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ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 07\_0168

(FILE NO. S07/02045)

I, the Minister for Planning, having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine pursuant to section 75J(1) of the Act to **grant approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To adequately mitigate the environmental and construction impacts of the development;
- (2) To reasonably protect the amenity of the local area; and
- (3) To protect the public interest.

  
Kristina Keneally MP  
Minister for Planning

Sydney,

*11 May*

2009

## SCHEDULE 1

## PART A — TABLE

Application made by:	Health Infrastructure
Application made to:	Minister for Planning
Major Project Number:	07_0168
On land comprising:	Lots 21 and 22 DP 863329
Local Government Area	Willoughby City Council
For the carrying out of:	Construction of a new zone substation
Capital Investment Value	\$17,600,000
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	11 May 2009
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 Zone substation – Royal North Shore Hospital – Environmental Assessment for Project Application (including all appendices) prepared by Urban Planning Outcomes Pty Ltd and dated December 2008.

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

**Council** means Willoughby City 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 (or equivalent) within the Department of Planning.

**Major Project No. 07\_0168** 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.

**Preferred Project Report** means the document titled Zone Substation – Royal North Shore Preferred Project report prepared by Urban Outcomes Pty Ltd dated March 2008.

**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).

**Statement of Commitments** means the final Statement of Commitments (as they apply to this project) submitted to the Department of Planning on 18 March 2009.

**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\_0168

#### PART A – ADMINISTRATIVE CONDITIONS

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

Project Approval is granted for a zone substation on the Royal North Shore Hospital site.

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

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

**Environmental Assessment for Zone Substation – Royal North Shore Hospital (including all appendices) prepared by Urban Planning Outcomes Pty Ltd dated December 2008, and as amended by Zone Substation – Royal North Shore Hospital Preferred Project Report (including all appendices and Final Statement of Commitments) prepared by Urban Planning Outcomes Pty Ltd dated March 2009.**

##### **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 10 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 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

##### **B1 Damage to public infrastructure**

The applicant shall advise Council, in writing or by photographic record, of any existing damage to Council property in the vicinity of the substation site and access roads, before commencement of works. 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 commencement of work.

##### **B2 Dilapidation Report - North Shore Private Hospital**

A dilapidation report shall be prepared by a suitably qualified structural engineer to include North Shore Private Hospital structures near the construction site including the retaining wall near Saville Street. The report is to record any existing damage, methods to minimise any structural damage, and ways to address any damage that may occur as a result of the construction of the substation. The report shall be submitted to the certifier prior to commencement of works to demonstrate compliance with this condition.

**B3 Contamination Report**

A contamination report is to be prepared by a suitably qualified person(s) to satisfy the provisions of *State Environmental Planning Policy No. 55 (Remediation of Land)*, including any recommendations relating to contamination and remediation on the substation site where necessary. A copy of the report shall be forwarded to the certifier prior to commencement of work demonstrating compliance with this condition.

**B4 Stormwater**

Detailed stormwater design plans, including on-site detention details, shall be prepared by a suitably qualified hydraulic engineer and be in accordance with Willoughby City Council's technical standards for stormwater management as detailed in the *Willoughby Development Control Plan*. Details shall be forwarded to the certifier prior to commencement of works to demonstrate compliance with this condition.

**PART C—DURING CONSTRUCTION****C1 Hours of Work**

All construction works shall be restricted to within the hours of 7.00 am to 6.00 pm, seven days a week, except:

- For delivery of materials outside these hours as required by authorities or for safety reasons; or
- Where it is required in an emergency to avoid the loss of lives, property and/or prevent environmental harm; or
- Where agreement has been reached with surrounding land owners in order to reduce the duration of construction activities and/or manage other traffic, amenity or disturbance issues.

**C2 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.

**C3 Site Management**

Precautionary measures to be put in place to ensure the safety and health of persons on private or public property in the vicinity of the development site, including the use of temporary fencing and signage.

**C4 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.

**C5 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.

**C6 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.

#### **C7 Waste Management**

- (a) All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and lead shall be in accordance with work Cover requirements and relevant Australian Standards.
- (b) Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the *Protection of the Environment Operations (Waste) Regulation 2005*.

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

#### **D1 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.

#### **D2 Post-construction Dilapidation Report**

- (1) The proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the Council and is to:
  - (a) Compare the post-construction dilapidation report with the pre-construction dilapidation report, identifying the nature and costs of damage (if any) which has occurred during and as a result of construction, and
  - (b) Have written confirmation from the relevant authority that there is no adverse structural damage to its infrastructure and roads (as far as reasonably practical) or that satisfactory arrangements have been made to remedy any damage. If this has been unreasonably delayed by the relevant authority, attempts to seek such confirmation shall be given to the satisfaction of the Department.

#### **D3 Electric and Magnetic Fields (EMF)**

A review of the EMF is to be undertaken once the substation is becomes operational to determine that levels of EMF reaching the existing, and extended North Shore Private Hospital comply with all recognised standards and will not impact on the operation of the private hospital. Details are to be forwarded to the certifier once the substation is operational to demonstrate compliance with this condition.

### **ADVISORY NOTES**

#### **AN1 Self Certification by Crown Authorities**

Self-certification can be made by the Crown or on behalf of the Crown under Section 116G(2) of the Environmental Planning and Assessment Act 1979.

Where the Crown building provisions are used under Section 116G(1) of the Environmental Planning and Assessment Act 1979 the Crown is not required to obtain a construction certificate or appoint a principal certifying authority nor does it require an occupation certificate to be obtained (Section 109M of the Environmental Planning and Assessment Act 1979).

The Crown Authority undertaking the building work may contract a Council or an accredited certifier to undertake the BCA assessment of the proposed building. The Crown can then certify the building relying upon this advice. The certification is not to be confused with certification under Part 4A of the Environmental Planning and Assessment Act 1979.

#### **AN2 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.

#### **AN3 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.

#### **AN4 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.

#### **AN5 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.

#### **AN6 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.

#### **AN7 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.

**AN8      *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*.

**AN9      *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.

**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.