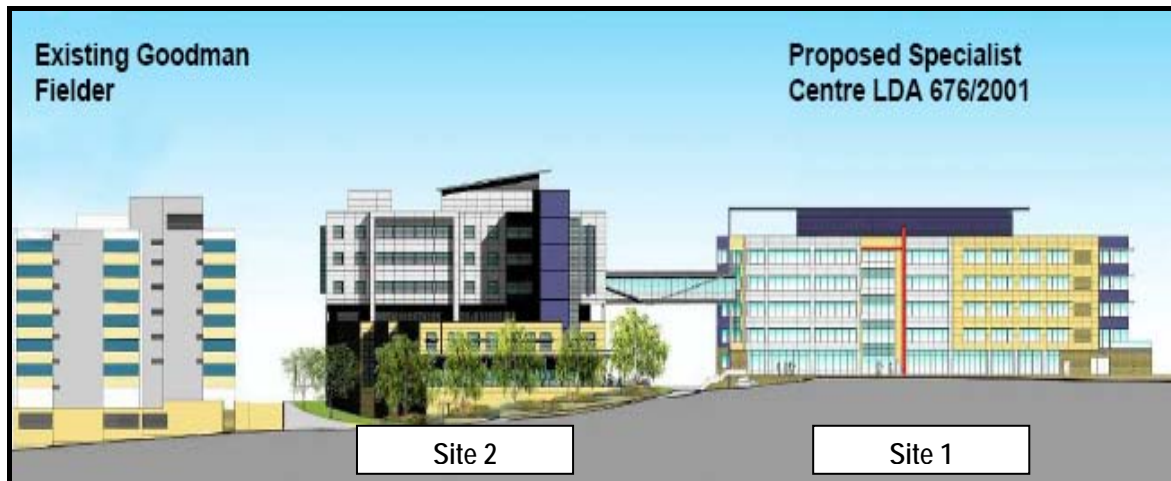
Clause 97 of the Ryde Planning Scheme Ordinance (PSO) (through LEP 137) sets a maximum height limit of 6 storeys for development in this area. The underlying objectives of the height standard are to ensure that the bulk of buildings respect the scale of existing development, to preserve and enhance existing streetscapes, and to resolve issues associated with impact on the immediate locality.

The proposed development exceeds the 6 storey height limit as the basement of the proposed building protrudes more than 1200mm above natural ground level (NGL) therefore creating an additional storey. Whilst compliance with the maximum number of storeys is not achieved, it is recommended that the departure be granted as the site is primarily constrained by its sloping topography. The sloping nature of the allotment makes compliance with the height control onerous to achieve and exacerbates the number of storeys in the building. The property has a fall of approximately 5m from the rear to the front of the site which is considered to be a significant fall. The majority of the protruding car parking / basement storey will be contained below NGL and much of the bulk represented by that storey will not be visible from the surrounding streets. Indeed, to ensure full compliance would have the affect of significantly impacting on the functional efficiency of the building as a hospital and how it relates to and adjoins the approved existing development at No. 2 Technology Place. The proposal seeks a simple and large floorplate for discrete medical purposes. Stepping of the building and potential breaking of the floorplate along its shortest length would impact upon the distribution of medical uses and floorspace given the certain functions and fragment co-related uses. Should the proposal have been a commercial building then the option of requiring height reductions or stepping would have been considered more appropriate. In early pre-lodgement advice, Ryde Council also stipulated that the proposed overhead bridge must be horizontal over Technology Place.

In terms of the impact upon the amenity of the surrounding area, it is considered that the non compliance is minor and full compliance with the standard would have no appreciable benefit in preserving the visual amenity of the surrounding area. It is considered that the proposed development will provide an appropriate in-fill between the approved building at No. 2 Technology Place and the adjoining Goodman Fielder building which also technically exceeds the 6 storey height limit. It is also considered that the increased setback and retention of trees along Talavera Road (see Section 6.4 below) will provide an adequate visual buffer, minimising the appearance of the building when viewed from the street.

Figure 8 bellows illustrates the height bulk and scale of the proposed building in context with the neighbouring development, excluding a view of the shard basement level(s).

**Figure 10 Built form**



The proposed development will also perform satisfactorily in terms of its physical impacts. The proposal will increase overshadowing of adjacent properties, however, it is considered that the increase in overshadowing can not be avoided due to the circumstances of the site. The property is oriented on an east-west axis and therefore the Goodman Fielder building to the south will be overshadowed by the proposed development. The Goodman Fielder Building will still receive morning sunlight till 12pm at the winter solstice which is considered to be acceptable. There are no significant views to be lost as a result of the proposal

On balance it is considered that the height of the 6- 7 storey building is acceptable and will not impact on the existing streetscape, character or amenity of the area.

#### **6.4 Setbacks**

Issue:

The proposed Talavera Road setback encroaches on the 15m setback established on adjoining properties.

Raised by:

Department of Planning

Consideration:

LEP 137 is silent on setback controls for this site, however the earlier controls stipulated under the Ryde Planning Scheme Ordinance set a 15m setback for development facing Talavera Road and the neighbouring development along this section of Talavera Road has consistently applied this 15m setback requirement. The underlying objective of providing adequate setbacks is to protect the prevailing streetscape from excessive and dominant built forms.

The proposed development has a 5m setback for the first storey, a 9m setback for the second and third storeys and a 17m (minimum) setback for the remaining storeys above. Figure 9 illustrates an artists impression of the proposed Talavera Road set back.

**Figure 11 – View of proposed Talavera Road setback**



It is considered that the 5m setback along Talavera Road is inadequate and will have an adverse visual impact on the streetscape. The 5m setback will be unable to support sufficient deep soil planting as the basement car park extends to within 2m of the site boundary. This section of Talavera Road also has a number of advanced eucalypt trees worthy of retention. The existing setback along this portion of Talavera Road is demonstrated below at Figure 10.

**Figure 12 – View of existing Talavera Road setbacks and condition**



The Department recommends increasing the Talavera Road setback to 9m to reduce the visual dominance of the building within the streetscape. Increasing the setback to 9m will effectively delete the proposed colonnade and a minor portion of the basement below. It will require relocation of the existing plant rooms by about 4.5m. This will result in the loss of about 10 car parking spaces. Deleting this portion of the building will not impact upon the GFA

for hospital or retail purposes. The resulting reduction in car parking provision is not of concern as the Department is recommending the proponent be required to reduce car parking to better satisfy RTA car parking rates for private hospitals (Section 6.6). The increased setback will allow some of the existing eucalypts to remain along Talavera Road and ensure retention of areas of deep-soil planting.

The increased setback together with the retention of trees will;

- provide additional area for landscaping to effectively screen the proposed development and help retain the established character of the street;
- reduce and soften the visual impact of the proposed building;
- reduce the extent of the established setback non compliance along Talavera Road; and
- help visually absorb the height of the building (which doesn't comply with the maximum height controls).

It is therefore considered reasonable to impose a condition of approval which imposes a 9m setback along Talavera Road to provide for the retention of existing trees contained within the setback.

## 6.5 Built Form / Bridge link

### Issue:

Appropriateness of the proposed built form.

### Raised by:

Department of Planning and Ryde City Council

### Consideration:

The proposed building has a contemporary design which uses a combination of concrete, masonry and fibre cement cladding. The building has a pitched roof over the uppermost level and vertical and horizontal articulation through the use of different building materials and varying projections. The adopted design solution reflects the service orientated purpose of the building.

The design of this building is considered to be in keeping with the contemporary character of the surrounding area which is largely dominated by technology based businesses. The building, although being constrained by the irregular shaped site, presents an acceptable façade to Talavera Road and Technology Place. The building also represents an acceptable transition in height, bulk and scale between the approved building at Site 1 and the neighbouring Goodman Fielder Building. Furthermore much of the bulk and scale of the upper levels of the building have been setback from the façade and street edges thereby minimising its visual impact when viewed from the street. In addition it is considered that the increased setback requirement and retention of trees along Talavera Road will reduce the visual impact of the building and help maintain the landscaped character of the streetscape.

The proposed bridge link has been designed to strengthen the connection and integration between the two buildings. This has been achieved by careful selection of building materials and by providing common levels to ensure the bridge link is horizontal between the two buildings in order to reduce its visual dominance. The bridge link has been designed in accordance with design advice received by Ryde City Council in earlier pre-application meetings between Council and the proponent.

The Department considers that the proposed built form including the bridge link and minor changes to the approved Building at Site 1 (comprising provision of an additional entrance on the ground floor from Technology Place and changes to the parking on Basement Level No. 1 to link to the basement car parking immediately underneath the private hospital development) are acceptable and are in keeping with the surrounding built form and streetscape. The Department has not imposed any changes to the approved buildings façade other than the bridge connection and an additional entry on the ground floor.

## 6.6 Car Parking / Traffic / Public Transport

### Issue:

Car parking provision and impact of development on local road network.

### Raised by:

Department of Planning, Ryde City Council and RTA

### Consideration:

The proponent's traffic study prepared by Traffic, Environmental and Forensic Engineers (TEFE) Consulting addresses car parking provision for the proposal. The Transport Assessment and letter dated 2 April 2007 confirms that the parking calculations used in their assessment are intended for both Sites 1 and 2 after completion of the construction process. However for the purpose of this section of the report only Site 2 will be assessed in terms of the proposed level of car parking provision. This is because Site 1 has already been approved for a level of 242 car parking spaces, thus leaving the remaining 228 as the figure for assessment in this report. For the basis of this study, the following breakdown will be used:

**Table 4: Parking provision per site**

Site	Site 1	Site 2	Total
No. of Spaces	242*	228	470

\*Approved

To assess the level of car parking required for the proposal the Department has used the car parking controls contained in LEP 137 and the RTA's Guide to Traffic Generating Developments. The car parking requirements are shown below in Table 5

**Table 5: Parking requirements – Site 2**

Parking Demand Based on	No. of Spaces
LEP 137	221*
RTA	218

\* Based on usable GFA and or type of proposed use.

LEP 137 dictates that 1 car parking space is required per 80m<sup>2</sup> of floor space. The proponent considers that the LEP 137 level of provision is invalid for the proposed private hospital because the underlying LEP zone and controls originally intended to be for commercial developments in Macquarie Park Corridor and did not envisage the proposed land use. Whilst the Department acknowledges this distinction, the proposal should not be excluded from the requirement to contribute towards a reduction in the use of private cars primarily because of the proposed public transport improvements in this area. It is worth noting that neither LEP 137 nor the proponent's traffic assessment appear to have considered staff versus visitor parking requirements. Notwithstanding this, one of LEP 137 key aims is to encourage public transport use and limit parking provision in the Corridor. Further, in applying the proponent's position that a parking rate based on calculation of commercial floorspace is inappropriate, the Department has considered application of the RTA rates for private hospitals. Under this guideline 218 spaces would be required for the 208 bed hospital.

The public transport improvements include a new railway station at Macquarie University and improvements to bus services in the area. Applying the traffic study's suggestion that the new railway station, located less than 300m from Site 2 (400m from Site 1) will lead to a 15-17% reduction in private car use, the proposed parking space provision of 228 spaces could be reduced to 191 spaces. The morning (10.00am to 11.00am) and afternoon (5.00pm onwards) peaks along with the nurse shift changeover period (3.00pm to 4.00pm) all occur during the hours when it would be feasible for public transport to be used safely. The railway station would allow a realistic alternative to private car use for employees and patients of the private hospital.

A combination of good road access and high levels of on-site parking for the business park development in the area has resulted in the current high level of dependency on the private car. Some alternative forms of transport are not appropriate for visitors to hospitals such as cycling but given the close proximity of the forthcoming railway

station and existing bus facility at Macquarie Shopping Centre, it would certainly appear that visitors and employees now have realistic alternatives to private car use given the proposed public transport improvements.

To summarise, the proponent argues that the level of parking associated with Site 2 (228) should be permitted despite being slightly higher than the 221 which LEP 137 stipulates or the 218 as indicated by the RTA for this type of development. The Department considers that the level of parking provision would be more acceptable if it was reduced to comply with the RTA's rates. Given the substantial investment in public transport infrastructure and combined with the underlying objective of LEP 137 being to reduce reliance on private car use it is realistic to expect the applicant to slightly reduce the number of parking spaces to fall into line with the RTA's Guide to Traffic Generating Development.

The recommended reduction in car parking means that realising the increased setbacks (Section 6.4) will not be hindered. A condition is therefore imposed on the consent setting a maximum of 218 car parking spaces.

## 6.7 Landscaping

### Issue:

- The landscape strategy does not allow for deep soil planting;
- The provision of landscaping is generally insufficient and seeks removal of existing mature trees.

### Raised By:

Department of Planning.

### Consideration:

Concern is raised regarding the lack of detail contained within the proponent's landscape plan with regard to plant species and details of trees to be retained, removed or replaced. It is also considered that the proposed landscaping plan does not provide sufficient area for deep soil planting or take advantage of the existing advanced trees surrounding the site particularly fronting Talavera Road.

The existing site has a number of advanced native and exotic tree species dispersed across the site and the surrounding development is generously landscaped with mature trees producing a leafy landscape character. The proponent has submitted a landscape plan which proposes a thin perimeter of landscaping surrounding the site. The plan also seeks to transplant 3 Canary Island Date Palms from Site 1 to the forecourt of the cafe on Site 2. The proponent argues that the proposed landscape plan has been designed to appropriately screen the proposed hospital building and to contribute to the existing landscape character of the area.

The Department's view is that the proposed landscaping will detract from the existing landscape character of the area. It is considered that the proposed landscaping is inadequate as the proposal:

- does not provide sufficient area for deep soil planting;
- does not take advantage of the existing trees particularly along Talevera Road;
- encroaches on the established 15m setback; and
- does not comply with the maximum height controls.

An effective landscape treatment is therefore required to soften the visual appearance of the development within the expanded setback area. Consequently, a condition has been recommended requiring an amended landscape plan be prepared which provides for the retention of existing trees along Talavera Road and provides further details on proposed plant species, trees to be retained, removed or replaced and tree retention/protection measures during construction.

## 6.8 Section 94 Developer Contributions

### Issues:

Application and payment of Section 94 Developer Contributions.

### Raised By:

Ryde City Council and the Department of Planning

### Consideration:

In the publicly exhibited EA, the proponent made a commitment to pay Section 94 contributions in accordance with the City of Ryde Section 94 Contributions Plan No 1 (Amendment 2003). If a rate applicable to commercial development applied, the contribution would be in the order of \$1.27 million (as Council seeks). The proponent has since sought clarify and review an open ended commitment for the following reasons:

1. Council's Section 94 Plan does not explicitly levy Section 94 contributions for 'hospital' uses;
2. Council's position is inconsistent with the Department of Planning's Circular No. D6 – Crown Development Applications and Condition of Consent;
3. adequate open space and recreation facilities currently exist on-site and therefore there is no nexus between the proposed development and the need for further contributions towards open / public space; and
4. adequate stormwater drainage infrastructure to cater for the proposed development has already been constructed as part of the MURP and therefore it is unreasonable for substantial monetary contributions to be (retrospectively) collected for stormwater drainage.

Notwithstanding the above, the proponent is offering to pay the following Section 94 Contributions (total \$414,753):

**Table 6 Proposed Section 94 Contribution**

	Rate per m <sup>2</sup> GFA	Stage 1 contribution (\$)	Ultimate contribution (\$)
<b>Hospital/ medical uses</b>		<b>15,381m<sup>2</sup></b>	<b>17,670m<sup>2</sup></b>
Stormwater Drainage	\$19.5*	\$299,929.50	\$344,565
Administration	\$3	\$46,143	\$53,010
<b>Retail</b>		<b>520m<sup>2</sup></b>	<b>520m<sup>2</sup></b>
Public Space	\$14	\$7,280	\$7,280
Stormwater Drainage	\$17	\$8,840	\$8,840
Administration	\$2	\$1,040	\$1,040
<b>TOTAL</b>		<b>\$262,595.50</b>	<b><u>\$414,735.00</u></b>

\* 50% of \$39

The Department has considered the proponent's position and is not convinced that the submitted approach is entirely appropriate. The Department's response to the four matters listed above is as follows:

1. Noted, however the private hospital by its very nature is a commercial development which seeks to operate for profit and therefore could be treated as a "commercial development" for the purposes of calculating Section 94 Contributions. Despite this, the key is the people who generate need for services, in this regard the number of workers is relevant;
2. The application is not a Crown DA lodged under Part 4 and Part 5A of the Act and therefore Circular D6 does not strictly apply. The Department has nonetheless considered the principles as they could apply to the proposal if it were being assessed as a Crown DA;
3. Agree, given that the University currently provides open space and recreational facilities within the Campus for users of the University site and the wider community. Halving the open space contribution rate in recognition of Macquarie University's existing open space and recreational facilities available for the use of hospital employees is appropriate, recognising staff are likely to utilise on and off site open space; and
4. It is unclear why only 50% of the required contribution should be levied as the new development will still

create a demand on stormwater and drainage infrastructure, whether constructed, programmed or otherwise.

To determine the appropriateness of the contributions proposed by the proponent, the Department compared the \$414, 735 to the contributions that would be levied if a "rate per worker" was applied to the proposal. This would involve Section 94 Contributions being calculated directly on the basis of employee numbers (for hospital purposes) rather than GFA (as is required by Council's Contributions Plan) to recognise that a private hospital is a unique land use, in recognition of the direct medical research and educational benefits the hospital will provide, and particularly on the additional demand the proposal will place on existing or planned infrastructure. Application of this approach would attract the following Section 94 contributions, which have been adjusted for CPI increases to the March quarter of 2007 – see Table 7 below.

The rate per person for each contribution type is derived from Council's Contributions Plan. The rate is multiplied by 400 (due to 400 anticipated employees). The retail component of the proposed contribution for the retail floorspace is not disputed by the proponent and is included as per Council's conventional method of calculation.

**Table 7 - Recommended Section 94 contribution**

Hospital/ medical uses	Rate per person (indexed)	X 400
Storm Water Drainage	\$764	\$305,600
Public Space	\$301 (half Council rate)	\$120,400
Administration	\$41	\$16,400
<b>Sub Total</b>	<b>\$1106</b>	<b>\$442,400</b>
Retail	Rate per GFA per Sq.m (as indexed by Council)	520m2
Public Space	\$14	\$7,280
Storm Water Drainage	\$17	\$8,840
Administration	\$2	\$1,040
<b>Sub Total</b>	<b>\$33</b>	<b>\$17,160</b>
<b>TOTAL</b>		<b>\$459,560</b>

In accordance with Section 75R(4) and consequently Section 94B(2) of the Act, the Minister may impose a different contribution after having had regard to the Ryde Council's Section 94 Contributions Plan. It is considered that this figure (\$459,560) strikes a balance between the extra demand for services and infrastructure against the medical research and educational benefits the hospital will provide, together with the existing open space and recreational facilities that already exist on campus. The approval is conditioned accordingly to require payment of this sum. Payment is staged based on a percentage of GFA, for the total contribution at an 85% -15% mix for Stages 1 and 2 respectively. Payment is required before the commencement of works for each stage and contributions will be subject to indexation by the CPI based on the time of payment.

## 6.9 Ecological Sustainable Development (ESD) Principles

### Issue:

Consideration of ESD principles.

### Raised By:

Department of Planning.

### Consideration:

There are five generally accepted ESD principles (as a general summary of the objectives of the EP&A Act and definition of ESD in the Protection of the Environment and Administration Act 1991):

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);

- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The Department has considered the redevelopment in relation to the ESD principles and has made the following comments:

- **Integration Principle** – the social and economic benefits of the proposal are well documented. The environmental impacts are and will be addressed through the proponent's Statement of Commitments and the recommended conditions of approval (including reduced reliance on cars and retention of trees). The Department's assessment has duly considered all issues raised in submissions. The proposal as recommended for approval does not compromise a particular stakeholder or hinder the opportunities of others. The proposal's location is well serviced by existing and proposed infrastructure particularly the new Epping to Chatswood rail way line.
- **Precautionary Principle** – Following an assessment of the proponent's EA it is considered with appropriate certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal. The site adjoins extensively developed land for some time and is occupied by built structures. The site therefore has a low level of environmental sensitivity. The site does not contain any threatened or vulnerable species, populations, communities or significant habitats, however the Department is seeking retention of the mature trees on the site to improve visual impact and retain some existing vegetation on the site.
- **Inter-Generational Principle** – It is considered that the proposed development represents a sustainable use of a site which has been developed for some time. The redevelopment of this site will utilise existing infrastructure and make more efficient use of the site for the provision of health care services. It is considered that the redevelopment of this site will have positive social, economic and environmental impacts and as a result will maintain the environment and improve healthcare services for the benefit of future generations.
- **Biodiversity Principle** – Following an assessment of the proponent's EA it is considered with appropriate certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal. As stated earlier, the site has been extensively developed for some time and the site therefore has a low level of environmental sensitivity. There is little natural vegetation on the site and the site does not contain any threatened or vulnerable species, populations, communities or significant habitats. Therefore the proposal will not impact upon the conservation of biological diversity or ecological integrity.
- **Valuation Principle** – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate safeguards to mitigate adverse environmental effects. The mitigation measures include the cost of implementing these safeguards in the total project cost. The proponent has indicated that ESD will be achieved by:
  - mechanical systems that allow zonale occupation and environmental control;
  - provision of high performance glazed areas for minimum heat gain;
  - provision of thermal insulation to walls to assist in reducing the convective and conductive losses from air -conditioned spaces;
  - use of water minimising fittings and tap ware, such as 5A fittings, in order to minimize water consumption and sub metering of water supplies to assist in water consumption management; and
  - compliance with a Waste Minimisation and Management Plan to recycle/reuse waste during construction and operation.

These measures will be included in the total cost of the project and the proponent has committed to the above ESD measures. Considering greenhouse gas emissions linked to environmental performance and accessibility/travel, the proposal is acceptable.

## 6.10 General

The issues below have either been resolved through assessment, revisions to the proponent's Statement of Commitments, or through the Department's recommended conditions of approval and are summarised as follows:

- The proposed modifications to Site 1 are considered to be minor and will have no adverse impacts on the surrounding built or natural environments. The proposed change of use which includes specialist consulting rooms is permissible within the Zone.
- The proponent has committed to undertaking a limited intrusive investigation for site contamination and in doing so will comply with relevant endorsed EPA guidelines. Whilst the Department is generally satisfied with the proponent's approach to this issue, it recommends the Minister impose conditions formalising the requirement for further contamination / geotechnical studies, and implementation of current and proposed recommendations. To ensure appropriate resolution of this matter, it is also recommended that the Minister require the proponent to prepare and submit a remediation action plan (RAP) to be approved by the Department post demolition and prior to commencement of any construction works should one be required.
- Whilst the proponent has committed to preparing a construction management plan the Department recommends that a condition be imposed formalising the requirement for a construction management plan and a construction waste management plan be prepared and implemented. Each will be submitted to and approved by the Department prior to the issue of a Construction Certificate and will address a number of matters including traffic management, construction traffic, pedestrian management, excavation and noise and vibration management. Lodgement of pre-construction and post-construction dilapidation reports will also be required. Similarly, the recommended conditions require a waste management plan be prepared and implemented. The plan will have to be submitted to and approved by the Director of Strategic Assessments and will address a number of matters including safe handling and management of radioactive material.
- The Sydney Regional Development Advisory Committee has suggested that conditions be imposed on the approval covering issues such as the promotion of public transport, bicycle facilities, drop off / pick up and car parking design requirements. All of the suggested conditions are considered to be reasonable and are conditioned accordingly.
- Sydney Water has also suggested conditions to address S.73 compliance certification, trade waste requirements and appropriate landscaping works. The suggested conditions are considered to be reasonable and the approval are conditioned accordingly.
- A number of conditions have been recommended to ensure construction impacts are minimal and necessary fire safety certificates and access easements are obtained / registered. These conditions seek to ensure a sympathetic development, minimal disruption to existing adjoining properties and formalising some minor administrative matters.

On balance, it is considered that the proposal, together with the recommended conditions, satisfactorily mitigates the environmental impacts arising from the proposal and adequately maintains the amenity of the local area.

## 7 CONCLUSION

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The Department has reviewed the environmental assessment submitted by Health Projects International that seeks project approval for:

- demolition of all buildings, structures and landscaping at No. 3 Technology Place;
- staged construction of an **18,709sq.m, 208-bed, 6 storey** private hospital at No. 3 Technology Place including basement car parking for **228** vehicles, associated site landscaping and infrastructure works and a pedestrian bridge across Technology Place (connecting to No. 2 Technology Place);
- amendments to the basement, internal layout and facade of the building approved on No. 2 Technology Place (approved and substantially commenced under Ryde City Council's development consent of LDA 676/2001); and
- use of the proposed building at No. 2 Technology as specialist consulting rooms and the like in conjunction with the private hospital constructed at No. 3 Technology Place.

Following a 30 day public consultation the proponent was referred copies of the four submissions received from the RTA, Sydney Water, Ryde City Council and the Department's Regional Branch Sydney Region East. The Department has duly considered advice from public authorities and the proponent's response to issues raised in those submissions in accordance with Section 751(2) of the Act.

All relevant environmental issues associated with the proposal have been extensively assessed. The issues raised mainly relate to setbacks, landscaping, car parking and Section 94 contributions. The redevelopment performs adequately in terms of its relationships to the surrounding built and natural environment. The proposal also supports key objectives of the Metropolitan Strategy and State Environmental Planning Policies particularly those which seek to utilise existing public transport and other physical infrastructure, support and promote economic development in specialised centres and within the Global Economic Corridor.

On balance the Department is of the view that the proponent has satisfactorily mitigated the environmental impacts associated with the proposal. The recommended conditions (at Appendix A) seek to encourage good urban design, provide sufficient landscaping, encourage public transport use, maintain the amenity of the local area, and adequately mitigate the environmental impacts of the proposal. Key conditions of approval include:

- Condition No. B4 – Requiring the setback from Talavera Road to be increased to 9m;
- Condition No. B5 – A revised Section 94 contribution has also been conditioned (total \$459,560) which strikes a balance between the extra demand for services and infrastructure against the medical research and educational benefits the hospital will provide, together with the existing open space and recreational facilities that already exist on campus.
- Condition No. B21 – Requiring the proposed number of car parking spaces to be reduced from 228 to 218 inline with the RTA's Code for Traffic Generating Development;
- Condition No. B23 – Requiring a revised Landscape Plan; and

The development of the Macquarie University Private Hospital, in accordance with the recommended conditions of approval, will provide an important opportunity to redevelop a site which supports Metropolitan Strategy and State Environmental Planning Policy objectives and ESD principles. Consequently, the proposal is supported from an environmental planning perspective.

## APPENDIX A. CONDITIONS OF APPROVAL / MODIFICATIONS

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## SCHEDULE 1

### PART A — TABLE

Application made by:	Macquarie University & Dalcross Private Hospital
Application made to:	Minister for Planning
Major Project Number:	06_0172
On land comprising:	Lot 18 DP 1058168 & Lot 20 DP 1015626
Local Government Area	Ryde City Council
For the carrying out of:	Construction of a new Private Hospital as described in Condition A1, Part A, Schedule 2.
Capital Investment Value	\$86 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	13 May 2007
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 Macquarie University Private Hospital Environmental Assessment Report prepared by Health Projects International Pty Limited Architects and Health Facility Planners, dated 1 November 2006 (amended 25 January 2007).

**BCA** means the Building Code of Australia.

**Council** means City of Ryde Council.

**Department** means the Department of Planning or its successors.

**Director** means the Director of the Strategic Assessments Branch of the Department of Planning.

**Director General** means the Director General of the Department of Planning.

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

**Major Project No. 06\_0172** 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.

**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 06\_0172

#### PART A – ADMINISTRATIVE CONDITIONS

##### A1 *Development Description*

Project Approval is granted only to the carrying out of the following development:

- demolition of all buildings, structures and landscaping at No. 3 Technology Place;
- staged construction of an **18,709sq.m, 208-bed, 6 storey** private hospital at No. 3 Technology Place including basement car parking for **228** vehicles, associated site landscaping and infrastructure works and a pedestrian bridge across Technology Place (connecting to No. 2 Technology Place);
- amendments to the basement, internal layout and facade of the building approved on No. 2 Technology Place; and
- use of the proposed building at No. 2 Technology as specialist consulting rooms and the like in conjunction with the private hospital constructed at No. 3 Technology Place.

##### A2 *Development in Accordance with Plans and Documentation*

The development shall be in accordance with the following plans and documentation:

Macquarie University Private Hospital Environmental Assessment			
Architectural (or Design) Drawings prepared by Health Projects International Pty Limited Architects and Health Facility Planners			
Drawing No.	Revision	Name of Plan	Date
SITE 1			
MQA-A-P-B1	2	BASEMENT 1 PLAN	3 October 2006
MQA-A-P-G	1	GROUND FLOOR	3 October 2006
MQA-A-P-3	6	LEVEL 3	3 October 2006
MQA-A-P-E1	4	ELEVATIONS	3 October 2006
SITE 2 STAGE 1			
MACQ-A—PL-LOC	3	LOCATION PLAN	4 September 2006
MACQ-A-SITE	4	SITE PLAN	7 September 2006
MOB1-A-COL-P-B1	7	BASEMENT 1	3 October 2006
MOB1-A-COL-P-B2	6	BASEMENT 2	3 October 2006
MOB1-A-COL-P-G	6	GROUND	3 October 2006
MOB1-A-COL-P-1	7	LEVEL 1	3 October 2006
MOB1-A-COL-P-2	6	LEVEL 2	3 October 2006
MOB1-A-COL-P-3	6	LEVEL 3	3 October 2006
MOB1-A-COL-P-4	5	LEVEL 4	3 October 2006
MOB1-A-COL-P-5	7	LEVEL 5	3 October 2006
MOB1-A-COL-P-6	1	LEVEL 6	3 October 2006
MOB1-A-COL-P-R	1	ROOF	3 October 2006
MOB1-A-COL-E1	8	ELEVATIONS	3 October 2006
MOB1-A-COL-E2	8	ELEVATIONS	3 October 2006

MQB1-A-COL-S1	7	SECTIONS	3 October 2006
MQB1-A-COL-S2	7	SECTIONS	3 October 2006
MQB1-A-SDG	1	SHADOW DIAGRAM	26 September 2006
SITE 2 STAGE 2			
MQB2-A-COL-P-G	1	GROUND	3 October 2006
MQB2-A-COL-P-1	1	LEVEL 1	3 October 2006
MQB2-A-COL-P-2	1	LEVEL 2	3 October 2006
MQB2-A-COL-P-5	1	LEVEL 5	3 October 2006
MQB2-A-COL-P-6	1	LEVEL 6	3 October 2006
MQB2-A-COL-P-R	1	ROOF	3 October 2006
MQB2-A-COL-P-E1	1	ELEVATIONS	3 October 2006
MQB2-A-COL-P-E2	1	ELEVATIONS	3 October 2006
MQB2-A-COL-P-S1	1	SECTIONS	3 October 2006
MQB2-A-COL-P-S2	1	SECTIONS	3 October 2006
MQB2-A-SDG	1	SHADOW DIAGRAM	26 September 2006
LA 01	A	LANDSCAPE PLAN	6 June 2006
LA 02	A	LEVEL 4 ROOF GARDEN	6 June 2006

**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**      *Prescribed Conditions*

The proponent shall comply with the prescribed conditions of project approval under Section 75J(4) of the Act.

**A6**      *Compliance Report*

The proponent, or any party acting upon this approval, shall submit to Council a compliance report addressing compliance with all relevant conditions of this approval after 3 months and then 1 year after approval (or at any other time as requested).

## PART B—PRIOR TO COMMENCEMENT OF WORKS

### *Design Details*

#### **B1**      *Development Staging*

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

Any significant departure from Project Approval MP 06\_0172, will require submission and approval of a modification application or approval of a project application afresh. The Director General will determine what constitutes a significant departure.

Prior to commencement of works for stage two of the proposal, the proponent is to notify the Department of Planning and Ryde City 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.

Note: The date of this approval is liable to lapse is 5 years from the date of approval unless specified action has been taken in accordance with Section 75Y of the Act.

#### **B2**      *Details of Material, Colours and Finishes*

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours, shall be submitted to and approved by the Department of Planning prior to the commencement of construction works.

#### **B3**      *Anti Graffiti*

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

#### **B4**      *Setbacks*

The proposed building, including the basement below ground shall be setback 9m from the Talavera Road site boundary. The 9m setback shall be maintained free from built structures with the exception of the projecting operating theatres on Level 1. All existing trees between the site boundary and the 9m setback are to be retained, subject to the submission of a landscape plan (requirement of condition B23). Amended plans illustrating a 9m setback including details of appropriate façade treatment to the Talavera Road elevation shall be submitted to and approved by the Department of Planning prior to the commencement of construction works.

#### **B5**      *Section 94 Contribution*

Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and City of Ryde Council's Development Contribution Plan – Section 94 Contribution Plan No.1 (2003 Amendment) is required.

The rates and amounts, totalling **\$459,560.00**, are set out below and shall be paid by the proponent prior to commencement of works, for each individual stage.

##### (1) Amount of Contribution

<b>Hospital/ medical uses</b>	<b>Rate per person (indexed)</b>	<b>X 400</b>
Storm Water Drainage	\$764	\$305,600
Public Space	\$301 (half Council rate)	\$120,400
Administration	\$41	\$16,400
<b>Sub Total</b>	<b>\$1106</b>	<b>\$442,400</b>
<b>Retail</b>	<b>Rate per GFA per Sq.m (as indexed by Council)</b>	<b>520m2</b>
Public Space	\$14	\$7,280
Storm Water Drainage	\$17	\$8,840
Administration	\$2	\$1,040
<b>Sub Total</b>	<b>\$33</b>	<b>\$17,160</b>
<b>TOTAL</b>		<b>\$459,560</b>

**(2) Timing and Method of Payment**

Payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc shall be paid prior to the commencement of works. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council accordingly.

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this approval, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI) on an annual basis.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the proponent will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the proponent will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act. The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

**(3) Staging**

The contribution may be paid in stages (for the total contribution) as a percentage of GFA.

- Stage 1 - 85%
- Stage 2 -15%

Periodic/staged contributions will be subject to indexation by the CPI based on the time of payment.

**B6 Reflectivity**

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.

**B7 Outdoor Lighting**

All outdoor lighting shall comply, where relevant, with AS/NZ 1158.3: 1999 *Pedestrian Area (Category P) Lighting* and Australian Standard AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

**Remediation, Demolition and Earthworks****B8 Stage 2 Detailed Investigation**

Prior to the commencement of construction works, a Stage 2 Detailed Investigation, including field investigations and laboratory analysis, shall be prepared and submitted to Council for approval.

The Stage 2 Detailed Investigation shall also include additional test bores within the building footprint, subsequent to the demolition of existing buildings, for both site assessment purposes and to confirm the provisional waste classification.

The Stage 2 Detailed Investigation shall also investigate and determine the presence of hazardous building materials, including but not limited to, asbestos, lead paint, and PCB-containing light fittings. Appropriate removal and disposal measures shall be recommended.

*Note: Nothing precludes staged detailed investigations to coincide with any proposed staged construction program.*

**B9 Remediation of Land**

Based on the results of the Stage 2 Detailed Investigation, the proponent shall prepare a Remedial Action Plan and must be accompanied by a statement from a site auditor accredited by the Department of Environment and Conservation (Environmental Protection Agency) to issue site audit statements. The Hazardous Building Materials Investigation and Remedial Action Plan shall be submitted to Council prior to commencement of construction works.

Upon completion of the remediation works on the site, the proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to Council. The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the Department of Environment and Conservation (Environmental Protection Agency) to issue site audit statements.

**B10 Site Works**

A site works plan must be prepared for every demolition, earthworks or building works indicating methods of sediment and pollution control in accordance with Council's DCP 2006, Part 8.1 – Construction Activities.

The site works plan is to indicate compliance with Council's DCP 2006, Part 8.1 – Construction Activities, in relation to:

- a) sedimentation and pollution controls;
- b) tree preservation and protection measures;
- c) security fencing;
- d) builder's identification signage and demolition in progress signage; and
- e) provision of site toilets

### ***B11 Engineering Compliance Certificate***

Engineering Compliance Certificates must be obtained for the following works at the specified stage:

- Prior to backfilling of pipelines in which Council has an interest.
- Prior to backfilling of drainage connections to pipelines or channels in which Council has an interest.
- Prior to casting of pits and other concrete structures in which Council has an interest including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

**NOTE:** Council has an interest in all pipelines which drain public reserves and public road reserves, and in all structures located within public road reserves.

### ***B12 Dilapidation Report.***

Submit a dilapidation report on existing public infrastructure abutting the proposed development. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.

- a) Road pavement
- b) Kerb and gutter
- c) Constructed footpath.
- d) Drainage pits.
- e) Traffic signs
- f) Any other relevant infrastructure.

The report is to be submitted to Council, prior to the commencement of construction. The report shall be used by council as Roads Authority under the Roads Act 1993 to assess whether restoration works are required prior to the issue of the occupation certificate.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the items specified in the earlier report. A copy of the report shall be submitted to Council prior to the commencement of works.

### ***B13 Service Alterations***

All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

### ***B14 Excavation***

The proponent shall:-

- a) seek independent advice from a Geotechnical Engineer on the impact of the proposed excavations on the adjoining properties
- b) detail what measures are to be taken to protect those properties from undermining during construction
- c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

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**B15 Traffic Management**

Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities. A plan of traffic management is to be submitted to and approved by the Department of Planning.

**B16 Construction Management Plan**

Prior to the commencement of works, a Construction Management Plan shall be prepared by a suitably qualified person in accordance with relevant legislation and guidelines and submitted to and approved by Council. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) Contact details of site manager,
- (2) Construction traffic and pedestrian management,
- (3) Noise and vibration management,
- (4) Waste management,
- (5) Flora and fauna management.

**B17 Vehicle Footpath Crossings**

Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

**Traffic/Car Parking/Transport****B18 Sign posting**

All works/ regulatory signposting associated with the development shall be at full cost to the proponent.

**B19 Drop off / Pick up Bay**

The proposed drop off/pick up bay along Technology Place must be appropriately designed to accommodate the forecast number of patients/visitors likely to be using this facility during peak times.

**B20 Car Parking Layout**

The layout of the car parking areas associated with the subject development (including driveways, grades, turning paths, sight distance requirements, aisle widths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicles.

**B21 Car Parking**

The number of on-site car spaces to be provided for the development (Site 2) shall not exceed 218 (in accordance with RTA Guidelines for Traffic Generating Developments), including those required for people with disabilities. Details confirming the parking numbers and configuration shall be submitted to the satisfaction of the Department prior to the commencement of construction works.

**B22 Public Transport**

To promote public transport and other modes of transport the proponent shall

- Distribute copies of the Macquarie University Public Transport Guide to all staff and students;
- Provide secure bicycle parking and end of trip facilities in the form of showers, lockers and changing rooms.

Details are to be submitted to and approved by the Department prior to occupation.

**Landscaping**

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**B23 Landscape Plan**

In order to ensure an appropriate landscaping response is provided for the Talavera Road elevations, a revised landscaping plan incorporating the following amendments must be submitted:

- (1) Retention of existing trees within the site boundary (not affected by the building/excavation) and the 9m setback;
- (2) Details of trees to be retained, removed or replaced;
- (3) Tree protection measures during construction; and
- (4) Full range of proposed species.

The amended landscape plan shall be submitted to and approved by Department prior to the commencement of construction works.

**Sydney Water**

**B24 Section 73 Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to Council.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

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## **PART C—DURING CONSTRUCTION**

### *Site Maintenance*

#### **C1      *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.

#### **C2      *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.

#### **C3      *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.

### *Noise and Vibration*

#### **C4      *Construction Noise Management***

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
  - (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
  - (3) the work is approved through the Construction Noise and Vibration Management Plan; and
  - (4) 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.
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***C5 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.

***C6 Protection of Trees – Street Trees***

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

***C7 Protection of Trees – On-site Trees***

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

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**PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

*Engineering*

**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.

***Works As Executed Plans***

**D2      *Works As Executed Plans***

Prior to occupation, one (1) full set of works as executed plans, shall be submitted to Council for information purposes only.

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## **PART E – POST OCCUPATION**

### ***Traffic and Parking***

#### ***E1 Loading and Unloading***

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

### ***Noise Management***

#### ***E2 Noise Control – Plant and Machinery***

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

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## ADVISORY NOTES

### **AN1**      *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.

### **AN2**      *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.

### **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.
- (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 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.

### **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.

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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      *Dial 1100 Before You Dig'***

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au).

**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.

**AN11     *Restoration***

Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public storm water drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

**AN12     *Stormwater and Drainage Works Design***

Final design plans of the stormwater drainage systems shall be prepared in accordance with Council's Stormwater Drainage Development Control Plan prior to the commencement of construction works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

**AN13     *Security Fencing***

Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorised entries of the site at all times during demolition and construction.

## APPENDIX B. STATEMENT OF COMMITMENTS

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**Macquarie University Private Hospital**  
Environmental Assessment Report

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## **9.0 Draft Statement of Commitments**

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the proponent is required to include a Draft Statement of Commitments in respect to environmental management and mitigation measures on site.

The following are the commitment made by Macquarie University Private Hospital and Baulderstone Hornibrook, to manage and minimize potential impacts arising from the Macquarie University Private Hospital Project.

### **9.1 General**

The development will be undertaken generally in accordance with the Environmental Assessment report dated November 2006 prepared by Health Projects International (including accompanying Appendices) and drawings.

### **9.2 Environmentally sustainable development**

The proponent is committed to the principles of sustainability as defined in the *Environmental Planning and Assessment Act 1979*. The proposed development will incorporate a range of ESD initiatives to minimize the impact of the development on the environment including reduction in energy, water and waste generation by

- mechanical systems that allow zonal occupation and environmental control
- Provision of high performance glazed areas for minimum heat gain
- Use of water minimising fittings and tapware, such as 5A fittings, shall be used in order to minimize water consumption and sub metering of water supplies will be used to assist in water consumption management
- Compliance with a Waste Minimisation and Management Plan to recycle/reuse waste during construction and operation

### **9.3 Site Contamination**

MUPH undertakes to conduct a limited intrusive investigation at the site, complying with guidelines endorsed by the EPA, to assess the extent of potential subsurface contamination prior to commencement of construction.

### **9.4 Management of Construction noise, vibration, dust, soil and erosion**

Management of Construction noise, vibration, dust, soil and erosion arising from the proposed construction will be undertaken in accordance with the Construction Management Plan for the development.

Hours of construction will be limited to 7.00am to 7.00pm Monday to Friday, and 8.00am to 4.00pm on Saturdays. There will be no work on Sundays and public holidays.

**Macquarie University Private Hospital**  
Environmental Assessment Report

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**9.5 Management of Construction waste**

MUPH undertakes to adopt the following targets as performance requirements for the management of construction waste:

- 80-90% of excavation material
- 80% off site recycling for demolition wastes
- 70% off site recycling for construction

**9.6 Management of Construction traffic**

A Construction Management Plan will be prepared prior to issue of the Construction Certificate. The plan will include the principles set out in this report to minimize construction traffic impacts at different stages of the Construction process.

**9.7 Use of public transport**

MUPH undertakes to encourage employees and visitors to use the new railway line, and thereby reduce the number of private vehicles using the site.

**9.8 Community and stakeholder engagement**

MUPH undertakes to establish a complaints handling mechanism to record and address issues in relation to the construction program and ongoing operations of the hospital.

**9.9 Planning Agreement**

The proponent will make a monetary contribution, as could be otherwise be imposed as a condition of development consent granted under Part 4 of the Act, calculated in accordance with the City of Ryde Section 94 Contributions Plan No 1 (Amendment 2003).

## APPENDIX C. PREFERRED PROJECT REPORT

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No Preferred Project Report was submitted for this application.

## APPENDIX D. RESPONSE TO SUBMISSIONS

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Please note: There were no submissions received from the public.

## APPENDIX E. COPIES OF SUBMISSIONS FROM PUBLIC AUTHORITIES & SUMMARY OF PUBLIC SUBMISSIONS

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Please note: There were no submissions received from the public.

## APPENDIX F. ENVIRONMENTAL ASSESSMENT

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Please refer to Environmental Assessment documentation available as separate publication.

## APPENDIX G. ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

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### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### Part 3A of the Environmental Planning and Assessment Act 1979 (the Act)

On 1 August 2005, Part 3A was introduced to the Environmental Planning and Assessment Act 1979 (EP&A Act). Part 3A and its accompanying Regulations and Guidelines (the latter yet to be gazetted), contains a new assessment and determination framework for major projects.

The Director General as delegate of the Minister has formed the opinion that the development to which this application relates is a project for the purposes of Part 3A of the Act. The project application to which this Environmental Assessment report relates has therefore been lodged pursuant to Section 75E of the Act, for approval to carry out a project as defined in Part 3A of the Act.

### STATE ENVIRONMENTAL PLANNING POLICIES

#### State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP)

The Major Projects SEPP outlines the types of development declared a project for the purposes of Part 3A of the Act.

For the purposes of the Major Projects SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within it.

On 9 November 2006, the Director General formed the opinion that the project is a development which meets the criteria of Clause 18, Group 7 of Schedule 1 of the SEPP which refers to Health and Public Service Facilities.

The opinion was formed on the basis that the development for the purposes of a hospital with a Capital Investment Value (CIV) of \$80 million (as advised at the time), which exceeds the \$15 million threshold identified in the SEPP. Accordingly, the Minister is the approval authority.

#### State Environmental Planning Policy 11 – Traffic Generating Developments (SEPP 11)

The main objectives of SEPP 11 are to ensure that the RTA is made aware of and is given an opportunity to make representations in respect of development set out in Schedules 1 and 2.

Criteria (o) of Schedule 2 identifies the following:

*The erection of a building for the purposes of a hospital with accommodation for 100 or more beds or the enlargement or extension of a building for the purposes of a hospital where that enlargement or extension provides accommodation for 100 or more beds.*

The development proposal was referred to the RTA on 2 February 2007 for comment. The RTA's key issues related to public transport provisions, bicycle parking, car parking provision and lay out, and appropriate design of pick up / drop off bays. These matters have been considered and are discussed in detail in Section 6 of the Director General's report or have been resolved through the recommended conditions of approval where appropriate.

#### State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying that certain considerations be made by the

consent authority when determining development applications in general, and where relevant, land has been appropriately remediated.

HLA-Envirosciences Pty Limited has prepared a preliminary investigation of the land on behalf of the proponent in accordance with relevant EPA guidelines and NSW statutory requirements (i.e. SEPP 55). The Limited Scope Phase 1 Environmental Site Assessment comprised a review of the site's history (including review of previous geotechnical investigation undertaken by Jeffrey and Katauskas) and site inspection. No soil sampling or analyses have been undertaken to date. The Report's conclusions and recommendations are as follows:

- Potentially contaminating activities undertaken on the site to date include use of asbestos construction materials, possible use of pesticides and herbicides during previous use as a market garden, and possible use of fill materials;
- Visible evidence of contamination includes minor hydrocarbon staining on vehicle maintenance areas and walls and floor of the fuel and herbicide storage building on Site 1;
- Notwithstanding the above, the current risk of exposure to workers and users of the site is considered low as the potentially contaminating activities are largely no longer undertaken on the site, and site buildings appear to be well maintained;
- A limited intrusive investigation should be undertaken to determine the nature and extent of any subsurface contamination. The investigation should include collection of soil samples collected from fill materials and analysis for asbestos; and
- Waste classification of any materials on the site should be undertaken to determine appropriate disposal requirements to an appropriately qualified landfill.

The proponent has committed to undertaking a limited intrusive investigation and in doing so complying with relevant endorsed EPA guidelines. Whilst the Department is generally satisfied with the proponent's approach to this issue, it recommends the Minister impose conditions formalising the requirement for further contamination / geotechnical studies, and implementation of current and proposed recommendations. To ensure appropriate resolution of this matter, it is also recommended that the Minister require the proponent to prepare and submit a remediation action plan (RAP) to be approved by the Department post demolition and prior to commencement of any construction works should one be required.

## OTHER ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

Section 75R(3) of the Act provides that EPI's (other than State Environmental Planning Policies) do not apply to or in respect of an approved project. Notwithstanding this, the Department has nevertheless undertaken an assessment of relevant EPI's applicable to this project as set out below.

### Ryde Planning Scheme Ordinance 1979

#### Zoning

The subject site is zoned Business Special (Mixed Activity) 3(h) pursuant to the provisions of Ryde LEP (Amendment No. 137) which amend the Ryde Council's PSO. The objectives of that LEP are as follows:

- to ensure that the Macquarie Park Corridor matures into a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity, and*
- to ensure that the employment and educational activities within the Corridor are integrated with other businesses and activities within Sydney's global economic crescent, and*
- to ensure that the Corridor will be characterised by a high-quality, well-designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points, and*
- to provide an new street network that will:*

- i. achieve a more comprehensive network allowing for greater permeability or linkages between land uses and the station nodes, and*
  - ii. reduce pressure from existing road intersections, and*
  - iii. create additional street frontages providing opportunities for new business addresses, and*
- (e) to provide a transition from the more intense development and street activity focussed at the station precincts and the central boulevard spine to the peripheral areas characterised by lower scale development and greater landscaped elements through:*
  - i. more urban activated streets near the transport nodes with a safe and convenient pedestrian environment that encourages public transport use and social interaction, and*
  - ii. a more sensitive presentation of the employment area to the adjoining residential areas, particularly south of Epping Road and the Lane Cove National Park, consisting of lesser scale development and greater landscape opportunities, and*
  - iii. a variety of business addresses attractive to different enterprises, building typologies and business types to provide a more mature employment area, more robust to economic changes, and*
- (f) to incorporate the principles of ecologically sustainable development.*

#### **Development which can be carried out with consent**

Pursuant to the provisions of the 3(h) Mixed Activity zoning, development which can be carried out only with development consent comprises development that is not prohibited by the LEP (see below).

#### **Development which is prohibited**

Prohibited development in the subject zone includes development for the purposes of brothels, caravan parks, car repair stations, gas holders, offensive or hazardous industries referred to in Schedule 3 of the PSO, junk yards, liquid fuel depots, and motor show rooms.

There are no aspects of the proposal which are prohibited development. Notwithstanding this, Section 75J of the EP & A Act provides the Minister with the power to approve prohibited elements of the proposal (should they be proposed) as the development is not wholly prohibited.

#### **General restrictions on development in the Macquarie Park Corridor**

Part 10, clause 93 states that consent must not be granted unless the consent authority has considered:

- (a) the planning principles and objectives of the Corridor set out in Schedule 18 and clause 94, and*
- (b) the objectives and development standards for floor space ratios set out in clause 96, and*
- (c) the objectives and development standards for building heights set out in clause 97, and*
- (d) the objectives and development standards for off-street parking set out in clause 98.*

The proposed development readily satisfies the objectives of the Corridor in clause 94 of the LEP which collectively seek to:

- (a) to promote Macquarie Park Corridor as a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity, and*

- (b) *to implement the State Government's strategic objectives of integrating land use and transport, reducing car dependency and creating opportunities for employment in areas supported by public transport, and*
- (c) *to guide the quality of future development in the Corridor, and*
- (d) *to ensure that the Corridor is characterised by a high-quality, well designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points, and*
- (e) *to ensure that residential and business areas are better integrated and an improved lifestyle is created for all those who live, work and study in the area.*

Similarly, the Department has considered the relevant environmental, social and economic principles in Schedule 18 of LEP 137, and is satisfied that the proposal complies with these principles:

Environmental Principles:

- (a) *to strongly define the public domain and active street frontages in the areas surrounding the proposed railway stations, by close alignment of buildings to the street edge and selection of appropriate street-front uses,*
- (b) *to ensure a transition between the Corridor development and surrounding areas,*
- (c) *to encourage higher use of public transport (both rail and bus) by providing safe direct pedestrian and cycle links to bus stops and proposed station entries,*
- (d) *to provide landscape and street details to unify areas within the Corridor and, where appropriate, integrate with the surrounding natural and built environments,*
- (e) *to develop innovative, ecologically sustainable, flexible buildings and open spaces,*
- (f) *to pay special attention to the important interface between new buildings and open spaces, particularly the National Park and existing creek areas,*
- (g) *to establish a permeable street pattern that provides several links to the surrounding street system and provides an internal grid system,*
- (h) *to provide efficient layout of parking and loading facilities, screened from view of streets,*
- (i) *to take advantage of northerly aspect to create pleasant outdoor public and semi-public spaces,*
- (j) *to minimise overshadowing of open spaces,*
- (k) *to provide a central public space that contributes to the vitality and sustainability of the Corridor,*
- (l) *to incorporate ecological sustainable development measures into the design of new developments in the areas of energy conservation, waste management, water conservation and ecological enhancement,*
- (m) *to minimise the impact of traffic noise on the occupants of future developments.*

Social Principles:

- (a) *to incorporate the principles of "Safer by Design" into the design of all new buildings and open space areas,*
- (b) *to provide easy pedestrian and cycle access for both able-bodied and mobility-impaired people, through out the Corridor both in the public domain and within private developments,*

- (c) *to improve pedestrian and cycle connections between the Corridor and surrounding residential areas and minimise environmental impacts on the locality generally,*
- (d) *to provide buildings that are designed to accommodate the needs of people with disabilities,*
- (e) *to encourage the creation of common spaces within private developments that promote social interaction,*
- (f) *to ensure that all buildings have easy, safe vehicular access and street address,*
- (g) *to provide open space, located in a manner appropriate to interface with adjacent areas and provide recreation opportunities for workers,*
- (h) *to promote the notion of a viable and vibrant employment area with a central civic space, in the vicinity of Macquarie Park Station, that provides a focus for community and government activities,*
- (i) *to provide 24-hour access for authorised emergency vehicles in accordance with the relevant Australian Standards,*
- (j) *to provide buildings that are designed with well-defined and accessible entrances.*

Economic Principles:

- (a) *to provide flexible buildings that are adaptable to the changing floor plate and layout needs of commercial and high-tech industries over time,*
- (b) *to provide a variety of floor plate sizes to suit a range of businesses,*
- (c) *to promote a central location for civic and government activities,*
- (d) *to facilitate the continuance of existing "non conforming" uses in the short term,*
- (e) *to permit limited residential uses in appropriate identified areas provided they do not undermine the economic viability of the planned commercial and high-tech industrial function of the Corridor.*

In summary, the private hospital's research facilities, in conjunction with the adjoining research and education building are clearly adopting the principles of co-location to obtain optimal benefits from each building's functions as well as their proximity to the University. The new rail station and reduced car parking rates imposed by the Department above and beyond those proposed (see Section 6) will ensure integrated land use objectives are achieved. Both buildings (and functions / services which will be accommodated within them), are employment generators, which are likely to rely on a high proportion of private car use. The Department has however in its assessment sought to ensure a critical mass of public transport utilisation. The design quality and proposal's configuration has also been assessed and considered appropriate for the location. Conditions have been recommended to ensure good environmental, social and economic outcomes are achieved.

The FSR, height and car parking objectives and development standards prescribed by LEP 137, are discussed in detail in Section 6, and have generally been met either through the Department's recommended conditions or through the proponent's design. Whilst the proposed height slightly exceeds the 6 storey height limit, the Department is satisfied with the design. The proposal's 1.9:0 FSR does not exceed LEP 137's required 2.1:1 FSR. The 218 car parking spaces recommended for approval is well below the 233 car parking spaces that would be required under the LEP's 1 space / 80m<sup>2</sup> of GFA rate.

## City of Ryde Development Control Plan

Parts 7 – Environment, 8 – Engineering and 9 – Other Provisions of the City of Ryde DCP apply to the subject proposal.

Having reviewed Part 7 – Environment, the proposed use and consequently minimum requirements, are not specifically identified in the DCP. Standard requirements for energy efficiency are outlined and a minimum 3.5 NatHERS energy certificate is required. Waste minimisation and management are also key objectives of the DCP, particularly where demolition and construction activities are proposed. The proponent's Statement of Commitments and the Department's recommended conditions of approval adequately satisfy the objectives of the DCP as they relate to the Environment.

Part 8 – Engineering seeks to minimise construction impacts (erosion and sediment control, tree preservation and protection measures, road / footway damages and reinstatement, pedestrian and traffic amenity, etc) and address other standard development type matters (identification signage, security fencing, hours of operation, inspection, etc). The Department's recommended conditions of approval address these standard matters, where relevant.

Part 9 – Other Provisions considers advertising signs, access for people with disabilities, car parking, and fencing. Appropriate conditions of approval have been drafted to ensure the proposal satisfies the standards related to these matters, where relevant.

### Draft DCP 55 – Macquarie Park Corridor

Draft DCP 55 seeks to build upon LEP 137 by providing detailed development principles, guidelines and controls. The controls are based on a precinct basis, with the subject site falling within Character Area 1. The key controls for that precinct are:

- Density FSR – 2:1;
- Height – 6 storeys;
- Public Domain Interface – address street frontage, at-grade access points, continuous weather protection, direct level access from building entrances to street front public domain;
- Setbacks – to be consistent with prevailing controls for adjacent precincts;
- Boundary Treatment – subject to site-specific master plans (not applicable in this instance) and should encourage relationship between university and adjacent land uses; and
- Car Parking – 1 space per 80m<sup>2</sup>.

The Draft DCP also contains objectives and controls for open space and landscape design, site amenity, building design, environmental factors, etc. The development generally complies with these heads of consideration. Where necessary and relevant, conditions of approval have been recommended to ensure a superior planning outcome.

## OTHER ACTS AND APPROVALS

### *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1997*

The EPBC Act commenced on 16 July 2000. The EPBC Act includes the assessment and approvals system for actions that have a significant impact on:

1. Matters of National Environmental Significance (NES); and
2. The environment on Commonwealth land.

Should an action be determined to likely have a significant impact, an approval from the Commonwealth Minister for the Environment and Heritage is required.

The EPBC identifies seven matters of national environmental significance being:

1. World Heritage properties;
2. National Heritage places;
3. RAMSAR wetlands of international significance;
4. Nationally listed threatened species and ecological communities;
5. Listed migratory species;
6. Commonwealth marine areas; and
7. Nuclear actions.

The Environmental Assessment identified that no NES matters or Commonwealth land are likely to be impacted by the proposal and therefore an approval from the Commonwealth Minister is not required.

## REGIONAL STRATEGIES

*City of Cities – A Plan for Sydney's Future (December 2005)*

Of particular relevance to this proposal are the "centres and corridors" and "transport" strategies.

The centres and corridors strategy sets out a vision for centres and corridors throughout the metropolitan area. Four types of strategic centres (global Sydney, regional cities, specialised centres and major centres) and two types of emerging centres (planned major centres and potential major centres) have been identified. Three types of corridors have been identified (economic, renewal and enterprise) to connect the strategic centres and the commercial activities that take place within them. The Macquarie Park Corridor is identified as a major global arc which is planned to provide 60% of employment in the Sydney region. Macquarie Park has also been identified as a "Specialised Centre" and is located within a significant health sector precinct.

The transport strategy aims to extend the rail and bus networks to connect centres by providing a network of strategic bus corridors with fast, frequent and direct bus services connecting centres across the City. Buses connect to rail services at Meadowbank and West Ryde stations and to the proposed Macquarie Park station on the Epping to Chatswood rail line which is due to open in 2008 which will providing a direct rail link to Chatswood and North Sydney.

The Inner North area (comprising Ryde, Willoughby, Lane Cove, Hunters Hill, North Sydney and Mosman) is expected to provide 22, 700 new jobs by 2031. The proposal will make a positive contribution towards achieving this target.