



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
*Forensic Pathology and Coroner's Court,
Lidcombe*
(SSD 7545)**



Environmental Assessment Report
Section 89H of the *Environmental Planning and
Assessment Act 1979*

March 2017

ABBREVIATIONS

ALEP	<i>Auburn Local Environmental Plan 2010</i>
Applicant	Health Infrastructure (on behalf of Health Administration Corporation)
CIV	Capital Investment Value
CMP	Conservation Management Plan
Consent	Development Consent
Council	Cumberland Council
DCP	Development Control Plan
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
FASS	Forensic Analytical Science Services
FPCC	Forensic Pathology and Coroner's Court
ICNG	Interim Construction Noise Guidelines
INP	Industrial Noise Policy
LGA	Local Government Area
LoS	Level of Service
Minister	Minister for Planning
NML	Noise Management Levels
OEH	Office of Environment and Heritage
RBL	Rating Background Level
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SOHI	Statement of Heritage Impact
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development

Cover Photograph: Photomontage of the proposed Forensic Pathology and Coroner's Court facility, Lidcombe (*Source: EIS*)

© Crown copyright 2017

Published March 2017

NSW Department of Planning and Environment

www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

This report is an assessment of a State significant development (SSD) application lodged by Health Infrastructure, on behalf of Health Administration Corporation (the Applicant), seeking consent for the construction and operation of a Forensic Pathology and Coroner's Court (FPCC) facility at Weeroona Road and Main Avenue, Lidcombe.

The project has a capital investment value (CIV) of approximately \$83.2 million and would generate 250 construction jobs and 91 operational jobs.

The development is SSD under clause 14 of Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* as part of the proposed development is for the purposes of a health, medical or related research facility and has a CIV of more than \$30 million. Therefore, the Minister for Planning is the consent authority.

The site is zoned SP2 Infrastructure (Research Station) under the *Auburn Local Environmental Plan 2010* (ALEP). The proposed development is partly prohibited under the ALEP as, while mortuaries are permissible within the zone, "health services facilities" and "public administration buildings" are not. However, the development is permissible with consent under *State Environmental Planning Policy (Infrastructure) 2007* as the SP2 Infrastructure zone is a prescribed zone whereby health services facilities and public administration buildings may be carried out with consent.

The proposal was exhibited for 30 days from 21 July 2016 until 19 August 2016, during which 157 submissions were received including six submissions from public authorities and 151 submissions from the general public. Of the public submissions received, 150 objected to the proposal and one provided support. The key issues raised in the submissions included: vehicle access arrangements; increased traffic generation; car parking; noise; contamination; and heritage.

The Applicant provided a Response to Submissions (RtS) report which included further information and project amendments in response to the key issues raised during the public exhibition period. The project amendments outlined in the RtS were proposed to address some of the key objector concerns and primarily involve a redesign of the public vehicle access and egress arrangements from Main Avenue which will prevent vehicles from exiting the locality through the adjoining residential estate.

The Department has assessed the merits of the proposal and considers the key issues associated with the project include: traffic generation and site access; car parking; noise; contamination; and heritage.

The Department is satisfied that the impacts of the proposed development have been addressed in the Environmental Impact Statement and RtS and can be adequately managed through the recommended conditions. Key recommendations relate to the provision of traffic management measures to minimise the use of Botanica Drive and address concerns raised in public submissions; restrictions to minimise noise during both construction and operation of the facility; and measures to address any potential contamination issues that may arise during the construction phase of the project.

The Department considers the application is consistent with the objects of the *Environmental Planning and Assessment Act 1979* including ecologically sustainable development, State Priorities, *A Plan for Growing Sydney* and the draft *West Central District Plan*. The Department is satisfied that the subject site is suitable for the proposed development and would be in the public interest. It is, therefore, recommended that development consent be granted, subject to conditions.

TABLE OF CONTENTS

1.	BACKGROUND AND PROPOSED DEVELOPMENT	1
1.1	Background	1
1.2	Site Description	1
1.3	Project Description	3
1.4	Project Need and Justification	5
2.	STATUTORY AND STRATEGIC CONTEXT	6
2.1.	State Environmental Planning Policy (State and Regional Development) 2011	6
2.2.	Permissibility and Zoning	6
2.3.	Environmental Planning Instruments	6
2.4.	Objects of the EP&A Act	6
2.5.	Ecologically Sustainable Development	6
2.6.	Environmental Planning and Assessment Regulation 2000	7
2.7.	Strategic Context	7
2.8.	Secretary's Environmental Assessment Requirements	8
3.	EXHIBITION CONSULTATION AND SUBMISSIONS	8
3.1.	Exhibition	8
3.2.	Public Authority Consultation and Submissions	8
3.3.	Public Submissions	10
3.4.	Applicant's Response to Submissions	10
4.	ASSESSMENT	11
4.1.	Section 79C Evaluation	11
4.2.	Key and Other Issues	12
4.2.1.	Traffic, Access and Car Parking	12
4.2.2.	Built Form and Visual Impact	19
4.2.3.	Noise	20
4.2.4.	Contamination	25
4.2.5.	Heritage	26
5.	CONCLUSION	28
6.	RECOMMENDATION	29
APPENDIX A	RELEVANT SUPPORTING INFORMATION	
APPENDIX B	CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)	
AND DCP(S)		
APPENDIX C	GLOSSARY	
APPENDIX D	RECOMMENDED CONDITIONS OF CONSENT	

1. BACKGROUND AND PROPOSED DEVELOPMENT

1.1 Background

Health Infrastructure, on behalf of Health Administration Corporation (the Applicant), proposes to construct a new Forensic Pathology and Coroner's Court (FPCC) facility in Lidcombe. The proposed development will replace the existing facility located at 44-46 Parramatta Road, Glebe.

The proposed development would involve the construction of a three storey building to house forensic administration services and offices, a mortuary and forensic laboratories, courtrooms and Coroner's office.

1.2 Site Description

The site is located approximately 15 km west of the Sydney central business district and 2.2 km south of the Lidcombe town centre, within the Cumberland local government area (LGA). The site is formally described as Lots 1, 2 and 3 DP 850697 and has frontage to Weeroona Road, Joseph Street and Main Avenue in Lidcombe. The site location in context to the broader Sydney metropolitan area is shown at **Figure 1**.

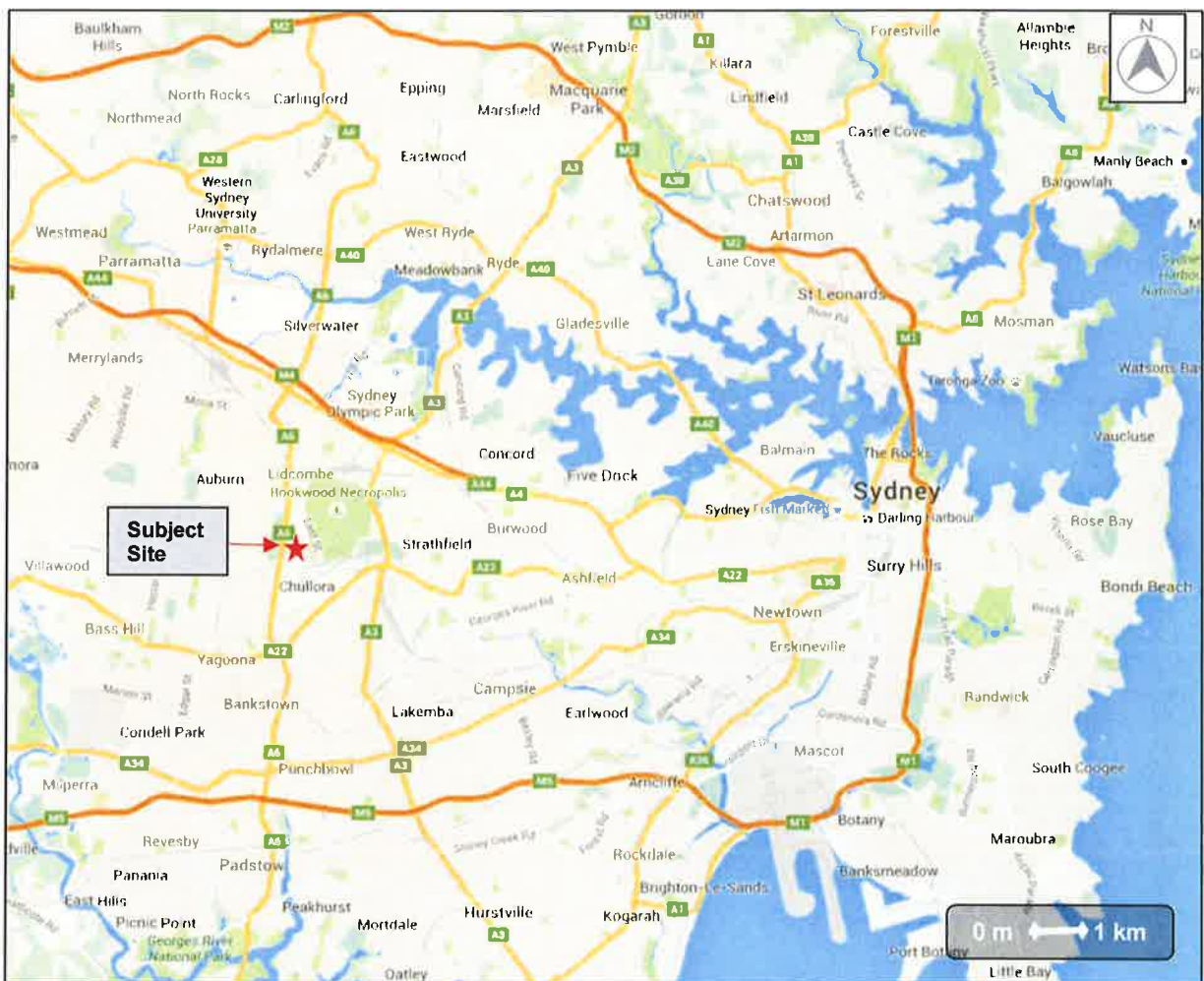


Figure 1: Site location, Lidcombe (source: Google Maps)

The site formerly contained the Lidcombe State Hospital and now forms part of an existing NSW government precinct accommodating the NSW Forensic Analytical Science Services (FASS) facility and the NSW Office of Environment and Heritage (OEH). There are a number of vacant buildings on the site including the three storey former Mineral Resources Building

(MRB) in the south-western part of the site and four single-storey former 'Doctor's cottages' along the northern boundary. The former Doctor's cottages and associated outbuildings are to be demolished as part of a Review of Environmental Factors approved under Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) on 17 June 2016.

The site layout including the location of existing structures is shown at **Figure 2**.



Figure 2: Site context and existing uses (source: EIS)

Surrounding Development

The site is physically bound by: Main Avenue (north); established residential development (east); Weeroona Road (south); and Joseph Street (west). Land uses surrounding the site are varied and include: low density residential development immediately to the north and east (including the Botanica Estate); Rockwood Cemetery and the University of Sydney (Cumberland Campus) further to the north and east; the Carnarvon Golf Course to the west on the opposing side of Joseph Street; and a railway line, Juniperina Juvenile Justice Centre and established industrial development to the south.

Figure 3 shows the location of surrounding features in proximity to the subject site.

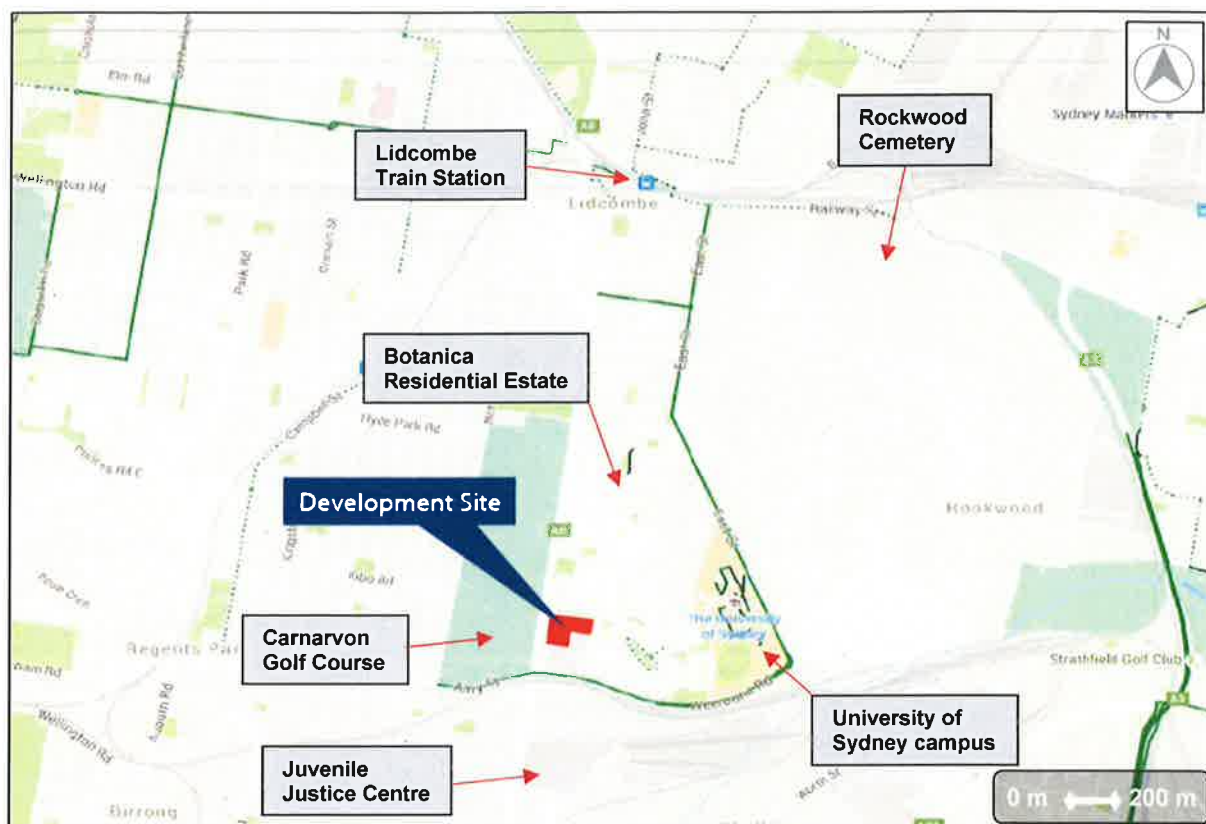


Figure 3: Surrounding site features (source: EIS)

1.3 Project Description

Table 1 provides a summary of the development proposal's key components and features.

Table 1: Key development components

Development Summary	• Earthworks, site excavation and tree removal; • construction of a three storey FPCC building comprising: ○ the main lobby and reception area, mortuary including body transfer unit and back of house facilities, laboratories, identification and waiting rooms, counselling offices, café, staff amenities and external courtyards (ground floor); ○ court registry, forensic administration offices, storage and staff amenities (first floor); and ○ four courtrooms, court waiting areas, interview rooms and Coroner's office and associated Coroner's suites (second floor); • car parking and vehicle access arrangements from Main Avenue (public access) and Weeroona Road (secure staff and delivery access); and • landscaping, fencing, utilities and infrastructure connections.
Height	13.95 m (three levels)
Gross Floor Area	8,607.6 sqm incorporating 4,394.1 sqm (Level 00), 2,487.2 sqm (Level 01), and 1,726.3 sqm (Level 02).
Car Parking Spaces	188 incorporating 71 public car parks and 117 staff car parks
Capital Investment Value	\$83,240,000
Jobs	250 construction jobs and 91 operational jobs
Construction Hours	7 am – 6 pm Monday to Friday and 8 am – 1 pm Saturday
Hours of Operation	Forensics and Pathology: 7 am – 4 pm; Department of Justice: 9 am – 5 pm; Coroner's Court: 10 am – 4 pm; Viewing: 11 am – 5 pm (on occasion, up to 10 pm and weekends); Counselling: 7 am – 6 pm.

Figure 4 shows the proposed building footprint. **Figure 5** shows the proposed site layout including car parking arrangement. **Figure 6** and **Figure 7** are photomontages of the proposed structure, as viewed from Main Avenue and Joseph Street, respectively.



Figure 4: Proposed building footprint and vehicle access points (source: EIS)

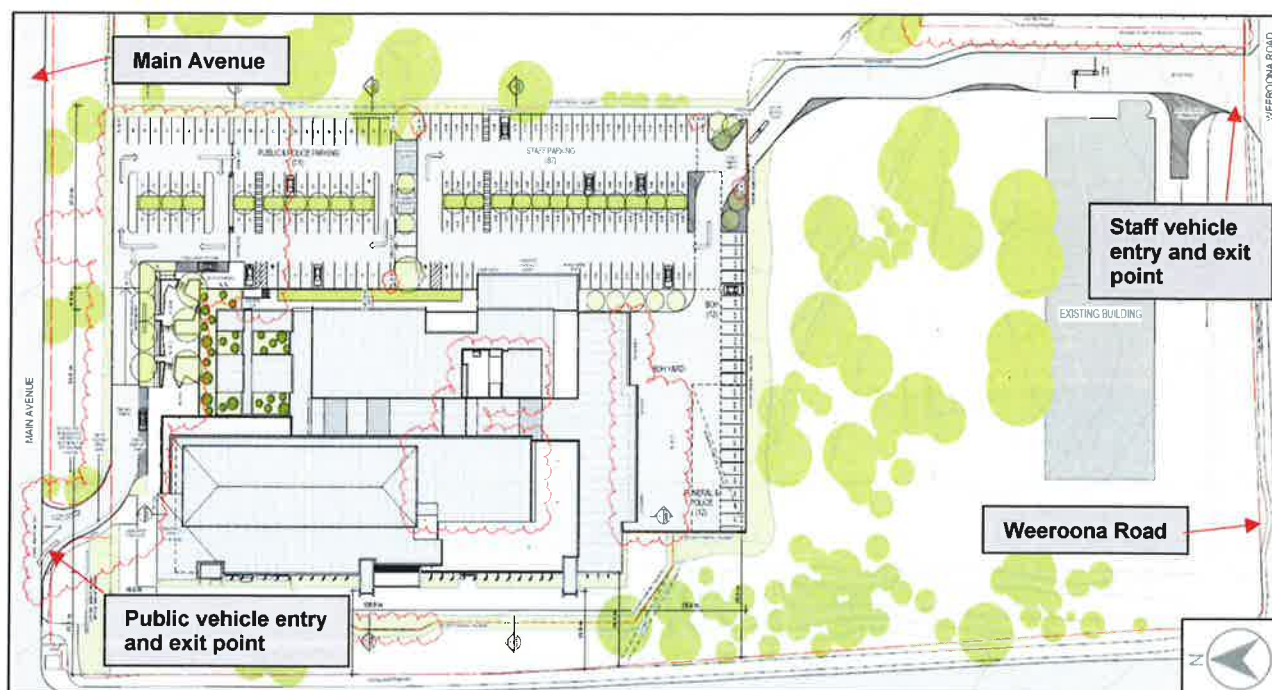


Figure 5: Proposed site layout – Forensic Pathology and Coroner's Court (source: RtS)



Figure 6: Photomontage – north-west view (from Main Avenue) (source: RtS)



Figure 7: Photomontage – western view (from Joseph Street) (source: RtS)

1.4 Project Need and Justification

The offices of the NSW State Coroner and the Department of Forensic Pathology have been located at 44-46 Parramatta Road in Glebe since 1972 and were last refurbished in 1995. The existing facilities are currently operating at capacity and can no longer meet the current and future deliverables and State government objectives regard efficiencies and best practice and delivery of forensic pathology services. The existing court facilities are insufficient for the number of coronial inquests, therefore adding pressure for NSW Health and the NSW Department of Attorney General and Justice to fully meet the needs and expectations of the community.

The proposed development is expected to benefit staff, stakeholders and the broader community through essential improvements to facilities for the NSW State Coroner and Department of Forensic Pathology. The proposal would also provide 250 construction jobs and 91 operational jobs (transferring from the existing Glebe facility).

2. STATUTORY AND STRATEGIC CONTEXT

2.1. State Environmental Planning Policy (State and Regional Development) 2011

The proposal is classified as State significant development (SSD) as part of the development is for the purpose of a health, medical or related research facility, with a CIV in excess of \$30 million, as defined under clause 14 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*. Therefore, the Minister for Planning is the consent authority.

2.2. Permissibility and Zoning

The site is zoned SP2 Infrastructure (Research Station) under the *Auburn Local Environmental Plan 2010* (ALEP). Uses proposed as part of the application comprise a "mortuary", "public administration building" and "health services facility", as defined under the ALEP.

Mortuaries are permitted with consent in the SP2 Infrastructure zone, however, public administration buildings and health services facilities are prohibited under the ALEP. Notwithstanding, the SP2 Infrastructure zone is listed as a 'prescribed zone' under *State Environmental Planning Policy (Infrastructure) 2007* whereby public administration buildings and health services facilities (and ancillary uses) may be carried out with consent.

2.3. Environmental Planning Instruments

The Department's consideration of relevant Environmental Planning Instruments (EPIs) is provided in **Appendix B**. The proposal is consistent with the relevant requirements of the EPIs, namely:

- *Auburn Local Environmental Plan 2010*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy No 55 – Remediation of Land*;
- *State Environmental Planning Policy No 64 – Advertising and Signage*; and
- *State Environmental Planning Policy (Infrastructure) 2007*.

2.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in section 5 of the Act (see glossary at **Appendix C**). The proposal complies with the objects of the EP&A Act as it would deliver infrastructure to improve forensic pathology and coronial court services within NSW, therefore contributing to the social welfare of the State. The proposal also contributes to the orderly and economic use and development of land that is located within an existing NSW government precinct, and thereby protecting the land for public purposes.

2.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (see glossary at **Appendix C**). 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:

- (a) the precautionary principle,
- (b) inter-generational equity,
- (c) conservation of biological diversity and ecological integrity,
- (d) improved valuation, pricing and incentive mechanisms.

The Department has considered the project in relation to 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 project. The proposal is considered to be consistent with ESD principles as described in Section 7.6 of the Applicant's

EIS, which has been prepared in accordance with the requirements of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The proposal is located on a previously developed and disturbed site. It would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. However, the development would result in the removal of 66 trees located within or adjacent to the building footprint and site access points. The proposal includes tree planting to aid in offsetting this loss, including the planting of shade trees in and adjacent to the car parking area.

The site is not subject to any known effects of flooding and is not subject to bushfires. The site would not be impacted by changes in sea level resulting from climate change.

The Applicant has also identified that ESD initiatives (based on: the NSW Health requirements; NSW Health Infrastructure Engineering services guides; the Environmental Performance Guide for buildings; the NSW Government Sustainability Policy; and Section J of the Building Code of Australia) have been incorporated into the design. Such provisions include: the provision of natural light to the court rooms and internal zones of the building through sky lights and internal courtyards; mixed mode ventilation; and water sensitive urban design solutions in the landscape treatment.

Healthcare facilities offer a significant sustainability challenge as they generate large amounts of waste and are heavy users of materials, energy and water. Notwithstanding, a 4 Star Green Star Equivalency rating is being pursued for the project, demonstrating the Applicant's commitment to the practice of sustainable design during the design, construction and operation of the facility.

The Department has considered the development in relation to the ESD principles and is satisfied that the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act and EP&A Regulation.

2.6. 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.

2.7. Strategic Context

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

- it is consistent with *NSW State Priorities* to build infrastructure to improve the forensic pathology and coronial court services within NSW;
- it is consistent with *A Plan for Growing Sydney*, as it provides for the expansion and modernisation of essential social infrastructure required for the operation of the judicial system in NSW;
- it is consistent with the *NSW Long Term Transport Master Plan 2012*, as it is located within walking distance to bus stops and provides for active transport travel options through provision of bicycle parking spaces;
- it is consistent with the principles of *Sydney's Cycling Future 2013*, as it provides secure bicycle parking spaces and appropriate end-of-ride facilities for staff; and,
- it is consistent with the *Sydney's Walking Future 2013* policy, as it provides separated internal footpaths connecting to the existing street footpath networks improving the walking experience and safety for staff and visitors.

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC is currently preparing District Plans to inform local council planning and influence the decisions of State agencies. The aim of the District Plans

are to connect local planning with the longer-term metropolitan planning for Greater Sydney. The District Plans are currently on public exhibition until the end of March 2017.

The proposal is located within the West Central District. The Draft *West Central District Plan* includes nine key priorities including the encouraging employment growth in the district. The proposal is consistent with achieving this key priority as it will bring a range of professional and technical skills based jobs to the district.

2.8. Secretary's Environmental Assessment Requirements

The EIS is compliant with the Secretary's Environmental Assessment Requirements and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1. Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the Department is required to place the application and accompanying information on public exhibition for a minimum period of 30 days. The Department publicly exhibited the EIS from 21 July 2016 until 19 August 2016 (a total of 30 days). The EIS was made available on the Department's website and at the following locations:

- Department of Planning and Environment, Information Centre, Sydney;
- Cumberland Council, Administration Building, Merrylands; and
- Lidcombe Library, Lidcombe.

The Department also advertised the public exhibition in the Auburn Review on 19 July 2016 and the Sydney Morning Herald and Daily Telegraph on 20 July 2016. The Department also notified adjoining landholders, and relevant State and local government authorities in writing.

The Department received a total of 157 submissions during the exhibition of the application including six from public authorities and 151 from the general public. Of these, 150 objected to the proposal and one provided support. A summary of the key issues raised in the submissions is provided in Section 3.2 and Section 3.3 of this report.

3.2. Public Authority Consultation and Submissions

No public authority objected to the proposal, however, Cumberland Council (Council), Roads and Maritime Services (RMS), Transport for NSW (TfNSW), the Heritage Division of the Office of Environment and Heritage (OEH Heritage), the Environment Protection Authority (EPA) and Sydney Water provided comments for consideration in the Department's assessment of the application. A summary of the issues raised is provided below.

Council provided the following comments for consideration:

- the proposal should comply with the relevant provisions of the ALEP and *Auburn Development Control Plan 2010* (Auburn DCP);
- vehicle and pedestrian access proposed across Council owned land on the southern side of Main Avenue will require Council's consent;
- concern is raised regarding impacts on residential amenity due to additional traffic along Botanica Drive. Access from Weeroona Road is considered more appropriate; and
- any signage located on land outside the boundary of the site requires owner's consent.

RMS provided the following comments for consideration:

- access to any current or future development of the site from Joseph Street is denied; and
- detailed design plans and hydraulic calculations for any changes to the stormwater drainage system in Joseph Street are to be submitted to RMS for approval prior to the commencement of works.

TfNSW provided the following comments for consideration:

- vehicles turning in and out of the staff access point at Weeroona Road may impact on the M92 high frequency bus route. The Applicant should provide a queuing assessment and intersection analysis at this location, and provide traffic management measure to minimise delay on bus movements;
- further assessment and clarification should be provided on the traffic generation and distribution assessment of the assumed staff and public arrival and departure patterns;
- a Travel Access Guide and Workplace Travel Plan should be prepared to identify travel demand measures that could be implemented to encourage active and public transport;
- bicycle parking and end of trip facilities should be provide as part of the development; and
- a Construction Traffic Management Plan should be prepared which addresses construction traffic impacts on existing traffic flows, pedestrians, cyclists and bus services.

OEH Heritage provided the following comments for consideration:

- use of the site for forensic pathology and coronial work is considered to be sympathetic to the history of the Lidcombe Hospital Precinct (SHR 01744) and is therefore supported;
- it is important to recognise Main Avenue as the key approach to the Lidcombe Hospital Precinct and for its landscape qualities;
- consideration should be given to additional vegetation screening between the proposed development and adjoining heritage precinct to screen the proposal from view from Main Avenue and Joseph Street;
- a planting schedule which respects the character of the heritage precinct should be employed which references significant plant types and species;
- consideration should be given to the design, size and location of proposed signage along Main Avenue to ensure it respects the character of the adjoining heritage precinct, and any signage along Main Avenue should be limited;
- photographic archival recording of the site should be undertaken by a suitably qualified heritage consultant prior to the commencement of works;
- existing brick kerbing should be salvaged and stored on site for use in future kerb repairs along Main Avenue; and
- an interpretation strategy should be developed to convey the history and significance of the site.

EPA provided the following comments for consideration:

- further soil contamination assessment should be undertaken following demolition of the existing structures and prior to any undertaking of earthworks;
- the Applicant should prepare and implement a procedure for identifying and dealing with unexpected finds of site contamination including asbestos containing materials and lead-based paint;
- measures to control dust emissions should be implemented during site preparation, bulk earthworks and throughout construction;
- appropriate erosion and sediment control measures should be implemented prior to any vegetation removal or earthworks;
- noise and vibration impacts during construction comply with the *Interim Construction Noise Guideline* (2009) and *Assessing Vibration: a technical guideline* (2006);
- concern is raised that the monitoring undertaken to establish background noise levels is inconsistent with the *NSW Industrial Noise Policy* (INP) as monitoring was not undertaken at the most effected receiver; and
- it is considered that operational impacts can largely be averted through responsible environmental management measures, particularly with regard to noise minimisation, storage, handling, transport and disposal of wastes, radiation control, and energy and water conservation.

Sydney Water advised that the drinking water main available for connection is the 200mm main located in Weeroona Road, and the wastewater main available for connection is the 225mm main currently being constructed.

The Department has fully considered the issues raised in agency submissions in its assessment of the application.

3.3. Public Submissions

A total of 151 submissions were received during exhibition, of which 150 objected to the proposal and one provided support. The key issues raised in the public submissions include:

- the proposal will lead to increased traffic throughout the adjoining Botanica residential estate and create rat-runs along residential streets;
- Botanica Drive was not designed to accommodate high traffic volumes;
- the increase in traffic throughout the surrounding residential area creates a safety risk to children and the elderly who walk and cycle through the estate;
- both the public and staff vehicle access should be provided via Weeroona Road;
- the proposal would impact on the heritage significance of the surrounding area as it adjoins the State heritage listed Lidcombe Hospital precinct; and
- the proposal would attract associates of anti-social groups such as convicted murders, terrorists and other criminals.

3.4. Applicant's Response to Submissions

The Applicant provided a response to the issues raised during public exhibition within a Response to Submissions (RtS) report.

The RtS included revised plans demonstrating a redesign of the public vehicle access and egress arrangement to Main Avenue. The redesign included removal of the eastern access driveway and establishment of a central island over a short section of Main Avenue. The central island has been designed to restrict vehicles to left-out turning movements only at Main Avenue, therefore preventing the use of Botanica Drive for exiting vehicles.

The RtS was referred to all agencies who raised concerns during the EIS public exhibition period. As the project amendments were considered minor in nature, the RtS was not publicly exhibited. However, the RtS was made available on the Department's website.

The Department also provided notification in writing to all members of the public who made a submission on the EIS, advising that the RtS documentation would be made available on the Department's website. No submissions were received from the public on the RtS.

Council raised no objections to the revised proposal. However, Council confirmed its requirement for the Applicant to obtain consent from Council should any works encroach within any part of Council owned land.

EPA advised that the background noise levels may not have been determined in accordance with the *Industrial Noise Policy* (EPA, 2009) (INP). In the absence of information needed to accurately assess the background noise levels, the EPA recommended specific noise management levels to be applied to the project.

TfNSW confirmed its recommendation that a queuing assessment and intersection analysis be conditioned to ensure the M92 bus route is not impacted by queuing at the staff driveway connecting to Weeroona Road.

RMS raised no objections to the revised public access arrangement. However, it was requested that the access driveway be located as far east as practical, away from the

intersection of Joseph Street to minimise the risk of any vehicular conflicts and potential queuing to the intersection.

OEH Heritage supported the revised proposal incorporating a single entry/exit driveway at Main Avenue as it reduced impact to the existing heritage fabric. OEH Heritage also confirmed its recommendation that interpretation be integrated as part of the development through various pertinent devices, signage and landscaping.

4. ASSESSMENT

4.1. Section 79C Evaluation

Table 2 identifies the matters for consideration under section 79C (see glossary at **Appendix C**) that apply to SSD, in accordance with section 89H of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in Section 4.2 (Key and Other Issues) and relevant appendices or other sections of this report and the EIS, referenced in the table.

The EIS has been prepared by the Applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

Table 2: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Complies - see Appendix B
(a)(ii) any proposed instrument	Not applicable
(a)(iii) any development control plan	See Appendix B*
(a)(iia) any planning agreement	Not applicable
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to development applications (Part 6 of the EP&A Regulation), public participation procedures for SSDs and schedule 2 of the EP&A Regulation relating to EISs
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Appropriately mitigated or conditioned – refer to Section 4.2
(c) the suitability of the site for the development	Suitable – refer to Sections 2.8 and 5
(d) any submissions	Refer to Sections 3.2 to 3.4
(e) the public interest	Refer to Section 1.4
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

* Under clause 11 of the *State Environmental Planning Policy (State and Regional Development)*, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at Appendix B.

4.2. Key and Other Issues

The Department has considered the EIS, the issues raised in submissions and the Applicant's response to those issues in its assessment of the development. The Department considers the key issues to be:

- traffic, access and car parking;
- built form and visual impact;
- noise;
- contamination; and
- heritage.

4.2.1. Traffic, Access and Car Parking

Site Access Arrangements

The application proposes separate vehicle access and egress arrangements for staff and the general public for security and operational purposes.

Staff are proposed to enter and exit the site from the south via a newly constructed internal driveway connecting to Weeroona Road, aligned along the western side of the existing FASS building. This entry and exit point would also be utilised by the Police and for deliveries/couriers to and from the facility including mortuary and funeral vehicles. This entry point would also include a boom gate for security purposes with authorised access only beyond this point. Members of the general public are proposed to enter and exit the site from the north via Main Avenue.

A large number of public submissions raised concern regarding the potential increase in traffic distributed across local roads in the adjoining Botanica residential estate, and in particular along Botanica Drive, as a result of the provision of public access via Main Avenue (as opposed to Weeroona Road or Joseph Street).

RMS raised no objections to the proposal, however, it advised that any suggested access from Joseph Street would be denied for this application and for any future development on the site (noting that access from Joseph Street does not form part of this application).

The Department raised concerns with the Applicant regarding the access and egress arrangements from Main Avenue proposed in the EIS due to the potential increase in traffic that would be experienced along Botanica Drive and the potential for 'rat-running' along local streets, namely Betty Cuthbert Drive, Pepper Tree Road, Jacaranda Avenue, Spotted Gum Avenue and Palm Circuit.

In response to the issues raised during exhibition, the Applicant submitted revised project plans which included amendments to the public vehicle access arrangement. The amendment includes removal of the eastern entry/exit driveway and establishment of a central island over a short section of Main Avenue. The central island will prevent vehicles from turning right when exiting the site, consequently directing vehicles to Joseph Street (via Main Avenue) rather than Botanica Drive.

Figure 8 and **Figure 9** are plans submitted with the EIS and RtS, respectively, which shows the amendments made to the project in response to the traffic issues raised by the Department and the general public.

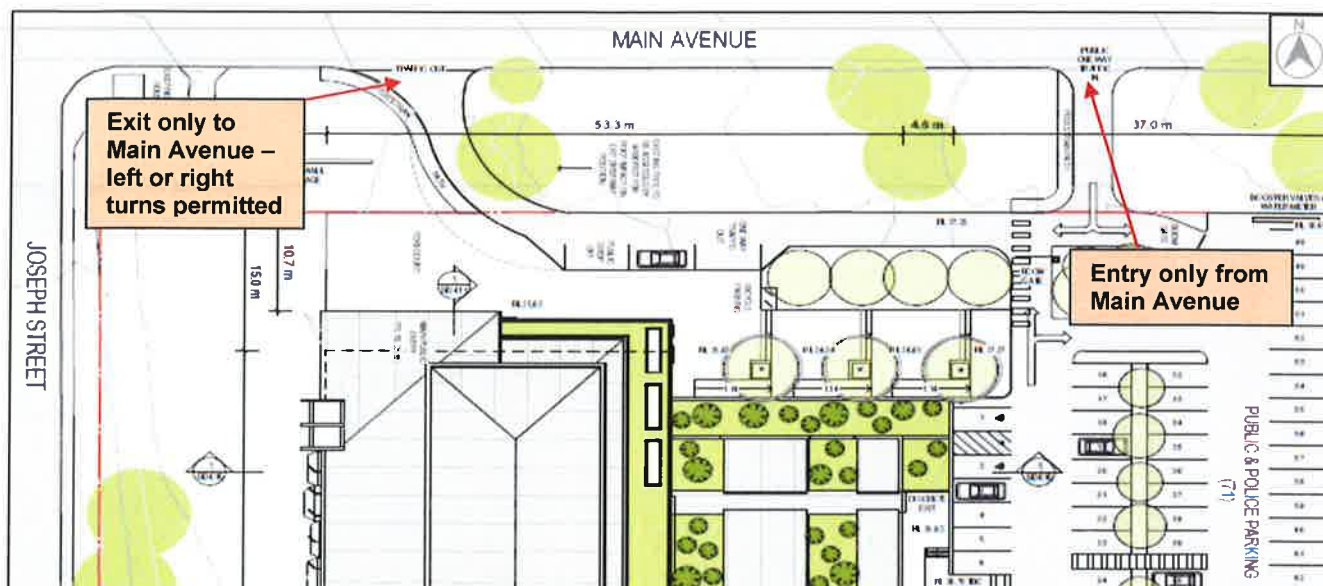


Figure 8: Exhibited access arrangements from Main Avenue, EIS (source: EIS)

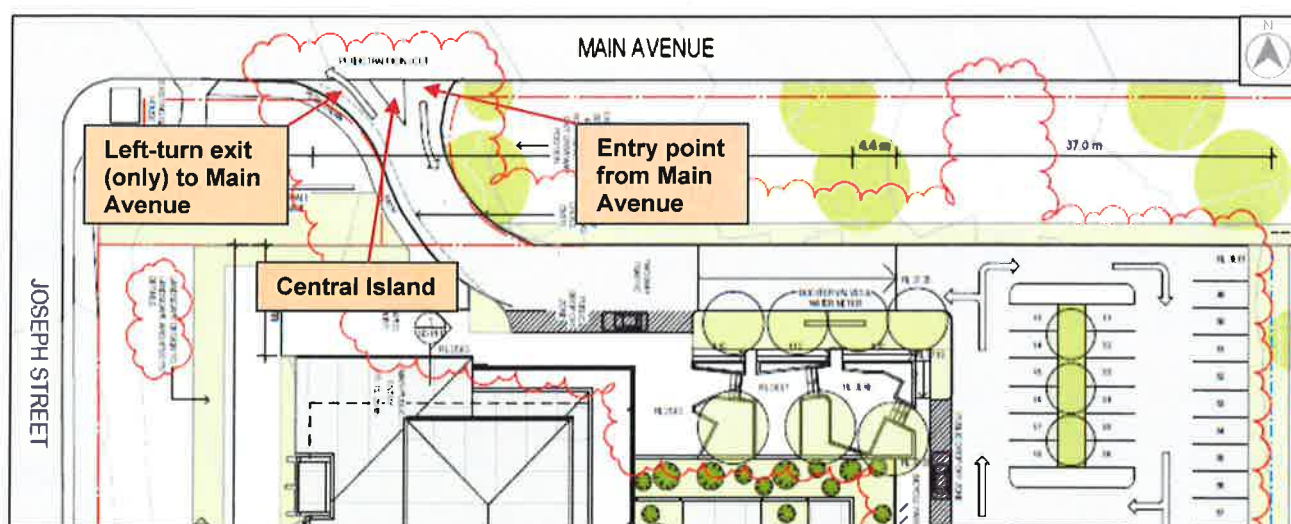


Figure 9: Proposed access arrangements from Main Avenue, RtS (source: RtS)

The Department considers the revised access arrangement submitted with the RtS appropriately responds to the concerns raised in submissions on the potential increase in traffic along Botanica Drive. The proposed arrangements to force left-turn movements only into Main Avenue channels all vehicles towards Joseph Street when departing the site. To ensure this measure is implemented, the Department has recommended a condition that requires the provision of appropriate physical measures, such as a central island, that would prohibit vehicles exiting the public car park from turning right into Main Avenue.

No further submissions were received from the general public regarding the revised public access arrangements as identified in the RtS.

The Department also considered requests made by the public for a single access and exit point for vehicles, from either Weeroona Road or Joseph Street. It is recognised that the separation of public and staff access and egress from the site has been designed for safety and operational purposes. It is also noted that the use of two separate vehicle access points provides traffic benefits through the distribution of traffic across the broader road network. The RtS also confirmed that access from Joseph Street has been denied by the RMS due to its status as a State road. Given the existing constraints, the Department considers the proposed

design of the project comprising separate access and egress points to the north and south (Main Avenue and Weeroona Road, respectively) is appropriate for the site.

Traffic Generation

The EIS assessed daily traffic volumes in the vicinity of the site during the morning and afternoon peak periods. In assessing the existing traffic conditions, a vehicle survey count was undertaken at five key intersections in proximity to the site. Surveys were carried out between the hours of 6:30 am and 8 am (AM peak) and 3:30 pm and 4:30 pm (PM peak). These time periods were surveyed being likely peak arrival and departure times during operation of the proposed facility.

The intersection survey locations are shown at **Figure 10**. The survey results and existing Levels of Service (LoS) are provided at **Table 3**.



Figure 10: Intersection survey count locations (source: EIS)

Table 3: Intersection survey counts and existing levels of service (AM and PM)

Intersection	AM Peak (total vehicles)	Level of Service (AM Peak)	PM Peak (total vehicles)	Level of Service (PM Peak)
Botanica Drive / Joseph Street	4,531	A	4,622	C
Main Avenue / Joseph Street	4,394	A	4,467	A
Joseph Street / Weeroona Road	5,314	F	5,622	D
Main Avenue / Botanica Drive	95	A	109	B
Weeroona Road / Main Avenue	506	A	546	C

The survey results indicate an acceptable LoS is currently experienced across the broader road network at all but one intersection in proximity to the site. The exception is the intersection of Joseph Street and Weeroona Road which is operating beyond capacity during the AM peak (LoS 'F') and near capacity in the PM peak (LoS 'D').

The EIS notes that the proposed development will generate in the order of 155 two-way vehicle trips in the AM peak and 135 two-way vehicle trips in the PM peak, which would be distributed across the road network (as a result of the separate access and egress points for staff and the general public). Details of the predicted number of vehicles arriving and departing the site during these peak periods was included in the EIS and are outlined in **Table 4**.

Table 4: Traffic arrival and departures during AM and PM peak periods

Arrival Point	AM Peak	PM Peak
Main Avenue	93 arrivals	6 arrivals
	3 departures	56 departures
Weeroona Road	59 arrivals	14 arrivals
	0 departures	59 departures

The traffic modelling undertaken for the subject application indicates that the Joseph Street/Weeroona Road intersection would continue to operate beyond its practical capacity, where the average delay exceeds 70 seconds during both peak periods, with and without development. When an intersection operates at a level of Service F, a small increase in traffic entering the intersection would result in the average delay increasing at an exponential rate.

Typically, the traffic impact associated with a development is measured against existing road conditions and, if a negative impact is likely, road or intersection works may be required to counter this impact (to retain the current road conditions following the completion of the development). The traffic analysis in this instance has been undertaken based on a worse case assessment whereby all potential FPCC traffic arrive and depart the site during the key site peak periods, where in reality arrivals and departures would be typically spread throughout the day. The modelled scenario demonstrated that the road network would continue to operate with similar levels of average delay capacity following the completion of the FPCC, if background growth is not included. Incorporating the background growth (1.2%) modelled, the results show that the road network will still continue to operate at a similar level.

A key issue raised in the public submissions was the perceived increase in traffic (particularly along Botanica Drive) and reduced safety for pedestrians, mostly children and the elderly, throughout the Botanica residential estate.

The project's revised access arrangement (discussed above) and recommended conditions ensures vehicles will be denied access to Botanica Drive and surrounding local streets when departing the site. It is acknowledged, however, that existing traffic conditions prohibit right-turn movements from Joseph Street into Main Avenue. Therefore, those vehicles travelling north along Joseph Street seeking to enter the subject site will be required to make use of Botanica Drive to access the public carpark. However, the traffic advice provided in the RtS notes that Botanica Drive is a local road which is currently operating well below its environmental capacity of 200 vehicles per hour. The RtS notes that the increase in traffic predicted as a result of the development (including 93 vehicles in the AM peak and 6 vehicles in the PM peak) is unlikely to have a detrimental impact on the existing traffic conditions or public safety, noting that vehicles will be entering Main Avenue in a number of different ways and from a number of different directions.

No further submissions were received from the general public regarding increased traffic and safety concerns throughout the residential estate following changes identified in the RtS.

TfNSW raised concerns regarding queuing at the staff access driveway which has the potential to impede on traffic flow along Weeroona Road, and specifically on existing public transport operations.

To address TfNSW's concern, the Department has recommended a condition requiring the Applicant to undertake a queuing assessment and intersection analysis to confirm that the 95th percentile queue length from the boom gate located at the staff entry driveway would not impact on general traffic and existing bus operations. The results of the queuing assessment must demonstrate whether queuing during peak periods extends to Weeroona Road and/or impedes on the operation of the M92 bus route. Traffic management measures (should they be required) are to be detailed in the queuing assessment to prevent impacts on existing traffic flows.

The Department is satisfied the number of vehicles generated by the proposal can be adequately accommodated within the existing road network. The recommended condition requiring a queuing assessment and implementation of traffic management measures will mitigate any impacts to traffic flows and public transport operations along Weeroona Road.

Construction Traffic

A Preliminary Construction Management Plan (PCMP) was submitted as part of the EIS for the subject application and construction traffic was also addressed in the submitted traffic report. Construction vehicles are proposed to enter and exit the site via the southern access driveway connecting to Weeroona Road, with the exception of smaller site vehicles which may access the site from the north via the existing driveway connecting to Main Avenue.

Construction vehicles will be required to deliver building and pavement materials to the site and will typically involve the use of articulated vehicles (19 m in length), truck and trailer combinations (up to 20 m in length), concrete agitators and a mix of smaller trucks and vans.

Figure 11 shows the proposed construction traffic routes to and from the site and distribution of construction vehicles across the surrounding road network. It is anticipated that construction traffic will be spread throughout the day, outside of the peak network periods. The specific number of truck movements generated by the construction works is not known at this stage as it is dependent on the final building programme (to be determined when a building contractor is appointed). In this regard, it is intended that the PCMP will be updated to incorporate the anticipated construction traffic volumes in order to assess the degree to which the works are likely to cause impacts on the operation of the local road network. Construction traffic will then be managed to minimise these impacts. On-site parking will be available for construction workers, although contractors and site personnel will be encouraged to car-pool and use public transport to travel to the site.

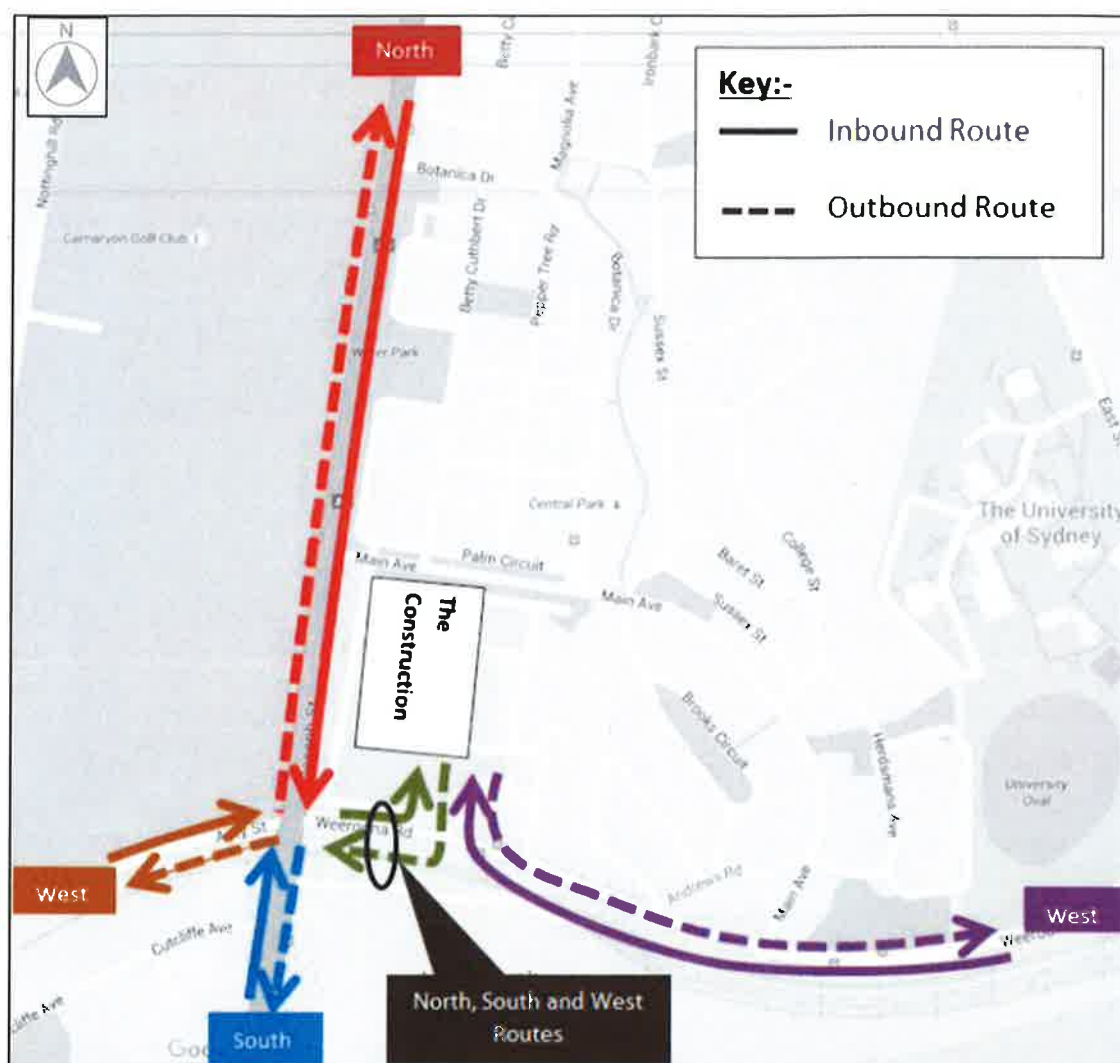


Figure 11: Construction traffic routes to and from the site (source: EIS)

TfNSW recommended in its submission on the EIS that the Applicant prepare a final Construction Traffic Management Plan, which is to outline potential impacts and management measures to existing traffic flows, pedestrians, cyclists and bus services (including the M92 route which travels along Weeroona Road).

The Department considers construction traffic impacts across the broader road network as a result of the development can be managed as part of a final Construction Traffic and Access Management Plan (CTPMP), recommended via condition to be prepared prior to the commencement of construction and to the satisfaction of the Certifying Authority. The CTPMP is required to:

- be prepared by a suitably qualified expert and in consultation with Council and TfNSW;
- confirm details of predicted traffic volumes, types and routes;
- identify potential impacts to traffic, pedestrian access, cyclists routes and bus services including the M92 bus route along Weeroona Road; and
- provide suitable pedestrian and traffic management measures throughout the period of construction.

The Department has further recommended a condition of consent to prohibit construction vehicles from accessing or exiting the site via Betty Cuthbert Drive, Pepper Tree Road or Botanic Drive during the construction phase of the project. The condition is proposed to avoid traffic and noise impacts on residents within the adjacent Botanic residential estate.

Car Parking

The application proposes a total of 188 on-site car parking spaces, comprising:

- 87 spaces for staff (pathology department, counsellors and Coroner's court employees);
- 71 spaces for the general public (friend and relative viewings and public court attendance);
- 12 spaces for Police and funeral staff;
- 12 spaces for back of house uses (couriers, engineers etc.); and
- six pick-up and drop-off spaces.

The car parking arrangement is shown in **Figure 12**.

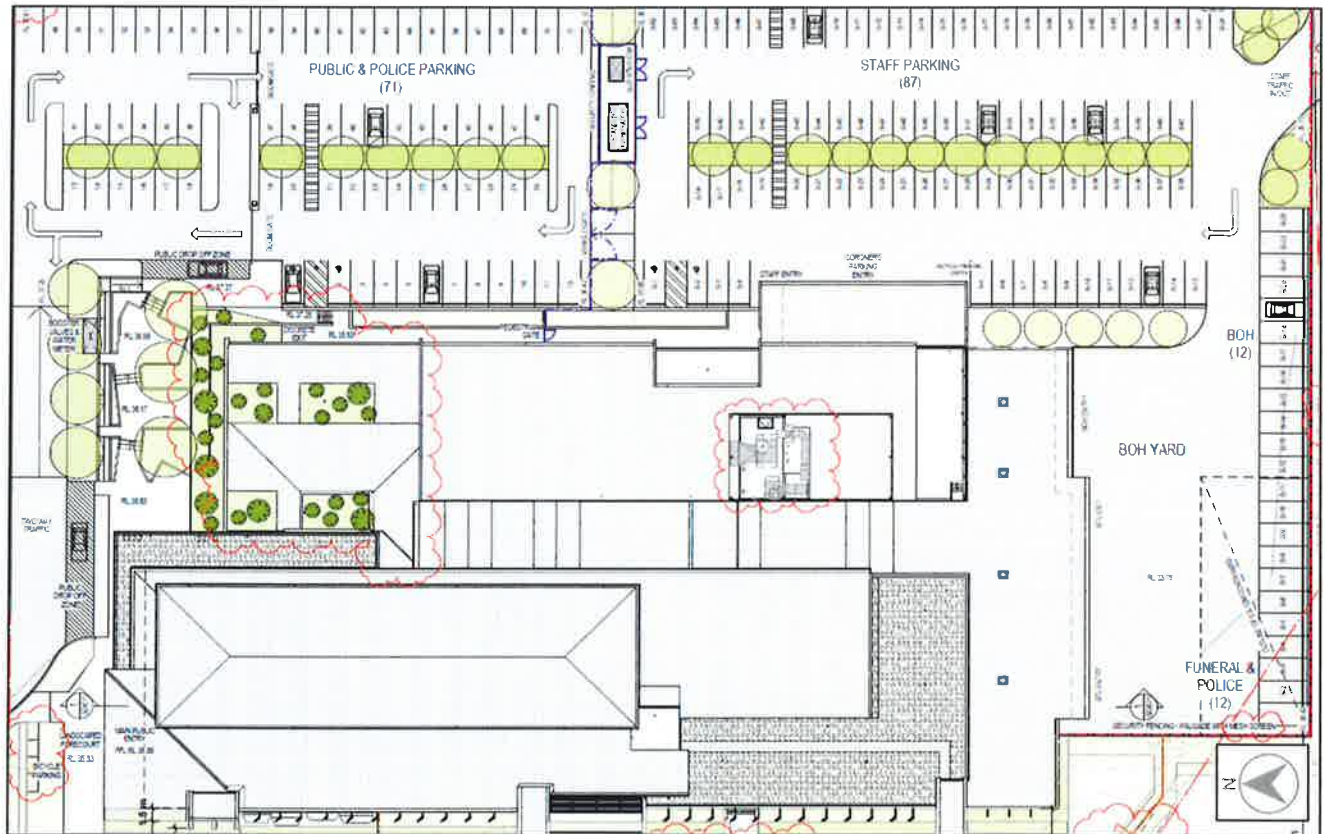


Figure 12: Proposed car parking arrangement (source: RtS)

Car parking rates for commercial land uses in the Cumberland LGA are typically defined under the Auburn DCP. However, the Auburn DCP does not stipulate a rate of car parking for the unique type of use and operational requirements proposed on the site. A car parking demand strategy was therefore included in the EIS, which considered data from comparable health-related sites and on-site observations at the existing NSW Coroner's Court in Glebe.

A maximum car parking demand of 183 car parking spaces was determined for the site, at any one point in time. The breakdown in peak car parking demand and allocation for various user groups is outlined in **Table 5**.

Table 5: Predicted peak car parking demand (source: EIS)

User Group	User Group Type	No People	Peak Demand for Parking	Parking Provision in Design
Staff	Pathology Day Shift & Administration	38	37	87 + 6 = 93 Spaces
	Pathology Afternoon Shift	5	5	
	Pathology Night Shift	2	-	
	Counsellors	6	6	
	Magistrates	5	5	
	Coroner's Court Staff	35	35	
	Sub-Total Staff	91	88	
Other (Back of House)	Funeral directors	15	4	12 + 12 = 24 Spaces
	Couriers	10	3	
	Engineers	2	1	
	Police & security	14	14	
	Coroner's court other	10	3	
	Sub-Total Other	51	24	
Public	Relatives & friends attending viewings	112	28	71 + 3 drop off spaces
	Public attending court	90	43	
	Sub-Total Public	202	71	
All Users	<i>Total</i>		183	188 + 3 drop off spaces

The issue of on-street car parking as a result of insufficient on-site spaces was raised in public submissions. The RtS notes that the parking demand strategy was established based on the theoretical worst-case scenario involving the use of all four courtrooms and all full-time equivalent staff being present on site, at any one point in time. Whilst this event is unlikely to occur, this scenario would create a total demand of 183 on-site car parking spaces, with the application proposing 188 on-site spaces in total. The RtS confirmed that the anticipated parking demand will be significantly lower than the theoretical worst-case scenario and that an adequate number of on-site spaces was proposed.

Council did not raise any concerns with the number of car parking spaces proposed as part of the application.

The Department acknowledges the number of car parking spaces proposed on the site marginally exceeds the predicted maximum demand of 183 spaces. The Department is therefore satisfied that sufficient on-site car parking arrangements are provided as part of the application for both employees and members of the public.

4.2.2. Built Form and Visual Impact

There is a diverse range of land uses surrounding the subject site, including residential, light industrial, educational, recreational uses. The location and orientation of the proposed facility is positioned toward the north-western portion of the site, at the corner of Joseph Street and Main Avenue. The Applicant's *Built Form and Urban Design Assessment* notes this part of the site was chosen as the most appropriate location for the facility following the analysis of existing site conditions and buildings and consideration of impacts on adjacent residential land, whilst also ensuring the facility is identifiable to the general public.

The proposed building would have a maximum height of 13.95 m and consist of three levels. Generous setbacks are proposed from the streetscapes of both Joseph Street and Main Avenue which will reduce the visual impact of the proposed FPCC on existing residences along Palm Circuit, immediately adjacent to the site.

The public interface of the facility is proposed at the corner of Main Avenue and Joseph Street and consists of a landscaped forecourt, café, public car parking area and access points to the building. A large entry atrium would be visible from both Main Avenue and Joseph Street and will act as a focal point for the public interface. The EIS states that the main foyer area will have a frameless glass façades to soften the height and to form an entrance appropriate for a

significant civil building. **Figures 6 and 7** are photomontages of the proposed structure, as viewed from Main Avenue and Joseph Street, respectively.

The EIS considered the three storey structure would have minimal impact on the adjacent residential estate in terms of its height or bulk, particularly as there are several existing buildings on the site of similar height and scale, including the FASS and Mineral Resources buildings. The EIS also determined there to be no overshadowing impacts as a result of the proposed structure on any of the adjacent residential development.

The site is located in the SP2 Infrastructure zone under the ALEP where there are no prescribed building height limits, setback controls, floor space controls or recommended urban design standards. It is noted that Council did not raise concerns regarding the built form or visual impacts as a result of the development. The Department has assessed the proposed building design within the context of the surrounding locality and considers the FPCC is appropriate for the site on the basis that:

- the proposed building height is consistent with the height of existing buildings on the site;
- the contemporary building provides visual interest in terms of its façade design and materials and finishes and is the first building in a government services precinct that will progressively be redeveloped;
- the proposed building has been sited with sufficient setbacks from both Main Avenue and Joseph Street;
- the back of house service have been designed to be placed at the rear of the facility and located to the south, away from public view; and
- landscaping proposed as part of the application will provide an appropriate level of screening.

Accordingly, the Department considers the built form and design of the proposed facility is acceptable for the site. The Department has further recommended the building be designed in accordance with Crime Prevention through Environmental Design principles to ensure that an acceptable level of safety for staff and visitors to the facility is attained and maintained. The Applicant has also committed to a 4 Star Green Star Equivalency rating for the project, demonstrating a commitment to the practice of sustainable design during the design, construction and operation of the facility. Key sustainability provisions include: provision of natural light to the court rooms and internal zones of the building through sky lights and internal courtyards; mixed mode ventilation; and water sensitive urban design solutions in the landscape treatment.

4.2.3. Noise

The EIS included a Noise and Vibration Impact Assessment (NVIA) to address potential impacts on surrounding sensitive receivers. The closest noise sensitive receivers to the site were identified as being:

- the residential catchments to the north along Palm Circuit and to the south-east along Eucalyptus Close (residential receivers);
- the existing FASS building located on the site, to the south-east (commercial receiver); and
- the Carnarvon Golf Club located to the west of the site, on the opposing side of Joseph Street (recreational receiver).

Background noise monitoring was carried out at two locations to establish rating background levels (RBLs), in accordance with the INP. Noise monitoring location 1 was positioned on the western boundary of the site, adjoining Joseph Street. Noise monitoring location 2 was positioned on the northern boundary of the site, adjoining Main Avenue as shown in **Figure 13**. Results of the background noise monitoring are outlined in **Table 6** (noting that the shaded site location is an approximation only and does not reflect the final design footprint).



Figure 13: Noise monitoring locations and surrounding sensitive receivers (source: EIS)

Table 6: Rating background levels (RBLs)

Location	Time Period	RBL – dB(A)	LAeq (period) + dB
Location One (North)	Day (7 am – 6 pm)	50	61
	Evening (6 pm – 10 pm)	49	60
	Night (10 pm – 7 am)	44	59
Location Two (West)	Day (7 am – 6 pm)	47	57
	Evening (6 pm – 10 pm)	46	56
	Night (10 pm – 7 am)	43	54

The Applicant's method of determining the RBLs was an issue raised by the EPA, who considered the establishment of the RBLs were inconsistent with guidance material provided in the *Industrial Noise Policy* (INP), in particular:

- monitoring was not undertaken at the most affected noise sensitive receiver;
- only average weekday and weekend monitoring graphs were provided, rather than daily monitoring graphs; and
- weather conditions observed at the Bureau of Meteorology Bankstown and Olympic Park automatic weather stations during the survey period were not adequately taken into account.

Accordingly, the EPA requested that the Applicant provide a quantitative assessment of RBLs (for the day, evening and night-time periods), in accordance with the INP.

The EPA further advised in its submission that the likely operational noise impacts generated by the proposal would include:

- mechanical plant and equipment (including ventilation and odour control equipment and elevator plant);
- activation of reverse beepers fitted to mortuary, funeral director and Police vehicles, particularly at night and hours outside of normal court sitting hours; and
- waste collection services including truck movements with reversing beepers.

The Department also requested the Applicant undertake additional noise monitoring at adjoining residences and sensitive land uses (at the source) to allow for a thorough assessment of potential construction and operational noise impacts, in accordance with the INP.

In response to the concerns raised regarding the establishment of RBLs, the Applicant confirmed in the RtS that data derived from noise monitoring location 1 was primarily used for the assessment of traffic noise intrusion from Joseph Street, and was not used to establish amenity criteria at nearby residential receivers. The establishment of RBLs at the nearest residential receiver was obtained from noise monitoring location 2, which was removed from any noise-generating activities on site which may otherwise have affected the measured noise levels. Subsequently, the Applicant considered additional noise monitoring was unwarranted as the RBLs outlined in the EIS are representative of the noise levels currently experienced at the nearest residential receiver.

In response to the RtS, the EPA confirmed its previous advice outlined in its submission on the EIS. In the absence of additional noise monitoring carried out strictly in accordance with the INP guidance material, the EPA requested that the following requirements be conditioned:

- a night-time RBL of 40 dBA be assumed for the project;
- all mechanical plant and equipment be selected, installed and operated such that the cumulative noise level does not exceed 45 dBL_{aeq, 15minute};
- noise emitted by mechanical plant and equipment does not exhibit tonal or other characteristics; and
- the Applicant conduct compliance noise monitoring during commissioning of the project to ensure the above measures are met.

In regards to the positioning of noise monitoring location 2 on the subject site (and not at the nearest receiver), the Department is satisfied the RBL derived from monitoring at this location would be representative of the nearest residential receiver. This is due to the close proximity of noise monitoring location 2 to existing residences along Palm Circuit (approximately 50 m) and the absence of any major noise-generating activities in the immediate locality (other than road traffic noise from Joseph Street). Notwithstanding, the EPA's recommendation of a night-time RBL of 40 dBA to be assumed for the project, coupled with the Applicant's compliance with the amenity criteria specified in the INP, will ensure there are no unacceptable noise impacts on surrounding receivers during the day, evening and night-time periods during operation of the facility.

The Department considers the EPA's recommendations to be appropriate and has included these as recommended conditions of consent.

Operational Noise

The NVIA undertook an assessment of the mechanical services noise impact based on preliminary selection of major mechanical plant equipment (i.e. air-handling units, cooling towers, chillers etc.) and schematic design mechanical drawings. Noise levels from mechanical

plant at the most affected noise sensitive residential receiver are predicted to be 44 dBA, thereby compiling with the project noise criteria at nearby sensitive receivers.

The NVIA further notes that as ongoing design of the new building continues, plant selection will be refined, sited and (if necessary) fitted with noise mitigation measures such as attenuators, acoustic louvres or acoustic screening so that the specified noise criteria is not exceeded.

The Department is satisfied that operational noise associated with the proposed building is likely to comply with relevant noise criteria at nearby receivers. It is acknowledged that compliance will be subject to the individual items of plant selected, and the cumulative impact from all items of plant must be considered as part of ongoing design. The Department has recommended conditions of development consent to ensure that the ongoing operation of the facility does not cause noise disturbance to nearby residential properties.

In response to submissions regarding potential noise impacts from increased traffic on the local roads, the Applicant's traffic consultant advised that an assessment was carried out in accordance with the *NSW Road Noise Policy* (RNP). The RNP sets out criteria and procedures for assessing noise resulting from road traffic generated by a new land use development.

For the subject site, Main Avenue would be classified as a sub-arterial under the RNP, which would be assessed based on the average traffic generation over the day (7 am-10 pm) and night (10 pm-7 am) periods. However, as the traffic report presents peak hour generation, the corresponding noise assessment is considered conservative. Furthermore, a worst case assessment has been carried out based on the highest proportional increase in road traffic volumes along Main Street. While the percentage increase in traffic is nearly 100 per cent, the total traffic flow is low. Noise predictions reveal traffic noise exposure to residential premises fronting Main Street would readily satisfy the RNP criteria. While other surrounding roads will experience increases in road traffic as a result of the development, the proportional increases are insignificant by comparison to existing traffic flows.

The Department is satisfied that potential noise impacts from increased traffic as a consequence of the proposed development is acceptable and will not significantly impact on the current amenity enjoyed by adjacent sensitive land uses.

Construction Noise

The *Interim Construction Noise Guideline* (ICNG) (DECCW, 2009) outlines the process of establishing noise management levels (NMLs) to minimise construction noise impacts on nearby sensitive receivers. The NVIA provided NMLs for the project in accordance with the requirements of the ICNG for residential, commercial and active recreation receivers during construction. The NMLs are outlined in **Table 7**.

Table 7: Construction noise management levels

Sensitive Receiver	Noise Limits dB(A)			
	Day (7 am – 6 pm)	Evening (6 pm – 10 pm)	Night (10 pm – 7 am)	'Highly Noise Affected' Noise Level
Residential	57	51	48	75
Commercial	65	N/A	N/A	N/A
Active Recreation Area	70	N/A	N/A	N/A

In accordance with the night-time RBL of 40 dBA (requested by the EPA and recommended by the Department as a condition of consent), the night-time NMLs for residential receivers would be 45 dBA (RBL + 5 dBA).

Modelling of the predicted and mitigated noise levels for construction activities was conducted, the results of which are outlined in **Table 8**. The mitigated noise levels include the use of noise reduction measures including acoustic screening and residential grade silencers.

Table 8: Predicted construction noise levels and mitigated noise levels

Works	Sensitive Receiver	Predicted Noise Level dB L _{Aeq, adj, 15min}	Predicted Mitigated Noise Level dB L _{Aeq, adj, 15min}
Demolition	Residential	80	74
	Commercial	76	71
	Active Recreation Area	79	74
Excavation	Residential	75	67
	Commercial	71	64
	Active Recreation Area	74	67
Sheet Piling	Residential	69	59
	Commercial	66	56
	Active Recreation Area	69	59
Construction	Residential	69	59
	Commercial	74	68
	Active Recreation Area	77	71

Comparing the data from **Table 7** and with **Table 8**, predicted noise levels would exceed NMLs at identified sensitive receivers during works, except at the active recreation area receiver during sheet piling works. Predicted mitigated noise levels would exceed NMLs at identified sensitive receivers during works, except at commercial and active recreation area receivers during excavation and sheet piling works. It is also noted that in the absence of mitigation, the predicted noise levels would exceed 'Highly Noise Affected' levels at residential receivers during demolition and excavation works.

The Applicant has proposed the implementation of additional 'feasible and reasonable' mitigation measures during construction, including the provision of respite periods (1 to 2 hours) when noise levels are predicted or measured to exceed 'Highly Noise Affected' levels and not conducting work outside of standard working hours, unless prior approval is obtained from the Department. It is also proposed to carry out on-going community consultation and attended noise monitoring during construction.

The EPA recommended the following requirements be complied with during construction:

- construction works only be carried out within the hours outlined in the ICNG;
- intra-day 'respite periods' be scheduled for construction activities identified in the ICNG as being particularly annoying to residential receivers;
- conduct a safety risk assessment of construction activities to determine whether it is practicable to use audible movement alarms of a type that would minimise noise impacts; and
- construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside approved construction hours.

The Department is supportive of the EPAs requirements, which are reflected in the recommended conditions of consent. In addition, the Department has recommended a condition that requires the Applicant to prepare a Construction Noise and Vibration Management Plan (CNVMP). The CNVMP is required to:

- be prepared by a suitably qualified expert;
- be prepared in consultation with the noise sensitive receivers where construction noise management levels are predicted to be exceeded;
- identify appropriate feasible and reasonable measures to mitigate construction noise impacts;
- detail noise monitoring procedures;

- establish a complaints management system; and
- adopt any other additional noise mitigation measures outlined in the NVIA.

Subject to compliance with the recommended conditions of consent and implementation of feasible and reasonable noise mitigation measures, the Department is satisfied noise impacts can be appropriately mitigated during the construction phase of the project.

4.2.4. Contamination

The EIS included a Stage 2 Contamination Assessment which was carried out subsequent to a Stage 1 Initial Contamination Assessment completed in December 2015. The Stage 1 assessment concluded that there was a low to moderate likelihood for localised land contamination across the site.

The Stage 2 Contamination Assessment involved the analysis of soil samples obtained from nine boreholes and eight surface sampling points. The analysis of all samples returned results below the human and environmental assessment criteria for commercial and industrial land uses.

Whilst asbestos containing material, including a single fibro fragment, was observed on the ground surface, asbestos was not detected in the soil samples. In accordance with the EPA's *Waste Classification Guidelines, Part 1: Classifying Waste*, fill soils were identified as 'general solid waste' and natural soil horizons below fill soils were identified as 'virgin excavated natural material'. The Stage 2 Contamination Assessment concluded that the site would be suitable for the proposed development, subject to compliance with the following recommendations:

- prior to removing lead-impacted topsoil, an asbestos removal contractor is to be engaged to conduct a systematic inspection for fibro fragments and any such fragments are to be collected and stored in strong, labelled plastic bags for disposal with other asbestos containing materials removed as part of demolition; and
- an unexpected materials management protocol should be implemented during earthworks that is focused on identifying and managing fibro fragments and other potential contamination sources of contamination.

The EPA in its submission also provided a number of recommendations, including:

- a procedure for identifying and dealing with unexpected finds of site contamination, including asbestos containing materials and lead based paint should be implemented, prior to the commencement of works;
- the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* shall be complied with, in particular Part 7 'asbestos waste'; and
- consultation to occur with Safework NSW regarding the handling of any asbestos waste.

The Department has included recommended conditions which reflect the requirements outlined in the Stage 2 Contamination Assessment and the EPA's submission on the EIS and RtS. The Department is satisfied that the application adequately addresses the contamination requirements of SEPP 55 and that the site can be made suitable for its intended use, subject to compliance with the recommended conditions.

4.2.5. Heritage

Non-Aboriginal Heritage

The northern boundary of the site adjoins the former Lidcombe Hospital Heritage Conservation Area (HCA), identified under Part 2 of Schedule 5 of the ALEP 2010 (Heritage conservation areas) and the Lidcombe Hospital Precinct (the Precinct), which is State Heritage listed under the *NSW Heritage Act 1977* (SHR 01744). A small section of works are proposed on the boundary of the HCA/Precinct involving the creation of driveway access to the public carpark from Main Avenue. Both the HCA and the Precinct share the same site boundaries, as shown in **Figure 14**.

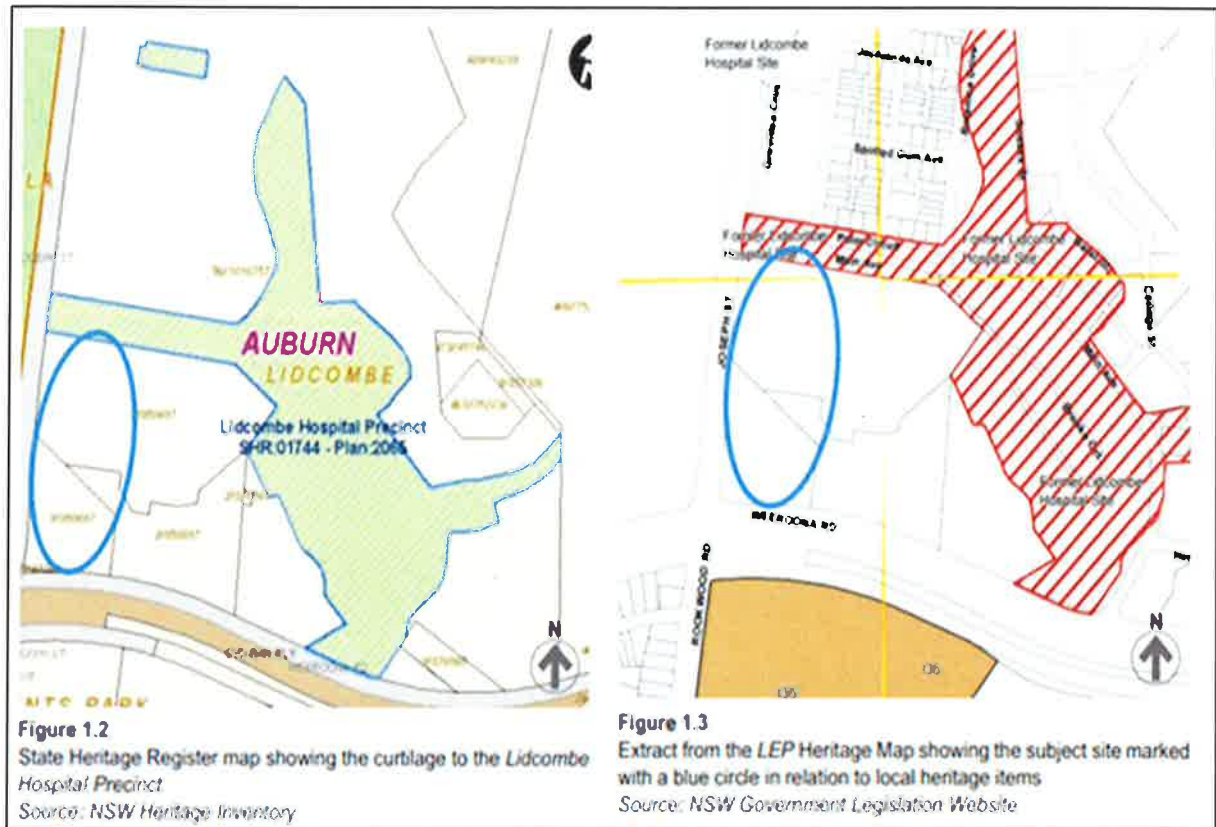


Figure 14: Location of site in relation to Lidcombe Hospital Precinct and Former Lidcombe Hospital Site Heritage Conservation Area (subject site within blue oval) (source: EIS)

The site is also located in vicinity of the Minali Special School, identified under Part 1 of Schedule 5 of the ALEP 2010 (Heritage items), which is located approximately 100 m south of the site.

The heritage significance of the Precinct/HCA relates to its operation as a major State Asylum for the aged and infirmed for over a century between 1893 and 1995. The HCA demonstrates significance with all criteria of the State heritage register and has therefore been described as being of 'outstanding significance' including containing rare and intact architecture and landscaping of the Victorian, Edwardian, Interwar and late-20th Century styles. The Precinct/HCA also demonstrates advancements in health care through the 19th century including principles of Florence Nightingale.

The Lidcombe Hospital Site Conservation Management Plan (CMP) applies to development proposed within and adjacent to the Precinct/HCA. The CMP identifies Main Avenue as possessing landscape significance due the early hoop pine and palm tree plantings. The garden beds along Main Avenue were installed as part of the Botanica residential development (post 2002) and do not possess any historic significance individually, however, they contribute to the overall aesthetic significance of the historic entrance of the Precinct/HCA.

The Minali Special School is of local historic, social and aesthetic significance. The School poses aesthetic significance as an example of the Federation style housing erected in the LGA during the period. The superintendent of the Lidcombe State Hospital resided at the School for many years, and therefore, it also possess social significance.

Of the heritage items in vicinity of the site, the proposal will have the most impact to the Lidcombe Hospital Precinct and HCA as it adjoins and proposes driveway works in this locality. The Statement of Heritage Impact (SOHI) submitted with the EIS concluded that the proposal complies with the requirements of the CMP as it does not impact on vistas along Main Avenue and does not require changes to the alignment or width of the road.

An assessment against the NSW Heritage Manual *Statement of Heritage Impact* guidelines, was undertaken as part of the SOHI which concluded the proposal will not be visible from the significant built components of the Precinct/HCA due to existing buildings and vegetation. Additionally the SOHI notes that as the proposal will sit below the existing mature trees along Main Avenue, the proposal will not visually dominate the conservation area. The SOHI concluded that the proposal would not have an adverse impact on the heritage significance of the Precinct/HCA and that the proposal complies with the heritage requirements of ALEP 2010 and CMP.

The SOHI concludes that the proposal will have no impact on the heritage significance of the Minali Special School due to the degree of separation between the two sites which includes the visual barrier of the railway line and intervening development including the high boundary walls of the Juniperina Juvenile Justice Centre.

The amended site access arrangements as presented in the RtS was reviewed by OEH Heritage, who advised that the amendment is supported due to its reduced impact on the significant fabric of Main Avenue. OEH Heritage further recommended a number of conditions of consent, including:

- the limitation of major signage to the sandstone wall on the corner of Main Avenue and Joseph Street;
- development of an interpretation strategy to convey the heritage significance of the site;
- submission of a revised landscape plan to include additional screen planting adjacent to the street boundaries and amended plantings reflective of the cultural significance of the site;
- protection of any brick kerbing removed along Main Avenue; and
- protection of any archaeological relics discovered during the construction process.

The Department considers the proposed use of the site is related to its former use as a health services facility and therefore maintains the sites historical integrity. The Department is satisfied the recommended conditions of consent, incorporating conditions recommended by OEH Heritage, will ensure the site's existing heritage significance is maintained during construction and the future operation of the facility.

Aboriginal Heritage

An Aboriginal Heritage Due Diligence Report was submitted with the EIS, which included the results of an Aboriginal Heritage Information Management Systems (AHIMS) database search. The Report did not identify any registered Aboriginal site or places within a two kilometre buffer surrounding the site. However, 25 registered Aboriginal sites exist within a five kilometre radius of the site. Two visual site inspections also identified that it was unlikely for the site to contain in-tact samples. The Report concluded that the desktop assessments and site inspections confirmed it was unlikely for Aboriginal objects to be located in the site.

OEH advised in its submission that there were no issues in regards to impacts on Aboriginal cultural heritage.

On the basis of the information contained within the EIS, the Department is satisfied that it is unlikely that the project will impact on any Aboriginal objects. Nonetheless, the following conditions of consent have been recommended to protect any unidentified Aboriginal objects:

- the Applicant is to comply with the recommendations outlined in the Aboriginal Heritage Due Diligence Report submitted with the EIS;
- in the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area and a suitably qualified archaeologist and registered Aboriginal representatives are to be notified to determine the significance of the object; and
- an unexpected finds protocol is also required to be prepared by the Applicant, as part of a recommended Construction Environmental Management Plan.

5. CONCLUSION

The Department has reviewed the EIS and considered advice from government agencies, including Council. Issues raised in both agency and public submissions have been considered and all environmental issues associated with the proposal have been addressed.

The Department's assessment concludes that the built form of the facility is appropriate given the proposed building height is of a similar scale to existing buildings on the site and no overshadowing impacts will occur on the adjacent residential estate.

The Department is satisfied the proposed vehicle access arrangement involving separate access and egress points for staff and the general public is appropriate for operational and safety requirements. This will also ensure that traffic generated by the development will be dispersed across the surrounding road network.

The amendments made to the EIS involving the establishment of a central island on Main Avenue, which will prevent vehicles from exiting the site via Botanica Drive, adequately responds to the concerns raised in the public submissions regarding traffic impacts throughout the adjoining residential estate. An appropriate number of car parking spaces, marginally in excess of the predicted demand, are proposed as part of the application, which will reduce the likelihood of off-site parking on surrounding residential streets.

Conditions of development consent are also recommended to minimise noise during both construction and operation of the facility and address any potential contamination issues that may arise during the construction phase of the project.

The proposal will not result in any adverse heritage impacts.

The Department is satisfied the proposal would provide a significant public benefit through the expansion of essential social infrastructure and improvements to forensic pathology and coronial court services in NSW. The proposal would also provide 250 construction jobs and 91 (transferred) operational jobs. Furthermore, the application is considered to be consistent with the objects of the EP&A Act including ecologically sustainable development, the NSW State priorities, *A Plan for Growing Sydney* and the draft *West Central District Plan*.

The Department has recommended conditions of consent to ensure that the construction and future operation of the facility will maintain the existing amenity of the surrounding locality. The Department is satisfied the application satisfactorily responds to issues raised during the assessment of the project and, therefore, recommends the SSD application be approved, subject to the recommended conditions of consent.

6. RECOMMENDATION

In accordance with section 89E of the EP&A Act, it is recommended that the Minister for Planning:

- a) **consider** all relevant matters prescribed under section 79C of the EP&A Act, as contained in the findings and recommendations of this assessment report and appended documentation; and
- b) **grant consent** to the State significant development application for the construction and operation of the Forensic Pathology and Coroner's Court facility (SSD 7545) at Main Avenue and Weeroona Road in Lidcombe, subject to the recommended conditions of consent; and
- c) **sign** the attached development consent attached at **Appendix D**.

Prepared by: Brent Devine, Senior Planner

Endorsed by:



Karen Harragon
Director

Social & Other Infrastructure Assessments

7/03/2017

Endorsed by:



David Gainsford
Executive Director

Priority Projects Assessments

10/3/17

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning's website as follows.

1. Environmental Assessment
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7545.
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=list_submissions&job_id=7545.
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7545.

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND DCP(S)

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

The aims of the SRD SEPP are to identify SSD and State significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

The proposal is for SSD in accordance with s.89C of the *Environmental Planning and Assessment Act 1979* because it is development for the purpose of a health, medical or related research facility, with a CIV in excess of \$30 million, as defined under clause 14 of Schedule 1 of the SRD SEPP

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a state wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The Stage 2 Contamination Assessment provided in the EIS confirmed that the analysis of soil samples across the site returned results that were below the human and environmental assessment criteria for commercial and industrial land uses. Whilst asbestos containing material, including a single fibro fragment, was observed on ground surface, asbestos was not detected in the soil samples.

The Department has recommended the Applicant submit to the Certifying Authority a Site Audit Report and Site Audit Statement, prepared by an EPA accredited site auditor. The Site Audit Report and Statement must verify that the site is suitable for its intended use, to be submitted prior to the commencement of operation of the facility. In addition, the conditions of consent require the Applicant to comply with the recommendations listed in the Stage 2 Contamination Assessment. The Department is satisfied the application adequately addresses the contamination requirements of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The aim of the Infrastructure SEPP is to facilitate the effective state wide delivery of infrastructure by providing greater flexibility in the location of infrastructure and service facilities, allowing the development of surplus government land, identifying relevant environmental assessment categories for development and relevant matters to be considered and providing for consultation with relevant public authorities.

Schedule 3 of the Infrastructure SEPP requires traffic generating development to be referred to the RMS. The proposal was referred to the RMS who raised no objection to the development, however, it was advised that access to the site from Joseph Street would be denied for any development proposed on the site. The Department notes that access from Joseph Street is not proposed as part of the application.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

The aim of SEPP 64 is to ensure signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

The proposed development includes the establishment of site identification signage on the corner of Joseph Street and Main Avenue and a building identification sign on the main façade

of the building fronting Main Avenue. The Department considers the proposed signage is suitably located and would be compatible with the visual character of the surrounding area.

Auburn Local Environmental Plan 2010 (ALEP)

The development is consistent with the aim of the SP2 Infrastructure zone under the ALEP to provide for infrastructure and related uses. Consideration of the relevant clauses of the ALEP is provided in **Table 1**.

Table 1: Consideration of ALEP 2010

ALEP	Criteria	Department Comment/Assessment
Clause 4.3	Height of buildings	The Height of Buildings Map under the ALEP does not prescribe a maximum height limit for buildings in the SP2 Infrastructure zone. Notwithstanding, the Department is satisfied the proposed structure is consistent with the height of existing buildings on the site and will not have obtrusive impacts on the surrounding residential estate.
Clause 4.4	Floor space ratio	The Floor Space Ratio Map under the ALEP does not prescribe a maximum floor space ratio for buildings in the SP2 Infrastructure zone. Notwithstanding, the Department is satisfied the floor space ratio of the development is appropriate given the size of the Subject Site.
Clause 5.10	Heritage conservation	This clause aims to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views. The Department is satisfied the proposed development will not have an adverse impact on the Lidcombe Hospital Heritage Conservation Area. It is recommended that the Applicant develop an interpretation strategy to convey the heritage significance of the site and conserve any of the brick kerbing that may be required for removal along Main Avenue.

Auburn Development Control Plan 2010

It is noted that clause 11 of *State Environmental Planning Policy (State and Regional Development) 2011* provides that development control plans do not apply to SSD. Notwithstanding, the development as proposed is considered to be generally in accordance with the relevant provisions and controls under the *Auburn Development Control Plan 2010*, particularly in relation to: vehicle access and car parking; stormwater drainage; waste management; accessibility and connectivity; and advertising and signage.

APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
that apply to the land to which the development application relates,
- (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,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note. See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
 - (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.
-

APPENDIX D RECOMMENDED CONDITIONS OF CONSENT