

3 March 2016

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms McNally,

**Request for Secretary's Environmental Assessment Requirements
NSW Health Forensic Pathology and Coroners Court, Lidcombe**

In accordance with Clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), Health Infrastructure (HI) request the issue of Secretary's Environmental Assessment Requirements (SEARs) for the development of new Forensic Pathology and Coroners Court Building at Lidcombe.

The project is a joint collaboration between NSW Health and the NSW Department of Justice and HI is responsible for its delivery. The proposal is consistent with the recent announcement by the State Government to move the facility from Glebe to Lidcombe.

The purpose of this letter is to provide a preliminary environmental assessment and other supporting documentation to allow for the SEARs to be issued.

The Site and Precinct

Locality

The suburb of Lidcombe is located approximately 15km west of the Sydney CBD. Lidcombe town centre is focused around the train station and provides a local shopping and minor commercial precinct. Lidcombe is bordered by the largely residential suburbs of Auburn, Berala, Regents Park, the industrial suburb of Chullora and the Rookwood Cemetery.

The site is approximately 2.2 kilometres south of Lidcombe Town Centre within the Auburn City Council boundaries. The site is surrounded by a range of land uses including:

- Residential immediately to the north and east;
- University of Sydney and TAFE facilities and Rookwood Cemetery further to the north east;
- A golf course immediately to the west;
- Residential further to the west;
- Rail lines and the Juniperina Juvenile Justice Centre immediately to the south; and
- Predominantly industrial uses further to the south.

Health Infrastructure
ABN 89 600 377 397

Level 6, 77 Pacific Hwy, North Sydney NSW 2060
PO Box 1060 North Sydney NSW 2059
Tel. (02) 9978 5402 Fax. (02) 8904 1377
Website: www.hinfra.health.nsw.gov.au

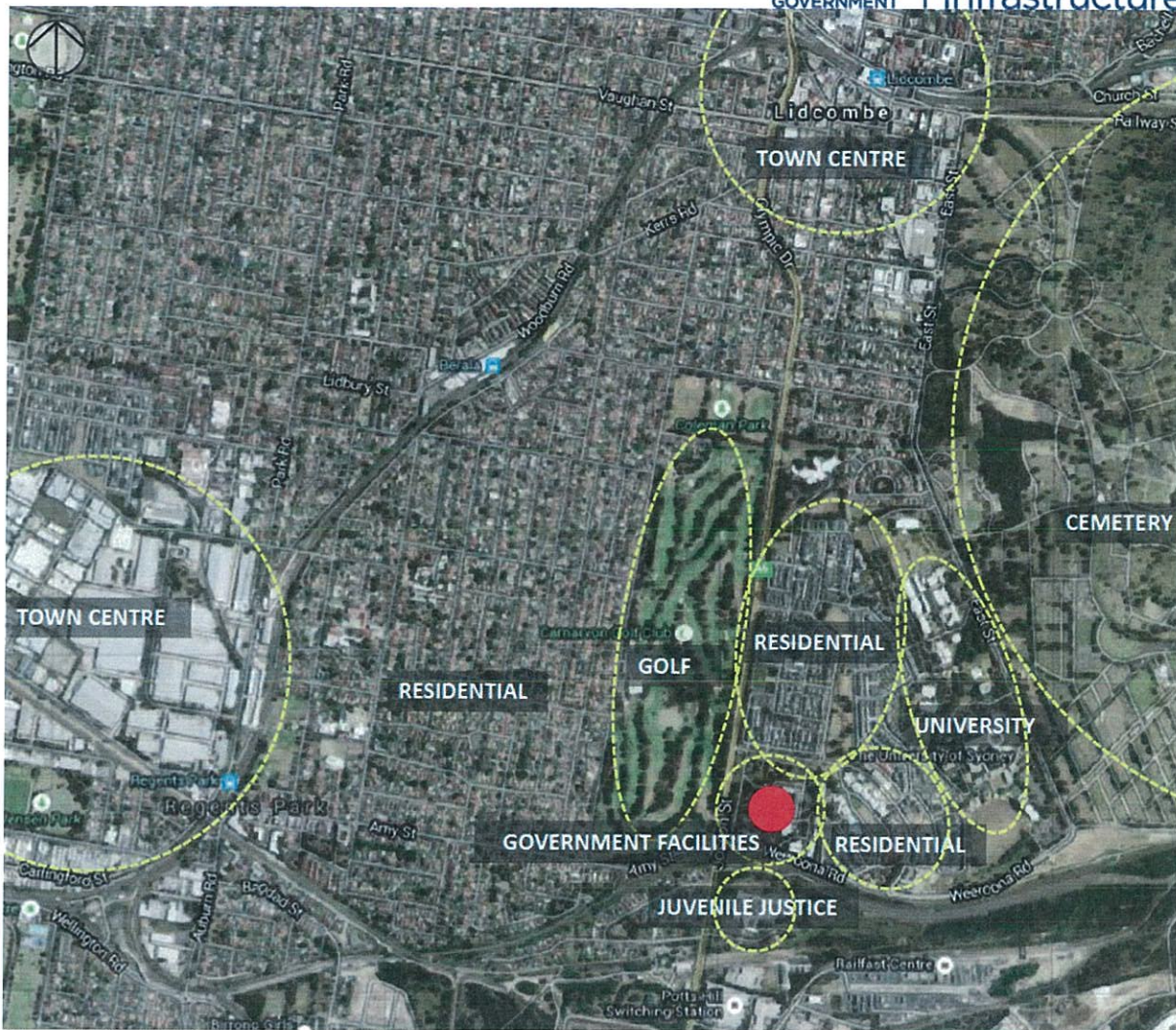


Figure 1 Surrounding area

Precinct Description

The Lidcombe site is located on land owned by the Health Administration Corporation (HAC), bounded by Main Avenue to the north, Weeroona Road and the Southern Freight Line to the south, residential development forming part of the Botanica Estate (former Lidcombe Hospital) to the east and Joseph Street and Carnarvon Golf Course to the west.

The site slopes generally from east to west, with a fall of approximately 14m across the site from its highest to lowest points. The lowest part of the site is along the western boundary, towards the Mineral Resources Research Building in the south west corner of the site. An existing culvert is located towards the middle of the site on the western side.

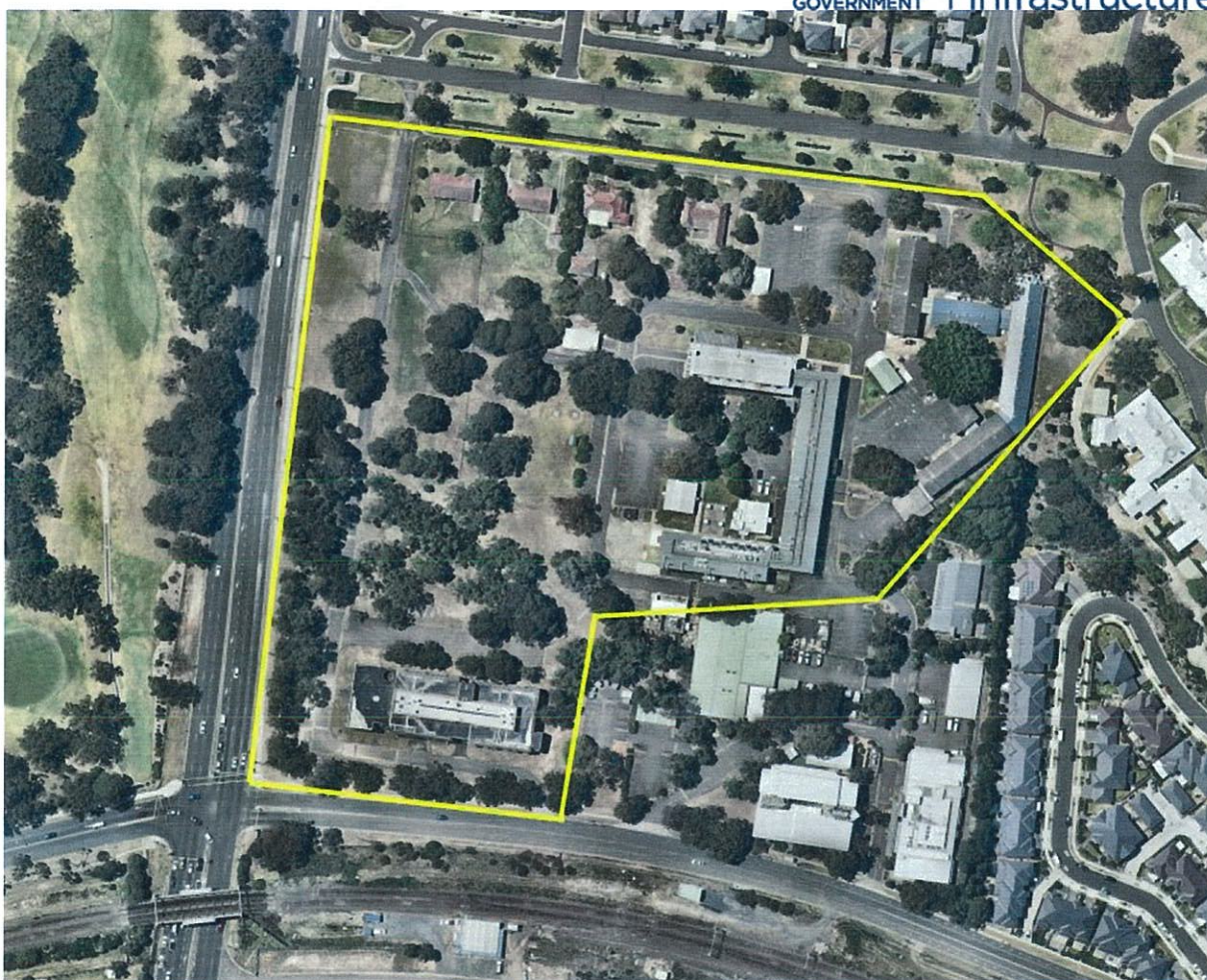


Figure 2 Approximate boundary of Site

The Site

The location for the Forensic Pathology and Coroners Court proposal is in the north western corner of the site with access off Main Avenue, shown approximately outlined in red on Figure 3. This site is owned by HAC.

Other uses/buildings on site include the Forensic & Analytical Science Service (FASS) and Old doctors' residences on the north of the site that have been used as storage by FASS. These will be demolished under Part 5 of the EP&A Act in the near future and do not form part of this proposal.

The site where the facility is proposed is legally described as Lot 1 in DP 850697. Access to the facility will also require use of parts of Lot 3 in DP 860697, also owned by HAC and Lot 2 in DP 860697 owned by the State of NSW (Crown Land).



Figure 3 Location of the facility

Description of proposed development

The proposal is a three (3) level development with a compact footprint located on the corner of Main Avenue and Joseph Street Lidcombe. The building has a maximum footprint of around 5,040sqm. The following is a description of the design and its key features.

- Main public entry point on Main Avenue near the corner of Joseph Street, using a narrow form to minimise the impact towards neighbouring residential development areas to the north.
- The public entry will use the existing road (Main Avenue) for vehicular access.
- All mortuary areas are co-located on one level to maximise functional flow.
- The narrow footprint ensures natural daylight into the mortuary spaces and ensures a minimum number of existing trees are removed whilst retaining the existing adjacent FASS road and security parameters.
- Mortuary and back of house areas are located towards the south to ensure discretion and security is maximised.
- Administrative and staff areas are all located on Level 1 to facilitate collaboration between the stakeholders.
- High quality outlook to the golf course towards the west, as well as good natural

- daylight access.
- Potential for expansion without increasing footprint.

General uses by floor are:

- Ground Floor:** Identification rooms; waiting rooms, Mortuary and laboratories, counselling rooms media/meeting room and back of house.
- First Floor:** Conference Rooms, Court Registry, Police Advocates Offices, Shared Staff Amenity, Forensic Administration, Case Management Unit.
- Second Floor** Courtrooms, Court waiting areas, Interview rooms, Coroner's Office.

Access and Carparking¹

Access to the facility for the public will be from Main Avenue, where a visitor car park (71 spaces) will be available. Access for staff, including Coroners, police, funeral director's vehicles and deliveries will be via a secure internal access road off Weeroona Road. Indicative access arrangements are indicated below in Figure 4. **However carparking and access roads do not form part of this application** and are currently being assessed under Part 5 of the EP&A Act.

A new dedicated secure road will access the facility using the existing entrance off Weeroona Road. A separate staff carpark containing approximately 107 car spaces will be located behind the existing visitor car park and within the secure zone.

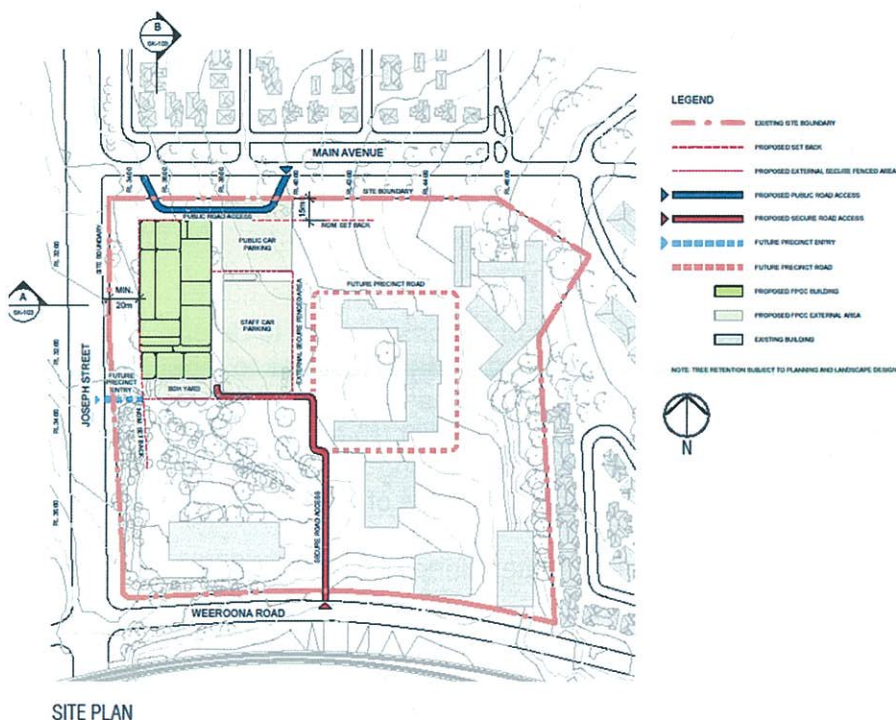
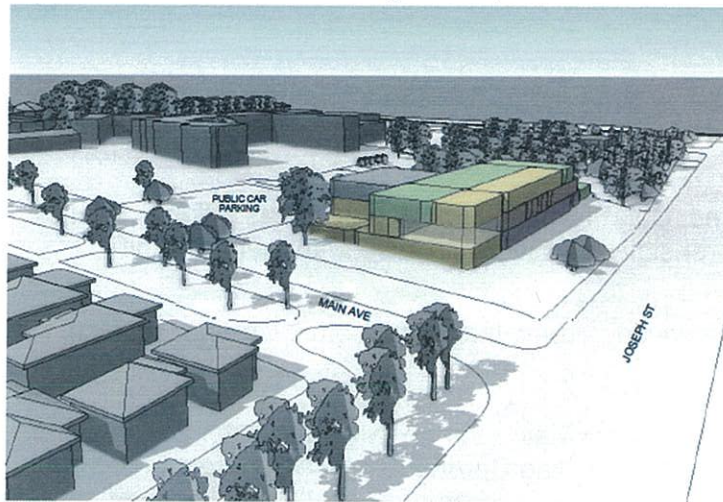


Figure 4 Site Plan

¹ This information is provided for information only as carparking and access roads do not form part of this application.

The building will have a maximum height of approximately 18.5m and is considered to fit within the context of the existing development and environment as shown below in Figure 5.



MASSING MODEL



Figure 5 Massing Model

Need for the Development and Strategic Context

Need for the Development

The offices of the NSW State Coroner and the Department of Forensic Pathology have been located in 50 Parramatta Road Glebe since 1972. The current facilities are operating under considerable stress. Whilst it was refurbished in 1995, the facilities have reached capacity and the end of their economic life and can no longer effectively meet current and future deliverables and government objectives.

A business case was prepared to investigate a range of options in order to determine how to best provide Forensic Pathology and the Coroners Court with the facilities to meet the current and projected demand for services for the southern half of NSW and the greater Sydney metropolitan area for the next 20 years. A total of eight (8) options were originally analysed with additional variation on some of those added during the process. The preferred option, which is the subject of this application, provides a range of benefits for the FPCC service including:

- Delivering the best outcome against the predetermined evaluation criteria as well as providing best value for money;
- Provides the best outcomes based upon the whole of life costs analysis; and
- Best provides for future opportunities to derive benefits and efficiencies from the creation of a forensic precinct at the Lidcombe site (incorporating the FASS and possible future expansion).

Strategic Planning Context

NSW Government 2021 A Plan to make NSW Number One

NSW 2021 was launched in September 2011 and is the NSW Government's 10 year plan to rebuild the economy, return quality services, renovate infrastructure, strengthen our local communities and environment and restore accountability to Government. These goals are reported on annually with agencies structuring their objectives around the State goals. In terms of this project, the key objectives aligning with NSW 2021 are:

- Improving the community's confidence in the justice system;
- Ensuring NSW is ready to deal with major emergencies and natural disasters;
- Delivering high quality customer focused services;
- Providing world class clinical infrastructure for delivery of these and other key services.

A Plan for Growing Sydney

Released in December 2014, A Plan for Growing Sydney is the NSW Government's strategic land use plan. It identifies broad goals for key sectors and further expands on these in the context of special spatial areas of Sydney.

Two directions that are relevant to this project are:

- To undertake long-term planning for social infrastructure to support growing communities; and
- Expansion of health facilities to service a growing population.

Infrastructure Strategy

The State Infrastructure Strategy is an assessment of priority infrastructure problems and solutions for the next two decades for the NSW Government, the community, business and all who have an interest in the success of NSW. The Strategy builds on the NSW Government's existing public commitments and outlines a forward program of more than 70 urban and regional projects and reforms across a range of portfolios including health.

Recommendation 61 states "Upgrade and build new healthcare facilities in accordance with projected demand" over the next 20 years". The Lidcombe facility is consistent with this recommendation.

Planning context

The development the subject of this application comprises a medical research facility with a mortuary and related court and administration complex.

State Significant Development

Clause 8 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) provides that development is declared to be state significant development (SSD) for the purposes of the *Environmental Planning and Assessment Act 1979 (NSW)* (EP&A Act) if:

- the development is not permissible without development consent under Part 4 of the EP&A Act; and
- the development is specified in Schedule 1 or 2.

The development is not permissible without development consent under part 4 of the EP&A Act (see permissibility section below) and the development is specified in clause 14 of Schedule 1 of the SRD SEPP.

Clause 14 of Schedule 1 of the SRD SEPP provides:

Development that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) *hospitals,*
- (b) *medical centres,*
- (c) *health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).*

Part of the proposed development is for the purposes of medical and related research associated with the activities of NSW Pathology (which falls under the relevant Local Health District) and has an estimated Capital Investment Value of \$64 million.

Clause 8(2) of the SRD SEPP relevantly provides that *"If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subclause (1), the remainder of the development is also declared to be State significant development..."*

It follows that the remainder of the development (being the court complex and the mortuary) is also SSD.

Permissibility

Environmental Planning and Assessment Act 1979

Section 89E of the EP&A Act provides as follows:

- (1) *The Minister is to determine a development application in respect of State significant development by:*
 - (a) *granting consent to the application with such modifications of the proposed development or on such conditions as the Minister may determine, or*
 - (b) *refusing consent to the application.*

Note. Section 380AA of the Mining Act 1992 provides that an application in respect of State significant development for the mining of coal can only be determined if it is made by or with the consent of the holder of an authority under that Act in respect of coal and the land concerned.

- (2) *Development consent may not be granted if the development is wholly prohibited by an environmental planning instrument.*
- (3) *Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.*
- (4) *If part of a single proposed development that is State significant development requires development consent to be carried out and the other part may be carried out without development consent:*
 - (a) *Part 5 does not apply to that other part of the proposed development, and*
 - (b) *that other part of the proposed development is taken to be development that may not be carried out except with development consent.*
- (5) *A development application in respect of State significant development that is wholly or partly prohibited may be considered in accordance with Division 4B of Part 3 in conjunction with a proposed environmental planning instrument to permit the carrying out of the development. The Secretary may (despite anything to the contrary in section 54) undertake the functions of the relevant planning authority under Part 3 for a proposed instrument if it is initiated for the*

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purpose of permitting the carrying out of the development (whether or not it contains other provisions).

- (6) *If the determination under section 56 (Gateway determination) for a planning proposal declares that the proposed instrument is principally concerned with permitting the carrying out of State significant development that would otherwise be wholly prohibited:*
- (a) the proposed instrument may be made only by the Planning Assessment Commission under a delegation from the Minister, and*
 - (b) the development application for the carrying out of that development may be determined only by the Planning Assessment Commission under a delegation from the Minister.*

Section 89E(3) applies in the case of this proposal. It allows the Minister to approve a State Significant Development application despite it being only partly permissible.

The proposed medical research facility is prohibited under the Auburn LEP 2010 (ALEP) as it neither permitted with consent nor permitted without consent.

Part of the proposed development consists of a mortuary as defined under the ALEP as *'premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation'*. The mortuary is permitted with consent under the ALEP in the SP2 Zone.

Part of the proposed development consists of a court complex. Clause 76(1) of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides that development for the purpose of public administration buildings may be carried out by or on behalf of a public authority with consent on land in a prescribed zone. A Public Administration Building is defined as *"a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station."* The SP2 Zone is a prescribed Zone and therefore this component of the proposal is permissible.

Part 4 Division 4.1 of the EP&A Act establishes the assessment framework for SSD. Under Section 89D the Minister for Planning is the consent authority for SSD and Section 78A(8A) requires that a development application for SSD is to be accompanied by an Environmental Impact Statement (EIS) in the form prescribed by the Regulations.

Other Planning Policies

In addition to the SEPPs mentioned above, the following policies apply to the site and will need to be considered as part of the SSD application:

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

State Environmental Planning Policy No 33—Hazardous and Offensive Development.

Local Environmental Plans

The Site is zoned SP2 (Research Facility) under Auburn Local Environmental Plan 2013.

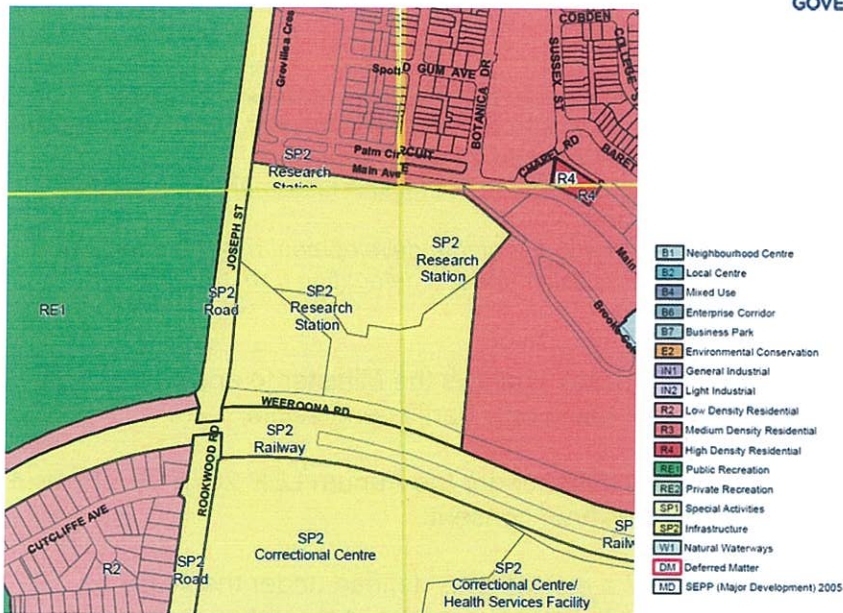


Figure 6 Extract from Auburn LEP 2013

The objectives of the zone are:

- To provide for infrastructure and related uses; and
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The proposed development is completely consistent with the zone objectives.

Development permitted within the zone are:

- The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose
- Business identification signs
- Community facilities
- Environmental facilities
- Freight transport facilities
- Kiosks
- Mortuaries
- Places of public worship
- Recreation facilities (indoor)
- Roads
- Building identification signs
- Car parks
- Depots
- Environmental protection works
- Funeral homes
- Markets
- Passenger transport facilities
- Recreation areas
- Recreation facilities (outdoor)

As outlined above, the mortuary component of the development is permissible with consent. All other uses are prohibited.

There are no other controls that apply to the site within the ALEP.

Preliminary impact identification and risk assessment

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be considered as part of the SSD application:

Trees

An Arboricultural Development Impact assessment was undertaken for the western side of the site to identify the viability for retention and/or removal of existing trees in accordance with AS 4970-2009 Protection of Trees on Development Sites.

On site, 391 trees were identified. A number of these have been recommended for removal as they are environmental pest species, are in poor or declining condition, have decay and cavities within the trunk, have bark inclusions or have active termite infestations. All other trees are viable to be retained with the exception of those trees that have to be removed to make way for construction of the new facility.

Geotechnical

An initial geotechnical report of the site was carried out on the western side of the site which assessed the topographical, geological and geomorphological environment of the site.

The Sydney 1:100,000 Geological Series Sheet (9130 Edition 1 1983) indicates that the site is underlain by Bringelly Shale of the Wainamatta Group. Bringelly Shale typically consists of dark grey to black shale laminate with bands of carbonaceous claystone and lithic sandstone.

The Sydney 1:100,000 Soil Landscape Series Sheet (9130 Edition 1983) indicates that the site is underlain by residual podzolic "Blacktown" soils which may cause potential issues for development as they have moderate reactivity and high plasticity subsoils.

Aerial Photographs of the site from 1943 indicate the landscape at the time comprised of naturally undulating slopes with natural gullies where the existing concrete lined drains are now located. In 1943 the site was a vacant open grassed area with trees located along the western boundary and the centre of the site. The Botany Bay 1:25,000 Acid Sulfate Soil Risk Map (9130S3 Edition 2 1997) indicates that the site is within an area of no known occurrence of acid sulfate soils.

Localised fill areas up to 1.5 m thick were observed south and east of site. Fill material was observed in the car park area located north and south of the abandoned MR building. Similarly, fill was also observed on the eastern boundary of the site associated with the car park and facilities of FASS. Localised fill material is also expected along internal roads and drains.

Hand augers and Dynamic Cone Penetrometer were used at the northern and central areas of the proposed development. Groundwater was not encountered during the investigation.

The depth to bedrock inferred from results is expected to be 1-2 m at the southern end of site.

Contaminated Land

An initial contamination assessment report has been prepared. The report covered historical uses, the environmental context of the site, historical aerial photographs, land title records, WorkCover records relating to dangerous goods and contaminated land records.

The site walkover visually assessed the presence of items that may be a constraint to the development, including signs of contamination, presence of drums, waste material and fill, evidence of bulk storage tanks and the visible presence of asbestos containing materials.

Based on the review of the site, the following potential areas of environmental concern were identified:

- Flammable goods and chemical stores in two locations on-site;
- Hazardous building materials within near surface soils resulting from weathering or demolition of site structures, particularly in the northern portion of the site;
- Drainage lines containing potentially contaminated runoff water from up gradient locations;
- Possible use of pesticides / herbicides; and

There is a low to moderate likelihood for localised land contamination to be present on the site as a result of the historical and current land use.

Traffic & Parking

An initial traffic and parking report has been prepared to determine car parking needs for the facility's staff and visitors. The report also looked at access arrangements and solutions for the control of parking.

Multiple transport modes are available to staff and public, including road, bus and heavy rail. However, neither Lidcombe, Berala nor Regents Park heavy rail stations are readily available, being located a considerable distance from the site, and with minimal connections via other mode share (e.g. bus). Therefore heavy rail is unlikely to be a significant mode share option.

Despite available public bus options, public transport may not offer a viable option for various reasons, including lack of convenience, lack of flexibility, and a lack of services at the required times. However this will be further investigated.

Joseph Street is an arterial road under the management of RMS with no delegated authority to Council. RMS generally requires the development site has direct access from a road other than a classified road. The site has direct access from Main Avenue and indirect access from Weeroona Road, therefore any additional access off Joseph Street would require RMS to agree.

Weeroona Road operates as a local collector road and is managed by Council, linking with East Street to the east. Weeroona Road provides the most appropriate frontage for access to the site in terms of traffic impact. This is also enhanced by the lack of land uses fronting the southern side of the carriageway, which runs parallel to a railway corridor. Access to the overall site is currently provided via three driveways, although the access to the former Mineral Resources Research Building is currently closed.

Main Avenue is classified as a local road serving the residential area to the north and east of the site. There is existing egress from the site onto Main Avenue, although this is currently closed and gated. Access to Main Avenue is via the priority intersection with Joseph Street, which provides left-in and left-out movements and a deceleration lane for southbound vehicles.



Using Main Avenue to provide public access will assist in distributing the traffic activity associated with the development across different parts of the road network. This is also relevant to the planning of the internal site arrangements and the ability to separate public traffic with that associated with the operation of the building.

Archaeology and Heritage

An Archaeological and Heritage study is currently underway. Main Avenue and the adjacent former Lidcombe Hospital site are included in a general Conservation Area identified by the Auburn LEP. There are no other known heritage listings in the vicinity.

Request for Secretary's Environmental Assessment Requirements

On the basis that the proposal falls within the criteria identified in Schedule 1 of the State and Regional Development SEPP, Health Infrastructure formally request that the Department of Planning and Environment issue the SEARs to facilitate the preparation of the Environmental Impact Statement to accompany the development of the NSW Health Forensic Pathology and Coroners Court, Lidcombe.

If you require any additional information, please contact Leoné McEntee on 9978 5420 or 0410 432 505.

Yours sincerely
Health infrastructure

Sam Sangster
Chief Executive

