



NSW GOVERNMENT
Department of Planning

***MAJOR PROJECT ASSESSEMENT:
Justinian House
Major Project Application No. 07_0102***



Director-General's
Environmental Assessment Report
Section 75I of the *Environmental Planning and
Assessment Act, 1979*

March 2008

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1 EXECUTIVE SUMMARY

The project site is known as the Justinian House, Wollstonecraft. The site is bounded by Rocklands Road to the south, Sinclair Street to the east, Gillies Street to the west and residential properties to the north.

The proposal seeks project approval for the construction of a part three and four storey building above two levels of basement parking with approximately 3500m² gross floor area to accommodate the Sydney Melanoma Unit (SMU) and medical research professionals.

The estimated Capital Investment Value (CIV) of the development is **\$22.5 million**. The proposal will deliver significant community benefits to both Sydney and NSW in terms of its research capacity. The SMU will house the world's largest biological bank of melanoma specimens, which will be used to create new treatments for current and future melanoma patients.

The subject site is zoned Residential C under the North Sydney Local Environmental Plan 2001 and the proposal is permissible within that zone.

The project was placed on formal exhibition from 5 December 2007 until 14 January 2008. The Department received a total of **3 submissions** from Government agencies (North Sydney Council, Ministry of Transport and State Transit Authority). In addition, the Department received **4 public submissions** from adjoining residents. Traffic, car parking, built form/character and residential amenity were raised as key issues.

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed. Furthermore, the Department's recommended conditions of approval ensure a satisfactory resolution to the outstanding matters. The recommended conditions (at **Appendix A**) seek to encourage good urban design, provide sufficient landscaping, maintain the amenity of the local area, and adequately mitigate the environmental impacts of the proposal.

The Department is satisfied that the site is suitable for the proposed development and that the project will provide an important research facility with social and health benefits to Sydney and the broader NSW region. The project is in line with the relevant planning controls and objectives of the State Government's Regional Strategy.

The Department recommends that the project be approved subject to the imposition of conditions set out in **Appendix A**.

2 BACKGROUND

2.1 Site Location and Description

A map of the site's local context can be seen in Figure 1, below:



Figure 1 – Location Plan

The land is legally described as part of Lot 1 DP 802791 and is an L-shaped parcel of land commonly known as 18-22 Sinclair Road, Wollstonecraft. The land is zoned Residential C under the North Sydney Local Environmental Plan 2001.

The subject site is Proposed Lot 1 in the Torrens subdivision of Lot 1 DP 802791. The three lot subdivision was approved by North Sydney Council on 29 August 2007 and created separate parcels of land, one being for the proposed medical research facility and the other two for the existing cottages used by the Sisters of Mercy.

The subject site is a rectangular parcel of land with a total area of 3,541m² (see **Figure 2**). The site has frontages of 45.82m to Sinclair Street (to the east), 82.165m to Rocklands Road (to the south) and Gillies Street (to the west).

The topography of the site and locality is characterised by relatively steep, sloping terrain from the high point on the Pacific Highway 100m to the east of the site down to Balls Head Bay on Sydney Harbour 1km to the west of the site. The locality and frontages are characterised by tree-lined streets.

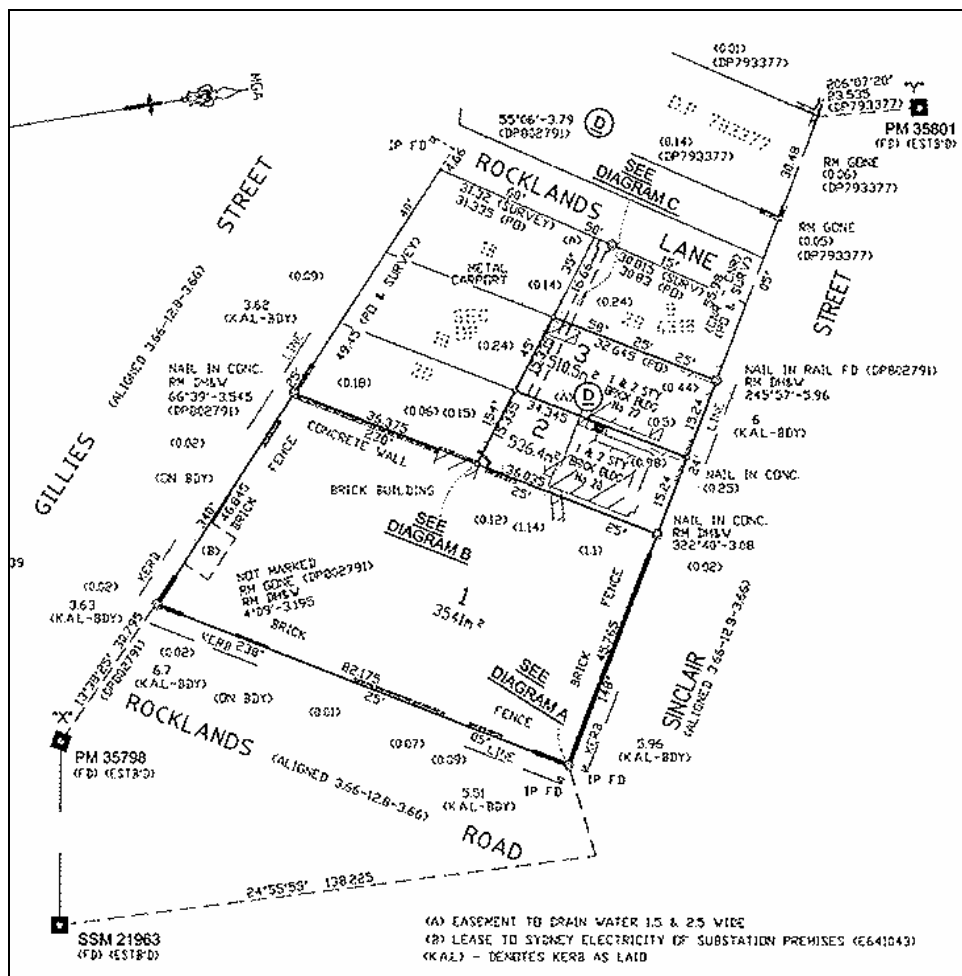


Figure 2 – Approved Subdivision Plan

2.2 Existing Development

Justinian House was originally constructed in 1971 to provide hostel accommodation for nurses undergoing training at the Mater Hospital (directly opposite the site in Rocklands Road). In 1986, it was converted to an aged care facility providing low care (hostel) accommodation for up to 80 persons. The facility is 2-6 storeys in height and of brick, concrete and steel construction. The facility was owned and managed by Catholic Healthcare.

An application for demolition of Justinian House and existing vegetation on site was lodged with North Sydney Council on 20 August 2007 and approved on 10 October 2007.

The building is currently linked via an overhead bridge to the cottage owned by the Sisters of Mercy at 20 Sinclair Street, adjoining the north-western boundary of the site. This link will be removed as part of the demolition of the main building and the cottages will have independent utility services.

2.3 Surrounding Development

The site is located in an area known as the 'Upper Slopes' of Wollstonecraft as identified on the North Sydney Development Control Plan 2002. The surrounding built form consists of a wide range of land uses including residential, commercial and tourism uses.

To the north of the site is a mix of medium detached dwelling houses and medium density residential flat buildings. To the east of the site are residential flat buildings of 3-9 storeys, and further east is the 4-6 lane Pacific Highway and large retail, medical, commercial and tourist premises. To the south of the site is the main Mater Hospital campus and a heritage listed dwelling house. The recently approved Mater Clinic will be located in a new facility

adjoining the Mater Hospital in Gillies Street. To the west of the site are medium density townhouses, detached dwelling houses and medium density residential development.

Sydney Harbour is located approximately 2km west of the site. The CBDs of St Leonards and North Sydney are approximately 1km from the site to the north and south respectively.

3 PROPOSED DEVELOPMENT

3.1 Project Application

The proponent seeks project approval for:

- the construction of a new medical research facility, part three and four storeys in scale;
- two levels of basement car parking for 118 vehicles, 12 motorcycles and 10 bicycles; and
- associated landscaping and site works.

The proposed building has footprint of 1594m² and a total gross floor area of 3533m² (FSR approximately 1:1). This is less than the existing building which has an FSR of 1.4:1. The facility will be used to carry out medical research and consultation, education and administration.

3.2 Response to Submissions

Following exhibition of the proposal, the proponent submitted a response to submissions (at **Appendix D**), providing further justification for the proposal and clarifying issues raised in the exhibition period. The proponent also submitted a revised Statement of Commitments and minor amendments to the project application (refer to section 3.4 in this report).

3.3 Detailed Development Description

The proposal is described in detail in **Table 1** below. **Figures 3 to 8** illustrate components of the proposal graphically.

Table 1: Development description

Aspect	Description
Development description	<p>Level B2</p> <ul style="list-style-type: none">▪ 63 car parking spaces, 6 motorcycle spaces and rainwater reuse tank <p>Level B1</p> <ul style="list-style-type: none">▪ 55 car parking spaces, 6 motorcycle spaces, 10 bicycle spaces and change facilities <p>Level 1</p> <ul style="list-style-type: none">▪ Conference and education centre, academic research offices, database and server room, wet laboratories, Mercy Foundation offices, storage and support spaces including delivery dock <p>Level 2</p> <ul style="list-style-type: none">▪ Main reception, six (6) consultation suites, patient lounge, executive offices and clinician lounge, clinical trials research offices and consultation suite <p>Level 3</p> <ul style="list-style-type: none">▪ Sydney Melanoma Unit administration, NSW Melanoma Network offices, specialist dermatology suite <p>Level 4</p> <ul style="list-style-type: none">▪ Central plant for exhaust, chillers and air handling plant, hydraulic plant and boilers, emergency generator
Project staging	<ul style="list-style-type: none">▪ Construction in a single stage. Expected completion by mid-2009
GFA / Footprints	<ul style="list-style-type: none">▪ GFA - 3,533 m². Footprint – 1,594m²
Height	<ul style="list-style-type: none">▪ 12m (similar existing height)
Building setbacks	<ul style="list-style-type: none">▪ North (6.4 metres)▪ East (5.2 metres)▪ South (7.5 metres)▪ West (generally 6.2 metres)
Building materials	<ul style="list-style-type: none">▪ Construction – pre cast concrete panels, metal deck roofing

Aspect	Description
	<ul style="list-style-type: none">▪ Façade – masonry brickwork, stone and copper cladding, frameless and aluminium blazing
Landscaping	<ul style="list-style-type: none">▪ 45% of the site will be landscaped (1,617m²), including 33% deep soil planting. This includes boundary landscaping, internal courtyard and planting on rooftops.▪ Internal courtyard and main entry are key points▪ Incorporates rainwater collection▪ Plant species are from North Sydney Council's list of indigenous species▪ Vegetation – Livistonia palms and native gully species. To reinforce existing species and provide shading and cover along boundaries.
Access and Car Parking	<ul style="list-style-type: none">▪ Vehicular access to the site is provided from Rocklands Road to the car parking area.▪ Delivery vehicles will access the delivery dock on the northern boundary of the site via the existing driveway off Gillies Street.▪ The main pedestrian access to the building is via an at-grade entry at the corner of Sinclair Street and Rocklands Road. There is a secondary access further west on Rocklands Road, into level 1.▪ Internal access is provided by lift and internal staircases.▪ Parking – 118 vehicles (including 3 disabled parks), 12 motorcycles, 10 bicycles▪ Construction vehicles will enter and leave the site via Rocklands Road.

3.4 Amendment to Project Application

On 13 February 2008, the proponent provided a response to the submissions received during the public exhibition period. As part of the response, the proponent also proposed the following modifications to the project:

- increase the capacity of the liquid nitrogen storage tank from 30 litres to 230 litres.
- provide a diesel generator with an underground fuel tank with capacity to supply power for 36 hours in the event of a supply breakdown.

The proposed modifications are considered to be minor in nature and do not warrant re-exhibition of the project application. The operation and potential environmental impacts of the diesel generator and liquid nitrogen storage tank can be appropriately managed by conditions of consent.



Figure 3 - Site Coverage of Existing Development



Figure 4 - Site Coverage of Proposed Development



Figure 5 - Existing View – Rocklands Road



Figure 6 - Proposed View – Rocklands Road



Figure 7 - Existing View – Gillies Street



Figure 8 - Proposed View – Gillies Street

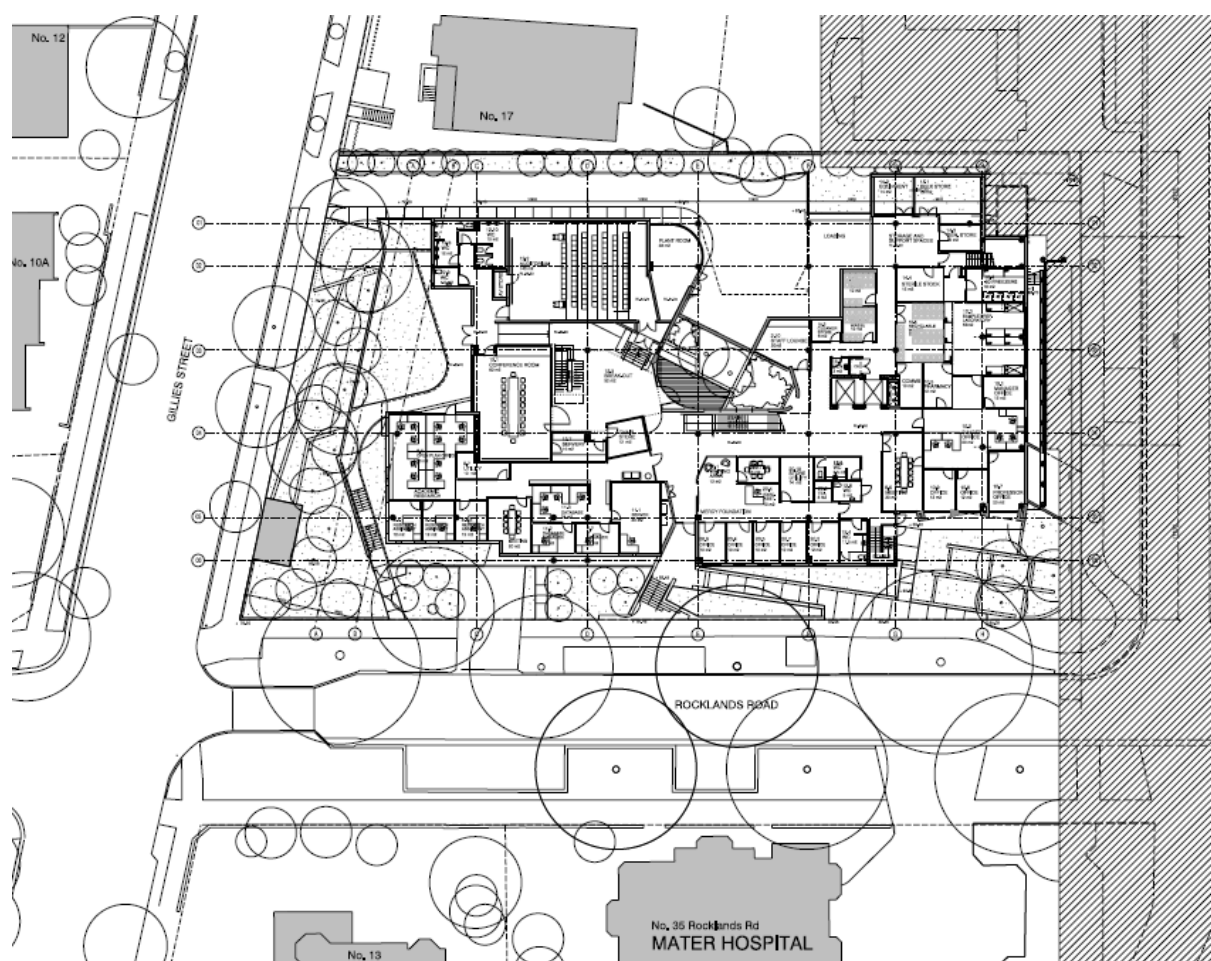


Figure 9 – Ground Floor Plan

4 STATUTORY CONTEXT

4.1 The Environmental Planning and Assessment Act 1979

Part 3A of the Environmental Planning and Assessment Act 1979 (the Act) commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all Major Projects previously considered under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the Act.

Under the provisions of Section 75B of the Act development may be declared to be a Major Project by virtue of a State Environmental Planning Policy or by order of the Minister published in the Government Gazette.

4.2 State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP) outlines the types of development declared a project for the purposes of Part 3A of the Act. For the purposes of the Major Projects SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within it.

On 20 August 2007, the Director General as delegate of the Minister formed the opinion that the project as described is development of a kind that is described in Group 7, Clause 19 (Medical research and development activities) of Schedule 1 of the Major Projects SEPP and is a project to which Part 3A applies.

4.3 Permissibility

The subject site is zoned Residential C under the North Sydney Local Environmental Plan 2001 and the proposal is permissible within that zone.



Figure 10 - Zone Map

4.4 Other relevant legislation and environmental planning instruments

Appendix F sets out the relevant consideration of legislation (including other Acts) and environmental planning instruments as required under Part 3A of the Act.

5 CONSULTATION AND ISSUES RAISED

5.1 Public Exhibition

Section 75H(3) of the Act requires that once the Environmental Assessment ("EA") has been accepted by the Director General, the Director General must, in accordance with any guidelines published in the Gazette, make the EA publicly available for at least 30 days.

A "test of adequacy" was undertaken by the Department prior to public exhibition and determined that the matters contained in the Environmental Assessment Requirements (EARs) were not adequately addressed in the EA. The proponent was requested to address the outstanding issues. An amended EA was submitted on 22 November 2007 and a subsequent test of adequacy determined that the EA addressed all issues raised in the EARs.

The public exhibition and consultation process is summarised as follows:

- public exhibition was conducted from **5 December 2007** until **14 January 2008** (a lengthened exhibition time to allow for the Christmas break).
- copies of the EA were available for inspection at North Sydney Council offices and the Department of Planning's offices in Sydney during the exhibition period.
- details of the application were published in the Mosman Daily, North Shore Times and Sydney Morning Herald, and were made available on the Department of Planning's website.
- copies of the EA were forwarded to relevant Government agencies (Roads and Traffic Authority, Ministry of Transport, State Transit Authority, Rail Corporation of NSW, NSW Heritage Office, NSW Department of Health, Northern Sydney Area Health Service, Sydney Water Corporation, Telstra, Energy Australia), and adjoining residents and businesses.
- 1108 landowners in the vicinity of the site were notified and invited to make submissions.

In response, the Department received seven (7) written submissions – **four (4)** from adjoining landowners and **three (3)** from government agencies (North Sydney Council, Ministry of Transport, State Transit Authority). Copies of submissions received are provided at Appendix E. The Department forwarded these responses to the proponent at the conclusion of the exhibition period.

5.2 Issues Raised in Submissions

The issues raised in the submissions are summarised below in **Table 2**. On 13 February 2008, the proponent lodged a response to the issues raised in the submissions (see **Appendix D**).

Table 2: Summary of Issues

Submitter	Issue Raised
Local Resident	<ul style="list-style-type: none">• The area is becoming too industrial with Mater Hospital's developments• Hazelbank and Rocklands Roads are already congested due to commuter, hospital and TAFE traffic• Increase in the traffic with more cars on the road• 2 levels of car parking seems excessive• More treatment suites and medical offices on top of those already in Gillies Street▪ Area should remain residential in nature

Submitter	Issue Raised
Local Resident	<ul style="list-style-type: none"> • Traffic increase in Rocklands Road and intersection of Rocklands and Pacific Highway will lead to congestion • Volume of traffic already high/dangerous <ul style="list-style-type: none"> ▪ 118 parks for cars provides for too many cars to be added to already congested roads
Local Resident	<ul style="list-style-type: none"> • High density residential area with apartments on Rocklands Road already contributing significant traffic volumes • Car parking will encourage staff and patients to drive rather than use public transport • Rocklands Road is already used as an access road to and from Pacific Highway creating high traffic volume • Dust, noise and heavy trucks during demolition and construction will use Rocklands Road and disrupt local residents <ul style="list-style-type: none"> ▪ Needs to be a limit to Mater Hospital's development in the area
Local resident	<ul style="list-style-type: none"> • New building's grassed terrace impact on visual privacy – clarification of foliage or wall to shield view requested • Clarification of number and size of windows of the building looking into Gillies St requested <ul style="list-style-type: none"> ▪ Front setback and resulting bulk/scale to the street
Ministry of Transport	<ul style="list-style-type: none"> ▪ Reduce onsite parking to encourage public transport use ▪ Travel Access Guide to be prepared ▪ Bicycle storage to be provided ▪ Construction management plan to be prepared addressing potential impacts on pedestrians/cyclists
State Transit Authority	<ul style="list-style-type: none"> ▪ Bus stop and shelter on Rocklands Road should remain and be accessible during construction
North Sydney Council	<ul style="list-style-type: none"> ▪ Breaches of building height plane, building control and landscaped area supportable subject to approval of a SEPP 1 objection

An assessment of the key issues raised in the submissions is provided in **Section 6.3.1** of this report.

6 ASSESSMENT

6.1 Director General's Environmental Assessment Requirements (DGEARs)

Section 75F of the Act provides that the Director General is to prepare Environmental Assessment Requirements for each project (DGEAR's). The EA outlines the matters that the Director General considers should be considered as part of the assessment process.

On 18 September 2007, DGEAR's were issued for the project application (refer to **Appendix G**).

6.2 Director General's Environmental Assessment Report

The purpose of this submission is for the Director General to provide a report to the Minister for the purposes of deciding whether or not to grant project application approval pursuant to Section 75J of the Act. Section 75I(2) sets out the scope of the Director General's report to the Minister. Each of the criteria set out therein have been addressed as outlined in **Table 3** below.

Table 3: Compliance with Section 75I(2) of the Environmental Planning and Assessment Act, 1979

Section 75I(2) criteria	Response
(a) a copy of the proponent's environmental assessment and any preferred project report;	The proponent's EA is included at Appendix H. A preferred project report has not been submitted, although the response to issues is set out at Appendix D.
(b) any advice provided by public authorities on the project;	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix E.
(c) a copy of any report of a panel constituted under Section 75G in respect of the project;	No independent hearing and assessment panel was undertaken in respect of this project.
(d) a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project;	A brief assessment of each relevant State Environmental Planning Policies that substantially governs the carrying out of the project is set in Appendix F.
(e) except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division; and	An assessment of the development relative to the prevailing EPI's is provided in Appendix F.
(f) any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project is this report in its entirety. All environmental impacts associated with this proposal have been assessed within this report.
(g) a statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The EA and subsequent submissions by the proponent forms the basis for consideration of the environmental impacts associated with the development. The Department is satisfied the project complies with the EA requirements issued on 18 September 2007.

6.3 Summary of Significant Issues

Clause 8B of the Regulation sets out the matters for environmental assessment and Ministerial consideration. It states that the Director General's report is to include an assessment of the environmental impact of the project, any aspect of the public interest that the Director General considers relevant to the project, the suitability of the site for the project and copies of public submissions received by the Director General.

The **suitability of the site** can be justified, as outlined below:

- the proposal is permissible within the Residential C zone;
- the proposal will utilise existing services and infrastructure;
- the hospital has been designed and sited to capitalise on site opportunities and linkages to the nearby Mater Hospital and foreshadowed Mater Clinic;
- the proposal will locate consolidate treatment of patients with melanoma into a research-oriented clinical facility;
- the hospital will deliver financial savings to the Sydney Melanoma Unit which will channel more funds into research; and
- proposed operations on the site are not offensive or hazardous, do not pose a risk to nearby neighbours and do not generate excessive waste.

The **public interest** can be satisfied on the basis that:

- the SMU treats approximately one third of the melanoma patients in NSW who would benefit from the new facilities;
- the SMU will house the world's largest biological bank of melanoma specimens to be used to create new and innovative treatments for current and future melanoma patients;
- by locating the facility in such close proximity to the existing Mater Hospital and Mater Clinic, patients will benefit from access to one of Sydney's most sophisticated medical precincts;
- melanoma patients will be able to be treated in specialty multidisciplinary oncology centres with better outcomes; and
- remaining residents of the aged care facility in Justinian House have been relocated to other facilities in northern Sydney.

The Department, in consultation with North Sydney Council, relevant Government Agencies and key stakeholders identified a number of issues that were incorporated into the DGEAR's which were subsequently addressed in the proponent's EA. Following the exhibition period there are a number of outstanding issues which require further consideration and resolution under Clause 8B of the Regulations as set out below.

6.3.1 Built form and character

Issue:

Form of the development is not in keeping with residential character.

Raised by:

Public

Proponent response:

"The proposed medical research facility has been designed to create a built form that is not "institutional" or intrusive, is more visually appealing than the previous development on the site, and respects the residential properties to the north, east and west of the site. This has been achieved through a reduced building envelope and footprint, increased landscaped setbacks along site boundaries, and architectural treatment that is compatible with the adjacent residential uses."

Consideration:

The proposal is a contemporary design which uses a combination of materials, such as masonry, stone and copper cladding and frameless aluminium glazing and fibre cement cladding to articulate the building and add visual interest. The architectural form of the building and the proposed materials, colours and finishes are an appropriate response to the character of the surrounding area.

6.3.2 Height, bulk and scale

Issue:

Visual bulk and scale impact.

Raised by:

Public

Proponent's response:

"The overall height of the development is no higher than the ridge levels of the existing Justinian house and is substantially lower on the actual Gillies Street frontage. Although the proposed development projects approximately 5 metres further to the west along part of the Gillies Street frontage, it is setback further from the boundary by a up to an additional 3 metres on other parts of the Gillies Street frontage. The additional projection is offset by the elimination of the bulk of the chapel in the existing development at lower levels of the medical research facility."

It should also be noted that the overall height of the building along the Gillies Street frontage is completely within the allowable North Sydney LEP building height and building height plane controls; this is shown in the massing diagram on page 11 of the Architectural Design Statement at Appendix C to the EAR."

Consideration:

The proposed development slightly exceeds the 45 degree building height plane and 12 metre height limit controls contained in North Sydney LEP. However, the proposed development has fewer projections beyond the height limit and building height plane than the existing structure and therefore is considered acceptable. It should be noted that a SEPP No. 1 objection is not required as Section 75R(3) of the Act provides that EPI's (other than State Environmental Planning Policies) do not apply to a project application.

Furthermore, the proposed building does not result in adverse amenity impacts on the surrounding residential properties in terms of visual impact, overshadowing or view loss. The height, bulk and scale of the proposal are commensurate with the existing building it replaces and does not adversely impact on the existing streetscape. The proposal is compatible with the character of the area, which includes the existing Mater Hospital opposite the site on the southern side of Rocklands Road.

6.3.3 Visual privacy

Issue:

Visual privacy impacts from roof terrace and west facing windows.

Raised by:

Public

Proponent response:

"In relation to Gillies Street frontage, the proposed development is setback a greater distance from Gillies Street than the existing development: the first built element for the medical research facility (the terrace wall of the car park) is setback 6 metres from the Gillies Street boundary. The pool enclosure for the existing development had a zero setback from Gillies Street, and the roof terrace over the existing chapel range from 3-5 metres from the boundary. The proposed new terrace on the Gillies Street frontage is typically 9 metres from the boundary and approximately 1 metre lower than the current roof terrace.

Window openings of the proposed development have been limited in the upper floors, comparable to the scale of openings in the existing development. These windows range from 9-11 metres from the boundary. Further screening of views across Gillies Street (which is approximately 20 metres wide), is provided by plantings at lower levels of the building and the edge of the terrace.

In summary, west-facing windows on the proposed development are around 30 metres from residential properties on the opposite side of Gillies Street.

Overlooking from the northern façade is similar or reduced when compared to the existing development. Indeed, as well as the bulk of the building being further setback from the northern boundary, windows on upper floors now benefit from the installation of sun shading devices (which reduces overlooking), and landscaping at ground level will screen the Gillies Street driveway and loading dock."

Consideration:

The proposed terrace and west facing windows do not result in any adverse visual privacy impact on the dwellings on the opposite side of the street due to the separation distance between them (approximately 30m) and the landscaping proposed to the Gilles Street setback area.

The Department considers that the proposed development is satisfactory and does not result in any amenity impacts on surrounding residential properties.

6.3.4 Traffic impacts

Issue:

Traffic generation and impact on the capacity of Rocklands Road

Raised by:

Public

Proponent Response:

"As noted by North Sydney Council in their submission on the proposed medical research facility, the proposed development will generate additional traffic on Rocklands Road, an already-busy collector road. However, Council noted that the number of vehicles on Gillies and Sinclair Streets is below the RTA's Guide to Traffic Generating Development's goal for local streets.

As noted in the EAR, the intersection of the Pacific Highway and Rocklands Road currently operates at a "B" level of service, and the intersections of Rocklands Road with Sinclair and Gillies Streets operates at "A/B" levels of service. Intersections with service levels of "A" and "B" have some spare capacity.

As part of their assessment of the traffic impacts of the proposed development (at Appendix K to the EAR), Colston Budd Hunt & Kafes Pty Ltd determined that the performance of these intersections will not diminish as a result of traffic generated by both the proposed development, and the development of a clinic associated with the Mater Hospital on Gillies Street.

Council also noted in its submission that a number of access arrangements have been investigated to minimise impacts on local residents. Primary car access to the site via Rocklands Road has been designed to provide the least impact on the least number of residents. This will be achieved by prescribing a route for delivery vehicles to access the loading dock on the site (access via Rocklands Road then Gillies Street, only, and no deliveries between 7pm and 7am), encouraging staff, patients and visitors to the facility to use public transport whenever possible to access the site, and ensuring the driveway into the facility off Rocklands Road is designed to minimise queuing."

Consideration:

The RTA did not provide a submission for the proposed development. The Department considers the Proponent response to be valid and adequate in addressing the concerns raised in the submissions. The Department is satisfied that the proposal will not result in an unacceptable level of impact.

6.3.5 Car Parking

Issue:

Amount of car parking provided will result in additional traffic impacts.

Raised by:

Public

Proponent Response:

"The provision of 118 on-site car spaces is less than the maximum permitted for this type of development in this location, and is consistent with Roads and Traffic Authority's recommendation that the development adopt a "minimalist approach" to the provision of on-site car parking. In addition, this level of parking is consistent with demand for on-site parking for similar developments across Sydney. Thus, although the maximum permitted number of parking spaces has not been provided on site, it is appropriate given the proposed land use. It will also minimise demand for on-street parking in an area that already has nearly 100% of on-street car parking spaces occupied on weekdays.

The interior of the car park will comply with AS 2890.1, including signage, and car spaces typically 2600 x 5400 mm, as required for medical centres.

In addition, two parking spaces (equivalent to 1-2% of car spaces), that are compliant with draft AS 2890.6 have been provided in Basement 1."

Consideration:

The traffic study prepared by Colston Budd Hunt & Kafes Pty Ltd and submitted with the EA addresses car parking for the proposal.

Table 4: Parking provision

Vehicle Type	Spaces provided	North Sydney DCP
Cars	118 (including 3 accessible spaces)	140 (maximum)
Motorcycles	12	11.8
Bicycles	10	-

North Sydney Development Control Plan 2002 permits a maximum of 4 car parking spaces per 100m² (ie 1 space per 25m²) of floor space for medical centres. Using DCP 2002 as a guide, a maximum of 140 parking spaces would be permitted on site. The proposed development provides a total of 118 spaces, of which 42 spaces are allocated to staff, which is below the maximum permitted by DCP 2002.

This equates to a car parking rate of 1 space per 33m² and is consistent with the recently approved medical centre on Gilles Street (167 spaces for 5,550m² of floor space, or 1 per 33m²). North Sydney Council have confirmed that the proposed car parking rate of 1 space per 33m² is appropriate for the development.

The car parking provided is considered sufficient for the development without being excessive and does not result in unacceptable traffic impacts on the surrounding road network.

6.3.6 Public Transport

Issue:

Encourage public transport by reducing on-site car parking.

Raised by:

Public and Ministry of Transport.

Proponent Response:

"As noted in the EAR, the proposed medical research facility is well-served by public transport: Sydney Buses route 265 passes by the site en route to Wollstonecraft station and the Pacific Highway, the Wollstonecraft, North Sydney and Waverton railway stations are less than 1 km from the site, and numerous local and regional bus routes travel along the nearby Pacific Highway, 24 hours a day.

To highlight the accessibility of the medical research facility to public transport services, a Travel Access Guide (as detailed in the Roads and Traffic Authority publication Producing and Using Transport Access Guides) will be prepared prior to final occupation of the facility. In addition (and as indicated in the EAR), access to local pedestrian and cycle routes (including the Walk North Sydney routes) will be clearly marked, and staff, patients and visitors will be encouraged to maximise their use of public transport, walking or cycling to access the facility."

Consideration:

Public transport by bus and train is readily available near to the proposed development site. Sydney Buses operates a regular service (route number 265) along Rocklands Road that connects Lane Cove with McMahon's Point via St Leonards, Wollstonecraft and Waverton Stations, Crows Nest and North Sydney. In addition, local and regional bus routes travel along the Pacific Highway. Waverton and Wollstonecraft Stations are located approximately one kilometre from the site. Therefore, public transport represents a feasible option for travel.

The site is well serviced by public transport. The amount of car parking provided for the development is less than the maximum permitted by North Sydney Council and is not considered excessive. Bicycle storage and shower facilities are also incorporated in the development to promote alternatives to private car travel for staff.

6.3.7 General

The issues raised below have either been resolved through assessment or through the Department's recommended conditions of approval and are summarised as follows:

- North Sydney Council has suggested that conditions be imposed on the approval covering issues such as the promotion of public transport, bicycle facilities, delivery and car parking design requirements. The suggested conditions, were relevant and reasonable, have been included.
- Council advised that no section 94 contributions are payable as there will be a decrease in the overall commercial floor space on the site.
- State Transit has also suggested conditions to address continuation of bus transport. The suggested conditions are considered to be reasonable and the approval will be conditioned accordingly.
- A number of conditions have been recommended to minimise construction impacts and ensure the necessary fire safety certificates are obtained. These conditions seek to ensure a sympathetic development, minimal disruption to existing adjoining properties and formalising some minor administrative matters.

On balance, it is considered that the proposal, together with the recommended conditions, satisfactorily mitigates the environmental impacts arising from the proposal and adequately maintains the amenity of the local area.

7 CONCLUSION

The Department has reviewed the environmental assessment submitted by JBA Urban Planning Consultants that seeks project approval for:

- construction of a part three and four storey building for medical research uses to accommodate the Sydney Melanoma Unit;
- two levels of basement car parking for 118 vehicles; and
- associated landscaping and site works.

Following public consultation copies of the submissions received from the Ministry of Transport, State Transit Authority and North Sydney Council were referred to the proponent. The Department has duly considered advice from public authorities and the proponent's response to issues raised in those submissions in accordance with Section 75I(2) of the Act.

In this regard, the Department is satisfied that the potential environmental impacts of the proposal are acceptable can be appropriately managed by conditions of consent and implementation of the measures detailed in the proponent's Environmental Assessment report and Statement of Commitments.

All relevant environmental issues associated with the proposal have been extensively assessed. The issues raised mainly relate to car parking, traffic, built form, character, and residential amenity. The proposed development performs adequately in terms of its relationships to the surrounding built and natural environment.

The Department is of the view that the proponent has satisfactorily mitigated the potential environmental impacts associated with the proposal. The recommended conditions (at **Appendix A**) seek to encourage good urban design, provide sufficient landscaping, encourage public transport use, maintain the amenity of the local area, and adequately mitigate the environmental impacts of the proposal.

Simon Bennett
Team Leader, Social Infrastructure

Michael File
Director, Strategic Assessments

APPENDIX A. CONDITIONS OF APPROVAL

APPENDIX B. STATEMENT OF COMMITMENTS

APPENDIX C. PREFERRED PROJECT REPORT

No Preferred Project Report was submitted for this application.

APPENDIX D. RESPONSE TO SUBMISSIONS

APPENDIX E. COPIES OF SUBMISSIONS FROM PUBLIC AUTHORITIES & SUMMARY OF PUBLIC SUBMISSIONS

APPENDIX F. ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Part 3A of the Environmental Planning and Assessment Act 1979 (the Act)

On 1 August 2005, Part 3A was introduced to the Environmental Planning and Assessment Act 1979 (EP&A Act). Part 3A and its accompanying Regulations and Guidelines (the latter yet to be gazetted), contains a new assessment and determination framework for major projects.

The Director General as delegate of the Minister has formed the opinion that the development to which this application relates is a project for the purposes of Part 3A of the Act. The project application to which this Environmental Assessment report relates has therefore been lodged pursuant to Section 75E of the Act, for approval to carry out a project as defined in Part 3A of the Act.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP)

The Major Projects SEPP outlines the types of development declared a project for the purposes of Part 3A of the Act.

For the purposes of the Major Projects SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within it.

On 20 August 2007, the Director General formed the opinion that the project is a development which meets the criteria of Clause 19, Group 7 of Schedule 1 of the SEPP which refers to Medical Research and Development Activities.

The opinion was formed on the basis that the development for the purposes of a hospital with a Capital Investment Value (CIV) of \$22 million (as advised at the time), which exceeds the \$15 million threshold identified in the SEPP. Accordingly, the Minister is the approval authority.

State Environmental Planning Policy 11 – Traffic Generating Developments (SEPP 11)

The main objectives of SEPP 11 are to ensure that the RTA is made aware of and is given an opportunity to make representations in respect of development set out in Schedules 1 and 2.

Criteria (q) of Schedule 2 identifies the following:

Areas used exclusively for parking or any other development, in each case having ancillary accommodation for 50 or more motor vehicles, or the enlargement or extension of a parking area where the enlargement or extension accommodates 50 or more motor vehicles.

The development proposal was referred to the RTA on 5 December 2007 for comment. The RTA did not make a submission in response to the request.

State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying that certain considerations be made by the consent authority when determining development applications in general, and where relevant, land has been appropriately remediated.

Heggies Pty Limited has prepared a preliminary investigation of the land on behalf of the proponent in accordance with relevant EPA guidelines and NSW statutory requirements (i.e. SEPP 55). The Phase 1 Preliminary Contaminated Site Assessment comprised a review of the site's history (including review of previous geotechnical investigation undertaken by Jeffrey and Katauskas) and site inspection. No soil sampling or analyses have been undertaken to date.

The report concludes that:

- The current site conditions present a minimal risk to site contamination. This conclusion has been reached without conducting soil sampling, and sampling would be needed to confirm this position.

The following is recommended in the Preliminary Contaminated Site Assessment:

- consultation with Heggies prior to removal of hazardous materials before building demolition;
- appropriate health and safety planning and management for the proposed development; and
- if soil materials and groundwater are removed from the site during the proposed construction, these materials need to be analysed and classified for off-site disposal purposes prior to removal.

Whilst the Department is generally satisfied with the proponent's approach to this issue, it recommends the Minister impose conditions formalising the requirement for further contamination studies, and implementation of current and proposed recommendations.

To ensure appropriate resolution of this matter, it is also recommended that the Minister require the proponent to prepare and submit a remediation action plan (RAP) to be approved by the Department post demolition and prior to commencement of any construction works should one be required.

OTHER ENVIRONMENTAL PLANNING INSTRUMENTS (EPI'S)

Section 75R(3) of the Act provides that EPI's (other than State Environmental Planning Policies) do not apply to or in respect of an approved project. Notwithstanding this, the Department has undertaken an assessment of relevant EPI's applicable to this project as set out below.

North Sydney Local Environmental Plan 2001

Zoning

The subject site is zoned Residential C pursuant to the provisions of North Sydney LEP 2001. The objectives of that zone are to:

"encourage the provision of a range of residential accommodation, including dwelling-houses, duplexes, attached dwellings and apartments, in proximity to transport and other services."

Development must be consistent with the objectives of the zone

Clause 14 of NSLEP 2001 provides that the consent authority must not grant consent to the carrying out of development on land to which NSLEP 2001 applies unless the consent authority is of the opinion that the proposal is consistent with the aims and objectives of the zone within which the land is located. The proposed development is consistent to the point that it is in close proximity to transport and other services.

Clause 16 of NSLEP 2001 contains specific controls for residential zones as follows:

- a) a range of dwelling types;*
- b) amenity for residents of new and existing dwellings, and*

- c) buildings which are compatible with their immediate context, and*
- d) development that promotes the character of the neighbourhood, and*
- e) to avoid carriage development.*

The proposed development has been designed with consideration of the surrounding neighbourhood and is sympathetic to the character in the area. The development is likely to have an impact on the existing residents' amenity and controls should be put in place to minimise impacts on them.

Development which can be carried out in the zone

Within Residential C zone, development that can be carried out without consent comprises: apartment buildings; attached dwellings; boarding houses; child care centres; community notice signs; duplexes; dwelling-houses; *educational establishments*; home occupations; home industries; *hospitals*; housing for aged or disabled persons; open space; places of assembly; places of public worship; real estate signs; remediation; resident medical practice; telecommunications facilities; temporary signs; utility installations, other than gas holders or generating works.

North Sydney Development Control Plan 2002

Car parking

Under the NSDCP 2002, maximum car parking requirements are:

- For medical centres (outside town centres) 4 spaces / 100m²
- Motor cycles: minimum 1 space for every 10 cars or part there of.
- Car parking and loading spaces to be designed and located in accordance with AS2890.1 and AS1428.

Response: The development provides 118 car parking spaces, 12 motorcycle spaces and 10 bicycle spaces, for a GFA of 3533m², as per the precedent set by the nearby medical facility that was recently approved by North Sydney Council. 3 accessible spaces provided on basement level 1.

Traffic Guidelines for Development

Council may require a Traffic Management Plan to be submitted for Health and Community Services (Medical Centres, Hospitals).

Response: A traffic report is included with Appendix K of the environmental assessment completed by the proponent.

Waverton/Wollstonecraft Area Character Statement – The Upper Slopes

Hospital development on the Mater Hospital land or school development on the Bradfield College land is residential in scale, similar to attached dwellings and smaller apartment buildings - with bulk and scale of larger buildings broken down into a number of elements.

Response: The development is designed to be sympathetic the surrounding residential environment, and is a lesser scale to the former Justinian House. The façade of the development is articulated to break the building into a number of elements, and materials selected means the building is responsive to a human scale.

Contaminated Land

Council may require a preliminary investigation of potential for site contamination to be undertaken for proposed to be used for residential, educational, recreational, child care or hospital purposes

Response: A preliminary investigation report has been submitted (see discussion above in relation to State Environmental Planning Policy No. 55 – Remediation of Land).

Entrances and Exits

Entrances and exits cater for the disabled and are clearly visible from the street and convey a sense of address.

Response: Entrances at level 1 and level 2 are accessible.

Accessibility

A path of travel is continuous, relatively straight and does not incorporate any obstacle preventing safe access by people with disabilities, having regard for AS 1428.1, 1428.2, 1428.3, and 1428.4.

All signs and symbols including their location, size, and illumination are designed to be understood by all users, including those with sensory disabilities.

Design which considers the hearing impaired (specifications relating to hearing augmentation are found in Australian Standard 1428.2).

Response: Conditions of consent require the proposal to comply with the relevant provisions of the BCA and AS.

APPENDIX G. DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

APPENDIX H. ENVIRONMENTAL ASSESSMENT REPORT
