

## **Development consent**

### **Section 4.38 of the *Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I determine:

- (a) to grant consent to the development application referred to in schedule 1, subject to the conditions in schedule 2 and schedule 3.
- (b) that pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979*, I determine that any subsequent stage of the development not being for the purpose of a hospital, medical centre or health research facility with a capital investment value in excess of \$30 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

David Gainsford  
**Executive Director**  
**Priority Projects Assessments**

Sydney

29 June 2018

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

## **SCHEDULE 1**

<b>Application No.:</b>	SSD 8499
<b>Applicant:</b>	Dexus Projects Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	12 Frederick Street, St Leonards (Lot 1 DP 591747)
<b>Approved Development:</b>	<p>Concept development application for the future development of 'Tower B' on the development site for health and medical purposes, comprising:</p> <ul style="list-style-type: none"><li>• indicative future uses, including medical specialist suites and associated allied health uses;</li><li>• future building footprints, envelopes and heights; and</li><li>• car parking provision.</li></ul>

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-8499-Mod-1	25 July 2019	Director, Social and Infrastructure Assessments	<ul style="list-style-type: none"> <li>Minor external design refinements.</li> <li>Increase in the approved building height from RL 138.35 to RL 139.3 (950mm) to accommodate the required lift overrun for the tower.</li> <li>Reduction in the GFA from 6,987sqm to 6,876sqm (111sqm).</li> </ul>
SSD-8499-Mod-2	21 July 2020	Director, Social and Infrastructure Assessments	Change to the plant room roof design and material.
SSD-8499-Mod-3	12 October 2021	Team Leader, Social Infrastructure	Modification of the building envelope of Tower B by partially infilling the void within the podium area and expansion of the health care uses.

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Dexus Projects Pty Ltd, or any person carrying out any development to which this consent applies.
Application	The development application and the accompanying drawings plans and documentation described in Condition A3.
Construction	All physical work to enable operation, including but not limited to demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure.
Council	Willoughby City Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> .
Department	The Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of the private hospital, as modified by the conditions of this consent.
Environmental Impact Statement (EIS)	The Environmental Impact Statement titled <i>Environmental Impact Statement State Significant Development Application SSD 8499</i> prepared by Keylan Consulting Pty Ltd, dated December 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning, or nominee
NCC	National Construction Code
OEH	Office of Environment and Heritage
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Planning Secretary's approval, agreement or satisfaction	A written approval from the Planning Secretary (or nominee/delegate). Where the Planning Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Planning Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Planning Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
RMS	Roads and Maritime Services
Response to Submissions (RtS)	Response to Submissions titled <i>Response to Submissions State Significant Development Application SSD 8499</i> prepared by Keylan Consulting Pty Ltd, dated December 2017
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Subject Site	12 Frederick Street, St Leonards (Lot 1 DP 591747)

## SCHEDULE 2

### CONDITIONS OF CONSENT FOR CONCEPT DEVELOPMENT APPLICATION

#### PART A TERMS OF CONSENT

##### Development Description

- A1. Consent is granted to the concept development application as described in Schedule 1 and the EIS, as amended by the RtS and the conditions contained in this development consent.

##### Determination of Future Development Applications

- A2. In accordance with section 4.37 of the EP&A Act all development under the concept development application is to be the subject of subsequent development application(s).
- A3. The determination of future development applications are to be generally consistent with the terms of development consent SSD 8499 as described in Schedule 1 and subject to the conditions in Part B, Schedule 2.

##### Development in Accordance with Plans and Documents

- A4. The development may only be carried out:
- a) in compliance with the conditions of this consent;
  - b) in accordance with all written directions of the Secretary;
  - c) generally in accordance with the EIS as amended by the RtS;
  - d) generally in accordance with the North Shore Health Hub Statement of Environmental Effects Section 4.55(1A) Modification (SSD 7543, 8499 and 8894) and accompanying appendices, prepared by Keylan Consulting Pty Ltd, dated May 2019; generally in accordance with the North Shore Health Hub Statement of Environmental Effects Section 4.55(1A) Modification (SSD 7543 MOD 4, 8499 MOD 2 and 8894 MOD 2) and accompanying documents, prepared by Keylan Consulting, dated May 2020; generally in accordance with the Modification Report Section 4.55(1A) Modification North Shore Health Hub – Tower B Concept SSD 8499 MOD 3 and accompanying documents, prepared by Keylan Consulting, dated August 2021;
  - e) in accordance with the approved plans in the table below:

Architectural (or Design) Drawings prepared by <i>Billard Leece Partnership Pty Ltd</i>			
Dwg No.	Rev	Name of Plan	Date
DA 0001	G	SITE PLAN	31/10/17
DA 0060	J	PROPOSED ENVELOPE PLAN	05/05/20
DA 1600	N	ENVELOPE – EAST ELEVATION	26/07/21
DA 1601	L	ENVELOPE – SOUTH ELEVATION	26/07/21
DA 1602	N	ENVELOPE – WEST ELEVATION	26/07/21
DA 1603	N	ENVELOPE – NORTH ELEVATION	03/06/21
DA 1660	N	INDICATIVE – SECTION A	03/06/21
DA 1920	I	INDICATIVE SCHEME – GFA CALCULATIONS	27/07/21
DA 1950	H	ENVELOPE PRESPECTIVES – SHEET 01	26/07/21

### **Gross Floor Area**

- A5. The maximum gross floor area allowed by this approval for future Tower B building is **8,250** sqm.

### **Car Parking**

- A6. A total of 135 car parking spaces are to be allocated to Tower B within the joint Tower A/Tower B basement carpark.

### **Lapsing of Approval**

- A7. This approval does not allow any components of the concept development application to be carried out without further approval or consent being obtained.
- A8. This consent will lapse five years after the date from the date of consent, unless works associated with the development have physically commenced.

### **Legal Notices**

- A9. Any advice or notice to the consent authority is to be served on the Planning Secretary.

### **Planning Secretary as Moderator**

- A10. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter is to be binding on the parties.

## **PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS**

### **Traffic, Access and Car Parking**

- B1. The future development application for the design and construction of Tower B is to be accompanied by a detailed assessment of parking, traffic and transport impacts within the site and to the surrounding road and pedestrian networks. The assessment is to include mitigation measures and recommendations on intersection and infrastructure upgrades where this is deemed necessary.
- B2. The future development application for the design and construction of Tower B is to be accompanied by an updated **Green Travel Plan** (GTP) that promotes the use of public transport and other sustainable modes of transport by employees.
- B3. The future development application for the design and construction of Tower B is to be accompanied by a draft **Construction Traffic Management Plan** (CTMP) including, but not limited to, the following:
- a) cumulative construction impacts of all projects adjacent to the site;
  - b) assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists and public transport operations; and
  - c) vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures for all construction activities.

### **Noise Impact Assessment**

- B4. The future development application for the design and construction of Tower B is to include a **Noise Impact Assessment** (NIA) that identifies background noise levels, noise impacts, vibration impacts, and affected sensitive receivers and includes

appropriate modelling and required mitigation / management measures for construction and operation of the development. The NIA must be undertaken by a suitably qualified acoustic consultant and generally be in accordance with the provisions of the EPA's *Noise Policy for Industry, Interim Construction Noise Guideline* and *Assessing Vibration: A Technical Guideline*.

- B5. Recommendations of the *Tower B: Hospital, Accommodation and Ancillary Uses (SSD 8499) Acoustic Assessment*, prepared by Acoustic Logic and dated 31 October 2017 is to be incorporated into the design detail in the future development application for the design and construction of Tower B.

### **Built Form and Urban Design**

- B6. The Tower B building is restricted to a maximum height of RL 138.35 and must be contained within the approved building envelope illustrated in the approved plans referenced at Condition A4.
- B7. The future development application for the design and construction of Tower B must include an **Architectural Design Statement**, plans, elevations and sections to sufficiently detail the design, including height, setback, gross floor area, modulation and articulation of all buildings.
- B8. The future development application for the design and construction of Tower B must include a view analysis, including artist's perspectives and photomontages.
- B9. The future development application for the design and construction of Tower B is to demonstrate sufficient articulation in the design and use an appropriate mix of materials/finishes and other treatments to provide visual relief and interest when viewed from the public domain and adjoining properties.

### **Stormwater and Flooding**

- B10. The future development application for the design and construction of Tower B is to be accompanied by a stormwater management plan detailing an assessment of any flood risk on site and consideration of any relevant provisions of the NSW Floodplain Development Manual (2005), stormwater and drainage infrastructure, and details demonstrating that water sensitive urban design measures have been incorporated into the development.

### **Land Use**

- B11. The future development application for the design and construction of Tower B is to propose land uses consistent with the definition of "*hospital*" (including ancillary uses as encompassed in the definition) in *Willoughby Local Environmental Plan 2012*.

## **ADVISORY NOTES**

### **Appeals**

- AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

### **Responsibility for other consents / agreements**

- AN2 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.