

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-10394 St John of God Richmond Hospital Redevelopment
Applicant	St John of God Health Care Inc
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

24 March 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including capital investment in health infrastructure by providing modern facilities that meet current standards for healthcare for the State, as well as the creation of 98 construction jobs and 30 new operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Commission's Greater Sydney Regional Plan 'A Metropolis of Three Cities' and Western City District Plan, Transport for NSW's Future Transport Strategy 2056, NSW State Infrastructure Strategy 2018 – 2038 Building the Momentum, and Hawkesbury Local Strategy Planning Statement 2040.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has included conditions to ensure: an improved bush fire protection outcome and a safer environment for occupants; biodiversity impacts are offset; any impacts on historic or Aboriginal cultural heritage would be managed and mitigated; landscaping works and tree replacement are delivered in a timely manner; the Green Travel Plan is delivered to achieve a gradual modal shift away from private vehicle travel; noise mitigation is developed through detailed design development to ensure noise targets are complied with; and that construction and operational traffic impacts are appropriately managed.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from Friday 15 January 2021 until Friday 19 February 2021 (36 days). One public objection was received.

The Department also undertook a site visit.

The key issues raised by Council and the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include built form and building height, easements, heritage, view impacts, landscaping, noise, asbestos and stormwater. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Existing and proposed easements</i></p> <ul style="list-style-type: none"> The proposal should identify all works for upgrade and construction on adjacent properties including for access, stormwater, drainage, landscaping and bush fire asset protection zones. Works on adjacent properties are required to be accompanied by appropriate owners' consent. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal does not seek approval for any works on adjoining properties or easements. Stormwater is to be discharged to the Hawkesbury River via the existing overland drainage easement over the neighbouring property. The Applicant's Response to Submissions Report (RtS) confirmed that the option of securing an easement on the adjoining property for bush fire protection purposes is no longer being pursued. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for the preparation of an operational stormwater management system to the satisfaction of the Secretary, demonstrating that no downstream properties would be adversely affected by the development.
<p><i>Heritage Impacts</i></p> <ul style="list-style-type: none"> Council requested the preparation of a Conservation Management Plan (CMP) and a revised Heritage Impact Statement (HIS). 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant did not provide a revised HIS, noting that the Heritage Council was satisfied with the HIS submitted. A Historical Archaeological Assessment (HAA) and a Heritage Asset Action Plan were submitted. The Department is satisfied that the revised heritage documentation adequately addresses concerns regarding historic archaeology and heritage of the site and addresses the requirements of clause 5.10 of the Hawkesbury Local Environmental Plan 2012 (HLEP). <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for the preparation of a CMP in consultation with Council. A requirement for construction to be undertaken in accordance with the recommendations of the HAA.
<p><i>Performance, damage and defects bond</i></p> <ul style="list-style-type: none"> Council requested the lodgement of a performance, damage and defects bond prior to the commencement of any works, to cover any required repairs to Council's roads following construction activities. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has recommended a number of conditions to ensure the protection of public infrastructure during construction works, as outlined below. A condition requiring the lodgement of a bond with Council is considered excessive and unnecessary in this instance. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> Requirements for the preparation of pre-construction and post-construction dilapidation reports, identifying the condition of all public infrastructure and assets including roads prior to and following completion of construction. A requirement for the Applicant to meet the full cost of repairing any damage caused to Council or other public authority's road assets resulting from construction works associated with the approved development.
<p><i>Building Height and built form</i></p> <ul style="list-style-type: none"> The Applicant's clause 4.6 assessment for height non-compliance contains errors and fails to justify why the proposal satisfies the relevant zone objectives. The residential pavilions will present a domineering form due to the elevation and high-pitched roof and should be reduced in height as they exceed the control by up to 3.4m. Reducing the pitch and dropping the ground floor level of the residential pavilions would achieve more substantial compliance with the HLEP 2012 height control. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant provided an updated clause 4.6 assessment to correct errors, justify the height non-compliances and to demonstrate how the objectives of the HLEP are satisfied by the proposed development. The proposal has been revised to realign Residential Pavilion 4 away from neighbouring properties, significantly reducing its dominance. Although the proposal exceeds the maximum building height, the Department is satisfied that the variation is minor in context of the surrounding development and existing buildings on-site. The height, bulk, form and design of the residential pavilions would satisfy the objectives of clause 4.3 of the HLEP 2012. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> No conditions recommended.
<p><i>View Impacts</i></p> <ul style="list-style-type: none"> The Applicant has failed to analyse or consider the visual and landscape impacts of the proposal on the adjacent farm. Insufficient details have been provided of the existing ground and roof levels to enable an accurate 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant provided revised architectural plans to demonstrate the existing RL levels of existing buildings, and a view impact analysis including imagery of the existing buildings overlaid with the proposed buildings as seen in sightlines from the neighbouring property. The proposal development is located further from the property boundary than existing buildings and is sited on the ridgeline as it poses the least archaeological heritage impacts. The Applicant has provided a view analysis

<p>comparison with the proposal.</p> <ul style="list-style-type: none"> The residential pavilions form a wall-like arrangement across the boundary with the adjoining farm. Coupled with the removal of established vegetation, the overall prominence and visibility of the hospital site from the adjoining property will be increased. 	<p>which shows the scale of the proposal in views from the adjoining property.</p> <ul style="list-style-type: none"> The Department acknowledges that the residential pavilion height exceedances would be perceptible in views from the neighbouring property to the west. However, this would be largely restricted to minor exceedances of up to 2.1m at Pavilions 2 and 3 (the buildings most visible from the neighbouring property), the impact of which would be minimal due to the 300m distance between properties, the pitched nature of the roofs and the oblique angle of sightlines. From the south, the Pavilions would appear to sit within the ridgeline and below the height of the Belmont House. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> No conditions recommended.
<p><i>Landscaping and security fence</i></p> <ul style="list-style-type: none"> Request to include tree and shrub planting along the southern property boundary. Request to inclusion security fencing along the southern boundary to prevent patient access and litter intrusion into neighbouring property. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes that the site is required to be maintained as an Inner Protection Area for bush fire protection purposes. Therefore, significant planting along the southern site boundary is not proposed as part of this development as it would result in unacceptable bush fire risk. No evidence has been provided to demonstrate that the proposed development represents a security threat to neighbouring properties. In this instance, the Department considers that boundary fencing and litter intrusion is a civil matter to be discussed between landowners. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for the preparation of an Operational Management Plan and Vegetation Management Plan to manage revegetation and landscaping, to comply with the principles of <i>Planning for Bush Fire Protection 2019</i>.
<p><i>Neighbouring amenity</i></p> <ul style="list-style-type: none"> The proposal would increase overlooking towards neighbouring residential properties. Concern that noise generated by air conditioning plant may cause land use conflicts with the adjoining property. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes that the proposed residential patient accommodation would be separated from the nearest residential dwelling by 300m of rural grazing land. The Department is therefore satisfied that the development would not cause unacceptable harm to the level of privacy experienced by neighbouring occupants. The Department is satisfied that the proposed mechanical plant locations are appropriately positioned to best limit and mitigate noise impacts on neighbouring residential properties, subject to noise screening measures. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for the preparation of a detailed assessment of mechanical plant and equipment to comply with the relevant project noise trigger levels as recommended in the Applicant's acoustic report. The noise mitigation measures identified in the assessment must be incorporated into the final design of mechanical plant and equipment.
<p><i>Asbestos monitoring</i></p> <ul style="list-style-type: none"> Recommendations of the asbestos management plan should be conditioned to monitor for asbestos in the air during demolition works. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has committed to implement the recommendations of the submitted Asbestos Management Plan and to the carrying out of asbestos monitoring based on specialist advice. The Department is satisfied that no significant impacts will result from the proposal as contaminated soil will be appropriately managed through recommended conditions. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for the preparation of a Construction Waste Management Sub-Plan, including details of quantities and classification of waste material, and confirmation of the contamination status of the development areas. A requirement to ensure the removal and disposal of hazardous materials in accordance with the requirements of the relevant legislation, codes, standards and guidelines.
<p><i>Stormwater erosion</i></p> <ul style="list-style-type: none"> Proposed stormwater arrangements are satisfactory but do not address erosion at the neighbouring property caused by the existing development. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes that the reparation of any erosion caused by the existing development is not within the remit of this application. The Department is satisfied that the proposed stormwater management system will ensure the development will not result in significant impacts on surrounding land, subject to conditions. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for an operational stormwater management system to be designed by a suitably qualified professional, in accordance with the conceptual design in the EIS and with applicable Australian Standards. The system must ensure that no downstream properties would be adversely impacted due to cumulative stormwater discharge, and that any discharge into any riparian corridor will not cause harmful erosion.