



Planning

MAJOR PROJECT ASSESSMENT

***GARVAN ST VINCENT'S CAMPUS
CANCER CENTRE***

DARLINGHURST

MP09_0011

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

December 2009



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EXECUTIVE SUMMARY

Garvan Institute of Medical Research (the proponent) is seeking approval to construct and operate a new centre for cancer research and care at 362-382 Victoria Street, Darlinghurst, in the City of Sydney Local Government Area.

The site is within the St Vincent's Research Precinct opposite St Vincent's Hospital, Darlinghurst. This Precinct already includes the Garvan Institute of Medical Research and the Victor Chang Cardiac Research Institute (now known as the Lowy Packer building).

The proposal includes the demolition of all existing buildings on site and the construction of a 9 storey building above street level and 5 basement levels comprising parking for 150 cars. The proposal also includes title consolidation/subdivision of the St Vincent's Research Precinct and both vehicle and pedestrian connections to existing buildings within the Precinct.

The development site has an area of approximately 2,151 m² and is owned by the Trustees of St Vincent's. The project has a capital investment value of \$82.65 million and would accommodate approximately 365 scientists, clinicians and support staff.

The proposal constitutes a major project under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), and consequently the Minister for Planning is the approval authority for the project.

The Project Application was originally submitted concurrently with a Concept Plan application for the redevelopment of the St Vincent's Research Precinct. In addition to the proposed cancer research centre, the Concept Plan also proposed a new Virology Centre in the precinct.

During the public exhibition of both the Concept Plan and Project Application the Department received 4 submissions from public authorities, 21 from the general public and a petition with 357 signatures. The City of Sydney Council objected to the applications on the grounds of height, scale, overshadowing, traffic and parking. Submissions from the general public objected due to concerns about the potential traffic, access, parking, overshadowing and heritage impacts of the project.

Following exhibition and negotiations between the Department and the proponent, it was agreed that the Concept Plan would be put on hold (to enable further negotiations on the proposed envelope for the Virology Centre) while the process for the Project Application would proceed.

The Department has assessed the merits of the project, and found the key issues from the project related to height, design, traffic and heritage. A Preferred Project Report and revised Statement of Commitments were submitted which aimed to address these concerns by way of a reduction in overall building height and a reduction in the number of carparking spaces which resulted in the removal of one level of basement car parking. These issues have been assessed in detail and the Department is satisfied they can be adequately mitigated and managed through the recommended conditions of approval.

The assessment also found the project would have considerable social and economic benefits for the region, and would assist with the delivery of the Sydney Metropolitan Strategy, as it would:

- build on the recognised cluster of health related infrastructure around St Vincent's Hospital in Darlinghurst;
- create at least 365 new jobs, and
- enable a facility which will result in significant social and health benefits to the broader community.

The Department therefore considers the project is in the public interest and should be approved, subject to conditions.

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1 BACKGROUND

1.1 THE SITE

Site inspections have been undertaken by Departmental staff on 12 August 2009, 19 October 2009, 17 November 2009, 3 December 2009 and 8 December 2009.

1.1.1 Site context and location

The development site (the Site), is located at 362–382 Victoria Street, Darlinghurst. It is approximately 2 kilometres south west of the Sydney CBD and adjacent to St Vincent's Hospital. The Site forms the western portion of the St Vincent's Research Precinct which generally comprises of the land bound by Victoria Street, Liverpool Street, West Street and Burton Street. This site is owned by The Trustees of St Vincent's.

The site is within the City of Sydney Local Government Area.



Figure 1 – Site and contextual location

1.1.2 Existing site features

The Site is bound by Victoria Street to the west, the Green Park Hotel to the north, the Garvan Institute of Medical Research (GIMR) to the south and the Lowy Packer building to the east (Figure 1). It has an area of approximately 2,151m² and comprises of:

- 362-364 Victoria Street (Lot 22 DP 867249). Vacant land used by the Green Park Hotel as a 'beer garden'.

- 366-368 Victoria Street (Lot 24 DP 881417). A group of terrace houses adapted to offices for St Vincent's Hospital.
- 370 Victoria Street (Lot 25 DP 881417). Altered late Victorian terrace house.
- 372 Victoria Street (Lot 26 DP 881417). Late Victorian terrace used as offices by St Vincent's. Listed as a local heritage item.
- 374 Victoria Street (Lot 27 DP 881417). Altered late Victorian terrace house.
- 376-382 Victoria Street (Lot 28 DP 881417). Medical Centre.

The Site also includes Chaplin Street, a rear lane servicing these properties.

The proposal involves connections with the existing GIMR (384-390 Victoria Street) and the Lowy Packer buildings (405-427 Liverpool Street) so works will extend into Lot 10 DP 846558 and Lot 29 DP 881417.

1.1.3 Surrounding development

As shown in Figure 1, immediately south of the proposed development and occupying the southern boundary of the St Vincent's Research Precinct, is the existing GIMR, a 9 storey gene-based medical research facility. The development as proposed will have internal access to this building at various levels. South of this is Burton Street followed by the various buildings which make up St Vincent's Hospital.

To the rear of the Site is the eight storey Lowy Packer building to which the development is proposed to link on several levels including the basement car parking level. Further east lies the remainder of the St Vincent's Research Precinct currently consisting of a two storey building used by St Vincent's Hospital and two vacant terraces on the corner of Liverpool and West Streets. East of West Street is the Barcom Avenue Conservation Area consisting of predominantly single and double storey dwellings and the local heritage listed Darlinghurst Public School to the north east of the Precinct.

Immediately north of the Site on the corner of Liverpool and Victoria Streets, is the local heritage listed Green Park Hotel. The north side of Liverpool Street comprises of two high rise commercial buildings and a multi-storey mixed use development currently under construction. Heading further north are mostly 2 storey terrace buildings towards Williams Street and the suburb of Kings Cross.

Opposite the Site on the western side of Victoria Street are primarily two storey terraces. These comprise restaurant / café uses on the ground floor and residential uses above. This is followed by Darlinghurst's residential area generally consisting of a mix of terraces and low rise apartments.

1.1.4 Strategic Context

The proposed cancer research centre is consistent with the relevant objectives of the State Plan, including to "Improve and maintain access to quality healthcare in the face of increasing demand." The proposal would consolidate health, medical and research facilities in a cluster around the existing St Vincent's Hospital.

The proposal is also consistent with the aims of the Metropolitan Strategy, which recognises this site as part of a cluster of health related infrastructure in Darlinghurst and identifies St Vincent's as one of ten major hospitals in the Sydney Metropolitan area.

Further, the draft Inner Sydney Subregional Strategy also identifies this site as part of a "world class health services cluster". This strategy encourages the location and operation of health and research facilities within this locality and specifically supports such activities to co-locate within this area to form an industry cluster.

The proposal will provide significant public benefits through the construction of a major new centre for cancer research and treatment on a site well located within an identified world class health services cluster.

1.1.5 Previous Approvals

In March 2006, the Minister for Planning approved a Project Application for the Victor Chang Cardiac Research Institute (now known as the Lowy Packer building), located to the immediate south of the proposed cancer research centre. This facility has now been constructed. The Project Application for the cardiac research institute was accompanied by a non-statutory masterplan that did not form part of either the application or the approval. The masterplan (referred to in this report as the 2005 Masterplan) was prepared by the proponent, with the purpose of guiding the future redevelopment of the Darlinghurst Medical Research Precinct, although without any statutory status.

1.2 CONCEPT PLAN

A Concept Plan application for the St Vincent's Research Precinct was lodged concurrently with this Project Application. The Concept Plan covered both the proposed Garvan St Vincent's Cancer Centre and the UNSW Virology Centre and sought concept approval for demolition, uses, building envelopes, car parking numbers and access arrangements across the entire Precinct. The Concept Plan and Project Application were exhibited concurrently and submissions received were generally joint submissions for both applications.

An agreement was subsequently reached between the Department of Planning and the Proponent to place the Concept Plan 'on hold' (to enable further negotiations on the proposed Virology Centre envelope), while the Department progressed the Project Application for the Garvan St Vincent's Cancer Centre. In order for the Cancer Centre application to be a stand alone document, the Proponent subsequently submitted a Preferred Project Report which incorporated demolition, subdivision and Precinct connection points which were originally included in the Concept Plan.

2 PROPOSED DEVELOPMENT

2.1 THE PROPOSED DEVELOPMENT

Approval is sought for demolition and bulk earthworks and the construction and operation of a new medical treatment and research facility adjacent and connected to the existing GIMR and Lowy Packer buildings. The proposal includes 9 above ground levels for treatment, administration, laboratories and plant, 1 level of basement laboratories and plant, 4 levels of basement car parking and landscaping. The major components are depicted in Figures 2 and 3. Specifically, the proposal seeks approval for the following:

New GSVCC building (proposed in the PPR)

A new building providing 11,486m² of Gross Floor Area as follows:

- Level B2 (Basement) – parking spaces for 42 cars, 1 small car and 3 motorcycles.
- Level B1 (Basement) – parking spaces for 37 cars and 48 bicycles, shower and change rooms.
 - This level will be connected to the existing basement parking of the Lowy Packer building via a new two way divided vehicular access ramp.
- Level 1 (Basement) – parking spaces for 38 cars, 1 small car and 2 motorcycles.
 - This level will provide an access connection into the basement substation of the GIMR.
- Level 2 (Basement) – parking spaces for 31 cars and 5 motorcycles.
- Level 3 (Basement) – research laboratories and plant. GFA 1,487m².
 - This level will provide a pedestrian link to Chaplin Street (approximately 1 metre above this floor level) via internal stairs. The south section of Chaplin Street will be built over to provide an internal pedestrian link to the Lowy Packer building and the GIMR. A further pedestrian link to the GIMR will be provided to the south west of the new development.
- Level 4 (Victoria Street ground level) – commercial/retail, reception, Haematology and Oncology Ambulatory Care (HOAC) facility and Wellness Centre. GFA 1,445m².
 - The south east corner of this level will exit onto the new 'raised' portion of Chaplin Street thus providing access to both the Lowy Packer and the GIMR.
- Level 5 – outpatient consulting rooms. GFA 1,515m².
- Level 6 – administration, clinical data management, rooftop garden and meeting rooms, GFA 1,300m².
- Level 7 – research laboratories. GFA 1,082m².
 - This level will extend to connect to the existing cafeteria in the GIMR. A bridge is also proposed to the GIMR at the south east corner of this level.
- Level 8 – research laboratories. GFA 1,127m².
- Level 9 – research laboratories. GFA 1,148m².
- Level 10 – research laboratories. GFA 1,127m².
- Level 11 – research laboratories. GFA 1,127m².
- Level 12 – plant, GFA 128m².

As discussed in Section 2.2, the Preferred Project Report (PPR) reduced the height of the development by 2 storeys from the original proposal of an 11 storey (above ground) building.

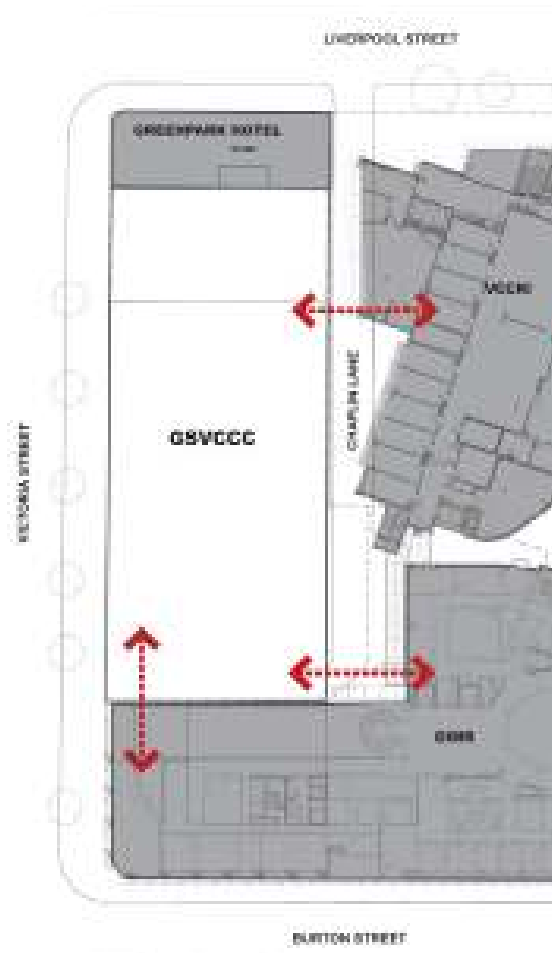


Figure 2: Site plan and Precinct connections.

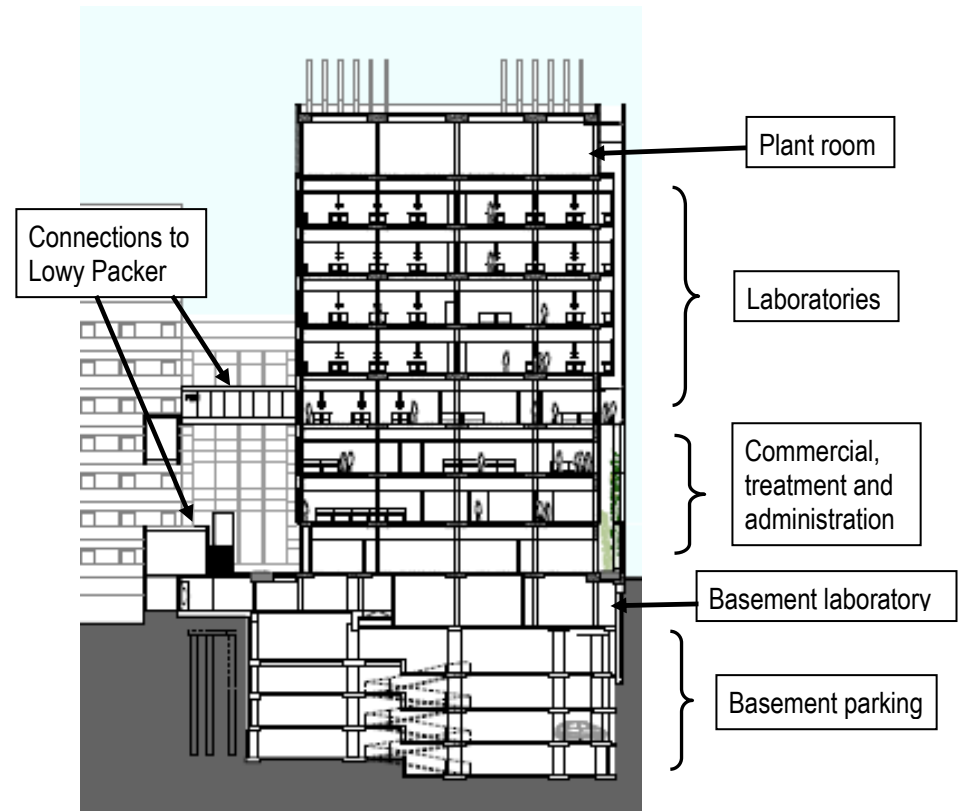


Figure 3: Proposed elevation plan (north)

Landscaping

Proposed landscaping is shown in Figure 4 and includes:

Streetscape and entry

- The section between the southern boundary and the entrance foyer along Victoria Street will include a 3 storey high (12 metre) recessed void. From 4 metres above street level, plantings in this section will climb on a mesh screen to provide privacy to these levels and maximise winter solar access while shading the summer sun. Additional screening and amenity are provided at ground level through understorey plantings behind a screen of U channel glass.
- These understorey plantings will continue into the atrium entrance foyer and connect visually through to Chaplin Street. The rooftop gardens will also be visible from the foyer through the atrium.

Chaplin Street

- Chaplin Street is proposed to become a split level shared access and egress zone for pedestrians and service vehicles.
- Existing plantings along the Lowy Packer building will be retained and further plantings and seating provided.
- Stairs leading up to the new 'raised' southern section are to include a steel portal frame.
- The upper level will incorporate a private breakout space screened by plants for outpatients receiving treatment.

Rooftop garden and green roof

- A combination of hard and soft landscaping to form a functional and low water use outdoor area for staff.
- The Level 6 garden is located on the western side of the building adjacent to the Green Park Hotel and consists of a grove of olive trees in a recycled hardwood timber decking, a masonry wall screening the Green Park Hotel roof to the north and a raised water feature as a balustrade to the western edge.
- The Level 7 garden is on the south east of the building and is partially suspended over the Level 6 garden. This area forms a green roof for this part of the building and will consist of mass plantings of hardy, low-maintenance, drought-tolerant native grasses.

Subdivision

The proposal also seeks approval to rationalise the various lots currently comprising the St Vincent's Research Precinct into four distinct lots, one for each of:

- The Garvan St Vincent's Cancer Centre, 2,151m²;
- The UNSW Virology Centre site, 1,885m²;
- The Lowy Packer building, 1587m²; and
- The Garvan Institute of Medical Research, 2,526m².

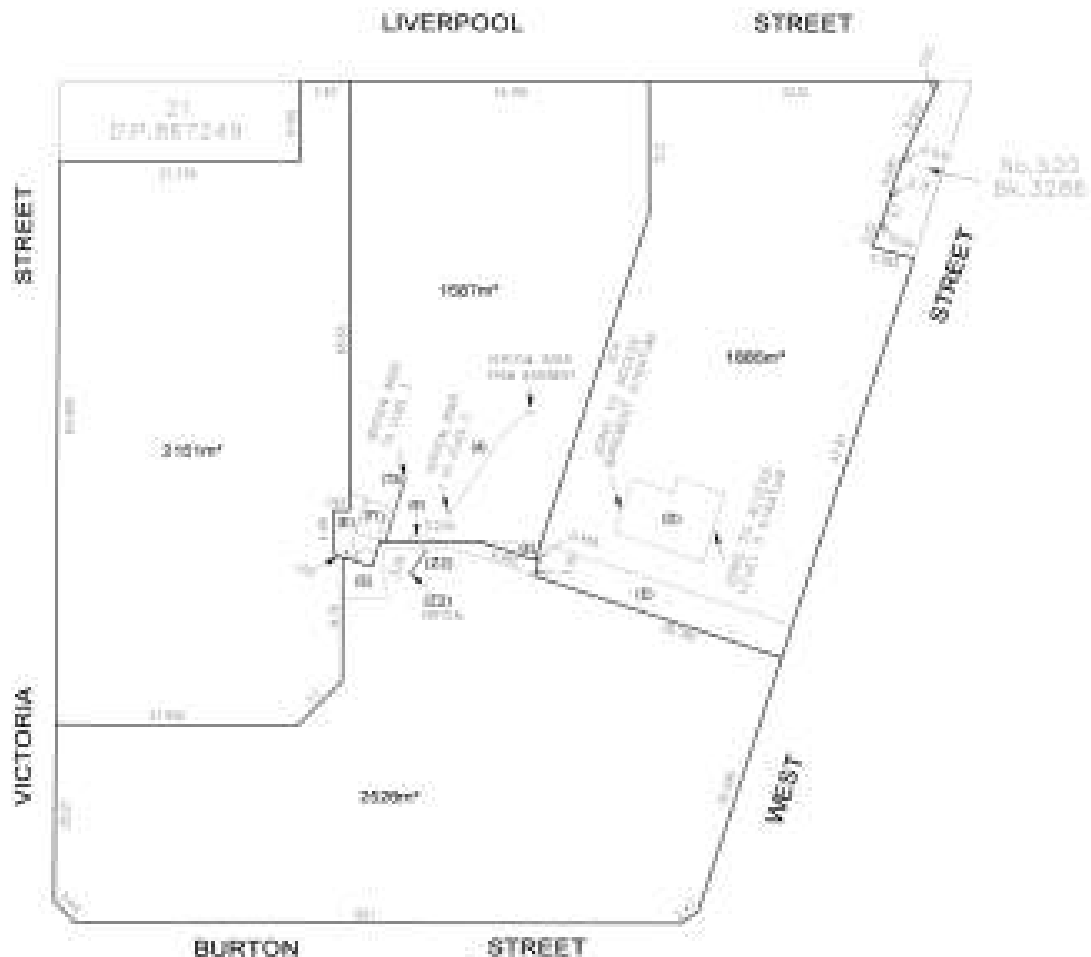


Figure 5: Proposed subdivision plan

2.2 PREFERRED PROJECT REPORT

A PPR was submitted on 5 November 2009 incorporating the following amendments:

- Reduction in overall height of the building by 2 storeys (11 to 9 storeys), or 11.5 metres;
- Reduction in basement car parking spaces from 217 to 150 and consequently, the removal of a basement level;
- The revision of the 3 storey base element between the entrance foyer and the GIMR to consist of a U channel glass screen in front of understorey plantings at street level, followed by 2 storeys of climbers on wire mesh;
- The revision of the upper levels of the western façade to consist of a single horizontal metal screen encasing the entire upper façade;
- Incorporation of demolition and subdivision of the precinct which had previously been included in the Concept Plan for the St Vincent's Research Precinct.

The table below summarises the quantitative changes of the proposal from the initial submission to the PPR.

	Environmental Assessment	Preferred Project Report
Height (RL)	RL 91.93	RL 80.40
No. Storeys (above ground)	11	9
GFA (m²)	14,000	11,486
FSR	7:1	5.7:1
Car parking spaces on site	217	150

3 STATUTORY CONTEXT

3.1 MAJOR PROJECT DECLARATION

The proposal is classified as a Major Project under Part 3A of Environmental Planning and Assessment Act 1979 (EP&A Act) because it is development for the purpose of a medical research facility, with a Capital Investment Value (CIV) of over \$15 million and therefore meets the criteria in Clause 19 of Schedule 1 of State Environmental Planning Policy (Major Development) 2005. Consequently, the Minister for Planning is the approval authority for the project.

On 20 January 2009, the Director General as delegate for the Minister for Planning, formed the opinion that the proposal was a project to which Part 3A of the EP&A Act applies. On 29 January the Minister for Planning authorised the submission of a Concept Plan for the proposal.

On 17 February 2009, the Director General as delegate for the Minister for Planning amended the Part 3A declaration to correctly refer to all parcels of land within the development site.

3.2 PERMISSIBILITY

The site is zoned 5 Special Use (Hospital) under the South Sydney Local Environmental Plan (SLEPP) 1998. A facility for research purposes is permissible under the definition of 'hospital' in this instrument.

3.3 EXHIBITION AND NOTIFICATION

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment (EA) of a project publicly available for at least 30 days.

After accepting the EA for the Concept Plan and Project Application, the Department:

- made the EAs publicly available from 8 July 2009 until 7 August 2009:
 - on the Department's website; and
 - at the Department's Information Centre, City of Sydney Council offices and Kings Cross Library;
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and City of Sydney Council by letter; and
- advertised the exhibition in the Wentworth Courier and the Sydney Morning Herald.

This satisfies the requirements in Section 75H(3) of the EP&A Act.

The Preferred Project Report was accepted on 5 November 2009. This was placed on the Department's website and sent to the City of Sydney Council and RTA for comment.

During the assessment process the Department also made a number of documents available for download on the Department's website. These documents included the:

- Project Application;
- Director-General's environmental assessment requirements;
- Environmental Assessment; and
- Preferred Project Report and Response to Submissions.

3.4 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

Under Section 75I of the EP&A Act, the Director-General's report is to include a copy of, or reference to, the provisions of any:

- *State Environmental Planning Policy (SEPP)* that substantially govern the carrying out of the project; and
- environmental planning instrument that would (but for Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project.

The primary instruments guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Development) 2005.
- State Environmental Planning Policy (Infrastructure) 2007.
- South Sydney Local Environmental Plan 1998.

3.4.1 State Environmental Planning Policy (Major Development) 2005

The proposal is a Major Project under Part 3A of EP&A Act because it is development for the purpose of a medical research facility with a CIV of over \$15 million and therefore triggers the criteria in Clause 19 of Schedule 1 of the Major Development SEPP 2005.

3.4.2 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State. Division 10 – Health Services Facilities applies to this proposal, however, as it is being assessed under Part 3A, the exempt development provisions under the Infrastructure SEPP are not applicable.

Division 17 – Traffic Generating Development also applies to this proposal and therefore the project application was referred to the RTA for review and comment.

3.4.3 South Sydney Local Environmental Plan 1998

The site is zoned 5 Special Use (Hospital) under the South Sydney Local Environmental Plan 1998. A facility for research purposes is permissible under the definition of 'hospital' in this instrument. The commercial/retail component falls within the definition of ancillary facilities of the definition of hospital.

The SSLEP does not contain any development standards for this zone.

The Department is satisfied that, subject to the implementation of the recommended conditions of approval, the proposal is generally consistent with the aims and objectives of these instruments.

3.4.4 South Sydney Development Control Plan 1997

The site is located on the natural ridgeline which runs from Darlinghurst to Potts Point and is known as the 'Kings Cross ridge'. South Sydney DCP includes in its urban design principles that it is important to "*reinforce the land form and dominant topography of the City, with low rise buildings in low-lying areas, clusters of buildings on the slopes, culminating with taller buildings on the ridgelines*".

Further, the DCP's built form objectives include to "*Ensure highly visible sites, such as those located along the Kings Cross ridge, King Street and Riley Street are carefully designed to be in scale with the City's setting, reinforcing skyline characteristics as shaped by buildings of:*

- uniform height,
- variable height,
- cluster groups, and
- tower forms”.

In this respect, the height and scale of the proposal is consistent with reinforcing the importance of the skyline characteristics and with positioning taller buildings on the ridgeline.

3.5 ESD PRINCIPLES

There are five accepted ESD principles:

- decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the proposal in relation to the ESD principles and has made the following conclusions:

- Integration Principle** – The construction and operation of the new building will create jobs and provide significant social benefits through its cancer research and treatment functions. The project will incorporate ESD measures including active ventilation control, sensor lighting, external shading, water efficient fixtures and rainwater tanks. The Department's assessment has duly considered all issues raised by public authorities. The proposal as recommended for approval, will not compromise a particular stakeholder or hinder the opportunities of others.
- Precautionary Principle** – The proposal presents no threat of serious or irreversible environmental damage to the site or the wider locality and the site is not subject to any known effects of flooding and does not contain any ecological communities. The proposed development will not detrimentally increase potential flood affectation on other developments or property, will not result in an increased risk to human life and is unlikely to result in additional economic and social cost. The site is located on a ridge at an RL of approximately 40m AHD so will not be impacted by changes in sea level resulting from climate change.
- Inter-Generational Principle** – The proposal represents a sustainable development offering improved and increased health services and will not involve a potential loss of opportunity or resources for future generations.
- Biodiversity Principle** – The development is within an urban footprint and will not result in loss of any threatened or vulnerable species, populations, communities or significant habitats. Appropriate stormwater controls and the integration of ESD principles into the works will protect or mitigate off site environments.
- Valuation Principle** – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate safeguards to mitigate adverse environmental effects. The cost of the establishment of

infrastructure and appropriate environmental management measures are incorporated into the cost of the project.

The proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the Environmental Assessment which explores key ESD opportunities including architectural designs to ensure high environmental performance is delivered.

3.6 OBJECTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The Minister's consideration and determination of the application must be consistent with the relevant provisions of the EP&A Act, including the objects set out in the Act's section 5. The objects of most relevance to the Minister's decision on whether or not to approve the proposed project are found in section 5(a)(i), (ii), (iv), (vi) and (vii). They are:

The objects of this Act are:

(a) *to encourage:*

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
- (iv) *the provision of land for public purposes,*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development".*

The Department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the application.

The assessment integrates all significant economic and environmental considerations and seeks to avoid any potential serious or irreversible damage to the environment.

3.7 STATEMENT OF COMPLIANCE

Under Section 75I of the EP&A Act, the Director-General's report is required to include a statement relating to compliance with the environmental assessment requirements with respect to the project.

The Department is satisfied that the environmental assessment requirements have been complied with.

4 CONSULTATION AND ISSUES RAISED

During the exhibition period, the Department received a total of 26 submissions on the Concept Plan and Project Application, comprising 21 submissions from the public and 4 submissions from public authorities being:

- City of Sydney Council
- Ministry of Transport
- Sydney Water Corporation
- Roads and Traffic Authority

A petition signed by 357 residents was also received. All public submissions raised objections.

It is noted that all submissions raised issues in relation to both the Concept Plan and Project Application. The summary of submissions below relates only to issues raised in relation to the Project Application.

4.1 SUBMISSIONS FROM PUBLIC AUTHORITIES

The following submissions were received from public authorities:

City of Sydney Council

The City of Sydney Council raised the following issues:

Design and amenity:

- The size and height has been solely determined by the projected 'needs' of the Garvan Institute rather than being justified on planning grounds;
- Comparisons with other large buildings in the vicinity are unacceptable justifications for the proposed height.
- Overshadowing impacts of Green Park in the early hours of the day are considered unacceptable.
- Inconsistent with the 2005 Masterplan. Recommend a maximum height of RL 72.00, equivalent to the Lowy Packer building, and a set back of the Victoria Street boundary of 3.2 metres above RL 54 to maintain the street wall line.
- The proposed ground floor outpatient treatment room proposed to the Victoria Street frontage should be relocated to allow this part of the building to be replaced with shop units or similar to ensure street activation.

Traffic, parking and access:

- Limited information regarding additional truck access/egress and the impact on residential streets.
- Car parking should be reduced to comply with the maximum car parking controls which apply to the site.
- Providing additional parking on the site to address the shortfall elsewhere in the St Vincent's Campus is not supported.
- Any new vehicular entry points from West Street are unsupported. Driveway access should be from Liverpool Street via Chaplin Lane with egress via the existing exit to West Street.

It is also noted that Council made a further submission relating to the PPR and reiterated its concerns relating to issues including height (the submission included suggested options to reduce building height), traffic and vehicle access arrangements.

These issues are addressed in Section 5 of this report.

Ministry of Transport

The Ministry of Transport had no objections to the proposal. However, it recommended a greater incorporation of measures to maximise the use of existing public and active transport options considering the site proximity to public transport. They also recommend the preparation of a Transport Management and Accessibility Plan (TMAP)

Roads and Traffic Authority (RTA)

The RTA requested an analysis of traffic impacts using the SCATES program, further details of car parking and service vehicle areas and a Demolition and Construction Traffic Management Plan prior to the issue of a construction certificate and a plan showing compliance with AUSTROADS. It also recommended conditions relating to access, car parking provisions and layout and the provision of bicycle facilities.

Sydney Water

Sydney Water advised that a Section 73 Certificate is required to enable them to specify any works that may be required as a result of the development. It noted that the site currently has a trade waste permit and that any new commercial trade wastewater processes should be included on this permit as a variation.

4.2 SUBMISSIONS FROM THE PUBLIC

The primary issues raised in the public submissions were:

- Height, bulk and scale: height and scale is out of character with the existing Darlinghurst streetscape and is inconsistent with the 2005 Masterplan.
- Overshadowing: Overshadowing will have a detrimental impact on Green Park.
- Traffic, access and parking: concerns about worsening traffic impacts on West Avenue, given proposed site access to West Street. Access should be via Liverpool Street and Chaplin Lane.
- Construction impacts, including noise and dust.
- Heritage: Not supportive of the demolition of the heritage terrace 'Pomona' in Victoria Street. The design is out of keeping with the heritage aspects of the streetscape.

These issues are addressed in Section 5 of this report.

4.3 RESPONSE TO SUBMISSIONS

Urbis (on behalf of the Proponent) has provided responses to the issues raised in submissions (see Appendix B), as well as a revised Statement of Commitments for the project. These were made publicly available on the Department's website.

The Department has considered the issues raised in submissions, and the responses to these issues, in its assessment of the project.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The Director General's Requirements and the following key issues were considered in the Department's assessment of the proposal:

- Built form, height and urban design
- Heritage
- Car parking, traffic and access
- Ecologically sustainable development
- Subdivision

5.1 HEIGHT, BUILT FORM AND URBAN DESIGN IMPACTS

5.1.1 Height

The exhibited proposal consisted of an 11 storey building (above the Victoria Street frontage) to a maximum building height of RL 93.5. The proposed height and scale was identified as an issue by the Department, Council and residents. Key concerns raised included incompatibility with the scale and character of surrounding development and overshadowing impacts on nearby residential properties and areas of public domain. Figure 6 shows the east elevation of the originally proposed 11 storey building (in brown) relative to adjoining buildings.



Figure 6 – Exhibited Building Heights – East Elevation

(Note: The UNSWVC building shown in green is subject to a concept plan application currently on hold)

Following negotiations between the Department and the Proponent regarding the scale of the proposal, the height of the proposal was reduced in the PPR by approximately 2 levels or 11.5 metres to RL 80.4. This resulted in a maximum building height that is lower than the adjoining St Vincent's hospital to the south (RL 83) and Telstra building to the north (RL 88). In addition, other buildings in the immediate vicinity are of a lower but comparable height. Figure 7 over page shows the east elevation of the currently proposed 9 storey building (in brown) relative to adjoining buildings. The Department considers, therefore, that the proposal is compatible with the prevailing built form of the area.

Furthermore, the *South Sydney Development Control Plan 1997 (SSDCP)* seeks to ensure that sites on the Kings Cross Ridge are carefully designed to be in scale with the City's setting. This includes the reinforcement of the landform via taller buildings or "tower forms" on the ridgelines.

The Department therefore considers that the reduced height of the building to RL 80.4 is acceptable in terms of its compatibility with the scale of surrounding development, and is considered to be consistent with the provisions of the SSDCP.



Figure 7 –Building Heights – East Elevation

(Note: The UNSWVC building shown in green is subject to a concept plan application currently on hold.)

Notwithstanding the reduced height, further submissions from Council and residents have reiterated concerns about the height of the building.

Council has recommended reducing floor to ceiling heights on some levels in order to further reduce the overall height of the building. The Department however, considers that in the context of the 11.5 metre reduction already achieved, this would result in only a negligible additional height reduction. In this regard, the Department also notes the operational requirements of the facility that require the current 4.2m ceiling heights to remain. These include requirements such as independent air extraction from each research bench and the supply of services such as liquid nitrogen and oxygen that facilitate the specialised servicing requirements of research laboratories. The Proponent has also expressed a desire to retain a consistent floor to ceiling height to ensure flexibility of laboratory uses on different levels within the building.

Council and residents' submissions have also pointed to the inconsistency of the proposal with the height for the site identified in the *2005 Masterplan*. In this respect the masterplan identifies a maximum height of RL 58.0 for the Garvan site, with a maximum height of RL 54.0 fronting Victoria Street and the Green Park Hotel.

The Department recognises however, that the masterplan was a non-statutory document that was not part of the approved project application for the Lowy Packer building. The Department also notes the Proponent's position that the operational requirements of the precinct, including the objective of developed a world class integrated cancer research and treatment centre, have evolved since the formulation of the masterplan. Furthermore, as outlined above, the proposed height of the building is considered to be acceptable in terms of the existing built form character of the area. Accordingly, the Department considers the proposed departure from the 2005 Masterplan to be acceptable.

Given the location of the building, and its proximity to other buildings of similar height and scale, it is considered that the height of the building will not result in any detrimental visual impacts when viewed from a distance. However, the Department considers the visual impact of the proposal from street level could be better addressed through further articulation to improve the human scale and relationship of the building with the streetscape. Design refinements through conditions have therefore been recommended by the Department as described below.

5.1.2 Built Form and Urban Design

The amended proposal (PPR) consists of a 9 storey building (above the Victoria Street frontage) as well as 5 basement levels (laboratory/plant level and 4 split levels of car parking). The above ground building comprises a podium (levels 4, 5 & 6) and 6 upper levels (levels 7-12). The façade treatments (as described below) consist largely of metal

mesh panel, glazing and concrete, with the podium element fronting Victoria Street also incorporating a planted garden.

Western facade

The western façade is largely presented as a vertical wall of metal mesh panel with minimal articulation or modulation in building design of the upper levels (Figure 8 and Figure 9). There also exists minimal differentiation between the podium level and the upper levels of the development. As a result the building has a uniform massing that presents a monolithic appearance when viewed from Victoria Street and the immediate surrounds.

The Department therefore recommends design revisions through conditions to provide the following:

- greater contrast between the podium and upper levels via the use of contrasting façade treatments, colours or setback of level 7 or levels above;
- greater articulation of the upper levels via the stepping of the façade or incorporation of a variety of façade treatments or colours; and
- reduce the bulk of the building, with specific consideration given to the option of setting back the upper most level (level 12).



Figure 8 - Montage of the north and western façades of proposal



Figure 9 - Montage of the southern façades of proposal

Northern facade

The proposal incorporates a low scale 3 storey podium element which forms the interface with the adjoining Green Park hotel. The Department accepts the Proponent's position that this forms an appropriate link between the "old" and "new" forms of development via the use of complimentary colours, whilst maintaining the height with the parapet level of the hotel.

However, the northern façade of the upper levels, despite providing a greater mix of materials than the western façade, still incorporates minimal articulation in building design. The Department therefore recommends greater articulation be provided to the upper levels of the north eastern corner, via the use of different façade treatments or colours including consideration of glazed elements to provide natural light. This requirement has been included in the recommended conditions.

Eastern facade

The eastern façade will not be visually prominent and largely obscured to the general public by the Lowy Packer building. A variety of façade treatments however have been incorporated into the design, and these treatments are considered to provide a positive outlook for the occupants of the Lowy Packer building.

Southern facade

Although incorporating public art into the final design, the upper levels of the southern façade still present as a solid wall with minimal articulation (Figure 9). The Department therefore recommends greater articulation of the upper levels and for the proposed public art design to be submitted to the Department for approval.

5.2 ENVIRONMENTAL AND RESIDENTIAL AMENITY

5.2.1 Overshadowing and solar access

Overshadowing to the Victoria Street footpath, Green Park and residential areas to the east, resulting from the proposal have been raised as an issue of concern by Council and residents.

It is acknowledged that although the proposal will create some additional overshadowing compared with the existing buildings (as described below), the PPR has reduced the level of overshadowing when compared to the Environmental Assessment. The level of overshadowing as a result of this reduction in building height is now generally considered to be acceptable for the following reasons:

- Victoria Street already experiences overshadowing from the existing buildings. Additional overshadowing of the footpath and building facades does occur on the western side of Victoria Street during the winter solstice (June 21), however this is largely contained between the hours of 10am to 11am. The shadow then moves completely off the western side of Victoria Street by 12pm (Refer to Figures 10 and 11).
- Green Park already experiences overshadowing from the existing buildings, and the additional overshadowing during the winter solstice (June 21) is largely contained to the morning period between 9am to 10am when the park would be typically used less than around the midday period. The shadow then moves off Green Park from 10am on June 21 (Refer to Figures 10 and 11). No additional overshadowing of the park exists during the summer period.
- The residential areas to the east do not receive any additional overshadowing from the proposal between 9am-3pm throughout the year (Refer to Figures 10, 11 and 12).

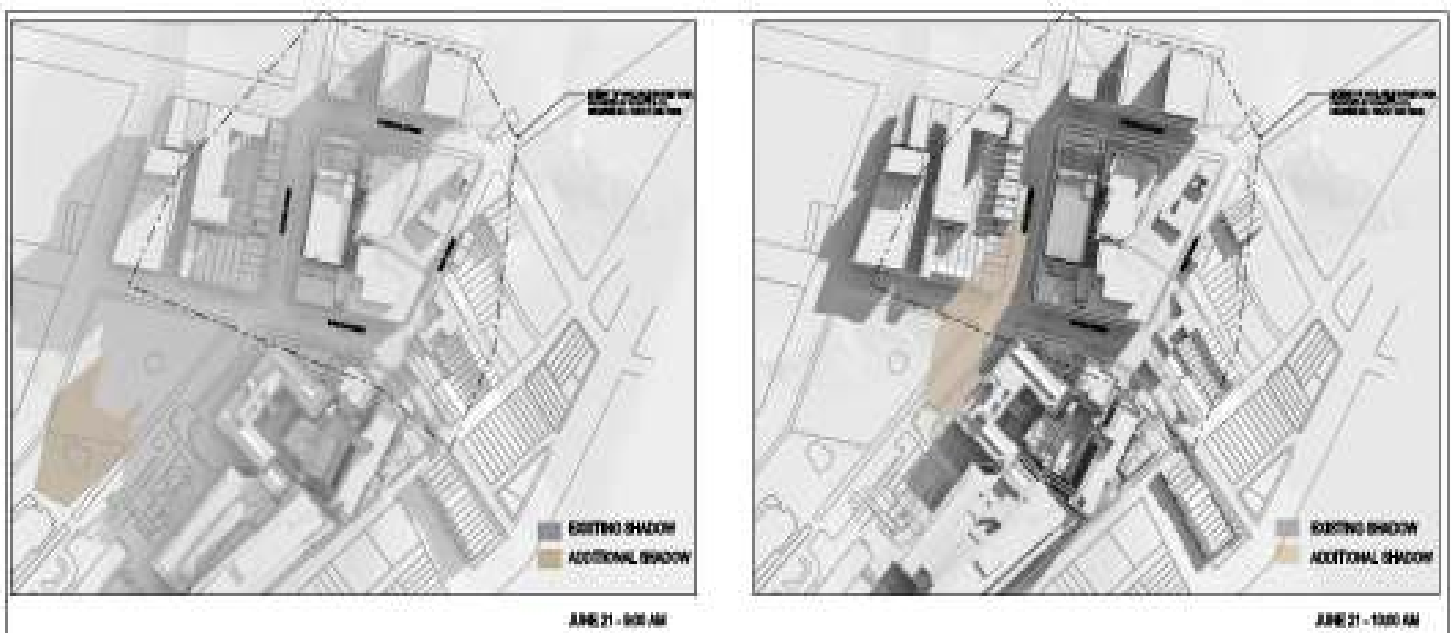


Figure 10 – Overshadowing to Victoria Street and Green Park (June 21)

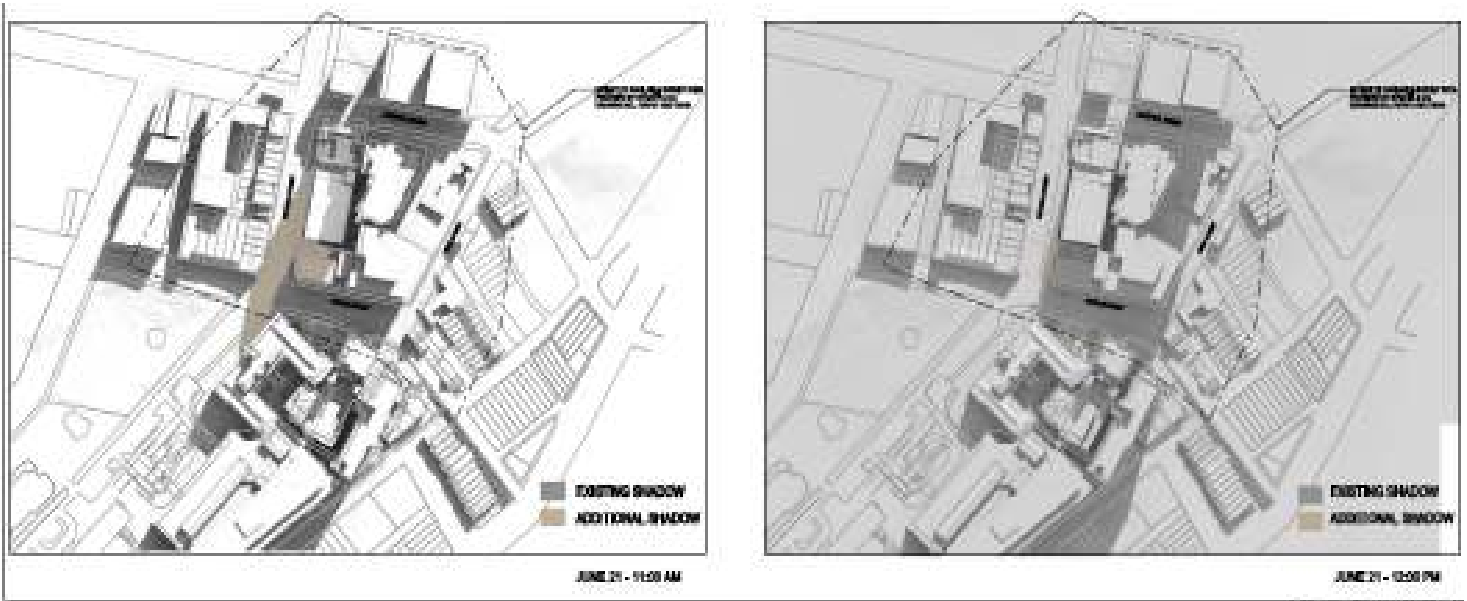


Figure 11 - Overshadowing to Victoria Street and Green Park (June 21)

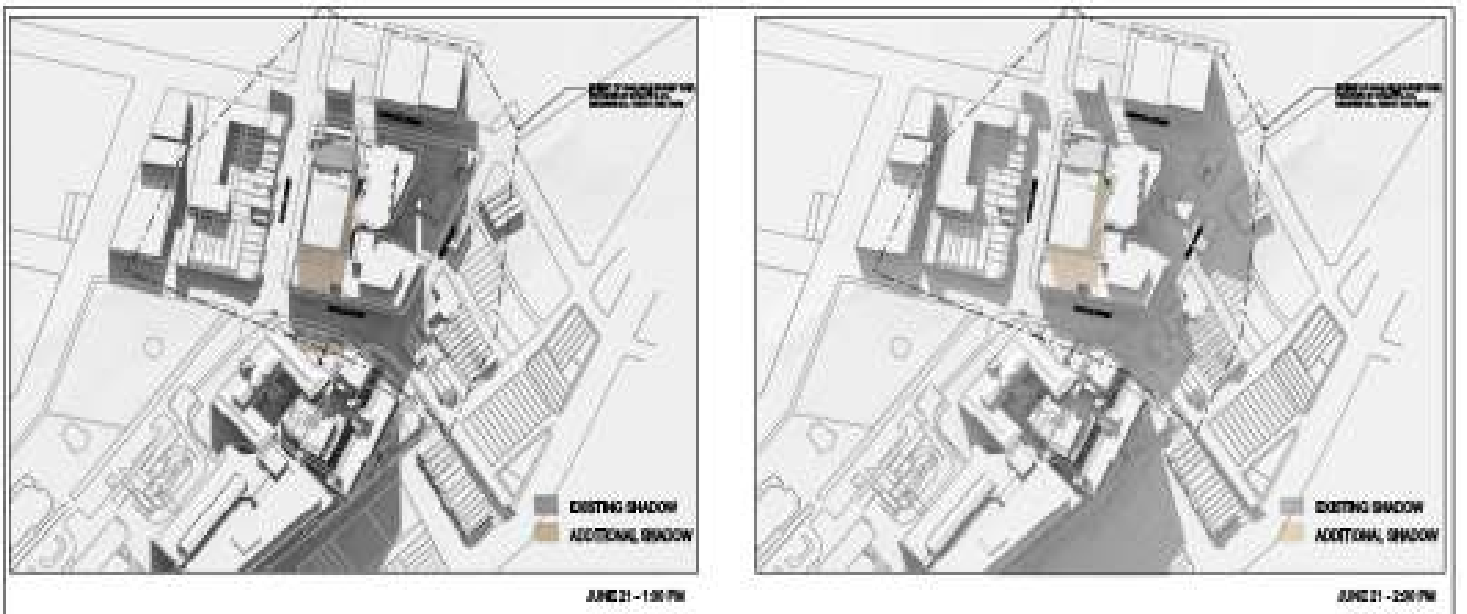


Figure 12 – Overshadowing to residential properties (June 21)

5.2.2 Visual and acoustic privacy of properties adjoining the proposal

The proposal involves a mixture of office, laboratory and treatment uses, and the Lowy Packer building to the east is considered the most affected in terms of visual privacy given the proximity and similar scales of the 2 buildings. It is noted, however, that the proposal involves the physical connection of the new building with the Lowy Packer building. Furthermore, when considering the nature of the commercial/laboratory uses, and inclusion of metal mesh panels to the eastern façade of the proposal, any intrusion will be minimised.

Given the operation of the development will largely be office/research based, the proposal will not deliver any adverse noise impacts during its operation. Measures such as hours of construction and restrictions on the use of heavy machinery will also be implemented to ensure noise impacts during construction will not adversely impact on the amenity of the adjoining residences and Lowy Packer building.

5.3 HERITAGE CONSERVATION IMPACTS

The proposal involves the demolition of an *individual heritage item* under the provisions of the *South Sydney Amending LEP 2000 (SSLEP)*, being No. 372 Victoria Street (Pomona) which is an example of a late 19th Century Victorian terrace.

The proposal is also located within a *Heritage Streetscape* (Victoria Street) under the provisions of the SSLEP characterised by 1-3 storey Victorian federation terraces, and adjoins the Green Park Hotel which is listed as an *individual heritage item* under the provisions of the SSLEP, being a federation style hotel located on a prominent corner.

A Heritage Impact Statement (HIS) has been submitted by the Proponent that assesses the impact on the heritage of the Darlinghurst area in the vicinity of the site. The HIS indicates that while the Pomona is a good example of its kind, the impracticability of retaining this whilst properly developing the cancer research unit, requires its demolition.

The HIS also states that no architectural style defines the adjoining streetscape, and the four surrounding streets have been significantly altered during the second half of the 20th century. Further, the proposal has been designed to integrate with the existing forms and buildings within the area, will contribute to the medical nature of the precinct and is a sympathetic use of the site, and will therefore have negligible impact on the heritage value of the streetscape.

It is the Department's view that the demolition of Pomona is justifiable to enable the efficient utilisation of the site for the requirements of a new centre for cancer research and care. An archival recording of the Pomona is recommended to be prepared in accordance with Heritage Council publications "*How to Prepare Archival Records of Heritage Items and Photographic Recording Of Heritage Items Using Film or Digital Capture*". A copy of this record will be made available to the City of Sydney Kings Cross Library and the City of Sydney Paddington Library.

The proposal also presents an appropriate interface with the adjoining Green Park hotel via the incorporation of a low scale 3 storey element linking the "old" and "new" forms of development via the use of complementary colours whilst maintaining the height with the parapet level of the hotel.

The design changes recommended by the Department in relation to providing greater articulation in building form and a greater contrast between the podium and upper levels of the proposal will also further ensure that the building will provide an interesting architectural design that will be sympathetic to, and not detract from, the significance of the surrounding heritage items and streetscapes.

5.4 TRAFFIC, CAR PARKING AND ACCESS

5.4.1 Traffic and Access

All traffic associated with the new building is proposed to use the existing driveways on West Street. This consists of an entry and exit driveway to the loading dock and an adjacent entry and exit driveway to the basement car park under the Lowy Packer building. A new access will be formed from this car park into the new basement car park of the GSVCC.

Council and residents raised concerns regarding the use of West Street as the only access point to the new development. The principal concern in this regard is the impact of additional traffic on West Avenue arising from vehicles seeking to enter the carpark and loading dock from West Avenue. West Avenue is a narrow, steep one-way road which links Barcom Avenue to West Street. It has on street parking on one side and a very narrow footpath, forcing pedestrians to walk on the road.

Concerns regarding traffic in West Avenue were first raised during the assessment of the Lowy Packer building which proposed access to both the loading dock and car parking via two new driveways directly opposite West Avenue. As West Street is also a one way street, residents stated that users of the new building would use West Avenue as a 'rat run' to enter the site, increasing safety concerns for pedestrians using this road.

This concern was addressed by a condition of approval for the Lowy Packer building which required measures to be imposed to prevent vehicles entering the site from West Avenue. In accordance with this condition, a traffic control structure was constructed at the intersection of West Avenue and West Street. A sign at the top of West Avenue stating that there is no access to the site has also been erected. However, residents have reported that despite the traffic control measures, some vehicles now undertake an illegal turn to enter the existing car park and loading area. Therefore, both Council and residents' submissions for the cancer centre propose the use of Chaplin Lane off Liverpool Street as an alternate entry point to ease traffic on West Street and stop vehicles trying to enter from West Avenue.

The traffic report submitted with the PPR acknowledges that the peak traffic flows in West Street will rise from 40-50 vehicles/hour to 100-110 vehicles/hour. However, this is well below the RTA guidelines of 200-300 vehicles/hour for local streets. These guidelines also recommend the use of the lowest order street frontage for new vehicle access points. In this case, Liverpool Street is a higher order street with a greater traffic volume than West Street. It is therefore considered that any additional access points to this street would create a greater impact on existing traffic, in particular, causing conflicts with the operation of the signalised intersection of Liverpool and Victoria Streets and potential queuing.

In response to issues raised by Council and residents, the Department commissioned an independent review of the traffic and access issues (Appendix D). This review concluded that the methodology used in the traffic report and the proposed access arrangements were sound and agreed that the traffic generated by the GSVCC will have negligible impact on the local road network. This is considered particularly so for Barcom Avenue and West Avenue as the traffic surveys have determined that up to 78% of vehicles arriving at the site would approach from the west using Burton Street and West Street. The review also considered that the topography and traffic control measure at the West Street / West Avenue intersection sufficiently deters the majority of vehicles entering the site from West Avenue.

The Department is therefore satisfied that the location of the access point at West Street is suitable for this development. However, to address concerns regarding the use of West Avenue, the Department recommends a condition of approval for the Proponent to prepare an Operational Traffic Management Plan which includes further measures to prevent vehicles entering the site from West Avenue such as additional signage at the eastern end of West Avenue, line markings, physical barriers or the like.

5.4.2 Car Parking

The Environmental Assessment report proposed the addition of 217 car parking spaces over 5 basement levels. It was acknowledged that some of these were to make up for a shortfall within the adjacent hospital. Both Council and the Department were unsupportive of this approach.

The PPR address this concern by reducing basement car parking numbers by 67 spaces to 148 spaces plus 2 small car spaces (a total of 150 car parking spaces), also resulting in a reduction of basement car parking levels to four.

Following the reduction in laboratory space also proposed in the PPR, the required number of parking spaces for the project in accordance with the South Sydney Control Plan 11 – Transport Guidelines for Development, is 102 spaces. However, the consent for the GIMR required the provision of 80 on site parking spaces which, to date, have not been provided

and have therefore been factored into the current proposal. Therefore, the required number of parking spaces, allowing for both the DCP and GIMR consent requirements, is 182.

The proposal includes the provision of 150 spaces. However, considering the close proximity of the development to several bus routes as well as Kings Cross train station (approximately 500 metres from the site) and the proponent's commitment to implementing a Transport Management and Accessibility Plan (TMAP), the proposal for 150 car parking spaces is therefore considered to be a positive and acceptable outcome.

5.4.3 Loading Dock

It is proposed that all delivery and service vehicles for the new Cancer Centre will utilise the existing loading dock approved for the Lowy Packer building. Considering the similar nature of the activities undertaken in the two buildings, it is assumed that the majority of deliveries will be carried out by the same number of vehicles, carrying increased loads.

Council has raised concern over the effectiveness of the loading dock to manage the movement of large vehicles. This concern is shared by residents who have reported that large vehicles reverse from the site. While not addressed in the traffic report which accompanied the PPR, the initial traffic report confirms that Heavy Rigid Vehicles (HRV, 12 metres long) do not have an opportunity to turn around within the loading dock and therefore reverse into West Street to exit. The report concludes that it will be necessary to enable HRVs to enter and exit the site in a forward direction with the development of the remainder of the Precinct. The Department has therefore recommended a condition of approval for the preparation of an Operational Traffic Management Plan which includes measures to ensure all vehicles, including HRVs, enter and exit the site in a forward direction. The Proponent has indicated that turning movements for heavy vehicles on the site can be improved through a reconfiguration of existing parking spaces near the loading dock. The Department is satisfied that this condition will adequately address this concern.

5.5 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

An ESD report prepared by ARUP accompanied the Environmental Assessment. The report explored various guidelines and ESD rating schemes as well as options available to the Proponent. The Proponent subsequently committed to preparing an ESD Performance Report which would identify specific strategies in relation to ESD measures to be adopted for the development.

The Preferred Project Report provided an updated ESD report by Urbis, noting that it provided sustainability targets and strategies. However, while the Statement of Commitments once again refers to providing an ESD Performance Report, it does not commit to the installation of sustainability measures or reaching the targets set in the updated ESD report.

In order to provide greater certainty regarding the implementation of ESD measures, the Department recommends a condition of approval requiring the installation and implementation of specific ESD measures detailed in the *ESD Project Application Report* by ARUP dated 9 October 2009.

5.6 SUBDIVISION

The proposed subdivision consolidates eight lots to create four separate titles to reflect the four occupants of the Precinct – the Garvan Institute of Medical Research, the Victor Chang Research Institute, the Garvan St Vincent's Cancer Centre and the proposed UNSW Virology Centre. While all lots and buildings thereon are proposed to remain the property of the Trustees of St Vincent's, the rationalisation of the subdivision will simplify leasing and management arrangements.

Right of Carriageways and Right of Footways are proposed to allow access to the energy substation. Various easements are proposed to facilitate connections between and across the four sites. Easements are also proposed for the various services including electricity, diesel, medical gas, generators, gas and stormwater.

The proposed subdivision will formalise administrative aspects of the development. Conditions of approval are recommended requiring a subdivision certificate to be obtained from the Certifying Authority. The recommended conditions also require that the final subdivision plans including details of any proposed easements, right of carriageways and building management statements shall be submitted to the Certifying Authority for approval prior to the issue of Subdivision Certificate to ensure the subdivision is consistent with this approval and the buildings as constructed.

5.7 CONSTRUCTION MANAGEMENT

The impacts of demolition, excavation and construction activities have been assessed as part of the project application.

An acoustic assessment report prepared by Wilkinson Murray made several recommendations including:

- Construction of a 2.4 metre hoarding around the site where appropriate;
- Communications with local residents and businesses including a construction program, complaint hotline and complaint handling procedure;
- Noise and vibrations monitoring outlined in the Noise and Vibration Management Sub-Plan prepared by AW Edwards.

The Proponent has committed to preparing a detailed construction noise management plan and the Department has recommended a condition of approval for the Proponent to prepare both a pre- and post- construction dilapidation report to be provided to Council as well as the owners of the Green Park Hotel at 360 Victoria Street.

A Soil and Water Management Sub-Plan, an Air Quality and Dust Management Sub-Plan, a Waste Management Sub-Plan and a Cut/Fill and Retraining Structures Sub-Plan have also been prepared in support of the application. The Proponent has committed to the inclusion of these in their final Construction Management Plan (CMP). The Department has recommended a condition of approval for the CMP to be prepared in consultation with Council to ensure consistency with expectations of construction impacts in this inner city location.

The Department is satisfied that construction impacts have been sufficiently addressed by the Proponent and by the recommended conditions of approval.

5.8 DEVELOPER CONTRIBUTIONS

The proposal does not trigger the requirement for any State or regional contributions.

With regard to local contributions under Section 94 of the *Environmental Planning and Assessment Act (1997)*, the development is located within the Eastern Precinct as detailed in the City of Sydney's Development Contributions Plan 2006. However, Section 2.14 of this plan provides for the exemption of development that provides a clear community benefit on a not-for-profit basis. The new Cancer Centre is a not-for-profit organisation and the proposed medical research activities and outcomes will provide a clear public benefit. Council has not requested any local contributions.

6 RECOMMENDED CONDITIONS

The Department has prepared recommended conditions of approval for the project (see Schedule 2). These conditions are required to:

- prevent, minimise, and/or offset adverse impacts of the project;
- set standards and performance measures for acceptable environmental performance;
- ensure regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

7 CONCLUSION

The Department has assessed the merits of the project and this assessment found that the environmental and amenity impacts of the project can be adequately managed to ensure an acceptable level of performance.

The Department is satisfied the project would be an improvement to the site, as it is consistent with other hospital and medical facility uses in the surrounding precinct and will provide a logical expansion of these facilities. The proposal will provide a significant public benefit through the construction of a major new cancer research and treatment facility in an optimum location within an identified world class health services cluster.

The project has a capital investment value of \$82.65 million and is predicted to create 130 construction jobs and at least 365 operational jobs.

Consequently the Department believes the project is in the public interest and should be approved subject to conditions.

8 RECOMMENDATION

It is recommended that the Minister:

- (a) consider the findings and recommendations of this report;
- (b) approve the project application for the Garvan St Vincent's Campus Cancer Centre project, under section 75J Environmental Planning and Assessment Act, 1979; subject to conditions; and sign the Determination of the Major Project (Tag A).