

30 November 2016

Ms Natasha Harras – Team Leader – Modification Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref: HMRI Subdivision Application
Your Ref: MP 08_0250 MOD 1

SUBJECT: Proposed Modification to Major Project MP 08_02500 to create a Subdivision.

Dear Natasha

Further to our recent conversations and correspondence with you and other members of your team including Planner Ms Fiona Gibson, the Hunter Medical Research Institute "HMRI" seek approval for the creation of a subdivision of the Hunter New England Local Health District "HNELHD" land in Folio 401/1197237 to be identified as Lot 1 per attached documents via a section 75W modification to MP 08_0250.

This subdivision application refers to the land on which the HMRI facility was constructed and is endorsed via a letter of consent under separate cover (**Appendix A**) by the land owner. As discussed, it was always in the mind set of those associated with the project (which was completed in 2012) that a subdivision would and should be created as part of the project.

Please refer to the documents already submitted and on display in the Departments Major projects site at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7965

These documents generally and per the titled "letter and Principles of HMRI Building Governance – 080815 – Summary for the Gateway Review Team – 15/08/2008" (see page 2 of the document items 1.1 and 1.3) specifically, show a clear intention of all parties nominated to the project, including NSW Treasury, NSW Health, the university of Newcastle and the HMRI Board that a subdivision should be created.

The subdivision modification is necessary to allow the 40 year + 40 year ground lease (which formed part of the principle governance requirements from the project gateway review by NSW treasury) to be compliant with the requirements of Section 7A of the Conveyancing Act 1919.

You will note that the gateway document which states the intention of all parties to create the subdivision and the reasons for the subdivision precedes the Part 3A determination by more than a year.

In partnership with our Community

Background

The Hunter Medical Research Institute (HMRI) was approved for construction as a Part 3A assessment which was determined as approved on the 18/03/2010 – See:

- Project Application 08_0250 on the NSW Planning and Environment – Major Project Assessments website – (see http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2838)

The proposed site for the new HMRI facility (Lot 1) bridged part of Lot 2 (DP 839929) and Lot 132 (DP1053492) of the existing John Hunter site. See:

- **Appendix A** – Land Owners Consent to the Modification Application
- **Appendix B** - Title search documents – attached
- **Appendix C** - Title Info – attached and;
- **Appendix D** - CRH12-354C_DP_2A – Plan of subdivision identifying Lot 1 (which was created to house the HMRI site and future site growth of this facility including references to all required easements)

Note: that in the period between when the title info drawings identified as **Appendix C** were lodged with the DA (mid 2009) and now, Hunter New England Local Health District (HNELHD) have rationalising other subdivisions on site such that there appears that the HMRI Lot 1 appears to be wholly within new Lot 201 (DP 1176551)

Current Situation

- HMRI has a need to progress a lease arrangement for the HMRI Building.
- The terms of the lease allow for a 40year + 40year lease term with the owner HNELHD.
- Section 7A of the Conveyancing Act 1919 states that “... a lease of land creates a subdivision when the total of the original term of the lease, together with any option of renewal, is more than 5 years. ...”
- HMRI had Cadence Consulting Surveyors produce and lodge a Pre-Allocated Plan Number PP DP1194054 (lodgement ID 80160) with ePlan NSW at Land and Property Information (LPI) to reserve Lot 1.
- Cadence Surveyors also produced a Plan Form 6 – Deposited Plan Administration Sheet - pages 1 -3 (attached as document 0342_001) and a draft statement identifying required easements to the property and the proposed form of 88B positive covenants for fuel managed(outer) and asset (inner) protection zones.
- HNELHD have had an opportunity to brief the surveyor with respect to the alignment and form of the final “plan of subdivision” (attached) and have had their legal counsel review the proposed easements and form of the positive 88B covenants. We understand that the documents attached represent a position that HNELHD are prepared to support. (see the attached email which references the willingness of HNELHD to support the process of establishing the subdivision.
- The original Environmental Impact Statement for the project is located at: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2838
In our opinion the sub division relates to the conditions that existed at the time of the original EIS and there have been no changes to any aspect of our operations described in the original EIS nor in our stewardship of the land or the inputs, outputs, traffic flows and emissions that would give rise to a requirement for a revision.

Our Request

We seek approval for the creation of the subdivision described as Lot 1 on attached documentation (inclusive of easements and 88B covenants) as a section 75W modification to the original Part 3A MP 08_0250 to allow HMRI to progress with HNELHD a 40 year + 40 year ground lease for the HMRI project works compliant with Part 7A of the Conveyancing Act 1919 and envisaged by the NSW Treasury gateway review and associated principles of governance for the project.

Yours sincerely,

Hunter Medical Research Institute



Graham Gunner
Facilities Manager

cc. Fiona Gibson – Planner – Modification Assessments

Attached

- **Appendix A** - Land Owners Consent to the Subdivision Modification
- **Appendix B** - Title search documents
- **Appendix C** – Title Info Plan
- **Appendix D** - Plan of subdivision - CRH12-354C_DP_2A – identifying Lot 1

