



3 December 2007

Our ref: RJC:LR/07177

Department of Planning
GPO Box 39
SYDNEY NSW 2000

Attention: Mr Michael File, Director Strategic Assessment

Dear Michael,

re: Proposed hospital, Nield Avenue, Greenwich: Request for confirmation as Major Project and for the Director-General's Environmental Assessment Requirements

We write on behalf of our client Murlan Consulting Pty Ltd ("the Proponent") in relation to their intention to lodge a Part 3A project application with the Minister of Planning. The project application will seek approval for the construction of a 145-room hospital on land known as No's 1-8 Nield Avenue, Greenwich, catering for the aged, infirm and/or disabled.

1. Purpose of this letter

This letter seeks the Minister's opinion, pursuant to Clause 6 of *State Environmental Policy (Major Projects) 2005* ("the SEPP") that the proposed hospital, with a capital investment value of \$53 million, is development described in Schedule 1 of the SEPP, and is therefore a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* ("the Act") applies.

If the Minister is of the opinion that the development is a project to which Part 3A applies, the Proponent also requests the Director-General to issue environmental assessment requirements pursuant to Section 75F of the Act. To assist the Director-General in the preparation of the Director-General's environmental assessment requirements, we enclose a Preliminary Assessment Report which provides details of the major project.

2. Major Projects – SEPP Framework

Clause 6(1) of the SEPP specifies that:-

“Development that, in the opinion of the Minister, is development of a kind:

(a) that is described in Schedule 1 or 2...

is declared to be a project to which Part 3A of the Act applies.”

Schedule 1 of the SEPP is entitled “Part 3A projects – classes of development”. Group 7 of Schedule 1 is entitled “Health and Public Service Facilities”. Category 18 in Group 7 is “Hospitals” and is in the following terms:-

“18 Hospitals

- (1) *Development that has a capital investment value of more than \$15 million for the purpose of providing professional health care services to people admitted as in-patients (whether or not out-patients are also cared for or treated there), including ancillary facilities for:*
- (a) day surgery, day procedures or health consulting rooms, or*
 - (b) accommodation for nurses or other health care workers, or*
 - (c) accommodation for persons receiving health care or for their visitors, or*
 - (d) shops or refreshment rooms, or*
 - (e) transport of patients, including helipads and ambulance facilities, or*
 - (f) educational purposes, or*
 - (g) research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use, or*
 - (h) any other health-related use.*
- (2) *For the purposes of this clause, professional health care services include preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, care or counselling services provided by health care professionals.”*

The proposed hospital has a capital investment value of more than \$15 million (ie. \$53 million) and will provide professional health care services to people admitted as in-patients. It will cater for the aged, infirm and/or disabled. All patients will be dependent on the provision of nursing and accommodation and require nursing assistance for bathing, dressing, feeding and taking of medication. It will comprise 145 rooms over 6 levels. The hospital will include at least two “dementia secure” specific wards and separate wards for younger, permanently disabled patients. At least 50 Federal aged care bed licences will be allocated to the hospital.

A very high level of extra-care services will be provided including occupational therapy and physiotherapy.

3. Land to which this project application will relate

The land to which the project application will relate is known as No's 1-8 Nield Avenue, Greenwich, consisting of 10 allotments together with part of the Nield Avenue road reserve and a pathway which leads to Morven Gardens. (Lane Cove Council owns the road and the pathway. The Proponent proposes to acquire these parts of the land from the Council.)

The area of the land is approximately 7,570 sqm. The land is identified on the Figures accompanying the Preliminary Assessment Report.

4. Development to which the project application will relate

The project involves the demolition of the existing buildings on the site, removal of the road within that part of the road reserve which forms part of the site, removal of various items of vegetation, preparatory excavation with bulk earthworks and the erection and operation of a hospital. Preliminary plans and other related project application details are provided in the brochure in Attachment 1 and in the attached Preliminary Assessment Report.

Key aspects of the proposed hospital are described below:-

- The hospital will comprise 145 rooms located over 6 levels with defined wards/wings in a "U" shape configuration;
- Rooms will have areas of between 25 and 45 sqm (with a disabled ensuite to each room) for individual patients;
- Patients will generally be aged between 75 to 100 years and will be frail or infirm. There will be at least two 'dementia secure' specific wards. Most of the other wards will be for aged patients requiring high care and low care. There will also be two under-55 years permanently disabled wards – the predominant make up of these under-55 years wards will comprise of occupants with MS, Downs Syndrome, acquired brain injuries and the like;
- Post-operative convalescent care and respite care will be provided;
- All patients will be dependent on the provision of nursing and accommodation for people disabled by age (or disability) and clearly requiring nursing assistance for bathing, dressing and feeding, and in most cases for the taking of medication, and for whom occupational therapy and physiotherapy will be available;
- Each ward will have a nurse station, linen, utility services and the like. There will be a central dining area and living/quiet area to each ward;

- There will be registered nurses in the hospital at a ratio of 1 nurse to 25 occupants. There is likely to be 1 carer per 6 occupants (1 to 20 at night);
- The 75 parking spaces provided on site (in three basement levels) are for visitors and staff as no patients will drive;
- There will be a central kitchen, laundry room and undercover ambulance/undertaker vehicle space;
- There will be a “wellness centre” for occupational therapy and physiotherapy and a café, theatre and chapel;
- Areas of accessible common open space will be provided; and
- Features of the landscaping will include a dementia courtyard, densely vegetated buffers to common boundaries, lawn areas and reflective ponds.

The capital investment of the project is approximately \$53 million.

5. Permissibility

5.1 Existing zoning

The site is zoned Residential 2(b1) under the provisions of Lane Cove Local Environmental Plan 1987 (“the existing LEP”). Hospitals are permissible in the 2(b1) zone. The existing LEP adopts the majority of the *Environmental Planning and Assessment Model Provisions 1980* (“the Model Provisions”), including the definition of “hospital”. Hospital is defined as follows:-

“hospital means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and*
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.”*

The proposed hospital is consistent with this definition. Accordingly, the proposed hospital is a permissible form of development on the land to which the project application will apply.

There are no development controls specifically applying to hospitals in the existing LEP.

With regard to that part of the site within the Nield Avenue road reserve, the road reserve is unzoned. The existing LEP adopts Clause 14 of the Model Provisions, pursuant to which development on public roads is permitted with development consent. Clause 14 provides as follows:-

- “(1) A person shall not carry out development on a public road shown uncoloured on the map or part of such road lawfully closed without the consent of the consent authority.”*
- “(2) The consent authority shall only grant its consent under subclause (1) for a purpose which may be carried out either with or without the consent of the consent authority on land adjoining that road.”*

As a hospital is permissible on land adjoining the road reserve, a hospital is also permissible within the road reserve.

5.2 Proposed zoning

A new comprehensive LEP (“the proposed LEP”) is currently being prepared by Lane Cove Council in line with the standard LEP framework introduced by the NSW Department of Planning to standardise the State’s local planning system. It is yet to be publicly exhibited and is neither imminent nor certain.

The zoning of the land under the proposed LEP will be “R4 High Density Residential”, within which hospitals will be permitted with consent. The proposal falls within the definition of hospital in the proposed LEP as it is essentially the same definition as that contained in the Major Projects SEPP. The definition is as follows:-

*“**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:*

- (a) day surgery, day procedures or health consulting rooms,*
- (b) accommodation for nurses or other health care workers,*
- (c) accommodation for persons receiving health care or for their visitors,*
- (d) shops or refreshment rooms,*
- (e) transport of patients, including helipads, ambulance facilities and car parking,*

- (f) *educational purposes or any other health-related use,*
- (g) *research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),*
- (h) *chapels,*
- (i) *hospices,*
- (j) *mortuaries.”*

The proposed hospital is thus permissible within the existing 2(b1) zone under the existing LEP and within the proposed R4 zone under the proposed LEP.

6. Conclusion

The Proponent seeks the Minister's opinion that the project described herein is development of a kind that is described in Schedule 1 of the SEPP, and is therefore a major project to which Part 3A of the Act applies.

If it is determined that the development is of a kind that is a project to which Part 3A of the Act applies, the Director-General is requested to issue environmental assessment requirements. To assist the Director-General in the preparation of the environmental assessment requirements, we enclose a Preliminary Assessment Report which provides further details of the project. The Preliminary Assessment Report is accompanied by a completed project application form, a preliminary fee for \$1,000.00, and a CD containing the project application documentation.

If any further details or clarification is required, please contact either the undersigned on (02) 9211-4099 or the Proponent's representative, Ben MacGibbon on (02) 9552 1400.

Yours sincerely
BBC Consulting Planners



Robert Chambers
Director

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ATTACHMENT 1

Project brochure