



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
Northside Mental Health Facility, St Leonards
(SSD 7588)**



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

November 2016

ABBREVIATIONS

Applicant	Ramsay Health Care
CIV	Capital Investment Value
Consent	Development Consent
DA	Development Application
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
INP	Industrial Noise Policy
LoS	Level of Service
Minister	Minister for Planning
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RAP	Remedial Action Plan
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SSD	State Significant Development
UST	Underground Storage Tank
WLEP	Willoughby Local Environmental Plan 2012

Cover Photograph: Photomontage of Proposed Northside Mental Health Facility (*source: EIS*)

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EXECUTIVE SUMMARY

This report is an assessment of a State significant development (SSD) application lodged by JBA Urban Planning Consultants Pty Ltd, on behalf of Ramsay Health Care (the applicant), seeking consent for the construction of a mental health facility in St Leonards.

The project has a capital investment value (CIV) of approximately \$60.5 million and would create approximately 152 construction jobs and 140 operational jobs.

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

The site is zoned IN2 Light Industrial under the Willoughby Local Environmental Plan 2012 (WLEP) where health services facilities are a prohibited use. However, under clause 72 of Schedule 1 of the WLEP, development for the purpose of a hospital (which encompasses the definition of health services facilities) is permitted with development consent on certain land at 10 Herbert Street, St Leonards (the subject site).

The Environmental Impact Statement (EIS) was exhibited from 14 July 2016 until 29 August 2016. The Department received five submissions during the exhibition of the application, all from public agencies. No public submissions were received. The key matters raised in the agency submissions included the built form and architectural design of the building, traffic impacts and stormwater management. The applicant provided a Response to Submissions which included further detail regarding the key issues raised.

The Department has considered the merits of the proposal and assessed the key issues raised in the agency submissions. The Department has also assessed matters associated with site contamination, increased traffic generation, car parking, noise and developer contributions. The Department is satisfied that the impacts of the proposed development have been addressed in the EIS and Response to Submissions, and can be adequately managed through the recommended conditions of consent.

The Department considers the application is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) including ecologically sustainable development, State Priorities and *A Plan for Growing Sydney*. The Department is satisfied 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.

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1. BACKGROUND AND PROPOSED DEVELOPMENT

1.1 Background

JBA Urban Planning Consultants Pty Ltd, on behalf of Ramsay Health Care (the applicant), propose to construct a mental health facility at St Leonards. The proposed development involves construction of an eight storey, 112 bed mental health facility with associated offices, treatment rooms and 139 car parking spaces.

1.2 Site Description

The site is located at 10 Herbert Street, St Leonards in the Willoughby local government area and has approximately 100 m frontage and site access to Frederick Street. The site covers an area of approximately 5,789 sqm and is located 6 km north of the Sydney central business district and 600 m north of St Leonards train station.

The site is situated in a light industrial precinct that is dominated by warehousing and retailing uses. These include: the SBS Television Studios and Kennards self-storage units located to the north on the opposing side of Frederick Street; a Telsa Motors car showroom immediately adjacent to the east; and large warehousing complexes located to the south and west which are used for a diverse range of retailing and commercial uses. The Royal North Shore Hospital and medical precinct is located approximately 200 m south of the site.

The site context and site location are shown at **Figure 1** and **Figure 2** respectively. Buildings within the site boundary shown in **Figure 2** have since been demolished via a complying development certificate and the site cleared in preparation for construction, as shown in **Figure 3**.

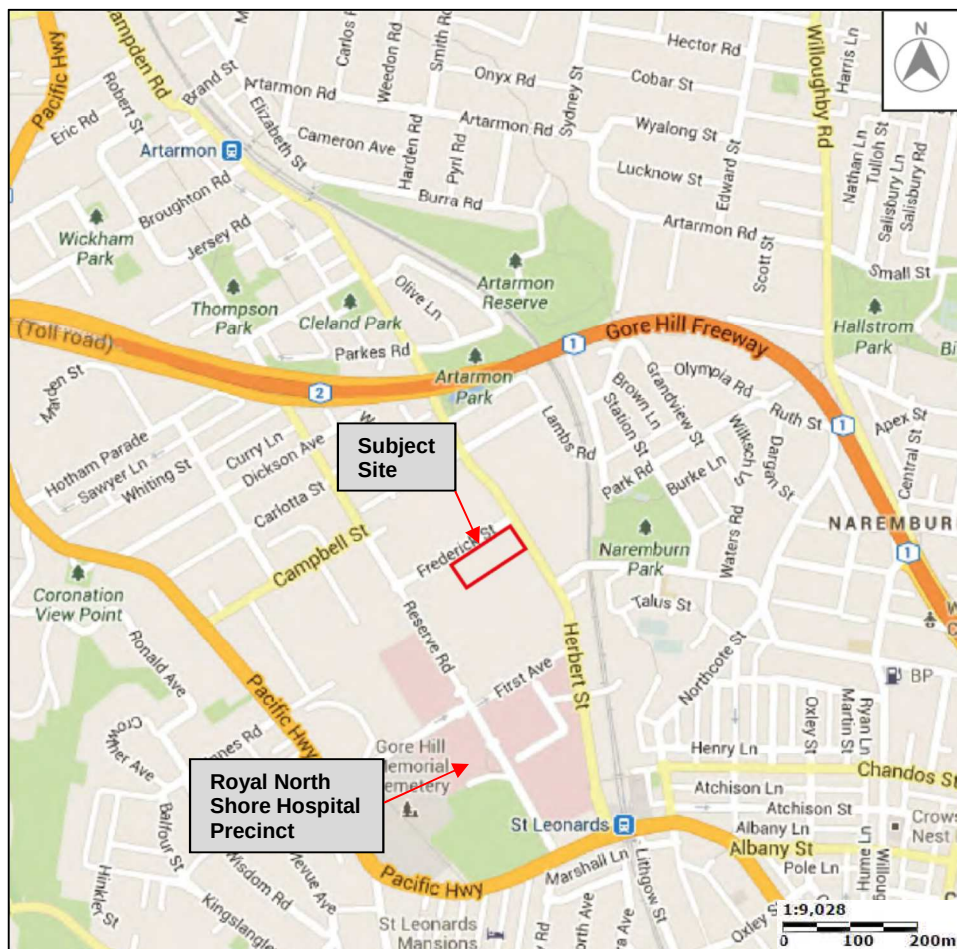


Figure 1: Site Context – Proposed Northside Mental Health Facility, St Leonards (source: EIS)



Figure 2: Site Location and Surrounding Developments (source: EIS)

Existing development adjoining the site is shown in **Figure 3**, whilst **Figure 4** shows existing development located to the north of the site, on the opposing side of Frederick Street.



Figure 3: Proposed Site for a Mental Health Facility – Frederick Street, St Leonards



Figure 4: Development to the North – SBS Television Studios on Frederick Street, St Leonards

1.3 Project Description

Table 1 provides a summary of the proposal's key components and features. **Table 2** provides a description of components and features on each level of the proposed building.

Table 1: Key Development Components

Development Summary	• remediation and site preparation works including the removal of five native street trees; • construction of a mental health services building comprising 112 beds and 25 consulting suites; • associated offices, treatment rooms, kitchens, dining and lounge rooms; • 139 car parking spaces; • building identification signage; • landscaping works; and • augmentation of infrastructure services, where required.
Height	Maximum of 40 m (eight storeys)
Gross Floor Area (GFA)	9,309 sqm
Capital Investment Value	\$60,500,000
Jobs	152 during construction and 140 once operational

Table 2: Components and Features Per Floor

Ground Floor	GFA of 271 sqm comprising; • five consulting rooms with waiting and support staff areas; • 81 staff car parks; • loading dock and ambulance bay; and • refuse, storage and mechanical services rooms.
First Floor	GFA of 657 sqm comprising; • the main entry and lobby area; • the main reception area; • pedestrian access from Frederick Street;

	• seven consulting rooms with waiting and support staff areas; • medical records room; • small café; • patient drop-off area for five vehicles; • 58 car parking spaces; and • storage and mechanical services rooms.
Second Floor	GFA of 2,353 sqm comprising; • six consulting rooms with waiting and support staff areas; • group, interview, art and massage rooms; • dining room and kitchen; and • garden and outdoor dining areas.
Third Floor	GFA of 1,447 sqm comprising; • seven consulting rooms with waiting and support staff areas; • executive and clerical staff offices; • electroconvulsive therapy ward; • education rooms; • gymnasium; • staff change rooms; and • plant rooms.
Fourth to Seventh Floors	GFA of 1,233 sqm (level 4), 1,233 sqm (level 5), 1,077 sqm (level 6) and 1,038 sqm (level 7) comprising; • patient rooms, each with ensuite bathroom; • nurses station and offices; • group room and lounge areas with balconies; and • plant rooms.
Roof Level	• plant rooms.

Built Form and Urban Design

The EIS states that the design intent is to provide a high quality mental health care facility that meets the needs of staff, patients and visitors. The following built form design principles have been applied to the proposed development:

- consulting suites are located towards the street, providing activation and casual surveillance opportunities;
- appropriate boundary setbacks are provided to the main hospital building;
- a landscaped podium/terrace which will provide outdoor space to a number of staff and patient rooms;
- car parking areas are located behind more active uses and screened from view; and
- drop-off, loading dock and ambulance bay facilities have been strategically located for ease of access and egress.

The building's lower floors (from ground level to Level 3) incorporate consulting rooms that open to the landscaped terrace. The upper floors of the building (from Levels 4 to 8) have an internal L-shaped design that is conducive to a ward/hospital type structure.

Figures 5 and 6 are indicative views of the proposed building from Frederick Street and Herbert Street, respectively.



Figure 5: Indicative View from Frederick Street, St Leonards (source: EIS)



Figure 6: Indicative View from Herbert Street, St Leonards (source: EIS)

Car Parking

A total of 139 car parking spaces are proposed, comprising 81 staff car parks at ground level and 58 visitor car parks at Level 1. Separated access/egress points to both the visitor and staff car parking areas would be provided from Frederick Street. The proposed car parking arrangement including entry points are shown at **Figures 7 and 8**.

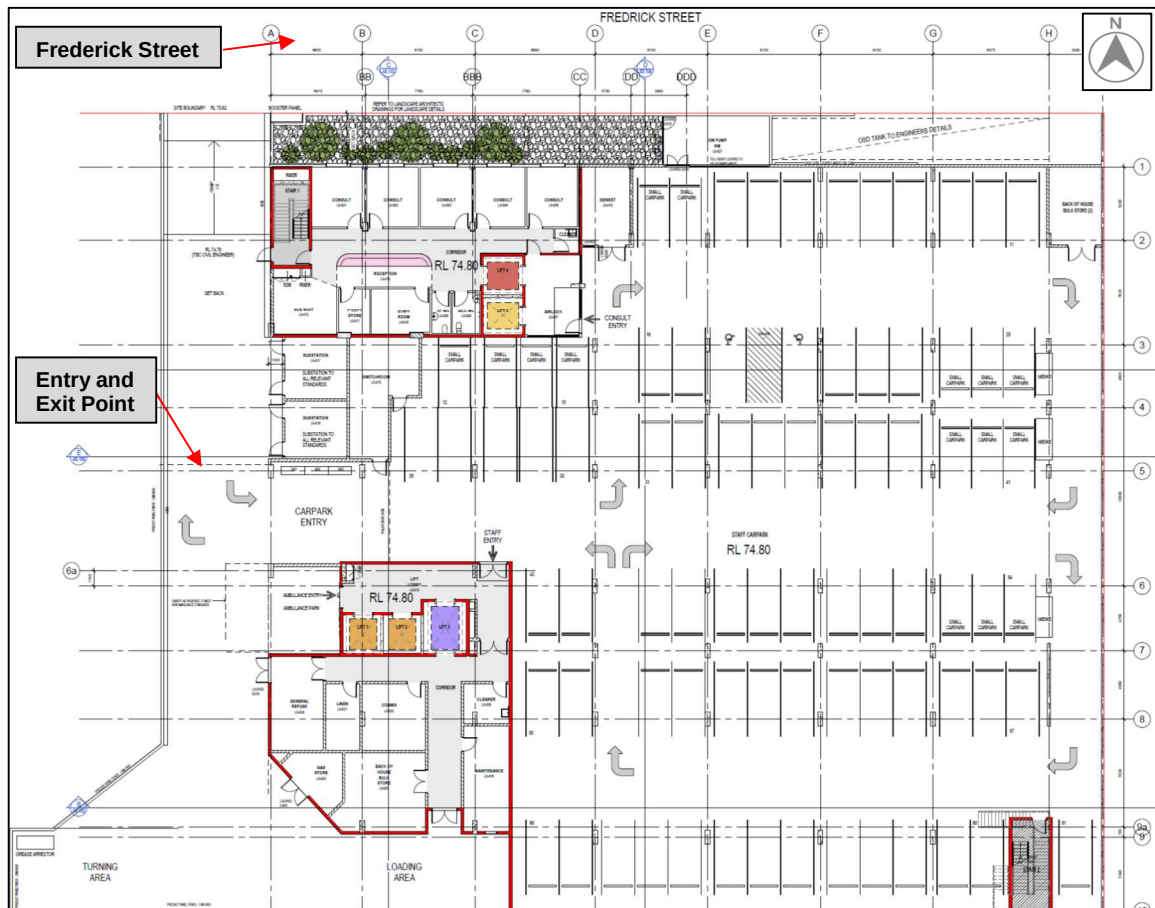


Figure 7: Proposed Ground Floor Car Parking Arrangement (source: EIS)

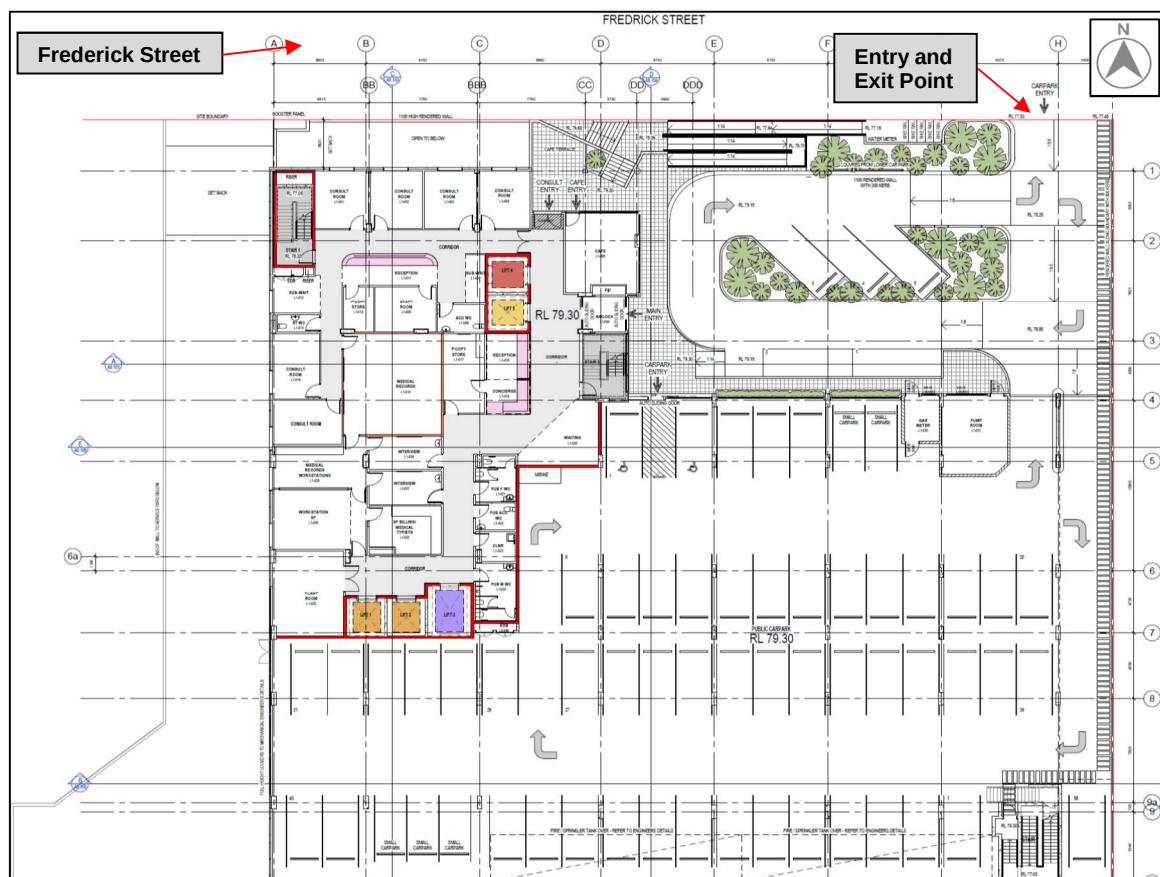


Figure 8: Proposed Level 1 Car Parking Arrangement (source: EIS)

Signage and Landscaping

Five identification signs are proposed on the façade of the building, as shown at **Figure 5**. The signage is intended to be integrated into the building design and assist visitors to identify the building's main entrance.

The proposed landscaping design involves shrub and feature tree plantings between the proposed building and Frederick Street with planter beds proposed to support a green wall along the car park boundary. Planter boxes would also be installed to the external terraces. Five existing street trees along Frederick Street are proposed for removal, to be replaced with more appropriate smaller trees. The existing native street trees (Paper Barks) are in relatively poor condition due to continual pruning to avoid contact with overhead powerlines.

1.4 Project Need and Justification

According to the Australian Institute of Health and Welfare, around 7.3 million or 45 per cent of Australians aged 16 to 85 will experience a common mental health related condition such as depression, anxiety or a substance use disorder in their lifetime. The ongoing effects of mental health related illness can have severe and lasting consequences on both individuals and their families.

The proposed development will provide mental health services including inpatient and day patient clinical services for those affected by drug and alcohol dependency, acute psychiatry, mood disorders and eating disorders. It is anticipated the facility will have over 2,200 inpatient admissions and over 9,000 day patient admissions annually.

Construction and operation of the facility is considered to be justified on the basis of a growing need for additional mental health services and facilities across Sydney, and particularly on the lower north shore, northern beaches and upper north shore area. The proposed development will also provide approximately 152 jobs during construction and 140 jobs once operational largely in the fields of medicine, nursing and administration.

2. STATUTORY AND STRATEGIC CONTEXT

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

The proposal is classified as State significant development as it 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. Delegated Authority

In accordance with the Minister's delegation dated 16 February 2015, the Executive Director, Priority Projects Assessments can determine the application as Willoughby City Council (Council) has not objected to the proposal, no political disclosure statement has been made and no public submissions in the nature of objections have been received.

2.3. Permissibility and Zoning

The site is zoned IN2 Light Industrial under the Willoughby Local Environmental Plan 2012 (WLEP) where health services facilities are prohibited. However, under clause 72 of Schedule 1 of the WLEP, development for the purpose of a hospital (the definition of which encompasses health services facilities) is permitted with development consent on certain land at 10 Herbert Street, St Leonards (the subject site). The proposal is, therefore, permissible with consent.

2.4. Environmental Planning Instruments

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

2.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in section 5 (see glossary at **Appendix C**). The proposal complies with the objects of the Act as it would encourage the provision of community services and facilities by providing a public service for those with a mental health illness. The proposal also supports the orderly development of land for social infrastructure, thereby encouraging the provision of land for public purposes.

2.6. 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 the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project. The Conservation of Biological Diversity and Ecological Integrity is acceptable given the proposal is located on a previously developed site and will not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. Improved Valuation, Pricing and Incentive Mechanisms have been considered by avoiding, reusing, recycling and managing waste during construction and operation of the proposal to ensure responsible usage of environmental resources.

The proposal is considered to be consistent with ESD principles as described in Section 5.6.1 of the EIS, which has been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation.

2.7. 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.

2.8. Strategic Context

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

- it is consistent with the NSW State Priorities to create jobs and build infrastructure to ensure the residents of NSW have access to adequate health infrastructure and services;
- it is consistent with *A Plan for Growing Sydney* as it provides for the expansion of health services and facilities to support Sydney's growing population; and
- it is consistent with the *State Infrastructure Strategy Update 2014* which recommends opportunities for a better mix of services from the private sector to deliver infrastructure and public health services.

2.9. Secretary's Environmental Assessment Requirements

The EIS is compliant with the Secretary's Environmental Assessment Requirements (SEARs) 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 exhibited the EIS from 14 July 2016 until 29 August 2016 (a total of 47 days). The EIS was made available on the Department's website and for viewing at the following locations:

- Department of Planning and Environment, Information Centre, Sydney; and
- Willoughby City Council, Chatswood.

The Department advertised public exhibition of the application in the Sydney Morning Herald, Daily Telegraph and North Shore Times on 13 July 2016. Relevant State and local government authorities and adjoining landowners were also notified in writing.

The Department received five submissions from public authorities during the exhibition period. No submissions were received from the general public. A summary of the key issues raised in the agency's submissions is provided below.

3.2. Public Authority Consultation and Submissions

Council, Transport for NSW (TfNSW), the Environment Protection Authority (EPA), Sydney Water, and Roads and Maritime Services (RMS) provided comments for consideration in the Department's assessment of the application. A summary of the issues raised is provided below.

Willoughby City Council provided the following comments for consideration:

- medical and health services should operate in conjunction with, or ancillary to, the hospital use of the site to ensure health services of a general commercial nature are not located in a business centre;
- the built form must be well designed to ensure the proposal is not visually overwhelming;
- a podium tower treatment should be considered to provide a better transition of scale between the proposed building and surrounding developments, provide additional outdoor spaces, and improve outlooks from inside the building;
- a total of 140 car parking space should be provided in order to comply with Part C.4 of the Willoughby Development Control Plan (DCP);
- the driveway, car parking layout and loading area are to comply with the relevant Australian Standards; and
- the stormwater management plan should be redesigned to allow overflow of the proposed on-site detention centre to be discharged to Frederick Street without causing any extra runoff to downstream properties.

Transport for NSW provided the following comments for consideration:

- a detailed Construction Traffic Management Plan (CTMP) should be prepared for the site as construction may impact on the Epping to Chatswood rail closure whereby buses will be utilising Herbert Street and possibly Frederick Street for layover;
- bicycle parking and end of trip facilities for staff and visitors should be provided in accordance with Cycling Aspects of Austroads Guides (2014); and
- a location-specific travel plan and access guide should be prepared to promote public transport usage, cycling and walking.

The Environment Protection Authority advised that an Environmental Protection Licence may be required should the proposal involve any of the Scheduled Activities listed under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act).

Sydney Water advised that the drinking water main available for connection is the 150 mm main located in Frederick Street, and the wastewater main available for connection is the 225 mm main constructed within the front of the property.

Roads and Maritime Services advised there were no objections to the proposal.

The Department has fully considered the issues raised in submissions in its assessment of the development at Section 4 of this report.

3.3. 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 further information and justification with regards to:

- construction traffic, including the submission of a draft CTMP;
- the built form and architectural components of the proposed building; and
- onsite stormwater management.

The RtS was referred to Council, TfNSW and EPA for comment.

Council advised there was no further need for comment, subject to the Department adequately assessing the additional information provided in respect to stormwater management.

TfNSW recommended the applicant provide a more detailed timetable for construction activities in the CTMP, and that any delay in construction which may infringe on the planned Epping to Chatswood rail closure in 2018 is to be communicated to TfNSW in advance.

EPA advised there were no further comments given the proposal does not constitute a Scheduled Activity under Schedule 1 of the POEO Act.

4. ASSESSMENT

4.1. Section 79C Evaluation

Table 3 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 3: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Complies - refer Appendix B
(a)(ii) any proposed instrument that is or has been the subject of public consultation	Not applicable
(a)(iii) any development control plan	Refer Appendix B*
(a)(iia) any planning agreement	Not applicable
(a)(iv) the regulations	The DA satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to DAs (Part 6 of the EP&A Regulation), public participation procedures for SSD's 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 Section 2.8 and Section 5
(d) any submissions	Refer to Section 3.2
(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 these issues in its assessment of the application. The Department considers the key issues to be:

- built form and architectural design;
- traffic and car parking; and
- stormwater management.

4.2.1. Built Form and Architectural Design

The proposed development would be a maximum of 40 m in height (eight storeys) and consist of an L-shaped built form design with frontage to Frederick Street. The structure would also be visible from Herbert Street. The site is located in the IN2 Light Industrial zone under the WLEP where there are no prescribed building height limits, setback controls or recommended urban design standards. **Figures 9 to 12** illustrate the proposed building elevations.

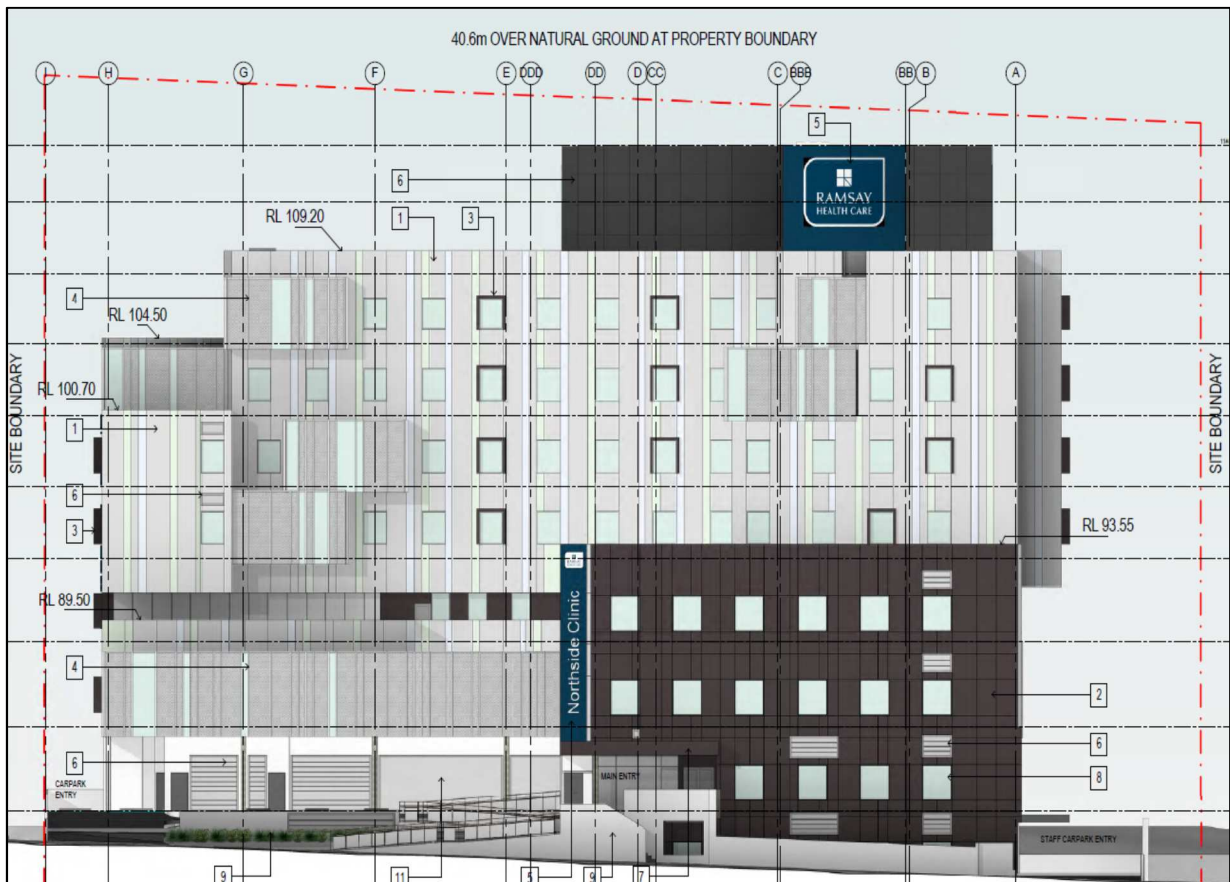


Figure 9: Northern Elevation (Fronting Frederick Street) (source: EIS)

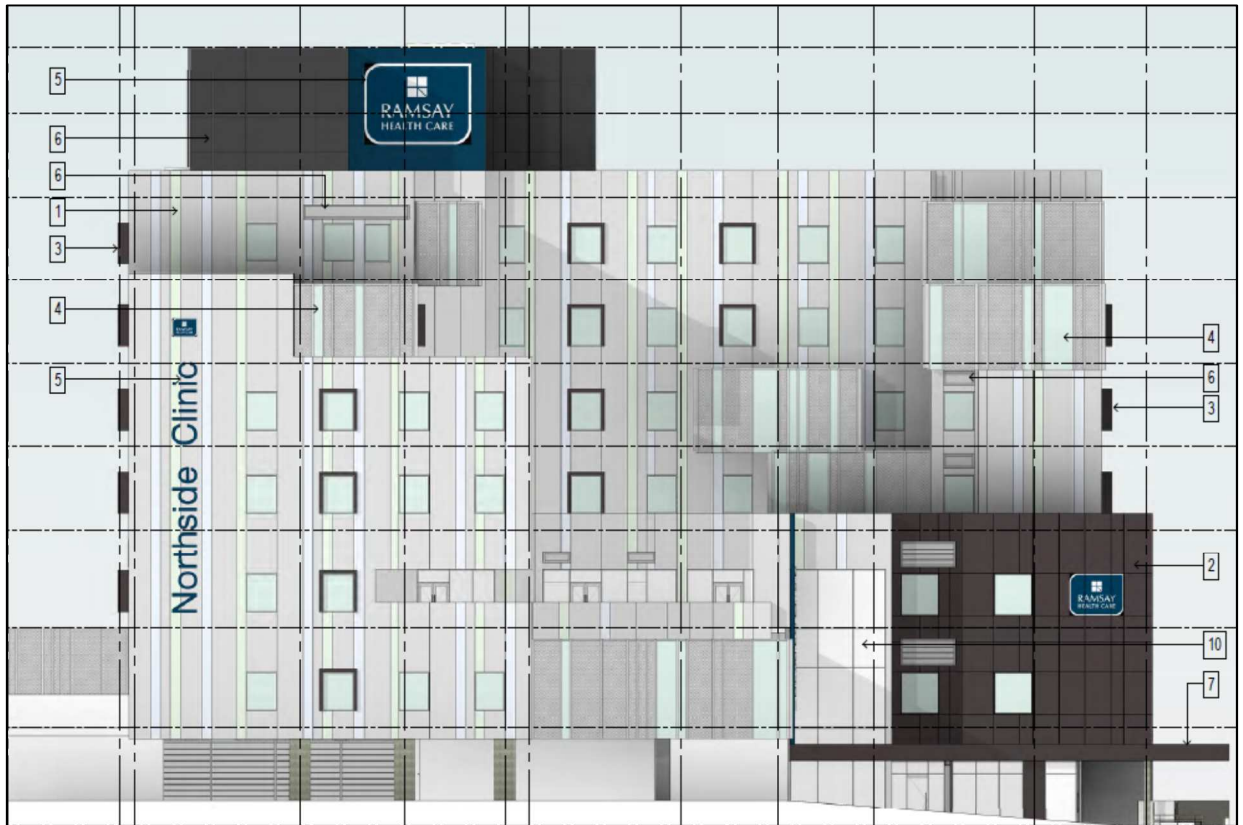


Figure 10: Eastern Elevation (source: EIS)



Figure 11: Southern Elevation (source: EIS)



Figure 12: Western Elevation (source: EIS)

Council raised concern with regards to the proposed built form due to the limited setbacks and building modulation along south-western and western elevations. It was requested that consideration be given to a podium-tower design to allow for a better transition of scale between the proposed structure and surrounding developments. Council also considered a podium level would provide additional outdoor spaces and improved outlook and amenity for those rooms facing the side and rear elevations over adjoining industrial developments.

The RtS included further advice from project architects, who advised that the long edge of the L-shape (western elevation) is setback approximately seven metres at the lower levels and is reduced to five metres on the upper levels (from level four and above). The applicant considers the design to be appropriate given the relatively low adjacency and exposure to Frederick Street and that the adjacent block is likely to contain a structure of similar bulk and scale in the future.

The applicant further considered Council's request for a traditional tower-podium design to be unsuitable for the intended use as a mental health hospital as the necessary square or rectangular footprint required for a tower-podium does not lend itself to a functional ward-type design as that of the proposed L-shape. Following review of the RtS, Council did not raise further concerns relating to the proposed built form.

The Department has considered the proposed building design within the context of the surrounding streetscape and adjoining development and considers the structure appropriate for the site as:

- the proposed building height is consistent with the surrounding locality including the Royal North Shore Hospital precinct consisting of several of multi-storey buildings (some approximately 10 storeys in height);
- the bulk of the building is generally consistent with the larger forms of bulky retail and warehousing structures surrounding the site; and
- the internal L-shaped design is conducive for a ward/hospital type use.

Accordingly, the Department considers that the proposed 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.

4.2.2. Traffic and Car Parking

Construction Traffic

Construction vehicles are proposed to approach the site travelling north along Herbert Street from the Pacific Highway and depart the site via Frederick Street, Reserve Road and Campbell Street which collectively provides access back on to the Pacific Highway. The proposed construction traffic routes are shown at **Figure 13**.

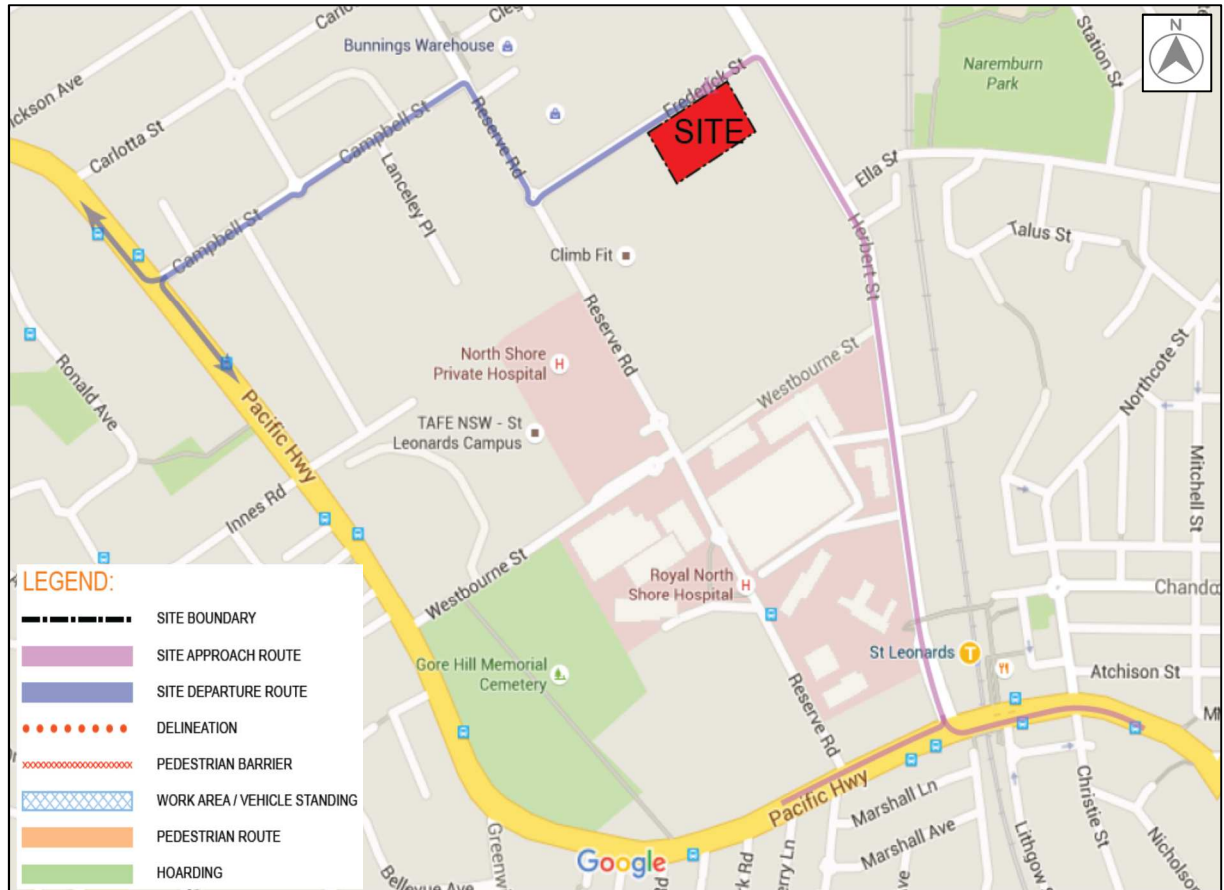


Figure 13: Construction Vehicle Approach and Departure Routes (source: RtS)

TfNSW raised concern regarding the impact of construction traffic on existing bus services that use the surrounding road network and on the future replacement bus services, which are planned to utilise Herbert Street and possibly Frederick Street for layovers during the temporary closure of the Epping to Chatswood rail line in 2018.

A draft CTMP was included in the RtS which details the anticipated number of daily construction vehicle movements, construction vehicle access and egress points, safety management measures at key intersections, and temporary pedestrian and cycling diversions. The draft CTMP states that the construction program would be completed by December 2017 (prior to the planned rail line closure in 2018).

The Department appreciates the concerns raised by TfNSW regarding the possibility of construction delay beyond the planned completion date of December 2017. A recommended condition therefore prohibits a construction zone on Frederick Street once the regular rail replacement bus services commence for the Epping to Chatswood rail closure, subsequently requiring the applicant to undertake construction works wholly within the site boundary.

The recommended conditions also require a Traffic and Pedestrian Management Plan to be prepared in consultation with Council, prior to the commencement of construction. The applicant must also consult further with TfNSW to address any outstanding transport issues, including any impacts on existing bus services utilising Herbert Street, Frederick Street, Campbell Street and/or Reserve Road in St Leonards.

The Department is satisfied construction traffic impacts can be appropriately managed through the recommended conditions.

Operational Traffic

The EIS included the results of peak period traffic surveys undertaken at the intersections of Herbert Street/Frederick Street and Frederick Street/Reserve Road. Both intersections currently operate at either a Level of Service (LoS) A or B, with the Average Vehicle Delay considered acceptable with spare capacity.

Peak period traffic volumes generated by the proposal were determined using the RMS' *Guide to Traffic Generating Developments*. In accordance with the guideline, a 112 bed 'private hospital' facility is expected to generate up to 48 vehicle trips per hour in the AM peak and 60 vehicle trips per hour in the PM peak. The applicant considered the projected vehicle numbers would in fact be less than this, on the basis that mental health facilities generate fewer vehicle movements than that of a regular private hospital.

The projected traffic distribution was modelled using SIDRA which predicts 60 per cent of vehicles to make use of Reserve Road (for connection to Gore Hill Freeway) and 40 per cent to make use of Herbert Street. The predicted traffic volumes and SIDRA analysis indicate only minor impacts would be experienced as a result of the development, including a decrease in the LoS at the intersection of Herbert Street/Frederick Street in the PM peak (shifting from a LoS B to C).

No concerns were raised by Council or RMS in regards traffic generation or impacts on the surrounding road network. On the basis of information provided in the EIS, including predicted traffic volumes and LoS impacts, the Department considers the surrounding road network has capacity to support the number of vehicles generated by the proposal.

Car Parking

The application proposes 139 car parking spaces including 81 spaces for staff and 58 spaces for visitors. In accordance with the Willoughby DCP, 140 car parking spaces would be required for a 'hospital' facility of the size proposed. The applicant considers the minor shortfall in car parking spaces is justified on the basis that mental health facilities differ from that of a regular hospital as:

- mental health patients generally have lower visitor numbers;
- practitioners generally see one patient per hour compared to two or three patients per hour at a medical type facility; and
- it is the applicant's policy to not allow inpatients from driving and parking their vehicles at the facility during their stay.

The proposal also includes the provision of two motorbike and nine bicycle parking spaces. End-of-trip facilities will be made available for staff including change rooms, showers and lockers.

The Department acknowledges the applicant's justification and is satisfied a sufficient number of car parking spaces will be provided for visitors and staff as part of the development.

4.2.3. Stormwater Management

Stormwater drainage from the site is proposed to be directed through an onsite detention (OSD) system, prior to discharging to Council's existing drainage network. The proposed detention system is located within the north-eastern corner of the site adjacent to Frederick Street.

Council considered the proposed stormwater management plans to be inaccurate in their current form and requested they be redesigned to allow the overflow of the proposed OSD system to be discharged to Frederick Street, without causing extra runoff to downstream properties as there is no underground pipe system fronting the site.

The applicant's RtS included advice from stormwater consultants ACOR Consultants Pty Ltd who advised that the drainage system, as designed, allows for all stormwater to be directed through the OSD system before discharging to Council's stormwater drainage network, consistent with the requirements of the Willoughby DCP.

A request to carry out relocation and diversion of the existing inter-allotment stormwater pipe traversing the site was assessed and approved by Council as part of DA 2016/276 (determined on 29 August 2016). The RtS states that the proposed OSD system has been designed to discharge to this existing stormwater pipe, to the benefit of the property upstream and to allow connection of this system without exceeding the capacity of the network. Any overflow from the OSD tank would discharge to the kerb in Frederick Street, which is consistent with Council's requirements.

The RtS further states that a Hydraulic Grade Line analysis and OSD design has been completed since lodgement of the initial application which confirms there would be no additional runoff from the site to either Council's drainage system or to downstream properties as a result of the development. Council did not raise any further concerns in relation to stormwater management following review of the RtS, subject to the additional information being assessed to be adequate by the Department.

The Department considers the proposed stormwater drainage system has been designed generally in accordance with the requirements of the Willoughby DCP. A recommended condition of consent requires the applicant to ensure that the stormwater drainage and OSD systems are prepared by a suitably qualified practicing professional in accordance with the requirements of Council and the Certifying Authority. In addition, an Operation and Maintenance Plan is to be prepared and submitted to the Certifying Authority prior to occupation to ensure the proposed stormwater quality measures are effective.

4.2.4. Other Matters

Contamination

The applicant proposes remediation of the site to ensure it is suitable for its intended use as it has historically been used for commercial and industrial purposes, including a former quarry at the southwest corner of the site. The site was most recently occupied by two commercial buildings consisting of showrooms, administration areas, storerooms and a vehicle service centre which have since been removed subsequent to the applicant obtaining a complying development certificate for demolition works (issued on 24 May 2016, No. 16/123569-1).

Previous environmental investigations identified potential sources of contamination including uncontrolled fill material, fill within a former quarry pit, an operational underground storage tank (UST) and fuel bowser, two decommissioned USTs, a wash down bay and an oil store room. A Remedial Action Plan (RAP) was subsequently included with the EIS to provide remediation objectives and demonstrate how the site could be made suitable for the proposed use. The RAP specifically documents the approach for the removal and validation of the USTs and the validation, management and handling of fill material that has been reported across the site.

The Department is satisfied the applicant has adequately addressed the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land*. The recommended conditions require the applicant to ensure the site is remediated prior to the commencement of works, in accordance with the submitted RAP. The applicant is also required to submit to the Certifying Authority a site audit report and site audit statement, prepared by an EPA accredited site auditor, upon completion of the remediation works. The site audit report and site audit statement must verify that the land is suitable for the proposed use.

Noise

Potential operational noise impacts include mechanical plant noise and road traffic noise generated by the facility. The EIS has assessed the impact of noise in accordance with the EPA's *Noise Guideline for Local Government*, the *NSW Industrial Noise Policy* (INP) and the *NSW Road Noise Policy* (RNP).

Mechanical plant noise emissions would include exhaust fans and air conditioning systems located on the roof of the building and a car park exhaust fan located on Level 6. The closest receiver to mechanical plant noise is a three storey commercial building adjoining the site. The EIS predicts the building's distance and shielding from the roof plant would ensure the INP's recommended amenity criteria of 65 dBA for commercial receivers would be achieved. The EIS further recommends the mechanical plants associated with the development be reviewed by an acoustic consultant at the detailed design stage, when final layout and operational details have been confirmed.

The most potentially-affected sensitive receivers to road traffic noise are residential properties located approximately 300 m south of the site on Herbert Street. The traffic assessment predicts the facility would generate up to 48 vehicle trips per hour in the AM peak and 60 vehicle trips per hour in the PM peak, of which 40 per cent would utilise Herbert Street. The Department notes that Herbert Street is classified as a sub-arterial road and considers the relatively low number of additional traffic movements would have a negligible noise impact on these receivers.

In regards to construction noise impacts, the applicant will be required to prepare a Construction Noise and Vibration Management Plan in consultation with Council and any sensitive receivers who would be affected by noise levels exceeding noise management levels. The recommended conditions also require all feasible and reasonable mitigation measures be implemented to reduce construction noise impacts on impacted receivers.

The EPA and Council did not raise any specific concerns relating to construction or operational noise. The Department considers compliance with the recommended conditions will ensure noise impacts are appropriately managed.

Developer Contributions

Section 94A of the EP&A Act provides for the consent authority to impose a condition requiring the applicant to pay a contributions levy, as authorised under a contributions plan.

The Department has recommended the applicant to pay \$487,900 in monetary contributions. The contribution is payable to Council and equates to one per cent of the estimated total cost to construct the development, as required under the *Willoughby City Section 94A Development Contributions Plan 2011*. In accordance with section 94A(3) of the Act, contributions are to be applied towards the provision, extension or augmentation of public amenities or public services.

5. CONCLUSION

The Department has reviewed the EIS and considered advice from public authorities, including Council. Issues raised in the submissions have been considered and the environmental impacts associated with the proposal thoroughly addressed.

The Department's assessment concludes that the built form of the proposal is appropriate for the surrounding locality, and that the key issues of stormwater drainage and construction traffic impacts and be appropriately managed. The Department's recommended conditions of consent would ensure that the construction and future operation of the facility would maintain the environmental amenity of the surrounding area.

The Department considers that the application is consistent with the objects of the EP&A Act, State priorities and *A Plan for Growing Sydney*. The Department is also satisfied that the proposal would provide a significant public benefit through the provision of additional mental health services for the people of NSW. An additional 152 construction jobs and 140 operational jobs would also be created.

The Department is satisfied the proposed development satisfactorily responds to the issues raised and recommends that the SSD application for the construction and operation of the facility be approved, subject to conditions.

6. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning, grant development consent for the construction and operation of a mental health facility at 10 Herbert Street, St Leonards (SSD 7588).

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Endorsed by:



Karen Harragon
Director

Social & Other Infrastructure Assessments

7/11/2016

Approved by:



David Gainsford
Executive Director

Priority Projects Assessments

15/11/16

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

1. Environmental Impact Statement
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7588
2. Agency Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=list_submissions&job_id=7588
3. Response to Submissions Report
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7588

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

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this SEPP are to identify State significant development (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 section 89C of the *Environmental Planning and Assessment Act 1979* because it is development for the purpose of an health, medical or related research facility with a capital investment value in excess of \$30 million, under clause 14 (Hospitals, medical centres and health research facilities) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011.

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 contamination assessment undertaken for the site indicates potential sources of contamination exist as a result of previous uses, including the existence of several underground storage tanks. The site would, therefore, require remedial works to be undertaken prior to the commencement of works. The applicant has included a Remedial Action Plan which recommends works required to be undertaken to make the site suitable for its intended use.

The Department is satisfied that, in accordance with clause 7 of the SEPP, the investigations undertaken of the subject site demonstrate that the site can be made suitable for the intended use upon remediation of the site. The Department has recommended a condition requiring a site validation report and site audit statement be prepared by an accredited site auditor upon completion of the remediation works.

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

SEPP 64 aims 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 incorporation of five identification signs on the façade of the building which are intended to be integrated into the building design. The proposed signage will provide assistance for patients and visitors to identify the building's main entrance.

The subject site is located in an area comprising various warehousing and retail uses which provide identification signage on exterior walls. Consequently, the Department considers the proposed signage is suitably located and would be compatible with the visual character of the surrounding area.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The aim of the ISEPP 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 ISEPP requires traffic generating development to be referred to the RMS. The proposal was referred to the RMS who raised no objection to the proposed development.

Willoughby Local Environmental Plan 2012 (WLEP)

The proposal is located on a parcel of land at 10 Herbert Street, St Leonards which is within the IN2 Light Industrial zone under the WLEP. Development for the purpose of a hospital is permissible with consent on this parcel of land. The Department considers the proposal to be consistent with the WLEP.

Development Control Plan

It is noted that under clause 11 of the State Environmental Planning Policy (State and Regional Development) 2011, development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration of relevant controls under the Willoughby DCP has been given in **Table 2**.

Table 2: Consideration of the Willoughby DCP

DCP Provisions	Department's Consideration
C.3 Sustainable Development - Minimise consumption of resources - Facilitate energy efficient development and water conservation design	- An ESD report has been included with the EIS which details ESD measures in relation to the architectural design of the building, mechanical and electrical components. - The Department has recommended a requirement for the applicant to meet sustainability benchmarks by obtaining a Green Star certification for construction and operation of the development.
C.4 Transport Requirements for Development - Ensure that provision is made for a reasonable number of parking spaces for vehicles generated by a development including visitor, employee, service and commercial vehicles - Ensure that vehicular movements and parking do not impede pedestrian traffic safety and efficiency	- An assessment of traffic and parking implications was provided with the EIS. The proposal ensures vehicle access and internal circulation has been designed in accordance with Australian Standards. - The Department considers the proposal will provide a sufficient number of car parking spaces for future patients, visitors and staff.
C.5 Water Management - Ensure that all development applies Water Sensitive Urban Design Principles which minimise impacts on the natural water cycle - Reduced flooding risk in urban areas	- An Overland Flow Study determined the site is not subject to flooding and the proposed physical structures will not impede the passage of floodwater to cause a rise in water upstream or increase the downstream velocities of flow. - The Department has recommended the proposal be constructed in accordance with the submitted Stormwater Drainage Drawings which includes details regarding onsite detention.
C.6 Waste Management - Waste minimisation and resource recovery encouraging improved environmental outcomes - Ensuring waste systems are easy to use and that collection vehicles are able to access buildings to remove waste and recycling materials.	A Waste Management Plan has been included in the EIS to minimise the environmental impact of waste generation, treatment and disposal. The plan includes quarterly key performance indicators to monitor performance.
C.11 Safety by Design Crime prevention principles including surveillance and access control	The Department has recommended a requirement for the applicant to design and construct the development having consideration for Crime Prevention through Environmental Design principles.

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.*
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APPENDIX D RECOMMENDED CONDITIONS OF CONSENT
