
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 08_0172

(FILE NO. S08/01405)

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 and Statement of Commitments in Schedule 3.

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.

Modification 1 – in red (23 March 2010)

The Hon Kristina Keneally MP
Minister for Planning

Sydney,

2009

SCHEDULE 1

PART A — TABLE

Application made by:	Thiess Pty Ltd
Application made to:	Minister for Planning
Major Project Number:	08_0172
On land comprising:	Lots 21 and 22 DP 863329
Local Government Area	Willoughby City Council
For the carrying out of:	Acute Hospital and Community Health Facility
Capital Investment Value	\$702,306,000
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 Royal North Shore Hospital and Community Health Facility Environmental Assessment and Project Application – Final for Public Exhibition (including all appendices) prepared by Urbis dated January 2009.

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 State Significant Sites branch (or its successors) of the Department of Planning.

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

Executive Director means the Executive Director of the Urban Renewal and Major Sites division (or equivalent) within the Department of Planning.

Major Project No. 08_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.

Preferred Project Report means the documents titled Royal North Shore Hospital and Community Health Facility Preferred Project Report prepared by Urbis dated May 2009 and MP 08_00172 Royal North Shore Hospital Response to Submissions prepared by Urbis and dated May 2009.

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 submitted to the Department of Planning as part of the Preferred Project Report for this project.

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 08_0172

PART A – ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Project Approval is granted for the following works:

- Staged demolition of Buildings 1,2,10 and 19 (part), within the development site;
- New Acute Hospital building;
- New Community Health Facility;
- Internal alterations to the existing Douglas Building;
- 2 new pedestrian bridges linking the Acute Hospital with the Douglas and Kolling Buildings;
- New multi storey car park for 576 vehicles;
- Public domain works including footpaths, lighting and street tree planting;
- Civil works including stormwater and drainage infrastructure, new roads and utilities.

A2 *Development in Accordance with Plans and Documentation*

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

Royal North Shore Hospital and Community Health Facility Environmental Assessment and Project Application – Final for Public Exhibition (including all appendices) prepared by Urbis dated January 2009;

and as amended by:

Royal North Shore Hospital and Community Health Facility Preferred Project Report prepared by Urbis dated May 2009 (including Statement of Commitments and Appendix A - Architectural Drawings) and MP 08_00172 Royal North Shore Hospital Response to Submissions prepared by Urbis and dated 14 April 2009 (including addendum dated 20 May 2009).

RNSH Modification to Project Approval – Community Health Building, Town Planning Report MP08_0172, Section 75W Modification Community Health Building, prepared for Infrashore, November 2009 (excluding the eastern façade drawings) and supplementary information in the letter:

- **from Jason Rudd of Halcrow MWT dated 11 December 2009 titled RNSH Community Health Services Building, Review of Pedestrian/Vehicle Interaction at Car Park/Dock Access; and**
- **from Tony Robb of URBIS Pty Ltd, dated 12 February 2010 and the attached plans:**
 - **East façade 0100125; and**
 - **THI-7401 RNSH Elevation 01.**

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 *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 *Notice of Commencement*

The proponent shall give written notice to Council and the Department at least 48 hours prior to works commencing on site.

B2 *Dilapidation Report*

Subject to the receipt of permission of the affected landowner/s, dilapidation report/s, including photographic surveys, are to be prepared by an appropriately qualified structural engineer prior to commencement of works. The dilapidation survey is to include all buildings, infrastructure and roads adjacent to the site. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners and Council prior to the commencement of works.

B3 *Traffic Management Plan*

The Traffic Management Plan, to be prepared as detailed in the Statement of Commitments, shall be submitted to the RTA for approval prior to the commencement of works.

B4 *Sydney Water Requirements*

The proponent is required to apply for a Section 73 Certificate from Sydney Water to enable Sydney Water to specify any works required as a result of the development and to assess whether amplification and/or changes are applicable. Permission is also to be obtained from Sydney Water for the discharging of trade waste into Sydney Water's wastewater systems

PART C—DURING CONSTRUCTION

C1 *Hours of Work*

All building work shall be restricted to within the hours of 7.00 am to 7.00 pm Monday to Friday, and on Saturday to within the hours of 7.00 am to 4.00 pm inclusive, with no work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

- Delivery of materials outside these hours is 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
- Approval is granted by the Director General of Department of Planning, or his delegate.

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 *Consultation*

Council is to be kept informed of the progress of significant components of the development to assist the Council in managing their work programs.

C4 *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.

C5 *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.

C6 *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.

C7 *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.

C8 *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 WorkCover 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 adjoining property owners, 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 *Workplace Travel Plan*

The Workplace Travel Plan to be prepared for the project (as detailed in the Statement of Commitments) shall be forwarded to the Department of Planning for approval prior to occupation.

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.

SCHEDULE 3
STATEMENT OF COMMITMENTS