



Prince of Wales Hospital – Addition to the Acute Services Building Modification 1

Modification of Condition B40 Aboriginal Heritage
State Significant Development Modification Assessment
(SSD 10339 MOD 1)

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Glossary

| Abbreviation | Definition |
|----------------------------|---------------------------------------------------------------------------|
| AHD | Australian Height Datum |
| BCA | Building Code of Australia |
| CIV | Capital Investment Value |
| CPP | Community Participation Plan |
| Council | Randwick City Council |
| Department | Department of Planning, Industry and Environment |
| EESG | Environment, Energy and Science Group, DPIE |
| EIS | Environmental Impact Statement |
| EPA | Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2000 |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> |
| EPI | Environmental Planning Instrument |
| ESD | Ecologically Sustainable Development |
| Heritage | Heritage NSW, Department of Premier and Cabinet |
| LEP | Local Environmental Plan |
| Minister | Minister for Planning and Public Spaces |
| Planning Secretary | Secretary of the Department of Planning, Industry and Environment |
| RMS | Roads and Maritime Services, TfNSW |
| SEARs | Planning Secretary's Environmental Assessment Requirements |
| SEPP | State Environmental Planning Policy |
| SRD SEPP | State Environmental Planning Policy (State and Regional Development) 2011 |
| SSD | State Significant Development |
| TfNSW | Transport for NSW |

Contents

| | | |
|----------|------------------------------------|-----------|
| 1 | Introduction | 1 |
| 1.1 | Background | 1 |
| 1.2 | Approval history..... | 3 |
| 2 | Proposed modification | 4 |
| 3 | Statutory context | 5 |
| 3.1 | Scope of modifications | 5 |
| 3.2 | Consent authority | 5 |
| 4 | Engagement..... | 6 |
| 4.1 | Department's engagement..... | 6 |
| 5 | Assessment | 7 |
| 5.1 | Aboriginal Heritage..... | 7 |
| 6 | Evaluation..... | 8 |
| 7 | Recommendation..... | 9 |
| 8 | Determination..... | 10 |
| | Appendices | 11 |

1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (**SSD**) consent for an addition to the approved Prince of Wales Hospital Acute Services Building.

The modification application seeks approval for modification of condition B40 Aboriginal Heritage to reference the methodology and management strategy in the updated Aboriginal Cultural Heritage Assessment Report submitted with SSD 10339.

The application has been lodged on 20 February 2020 by Health Infrastructure (on behalf of Health Administration Corporation - the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

1.1 Background

The site is located on the western boundary of the Randwick Hospital Campus (hospital campus) comprising four major hospitals: Prince of Wales (POW) Hospital; Sydney Children's Hospital (SCH); the Royal Hospital for Women (RHW); and the POW Private Hospital, and associated research institutes Black Dog Institute, Neuroscience Research Australia, and the Bright Alliance. The existing hospital campus is bordered by High Street, Avoca Street, Barker Street and Hospital Road. The site is described as Part Lots 4-11 DP 13995 and Part Lot 1 DP870720.

The existing hospital campus, UNSW Kensington campus to the east and the surrounding health and research institutes are within the Randwick Health and Education Precinct (RHEP).

The proposed addition encompasses part of the ASB site in the first stage of the expanded hospital campus, and a section of Hospital Road and Delivery Drive within the existing campus (see **Figure 1** and **2**). The bulk earthworks have commenced on the ASB site under a separate approval.

Hospital Road is a private service road owned by HAC and travels in a north-south direction between High and Barker Streets on the western edge of the existing hospital campus. The High Street intersection at the northern end of Hospital Road is signalised with access only permitted for vehicles under 8m. The Barker Street intersection at the southern end only permits left-in and left-out vehicular movements to and from Hospital Road. There are two carpark entry/exit points at the midway point of Hospital Road just north of Magill Street.

Delivery Drive is accessed off Hospital Road between the SCH (Ainsworth Building) and the RWH. It provides access to the main loading docks servicing the hospital campus. Truck access for deliveries is only available via Barker Street due to the size restrictions at High Street intersection.

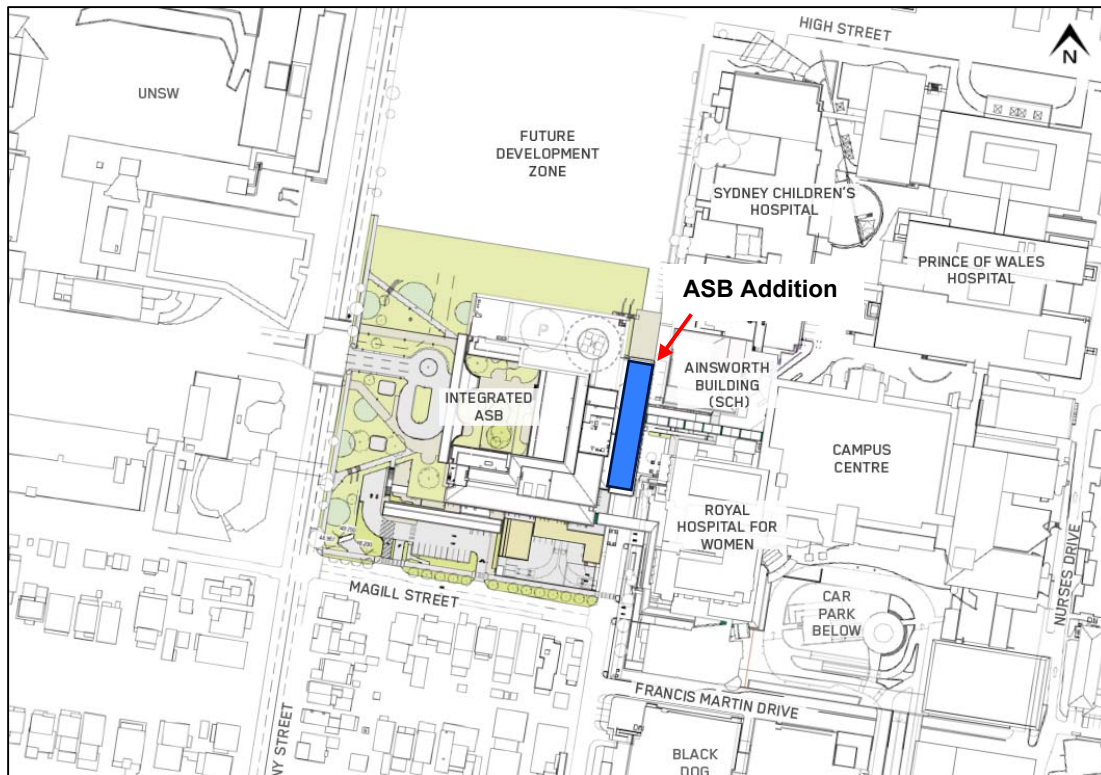


Figure 1 | Site Location Plan (Source: SSD 10339 RtS)



Figure 2 | Aerial view of the site (Source: SSD 10339 EIS)

1.2 Approval history

On 18 December 2019, development consent was granted by the Executive Director, Infrastructure Assessments for an addition to the Acute Services Building, comprising:

- construction of a 10 storey addition to the eastern elevation and extending above Hospital Road.
- lowering of Hospital Road and closure of access at the High Street intersection.
- opening of Magill Street for through traffic access.
- landscaping and public domain works.
- utility services and stormwater infrastructure works.
- excavation and site preparation works.

The development consent includes the following conditions relevant to the application:

“B40. Prior to the commencement of demolition or earthworks within the subject land a limited program of investigations be undertaken inclusive of machine trenching and manual excavation as outlined in the Aboriginal Cultural Heritage Assessment Report, prepared by Mary Dallas Consulting Archaeologists, dated October 2018, across the subject land. The work should be undertaken by a qualified archaeologist. These initial archaeological test excavations should be undertaken in accessible portions of the subject land, in order to determine the presence/absence of any Aboriginal archaeological remains within surviving archaeologically sensitive dune deposits.”

2 Proposed modification

The Applicant is proposing to modify condition B40 Aboriginal Heritage to reference the methodology and management strategy in the updated Aboriginal Cultural Heritage Assessment Report submitted with SSD 10339. Specifically, condition B40 is proposed to read as follows:

“B40. Prior to the commencement of demolition and earthworks, an agreed program of archaeological monitoring of civil excavations along the road (as required) shall be in place as outlined in the updated ACHR for SSD 10339 prepared by MDCA dated August 2019 (Appendix C) and Aboriginal Cultural Heritage Management Plan letter (undated) prepared by MDCA (Appendix E). The work should be undertaken by a qualified archaeologist. Any archaeological monitoring required should be undertaken in accessible portions of the subject land and results of the monitoring shared by archaeology disciplines and La Perouse Local Aboriginal Land Council.”

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Infrastructure Assessments may determine the application.

4 Engagement

4.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 20 February 2020, and was referred to EESG for comment, who raised no concerns with the proposed amended condition.

5 Assessment

5.1 Aboriginal Heritage

The EIS for SSD10339 included:

- an Aboriginal Cultural Heritage Assessment Report (ACHR) prepared by MDCA dated October 2018, which was also submitted with the previously approved Acute Services Building application (SSD 9113).
- an update to the ACHR for SSD 10339 prepared by MDCA dated August 2019.
- a letter of support from the La Perouse Local Aboriginal Land Council.

Further, the Response to Submissions for SSD 10339 included:

- an Aboriginal Cultural Heritage Management Plan (ACHMP) prepared by MDCA, which provided additional detail on the monitoring and methodology proposed for the earthworks relating to the subject development.

The Applicant is requesting in the subject modification application that condition B40 of the consent be amended to reference the methodology and management strategy detailed in the updated ACHR and ACHMP.

Both the Department and EESG are supportive of the proposed revised rewording of condition B40. In this regard, the documents to be referenced in the new condition were endorsed as part of the approval of the SSD application and the monitoring and methodology program supported. In this regard, the Department is satisfied that Aboriginal cultural heritage will continue to be respected.

6 Evaluation

The Department has reviewed the proposed modification and assessed the merits of the modified proposal, and all environmental issues associated with the proposal have been thoroughly addressed.

The proposed changes to the condition relating to Aboriginal Heritage are considered acceptable and will continue to ensure that any existing heritage is treated appropriately.

The Department considers that the application is consistent with the objects of the EP&A Act, State priorities and A metropolis of Three Cities – The Greater Sydney Plan. The Department is also satisfied that the proposal would provide a significant public benefit through the provision of a new health and education facility for the people of NSW.

The Department concludes the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest and the modification application should be approved, subject to amended condition of consent.

7 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 10339 MOD 1 falls within the scope of section 4.55(1) of the EP&A Act.
- forms the opinion under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a biodiversity development assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values of the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent SSD 10339.
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



David Gibson
Team Leader
Social Infrastructure

8 Determination

The recommendation is **Adopted** by:



Karen Harragon

Director

Social and Infrastructure Assessments

06/03/2020

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Modification Report and supporting documents

<https://www.planningportal.nsw.gov.au/major-projects/project/27166>

Appendix B – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/27166>