



St John of God Richmond Hospital Redevelopment

State Significant Development Assessment Report
SSD-10394

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity development assessment report
CIV	Capital Investment Value
Council	Hawkesbury City Council
Department	Department of Planning and Environment
EESG	Environment, Energy and Science Group
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
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
HAA	Historical Archaeological Assessment
HAAP	Heritage Asset Action Plan
Heritage NSW ACH	Heritage NSW Aboriginal Cultural Heritage
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
RFS	NSW Rural Fire Service
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

Executive Summary

This report provides an assessment of a State significant development (SSD) application for the redevelopment of St John of God Richmond Hospital (SSD-10394), located at 235 Grose Vale Road (also known as 117 Grose Vale Road), North Richmond. The Applicant is St John of God Health Care and the proposal is located within the Hawkesbury City Council local government area (LGA).

Assessment summary and conclusions

The proposal will provide new improved health facilities to improve the operation and experience for patients and staff as well as support the healthcare needs of North Richmond and surrounding communities. The Department concludes the proposal is in the public interest and recommends the application be approved, subject to conditions.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) and objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of ecologically sustainable development (ESD), the issues raised in submissions as well as the Applicant's response to these.

The Department identified bushfire risk and protection, built form and landscaping, as well as noise impacts, heritage and traffic as the key issues for assessment. The Department's assessment concludes that:

- the height and design of the proposal is considered appropriate in the site context, would be sympathetic in both scale and character with the surrounding area, respect the setting and scale of heritage listed Belmont House and be compatible with the desired future character of the locality. The proposal would not adversely impact the amenity currently enjoyed by the occupants of adjoining rural properties in terms of overshadowing, privacy or view loss.
- the proposal can provide a better bush fire protection outcome than the bushfire protections currently available to the current facility and ensure a safer environment for occupants subject to compliance with relevant recommended conditions of consent.
- the removal of 97 trees is justified in this instance to facilitate construction and provide improved and expanded health facilities to meet growing demand. The proposal includes the provision of 69 replacement trees and other landscaping to compensate the loss of trees without compromising the requirement for the site to be managed as an Inner Protection Area.
- the proposal would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats, and appropriate offset requirements are subject to conditions of consent.
- historic heritage and Aboriginal cultural heritage have been adequately considered and any impacts will be managed and mitigated subject to conditions of consent.
- operational noise and construction noise and vibration impacts generated by the development can be adequately managed and mitigated, subject to conditions of consent.
- proposed travel mode share, which seeks to encourage sustainable travel modes (public transport) and reduce car dependency, is appropriate and the recommended sustainable transport measures and conditions of consent ensure that the proposal would not have significant adverse impacts on the local traffic network.

- operational traffic impacts of the proposal can be managed and mitigated subject to recommended conditions of consent.
- construction traffic can be accommodated by the surrounding network and will be managed through recommended conditions of consent.

The impacts if the proposal have been addressed in the Environmental Impact Statement (EIS) and the Response to Submissions (RtS). Conditions of consent are recommended to ensure that the identified impacts are managed appropriately.

The proposal

The proposal seeks approval for the redevelopment of the existing St John of God Richmond Hospital including demolition of eight existing buildings, construction of six new buildings, refurbishment works, tree removal and landscaping.

The proposal has a Capital Investment Value (CIV) of \$49.8 million and would generate 98 construction jobs and 30 new operational jobs.

The site

The subject site is located at 235 Grose Vale Road (also known as 117 Grose Vale Road), North Richmond (Lot 11 DP 1134453) within the Hawkesbury local government area. The site is irregular in shape and approximately 10 hectares, with access off Grose Vale Road via a 96m dual lane road. The site currently accommodates the St John of God Richmond Hospital which is positioned along the ridgeline of the property focusing the majority of existing buildings within the southern corner of the site.

Statutory context

The proposal is SSD under Schedule 1, clause 14 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of hospital with a CIV of more than \$30 million. Therefore, the Minister for Planning is the consent authority.

Engagement

The EIS was publicly exhibited between Friday 15 January 2021 and Friday 19 February 2021. The Department received advice from 11 government agencies, and submissions from Hawkesbury City Council (Council), a community group and a member of the public. An additional 11 responses from agencies and a submission from Council were received in response to the Applicant's Response to Submissions (RtS). A further two agencies and Council provided advice on the SRtS.

The key issues raised in the submissions include bush fire risk and protection, built form, landscaping and biodiversity, heritage, noise impacts and traffic.

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1 Introduction

This report provides an assessment of a State Significant development (SSD) application for the redevelopment of the St John of God Richmond Hospital, North Richmond. The proposal seeks approval for the upgrade and expansion of the hospital, including:

- demolition of eight existing buildings.
- earthworks and tree removal.
- removal of 17 car parking spaces.
- refurbishment works to Belmont House and other retained buildings.
- construction of six new buildings (four connected Residential Pavilions (two storeys), one garden pavilion (one/two storey) and a Wellness Centre (one storey)).
- increase in bed capacity by 24 beds (112 beds overall).
- site landscaping.

The Application has been lodged by St John of God Health Care (the Applicant) and the site is located within the Hawkesbury local government area (LGA).

1.1 Site Description

The development site is located in North Richmond on the existing St John of God Richmond Hospital site, legally described as 235 Grose Vale Road (also known as 177 Grose Vale Road), North Richmond (Lot 11 DP 1134453). North Richmond is a regional suburb located approximately 37km north west of the Parramatta CBD and 17km north of Penrith (see **Figure 1**).

The development site is irregular in shape, covers approximately 10ha, is situated north of Hawkesbury River and accessed via Grose Vale Road. It is occupied by the existing psychiatric hospital, Belmont House (heritage listed) and various other ancillary hospital buildings (listed further below and depicted in **Figure 2**).

The site is situated on Richmond Hill with driveway access along a north to south east ridgeline running 96m. Surrounding the buildings on-site are moderate to steep slopes with the most extreme slope along the southern portion of the site towards the Hawkesbury River. The topography surrounding the site is undulating with moderately steep slopes. The subject site is identified as bushfire prone land.

The existing hospital consists of a variety of existing buildings and structures consisting of Belmont House (which forms part of the former “Belmont Park”, mansion, garden, building, gatehouse and curtilage), a locally listed heritage item, Xavier Building, St Paul’s Unit and Annex, Counselling and Therapy Centre (CTC), Monastery, St Augustine’s, Archives, Administration Building, Chapel, consulting rooms, Food Services Unit, Medical Centre, Education Centre, the Lodge, squash courts, the Stables, carpark and tennis court (see **Figure 2**).

Pedestrian and vehicle access remains via the main private driveway off Grose Vale Road and the site is landscaped with formal gardens. The densest tree cover occurs at the northern end of the site and on the steep slope south towards the Hawkesbury River. There are approximately 445 mature

trees scattered throughout the site, with only a small number of remnant native trees due to previous extensive vegetation clearing.



Figure 1 | Regional Context Map (Base source: Nearmap)

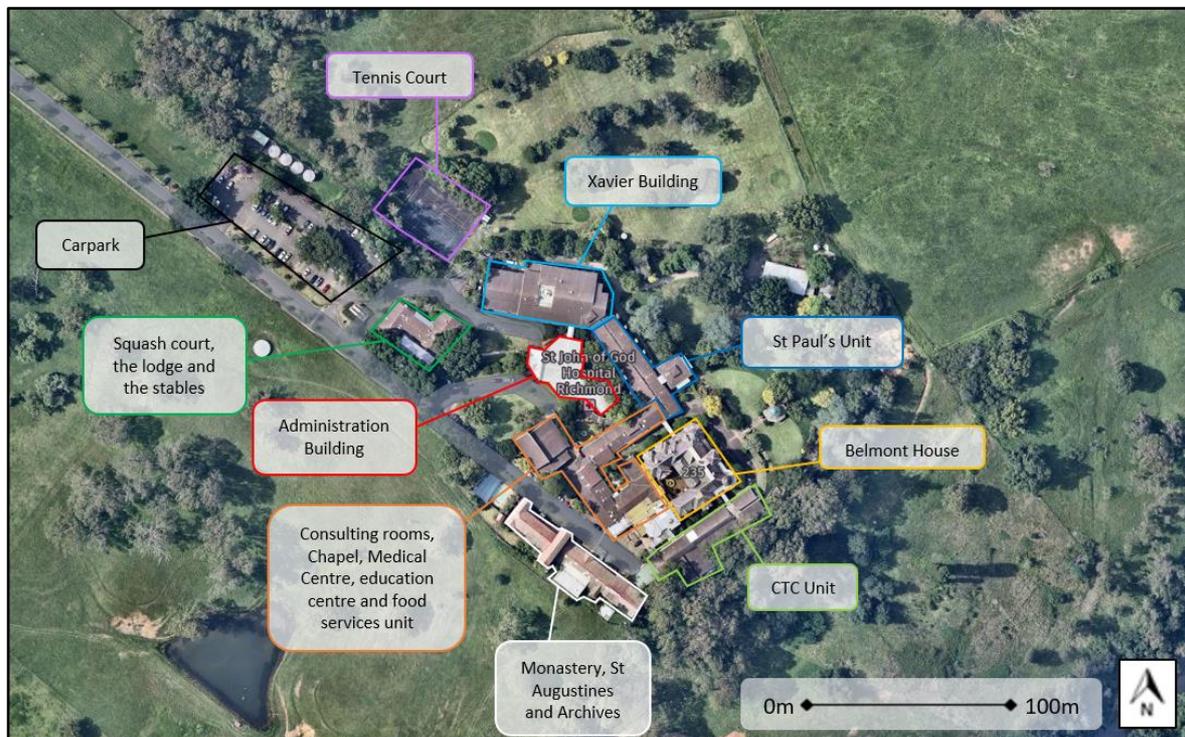


Figure 2 | Existing site layout (Base source: Nearmap)

1.2 Surrounding development

Land surrounding the subject site is predominantly semi-rural in character. A new residential urban release area is located to the north on the opposite side of Grose Vale Road. Adjacent to the southern boundary is land identified as scenic protection land along the Hawkesbury River under the Sydney Regional Environmental Plan No.20 Hawkesbury Nepean River (no.2- 1997). The North Richmond local centre is located further to the northeast approximately 2.1km from the site. and agricultural land exists to the south east across the Hawkesbury River (see **Figure 3**).



Figure 3 | Local Context Map (Base source: Nearthmap 2021)

2 Project

The key components and features of the proposal (as refined in the RtS) are provided in **Table 1** and are shown in **Figures 4, 5** and **6**.

Table 1 | Main Components of the project

Aspect	Description
Project summary	<p>Upgrade and expansion of the St John of God Richmond Hospital site over 8 stages including:</p> <ul style="list-style-type: none"> • demolition of eight buildings; • refurbishment and restoration works; • construction and operation of six new buildings; • associated earthworks, tree removal and new landscaping; • an increase in beds and a reduction in car parking.
Built form	<ul style="list-style-type: none"> • Construction of four two-storey Residential Pavilion buildings (13.4m or RL 73.77, excluding Pavilion 4 basement level), a one-to-two storey Garden Pavilion and a one-storey Wellness Centre in natural toned materials consisting of cladding, metal roofs and aluminium windows. • Refurbishment and repurposing of three existing buildings (Xavier Building, Administrative Building and St Paul's Annex). • Retention and restoration of heritage listed Belmont House (minor internal refurbishments).
Earthworks	<p>Cut of 1.9m is required in the northwest corner of proposed Residential Pavilions 1 and 2, with cut and fill expected around proposed Pavilions 3 and 4.</p>
Demolition	<p>Demolition of eight existing buildings including the: Chapel; Monastery; St Augustine's/Archives; CTC unit; medical centre/education centre; food services unit; consulting rooms; and St Paul's unit. Removal of modern roof over original kitchen and services wing of Belmont House.</p>
Site area	<p>10ha</p>
Gross floor area (GFA)	<p>Total development GFA Equivalent = 11,255sqm (incl. additional 2,001sqm), comprising:</p> <ul style="list-style-type: none"> • Residences (4,443.4sqm). • Garden Pavilion (590sqm). • Administration Building (550.8sqm) (existing building). • Services Link (171.2sqm). • St Paul's Annex (276.7sqm) (existing building). • Wellness Centre (728.4sqm).

- Xavier Building (2,508.5sqm) (existing building).
- Belmont House (1,370sqm) (existing building).
- Lodge (480sqm) (existing building).
- The Stables (136sqm) (existing building).

Uses	<p><u>New Residential Pavilions (112 beds)</u></p> <ul style="list-style-type: none"> • Private residential rooms with ensuites, lounge and kitchen areas, consulting rooms and mechanical plant. <p><u>Wellness Centre</u></p> <ul style="list-style-type: none"> • Swimming pool and amenities, gym, multipurpose room and mechanical plant rooms. <p><u>Garden Pavilion</u></p> <ul style="list-style-type: none"> • Kitchen, dining room, café and medical centre. <p><u>Refurbished buildings</u></p> <ul style="list-style-type: none"> • St Paul's Annex to administration and arts and crafts room. • Administration Building to include offices, pharmacy and Chapel. • Xavier Building to be used as the medical centre and education centre.
Number of beds	Total of 112 (24 additional)
Access	<ul style="list-style-type: none"> • vehicle and pedestrian access will remain via the private road off Grose Vale Road.
Car parking	<ul style="list-style-type: none"> • reduction in parking via the removal of 17 car parking spaces on the development site (no additional parking proposed), resulting in 129 car parking spaces across the site.
Tree removal and landscaping	<ul style="list-style-type: none"> • removal of 97 trees and replacement planting of 69 new trees.
Construction hours	<ul style="list-style-type: none"> • 7am – 6pm Monday to Friday. • 8am – 1pm Saturday. • No work Sunday or public holidays.
Hours of operation	<ul style="list-style-type: none"> • 24 hours a day, seven days a week for inpatients. • 8am to 8pm seven days a week for outpatients.
Signage	<ul style="list-style-type: none"> • No signage proposed.
Jobs	<ul style="list-style-type: none"> • 98 construction jobs and 30 new operational jobs.
CIV	<ul style="list-style-type: none"> • \$49,831,000

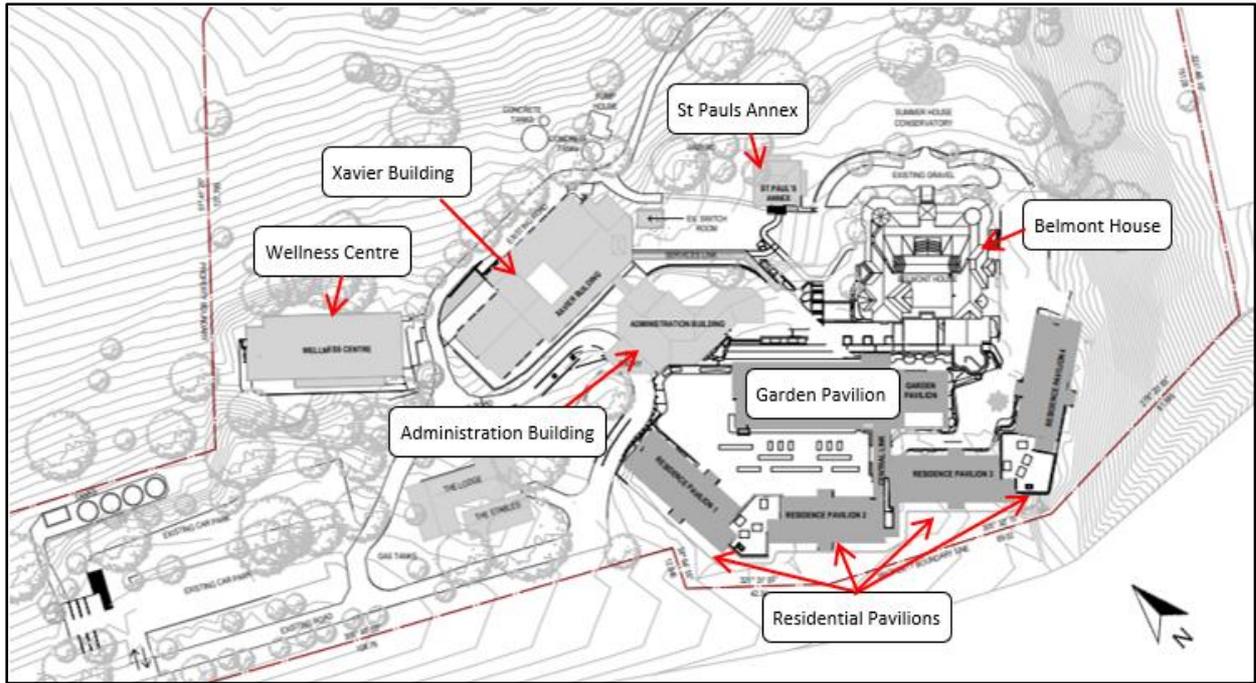


Figure 4 | Proposed site layout (Source: Applicant's RFI response)

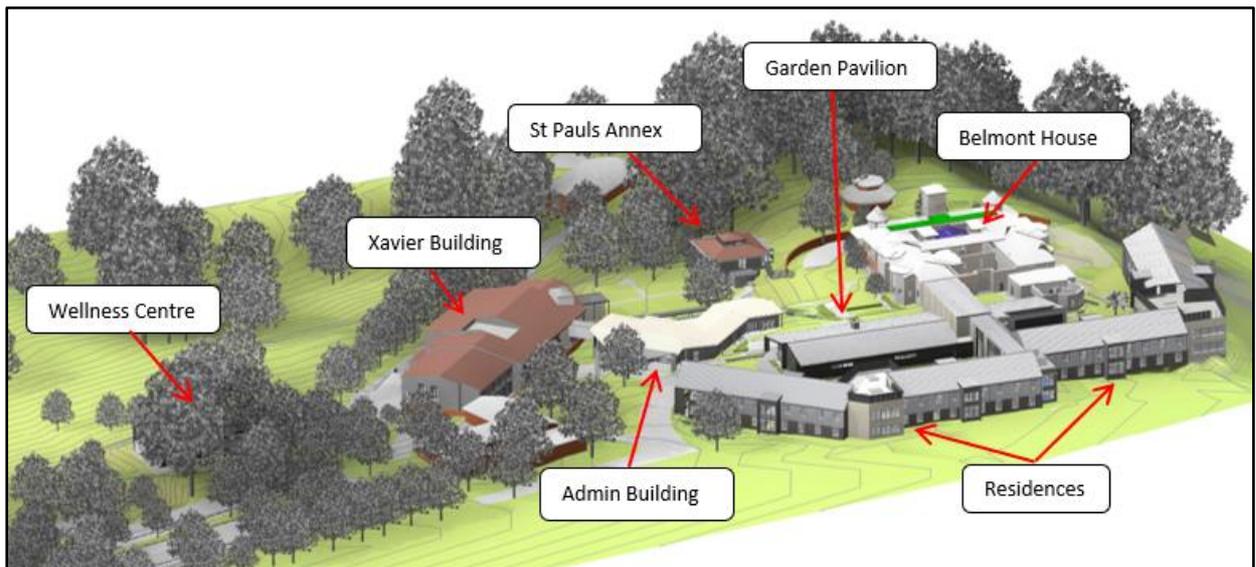


Figure 5 | Site perspective (Source: Applicant's SRTs)

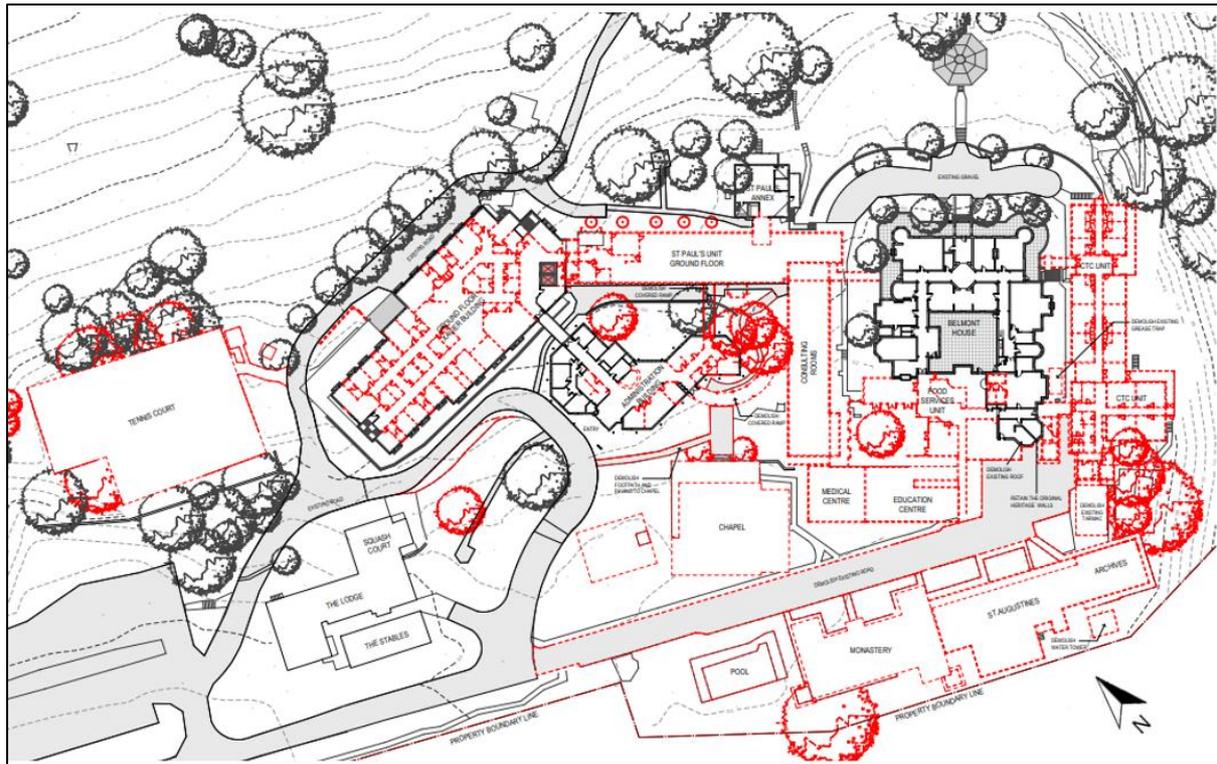


Figure 6 | Demolition plan (Source: Applicant's SRtS)

2.1 Physical layout and design

The proposed new buildings will be located adjacent to existing buildings along the southern site boundary and to the north. The proposed southern Residential Pavilions exceed the relevant Hawkesbury Local Environmental Plan 2012 (HLEP) height control and as such, the Applicant is seeking a variation under clause 4.6 (further discussed in **Section 6**). The proposed Garden Pavilion is situated north of the new Residential Pavilions, and the Wellness Centre would be located on the site of the existing tennis court north west of the existing Xavier Building.

The following buildings are retained on site and proposed for internal refurbishment: the Xavier Building to accommodate the medical centre, counselling and therapy (CTC Unit) unit; the Administration Building to meet current building standards and incorporate the Chapel; St Paul's Annex to accommodate the office and the arts and crafts area; and the interior of heritage listed Belmont House.

The demolition of buildings surrounding Belmont House will separate the new structures from the heritage building, creating a standalone built form.

Surrounding the new buildings will be substantial landscaping and courtyards for passive recreation space, allowing for break out spaces and improved user experience. The proposal includes the removal of 97 existing trees; however 69 replacement trees are to be planted to help compensate for this loss. The proposal seeks to maintain as many existing mature trees as possible through strategic building placement.

2.2 Timing and Staging

The development is expected to commence construction in early 2022, with works concluding in 2023. The construction and occupation is expected to be undertaken in eight stages, as follows (dates approximate):

- Stage 1 (March 2022)
 - Refurbishment of the Granda room and fit out of basement room within Belmont House to house archives temporarily, construct vehicle turn around and main communication room in the Xavier Building.
- Stage 2 (March 2022 to March 2023)
 - Relocation of the medical centre to the main Administration Building, administration to be temporarily relocated to the consulting rooms, Chapel to be relocated to a room within Belmont House, demolition of all structures selected for demolition except food services unit, St Paul's unit and the consulting rooms.
- Stage 3 (May 2022 to January 2023)
 - Construction of all new buildings.
- Stage 4 (January 2023 to January 2023)
 - Occupation of new facilities.
- Stage 5 (January 2023 to April 2023)
 - Refurbishment of Xavier Building to accommodate medical centre and CTC as well as minor refurbishment to eastern room of Belmont House (convert kitchen to public room).
- Stage 6 (April 2023 to June 2023)
 - Refurbishment of main Administration Building to accommodate pharmacy and Chapel.
- Stage 7 (June 2023 – July 2023)
 - Demolition of St Paul's unit, food services unit and consulting rooms.
- Stage 8 (June 2023 to July 2023)
 - Refurbishment of St Paul's Annex building to accommodate offices and arts and crafts.

3 Strategic context

The St John of God Richmond Hospital is a private facility located in North Richmond and is integral in delivering health services to the Hawkesbury region of NSW.

The primary objective for the redevelopment of the St John of God Richmond Hospital is to replace existing outdated buildings with contemporary facilities to improve the operation and experience for patients, staff and visitors as well as supporting the healthcare needs of North Richmond and surrounding communities.

The Department considers that the proposal is appropriate for the site given it is consistent with:

- the NSW Premier's Priorities by improving health facilities within the Richmond-Windsor community.
- the objectives of the Greater Sydney Region Plan and Western City District Plan, as it supports additional jobs in the area and seeks to restore, conserve and preserve the heritage significance of Belmont House whilst improving health services to the Richmond-Windsor community.
- the NSW Future Transport Strategy 2056, as the Richmond area is identified as a strategic centre along a city-shaping corridor. By providing transport services from the site to Richmond it enables an improved connection to future infrastructure.
- the State Infrastructure Strategy 2018-2038: Building Momentum, as the proposal seeks to improve an existing health facility and increase the number of beds available.
- the Healthy urban development checklist and Draft greener places policy, as it seeks to increase employment opportunities, incorporates crime prevention through environmental design (CPTED) principles, provides open spaces, improves site connectivity and existing health services, and incorporates sustainability measures.
- Hawkesbury Local Strategic Planning Statement 2040, as it would build on providing employment opportunities and support growing health facilities within the region.

The proposal would also provide direct investment in the region of approximately \$49.8 million, which would support 98 construction jobs and up to 30 new operational jobs.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development has a CIV in excess of \$30 million (\$49.8m) and is for the purpose of a hospital under clause 14 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Minister for Planning (the Minister) is the consent authority under section 4.5 of the EP&A Act.

In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2022, the Director, Social and Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection.
- there are less than 15 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is identified as being located within the RU1 Primary Production zone of Hawkesbury Local Environmental Plan 2012. The proposed development is defined as a hospital and is permissible with consent within this zone. Therefore, the Minister for Planning may determine the carrying out of the development.

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory Matters for Consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to,

the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project.

The Department has undertaken a detailed assessment of the EPIs and draft EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs and draft EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development would ensure the proper management and development of suitably zoned land for the social and economic benefit of the community and State through redevelopment of an existing health facility whilst conserving and improving the heritage significance of the site.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver an ecologically sustainable development (ESD) (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The development meets the objectives of the RU1 zone and delivers improved health facilities for the locality. The development would economically serve the community through new jobs and infrastructure investment.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal will not significantly impact any threatened species, populations or ecological communities. The Applicants supporting Biodiversity Development Assessment Report (BDAR) includes an assessment on biodiversity demonstrating that the proposal would not impact upon threatened species,

the merits of which are considered in **Section 6**. It is noted that the vegetation impacted by the proposal is Shale Sandstone Transition Forest and in accordance with the *Biodiversity Conservation Act 2016* (BC Act) will be offset.

It is acknowledged that loss of vegetation, including the Critically endangered ecological communities (CEEC) is undesirable. However, the loss of CEEC vegetation is minimal, forms part of the asset protection zone (APZ) to manage bush fire risk and the benefit gained by the improved health facilities is considered on balance to be acceptable in this instance.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal is not anticipated to result in any unacceptable impacts upon built and cultural heritage, including Aboriginal cultural heritage (refer to discussion in Section 6.4).
(g) to promote good design and amenity of the built environment,	The Department considers the proposal would provide for good design and amenity of the locality (see Section 6.1).
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction and maintenance is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix D).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (Sections 5 and 6)
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners/occupiers and displaying the

proposal on the Department's website during the exhibition period.

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The Applicant has committed to achieving a 4-Star Green Star rating and includes the following ESD initiatives and sustainability measures:

- improved energy efficiency across all buildings by:
 - passive thermal design through high performance glazing, covered outdoor areas and insulation to maintain thermal efficiency.
 - use of LED lighting for lower consumption and longer lifespan as well as timers and sensor lighting.
 - energy efficient heating, ventilation and air conditioning systems.
 - renewable energy through the use of solar panels.
 - passive lighting ensuring orientation of bedrooms, common areas and congregations spaces receive natural daylight.
- reduced potable water demand and improved stormwater quality through:
 - high WELS rated water fittings.
 - on-site rainwater harvesting and reuse.
 - landscape design to include local, indigenous species with drought tolerant capabilities as well as irrigation systems.
 - stormwater management in accordance with EPA/WSUD best practice guidelines.
- material selection to minimize harm to the environment, consider efficiency and construction (reuse of materials, locally sourced and best practice PVC plastic formwork).
- high quality to improve service life.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making

process via a thorough and rigorous assessment of the environmental impacts of the proposed development.

The Department has recommended conditions of consent requiring the Applicant commit to its ESD performance by certifying the achievement of a minimum 4 Star Green Star Design rating prior to commencement of construction and within six months of operations commencing. Subject to recommended conditions, the proposed development is consistent with ESD principles as described in **Section 6.4** of the EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental planning and assessment regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning secretary’s environmental assessment requirements

The EIS and RtS are compliant with the Planning Secretary’s Environmental Assessment Requirements (SEARs) and are sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provide for in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department’s consideration of the relevant EPIs is provided in Appendix B .
(a)(ii) any proposed instrument	Satisfactorily complies. The Department’s consideration of relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to DCPs where relevant in Section 6 .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A regulation, including the

Refer Division 8 of the EP&A Regulation

procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to this EIS.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Appropriately mitigated or condition (see **Section 6**).

(c) the suitability of the site for the development

The site is suitable for the development as discussed in **Sections 3, 4 and 6**.

(d) any submissions made in accordance with this Act or the regulations

Consideration has been given to the submissions received during the exhibition period. See **Sections 5 and 6**.

(e) the public interest

Refer to **Sections 6 and 7**.

4.5 Biodiversity Conservation Act 2016

Under section 7.9(2) of the BC Act, SSD applications are to be accompanied by a BDAR unless the Planning Agency Head and Environment Agency head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The impact of the proposal on biodiversity values has been assessed in the BDAR accompanying the EIS and considered in **Section 6**.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Friday 15 January 2021 until Friday 19 February 2021 (36 days). The application was exhibited on the Department's website.

The Department notified adjoining landholders and relevant State and local government authorities in writing. The Department representatives visited the site to provide an informed assessment of the development.

The Department has considered the comments raised in the government agency advice and submissions during the assessment of the application (**Section 6**) and by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of advice received from government agencies

During the exhibition period, the Department received advice from 11 government agencies. A summary of the government agencies who provided advice is provided at **Table 4** and copies are in **Appendix A**.

Table 4 | Summary of government agency advice

Environment, Energy and Science Group (EESG)

EESG does not object to the proposal and raises no concerns with biodiversity or flooding in relation to the proposal.

Environment Protection Authority (EPA)

EPA does not object to the proposal. It recommended that the EIS should:

- estimate volumes of waste generated on the site.
- identify waste streams and disposal options for all waste including liquid waste, wastes classified as hazardous, and wastes containing radiation.
- waste management should consider the prevention of pollution, minimising resource use, improving the recovery of materials from the waste stream and ensuring the appropriate disposal of waste.

Heritage NSW Aboriginal Cultural Heritage (Heritage NSW ACH)

Heritage NSW ACH does not object to the proposal. It reviewed the proposal and supporting documents and made the following recommendations:

-
- any Construction Environmental Management Plan prepared is to incorporate an Aboriginal Heritage Management Plan (AHMP) to minimise damage.
 - an Aboriginal cultural heritage awareness induction is provided to all contractors and staff involved in the construction phase.

Heritage Council NSW (Heritage Council)

Heritage Council, as delegate of the Heritage Council of NSW, does not object to the proposal and is satisfied with the statement of significance, however an archaeological assessment is to be completed to ensure potential archaeological resources are appropriately managed via mitigation measures or alteration of the design.

Transport for NSW (TfNSW)

TfNSW does not object to the proposal. It recommended that the final Green Travel Plan (GTP) be prepared in consultation with TfNSW and submitted prior to the issuing of an occupation certificate. The GTP is to include:

- the shuttle service for staff and/or patients and visitors to/from Richmond station.
- analysis of postcode data to determine shift patterns.
- a travel access guide for staff, patients and visitors, detailing sustainable arrangements available for all users.

Additionally, TfNSW noted that the proposed entrance vehicular convex mirror is only appropriate for local roads and therefore does not support its inclusion in the proposal due to resulting misleading sight distances.

NSW Rural Fire Services (RFS)

RFS made the following recommendations:

- additional information to be provided demonstrating the proposed new buildings can achieve Asset Protection Zone (APZ) requirements as per table A1.12.1 of *Planning for Bush fire Protection 2019*.
 - provide formal documentation of easements on adjoining Lot 12 and Lot 14 for APZ management.
 - the Wellness Centre requires a minimum APZ of 45m on the northern aspect, the Residence Pavilions and Garden Pavilions require an APZ of 50m on the western and south eastern aspect.
 - provide information on management of existing vegetation along the south eastern site boundary for consideration as an APZ due to the low bush fire risk posed by the vegetation.
-

-
- a Vegetation Management Plan (VMP) is to be prepared in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*, ensuring the entire retained vegetation within the subject site achieves inner protection area requirements.
 - demonstrate that the heritage significant Belmont House can be upgraded for ember protection.

Sydney Water

Sydney Water does not object to the proposal and made the following recommendations:

- a feasibility study be lodged by a water servicing coordinator with Sydney Water, identifying any potential upsizing of local assets or limitations in the systems.
- a Section 73 application is to be sought.

Department of Planning, Industry and Environment (DPIE) – Water and the Natural Resources Access Regulator (NRAR)

DPIE – Water and NRAR does not object to the proposal and commented that the proposal is currently serviced by electricity, water, sewer and gas and that it is unlikely there will be a requirement to access water from surface water or groundwater. If any water from groundwater or surface water is required, appropriate licensing and approval would be required.

Water NSW

Water NSW does not object to the proposal.

Crown Lands

Crown Lands does not object to the proposal.

Endeavour Energy

Endeavour Energy does not object to the proposal and raised the following comments:

- due to electrical infrastructure upgrades proposed, appropriate easements need to be created to protect the assets and to assist in ongoing easement management.
 - its recommended that a condition be implemented requiring submission of documentary evidence from Endeavour Energy confirming satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to commencement of works.
-

- the assessment of mechanical plant within the acoustic report is to take into consideration the upgraded pad mount substation required to facilitate the proposed development.
- the bush fire report does not provide an assessment of the existing or proposed electricity infrastructure required to facilitate the proposed development.

5.3 Summary of Submissions

During the exhibition period, the Department received three submissions on the proposal, including an objection from a member of the public (adjoining neighbour), and comments from Council and a community group ‘(Friends of Belmont House)’. A summary of the issues raised in Council’s submission is provided at **Table 5** and copies of the submissions are in **Appendix A**.

Table 5 | Summary of Council submissions

Hawkesbury City Council (Council)	
EIS	<p>Council does not object to the proposal but identified the following concerns:</p> <ul style="list-style-type: none"> • any works to commence on neighbouring properties for access, stormwater, drainage, landscaping and bush fire assets protection zones are to be clearly identified on plans and accompanied by owners consent (i.e. easements proposed or existing, services). • a conservation management plan should be prepared and submitted to Council to provide an understanding of the potential impacts the proposal would have on the heritage significance of the locally listed Belmont House due to the alterations proposed. • a revised Heritage Impact Statement is to be prepared, including: <ul style="list-style-type: none"> ○ detailed proposed restorations works. ○ archaeological implication on both European and indigenous values. ○ archival recording to NSW Heritage Office standards. • prior to commencement of works a performance, damage and defects bond is to be lodged with Council.
RtS	<p>Council confirmed the RtS has addressed some issues in its original submission, however reiterated the comments from its original submission regarding heritage matters and matters relating to the land and legal bond.</p>

An objection to the proposal was received from the adjoining property owner to the south-west of the hospital site. The objection raised the following concerns and recommendations:

- a revised clause 4.6 variation is to be provided amending errors and legibility of images as well as providing the following:
 - further justification for the exceedance of the 10m height limit.
 - visual analysis of the proposal from the neighbouring property to the south-west.
 - reduction in the pitch of the roof will allow for compliance with the height control.
- an updated view impact and design analysis is required.
- a reduced roof height and a reduced adopted ground level for all four of the Residential Pavilions is requested.
- increased planting is to be implemented along the southern property boundary to replace to loss of existing trees as well as security fencing along the boundary to restrict access and limit rubbish into the adjoining property.
- plant noise impacts on neighbouring farmhouse are to be addressed.
- recommended conditions include:
 - asbestos monitoring to be installed on neighbouring properties.
 - stormwater erosion rectification works – the existing stormwater erosion point on the adjacent farm (caused by stormwater runoff from the hospital site) be rehabilitated, in consultation with neighbours.

Additionally, the Friends of Belmont House community group reviewed the proposal and provided support for the development as it promotes the preservation of the heritage significance of the site for future generations.

5.4 Response to submissions and government agency advice

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 29 July 2021, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS contained responses to agency advice and submissions. Updated GFA floor plans, architectural plans, acoustic report and supporting letter, clause 4.6 variation request, bush fire report and landscape plans were also provided. An Historical Archaeological Assessment was also provided. The plans submitted with the RtS included the following minor amendments to the proposal:

- rotation of the Wellness Centre to allow for a 10m setback from the boundary for bush fire purposes.
- retention of the switch room.
- enclosure and screening of mechanical plant areas between the Residential Pavilions.
- additional mechanical plant to the garden pavilion roof.
- reconfiguration of the stairs, inclusion of a lobby and ground floor toilet within St Paul's Annex.

The RtS and accompanying documentation was made publicly available on the Department's website and was referred to the relevant government agencies and Council. The Department received advice from 11 government agencies and a submission from Council.

Given that the submissions have been received outside the statutory community participation period, the Department has not placed these on the website. The Department has reviewed all submissions and agency advice and requested the Applicant to respond to the additional matters raised by Endeavour Energy, Council, Heritage NSW ACH, Heritage Council and RFS (noting that Crown lands, DPIE Water, EESG, EPA, Sydney Water, TfNSW and Water NSW provided no further comments).

A summary of the comments received from government agencies submissions is provided at **Table 6**.

Table 6 | Summary of agency advice received in response to the RtS

Endeavour Energy

Endeavour Energy stated that there is still inadequate detail provided of potential impacts on electricity infrastructure/easements and that previous advice remains valid. Endeavour Energy reiterated that the Applicant will need to complete the design/application for connection of load ensuring substation locations and design complies with Endeavour Energy standards for access, safety, fire ratings and flooding. A condition of consent is recommended ensuring evidence of these arrangements is confirmed prior to commencement of works.

RFS

RFS confirmed that meetings have been held between the Applicant and the RFS to discuss bush fire issues relating to the hospital site and the proposed development. RFS confirmed that the bush fire risk is considered low and that the proposal is considered as Special Fire Protection Purpose (SFPP) development (i.e. the occupants of the buildings may be more vulnerable to bush fire attack and may require extra consideration, which is typically applied to hospitals). RFS then stated that the following matters previously requested have not been addressed and the better bush fire outcome proposed by the consultant is not acceptable considering the proposed intensification of the use:

- the APZs for the proposed Residence Pavilions, Garden Pavilions and Wellness Centre do not comply with the requirements of Table A1.12.1 of PBP 2019. Alternate locations are possible as well as easement options.
- upgrading of the existing buildings for ember protection has been recommended as part of the suite of bush fire protection measures. These measures may conflict with heritage considerations of Belmont House.

Heritage Council

Heritage Council identified that the provided Historical Archaeological Assessment (HAA) failed to include the following:

- identification of specific locations for the known historic occupation of the site.
- a clear assessment of significance around archaeological values of the place.

- strong recommendations.
- accurate discussion of the extent of impacts on the areas of potential archaeology that would be affected by the proposed works, and of specific strategies to avoid or mitigate impacts.
- identify whether relics of local or state significance may be harmed by this activity and whether appropriate mitigation measures or alteration of the design should occur based on the significance of the relics which may be present.

The Heritage Council advised that a revised HAA including an assessment of heritage impacts is to be provided.

Heritage NSW ACH

Heritage NSW ACH reiterated recommendations from previous advice.

TfNSW

TfNSW reiterated the recommended GTP condition previously requested in its EIS comments. TfNSW concerns regarding the convex mirror were appeased by the removal of this element of the proposal.

5.5 Supplementary information

On 18 February 2022, the Department accepted the Applicant's Supplementary Response to Submissions (SRtS), containing supplementary information responding to agency advice and submissions on the RtS and the Department's request for additional information. As part of the SRtS (**Appendix A**), the Applicant proposed the following project amendments:

- changes to the Garden Pavilion roof form and a reduction in size resulting in a GFA of 590sqm.
- updates to the Wellness Centre envelope and façade in accordance with the applicable bush fire requirements.
- updated detail of the existing padmount substation, its location within the site and details of an additional padmount substation.
- confirmation of tree removal.

The following documents were provided in support of the SRtS:

- an updated Historical Archaeological Assessment Report.
- bush fire reports addressing and resolving the identified bush fire protection issues.
- updated landscape and tree removal plans.
- updated acoustic reports and supporting acoustic clarifications.
- an updated clause 4.6 variation accounting for the realignment of the Residential Pavilions due to bush fire protection requirements.
- inclusion of a Heritage Asset Action Plan (HAAP) (also known as a Conservation Management Strategy), Schedule of Conservation Works, Cost Asset Maintenance Plan and a Fabric Survey.

The SRtS also confirmed that previous Heritage NSW ACH recommendations are accepted by the Applicant. The SRtS was referred to Council, the Heritage Council and Endeavour Energy for review.

Council confirmed the HAAP and supporting heritage documents, inclusive of the detailed conservation approaches were appropriate. Council also recommended conditions of consent requiring adherence to the HAAP, the implementation of a Conservation Management Plan (CMP) for the whole site and the conduction of a heritage inspection by Council after completion of Stage 2 works.

The Heritage Council reaffirmed that the site does not contain any NSW State Heritage Register items, however it does contain potential for historical archaeological relics of State significance associated with various phases of the early 19th century 'Belmont Park Homestead'. Although the additional research failed to review the Road Plan R271 1603 for Bells Line of Road, the additional information provided improved justification for the Applicant's assertion that the project is unlikely to impact significant archaeology. The Heritage Council therefore recommended conditions to manage potential impacts on site, including requiring the Applicant to implement the HAA, a heritage induction program, an unexpected finds protocol and a Heritage Interpretation Strategy.

Endeavour Energy was satisfied that the padmount substation is located an appropriate distance from buildings and structures and would therefore meet requirements.

6 Assessment

The Department has considered the EIS, the issues raised in submissions, the RtS and supplementary information in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- bush fire risk and protection.
- built form.
- landscaping and biodiversity.
- heritage impacts.
- noise and vibration.
- traffic and transport.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed as **Section 6.7**.

6.1 Bush fire risk and protection

Background

The site is identified as bush fire prone land, Category 3 (see **Figure 7**) and under Section 100B of the *Rural Fires Act 1997* (RF Act) hospitals are considered Special Fire Protection Purpose development (SFPP). The site is considerably vegetated, bound to the south east and north west by remnant forest, woodland to the south-west and grassland to the remaining areas. Additionally, the location of the hospital is located along a ridgeline with significant slopes to the east, south and west influencing fire behaviour.

The Bush Fire Assessment (BFA) report submitted with the EIS identified the site to be a SFPP infill development and that infill development should seek to achieve a better bush fire risk outcome. The new buildings are expected to comply with Australian Standards or be no closer to the hazard than the existing building. A bush fire emergency management and evacuation plan are recommended to be formulated prior to completion of the subject works.

The BFA addressed the requirements of PBP 2019 and identified two recommendations for bush fire management, the first being to build the structures on site to Australian Standards for bush fire prone land and the second involves the inclusion of an easement on neighbouring properties for the management of vegetation on adjacent grazing land to assist in reducing the bush fire attack level requirements for the site.

In its comments on the EIS, RFS raised concern with the proposed management of the APZs and the proposed location of new buildings and their vulnerability to bush fires. RFS recommended that a Vegetation Management Plan be prepared for the site and that the APZ requirements in accordance with PBP 2019 Table A1.12.1 be demonstrated. Additionally, further detail was also requested regarding any proposed easements on adjoining private land and whether Belmont House can be upgraded for ember protection.

Following exhibition of the EIS, the Department also requested an updated Emergency Response Plan (ERP) for the site to ensure the increased patient capacity is appropriately accounted for in emergency evacuation situations, such as during bush fires and flooding of the Hawkesbury River.

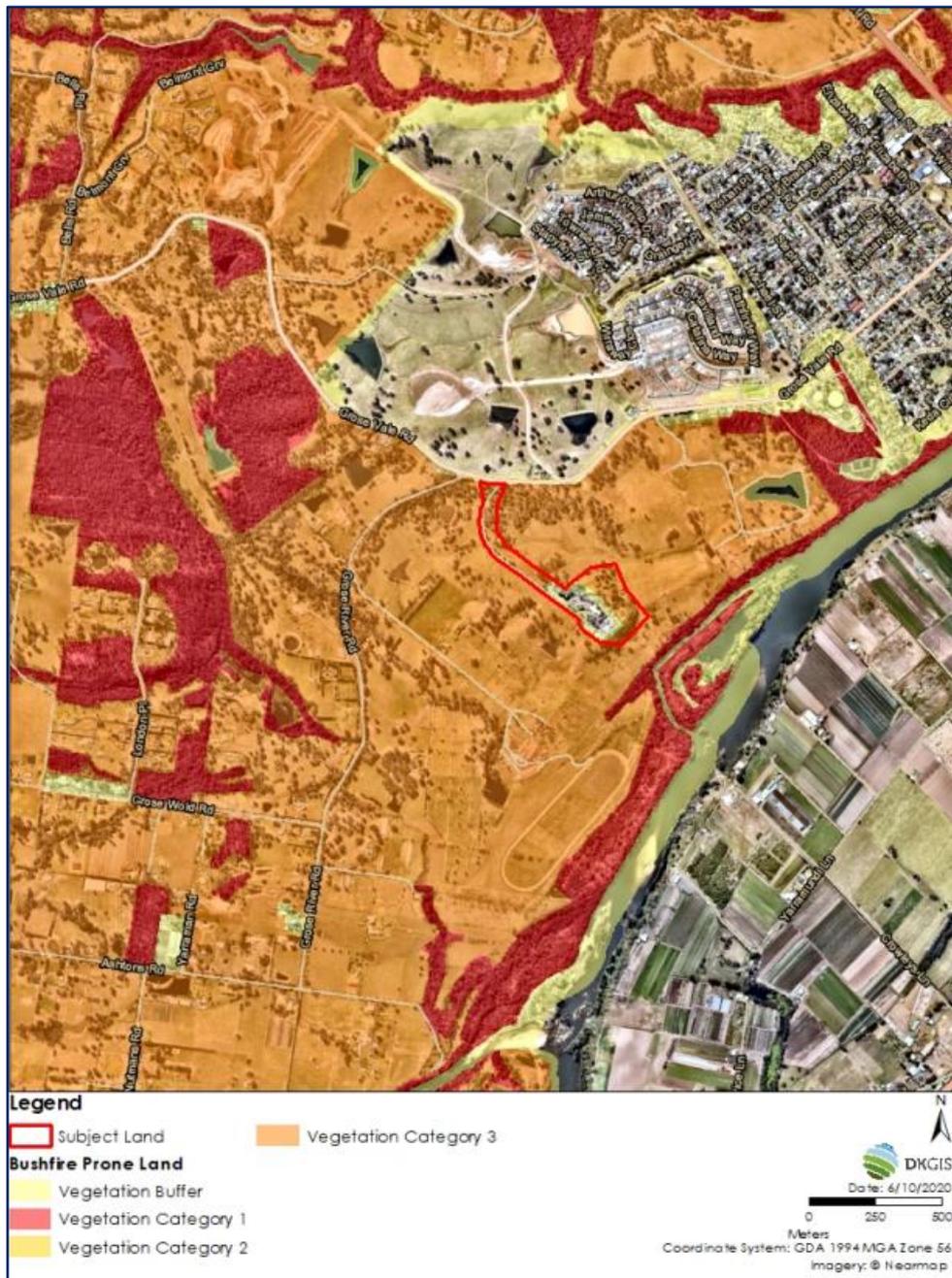


Figure 7 | Bush fire prone land mapping (Source: Applicant's RtS BFA)

The Applicant's RtS included an updated BFA and supporting letter from their bush fire consultant in response to comments received from RFS.

The updated BFA states that as the Wellness Centre does not provide accommodation, it should be classed as a 9b structure rather than considered SFPP development and that the requirements of PBP 2019 have been achieved. The BFA also states the site in its current configuration has a high likelihood of being impacted by bush fire and potential to be impacted by ember attack, smoke, radiant heat and direct flame contact from three sides. In accordance with the PBP 2019 (and consistent with advice received from the RFS), the grazing land surrounding the site is categorised as grassland with some areas of woodland vegetation.

The updated BFA confirms that the existing site access meets the PBP 2019 requirements for emergency service vehicles and therefore a second road access cannot be provided nor is it considered necessary. It also states that the hospital grounds are well managed and meet the RFS standards for APZs as well as continuing to be managed as an Inner Protection Area (IPA).

The updated BFA removed the option for imposing a vegetation management easement on adjoining land as a mitigation measure for reducing bush fire risk due to a lack of support from relevant property owners. A performance-based solution was instead recommended as the preferred approach for this development. The bush fire measures recommended for the site within the updated BFA include:

- construction standards to be in accordance with Australian Standards for construction of buildings in bush fire prone areas in accordance with **Figure 8**.
- APZs are to be established and maintained as Inner Protection Areas as outlined within the PBP 2019.
- gas services are to be installed and maintained in accordance with relevant standards.
- an updated Bush Fire Emergency Management and Evacuation Plan is to be completed prior to occupation of the new buildings.
- a vegetation management plan is to be provided ensuring a management regimen maintaining the site as an Inner Protection Zone. It is also to include criteria for management and methodology to maintain steep areas of vegetation to the south east of the site.

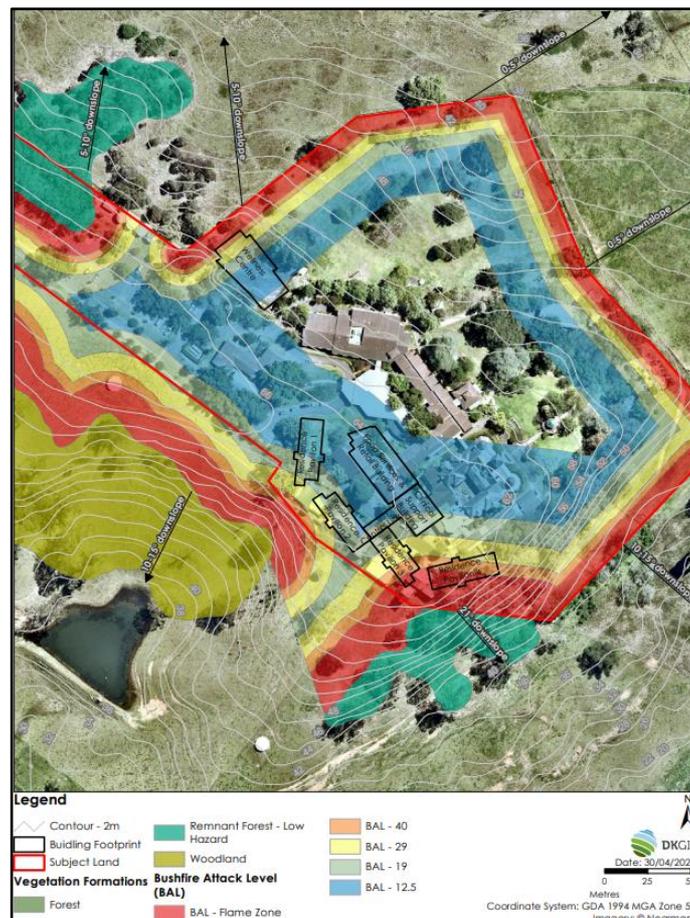


Figure 8 | Bush Fire Attack Level (BAL) requirements (Source: Applicant's RtS BFA)

RFS reviewed the updated BFA submitted with the RtS and determined that the proposed bush fire safety measures proposed for the site were still unsatisfactory and the following concerns were still outstanding:

- the APZs for the proposed Residence Pavilions, Garden Pavilions and Wellness Centre do not comply with the requirements of Table A1.12.1 of PBP 2019. The subject site has vacant areas where the proposed buildings could be relocated to reduce bush fire risk or easement arrangements with the adjoining lot owners could be pursued to achieve PBP 2019 compliance.
- ember protection measures proposed for existing buildings may not be desirable for application to Belmont House due to heritage considerations.

RFS confirmed that the bush fire risk is considered low and that the proposed works qualify as SFPP infill development. However, RFS deemed that the 'better bush fire outcome' proposed by the updated BFA is not acceptable considering the intensification of use on the hospital site, the grassland hazard within adjoining properties affecting proposed buildings and the increased density of buildings on site.

Assessment

As a consequence of the concerns raised by RFS and the conflicting position taken by the Applicant's bush fire consultant, the Department engaged its own bush fire consultant to review the submitted documentation and RFS submissions. Following its initial review of the documentation, the Department's consultant concluded that the bush fire protection measures proposed for the site are still lacking an appropriate level of detail to ensure the safety of persons in the case of a bush fire. The Applicant had not considered the risk posed to a vulnerable facility and had not addressed PBP 2019 objectives for existing SFPP facilities.

The Applicant was subsequently required to provide the following:

- a complete assessment of the facility as a whole (including Belmont House) and how the proposal achieves a 'better bush fire outcome' for the existing facility, taking into account the intensification in use and access/evacuation arrangements.
- a demonstration of compliance with specific objectives for existing SFPP development, including addressing:
 - the need to ensure "appropriate separation from the hazard to minimise material ignition" (PBP 2019).
 - the need to ensure "new buildings should be located as far from the hazard as possible and should not be extended towards or situated closer to the hazard than the existing buildings" (PBP 2019).
- an explanation for the use of 1090 Kelvin in the bush fire modelling for the Wellness Centre, as the facility is a SFPP development which ordinarily uses 1200 Kelvin.
- evidence to demonstrate the appropriateness of the location of the Wellness Centre and two of the proposed Residential Pavilions within BAL-FZ, to address concern that the proposed construction requirements are not commensurate with their location.

In response, the Applicant amended the proposal to relocate Residential Pavilion 4 to within an existing building footprint and relocated the Wellness Centre further from the boundary to be at BAL 29 to ensure that the buildings are located as far away from the fire hazard as possible. The Applicant's bush fire consultant also provided additional evidence to address the Department's concerns, including:

- an assessment of proposed defensible space and asset protection zones (APZs), demonstrating that fire-fighting access is readily available if required.
- further assessment to demonstrate that the proposed siting of buildings is appropriate in accordance with objectives for existing SFPP development, noting the redevelopment would provide modern structures within the footprint of existing buildings that were constructed prior to modern bush fire building requirements. The infill development would ensure buildings are constructed in accordance with the Building Code of Australia (BCA), providing internal fire protection above the requirements of AS3959:2018 *Construction of buildings in bush fire areas* and the PBP 2019.
- a revised ERP, including a Fire Safety Management Plan, which outlines the actions and responses in the event of bush fires, including evacuation off site.
- clarification regarding the use of temperature value 1900 Kelvin in the bush fire modelling for the Wellness Centre, stating that it does not constitute a SFPP development, does not provide accommodation and its use can be strictly controlled limiting access in the event of fires within the vicinity. The building would be constructed in accordance with the BCA and comply with the aim and objective of the PBP 2019.

The Department's bush fire consultant considered the amended proposal and additional information in the preparation of a Bush Fire Impact Assessment Report. The report considered that:

- the revised building layout provides a better outcome in terms of defensible space, noting that the proposed Residential Pavilions would be situated further off the property boundary than the existing structures. The buildings would be acceptable, subject to the provision of updated architectural plans demonstrating that they would be constructed to comply with Section 3 and Section 9 (BAL-FZ) of AS3959.
- the potential for material ignition could be minimised based on the bush fire protection measures proposed, subject to recommended conditions. Working with the APZs, the site should be managed as an IPA in accordance with the PBP 2019.
- the ERP/Bush Fire Response Plan should be revised to address access to the site, incorporate a safe refuge into the facility and clarify how staff will be trained to deal with bush fire events. The plan/s should also demonstrate procedures for the closure of the Wellness Centre on Extreme or Catastrophic fire danger days (or as instructed by the RFS), given its location in part of the site which is subject to Bush Fire Attack Level of Flame Zone.

The report concluded that the proposed development could be supported on bush fire safety grounds, subject to the inclusion of conditions of consent requiring the implementation of bush fire protection measures to ensure a better outcome for the site as a whole, as noted above.

The Applicant's bush fire consultant provided a response to the Bush Fire Impact Assessment Report, raising concerns that a number of recommendations are not commensurate to the low bush fire risk

and are over and above the requirements of PBP and AS3959. The Applicant clarified that the site is low risk level and that the BAL or construction requirements for the proposed buildings could be applied on a performance basis. It was also confirmed that evacuation is to remain the primary response in the event of a bush fire and any refuge on-site would be a last resort.

The Department's independent consultant reviewed this response and, following a visit to the site, confirmed that the site is subject to a low bush fire risk. Given that much of the land surrounding the site is grazed with relatively low grass, and noting that the nearby riparian corridor is relatively narrow and could not develop into a fully developed bush fire, the consultant agreed with the Applicant that the BAL or construction requirements for the proposed buildings could be applied on a performance basis. Overall, the consultant largely accepted the better bush fire outcome proposed by the Applicant, subject to conditions including relating to inclusion of a designated safe refuge and the preparation of a revised Emergency Management Plan/Bush Fire Emergency Plan.

RFS acknowledged that the site is low bush fire risk and this has been applied by both bush fire consultants. RFS also requested that existing buildings be upgraded for ember protection, and that the Residential Pavilions, Garden Pavilion and Wellness Centre be constructed to meet the requirements of Table A1.12.1 of PBP 2019.

The Department acknowledges the concerns raised by RFS. However, the evidence submitted by the Applicant in response to those concerns and those of the Department's consultant, have been rigorously assessed and are considered to demonstrate that the proposal would result in a better bush fire outcome. The Department is therefore satisfied that the proposal is acceptable, subject to conditions recommended by the Department's independent bush fire consultant to ensure the development is constructed and operated in accordance with the aims and objectives of the PBP 2019, to include:

- ensuring that defensible space is provided on the south-west elevation of the buildings, enabling space for firefighters to access the buildings and undertake emergency operations.
- the preparation of a specific bush fire ERP, outlining safe refuge on site and proper consideration of evacuation processes, timeframes and responsibilities.
- ensuring performance-based BAL construction of all new proposed buildings, with exits located on the non-hazard side of buildings.
- improvements to landscaping to ensure that any planting or landscaping is done in a controlled manner to influence bush fire protection.
- the installation of ember protection for existing buildings (except the heritage listed Belmont House).
- the incorporation of additional protection measures including gutter guards and bush fire sprayer systems.

The Department acknowledges that the existing development is vulnerable, housing 88 patients plus staff within buildings that do not meet contemporary requirements for adequate bush fire protection. The Department is satisfied that leaving the existing facilities in situ with no bush fire protection would be more detrimental than enabling the proposed development to proceed with significant bush fire protection measures incorporated, as confirmed by the assessment undertaken by the independent

consultant. Overall, the bush fire measures outlined above would minimise the chance of material ignition of buildings and enhance the chances of occupant survival.

The Department has reviewed the bush fire documentation, submissions and the bush fire impact assessment and is satisfied that, subject to the recommend conditions, the proposal can provide a better bush fire protection outcome than the existing structures and ensure a safer environment for occupants.

6.2 Built form

The proposed development includes four new Residential (accommodation) Pavilions, a Garden Pavilion, a new Wellness Centre and minor external changes to the Xavier Building, Administration Building, St Paul's Annex and Belmont House (see **Figure 9**). Pursuant to HLEP, the site is subject to a maximum height limit of 10m, however no FSR controls apply. Due to the site's significant natural slope the existing Xavier Building, Belmont House, St Paul's Annex and the proposed Residential Pavilions all exceed the 10m height restriction. The proposed work does not increase the existing height non-compliance of the existing buildings. A variation to the 10m height development standard under clause 4.6 of HLEP has been sought for the proposed Residential Pavilions and is discussed further below.

Existing buildings – Xavier Building, Administration Building and St Paul's Annex

The Xavier, Administration and St Paul's Annex Buildings maintain their existing footprints, materiality, bulk and scale. However, minor alterations are proposed to the exterior of the buildings. Adjoining structures to Belmont House are proposed for removal, allowing the building to stand alone with the aim of showcasing its heritage significance. All built form features of Belmont House are to remain, with repairs carried out where existing unsympathetic connections have been removed.

The Xavier Building is three storeys in height and 2,508sqm in floor area. Due to the undulating topography of the site, it appears as a single storey building when viewed from the south. Alterations to the northern and west elevations of the building are proposed to incorporate new windows and the southern elevation is altered to include a door on the ground floor, providing a link to the Administration Building. Internal refurbishments to the ground floor are also proposed to accommodate relocated uses from across the site.

The Administration Building is a 550sqm, single storey structure located adjacent and to the north of the proposed Garden Pavilion, separated by landscaping. New doors are proposed for the south-eastern and southern elevations enabling integration with the proposed Garden Pavilion café, encouraging passive and interactive pedestrian movement between the buildings. The Administration Building will also include external modifications and internal refurbishments to accommodate its new use.

St Paul's Annex is a 276sqm, two storey octagonally shaped building with a square roof form. Proposed alterations include the installation of new external stairs and internal changes to accommodate the provision of toilet and administration facilities.

The Department is satisfied that the proposed alterations to the Xavier Building, St Paul's Annex, the Administration Building and Belmont House are minor in nature and would not result in substantial changes to the appearance of the buildings. Although the Xavier Building, St Paul's Annex and

Belmont House exceed the height limit due to the slope of the site, the structures are existing, only internal refurbishments and minor external work are being sought and no changes to the height of these buildings is proposed. The inclusion of additional doors and windows to the Administration and Xavier Buildings will improve movement and visibility throughout the site.

Proposed Garden Pavilion

The proposed Garden Pavilion is a 590sqm, part one and two storey rectangular building, which is connected by the central walkway to the Residential Pavilions along the southern site boundary. The building is 67m in length and approximately 17m in width, and majority of the building is 6m in height until it reaches the central walkway, where the roof height increases to 9m, transitioning into the clinical services portion of the Garden Pavilion.

As the Garden Pavilion is situated close to heritage listed Belmont House, its scale and massing is reduced to ensure the heritage significance of Belmont House is maintained. The Garden Pavilion is single storey where adjacent to the Administration Building to the north, creating an appropriate pedestrian scale, before gradually increasing in height towards the south.

The proposed Garden Pavilion materiality is consistent with the other proposed buildings and compliments existing buildings through the use of natural and dark toned materials, enhancing the light sandstone façade of Belmont House and enabling it to feature prominently within the site. The material selection for the new building will enable it to blend into the natural environment surrounding the site and complement the two-toned brick façades of the existing buildings.

Proposed Wellness Centre

The proposed Wellness Centre (see **Figure 10**) is a rectangular, 728sqm single storey (for accessibility purposes) structure with an angled roof form and an overall height of 6.7m. The building is located within an existing cutting made into a hill located 10m from the northern site boundary. It comprises dark natural colours and materials consisting of timber-look cladding to enable the building to blend into its surroundings and ensure that the scale is in keeping with the surrounding character of the area.

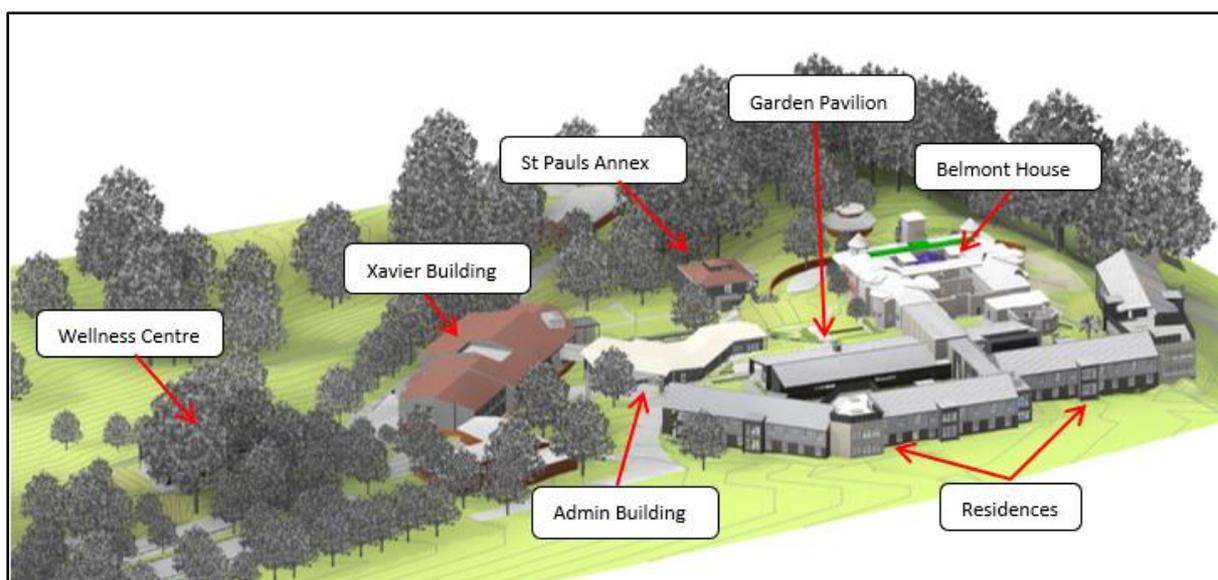


Figure 9 | Site perspective looking east (Source: Applicant's RtS)



Figure 10 | Wellness Centre viewed from the east (left) and the west (right) (Source: Applicant's SRtS)

Residential Pavilions

The proposed Residential Pavilions are two storeys in height (excluding the Pavilion 4 basement), 4,443sqm in floor area collectively, and provide 112 beds in total (an increase in 24 beds from the current facility). The buildings are arranged in a curved 'boomerang' shape aligning with the southern site boundary (see **Figure 9**). The pavilion structures are approximately 34-39m in length each with gabled roof lines to reflect churches and country style barns and are set back a minimum of five metres from the boundary. They are positioned to maximise views towards the Blue Mountains and designed to ensure accessibility for all levels of ability by avoiding inclines or declines in internal floor levels.

As depicted in **Figures 11 to 15**, the residential buildings form a continuous structure joined by "knuckles", which provide internal lounge and kitchen spaces. The Pavilions incorporate mechanical plant spaces on the roof, which are screened with materiality to match. The buildings are appropriately setback from boundaries and other buildings on-site, which would enable appropriate solar access to landscaped areas and internal rooms. The proposed schedule of materials is in keeping with the other proposed buildings and is complimentary to existing buildings. The natural tones and materials proposed ensure that the Pavilions blend into the surrounding landscape, and would also allow Belmont House to remain the showcase building within the site.

Due to the slope of the land, the design of Pavilion 4 incorporates a basement for storage and water tanks. The south-eastern portion of the development would therefore appear as three storeys in height with a gabled roof form (see **Figure 14**).

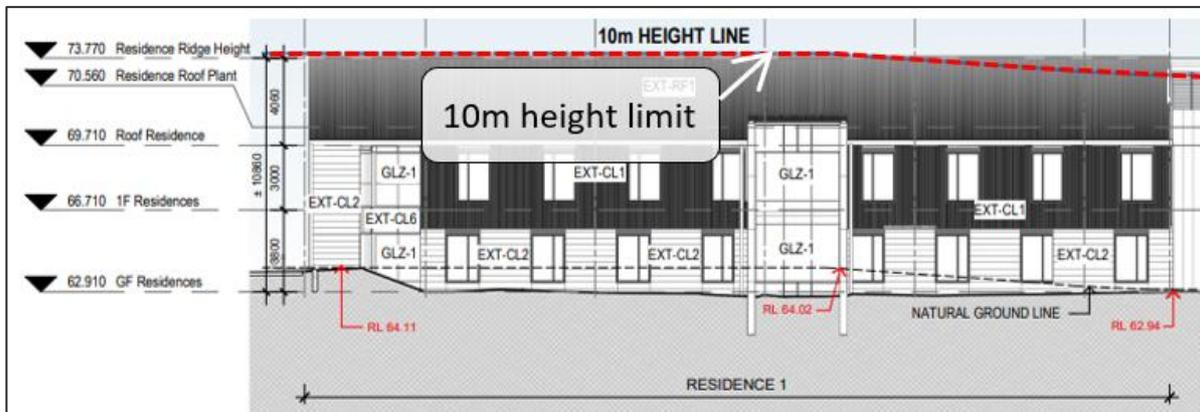


Figure 11 | Residential Pavilion 1 south elevation (Source: Applicant's SRtS)

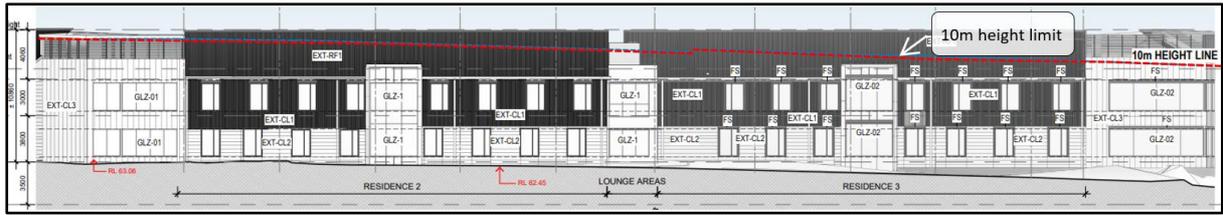


Figure 12 | Residential Pavilions 2 and 3 south elevation (Source: Applicant's SRtS)

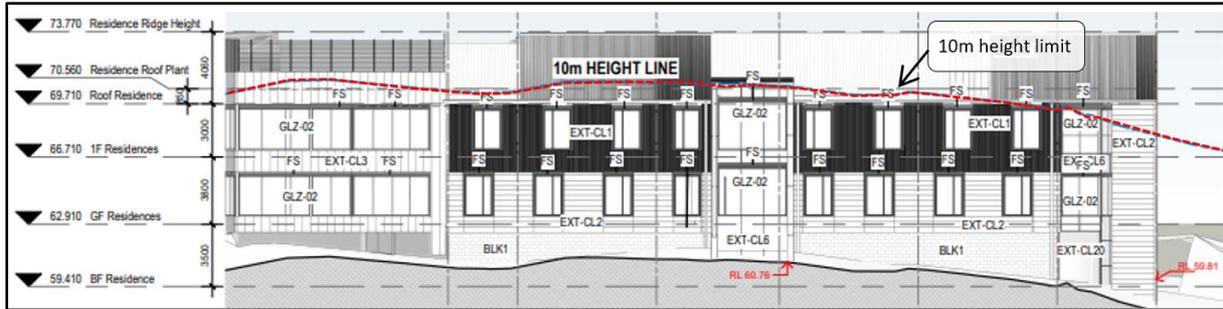


Figure 13 | Residential Pavilion 4 south elevation (Source: Applicant's SRtS)

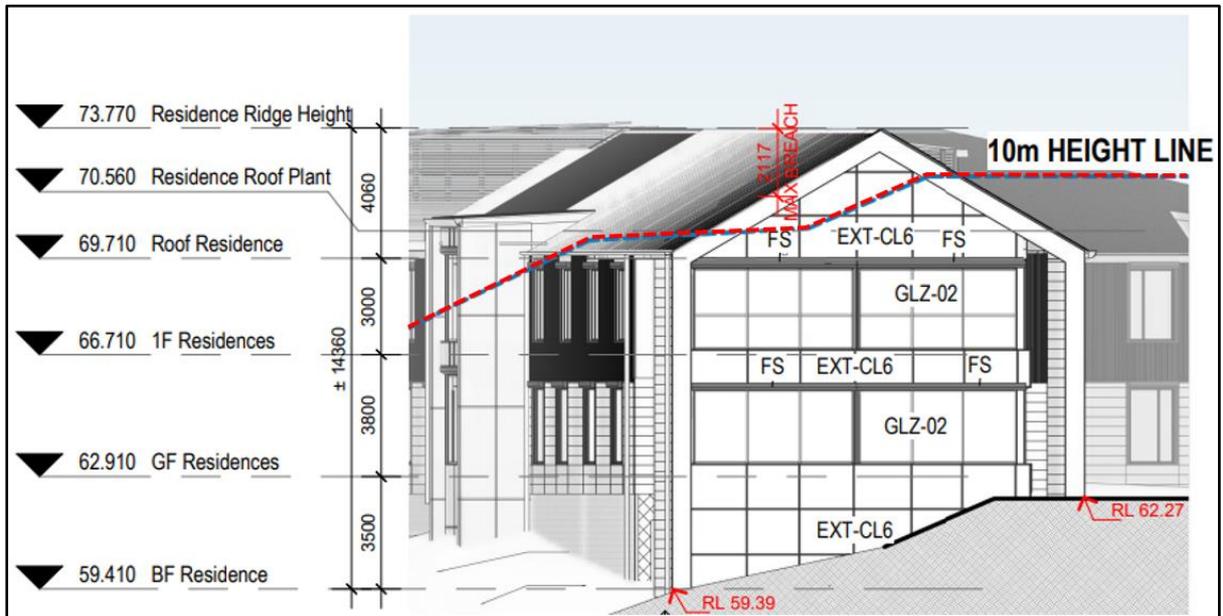


Figure 14 | Residential Pavilion 4 eastern elevation (Source: Applicant's SRtS)



Figure 15 | Residential Pavilion 1 perspective looking southwest (Source: Applicant's RtS)

A variation request under clause 4.6 of HLEP has been provided and updated as part of the RtS and SRtS. The proposal seeks a variation to the 10m height limit in relation to the proposed Residential Pavilion buildings, which will exceed the height limit by between 0.4m and 2.1m. The Applicant identifies that the non-compliance is largely confined to architectural roof form.

The extent of the non-compliance is visually illustrated by the grey shaded sections in **Figure 16** and the red dotted line in **Figures 11, 12, 13** and **14**. The height exceedances would be most prominent for Pavilions 3 and 4, which run along and adjacent to the southern site boundary.

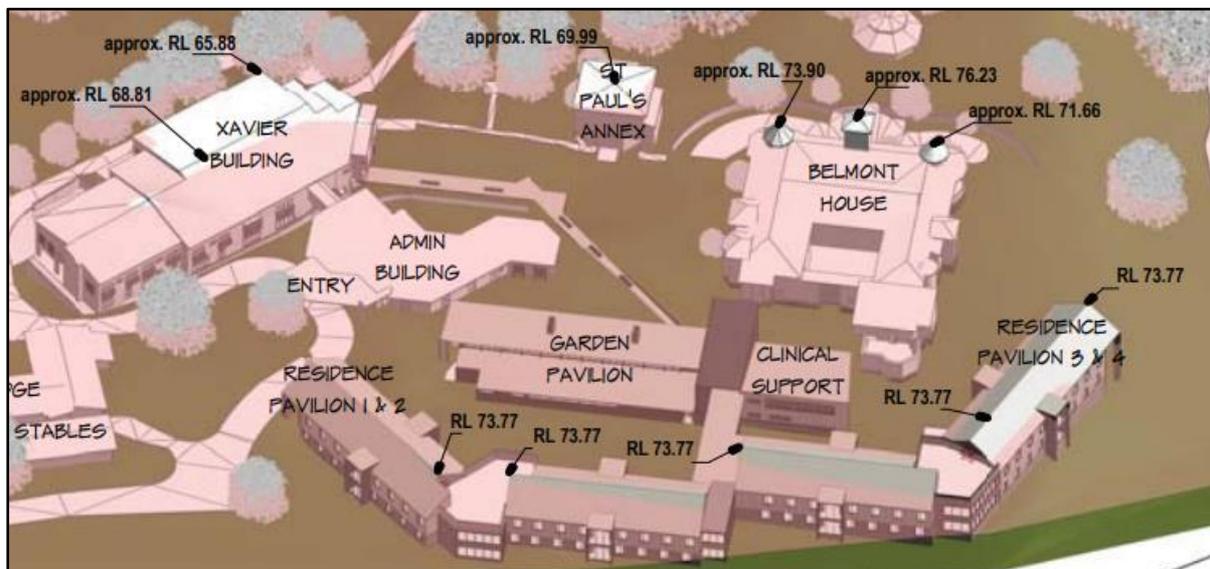


Figure 16 | Height exceedances and RL levels (compliant heights are shown in light pink with exceedances in white/grey). Minor revisions to this layout were made at SRtS stage, however the heights and RLs remain unchanged. (Source: Applicant's EIS)

The justification provided in the Applicant's EIS and accompanying clause 4.6 variation request was prepared with regard to the decisions in *Wehbe v Pittwater Council* [2007] NSW LEC 827 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

The clause 4.6 variation argues the following:

- compliance with the standard is unreasonable and unnecessary as the proposal is consistent with the objectives of the zone notwithstanding non-compliance with the standard.
- enforcing strict compliance with the height objectives and requiring a flat roof design would result in a roof form that does not relate well to the local rural context, which is traditionally associated with pitched roof forms.
- the proposed additional height is confined primarily to architectural roof form.
- the additional height allows mainly for roof form and does not result in any adverse privacy impacts. The hospital does not overlook any sensitive uses, as it's surrounded by rural grazing land.
- the additional height allows for better design in the form of pitched roofs sympathetic to the rural context.
- the breach is a result of the sloping nature of the land combined with clinical operations requiring level access. A change in levels to match the slope of the land would impede easy access and disrupt hospital operational flows.
- the additional height does not adversely impact the heritage significance of Belmont House. The heritage impact statement identified that “the new buildings have been carefully designed to be recessive to Belmont House in form, scale and material selection”. The additional height, together with the decluttering of existing buildings, allows for a greater heritage curtilage around Belmont House and reduces the building spread across the site, as well as better views to and from the heritage item.
- the additional height does not result in any adverse visual impacts.
- the additional height variation does not result in any unacceptable overshadowing impacts on neighbouring rural land.

Council raised no objection to the height variation during the exhibition of the EIS. A public objection raised concerns regarding the proposed height variation and the perceived resulting impacts on the neighbouring property to the south west. The objector stated that it is difficult to accurately identify building heights given the lack of final floor levels depicted on the drawings and that the Applicant has failed to justify how the proposal satisfied the zone objectives.

Additionally, the objector raised concern that the roof form appears visually dominant from the neighbouring property, noting that the provision of a flat roof with a drop in the ground floor level would improve its appearance. Concern was also raised regarding view impacts, and a request was made for the provision of an updated view impacts and design analysis incorporating an assessment of impacts from the adjoining property. The objection also raised concern regarding overlooking impacts, noting that that proposal would introduce lounge areas and residential accommodation along the site boundary, the impact of which would be exacerbated by the removal of existing trees.

At the RtS stage, updated images comparing the existing and proposed buildings in sightlines from the neighbouring property were provided by the Applicant. The images demonstrate that the development would have a minimal impact on the neighbouring property given the significant distance between the neighbouring residential dwelling and the proposed Residential Pavilions (approximately

300m). **Figure 17** depicts the proposed Pavilions compared with the existing buildings proposed for demolition (in red outline) as indicatively viewed from the neighbouring property to the south west.

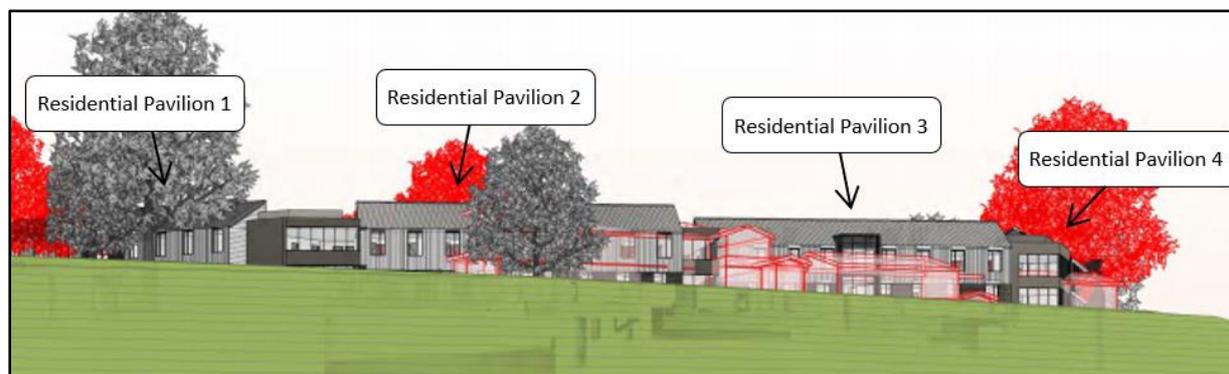


Figure 17 | Existing development outlined in red with proposed buildings in grey. (Source: Applicant's RtS)

The RtS also addressed the concerns raised in the public submission, provided a revised clause 4.6 variation request expanding the justification for the height and providing additional imagery, additional renders, and confirmed that a view impact analysis was provided as part of the EIS. Additionally, the Applicant advised that the height and location of the Residential Pavilions was informed by a detailed analysis that balanced heritage, view, design and operational considerations. It was reiterated that providing a two-storey built form further from Belmont House than existing structures would also enable the curtilage of Belmont House to be decluttered.

As part of SRtS the Applicant provided a revised bush fire report, which identified the need for the realignment of Residential Pavilions 3 and 4 to improve bush fire protection outcomes. Therefore, the Applicant submitted a revised clause 4.6 variation request, noting that the realignment of Pavilion 4 as part of the SRtS resulted in a reduced height limit exceedance along the south-eastern boundary of 2.1m (identical exceedance as Pavilion 3).

The Department has reviewed the clause 4.6 variation request and assessed the variation sought in accordance with HLEP. The Department is satisfied that there are sufficient environmental planning grounds to justify contravening the development standard.

The objectives of the height standard (clause 4.3) in HLEP are addressed in the paragraphs below:

- a) to protect privacy and the use of private open space in new development and on adjoining land.

The Department acknowledges that in addition to exceeding the height limit for the site, the proposed Residential Pavilions would also introduce residential patient accommodation adjacent to the south and western site boundary. However, the future occupation of these buildings would not result in harmful overlooking as they would be separated from the nearest residential dwelling by 300m of rural grazing land. Therefore, the proposal would not cause unacceptable harm to the level of privacy experienced by neighbouring occupants. The setting back of the Residential Pavilions from the site boundary would also ensure that adequate solar access to the neighbouring rural grazing land is retained.

- b) to ensure that the bulk of development is not excessive and relates well to the local context.

The rural grazing land surrounding the site generally comprises scattered low-rise buildings of one to two storeys in height. Existing urban development approximately 400m to the north of the site is comprised of one to two storey residential dwellings, however given the separating distance, the St John of God buildings are perceived as being sited within a largely undeveloped rural setting.

Belmont House is an existing single storey building with a pitched roof and extensive basement level, set below a three-storey central tower (RL 76.23) and two turrets (RL 73.90 and RL 71.66). The building sits near the top of the ridgeline and appears visually dominant when viewed from the north and east. However, the curtilage of the building is crowded by existing unsympathetic structures, many of which are proposed to be demolished. The Department notes that the buildings to be demolished within the area of the proposed Residential Pavilions have a peak height of approximately RL 73.55, which is generally consistent with the maximum height proposed for the roof line of the Pavilions (RL 73.77) (see **Figure 16**).

The proposed Residential Pavilions would be constructed upon the ridgeline and set back from the rear of Belmont House. The HLEP height exceedances would be primarily contained to pitched roof forms, with minor exceedances of between 0.4m (Pavilion 1), and up to 2.1m (Pavilion 3 and 4). Overall, the highest point of the roofs would be approximately 2.5m lower than the central tower of Belmont House. When taking into consideration the setback from Belmont House, the Department is satisfied that the Pavilions would be largely obstructed by Belmont House when viewed from the dominant view lines to the north and east, ensuring that the overall bulk and height of the structures would not appear as excessive from those sightlines.

The Department acknowledges that the Residential Pavilion height exceedances would be perceptible in views from the neighbouring property to the west (see **Figure 17**). However this would be largely restricted to minor exceedances at Pavilions 2 and 3 (the buildings most visible from the neighbouring property), the impact of which would be minimal due to 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 central tower.

The Department notes that the removal of existing trees along the site boundary would reduce visual screening of the Residential Pavilions, however, tree removal is required for bush fire protection measures and is therefore acceptable in this instance.

While the Department notes that the Applicant had opportunity to revise the design to reduce the height of the pavilions by incorporating flat roofs (as suggested in the public submission), this would not accord with the character of the locality or the existing buildings within the site. The pitched gabled roof design is considered reflective to the local rural context.

c) to nominate heights that will provide a transition in built form and land use intensity.

The Department acknowledges that the site is surrounded by rural grazing land, is set back from the nearest neighbouring structures by at least 300m, and that the zone allows for a consistent maximum building height of 10m. The development therefore does not present an opportunity to transition building heights throughout the rural setting. The Department is satisfied that the height exceedances associated with the proposal would not result in an unacceptable intensification of the site, and considers that the proposed intensity of the built form would represent a more efficient use of space within the confines of the undulating site.

d) to ensure an appropriate height transition between new buildings and heritage items.

The Department is satisfied that the proposed setbacks and varying heights of the Residential Pavilions would ensure appropriate height transitions that are sympathetic to the heritage significance of Belmont House. Further, the proposed height exceedances would assist in accommodating a reduction in built form within the immediate curtilage of the heritage item, representing an overall benefit of the proposal.

The Department therefore considers that the height and bulk of the Pavilions would not appear excessive, given that the structures:

- reflect the character, scale and bulk of the existing buildings on and surrounding the site (including Belmont House), which are largely one to three storeys in height.
- would be located largely within the footprints of the existing buildings to be demolished, therefore ensuring that the bulk of built form sits within the existing developed areas of the site.

The Department's assessment concludes that compliance with the height development standard is unnecessary and unreasonable in this particular instance, and that there are sufficient environmental planning grounds to justify the variation to the height control. The proposed development would be sympathetic in both scale and character with the surrounding area, would respect the setting and scale of Belmont House and be compatible with the desired character of the locality in built form and materiality. The buildings would also not adversely impact the amenity currently enjoyed by the occupants of adjoining rural properties in terms of overshadowing, privacy or view impacts.

The design of the proposed buildings has also been guided by the Government Architect NSW's (GANSW) State Design Review Panel (SDRP) process. The Department considers that the development, including the location, orientation and scale of proposed buildings, is acceptable and would improve the quality of health facilities and amenity for staff, patients and visitors. The design would integrate with and purposefully re-use existing buildings and provide improved pedestrian connections across the site. The placement of buildings would enable appropriate solar access to pedestrian spaces and courtyards within the site. The materiality, comprised of dark natural colours and materials consisting of timber-look cladding, would enable the buildings to blend into the local surroundings. The Department is therefore satisfied that the proposed built form is acceptable for the site.

6.3 Landscaping and biodiversity

6.3.1 Landscaping

The EIS was accompanied by an Aboricultural Risk Assessment (ARA), which evaluates the significance and condition of existing trees on the subject site and the impact of the proposed development and any required remedial actions. The ARA reviewed a total of 572 trees across the site, which consists of a mixture of remnant native vegetation along the north western and south eastern boundaries and a mixture of exotic and native species across the rest of the site.

A total of 97 trees are proposed to be removed to accommodate the new buildings (see **Figure 18**). Two of these trees are identified as having high retention value and the remainder having low to moderate retention value. The ARA also recommends a variety of tree protection measures for the remaining trees within the development site.

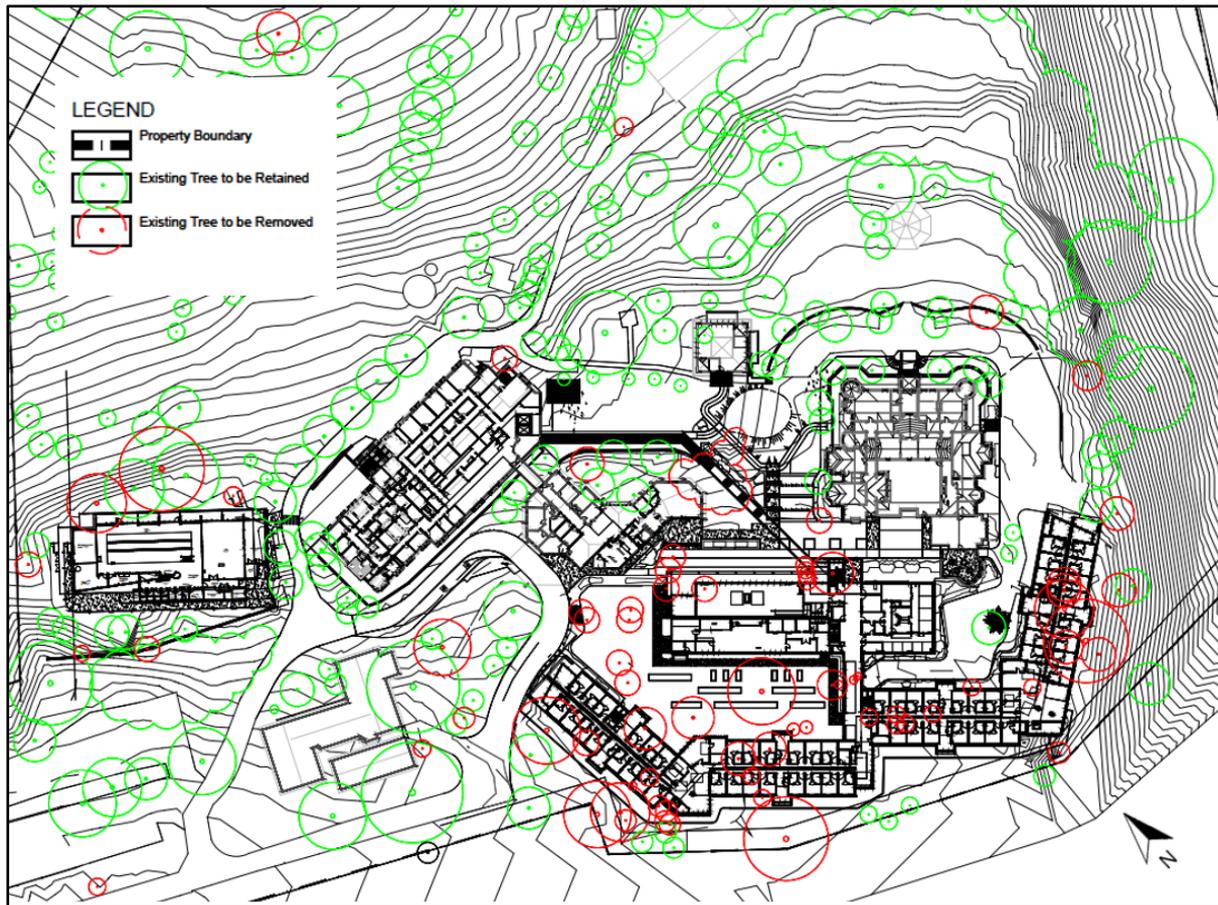


Figure 18 | Tree removal plan (Source: Applicant's SRtS)

The public submission on the EIS requested that additional planting be provided along the southern boundary to replace the removal of existing established trees and screen the proposed Residential Pavilions. Additionally, the Department also requested that further detail of the species, location and final placement of planting be provided.

The updated landscape plans submitted with the RtS confirm that 69 new trees are proposed to be planted to offset the tree loss. The landscape plans also detailed the species and final location of trees within the site. Supplementary information was subsequently provided, including an updated tree removal plan to reflect the realignment of the Wellness Centre and the Residential Pavilions (see **Figure 18**). The Applicant identified 24 trees for removal at EIS stage, however at SRtS stage identified an additional 73 trees for removal (a total of 97 trees). These trees are mainly categorised as low to moderate significance with only four of high significance, with a few recommended for removal due to tree health. The remainder of the additional tree removal is required to ensure the site is maintained as an inner bush fire protection area, and to facilitate realignment of Residential Pavilion 4 and the Wellness Centre.

The proposed landscaping (see **Figure 19**) includes interconnected courtyards, areas for siting and dining and pathways throughout to enable passive activities and provide areas of respite. Planting consists of a mixture of low maintenance, low allergenic and non-toxic native and exotic species providing a landscape environment suitable for all users. In accordance with CPTED principles appropriate planting will be undertaken across the site to ensure the provision of safe spaces.

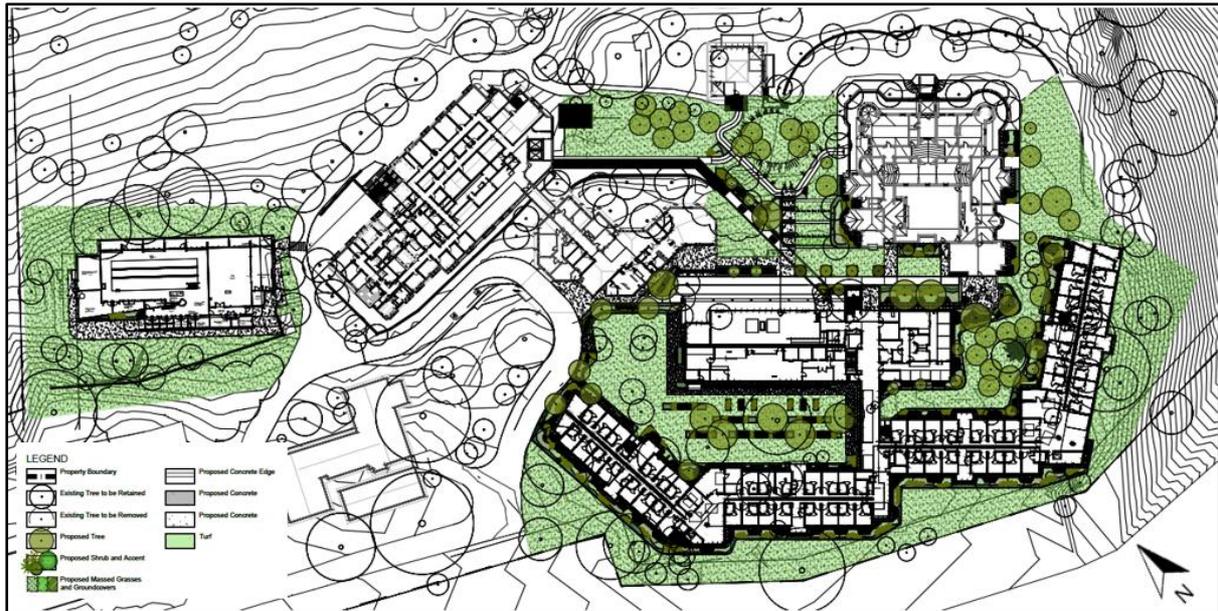


Figure 19 | Landscape masterplan (Source: Applicant's SRtS)

The Department is satisfied that the additional tree removal is unavoidable given it is a result of building realignment, tree health and PBP requirements. Whilst the proposed replacement planting will not accommodate all of the required tree loss, overall it is noted that the development would provide improved outdoor landscaped areas for both patients and staff. The proposed tree loss is therefore considered acceptable in this instance.

As previously addressed in **Section 6.1**, the site is subject to bush fire impacts and therefore the proposed planting on site must comply with the requirements of PBP 2019, which requires the site to be managed as an Inner Protection Area. Therefore, increasing vegetation along the southern boundary (adjacent to the Residential Pavilions) would increase the bush fire risk and is therefore not considered feasible or appropriate. The Department recommends a condition of consent to ensure vegetation and landscaping is appropriately managed and areas around the perimeter are kept free from obstructions and combustible materials.

The Department is satisfied that subject to recommended conditions of consent, the proposed landscaping would compensate the loss of trees without compromising the requirement for the site to be managed as an Inner Protection Area. The proposed landscaping will also ensure that the grounds of the hospital provide an acceptable level of amenity for patients and staff, while also contributing to patient care.

6.3.2 Biodiversity

As the proposal involves the removal of existing vegetation, the EIS includes a BDAR, provided in accordance with the requirements of the BC Act. The BDAR identified the plant community types (PCT) across the site (**Table 6** and **Figure 20**) and the total area of each type that is affected by the proposed development.

Table 7 | Plant community types within the subject land (building locations) for removal and total vegetation within the overall study area (entire site)

PCT Number	PCT Name	Subject land (hectares)	Study area (hectares)
1081	Red Bloodwood – grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin Bioregion	0.12	0.89
1395	Narrow-leaved ironbark – broad-leaved Ironbark – grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion	0.06	0.42
849	Grey Box – Forest red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	0.00	1.06
-	Exotic vegetation	0.48	5.68
-	Cleared land	0.77	1.88



Figure 20 | Field survey locations and vegetation zones (Source: Applicant’s BDAR)

Within the subject land 0.004ha of Threatened Ecological Communities (TEC) is proposed for clearing and 0.054ha is to be managed as an APZ (a total of 0.06ha), identified as PCT 1395 Shale Sandstone Transition Forest (Narrow-leaved ironbark). This is also identified as a Critically Endangered Ecological Community (CEEC). The Applicant has committed to offset this loss in accordance with the BC Act, which has generated one species credit under the BC Act.

As part of the BDAR, the Applicant identified that the loss of PCT 1395 is unlikely to result in significant and irreversible impacts to the TEC or species.

The proposal includes the removal of one Narrow-leaved Iron Bark, as well as understorey species and minor trimming to occur to the APZ canopy. The quality and integrity of the remaining areas of the TEC surrounding the subject land is unlikely to be significantly impacted, due to the modified nature of the surrounding vegetation.

The BDAR outlines mitigation measures to be implemented for the project which will assist in minimising potential impacts to the portions of retained Shale Sandstone Transition Forest within the study area. Biodiversity offsets in accordance with the offsetting rules will assist in the recovery of Shale Sandstone Transition Forest in the surrounding landscape.

EESG raised no issues with the submitted BDAR.

The Department is satisfied that the proposal would not result in the significant loss of any threatened or vulnerable species, populations, communities or significant habitats and that the replacement planting of 69 trees compensates for the loss of 97 trees across the site. As the new buildings are proposed to sit largely within the footprints of demolished existing buildings, tree removal across the site would be minimised. The Department recommends the retirement of applicable biodiversity offset credits in accordance with the NSW Biodiversity Offset Scheme and the preparation of a Biodiversity Management Plan, including measures to protect and managed vegetation and fauna habitat outside the approved disturbance area. The Department is satisfied that, subject to recommended conditions, in accordance with the BDAR recommendations the proposal will not significantly impact the biodiversity of the site and sufficient planting is proposed as well as offset requirements.

6.4 Heritage

European heritage

A Heritage Impact Statement (HIS) was submitted as part of the EIS, which identified that:

- Yobarnie Keyline Farm (108 Grose Vale Road, North Richmond) is a heritage item listed as No.:01826 on the State Heritage Register within the vicinity of the site (see **Figure 21**).
- under HLEP the subject site (former “Belmont Park”, mansion, garden, building, gatehouse and curtilage) is identified as a local heritage item (item I412), being an outstanding example of a late Victorian gentleman’s mansion.

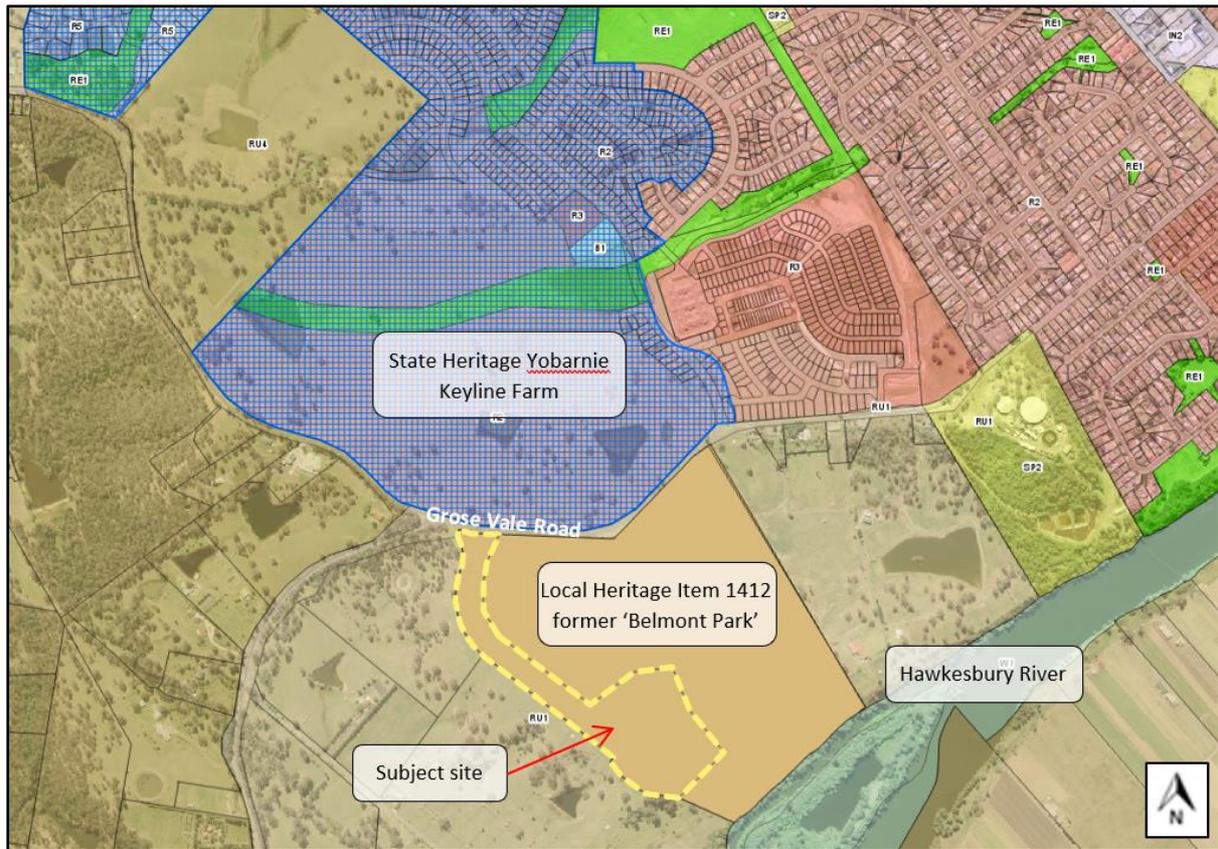


Figure 21 | State and local heritage within the locality (Base source: NSW Planning Portal)

The HIS concluded that the proposed development:

- would not impact the State Heritage Item as the proposal is not visible to or from Yobarnie Keyline Farm and this item has already been substantially altered through the development of a new housing estate.
- would positively impact the heritage significance of the local heritage item as:
 - Belmont House, its associated landscape areas, structures, gate house and formal driveway will be preserved.
 - intrusive additions to Belmont House are being removed and the building restored where required.
 - the placement of new buildings on the hospital site will respect the setting and curtilage of Belmont House and preserve view corridors to and from the building and its surrounds.

The HIS also identified that the site has some potential for archaeological heritage associated with nineteenth century development such as:

- remains of demolished structures (noting that the original Bell homestead was not disturbed by the building of Belmont House).
- the former stables single storey sandstone wall and timber structure.
- the reuse of sandstone from earlier buildings within the Belmont Park retaining walls and terrace forecourt and the recently constructed 'grotto of the Lady of Lourdes'.

The Heritage Council advised that the HIS provides an adequate assessment of the proposal's impact on heritage significance and is satisfied heritage impacts have been addressed. The Heritage Council however, stated that a HAA should be completed to identify whether relics of local or state significance are likely to be harmed by the proposed development. Council recommended that a CMP be prepared for the site and that a revised HIS should be sent to the Heritage Council to address restoration works, archaeological implications on both European and indigenous values and all archival recording.

In response, the Applicant's RtS stated that the requirement for a CMP as requested by Council is not required in this instance as the proposed works to Belmont House are only minor in nature and principally involve restoration. Additionally, the RtS notes that Heritage Council was satisfied with the provided HIS and therefore a revised HIS (as suggested by Council) is not considered necessary. A HAA was also provided with the RtS as requested by the Heritage Council.

The Heritage Council subsequently reviewed the HAA and advised that it was inadequate and did not address the concerns raised. An updated HAA was requested. Council provided comments on the RtS and maintained that a CMP should be provided to ensure that an informed assessment of the potential heritage impacts of the development has been undertaken.

The Applicant provided an updated HAA and HAAP (also known as a Conservation Management Strategy) in response to agency and Council concerns. The HAAP is an interim document which will form part of a larger CMP, as secured by a recommended condition of consent. Council reviewed the HAAP documentation and confirmed the proposed works are supported from a heritage perspective and that the HAAP is acceptable for the proposal. Additionally, the Heritage Council reviewed the revised HAA and confirmed the updated HAA has provided improved justification that the project is unlikely to impact significant archaeology through the revised locations of mapping for the potential archaeological resource. Heritage Council subsequently recommended conditions surrounding the implementation of the recommendations of the HAA, appropriate inductions for workers, an unexpected finds protocol and a Heritage Interpretation Strategy.

The Department considers that the revised heritage documentation adequately addresses agency concerns regarding historic archaeology and heritage of the site and addresses the requirements of clause 5.10 of HLEP 2012. The Department therefore recommends conditions of consent requiring the preparation of a CMP in consultation with Council and the inclusion of recommendations from the associated heritage documents (updated HAA) and Heritage Council.

The Department is satisfied that, subject to recommended conditions, the historic heritage and archaeology of the site would be managed and mitigated to ensure no significant or detrimental impacts would occur.

Aboriginal heritage

The Aboriginal Cultural Heritage Assessment (ACHA) report documents investigations undertaken on and around the site and provides a range of mitigation measures. The ACHA report included consultation with Aboriginal parties and an assessment of potential significance.

The ACHA found areas of low, moderate and high archaeological potential within the hospital site (see **Figure 22**) with no Aboriginal objects identified and recommended that a 10m exclusion zone is erected to mitigate impacts on the Richmond Hill Memorial Gardens (red hatched area).

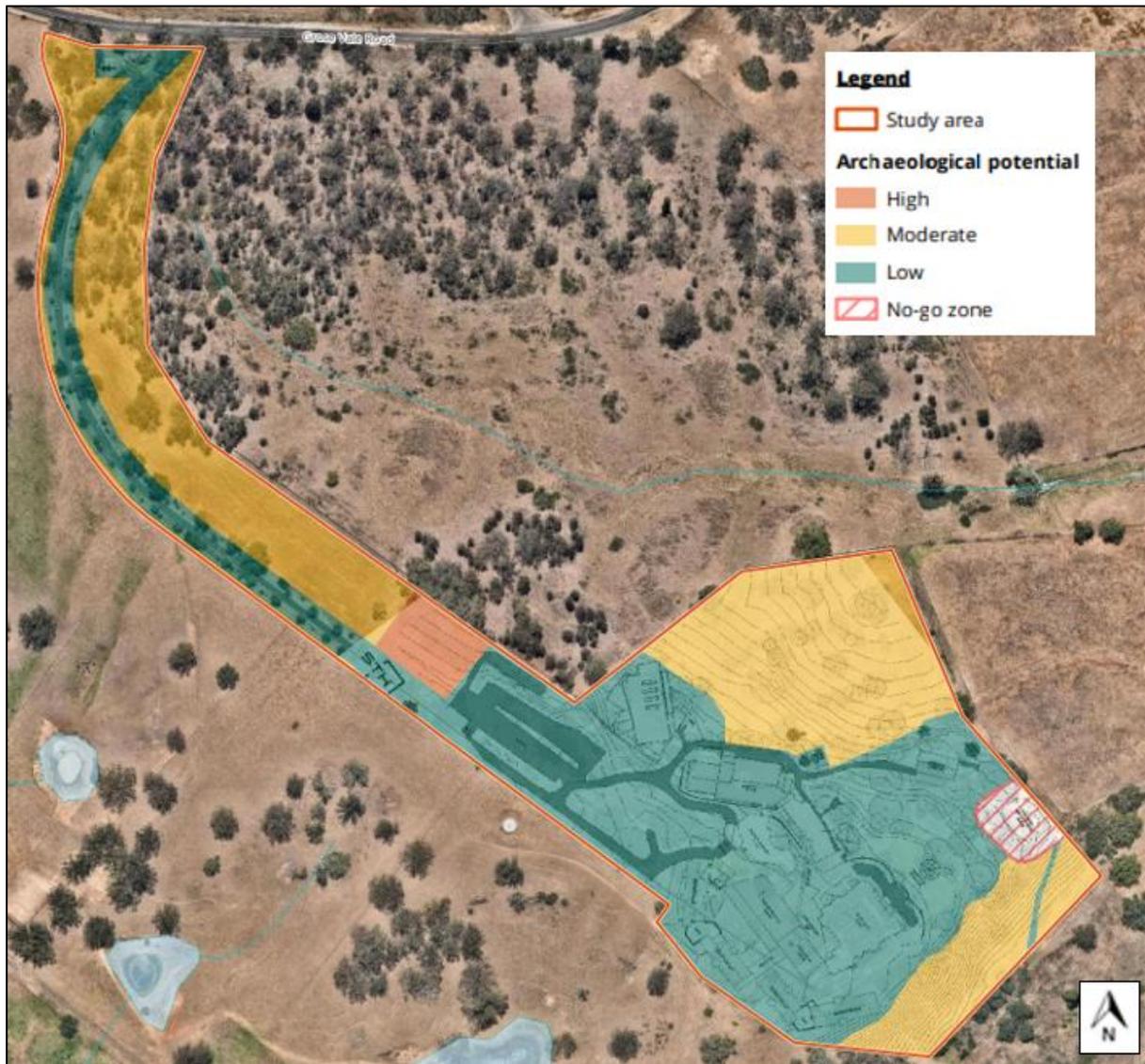


Figure 22 | Aboriginal heritage study area (Source: Applicant's ACHAR)

The proposal itself is deliberately contained within areas of low archaeological potential (green shaded area), with the placement of new buildings over existing building footprints, driveways and tennis courts ensuring that development only occurs in areas that have previously been disturbed.

Heritage NSW ACH confirmed support of the mitigation measures and recommendations within the ACHAR and advised that any Construction Environmental Management Plan is to incorporate an Aboriginal Heritage Management Plan. The inclusion of this plan is to minimise and avoid potential harm to the Richmond Hill Memorial Garden and any areas of Aboriginal archaeological sensitivity. Additionally, an Aboriginal Cultural Heritage Awareness Induction is recommended to be implemented as part of the construction phase of the project.

The Department is satisfied that impacts on Aboriginal cultural heritage are minimal and any impacts would be appropriately managed and minimised through recommended conditions of consent requiring implementation of the relevant recommendations of the ACHA report and advice from Heritage NSW ACH.

6.5 Noise and Vibration

The EIS was accompanied by two acoustics reports: a Construction Noise and Vibration Assessment (Construction Acoustic Report); and an Operational Noise Impact Assessment (Operational Acoustic Report). Revised reports were provided with the RtS identifying the rating background level of the site and neighbouring receivers to enable appropriate noise management and trigger levels.

The majority of acoustic impacts expected from the redevelopment are from demolition and site preparation works, construction works and mechanical plant.

The noise monitoring locations for the site are depicted in **Figure 23**.



Figure 23 | Noise logger locations (L1 and L2) and short term monitoring locations (P1 and P2)(Source: Applicant's RtS)

The rating background levels (RBLs) for the most sensitive residential receivers are detailed in **Table 8**.

Table 8 | RBLs for residential receivers

Sensitive Receiver	Day	Evening	Night
Residential (L1)	36	33	30
Residential (L2)	35	33	30

Construction noise and vibration impacts

The Interim Construction Noise Guideline (ICNG) outlines the process of establishing construction noise management levels (NMLs) for surrounding sensitive receivers and standard construction hours of 7am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays.

The Construction Acoustic Report establishes construction NMLs of 45dB(A) for the residential receivers on-site and for neighbouring residential receivers. The proposed works are proposed to be undertaken within the standard construction hours in the ICNG and within the NMLs in **Table 9**. The location of each residence in **Table 9** is depicted in **Figure 24**.

Table 9 | Construction noise management levels and predicted construction noise levels with mitigation

Location	Noise Management Level dB(A)	Demolition – Predicted noise level dB(A) (with mitigation)	Excavation – Predicted noise level dB(A) (with mitigation)	Construction – Predicted noise level dB(A) (with mitigation)
Residential accommodation (P6)	45	37-41	34-38	30-36
Residential accommodation (P4)	45	24-37	27-36	26-33
Residential accommodation (P7)	45	26-37	26-35	25-30
Residential accommodation (P3)	45	25-39	28-42	24-38

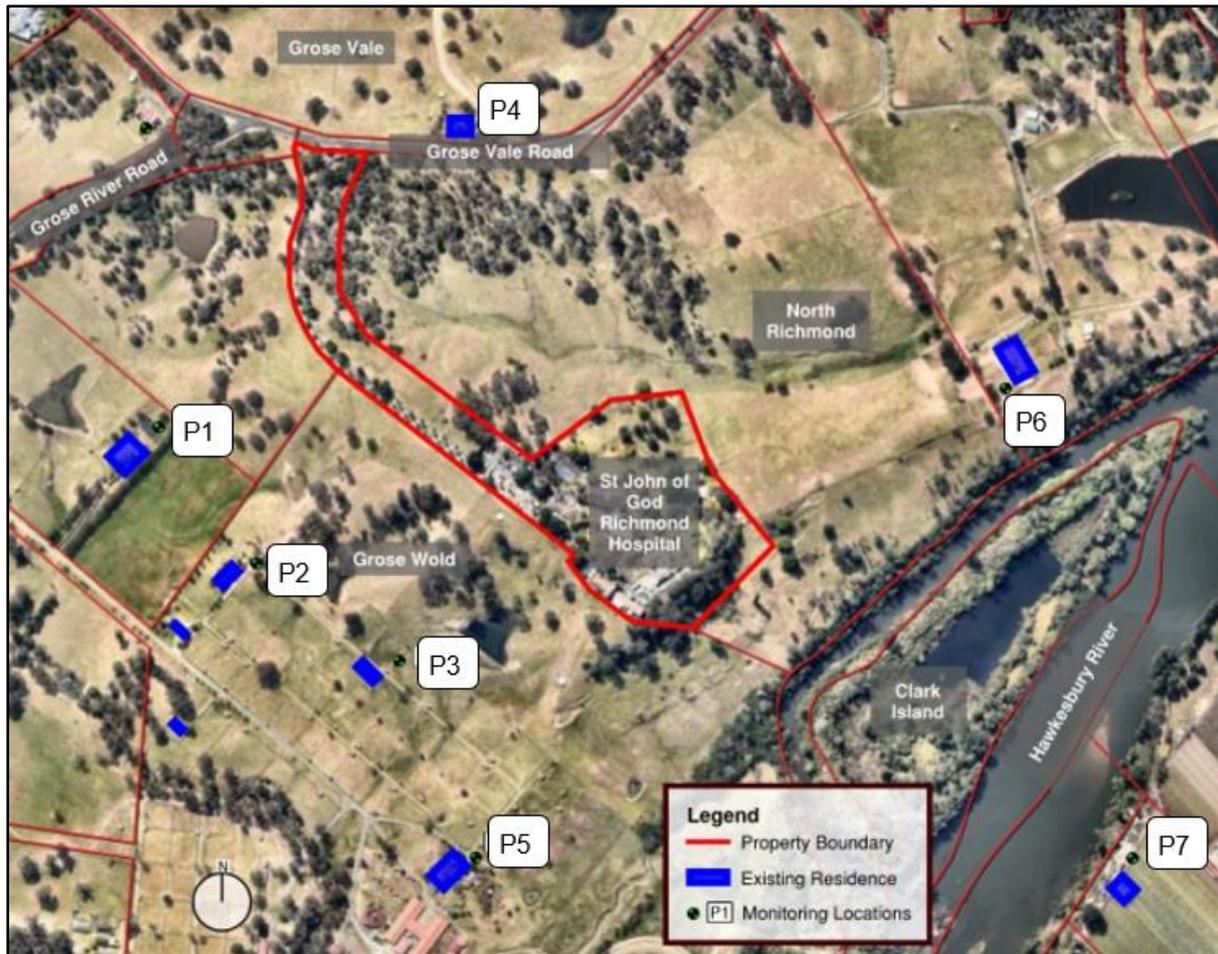


Figure 24 | Site with surrounding residential receivers identified (Source: Applicant's Acoustic Reports)

Construction noise and vibration impact mitigation measures proposed for the subject site include:

- erection of 2.5m high sound attenuating barriers around construction areas and buildings during all stages of early works.
- respite periods during 12pm – 1pm when most intensive periods of hammering and rock breaking occur.
- communication with neighbouring properties, staff and patients to accommodate schedules.
- provide safe working distances to residential receivers.
- noise and vibration monitoring program.

Monitoring at neighbouring locations was requested by the Department. However, as identified in the RtS the monitoring locations were taken along the boundary closest to the neighbouring residential properties, as access to the neighbouring property to obtain additional noise monitoring was unavailable. To account for the lack of additional noise monitoring, the acoustic consultant proposed a background noise level of 30dB(A) in accordance with the minimum recommendation from the Noise Policy for Industry (EPA, 2017) (NPfI), this was then amended by the Acoustic consultant stating that the 35dB(A) is considered to be in accordance with the NPfI.

As demonstrated in **Table 9**, none of the stages of construction (demolition, excavation or construction) would exceed the 45dB(A) NML with or without mitigation measures (see **Figure 24**), nor would they exceed the highly affected noise criteria of 75dB(A) at the nearest residential receiver.

The Department notes that the proposal is expected to meet the NMLs in all instances and noise resulting from the development will have negligible impacts to surrounding sensitive receivers. The mitigation measures within the Construction Acoustic Report will ensure that the NMLs for the site are maintained in accordance with the NPfl and are not to be exceeded. The Department therefore recommends conditions of consent ensuring that NMLs are adhered to throughout all stages of the development to ensure noise impacts to sensitive receivers are managed. The Department also recommends that a Construction Noise and Vibration Management Sub-Plan be prepared, as part of a Construction Environmental Management Plan (CEMP), by a suitably qualified expert and that consultation be undertaken with all noise sensitive receivers.

Subject to recommended conditions and the implementation of the proposed mitigation measures, the Department is satisfied that construction noise and vibration impacts will be appropriately managed.

Operational noise and vibration impacts

The Operational Acoustic Report identified the operational noise criteria under the relevant provisions of the NPfl. Operational noise generated by the proposal would include:

- mechanical plant such as cooling towers, air handling units, chillers, condenser units and exhaust fans.
- back-up electrical system such as emergency diesel generators.
- intermittent noise from site operation (maintenance and patron noise).
- intermittent traffic noise from trucks utilising the loading dock.
- intermittent noise from car movement entering and exiting the carpark.

The Operational Acoustic Report states that mechanical plant and operational noise generated by the development can be appropriately controlled to acceptable levels at the nearest sensitive receivers with typical attenuation. Detailed noise predictions should also be conducted during the detailed design phases of the proposal to ensure that the mechanical plant and equipment noise emissions satisfy the Project Noise Trigger Levels (PNTLs) in **Table 10**.

Table 10 | PNTLs

Location	Time	PNTLs
Residential	Day	40
	Evening	35
	Night	35

The public submission on the EIS raised concern over the potential impact of operational noise from air conditioning plant.

In response, the Applicant provided supplementary information confirming that operational noise impacts of the mechanical plant have been appropriately considered within the Operational Acoustic Report. The proposal includes mechanical plant and equipment within rooftop recesses, which would be set behind acoustic parapets to assist with noise impacts to surrounding receivers. Ground level mechanical plant is also managed by brick or acoustic louvre barriers to attenuate noise levels.

However, specific mechanical plant has not yet been determined. The proposed noise screening measures are recommended to mitigate impacts but will require further resolution upon appointment of a contractor.

The Applicant's RtS advised that noise criteria for operation and construction would be based on an RBL of 30dB(A). Although updated acoustic reports for both operation and construction noise impacts were received, these reports did not account for the RBL of 30dB(A) impacting the PNTLs for neighbouring locations. The Applicant's RFI response confirmed that the PNTL for construction is limited to 35dB(A) in accordance with the NPfI. The Department considers that the mechanical plant locations proposed within the site are appropriately positioned to best limit the noise impacts on neighbouring residential properties.

The Department is satisfied that operational noise impacts generated by the development can be adequately managed and mitigated, subject to the development demonstrating compliance with the PNTLs, verification of noise attenuation measures during the detailed design stage and verification of operating conditions upon commencement of operations. The Department has recommended conditions requiring the Applicant demonstrate the development's compliance with the Operational Acoustic Report and that post occupation monitoring is undertaken.

6.6 Traffic and Transport

Construction traffic

The Applicant submitted a Traffic and Parking Assessment (TPA) inclusive of a Construction Traffic Management Plan (CTMP). The primary construction routes identified in the TPA approach and depart the site via the sub-arterial and arterial route via Bells Line of Road and Grose Vale Road.

The CTMP identifies that an average of six trucks per day is expected during construction, with a maximum of 12 trucks per day during peak construction (24 truck movements per day). There are an expected 50 construction workers on site and on-site parking will be available on the existing grassed areas as well as a tool drop-off facility to encourage car-pooling and public transport use. Additionally, workers will begin and end their workday outside of peak periods and use Peck Road, Hayman Street, Monti Place and Charles Street during school hours to minimise the impact on the surrounding road network.

TfNSW and Council have raised no concerns with the construction traffic associated with the proposed development.

The Department considers that the expected construction traffic generated by the proposal will not significantly impact existing traffic on Grose Vale Road and will be managed through a detailed Construction Traffic Management Plan. Additionally, the Department is satisfied that on-site parking and a site induction will also be provided for construction workers, which will limit and manage the impacts on the surrounding road network and intersections.

The Department recommends conditions of consent requiring the Applicant to prepare a final Construction Traffic Pedestrian Management Plan (CTPMP) inclusive of the requirement for a site induction and a Construction Worker Transportation Strategy (CWTS). Subject to preparation and implementation of the CTPMP and CWTS, the Department is satisfied that construction traffic impacts would be appropriately managed.

Operational traffic

The TPA identifies that the existing hospital produces 208 vehicle trips per day, and, as a result of the proposal, a total of 266 trips per day is expected. Although the proposal increases the total trips per day the Level of Service at the Grose Vale Road site access during AM and PM is maintained with only the average vehicle delay increasing slightly (see **Figure 25**).

Existing Traffic Conditions				Future Traffic Conditions			
AM Peak		PM Peak		AM Peak		PM Peak	
LOS	AVD	LOS	AVD	LOS	AVD	LOS	AVD
B	16.5s	B	14.7s	B	22.0s	B	16.4s

Figure 25 | Peak traffic details (Base source: Applicant’s Traffic Report)

Service vehicles are expected to continue to operate at their current frequency and utilise the proposed loading area, which will also accommodate ambulances and 8.8m rigid vehicles. The majority of deliveries will be via small vehicles. To manage the movements within the site and ensure there are no traffic issues associated with services and ambulance visits, a loading zone management plan is proposed to manage and prevent overuse of the loading zone.

In its comments on the EIS, TfNSW raised concern with the proposed installation of a convex mirror at the site entry (intended to a wider field of view for improved road safety) as a convex mirror is only appropriate for local roads with a low traffic and speed environment. Its proposed location on the western side of the existing driveway entry would show a misleading sight distance for oncoming vehicles and is therefore not supported by TfNSW. TfNSW also requested the GTP be conditioned to be prepared in consultation and with endorsement of TfNSW.

The Applicant agreed to the removal of the mirror in the RtS and a condition has been recommended requiring the Applicant prepare a GTP in consultation with TfNSW for the site. TfNSW raised no further concerns with the proposal.

Parking

Due to the nature of the surrounding road network, bicycle paths and riding to work are currently not provided nor considered safe for staff or visitors. As a result, 129 car parking spaces (and one ambulance space) will remain on the subject site (exceeding the Hawkesbury Development Control Plan (HDCCP) minimum requirement for 77 spaces). Although there is a reduction of 17 car parking spaces from the 146 spaces currently available on-site, the parking supplied is still well in excess of the HDCCP requirements for 77 spaces.

The Department is satisfied that adequate parking is will be provided to meet the requirements of the development and that the proposal would not have a significant impact on the performance of the surrounding road network traffic. The preparation of a GTP, a loading dock management plan and wayfinding signage for pedestrian movement and parking are recommended as conditions.

6.7 Other issues

The Department’s consideration of other issues is provided at **Table 11**.

Table 11 | Other issues

Issue	Findings	Recommendations
<p>Stormwater</p>	<p>A public submission raised concern with stormwater impacts, noting that the neighbouring farm has experienced stormwater erosion from the hospital site and that it should be rehabilitated.</p> <p>The Applicant stated that the erosion on the adjacent property is alleged and a condition to rehabilitate the erosion does not relate to the current proposal (noting that the proposal ensures that stormwater is managed through a 40kL detention tank and discharged to the Hawkesbury River to the south east). Additionally, the civil report identifies that discharge via a level spreader will ensure that no nuisance flows enter neighbouring properties.</p> <p>Council requested that works required on adjacent properties for stormwater or drainage should be clearly shown and include appropriate owners' consent.</p> <p>The RtS advised that stormwater will be piped to the Hawkesbury River via an existing easement in favour of the hospital. In addition, no changes are sought to the easement as part of this application. The majority of the water will be retained on site and dispersed via level spreaders, reducing the overland flow and impacts experienced by adjacent neighbouring properties.</p> <p>The Department has reviewed the proposed stormwater management system and is satisfied that, subject to recommended conditions, water will be appropriately collected and dispersed, and the proposal will not result in significant impacts on surrounding land.</p>	<p>The Department recommends conditions of consent requiring a stormwater management system and stormwater operation and maintenance plan be prepared to manage overland flow and stormwater quality treatment.</p>
<p>Contamination</p>	<p>A public submission raised concern regarding the impact of disturbed on-site asbestos on neighbouring properties as a result of construction works. The submission</p>	<p>The Department recommends a condition specifying that asbestos management be</p>

recommended that asbestos monitoring be undertaken in accordance with section 6.6 of the Asbestos Management Plan (AMP) to ensure that there is no airborne contamination during construction.

undertaken where required during construction.

The Applicant agreed to the implementation of the recommendations from the AMP and stated that monitoring will be carried out as required 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.

Waste management

In its comments on the EIS, the EPA recommended that the following matters be addressed: estimate volumes of waste; identify waste streams and disposal options for all waste; and include waste management measures that consider the prevention of pollution, minimising resource use, improving the recovery of materials from the waste stream and ensuring the appropriate disposal of waste.

The Department recommends a condition of consent to manage waste storage and processing as well as the requirement for an operational waste management plan to ensure waste for the site is managed and disposed of in accordance with relevant guidelines.

A public objection also raised concern with rubbish potentially being thrown into neighbouring land from the subject site. Security fencing was requested to address this concern.

The RtS noted that waste volumes, streams and disposal are detailed in the operational waste management plan (Appendix 16 of the EIS).

The Applicant also stated that security fencing is not appropriate for the site given patients attend the hospital voluntarily. In addition, the proposal has repositioned the waste collection within the Xavier Building, away from neighbouring properties.

Subject to recommended conditions the Department is satisfied that Appendix 16 of the EIS provides appropriate volume estimates and waste management for the site, and that the

waste generated during operation and construction will be managed and will not result in significant environmental impacts.

Utilities

Sydney Water advised that appropriate connections to Sydney Water services are required and a condition of consent is recommended requiring the Applicant seek appropriate connections.

Endeavour Energy advised that appropriate easements need to be created to protect assets and assist in ongoing management. Additionally, Endeavour Energy identified that no assessment of the existing or proposed electricity infrastructure required to facilitate the proposed development were provided.

The RtS noted Sydney Water's comments. In response to Endeavour Energy comments, it was identified that the existing high voltage cable will need to be replaced and that only the substation is required to be upgraded and no augmentation back to Grose Vale Road is required.

Endeavour Energy identified that it is the Level 3 Accredited Service Provider's responsibility to make sure that the substation location and design complies with Endeavour Energy's standards. A condition is recommended requiring that the Applicant submit documentary evidence to the Certifier from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation prior to commencement of works.

As the substation requires upgrades it is pertinent that details of the substation be included on the plans to confirm appropriate setbacks from existing buildings in accordance with current safety standards.

The RFI response provided updated plans that included details of the existing padmount substation confirming it is situated 1.9m – 2.8m

The Department recommends a condition of consent requiring evidence confirming arrangements have been made for the connection of electricity, to the satisfaction of Endeavour Energy. Additionally, a condition is recommended requiring the registration of an easement for the substation connection within six months of the consent being granted.

from the existing Xavier Building as well as provision for a new 1000kva padmount substation situated an adequate distance from the Xavier building. The RFI also confirmed that an easement of 2.75m x 5.5m would be created and appropriate fire rating would be undertaken for the new padmount substation. Endeavour Energy reviewed the layout plan for the new padmount substation and confirmed it would be able to meet Endeavour Energy requirements and there is no issue with the fire rating of the existing padmount substation as it is expected to be decommissioned as a result of the new padmount substation.

The Department is satisfied that subject to recommended conditions of consent, the existing substation will meet applicable requirements and appropriate utility connections can be obtained prior to commencement of construction.

Flooding	<p>Council's flood extent mapping data demonstrates that the site and access road are located outside the 100-year Average Recurrence Interval and Probable Maximum Flood flood events.</p> <p>EESG raised no concerns regarding flooding.</p>	<p>The Department is satisfied that the site and access road would remain unaffected during major flood events. No additional conditions necessary.</p>
Aviation impacts	<p>Early consultation undertaken by the Applicant with RAAF Base Richmond (Appendix 29 of the EIS) confirmed that they had no issues with the proposed building heights, however details of the height of any construction crane proposed to be used is required to enable notification to the aviation community.</p>	<p>The Department has recommended a condition requiring the Applicant to provide details of construction crane heights to the RAAF Base Richmond, prior to the commencement of construction.</p>
Development Contributions	<p>The Applicant seeks an exemption from the payment of development contributions as hospitals are exempted from the payment of contributions under Council's 7.12 Contributions Plan.</p>	<p>The Department agrees that development contributions should not be levied for the development.</p>

Council raised no objection to an exemption from the payment of development contributions.

The Department is satisfied that the proposal is considered exempt from the payment of development contributions under the Council's contribution plan.

7 Evaluation

The Department has reviewed the EIS, RtS, supplementary information and assessed the merits of the proposal, taking into consideration advice from public authorities and Council. Issues raised in submissions have been considered and all environmental issues associated with the proposal have been addressed. Conditions are recommended to satisfactorily address any outstanding issues. The Department concludes the impacts of the proposed development are acceptable and can be appropriately mitigated through implementing the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.

The proposed development is consistent with the objectives of the *Environmental Planning and Assessment Act 1979* (including ecologically sustainable development) and with the State's strategic planning objectives for the site as set out in the Greater Sydney Regional Plan, the Western City District Plan, State Infrastructure Strategy 2018-2038: Building Momentum, the NSW Future Transport Strategy 2056 and Hawkesbury Council's Local Strategic Planning Statement.

The Department considers the key issues raised to be bush fire, built form and building height, landscaping and biodiversity, heritage, noise and transport.

The proposal would result in intensification of an existing use within a bush fire prone area, however leaving the existing facilities in situ with no bush fire protection would be more detrimental than enabling the proposed development to proceed with significant bush fire protection measures incorporated. The Department has recommended conditions to ensure an improved bush fire protection outcome and a safer environment for occupants in accordance with both bush fire consultants' recommendations.

The height and bulk of the proposal is appropriate when considered in the context of the surrounding development and existing buildings on-site. Although exceeding the maximum building height limit, the variation is minor in context. The design of the façade, the roof form, building materiality, and composition ensures a positive contribution to the site with improvements for bush fire access and safety, pedestrian movements within the site and improved clinical efficiency. The proposal would not have any substantial impacts in terms of overshadowing, overlooking or loss of view.

The proposal justified the removal of 97 trees to facilitate the demolition and construction of buildings as required. The Department concludes that the provision of replacement planting of 69 trees and additional landscaping is acceptable. Subject to recommended conditions, the proposed landscaping will provide a pleasant and safe space for users, improving pedestrian amenity and managing the site as an Inner Protection Area ensuring the safety of users and the outcomes on the site and surrounding area.

The proposal would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats and appropriate offset requirements are subject to recommended conditions of consent.

The proposal would not have a significant impact on historic and Aboriginal cultural heritage. The Department has recommended conditions of consent to ensure any impacts would be managed and mitigated appropriately in accordance with the Historic Archaeological Assessment and the ACHA report.

The proposal includes appropriate management and mitigation measure that would ensure construction and operational noise impacts at surrounding properties are minimised and mitigated. The Department has recommended operational noise conditions requiring the Applicant's noise management and mitigation measures be implemented.

The proposal demonstrated that proposed parking provisions would meet demand, and the surrounding road network has adequate capacity to cater for the construction and operational traffic generated by the proposal. The Department has recommended conditions of consent to ensure that construction and operational traffic impacts generated by the proposal are appropriately managed.

The proposal is in the public interest as it would deliver public benefits, including:

- the provision of improved health infrastructure to meet the demands of the growing population.
- economic benefits, generating approximately 98 construction jobs, 30 new operational jobs and investment in health infrastructure.

8 Recommendation

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

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of the St John of God Richmond Hospital Redevelopment (SSD-10394).
- **signs** the attached development consent and recommended conditions of consent (**Appendix C**).

Prepared by:



Ingrid Berzins

Acting Senior Planning Officer

Social and Infrastructure Assessments

Recommended by:



David Gibson

Team Leader

Social Infrastructure

9 Determination

The recommendation is **adopted** by:



24 March 2022

Karen Harragon

Director

Social and Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

- Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/25876>
- Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/25876>
- Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/25876>
- Supplementary Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/25876>

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIS that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- Draft State Environmental Planning Policy (Remediation of Land).
- Draft State Environmental Planning Policy (Environment).
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 -1997) (SREP 20).
- Hawkesbury Local Environmental Plan 2012 (HLEP).

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Table B1 | SRD SEPP Compliance table

Relevant Sections	Consideration and Comments	Complies
<p>3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development.</p>	The proposed development is identified as SSD.	Yes
<p>8 Declaration of State significant development: Section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.</p>	The proposal is for a hospital with a capital investment value (CIV) in excess of \$30 million, under clause 14 of Schedule 1 of the SRD SEPP.	Yes

State Environmental Planning Policy (Infrastructure 2007)

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

An assessment of the development against the relevant considerations of the Infrastructure SEPP is provided in **Table B2**.

Table B2 | Consideration of the relevant provisions of Infrastructure SEPP

Clause(s)	Consideration and comment
44 - 45 Development likely to affect an electricity transmission or distribution network	The development is located within the vicinity of an electricity transmission or distribution network. In accordance with the Infrastructure SEPP, the development was referred to the relevant electricity supply authority for comment – see Section 6 .

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a contamination assessment for the site which concludes the risk of contamination is low, no detailed contamination investigation is required and the site is suitable for commercial/industrial land use.

The Department is satisfied that assessments have been undertaken in accordance with the relevant guidelines, and consistent with SEPP 55, and the site is suitable for the proposed use.

The Department recommends conditions relating to developing an unexpected find protocol to ensure measures are in place should any unanticipated contamination be found during works.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent to be reviewed and certified by a certified contaminated land consultant. Remediation work is to be categorised based on the scale, risk and complexity of the work. Environmental management plans relating to post-remediation management of sites, including the ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) are to be provided to Council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

Sydney Regional Environmental Plan No. 20- Hawkesbury-Nepean River (No. 2 -1997) (SREP 20)

SREP 20 aims to protect the environment of the Hawkesbury - Nepean River System by ensuring the impacts of future land uses are considered in a regional context.

In accordance with SREP 20 the proposal is considered to meet the aims of the plan, the applicable strategies in Part 2(6), alternatives were considered as part of the proposal and it was considered that the chosen building locations were sympathetic to heritage within the site and would cause the least disturbance. Additionally, the building locations were slightly rotated to accommodate bush fire requirements and the proposals impact on the environment will be addressed and monitored through conditions of consent.

The Department is satisfied that, subject to recommended conditions the proposal meets the requirements of SREP 20.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Hawkesbury Local Environmental Plan 2012 (HLEP)

HLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Hawkesbury LGA. HLEP also aims to conserve and protect heritage and natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the HLEP and matters raised by Council in its assessment (**Section 6**). The Department concludes the development is consistent with the relevant provisions of the HLEP. Consideration of the relevant clauses of the HLEP is provided in **Table B3**.

Table B3 | Consideration of the HLEP

HLEP 2012	Department Comment/Assessment
Land Use Table – Zone RU1 Primary Production	Hospitals are permissible with consent in the RU1 Primary Production zone. The St John of God Richmond Hospital is existing and the proposal seeks to redevelop the site to upgrade the current facilities and is considered to meet the objectives of the zone as:

- the development is proposed within the footprints of already disturb areas reducing the overall impact on the site and its vegetation.
- no adverse impact on water catchments as on-site detention is proposed.
- the development retains existing landscape values through the building’s gabled design representative of the local rural context.
- the development will not detract from existing rural character for the provision of public amenities or services.

Clause 4.3 Building height A clause 4.6 variation was sought as the roof of the pavilions exceeded the 10m height limit for the subject site.

Variation to the height limit is provided within **Section 6**.

Clause 4.4 Floor Space Ratio N/A

Clause 5.10 Heritage conservation

As the proposal involves construction of new buildings and internal changes to the historic Belmont House which form part of local heritage item I412 former “Belmont Park”, mansion, garden, building, gatehouse and curtilage within the Hawkesbury LGA consent is required.

(4) consider the effect of the proposed development on the heritage significance of the item or area concerned.

As supplied as part of the application a Heritage Impact Statement and Archaeological Assessment Report were provided. A Heritage Asset Action Plan was also provided, and the provision of a Conservation Management Plan is recommended as a condition of consent to manage the heritage significance and extent of change proposed to the heritage items.

(6) after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

The Department is satisfied that the proposed development would not significantly affect the heritage significance of local heritage item I412 (former “Belmont Park”, mansion, garden, building, gatehouse and curtilage) and recommended conditions would ensure its conservation – see **Section 6**.

5.21 Flood planning Council flood extent mapping data demonstrates that the site and access road are located outside the 100-year Average Recurrence Interval and Probable Maximum Flood flood events. The Department is satisfied that no additional conditions are necessary.

6.2 Earthworks

The proposal includes cut and fill for the site to accommodate the new Residential Pavilions. The existing drainage pattern will remain with new connections and on-site detention to limit the runoff from the site.

The Department considers that the proposal is in keeping with the requirements of earthworks and that the quality of fill material, safety of relics, and impacts to the environment will be mitigated and managed impacts through recommended conditions of consent.

6.7 Essential Services

The proposal has existing connections to water, electricity, sewage, stormwater and has road access via a private road off Grose Vale Road.

To ensure that the proposals increase in capacity is appropriately managed the recommendations by Sydney Water and Endeavour Energy are recommended as conditions (addressed further in **Section 6**).

The Department is satisfied that subject to recommended conditions the site as required can be connected to essential services.

Hawkesbury Development Control Plan (HDCP)

In accordance with Clause 11 of the SRD SEPP, development control plans do not apply to SSD. Notwithstanding this, the objectives of relevant controls under the HLEP 2012, where relevant, have been considered in Section 6 of this report.

Appendix C – Recommended Instrument of Consent