

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

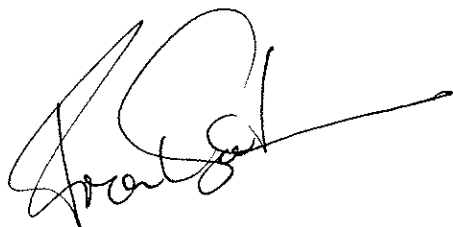
DETERMINATION OF MAJOR PROJECT NO. 07\_0102

(FILE NO. S07/01163)

I, the Minister for Planning, pursuant to Section 75J of the *Environmental Planning & Assessment Act, 1979*, determine Major Project No. 07\_0102 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 the site is suitable for the proposed development.
- (2) To adequately mitigate the environmental and construction impacts of the development.
- (3) To reasonably protect the amenity of the local area.
- (4) To encourage good urban design,
- (5) To provide sufficient landscaping,
- (6) To encourage public transport use.



Frank Sartor MP  
Minister for Planning

Sydney,

7th April 2008

## SCHEDULE 1

### PART A — TABLE

Application made by:	Justinian House Redevelopment for a Medical Research Facility
Application made to:	Minister for Planning
Major Project Number:	07_0102
On land comprising:	Lot 1 DP 802791
Local Government Area	North Sydney Council
For the carrying out of:	Construction of a Medical Research Facility as described in Condition A1, Part A, Schedule 2.
Capital Investment Value	\$25 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	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 Environmental Assessment Report for 18-22 Sinclair Street, Wollstonecraft prepared by JBA Urban Planning Consultants and dated November 2007.

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

**Council** means North Sydney 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\_0102** 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 07\_0102

#### PART A – ADMINISTRATIVE CONDITIONS

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

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

- construction of a new medical research facility, part three and four storeys in scale with a total gross floor area of 3533m<sup>2</sup>;
- provision of two levels of basement car parking for 118 vehicles, 12 motorcycles and 10 bicycles; and
- associated landscaping and site works.

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

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

**Justinian House Environmental Assessment Report prepared by JBA Urban Planning Consultants (Reference No. 07124) dated November 2007**

Architectural drawings prepared by Daryl Jackson Robin Dyke Pty Ltd

Drawing No.	Revision	Name of Plan	Date
DA0100	A	Location Plan and Drawing List	29/10/2007
DA0101	E	Site Analysis Plan	29/10/2007
DA0110	C	Existing Site Plan	29/10/2007
DA0111	C	Demolition Plan – Stage 1	29/10/2007
DA0112	A	Demolition Plan – Stage 2	29/10/2007
DA0113	A	Proposed Site Plan	29/10/2007
DA0201	B	Landscape Concept Plan	29/10/2007
DA1001	A	Level B2 Floor Plan	29/10/2007
DA1002	A	Level B1 Floor Plan	29/10/2007
DA1003	A	Level 1 Floor Plan	29/10/2007
DA1004	A	Level 2 Floor Plan	29/10/2007
DA1005	A	Level 3 Floor Plan	29/10/2007
DA1006	A	Level 4 Floor Plan	29/10/2007
DA1007	A	Roof Plan	29/10/2007
DA1101	A	Site Coverage – Existing Development	29/10/2007
DA1102	A	Site Coverage – Proposed Development	29/10/2007
DA1103	A	Gross Floor Areas – Existing Development	29/10/2007
DA1104	A	Gross Floor Areas – Proposed Development	29/10/2007
DA1105	A	Shadow Diagrams Equinox	29/10/2007
DA1106		Shadow Diagrams Winter Solstice	29/10/2007

DA1107	A	Shadow Diagrams Summer Solstice	29/10/2007
DA2001	A	East and West Elevations	29/10/2007
DA2002	A	North and South Elevations	29/10/2007
DA2010	A	Comparison of Existing and Proposed Elevations	29/10/2007
DA2011	A	Indicative Materials Palette	29/10/2007
DA2012	A	Photomontages	29/10/2007
DA2501	A	Proposed Section 01	29/10/2007
DA2502	A	Proposed Sections 02 & 03	29/10/2007
DA2503	A	Proposed Sections 05 & 07	29/10/2007
DA2504	A	Sections 06 & 08	29/10/2007

**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.

**A6      *Compliance with Relevant Legislation and Australian Standards***

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

## **PART B—PRIOR TO COMMENCEMENT OF WORKS**

### ***Design Details***

#### **B1 *Materials 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 Director, Strategic Assessments at Department of Planning prior to the commencement of construction works.

#### **B2 *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*.

### ***Dilapidation Reports***

#### **B3 *Dilapidation Report***

The applicant must submit to North Sydney Council a photographic record and report on the visible condition of the existing public infrastructure over the full site frontage and adjacent areas (in colour). The photos must include detail of:

- The existing footpath
- The existing kerb and gutter
- The existing full road surface between the opposite kerb
- The existing verge area
- The existing driveway and layback where to be retained
- Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded in detail and demonstrated under the requirements of this condition.

#### **B4 *Damage to public infrastructure***

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing or by photographic record, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

### ***Stormwater***

#### **B5 *Stormwater plans***

Plans indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, and adjacent catchments, shall be submitted to the Certifying Authority for approval with the Construction Certificate for construction works. Stormwater shall be conveyed by gravity from the site to the nearest Council stormwater drainage system. All proposals shall be in accordance with Council's specifications.

- Conveyed by gravity (not a charged or pumped system) via a direct connection to Council's street stormwater gully pit in Rocklands Road. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
- The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
- All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- All plumbing within the site shall be carried out in accordance with AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.

- Prevent any stormwater egress, apart from natural overland flow into adjacent properties.
- Engineering details are to be prepared to comply with relevant Australian Standards and Council guidelines, and shall be certified by an appropriately qualified and practising Civil Engineer.

**B6 Sub-Soil Seepage**

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being same as required in C74. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.

**Traffic****B7 Approved Plans for Road Reserve Works**

The required plans and specifications are to be designed in accordance with the North Sydney Council's *Performance Guide for Engineering Design and Construction* dated July 2005. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Council *Roads Act 1993* approval.

**B8 Obtain vehicle access and associated works permit and specifications**

Prior to the issue of the construction certificate, North Sydney Council must issue the person acting on this consent a driveway crossing and road infrastructure works permit to suit the approved off street parking facilities. The responsibility for ensuring the permit is obtained from Council in accordance with this condition rests with the Principal Certifying Authority. In order to obtain the permit, the person acting on the consent must lodge a 'Vehicular Access Application' form and pay the adopted assessment/inspection fee with Council. Council will require engineering construction drawings and certification from the applicant's Civil Engineer to verify details and enable permit issue.

**Landscaping****B9 Protection of Trees**

The recommendations contained within the aboricultural assessment report prepared by Urban Forestry Australia and dated October 2007 shall be implemented and maintained on site for the duration of the works. Details demonstrating compliance with these requirements shall be submitted to the Certifying Authority prior to issue of a Construction Certificate.

**Public transport****B10 Bus shelter**

Access to the bus shelter and bus zone in Rocklands Road, adjacent to the site, be maintained during the construction and operational phase of the development, unless approved otherwise by the North Sydney Traffic Committee.

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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.

**C4 Hours of Construction**

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Notes:

For the purposes of this condition:

"Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.

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

**D2 Easements**

Prior to occupation of the new hospital, the relevant documentary easements for access must be created and registered over the appropriate lots in the development to provide for public access, services, drainage, use of plant equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the subject site.

**D3 Works As Executed Plans**

Prior to occupation, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to Council for information purposes only.

**Public Transport****D4 Public Transport**

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

- Prepare a workplace green travel plan to highlight to staff the alternative and public transport options for travelling to the site;
- Provide secure bicycle parking and end of trip facilities in the form of showers, lockers and changing rooms.

## 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.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

**AN7      *Excavation – Historical Relics***

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

**AN8      *Long Service Levy***

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

**AN9      *Commonwealth 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.