

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF PROJECT APPLICATION NO. 06\_0263**

**(FILE NO. S06/00726-1)**

**2 LOT TORRENS TITLE SUBDIVISION OF  
THE ROYAL NEWCASTLE HOSPITAL SITE  
LOT 1 DP 1029006, PACIFIC STREET, NEWCASTLE**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J Clause (2) determine the major project proposal referred to in the attached Director-General's Environmental Assessment Report, by **giving approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment identified in Appendix B and the Proponent's Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2.

Frank Sartor MP  
**Minister for Planning**

Sydney, 25 January 2007

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## SCHEDULE 1

### PROJECT APPLICATION FOR 2 LOT TORRENS TITLE SUBDIVISION OF THE ROYAL NEWCASTLE HOSPITAL SITE (MP 06\_0263)

#### PART A—TABLE

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| <b>Application made by:</b>              | Landcom, on behalf of the NSW Department of Health (Health Administration Corporation as landowning entity)              |
| <b>Application made to:</b>              | Minister for Planning  |
| <b>Major Project Application:</b>        | MP 06_0263   |
| <b>On land comprising:</b>               | Lots 1 DP 1029006, Pacific Street, NEWCASTLE NSW 2300  |
| <b>Local Government Area</b>             | Newcastle  |
| <b>For the approval for:</b>             | 2 Lot Torrens title subdivision  |
| <b>Estimated Cost of Works</b>           | \$777,000  |
| <b>Type of development:</b>              | Project Application  |
| <b>S.119 Public inquiry held:</b>        | No   |
| <b>Determination made on:</b>            | 25 January 2007  |
| <b>Date approval is liable to lapse:</b> | 5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act. |

#### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06\_0263

##### Responsibility for other approvals / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

##### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

##### Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

##### Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

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## PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Council** means Newcastle City Council.

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

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

**Environmental Assessment** means the Environmental Assessment prepared by JBA Planning Consultants and dated August 2006.

**Minister** means the Minister for Planning.

**MP No. 06\_0263** means the Major Project described in the Proponent's Environmental Assessment.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Proponent** means Landcom, on behalf of the NSW Department of Health (Health Administration Corporation as landowning entity) or any party acting upon this approval.

**Regulations** means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

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## SCHEDULE 2

### RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06\_0263

#### PART A—ADMINISTRATIVE CONDITIONS

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

Development approval is granted only to carrying out the development described in detail below:

1. Torrens title subdivision of Lot 1 DP 1029006 into two (2) lots being:
  - Lot 11 – 4,766 sqm; and,
  - Lot 12 – 12,440 sqm.

##### **A2      *Development in Accordance with Documents***

The development will be undertaken in accordance with the following documents:

- a) *Environmental Assessment Report* including *Draft Statement of Commitments* prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Landcom, dated September 2006;
- b) *Draft Plan of Subdivision*, Palmer Bruyn & Associates, dated September 2006 (appendix B to *Environmental Assessment*);
- c) *Royal Newcastle Hospital Site Subdivision Infrastructure Investigation concept Design Report*, Patterson Britton & Partners, dated August 2006 (appendix C to *Environmental Assessment*);
- d) *Boundary Fire Assessment Report*, Meinhardt NSW Pty Ltd, dated 7 August 2006 (appendix D to *Environmental Assessment*);
- e) *Royal Newcastle Hospital – Proposed Subdivision of David Maddison Building Site*, Mark Waugh Pty Limited, dated June 2006 (appendix E to *Environmental Assessment*);
- f) Correspondence prepared by Trevor Gerdson, Director, Infrastructure Services, University of Newcastle dated 23 June 2006.

##### **A3      *Development in Accordance with Plans***

The development will be undertaken in accordance with the Environmental Assessment dated September 2006 prepared by JBA Urban Planning Consultants including all Appendices and the following drawings:

| Surveyors Drawings prepared by <i>Palmer Bruyn &amp; Parker</i> at Appendix B of the Environmental Assessment |          |  |            |
|---|----------|--|------------|
| Drawing No.   | Revision | Name of Plan                                       | Date       |
| DP3.dwg   | -        | Plan of Proposed subdivision of Lot 1 in DP1029006 | 22/08/2006 |

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#### **A4      *Limits on Approval***

This project application approval does not allow any construction/physical works, except, relocation of services as detailed in the Environmental Assessment Report, to be carried out on the site.

#### **A5      *Inconsistency Between Plans and Documents***

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above including the Statement of Commitments in Schedule 3, the conditions of this approval prevail.

### **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 OR STRATA SUBDIVISION**

#### **Applications for Subdivision Certificate**

#### **E1      *Application under Part 4A of the Act***

An application pursuant to Part 4A of the Act shall be submitted to the approval authority, the Council, or an Accredited Certifier along with a plan of subdivision prepared by a registered surveyor for certification prior to the issue of subdivision certificate.

#### **E2      *Restriction on GFA & FSR***

Prior to the issue of the Subdivision Certificate, pursuant to Section 88B of the *Conveyancing Act*, 1919 a restrictive covenant shall be created and placed on title on both lots for limiting:

- a) development on Lot 11 to have a maximum GFA of 12,055 sqm being FSR 2.5:1;
- b) development on Lot 12 to have a maximum GFA of 41,916 sqm being FSR 3.27:1.

#### **E3      *Easements***

In order that adequate provision for future and existing services exist within the subject site, the Proponent shall create:

- (1) An easement measured at 1 metre wide to drain stormwater being created within proposed Lot 12, in favour of the adjacent Lot 22 DP 880526, along the existing stormwater drain (within the access easement in DP 1026764) as well as along the new stormwater line to Shortland Esplanade at the north-eastern corner of proposed Lot 12 over those lots pursuant to Section 88B of the *Conveyancing Act* 1919.

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- (2) An easement to accommodate the new 11kV cables to be installed on proposed Lot 11 from King Street to the substation in the David Maddison building must be created pursuant to Section 88B of the *Conveyancing Act 1919*.

#### ***E4 Registration of Easements***

Prior to the issue of the Subdivision Certificate, the Proponent shall provide to the relevant certifying authority evidence that all easements and covenants required by this approval, , and other approvals have been or will be registered for the subdivision.

#### **Compliance**

#### ***E5 Requirements of Public Authorities for Connection to Services***

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Hunter 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.

#### ***E6 Relocation of Power***

Prior to the issue of the Subdivision Certificate, the Proponent shall provide to the relevant certifying authority evidence that the 11kV cables have been directly relocated and connected from King Street to proposed Lot 11.

#### **Costs**

#### ***E7 Costs to be Borne by Proponent***

All costs associated with the preparation and registration of any covenant or restriction on title or the preparation of any agreement required by this approval, 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**

This subdivision has been considered in association with the Concept Plan application for the redevelopment of the former Newcastle Hospital site (MP05\_0062). It is noted that this project application has provided alternate arrangements for the location of buildings W4 & P1 shown in the Concept Plan. However, if this subdivision is registered, an amendment to the approved Concept Plan will be required as a consequence of this subdivision approval.

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**SCHEDULE 3**

**MP 06\_0263**

**2 LOT TORRENS TITLE SUBDIVISION OF  
THE ROYAL NEWCASTLE HOSPITAL SITE**

**PACIFIC STREET, NEWCASTLE**

**STATEMENT OF COMMITMENTS**

**(SOURCE: ENVIRONMENTAL ASSESSMENT)**

Table 1 – Draft Statement of Commitments

| No. | Title  | Commitment  |
|-----|--|---|
| 1   | Obligation to Minimise Harm to the Environment | The proponent will implement all practicable measures to prevent and / or minimise any harm to the environment that may result from the demolition, construction and or operation of the development.   |
| 2   | Development in Accordance with Plans / Reports | The development will be generally in accordance with the following documents:<br>1) Draft Plan of Subdivision prepared by Palmer Bruyn and Associates;<br>2) Boundary Fire Assessment prepared by Meinhardt NSW;<br>3) Infrastructure Investigation Report prepared by Potterson Britton & Partners;<br>4) Transport Impact Assessment Report prepared by Mark Waugh Transport; and<br>5) Environmental Assessment Report prepared by JBA Urban Planning Consultants.   |
| 3   | Application for Subdivision Certificate        | Prior to the lodgement of the plan of subdivision for registration under Division 3 of Part 23 of the Conveyancing Act 1919, a Subdivision Certificate is to be obtained in accordance with Section 106D (1)(a) of the Act. The proponent will submit a linen plan of the final plan of subdivision and 6 copies of that linen plan for endorsement.  |
| 4   | Registration of Easements                      | Prior to the issue of any Occupation Certificate, the Proponent will provide to the PCA evidence that any easements that may be required by this approval have been or will be registered on the certificates of title.   |
| 5   | Utilities consultation                         | The proponent will comply with the requirements of any public authorities (e.g. Hunter Water, Telstra, Energy Australia, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the proposed subdivision. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate. |
| 6   | Utilities works                                | All Service authorities will be consulted prior to the works commencing to ascertain lead times and correct termination locations. All termination works will be undertaken in accordance with design engineers' specifications and instructions and will be undertaken by suitably licensed contractors. Any termination works that impact on adjoining owners will be notified and will be undertaken out of hours to minimise impact.  |