



**PROPOSED PRIVATE HOSPITAL,
35-45 WATER STREET
WAHROONGA**

PREFERRED PROJECT REPORT

VOLUME 1 (OF 2)

**Prepared for
Murlan Consulting**

**By
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1. INTRODUCTION

1.1 The project as exhibited

This Preferred Project Report relates to Major Project 07_0151, comprising the demolition of non-heritage-significant existing buildings on No's 35-45 Water Street, Wahroonga, removal of various non-heritage-significant landscape elements, adaptive re-use (for hospital and related purposes) of 'Rippon Grange' and (in part) an associated former stable, restoration of heritage-significant landscapes, preparatory excavation and bulk earthworks, protection of almost all of the Blue Gum High Forest critically endangered ecological community on the site and the enhancement of this community, and construction and operation of a private hospital providing for a variety of high-dependency needs.

As exhibited, the project application sought the Minister's approval for the development of the site for the purposes of a private hospital providing rehabilitation, medical, psychiatric and post-natal health services to in-patients accommodated in wards containing 129 patient care suites or rooms. The hospital facilities are to be located primarily within two new interlinked buildings, the Main Building and the East Building. The west and north wards are located in the Main Building over six levels whilst the east wards are located in the East Building over five levels.

Project approval has been sought for the following works:-

- demolition of some existing structures including later (intrusive) additions to 'Rippon Grange';
- provision of a total of 129 patient care suites and associated hospital services;
- erection of two new buildings in the south-western and central parts of the site: the Main Building comprising a west wing and a north wing, and the East Building.
- construction of interconnected basement car parking containing a total of 79 parking spaces, 11 at-grade spaces adjacent to the Young Street access, two at-grade spaces within the carriage loop, plus two spaces for loading/unloading, and an ambulance bay;
- restoration of the former croquet lawn;
- restoration of the former tennis courts;
- repairs to the existing pool for ongoing use and installation of new roof structure;
- stabilisation and restoration of the former stables;
- reconstruction of the former summer house;
- reconstruction of Killara Cottage (a children's cubby house);
- conservation and adaptation of 'Rippon Grange' for communal facilities including:-

- a chapel;
- offices; and
- a café.

Vehicular access to the hospital is to be provided via a proposed main entry and exit driveway off Water Street. This driveway will provide access to the interconnected underground car park to the Main and East Buildings. A separate entry and exit driveway will also be provided off Young Street. It will also provide access into the basement car park beneath the East Building, which is interconnected with the basement car park under the Main Building.

Services to be provided in the new hospital include:-

- general medical services to patients including post-operative/post-acute professional health care services including post-surgery treatment such as pain management, wound care management, medication management, nurse-administered clinical procedures such as care of peritoneal dialysis catheter site, and tracheotomy care, chronic pain management and treatment, and palliative care;
- psychiatric services including treatment of mood and anxiety disorders, including depression, post-traumatic stress disorder, behavioural disorders, eating disorders, drug and/or alcohol addictions, mental illness, and the provision of aged psychiatric care;
- post-natal services; and
- rehabilitation services to be provided within a rehabilitation centre including a hydrotherapy pool, gymnasium, multiple use rooms to deal with physiotherapy, speech therapy, occupational therapy, diversional therapy and other rehabilitation and post-operative medical services.

1.2 Submissions made during exhibition of the project application

The Environmental Assessment Report was exhibited from 17 June 2009 until 4 September 2009. During that period, around 308 submissions were received by the Department of Planning from the public. A total of 10 submissions was received from agencies. The agency submissions are summarised in Appendix 1A. Public submissions are summarised in Appendix 1B.

1.3 Modifications to the project

The subject site, as with all sites, presents opportunities and imposes constraints. The zoning of the site – Special Uses 5(a) (Hospital) – presents an opportunity for development for hospital purposes, whether public or private. It is an opportunity unconstrained by development standards in an environmental planning instrument or policies in a development control plan (other than car parking with which the proposal complies).

However, the presence on the site of a heritage item (and its associated curtilage), and a Critically Endangered Ecological Community (i.e. the Blue Gum High Forest), along with the

proximity of a school and low-density residential development adjacent to or nearby the site, pose constraints to development of the site not only in terms of potential physical and operational impacts, but also in terms of the costs of restoration, management and upkeep of the natural and cultural heritage items. This demands a balanced planning outcome: one which:-

- (i) delivers a practical, feasible, beneficial and enduring land use, consistent with the zoning of the site for hospital purposes; and
- (ii) protects 'Rippon Grange', its significant landscapes, and the Blue Gum High Forest in perpetuity,

whilst ensuring that impacts on neighbours and on the locality are minimised.

The Proponent has proposed two previous schemes, both for seniors housing. Both have been rejected: the first by the Land and Environment Court and the second by the Ku-ring-gai Planning Panel. The Proponent relied on State Environmental Planning Policy "Housing for Seniors or People with a Disability" 2004 to establish the permissibility of both previous proposals. Having been opposed by Ku-ring-gai Council (and by a substantial number of local residents) in two attempts to secure approval for seniors housing, the Proponent has put forward a private hospital project consistent with the site's Special Uses 5(a) (Hospital) zoning, involving a reduced number of new buildings, fewer parking spaces, a lower FSR, smaller building footprint and less impact on the Blue Gum High Forest, as shown in the following table:-

Table 1: Comparison of two previous seniors housing proposals with hospital proposal, as exhibited

	DA 855/06¹ Lodged August 2006	DA 1333/07¹ Lodged Dec 2007	MP 07_0151 Lodged April 2009
Land use	Seniors housing	Seniors housing	Hospital
No. of new buildings	6	4	2
No. of apartments	78	61	N/A
No. of parking spaces	185	154	92
FSR	0.66:1	0.587:1	0.58:1
Building footprint	22%	19.6%	16.6%
Proportion of BGHF en-croached upon by new development	19%	8.1%	1.8%

¹ Included 64 Billyard Avenue in site area

The two new hospital buildings are to be located so as to ensure minimal impact on the Blue Gum High Forest and on the heritage-significant 'Rippon Grange' which is to be restored for use as a café, chapel, administration/management offices and consulting/ conference rooms. 'Rippon Grange' will be conserved as a consequence of implementing the project.

Neither of the two new buildings will exceed the ridge height of 'Rippon Grange'. They will primarily occupy the central and south-western parts of the site, and will be adequately

separated from 'Rippon Grange' and the Blue Gum High Forest. The two new buildings will also have substantial setbacks:-

- the Main Building is set back 18 metres from 'Rippon Grange' (excluding balcony projections) and 62 metres from Water Street;
- the west wing of the Main Building is setback 10 metres from the western and southern boundaries of the site;
- the northern wing of the Main Building is setback 55 metres from the southern site boundary;
- the East Building is setback a minimum of 65 metres from Water Street, 30 metres from Young Street, and 39 metres from the southern boundary of the site.

These substantial setbacks allow not only the retention of existing significant vegetation, but also augmentation of existing landscaping with new screen plantings.

Having received submissions from the public and from agencies, the Department of Planning has identified eight key issues in a letter to the Proponent dated 18 September 2009. The Proponent has considered these key issues along with all of the submissions and, in response, has made various modifications to the design of the project as exhibited. The design changes primarily involve:-

- a greater modulation, and stepping of the west wing of the Main Building so as to ensure an improved relationship with residential properties to the west; and
- a deeper indentation in the northern façade of the Main Building, to reduce the perceived bulk of the new structure when viewed from the carriage loop adjacent to 'Rippon Grange';
- a reduction in bed numbers from 129 to 124;
- the relocation of Killara Cottage;
- the designation of a garbage collection point in the south-eastern corner of the site;
- adjustments to the driveway entry off Young Street to promote right-turns out only;
- the identification of internal garbage storage areas; and
- incorporation of a baby room into the East Building.

The key issues raised by the Department include the width of Young Street south of the site access to Billyard Avenue and construction vehicle access. Both of these matters have been addressed by the Proponent. Two options for widening this section of Young Street are provided in the attachments to Appendix 6: one with a 7.5-metre wide carriageway and the other with a 9-metre wide carriageway. The former is considered entirely adequate and is preferred by the Proponent.

In relation to construction vehicle access, the Proponent has provided an option to obtain ingress to the site via 64 Billyard Avenue which the Proponent owns. Details are set out in Appendix 6. The combination of a clockwise construction vehicle access via 64 Billyard Avenue and out onto a widened Young Street would provide positive traffic management impacts on the local road system during the construction period. If the Department considers this option has merit then the Proponent invites a condition of approval to this effect.

A revised set of architectural and landscape drawings is provided in Volume 2. Schedules of design changes to the architectural and landscape plans are provided in Appendix 2A and 2B respectively. A set of amended project application architectural drawings is provided in Appendix 3A. Provided in Appendix 3B is a set of the original project plans, coloured to show where reductions and additions have been made to the building envelope in the amended scheme. Provided in Appendix 3C is a set of revised landscape plans.

The Proponent now seeks the Minister's approval to the modified design.

1.4 Amended Statement of Commitments

In response to the Department's key issues, the Proponent has made various modifications to the Statement of Commitments included in the Environmental Assessment Report. The modified Statement of Commitments is provided in Section 6 of this PPR (with modifications made since exhibition of the Environmental Assessment identified in bold type).

1.5 Structure of this Preferred Project Report

This PPR:-

- describes modifications to the project arising out of the Proponent's consideration of the Department's key issues (see Section 2);
- responds to the issues raised in agency submissions (see Section 3);
- responds to the key issues raised by the Department of Planning (see Section 4); and
- includes a revised Statement of Commitments (see Section 5).

Summaries of submissions received by the Department during the exhibition of the Environmental Assessment are provided in Appendix 1: Appendix 1A summaries the agency submissions; and Appendix 1B summarises public submissions. In general terms, the main issues raised in the public submissions are reflected in the key issues raised by the Department of Planning (e.g. impacts on the Blue Gum High Forest, bulk and scale impacts, traffic and parking impacts, construction impacts, and cultural heritage impacts).

2. AMENDMENTS TO THE PROJECT APPLICATION

2.1 Amended plans

A set of amended architectural project plans, for which the Proponent seeks the approval of the Minister for Planning, is contained in Appendix 3A of this Preferred Project Report. Provided in Appendix 3B is a set of plans coloured to show where, level-by-level, and on the elevations, the building envelope has been reduced (shown in orange) or added to (shown in blue). Provided in Appendix 3C is a set of amended landscape plans.

Appendices 3A, 3B and 3C are provided in Volume 2 of this PPR.

2.2 Description of amendments

2.2.1 Amendments to architectural plans

A schedule of design amendments is provided in Appendix 2A. The design changes primarily involve:-

- a greater modulation, and stepping of the west wing of the Main Building so as to ensure an improved relationship with residential properties to the west; and
- a deeper indentation in the northern façade of the Main Building, to reduce the perceived bulk of the new structure when viewed from the carriage loop adjacent to 'Rippon Grange';
- the relocation of Killara Cottage;
- the designation of a garbage collection point in the south-eastern corner of the site;
- adjustments to the driveway entry off Young Street to promote right-turns out only;
- the identification of internal garbage storage areas; and
- incorporation of a baby room into the East Building.

2.2.2 Amendments to landscape plans

A schedule of design amendments to the landscape plans is provided in Appendix 2B. The design changes primarily involve:-

- changes to reflect the revised architectural plans as described in Section 2.2.1 above;
- the removal of non-Blue Gum High Forest and non-landscape heritage-significant trees from within the Blue Gum High Forest and regeneration areas;

- inclusion of an interpretative path to Water Street, east of 'Rippon Grange' to delineate an existing driveway; and
- provision of a new access ramp to the tennis court.

In relation to the second of the above bullet points, the Proponent has noted the recommendation of Dr Peter Smith in his advice to Ku-ring-gai Council dated July 2009, that "all non-indigenous plantings within the 8,004m² proposed for management as Blue Gum High Forest should be removed, except possibly for individual trees for which very special heritage significance can be demonstrated".

As submitted in the EA, the Proponent originally proposed to retain 113 of the 126 trees in the BGHF. The 13 to be removed included 9 that are either weeds or are dead/dangerous and 4 with a Significance Rating of "4".

There are around 47 trees in the BGHF and eight trees in the area to be recreated as BGHF that would need to be removed in accordance with Dr Smith's recommendations. Assuming that the Department (and Ku-ring-gai Council) wishes to implement Mr Smith's recommendations, both the VMP and the landscape plans have been amended to identify the non-indigenous trees to be removed. However, if the Department does not agree with Dr Smith's recommendations, then a condition can be imposed that they not be removed and the VMP and the landscape plans have to be amended accordingly.

2.3 Amendments to hospital services and bed numbers

The proposed hospital services remain generally as described in Section 3.2 of the Environmental Assessment ("EA") and in the Health Services Plan in Appendix 2 of the EA. This information has been supplemented by a review of the Health Services Plan by Shepherdson Mudge (see Appendix 5A).

The design modifications, which have been made to introduce greater modulation and stepping of the west wing and a greater indentation in the northern elevation of the north wing, have reduced the number of beds from 129 to 124. The revised bed allocation is as follows:-

	Main Building					East Building		Hospital Ancillary Facilities
	Ward	Proposed Health Service		Total Beds		Proposed Health Service	Total Beds	
Level 3 <i>RL 209.65</i>	Ward B - North	Psychiatric		7				
Level 2 <i>RL 204.5</i>	Ward B - North	Psychiatric		14				
Level 1 <i>RL 201.35</i>	Ward B - North	Medical services		16	↔ Link	Medical services	3	
Ground <i>RL 198.20</i>	Ward A - West	Rehabilitation		11	↔ Link	Medical services	7	Reception, admissions clinic, consulting rooms, staff training and changing
Upper Garden (B1) <i>RL 195.05</i>	Ward A - West Ward B - North	Rehabilitation Rehabilitation		12 12 24		Post Natal	9	Rehabilitation
Garden Floor (B2) <i>RL 191.25</i>	Ward B - North	Psychiatric		15		Post Natal	9	Car parks plus Ambulance and loading bay
B3 <i>RL 188.25</i>						Post Natal	9	Kitchen, laundry, store, car park, plant rooms
TOTAL				87			37	124

2.4 Amendments to built form, GFA and FSR

In response to issues raised by the Department of Planning, the Proponent's architects have prepared the design amendments described above in Section 2.2.1. These amendments have the effect of:-

- (i) reducing the bulk and scale of the west wing of the Main Building when viewed from residential properties to the west and south-west of the site; and
- (ii) reducing the perceived mass of the western end of the Main Building when viewed from the carriage loop adjacent to 'Rippon Grange'.

The changes to the built form have resulted in a reduction in floor space ratio (“FSR”) from 0.58:1 to 0.57:1. The gross floor area (“GFA”) now proposed is 12,151m². (This includes the GFA within ‘Rippon Grange’, an item of environmental heritage.)

2.5 Amendments to access

2.5.1 Young Street access

In order to reduce hospital-related traffic volumes on Young Street (north of the Young Street access to the site) and on Water Street, the geometry of the Young Street access has been revised to encourage left-turn entries to, and right-turn exits from, the site. It is also proposed that a “No Left Turn” sign be placed opposite the driveway to effectively eliminate left-turn movements onto Young Street.

2.5.2 Widening of Young Street

Concepts are provided (see attachments to Traffix response to traffic and parking-related issues in Appendix 6) for the widening of Young Street south of the Young Street site access to Billyard Avenue. Two options have been prepared, comprising a 7.5 metre-wide carriageway and a 9 metre-wide carriageway over the identified section of Young Street. The 7.5 metre option is preferred. Both, however, would result in a substantially improved traffic management outcome.

All 11 trees located within the Young Street road reserve (i.e. Trees 426-436 as identified in the Aborigicultural Impact Assessment prepared by Tree Wise Men, included as Appendix 21 of the Environmental Assessment) are of low amenity value, being Significance Rating “4” and of “Fair” or “Poor” condition, having been lopped under the power lines. Both options would require removal of these trees for carriageway widening.

Similarly, all 6 trees located within 64 Billyard Avenue (owned by the Proponent) adjacent to the section of widened road (i.e. Trees 150, 202, 392, 393, 420 and 421) are of low amenity value, being of Significance Rating “4”. Some of these trees may also be implicated in the 9.5-metre option due to the necessity for dedication of part of 64 Billyard Avenue.

Correspondence from Peter Castor of Tree Wise Men, addressing the impact of the road widening on the trees in Young Street, is provided in Appendix 4I.

2.5.3 Construction traffic

A detailed Construction Management Plan was included in Appendix 16 of the Environmental Assessment. Nevertheless, further consideration has been given to the formulation of access principles for construction. As the Proponent owns No. 64 Billyard Avenue, an option is available for a one-way clockwise flow pattern into the site, with entry via No. 64 Billyard Avenue and exit via right turn into Young Street and return to Billyard Avenue. This minimises any impacts on Young Street (north of the site access) and/or on Water Street. If the Department of Planning supports the option, it can impose a condition of approval to this effect.

Details of manoeuvring of construction vehicles are provided in Appendix 6. The impacts on street trees associated with provision of a construction access over No. 64 Billyard Avenue are assessed by Peter Castor of Tree Wise Men in Appendix 4I.

It should be noted that there would still need to be access to the site from Water Street for a proportion of construction vehicles, particularly those associated with restoration works to 'Rippon Grange'.

2.6 Waste management amendments

The plans have been modified to identify two additional internal garbage storage locations along with an external garbage pick-up point in the south-eastern corner of the site.

2.7 Amendments to the Vegetation Management Plan

The Vegetation Management Plan ("VMP") included within the EA has been amended to reflect the proposed removal of non-heritage significant, and non-privacy screen significant exotics from within the BGHF and the regeneration/revegetation areas as recommended by Dr Peter Smith. A copy of the amended VMP is provided in Appendix 4G. A schedule of revisions to the original VMP is provided in Appendix 4H.

If the Department does not support the removal of non-heritage significant and non-privacy screen significant exotics, a condition can be imposed to that effect.

2.8 Amendments relating to Killara Cottage

On the landscape plans included in the Environmental Assessment, Killara Cottage was identified as being relocated but without a specific destination. A new location has now been selected as identified on the amended plans. Retention of the cottage is consistent with the recommendations of Rod Howard & Associates Pty Ltd (see Appendix 7) and with the Department of Planning's advice that a building from the John Williams Memorial Hospital phase should be retained.

3. AGENCY SUBMISSIONS

There were 10 submissions from agencies. Of these, two were from the Department of Environment, Climate Change and Water (DECCW) and two were from NSW Health. A summary of issues raised in the agency submissions is provided in Appendix 1A.

Provided overleaf is the Proponent's response to issues raised in the submissions from public agencies.

Table 1: Response to issues raised in agency submissions

Agency	Issue Raised	Response	Mitigative Action Required?
1A. and 1B NSW Health	No real objections but concerns as to:- <ul style="list-style-type: none"> • purpose and financial viability; • Health Services Plan. 	<ul style="list-style-type: none"> • No evidence proposed hospital will not be viable (refer Appendix 5A). • Private hospital services are much in demand (refer Appendix 5A). • Health Services Plan to be refined (refer Appendix 5A). • Refer Section 4.2 of this PPR. 	Nil Nil Statement of Commitment now includes requirement to refine the Health Services Plan
2A. and 2B. DECCW	Unable to support for reasons including:- <ul style="list-style-type: none"> • impacts on CEEC; • impacts on CEEC underestimated; • no commitment to protection and management of CEEC in perpetuity. 	<ul style="list-style-type: none"> • Detailed responses provided in Appendices 4A, 4B, 4C, 4D, 4E and 4F. • Refer Section 4.1 of this PPR. • See Appendices 4A, 4B, 4D and 4F. • Proponent is to implement VMP. • Statement of Commitments augmented to include recommendations of SIS and to refer to a covenant to protect the CEEC in perpetuity. • Refer Section 4.1 of this PPR. 	<ul style="list-style-type: none"> • Recommendations of SIS to be implemented. • VMP to be implemented. • VMP revised as per DECCW's recommendation in its email of 26.10.09. • Statement of Commitments now refers to a covenant under Section 88B of the <i>Conveyancing Act 1919</i>.
3. RTA	Raises no objection. Provides comments including:- <ul style="list-style-type: none"> • internal signal control into driveway to car parking area; 	<ul style="list-style-type: none"> • See Appendix 6 for detailed response. • Agreed. 	<ul style="list-style-type: none"> • Reflected in amended Statement of Commitments.

Agency	Issue Raised	Response	Mitigative Action Required?
	<ul style="list-style-type: none"> • consider parking restrictions in Water Street; • Construction Traffic Management Plan required prior to CC. 	<ul style="list-style-type: none"> • This is a matter for Council's Traffic Committee. • Agreed (refer Section 4.5 and Appendix 6 of this PPR). • Proponent invites requirement that 64 Billyard Avenue (which the Proponent owns) to be used for construction access purposes (see Appendix 6 for details). 	<ul style="list-style-type: none"> • Nil. • Reflected in amended Statement of Commitments. • Construction traffic can be managed as per Proponent's options detailed in Appendix 6.
4. NSW Rural Fire Service	No concerns or issues raised.	<ul style="list-style-type: none"> • Nil. 	<ul style="list-style-type: none"> • Nil.
5. National Trust	<p>Concerned at and opposes some aspects of application including:-</p> <ul style="list-style-type: none"> • significance rankings in CMP questionable; • building threatens Bunya Pine; • summer house and associated built features and plantings to remain in current location. 	<ul style="list-style-type: none"> • CMP has been endorsed. • Arborist report disagrees. • The summerhouse is to remain in its existing location. Additionally, Killara Cottage to be retained and conserved on site but in different (but nevertheless suitable) location (refer Section 4.8 of this PPR). 	<ul style="list-style-type: none"> • Nil. • Tree protection measures to be implemented as per Arborist's report. • Nil.
6. Department of Planning - Heritage	<p>Recommends conditions of approval including:-</p> <ul style="list-style-type: none"> • maximum height of main hospital not to exceed RL210.8m; • increased glazing required beneath Level 3 glazed link; • further details of works to spaces of high and moderate significance required; 	<ul style="list-style-type: none"> • Agreed. (Proposal complies.) • Plans amended. • Can be required by condition. 	<ul style="list-style-type: none"> • Nil. • Nil. • Conditions to be included in approval.

Agency	Issue Raised	Response	Mitigative Action Required?
	<ul style="list-style-type: none"> Playroom/Classroom to be retained and adaptively re-used. 	<ul style="list-style-type: none"> This building is proposed for demolition to open up views to 'Rippon Grange' when viewed from Water Street. Demolition anticipated in endorsed CMP. 	<ul style="list-style-type: none"> Nil.
7. Ku-ring-gai Council	<p>Has serious concerns regarding introduction of a high-intensity use into the area, including:-</p> <ul style="list-style-type: none"> permissibility of café; significant detrimental impact on natural and built heritage values and on surrounding urban conservation area; development out of context, inappropriately sited and out of character with surrounding low-density residential areas; 	<ul style="list-style-type: none"> Café is a reasonable and appropriate inclusion within a hospital. Not agreed. BGHF to be protected in perpetuity, and augmented. Council's ecological consultant acknowledges distinctly beneficial impacts. CMP endorsed by Heritage Council. Not agreed. Setbacks substantial. Siting a response to BGHF, BGHF restoration areas, 'Rippon Grange' and its curtilage and significant landscapes. Proposed character is a hospital with a design and siting that respects adjoining properties, especially through the setbacks which are provided (see visual perspectives on architectural plans). 	<ul style="list-style-type: none"> Nil. Nil. Statement of Commitments now refers to a covenant under Section 88B of the <i>Conveyancing Act 1919</i>. Nil. Nil, other than for design amendments as now proposed.

Agency	Issue Raised	Response	Mitigative Action Required?
	<ul style="list-style-type: none"> • impacts on BGHF/CEEC; • privacy impacts; • fails to satisfy requirements of DCP 40 and Policy for Construction and Demolition Waste Management; • insufficient detail or information on hydrogeology; • insufficient detail or information on traffic and parking; • insufficient information on final levels of croquet lawn and tennis court; • inconsistent information on construction parking; • perimeter access does not meet NSW Fire Brigade requirements; • landscape impacts; • heritage impacts; 	<ul style="list-style-type: none"> • Proposal consistent with endorsed CMP. • Refer Appendices 4A, 4B, 4C, 4D, 4E, 4F and Section 4.1. • Impacts on BGHF distinctly beneficial. • Design modification made to western side of west wing to reduce bulk and scale when seen from west, having associated privacy benefits. • Setbacks substantial, allowing comprehensive screen planting. • Construction Management Plan to be refined before issue of Construction Certificate. • Additional hydrogeological information provided – see Appendix 4E. • Response to traffic and parking issues provided in Appendix 6. • Details are as per the landscape plans in Appendix 3C. • Construction parking to be provided on-site. • Not agreed. • Addressed in VMP, CMP, Heritage Impact Statement and Arborist’s report. • Addressed in CMP and Heritage Impact Statement. 	<ul style="list-style-type: none"> • Nil, other than as referred to above in response to DECCW submission. • Nil. • Reflected in amended Statement of Commitments. • Nil. • Nil. • Nil. • Nil. • Nil. • Nil.

Agency	Issue Raised	Response	Mitigative Action Required?
	<ul style="list-style-type: none"> • heritage landscape impacts; • urban design impacts; • biodiversity/ecology impacts; • further hydrogeology analysis required; • traffic and parking impacts; • inadequate waste information; • further engineering details required. 	<ul style="list-style-type: none"> • CMP has been endorsed by Heritage Council. • See Section 4.3. • Amendments made to plans. • These have been comprehensively addressed (see Appendices 4A, 4B, 4C, 4D, 4E, 4F and 4G). • Additional hydrogeological information provided – see Appendix 4E. • Response to traffic and parking issues provided in Appendix 6. • Additional waste storage and pick-up areas now identified on the amended plans. • Can be conditioned. 	<ul style="list-style-type: none"> • Nil. • Nil. • Nil. • Nil. • Nil. • Nil. • Nil.
8. Sydney Water	<ul style="list-style-type: none"> • Further assessment required on lodgement of application for Section 73 Certificate. • Developer to fund adjustments to infrastructure if required. 	<ul style="list-style-type: none"> • Agreed. • Agreed. 	<ul style="list-style-type: none"> • Nil. • Nil.

4. RESPONSE TO KEY ISSUES RAISED BY DEPARTMENT OF PLANNING

4.1 Blue Gum High Forest

The two submissions received by the Department of Planning from DECCW are summarised in Appendix 1A of this Preferred Project Report. In summary, DECCW has expressed concern about direct and indirect impacts from the project leading (in the opinion of DECCW) to a net loss of a significant remnant of a critically Endangered Ecological Community (CEEC) and about there being “no commitment to the protection and management of the CEEC on site in perpetuity”.

Impacts on the CEEC have been thoroughly addressed in the Species Impact Statement (“SIS”) prepared by Cumberland Ecology, in the Peer Review of the SIS carried out by Gary Leonard of Biosis Research, and in the supplementary responses. On 14 September 2009, Cumberland Ecology, the Proponent’s ecological consultant, responded to DECCW’s first submission (see Appendix 4A). DECCW then reviewed the Cumberland Ecology submission of 14 September 2009 and responded further by letter to the Department of Planning on or around 1 October 2009. Cumberland Ecology then responded to the second DECCW submission by two letters, both dated 9 October 2009 (see Appendices 4B and 4C). The Cumberland Ecology letter in Appendix 4B refers to correspondence from Ms Judith Rawling of UBM Ecological Consultants Pty Ltd, the author of the Vegetation Management Plan (“VMP”) included in Appendix 23 of the EA. A copy of the correspondence from UBM Ecological Consultants dated 7 October 2009 is provided in Appendix 4D. In addition, DF Dickson and Associates have prepared a further Supplementary Hydrogeology and Infiltration Report to address concerns about changes in water flows and volumes across the site during and after construction (see Appendix 4E). Provided in Appendix 4F is correspondence from Peter Castor of Tree Wise Men Pty Ltd, addressing DECCW’s concern that the proposed construction will lead to indirect impacts on the BGHF as a result of the lowering of the water table and shadowing. Appendix 4G contains an amended VMP. Appendix 4H identifies the revisions which have been made to the original VMP. Appendix 4I contains a letter from Peter Castor of Tree Wise Men Pty Ltd, addressing the street trees which would be impacted by a widening of Young Street. Finally, Appendix 4J contains a response from Cumberland Ecology to comments made by DECCW in relation to credit values under a BioBank scenario.

Concerns raised by DECCW in both its submissions to the Department of Planning have been comprehensively addressed by the Proponent’s ecological experts, Cumberland Ecology and UBM Ecological Consultants. Here, it is relevant to note that Ku-ring-gai Council requested Dr Peter Smith of P. and J. Ecological Consultants to undertake an ecological review of the proposal. His review dated July 2009 concluded, inter alia:-

“I conclude that if the mitigation measures proposed in the species impact statement (Cumberland Ecology 2009) and Vegetation Management Plan (UBM Ecological Consultants 2009) are implemented, then the proposed development will not have a significant adverse impact on the Blue Gum High

Forest at the site. Indeed, the net impact should be distinctly beneficial. (our emphasis)

The “distinctly beneficial” net impacts are a consequence of the considered placement of the building footprint (i.e. almost wholly outside of the BGHF), the commitment to the rehabilitation and ongoing management of the BGHF, and the restoration of an additional area adjoining the BGHF totalling around 2,099m² as BGHF. As Dr Smith notes on page 4 of his July report to Ku-ring-gai Council:-

“Thus, a total of about 8004m² at 35 Water Street will eventually be rehabilitated or restored, and managed in perpetuity, as Blue Gum High Forest in as good condition as possible in this situation. This represents an eventual increase in the area of the community at the site of about 26%, together with major improvements in vegetation condition and management.”

Such positive impacts are infrequently achieved in such an urban environment. Indeed, some net negative impact is generally expected as land is developed for the purpose for which it is zoned (assuming it is not public open space, nature reserve or the like). This was recognised by the Land and Environment Court in *Ian Black v Ku-ring-gai Council* [Land and Environment Court of NSW, Proceedings No. 10719 of 2008, Commissioners Tuor and Taylor]. This case involved a proposal to build a house on a vacant residential lot in Mahratta Avenue, Wahroonga. A large part of the site contained remnant Blue Gum High Forest.

At paragraphs 36-40, the Court’s decision states as follows:-

“36 The amended plans have reduced the building footprint to 194.4sqm. This results in the retention of 424.3sqm of BGHF out of a total area of 618.8sqm. DCP 38 states the maximum built upon area for a 2 storey house on land 800-900 m2 is 56%. The final proposal will occupy approximately 30% of the site area. The proposal will remove 8 of the 33 native trees on the site. The BGHF is in a degraded condition due to weed infestation and loss of understorey. Notwithstanding the degraded understorey, the listing of the community as critically endangered recognises that BGHF, due to its location in urban areas, is often disturbed and degraded. The BGHF is of conservation value and should be retained. However, the site is zoned residential and there is therefore an inherent conflict between the conservation value and its zoning.

37 This issue of conflict between land use zoning and environmental constraints was addressed by McClellan CJ in BGP Properties Pty Limited v Lake Macquarie City Council [2004] NSWLEC 399 at [118-119]. The judgment notes relevantly:

118 In most cases it can be expected that the Court will approve an application to use a site for a purpose for which it is zoned, provided of course the design of the project results in acceptable environmental impacts.

119 However, there will be cases where, because of the history of the zoning of a site, which may have been imposed many years ago, and

the need to evaluate its prospective development having regard to contemporary standards, it may be difficult to develop the site in an environmentally acceptable manner and also provide a commercially viable project.

38 The amended plans have attempted to mitigate the conflict by locating the building platform on the part of the site that will least impact on the BGHF. The building footprint has also been substantially reduced.

39 Dr Smith and Ms Rawling have agreed that the proposal has met the DECC standard practice in relation to proposals, which are likely to impact on CEEC namely:

... avoid impacts, minimise impacts, ameliorate where possible and, after every other option has been exhausted, to offset or compensate for the loss. This practice applies to all scales of impacts, including small residential proposals ...

40 The loss of BGHF is unavoidable if the site is to be developed consistent with its zoning. The applicant has proposed an offset for this loss."

The appeal was upheld. No buffers were required. It will be noted that reference is made in the above extract from the Court's decision to Dr Smith and Ms Rawling. Dr Smith was also the Court appointed expert in *Murlan Consulting Pty Limited v. Ku-ring-gai Council and John Williams Neighbourhood Group Inc* [2007] NSW LEC 374, and as noted above, is the author of advice to Ku-ring-gai Council in relation to this current Part 3A application. Ms Rawling is the author of the Vegetation Management Plan submitted with the Part 3A application.)

Given the hospital zoning of the subject site, its use as a hospital consistent with this zoning might reasonably result in some impact on the BGHF, especially where there are no development standards which prescribe maximum gross floor area, minimum landscaped area, maximum height and site coverage, or other restrictions.

The site has an area of 21,320m². Of this area, 6,350m² was mapped by Dr Peter Smith as BGHF. Under the proposal, 6,234m² (or 98.2%) of the BGHF mapped by Dr Peter Smith is to be retained or rehabilitated. Additionally, an area of 2,099m² will be revegetated via an indigenous planting program as BGHF, as detailed in the amended VMP in Appendix 4G. Accordingly, a total of 8,333m² of BGHF will be retained or recreated, providing a net gain in BGHF habitat of 1,983m² or 31.2%. The BGHF will be managed in perpetuity pursuant to the principles and guidelines set out in the Vegetation Management Plan.

A further key consideration, given the presence of the BGHF and of a 'Rippon Grange' and its associated heritage landscapes is site coverage. As is helpfully and relevantly noted in paragraph 36 of the Court's decision (see above), the maximum built upon area for a two-storey house pursuant to Ku-ring-gai DCP 38 is 56%. In contrast, the site coverage of the proposed hospital is only 16.6% including the existing buildings to be retained.

The 'distinctly beneficial' net impact of the proposal, as assessed by Dr P Smith on behalf of Ku-ring-gai Council, is then a most positive aspect of the project and one that warrants a

flexible approach to development on other parts of the site to achieve, overall, a balanced planning outcome.

Having received Dr Smith's July report, Ku-ring-gai Council requested him to revisit some of the issues he had addressed. His supplementary report is dated September 2009. His conclusions included the following statements:-

"In my review of the Part 3A environmental assessment for the current development proposal (Smith 2009), I concluded, with some provisos, that if the mitigation measures proposed in the species impact statement (Cumberland Ecology 2009) and vegetation management plan (UBM Ecological Consultants 2009) are implemented, then the proposed development will not have a significant adverse impact on the Blue Gum High Forest at the site. That remains my assessment.

I have considered the additional area mapped as Blue Gum High Forest by James (2008). Because it lacks a BGHF canopy, it does not satisfy the NSW Scientific Committee's (2007) definition of the community. I consider that my original mapping, which was based on the presence of a BGHF canopy, and including the separate group of three trees away from the main stand, is a better representation of the occurrence of Blue Gum High Forest at the site."

Dr Smith's comments in his supplementary report to Ku-ring-gai Council in relation to whether or not a buffer needs to be provided around the mapped BGHF has been addressed in the responses prepared by Cumberland Ecology (see Appendix 4A), and by UBM Ecological Consultants (see Appendix 4D). The view is expressed therein that with the level of active management which is proposed (pursuant to the VMP included in Appendix 23 of the EA), a buffer to the extent called for by Dr Smith is unnecessary in this type of urban environment.

Insofar that overshadowing impacts on the BGHF are raised by DECCW, these are addressed in the correspondence from Cumberland Ecology provided in Appendix 4B. Shadow impacts are not on the forest canopy but on the ground beneath the canopy. Peter Castor of Tree Wise Men Pty Ltd has also provided his expert opinion on alleged shadow impacts (see Appendix 4F).

An amended Vegetation Management Plan is provided in Appendix 4G. The amendments which have been made to the original are described in Appendix 4H. The Department's attention is drawn to the revised set of landscape plans submitted with the PPR (see Appendix 3C). These plans have been amended having regard to the recommendation of Dr Peter Smith in his advice to Ku-ring-gai Council dated July 2009, that "all non-indigenous plantings within the 8,004m² proposed for management as Blue Gum High Forest should be removed, except possibly for individual trees for which very special heritage significance can be demonstrated".

As submitted in the EA, the Proponent originally proposed to retain 113 of the 126 trees in the BGHF. The 13 to be removed included 9 that are either weeds or are dead/dangerous and 4 with a Significance Rating of "4".

There are around 47 trees in the BGHF and 8 trees in the area to be recreated as BGHF that would need to be removed in accordance with Dr Smith's recommendations. Assuming that the Department (and Ku-ring-gai Council) wishes to implement Mr Smith's recommendations, both the VMP and the landscape plans have been amended to identify the non-indigenous trees to be removed. However, if the Department does not agree with Dr Smith's recommendations, then a condition can be imposed that they not be removed and the VMP and the landscape plans have to be amended accordingly.

Subsequent to both of DECCW's submissions to the Department of Planning, DECCW has acknowledged that the regenerating areas on the site do not meet the definition of BGHF as defined by the NSW Scientific Community as they lack an overstorey of eucalypts characteristic of BGHF. Also, DECCW has acknowledged that the imposition of a covenant (which the Proponent accepts) by way of an amended Statement of Commitments, to ensure the permanent protection and management of the BGHF, would address DECCW's highest priority concern. The Statement of Commitments has been amended to include a commitment to the imposition of a covenant under Section 88B of the *Conveyancing Act 1919*.

Having regard to all of the above, the Department can be satisfied that the Proponent has comprehensively addressed all relevant issues relating to the BGHF and that the project, if approved, will have a 'distinctly beneficial' impact on the BGHF.

4.2 Operation and design requirements of the proposed hospital

Subsequent to the exhibition of the Environmental Assessment and in response to issues raised by NSW Health in its initial submission (see Appendix 1A), the Proponent submitted the following documents to the Department of Planning:-

- a letter from Shepherdson Mudge Pty Ltd dated 16 August 2009, reviewing the Proponent's Health Services Plan (see Appendix 5A); and
- a letter from Dr Clayton Spencer, Health Service Consultant, in relation to the services to be provided in the new hospital (see Appendix 5B).

Both of the above documents acknowledge that the Health Services Plan and Operational Management Plan require refinement and further development. However, neither document challenges or is critical of the design rationale of the project. Notably, the cover letter from Shepherdson Mudge states:-

"Whilst the HSP reflects a hybrid mix of services offered through a single site private hospital, there is no evidence to suggest that this mix would encounter difficulties with its financial viability. To this end we find there is alignment between the types of services offered through the HSP that offers flexibility in the management of the hospital operations. More specifically, there are synergies between psychiatric care and post natal care, and between medical care and rehabilitation."

NSW Health has subsequently acknowledged that the HSP is a provisional document pending the input of a health services operator. The Proponent has also informed the

Department of the interest being expressed by hospital operators both for the subject site and for the Proponent's approved project in Nield Avenue, Greenwich. The Proponent strongly believes that the design configuration depicted on the project application drawings will meet the fundamental space requirements of a selected operator. Clearly, there will be a design development process (common to all projects of this type) which will refine functional space needs. For example, the Shepherdson Mudge response to the NSW Health submission identifies the need in the new hospital for a dedicated Well Baby Nursery area as part of the post-natal care facilities. This has now been integrated into the amended drawings (see Appendix 3A).

The Department has requested the Proponent to provide further clarification of the design rationale of the current proposal, including factors such as the number of beds, internal layout, gross floor area, building envelopes, and the like, given that the internal and external design will be influenced by the operational requirements of the selected operator. The above information addresses this issue but the Department should note that there is a strong demand for single-bed suites as opposed to shared facilities, especially in relatively affluent areas such as the Upper North Shore. This has an effect on the hospital's footprint and overall size.

There is also a general shift away from small private hospitals as hospital operators seek not only to consolidate services and accommodation into larger facilities to achieve operational and hence economic efficiencies, but to more readily achieve compliance with health standards and guidelines, such compliance being more problematic on smaller, more constrained sites with existing improvements. Furthermore, health insurance funds are increasingly applying pressure on hospital operators to achieve economies of scale. A hospital of the size proposed (now 124 beds), as noted by Shepherdson Mudge, is economically viable. Further reductions in this number would, however, jeopardise its economic viability having regard to the significant cost impositions on the Proponent arising out of the need to not only restore 'Rippon Grange', rehabilitate its heritage landscapes, and reinstate around 2,099m² of the site as BGHF, but also to maintain these important elements of the site in perpetuity.

Within the Ku-ring-gai area there is a penetration rate of around 80% in the take-up of private health insurance. The proposed hospital, with its high-quality facilities including separate rooms with en suites, is likely to make a significant contribution to meeting local demand for private hospital services and accommodation in the future. (This demand is likely to reflect the increasing ageing of the Australian population as it is the aged who generally require the most health care. It is inevitable that the proposed hospital will have a high proportion of aged patients.) The propensity of North Shore residents to seek private health care is reflected in the substantial number of hospitals in the area including Sydney Adventist (360 beds) at Wahroonga and Lady Davidson (120 beds) at North Turramurra. (Lady Davidson Hospital is presently the subject of a Part 3A application for an additional 83 beds to better meet demand.) It is also a reflection of the capacity and perceived condition of the public hospital facilities in the wider sub-region.

Clearly, the Proponent could have pursued a more intensive clinical case mix. In this regard, the integrated health care services which are proposed are intended to strike a balanced functional outcome which minimises potentially adverse impacts (or perceived impacts) on the surrounding community. For example, if the proposed health care services had included

surgical facilities, traffic generation would be greater than what is now proposed. Alternatively, if the balance of services was heavily skewed toward psychiatric care, greater concerns as to stigma would have been expressed.

4.3 Bulk, scale and design

4.3.1 Introduction

Issues identified by the Department of Planning relating to bulk, scale and design comprise:-

- proximity of the west wing of the Main Building to residential properties in Plymouth Close;
- the overall bulk of the Main Building, particularly when viewed from the north; and
- further consideration of the translucency of the bridge between the Main Building and the East Building.

Each of these matters is addressed below.

These issues have been the subject of discussion between the Proponent and the Department, as a result of which the Proponent has decided to revise the project plans. It is the revised set of plans for which project approval is now sought.

The revisions which have been made to the plans further reduce the intensity of an already reduced intensity scheme when compared with previous proposals as detailed in the table in Section 1.3 of this PPR.

The Proponent thus considers the proposal to represent a balanced outcome, both physically and functionally.

4.3.2 Proximity of the west wing of the Main Building to the residential properties in Plymouth Close

The western side of the west wing of the Main Building of the proposed hospital has been further modulated and stepped to provide an improved relationship with the properties immediately to the west of the site. Building bulk on the western part of the site, to the extent it will be seen from the dwellings to the west (because of the 10-metre landscaped setback from the side and rear boundaries of the site), has been reduced as a consequence.

In part, space displaced from the west wing has been relocated, but without increasing the overall building height. Details of where building mass has been removed/relocated are provided on the set of plans in Appendix 3B. No adverse impacts arise as a consequence of the relocation of space elsewhere within the building.

Part of the architect's design rationale for the west wing, where it steps down the slope, is to ensure that it is contained within the building height plane which would be applied if the site

was being redeveloped for residential purposes. Reference to Appendix 8 illustrates the residential building height plane when projected from the western boundary of the site.

The substantial 10-metre setback which is provided from the western boundary also enables substantial screen planting to be retained and new planting provided. Reference to the western landscape elevation (see Drawing LS.DA.03 Rev. E) in Appendix 3C illustrates the effectiveness of the landscape screening which is proposed.

4.3.3 Overall bulk of the Main Building, particularly when viewed from the north

An increased modulation of the northern face of the north wing of the Main Building has been provided south of 'Rippon Grange', to address the Department's concerns with bulk when the new building is viewed from the carriage loop (i.e. on the western side of the existing heritage building). A revised perspective has been prepared to illustrate the amended design (see AR DA 014).

Notwithstanding the design amendments which have been made, issues of bulk, scale and design were of primary importance to the NSW Heritage Council when it considered DA 1333/07 for a seniors housing development of 61 apartments on the site. The building envelope of the north wing of the Main Building prior to the amendment which has been made reflected the design outcome endorsed by the NSW Heritage Council. The Heritage Council's Design Committee comprised experts in the fields of planning, heritage and architecture and included the NSW Government architect, Peter Mould. Endorsement of effectively the same design as that originally proposed in the EA, by the NSW Heritage Council, is a tacit demonstration of the soundness and quality of the design as exhibited.

In achieving a balanced planning outcome, due recognition needs to be given to the demonstrable soundness of the design's relationship to 'Rippon Grange' as evidenced by the NSW Heritage Council's endorsement of essentially the same building as that now proposed.

4.3.4 Translucency of bridge between Main Building and East Building

The link bridge between the Main and East Buildings is shown on the exhibited drawings as comprising aluminium windows (depicted as "AW" on the plans). It will be translucent.

4.3.5 Other comments

Neither of the two new buildings exceed the ridge height of 'Rippon Grange'. They have been located within the central and south-western parts of the site so as not to encroach to any unreasonable extent on 'Rippon Grange' (and its curtilage) and on the BGHF. However, the two new buildings are not, because of these locational and siting constraints, positioned within unreasonable proximity to residential properties to the south and west of the site. The northern wing of the Main Building is 55 metres from the southern boundary of the site, whilst the west wing of the Main Building is 10 metres from the western and southern boundaries of the site. These are adequate and effective setbacks.

The setbacks of the two new structures from Water Street are 62 metres for the Main Building and 65 metres for the East Building. The East Building is setback 30 metres from Young Street and 39 metres from the southern boundary of the site. These substantial setbacks, combined with the vegetation to be retained and augmented with new plantings, ameliorate the bulk and scale of the new buildings.

4.4 Traffic and parking

4.4.1 Introduction

The Department has raised the following issues:-

- review accuracy of the street widths stated in the Traffic Impact Assessment;
- consideration of widening of Young Street from its intersection with Billyard Avenue to proposed site access point;
- consideration of minimising operational traffic volumes on local streets;
- consideration of commitment in relation to shift change-over times; and
- review of driveway widths and egress conditions.

These issues are dealt with in detail in the response by Traffix, provided in Appendix 6, and are addressed in brief below.

4.4.2 Street widths

The Traffic Impact Assessment (at page 4) noted that Water Street and Young Street both have a 5.5-metre wide sealed carriageway. In contrast, a local resident submitted that the former had a width of 5.06 – 5.21 metres, whilst the latter had a width of 4.06 – 4.07 metres.

Nothing significant turns on the exact road width. An approximation should be adequate given the variation in carriageway width over the length of both streets. In this regard, reference to page 7/15 of the Council officer's report to the General Committee of Ku-ring-gai Council dated 28 July 2009 in relation to this Major Project application reveals the following statement:-

"The width of the road pavement in Water Street and Young Street outside the site is generally 5.5m ..."

Ku-ring-gai Council also accepts that the width of Water Street and Young Street is sufficient based on Amcord Guidelines having regard for future traffic volumes.

4.4.3 Widening of Young Street

The Department has asked the Proponent to consider the widening of Young Street from its intersection with Billyard Avenue to the proposed site access point. The Proponent agrees

that this would be appropriate. Diagrammatic illustrations of two options to widen the Young Street carriageway to 7.5 metres or 9 metres are provided as attachments to Appendix 6. The 7.5-metre widening option is considered entirely adequate and is preferred.

In the case of the 9-metre option, part of No. 64 Billyard Avenue would need to be dedicated to facilitate provision of a 3.7-metre wide road verge along the site frontage incorporating a footpath.

Both options would require the removal of street trees as detailed in Section 2.5.2 of this PPR. None of the 11 trees to be removed for the 7.5-metre widening option has sufficient significance to warrant their retention. They each have a Significance Rating “4” (where 1 is the highest rating and 5 is the lowest) (see Appendix 4I for details of these trees).

4.4.4 Minimising operational traffic volumes

The Department has requested that consideration be given to minimising operational traffic volumes on local streets, particularly in the immediate vicinity of the nearby school during student pick-up/drop-off periods. The Proponent proposes:-

- signage within the site at the Water Street egress prohibiting right turns out during the relevant periods;
- signage combined with an access geometry at the Young Street egress prohibiting left turns out during the relevant periods;
- implementation of management measures to monitor the effectiveness of the above signage and improve education of parkers, if required; and
- ensuring that shift change-over times do not coincide with school drop-offs and pick-ups.

All of the above are now reflected in the revised Statement of Commitments included in Section 5 of the PPR.

4.4.5 Shift change-over times

As noted above a provision to this effect has been incorporated into the revised Statement of Commitments.

4.4.6 Driveway widths and egress conditions

As noted in Appendix 6 (page 3), the final design of the Young Street access can be dealt with on the basis of Compliance with AS 2890.1. Nevertheless, concepts have been prepared to result in improved access options through the widening of Young Street south of the site access to Billyard Avenue (see Attachments to Appendix 6). Swept paths are illustrated on Attachments 2 and 3 in Appendix 6 to demonstrate compliance using a Category 2 Driveway. The driveway would be subject to compliance with AS 2890 which requires the provision of adequate pedestrian sight lines. The amended Young Street access

driveway provides improved pedestrian sight lines, with an additional footpath within the site along the southern side of the internal roadway.

4.5 Construction traffic

4.5.1 Introduction

The Department has raised the following issues:-

- measures to minimise construction traffic on Water Street;
- demonstration of turning circles of articulated trucks using Young Street;
- demonstration of adequacy of driveways and egress conditions during peak periods;
- damage to road surfaces; and
- consideration of restrictions on hours of truck movements entering and leaving the site to avoid school pick-up/drop-off periods.

4.5.2 Construction traffic on Water Street

The Department has asked the Proponent to demonstrate measures to minimise construction traffic on Water Street by having the vast majority of construction traffic use Billyard and Young Streets.

Whilst some construction vehicles will have to use the Water Street access to the site (for example, construction vehicles related to the restoration of 'Rippon Grange'), the majority of construction access has always been anticipated from Young Street. An option is available for No. 64 Billyard Avenue to be used for construction access purposes to improve traffic flow conditions in Young Street during the construction phase is described in Section 2.5.3 of this PPR. This option is discussed and illustrated in Appendix 6 and in particular in Attachment 1 thereto. This would minimise construction traffic impacts on Young Street, north of the site access, and on Water Street. If the Department of Planning considers this appropriate, then the Proponent invites a condition of consent to this effect.

4.5.3 Truck turning in Young Street/adequacy of driveways in peak periods

The ability of a 12.5-metre HRV (rigid) truck to manoeuvre through the Young Street access, assuming a clockwise construction traffic movement where reliance is placed on No. 64 Billyard Avenue for entry, is illustrated on Attachment 1 in Appendix 6. Along with the potential for widening Young Street between the site access and Billyard Avenue, this demonstrates suitable and adequate construction vehicles accessibility and manoeuvring.

4.5.4 Damage to road surfaces

Any damage to road surfaces as a consequence of construction activity will be repaired. The revised Statement of Commitment includes the preparation by the Proponent of a dilapidation survey of the adjoining roads and the provision of the survey to Council before demolition and earthworks commence.

4.5.5 Restrictions on hours of truck movements

Given all of the above, and taking into account that a detailed demolition and construction traffic management plan is to be prepared and approved prior to issue of a Construction Certificate, there is no necessity to restrict the hours of truck movements within the normal periods for construction work to occur.

4.6 Parking

4.6.1 Introduction

The Department has requested the Proponent to demonstrate consideration of the RTA Car Parking Guidelines (as raised by Ku-ring-gai Council) and ensure that parking bay widths meet BCA requirements. These issues are addressed below.

4.6.2 Consideration of RTA Car Parking Guidelines

In relation to the Department's request for the Proponent to demonstrate consideration of the RTA's parking guidelines, the stated RTA requirement for 111 spaces should not be accepted without qualification as the hospitals surveyed by the RTA are not directly comparable to the proposed hospital as they generally include surgical and other procedures that will not take place at the proposed site. The surveys are also outdated, being conducted in 1993. The RTA's preferred methodology is to conduct a survey of a comparable development and this was undertaken, with the resultant demand being satisfied, based on the assumptions made. Notwithstanding the above, compliance with Council's DCP, which is achieved, should of itself be sufficient as Council's requirements reflect local conditions and should take precedence.

4.6.3 Parking bay widths

In relation to parking bay widths meeting BCA requirements, it is proposed that the dimensions for staff and visitor parking be in accordance with AS 2890.1 for long-stay and short-stay parking respectively. This would be covered under a condition relating to compliance with AS 2890.1, as discussed above. It is expected that will be conditioned and it is noted that it is proposed to provide about 50 spaces for staff and the balance for patients and visitors. The former will be Class 1A parking, with a minimum bay width of 2.4 metres and an aisle width of 5.8 metres, which is provided. The latter will be Class 3 parking, with a bay width of 2.6 metres and an aisle of 5.8 metres. These are also provided but in any event,

compliance with the standard is able to be conditioned and if any deficiencies exist (noting that none have been able to be identified), these can be readily addressed.

4.7 Cultural heritage

4.7.1 Introduction

The Department of Planning has raised the following issues:-

- at least one building from the John Williams Memorial Hospital phase must be retained and conserved (either Killara Cottage or the Play Room) – the Proponent’s heritage consultant to discuss the opportunities for interpretation of the heritage landscape of the site with respect to conserving at least one of these buildings;
- further justify or minimise changes to the upper floor of ‘Rippon Grange’ that are not conservation works or associated with vertical transport; and
- address long-term maintenance of cultural and natural heritage of the site through a mechanism such as a planning agreement in a revised Statement of Commitments.

These issues are addressed by Rod Howard & Associates in their response in Appendix 7.

4.7.2 Retention of a building from the John Williams Memorial Hospital phase

As exhibited, the project included the demolition of various existing intrusive additions to ‘Rippon Grange’ including the former Playroom adjacent to Water Street. This structure is identified as having “moderate significance” in the endorsed Conservation Management Plan (“CMP”). The development guidelines and cultural heritage constraints diagram in the CMP identifies the demolition of the former Playroom to regain views of ‘Rippon Grange’. The CMP was endorsed by the NSW Heritage Council.

In its submission to the Department of Planning in relation to the exhibition of the EA, the Heritage Branch of the Department of Planning has advised the Department that “the Playroom/classroom structure on the eastern side of Rippon Grange’s house shall be retained and adaptively reused as a garden pavilion in line with Conservation Policy No. 12, page 161 of Revision C of the Conservation Management Plan”. That Policy states:-

“Demolition of the item should only be considered if no appropriate adaptive reuse can be found or if it proved to interfere with the reconstruction of the landscaped setting of ‘Rippon Grange’.”

Clearly, Policy No. 12 leaves open the option of demolition. In this regard, the Heritage Impact Statement (Appendix 20 of the EA) states on page 29 as follows:-

“

<p>Policy 12</p>	<p><i>Consideration should be given to retaining and conserving the original northern portion of the pool shed, ‘Killara Cottage’, the Playroom/ Classroom and the Classroom Block where this is practicable.</i></p>	<p><i>Built items including the Pool Shed, the Playroom/Classroom and the Classroom Block have a moderate level of heritage significance, but this is not so high as to prevent demolition, which provides benefits in terms of regaining and interpreting the heritage significance of the place.</i></p> <p><i>Demolition of the Playroom/ Classroom will greatly assist in regaining the original setting if ‘Rippon Grange’ and regain views of the building and site.</i></p> <p><i>It is proposed to reconstruct the damaged fabric of ‘Killara Cottage’ and relocate it to a less intrusive section of the site, which will also assist in regaining the setting if ‘Rippon Grange’ and also provide an effective device for interpretation.</i></p>
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In this context, demolition of the Playroom/Classroom is appropriate in the circumstances, with resultant benefits in regaining the original setting of ‘Rippon Grange’.

The Proponent has always proposed that Killara Cottage be reconstructed and relocated on-site. In this regard, the Proponent’s heritage consultant, Rod Lumby of Rod Howard & Associates Pty Limited, has advised as follows:-

“Our recommendation is that Killara Cottage is retained and conserved on the site. While the Playroom has heritage significance, its removal will have positive benefits in terms of enhancing the immediate curtilage of the house known as Rippon Grange and for reconstruction of original garden elements and the setting of the house. Killara Cottage is considered worthy of retention because it provides tangible evidence of the valuable role played by the general community in supporting the John Williams Memorial Hospital with financial and other support. The Cottage is also an evocative element, recalling the children who were patients at the Hospital and will be an immediate and accessible interpretive device to visitors and residents alike. The Cottage should remain on the north eastern side of the site, but should be relocated so that it does not obscure the interpretation afforded by the reconstruction of the grounds, possibly to the north of its present location and closer to Water Street.”

The amended plans in Appendices 3A and 3B now identify the selected location for Killara Cottage.

4.7.3 First floor of 'Rippon Grange'

The Department's letter states: "It is apparent that no use has been ascribed to the upper floor of the mansion" and further states that "changes to the upper floor that are not conservation works or associated with vertical transport be further justified or minimised".

Reference to the exhibited project application architectural drawing AR.DA.004 reveals the proposed first floor plan of 'Rippon Grange'. A scope of works to 'Rippon Grange' is included in Appendix 5 of the EA. The scope of works describes the works depicted on the plan. It also identifies the intended uses of the first floor rooms (i.e. general/office, corridor and stair, office/meeting, WC, bathroom, lift, lift lobby, stores, enclosed verandah/lounge, etc) on a room-by-room basis. Accordingly, uses have been ascribed to the first floor.

As noted by Rod Howard & Associates in Appendix 7:-

"These uses are well served by the existing plan layout and therefore will have little or no impact on the heritage significance of the first floor."

4.7.4 Long-term maintenance of cultural and natural heritage of site

The Department has advised that long-term maintenance of the cultural and natural heritage of the site must be addressed through a mechanism such as a planning agreement in a revised Statement of Commitments.

The Statement of Commitments provided in the EA includes:-

E. Biodiversity/Tree Loss

E1. The proponent will implement the Vegetation Management Plan appended to the Environmental Assessment.

E2. The proponent will implement the recommendations of the Species Impact Statement appended to the Environmental Assessment."

The amended VMP and the SIS state that ongoing maintenance will be required in perpetuity to prevent re-infestation of weeds and ensure rehabilitation objectives are met.

The natural heritage of the site is to be protected through implementation of the VMP and the recommendations of the SIS. These commitments, which have been further refined in the PPR, combined with conditions of project approval, are sufficient to protect and manage the natural heritage of the site in perpetuity. Nothing else could be done to the site's natural heritage without further approval, in any event. Notwithstanding the foregoing, and in accordance with the latest advice received by the Department of Planning from DECCW, the Proponent has now included reference in the revised Statement of Commitments and now invites, by way of condition, the imposition of a covenant under Section 88B of the *Conveyancing Act 1919* to protect and maintain the BGHF in perpetuity.

The cultural heritage of the site is to be protected through implementation of the Conservation Management Plan, as endorsed by the NSW Heritage Council.

In these circumstances, a planning agreement is not considered necessary or appropriate.

4.8 Waste

The Department's letter notes that the design does not have a garbage room and requests that the Waste Plan be further developed to describe the likely process of garbage collection, storage and disposal within the development.

In relation to the garbage room, reference should be made to Drawing AR.DA.006, submitted as part of the EA, which identifies a garbage store at the foot of the driveway on Level B2 of the Main Building.

In the amended drawings in Appendix 3A, two further garbage storage areas have been identified: one on Level B3 (under the ramp down from B2) and one adjacent to the entry to the East Building on Level B4.

Garbage will be collected from the lower south-eastern corner of the site, well-set in from Young Street, where a garbage truck turning area is provided on-site. The location of the pick-up point is identified on the revised drawings in Appendix 3A. This is consistent with the Waste Management Plan included as Appendix 15 of the EA, which states:-

“General waste bins will be located throughout the facility and collected to a central waste pick-up point prior to collection time and bins will be returned as soon as possible, after being emptied, to within the facility.”

The Waste Management Plan notes that:-

“The final operator of this proposed hospital facility has still to be determined at the time this WMP was prepared. The operator of the proposed hospital facility must develop a clinical and related waste management plan in accordance with the NSW Health: Waste Management Guidelines for the health care facilities (as in force from time to time).”

This is now included in the Statement of Commitments.

5. REVISED STATEMENT OF COMMITMENTS

5.1 Introduction

Under Section 75F(6) of the EP&A Act, a Proponent may be required to include a Statement of Commitments within the Environmental Assessment, outlining the measures the Proponent is prepared to make in respect of environmental management and mitigation at the site. The Proponent's Environmental Assessment, in Section 4.4, included a draft Statement of Commitments for the project which specified how the project would be managed to minimise potential impacts both during construction and operation.

Following receipt of submissions and identification of key issues by the Department of Planning during the exhibition of the Environmental Assessment, the draft Statement of Commitments has been reviewed and various minor revisions made. Inserted text is identified in **bold** type and deleted text is identified by ~~strike through~~ (thus).

5.2 Revised Statement of Commitments

A. General

A1. The development will be undertaken generally in accordance with the Environmental Assessment ~~report~~ prepared by BBC Consulting Planners, ~~including accompanying appendices~~ **as amended by the Preferred Project Report and the appendices thereto.**

A2. The development will be undertaken generally in accordance with the architectural **and** landscape **drawings included in the Preferred Project Report**, and **with the** civil services drawings submitted with the Environmental Assessment ~~report~~, while allowing for reasonable design development to occur.

A3. The Proponent is committed to the principles of sustainability as defined in the *Environmental Planning and Assessment Act, 1979*.

B. Further Approvals

B1. The Proponent will obtain all necessary approvals and licences required by State and Commonwealth legislation in implementing and operating the project.

B2. The Proponent will obtain a Construction Certificate prior to the implementation of building works, other than demolition and preparatory site works (including the removal of trees and other site vegetation).

C. Demolition, Excavation and Construction Management

C1. All demolition, excavation and construction work will be undertaken in accordance with the Construction Management Plan, Hydrogeology Report and Arboricultural Impact Assessment submitted with the Environmental Assessment ~~report~~.

C2. The Proponent will put in place environmental controls to mitigate the effects of noise, dust, vibration and erosion during demolition, excavation and construction, including the implementation of:-

- excavation methodologies consistent with the geotechnical report and hydrogeology report submitted with the Environmental Assessment ~~report~~ and the mitigative measures for noise and vibration set out therein;
- noise mitigation on construction equipment where necessary;
- management of dust by use of screens and/or hose down; and
- implementation of erosion and sediment control devices as shown in the set of civil services plans submitted with the Environmental Assessment ~~report~~.

C3. The building contractor will establish a Safety Plan before work commences on-site detailing safe work methods and procedures to be followed on-site and to ensure compliance with OH&S and statutory requirements, such plan to address safety risks during demolition, excavation and construction activity, including:-

- stability of adjacent structures;
- excavation support;
- falls from heights;
- protection of the public;
- traffic controls around the perimeter of the site; and
- working with high voltage electrical supply.

C4. Construction activities (including demolition and excavation) will only occur between 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 1.00pm Saturdays, unless further acoustic analysis of specific noise-producing works has been carried out and endorsed by a qualified acoustic engineer.

C5. The building contractor will be required to arrange sorting and recycling of waste materials to ensure maximum recycling is achieved, in accordance with the Construction Management Plan.

C6. Prior to the commencement of demolition and excavation, a Hazardous Materials Assessment will be undertaken on all structures. Any hazardous materials identified will be disposed of in accordance with statutory and EPA requirements and guidelines.

C7. The Proponent will ensure construction traffic and parking requirements during construction activities are as per the traffic and parking assessment report submitted with the Environmental Assessment ~~report~~, **as supplemented by Appendix 6 in the Preferred Project Report** which ~~recommended include~~:

- management measures **are to** be put in place to maximise use of Billyard Avenue to/from the east via Eastern Road, which provides access to Burns Road and Junction Road. No

restrictions on the use of rigid trucks are considered necessary due to the expected low truck volumes, with use of Billyard Avenue to/from both the east and west. These are public roads that already carry similar classes of vehicles; **and** .

- all construction employee parking demands **are to** be contained within the site as far as practicable. The use of basement car parks will be available following their completion. Accordingly, no use of on-street parking is expected.

C8. The Proponent will carry out all construction activities in accordance with relevant environmental protection legislation.

C9. The Proponent will prepare and implement **a** further detailed construction management plan **including construction traffic management** in conjunction with the contractor and submit to the Principal Certifying Authority prior to ~~commencing construction works~~ **issue of a Construction Certificate**.

C10. The Proponent will instigate environmental management and mitigation measures during construction activities as per the CMP.

C11. The Proponent will prepare a dilapidation survey of adjoining roads and provide same to Ku-ring-gai Council prior to the commencement of demolition and earthworks.

D. Tree Protection

D1. Designed tree protection measure and general tree protection measures (as appropriate) will be implemented for the trees identified as being retained in the Arboricultural Impact Assessment appended to the Environmental Assessment.

D2. Trees will be protected in accordance with the Arboricultural Impact Assessment appended to the Environmental Assessment.

E. Biodiversity/Tree Loss

E1. The proponent will implement the **amended** Vegetation Management Plan appended to the ~~Environmental Assessment~~ **Preferred Project Report**.

E2. The proponent will implement the recommendations of the Species Impact Statement appended to the Environmental Assessment.

E3. The Proponent will cause a covenant under Section 88E of the *Conveyancing Act 1919* in favour of the Crown in the right of New South Wales (Minister for Climate Change, Environment and Water) to be registered on the title of the land in accordance with this commitment.

E4. Prior to the issue of the Construction Certificate, the Proponent shall prepare and submit to the Department of Environment, Climate Change and Water a Section 88B instrument in registrable form that sets out the covenant.

E5. The Section 88B instrument must state that the owner of the lot burdened for itself and other owners from time to time of the lot burdened covenants with the

Crown in the right of New South Wales (Minister for Climate Change, Environment and Water) under Section 88E of the *Conveyancing Act 1919* will retain, conserve, rehabilitate and manage the remnant of Blue Gum High Forest on site, at all times in perpetuity and in accordance with the Vegetation Management Plan.

E6. All costs associated with the preparation, execution and registration of the instrument are to be born by the owner of the land.

F. Promotion of public transport use, walking and cycling

F1. A workplace travel plan will be developed and maintained and disseminated to staff at the hospital.

F2. On-site provision will be made for staff bicycle storage **and associated facilities**.

G. Acoustic considerations

G1. Noise and vibration during demolition, excavation and construction will be mitigated in accordance with the recommendations and guidelines in the geotechnical report, Construction Management Plan and acoustic report submitted with the Environmental Assessment report.

G2. The building (which is Class 9a under the BCA) will meet the acoustic requirements for a Class 9ea building.

G3. Once plant and equipment has been selected for the new hospital, a separate acoustic assessment will be carried out to ensure that noise emissions are controlled, and compliance achieved with the criteria specified in the DECC Industrial Noise Policy guidelines.

H. ESD

H1. The Proponent will implement the recommendations in the Energy Efficiency Assessment submitted with the Environmental Assessment.

H2. The Proponent will consider the following measures to improve energy efficiency and reduce greenhouse gas emissions:-

- Use of light colouring for the internal walls to maximise the use of natural daylight.
- Rainwater harvesting tank for landscape irrigations.
- Minimum R1.3 External Wall insulation.
- Minimum R2.63 Roof/Ceiling Insulation.
- Equipment with automatic power off.
- Use of air-conditioning systems with high coefficient of performance.
- Negotiating power agreements with local providers.

I. Health Services Plan

I1. The Health Services Plan included in the Environmental Assessment is to be refined following appointment of an operator. The refined Health Services Plan is to be submitted to the Department of Planning.

J. Traffic and Parking

J1. Internal traffic signal control within the site via the Young Street access driveway will be installed as per the RTA's recommendation.

J2. Internal accesses and car parking spaces will comply with the requirements of AS 2890.1 and AS 2890.2.

J3. The swept path of the largest vehicle requiring access to and movement through the site shall be in accordance with AUSTRROADS.

J4. The Proponent will install signage at the Water Street egress prohibiting right turns out during school student drop-off and pick-up periods.

J5. The Proponent will install signage at the Young Street egress and configure the geometry of the egress to prohibit left turns out.

J6. The Proponent will implement management measures to monitor the effectiveness of the above measures in J4 and J5 and improve the education of parkers, if required.

J7. The Proponent will ensure that shift change-over times do not coincide with school student drop-off and pick-up times.

J8. Staff and visitor parking space dimensions will be in accordance with AS 2890.1 for long-stay and short-stay parking, respectively.

K. Waste

K1. The operator of the proposed hospital must develop a clinical and related waste management plan in accordance with the NSW Health: Waste Management Guidelines for the health care facility (as in force from time to time).