

---

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

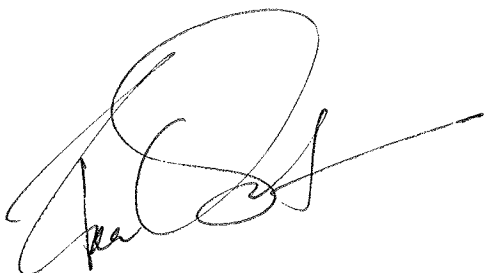
DETERMINATION OF MAJOR PROJECT NO. 07\_0100

(FILE NO. S07/01222)

I, the Minister for Planning, pursuant to Section 75J of the *Environmental Planning & Assessment Act, 1979*, determine Major Project No. 07\_0100 referred to in the attached Schedule 1, by **granting approval** subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure and achieve the orderly development of subdivision of the Royal Rehabilitation Centre Sydney site;
- (2) To facilitate the future provision of infrastructure and services on the site; and
- (3) To ensure agreements are reached between the proponent and Council regarding developer easements and developer contributions.



Frank Sartor MP  
Minister for Planning

Sydney,

12<sup>th</sup> Aug

2008

## SCHEDULE 1

### PART A — TABLE

Application made by:	Royal Rehabilitation Centre Sydney
Application made to:	Minister for Planning
Major Project Number:	07_0100
On land comprising:	Lot 1010 DP 836975, Lots 102 DP 826426 and Lot D in DP 415046.
Local Government Area	City of Ryde Council
For the carrying out of:	Torrens title subdivision to create 7 superlots, associated rights of carriageway and service easements
Capital Investment Value	\$50,000
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	
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 Environmental Assessment Report - Project Application - Subdivision – The Royal Rehabilitation Centre Sydney – 600 Victoria Road, Ryde NSW prepared by Peloton Development Management Pty Ltd and Robinson Urban Planning Pty Ltd dated 18 October 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. 07\_0100** 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).

**RRCS** means the Royal Rehabilitation Centre Sydney.

**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 07\_0100

#### PART A – ADMINISTRATIVE CONDITIONS

##### **A1** *Development Description*

Project Approval is granted only to the carrying out of a Torrens title subdivision of the RRCS site into 7 superlots, associated rights of carriageway and service easements.

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

The development shall be in accordance with the following plans, documentation and recommendations made therein:

- Royal Rehabilitation Centre Sydney (RRCS) Project Application – Subdivision Environmental Assessment Report prepared by Peloton Development Management Pty and Robinson Urban Planning Pty Ltd dated 18 October 2007.

##### **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.

#### PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Conditions in this Part.

#### PART C—PRIOR TO COMMENCEMENT OF WORKS

No Conditions in this Part.

#### PART D—DURING CONSTRUCTION

No Conditions in this Part.

#### PART E—PRIOR TO SUBDIVISION CERTIFICATE

##### **E1** *Application*

An application pursuant to Part 4A of the Act shall be submitted to Council or Private Certifier with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

**E2 Future and Existing Services**

In order that adequate provision for future and existing services exist within the RRCS site, easements for services, drainage, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over those lots pursuant to the *Conveyancing Act, 1919*.

**E3 Documentary evidence of restrictions on title**

Prior to the issuing of the subdivision certificate, the Proponent is to provide documentary evidence of the proposed easements to Council or the Private Certifier.

**E4 Agreements with Council**

Prior to issuing the subdivision certificate, documentation is to be provided demonstrating that the Proponent and Council have agreed to a Deed of Agreement and Developer Contributions relating to Section 93 and 94 of the *Environmental Planning and Assessment Act 1979*, consistent with the terms of the Concept Plan approval (MP 05\_0001). This is to include the dedication of Lot 6 to Council.

A copy of the Deed of Agreement and Developer Contributions agreement is to be provided to the Department. If an agreement is not reached within 3 months from the date of the approval, the Director General is to arbitrate an agreement, and the parties will be bound by the such a written arbitration.

**E5 Sydney Water Compliance Certificate**

Prior to issuing a subdivision certificate, a Compliance Certificate issued under Part 6, Division 9, Section 73 of the *Sydney Water Act, 1994* shall be provided to Council showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority in accordance with their requirements and produce the Certificate to the satisfaction of the consent authority or Council before the release of the subdivision certificate.

**E6 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, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the Proponent only. Details of compliance with the requirements of any relevant public authorities are to be submitted with the application for a subdivision certificate.

**E7 Weemala – Proposed Lot 4**

The subdivision is to include a restriction on the use of land to be placed on the title of Lot 4 to require the existing Weemala to continue to operate and not be demolished until all existing residents are relocated to either the new Weemala (to be constructed under project application MP 08\_0054 for the new RRCS Health Facility), or alternative off-site accommodation as agreed to by residents, carers and relevant government agencies. This restriction can only be released by the consent authority.

**E8 Costs to be Borne by Applicant**

All costs associated with the preparation and registration of any covenant or restriction on title or the preparation of any agreement required by this consent, whether directly or indirectly, will be borne solely by the Proponent.

**PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

No Conditions in this Part.

**PART G—POST OCCUPATION**

No Conditions in this Part.

**PART H—GENERAL TERMS**

No Conditions in this Part.

**ADVISORY NOTES**

No Advisory Notes.

**End of Consent**