



**STATE SIGNIFICANT DEVELOPMENT  
ASSESSMENT REPORT:**

***North Shore Health Hub Tower B Stage 2: Detailed  
Design and Construction***

**SSD 8894**



Environmental Assessment Report  
Section 4.40 of the  
*Environmental Planning and Assessment Act 1979*

August 2018

## ABBREVIATIONS

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Applicant	DEXUS Projects Pty Limited, or anyone else entitled to act on this consent
CIV	Capital Investment Value
Consent	Development Consent
Council	Willoughby City Council
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
CTPMP	Construction Traffic and Pedestrian Management Plan
CWMP	Construction Waste Management Plan
DA	Development Application
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor space ratio
GFA	Gross floor area
GTP	Green Travel Plan
ICNP	Interim Construction Noise Policy
INP	Industrial Noise Policy
ICNG	Interim Construction Noise Guidelines
LGA	Local Government Area
LoS	Level of Service
Minister	Minister for Planning
NCC	National Construction Code
NIA	Noise Impact Assessment
NML	Noise Management Levels
NSPH	North Shore Private Hospital
OEH	Office of Environment and Heritage
Planning Secretary	Secretary of the Department of Planning and Environment
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RMS	Roads and Maritime Services
RNSH	Royal North Shore Hospital
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for New South Wales
TIA	Traffic Impact Assessment
WDCP	Willoughby Development Control Plan
WLEP	Willoughby Local Environmental Plan

Cover Photograph: Artist impression of the south-east perspective of the proposed development  
(Source: EIS)

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## EXECUTIVE SUMMARY

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This report provides an assessment of a State significant development (SSD) application for the detailed design and construction of a six-storey building, known as 'Tower B' (SSD 8894), being the second stage of the North Shore Health Hub. The site is located at 12 Frederick Street, St Leonards. The Applicant is DEXUS Projects Pty Ltd and the proposal is located within the Willoughby local government area (LGA).

Approval for a concept development application for the future development of 'Tower B' (SSD 8499), including future building footprint, envelope and height of the tower, indicative future uses and future car parking provision was approved on 29 June 2018.

The proposal has a Capital Investment Value (CIV) of approximately \$38 million and would generate approximately 110 operational jobs and 330 construction jobs. The proposal is SSD under clause 14 of the State and Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purposes of a health, medical or related research facility with a CIV of more than \$30 million. Therefore, the Minister for Planning is the consent authority.

The application was publicly exhibited between 1 March 2018 and 3 April 2018. The Department of Planning and Environment received a total of six submissions from public authorities and none from the community. Issues raised in the submissions include construction and operational traffic impacts, parking and building fit-out.

The Department has considered the above issues in its assessment. The Department has considered the merits of the proposal in accordance with relevant matters under Section 4.15(1), the objects of the *Environmental Planning and Assessment Act 1979*, the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these.

The Department has identified the following key issues for assessment: built form and urban design; traffic and parking; and noise.

The Department's assessment concludes that the proposed built form and design of Tower B would be acceptable for the site and consistent with the building envelope and terms of approval endorsed and issued for the Tower B concept development application. The Department has considered concerns raised in submissions and recommended a number of conditions of consent requiring further mitigation and management measures. Subject to the recommended conditions, the Department is satisfied that any potential traffic, parking and noise impacts associated with Towers B can be appropriately managed.

The Department considers that the proposal is consistent with the *Premiers Priorities* and *A Metropolis of Three Cities – The Greater Sydney Plan* and concludes that the proposal is in the public interest and recommends that the applications be approved subject to conditions.

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# 1. BACKGROUND

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## 1.1 Introduction

This report provides an assessment of a State significant development (SSD) application for the detailed design and construction of a six-storey building, known as 'Tower B' at 12 Frederick Street, St Leonards (SSD 8894).

A concept development application for the future development of Tower B (SSD 8499), including future building footprint, envelope and height of the tower, indicative future uses and future car parking provision was approved on 29 June 2018. The proposal the subject of this assessment report is consistent in scale and intent with the concept development application.

The application has been lodged by DEXUS Projects Pty Ltd (the Applicant). The site is located within the Willoughby local government area (LGA).

## 1.2 The site and surroundings

The site is located approximately six kilometres north of the Sydney central business district on the corner of Reserve Road and Westbourne Street, St Leonards. The development site has an area of approximately 6,194 sqm, which forms the southern portion of a larger 2.6 ha portion of land known as 12 Frederick Street and legally described as Lot 1 Deposited Plan (DP) 591747.

The site has a frontage of approximately 77.5 m to Westbourne Street and 80 m to Reserve Road. The site is accessible from Westbourne Street, Reserve Road and an internal access road running along the north-east boundary of Lot 1 DP 591747 accessed from Frederick Street. Reserve Road is a two-way road with an on-street restricted staff parking area between a roundabout located approximately 40 m to the north-west of Westbourne Street (adjacent the site) and a permanent southbound lane closure and north-bound boom gate located approximately 170 m to the north-west of Westbourne Street (to the north-west of the site). The existing southbound lane closure prevents south-bound through traffic from accessing the site via Reserve Road.

The site is situated in a light industrial precinct that is dominated by warehouse and retail uses. Uses include an Australia Post facility, which is located immediately to the north-east of the site, and Home HQ (mixed retail), which is located to the north-west of the site on the opposite side of Frederick Street. The existing North Shore Health precinct is also situated adjacent to the site, including the Royal North Shore Hospital (RNSH), which is located to the south of the site on the opposite side of Westbourne Street, and the North Shore Private Hospital (NSPH) and a RNSH multi-storey carpark, which are located to the west of the site on the opposite side of Reserve Road. St Leonards railway station is located approximately 500 metres to the south-east.

Historically, the site comprised part of a former brick quarry. A steeply sloped quarry embankment running from east to west bisects the site, resulting in an approximate 16 m reduction in level from south to north across the site. The existing buildings on Lot 1 DP 591747 are mixed warehouse units owned by the Applicant, the most southerly of which are two-storey units with rooftop parking that extend into the lower northern portion of the site. A former helipad is located in a clearing in the higher southern portion of the site. The remainder of the site is vegetated, except for a small western portion of the embankment.

The site context and site location are shown in **Figures 1** and **2**. The existing site conditions are shown in **Figure 3** and views of the existing two-storey warehouse building and the former quarry embankment are shown in **Figures 4** and **5**. The site access from Frederick Street is shown in **Figures 3** and **6** and the southbound lane closure on Reserve Road is shown in **Figure 7**.

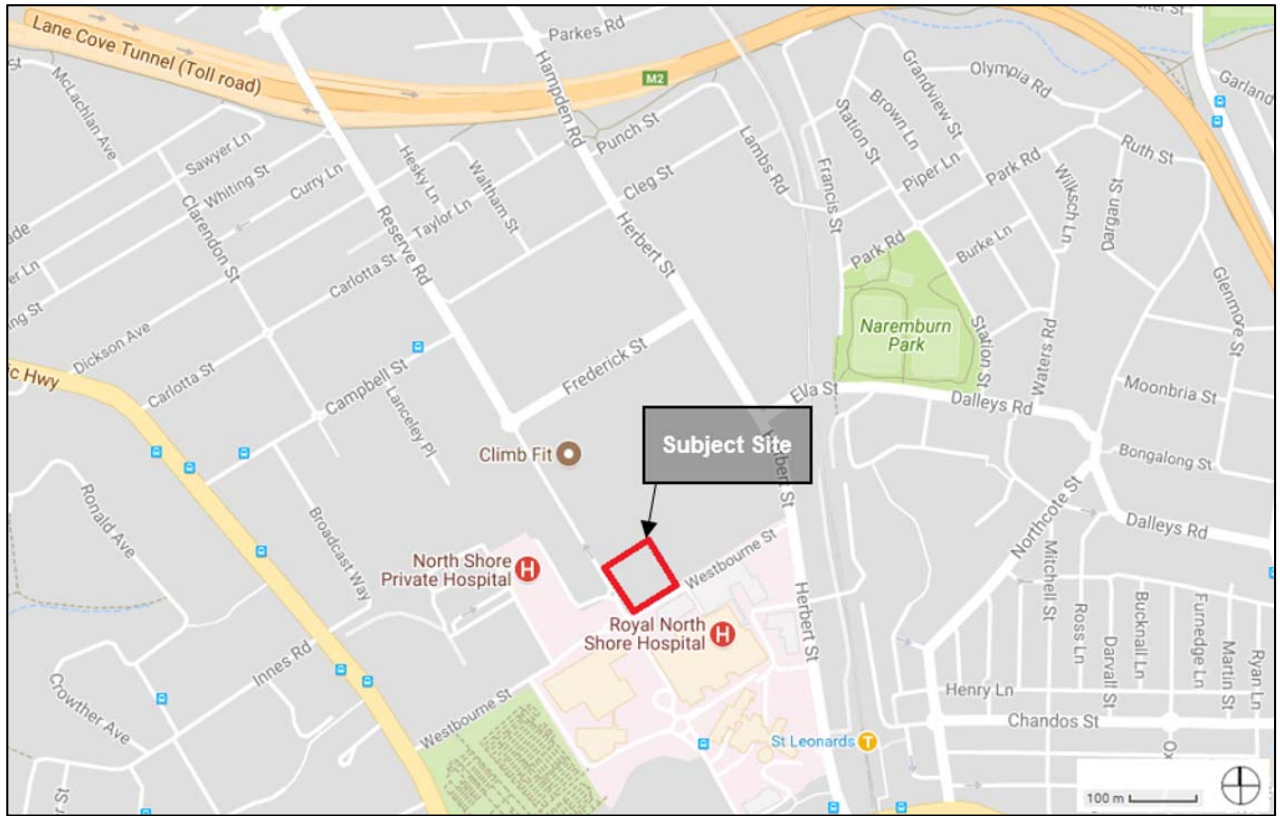


Figure 1: Site location (Base source: Google Maps)



Figure 2: Aerial view showing site location and surrounding development (Base source: Nearmap)

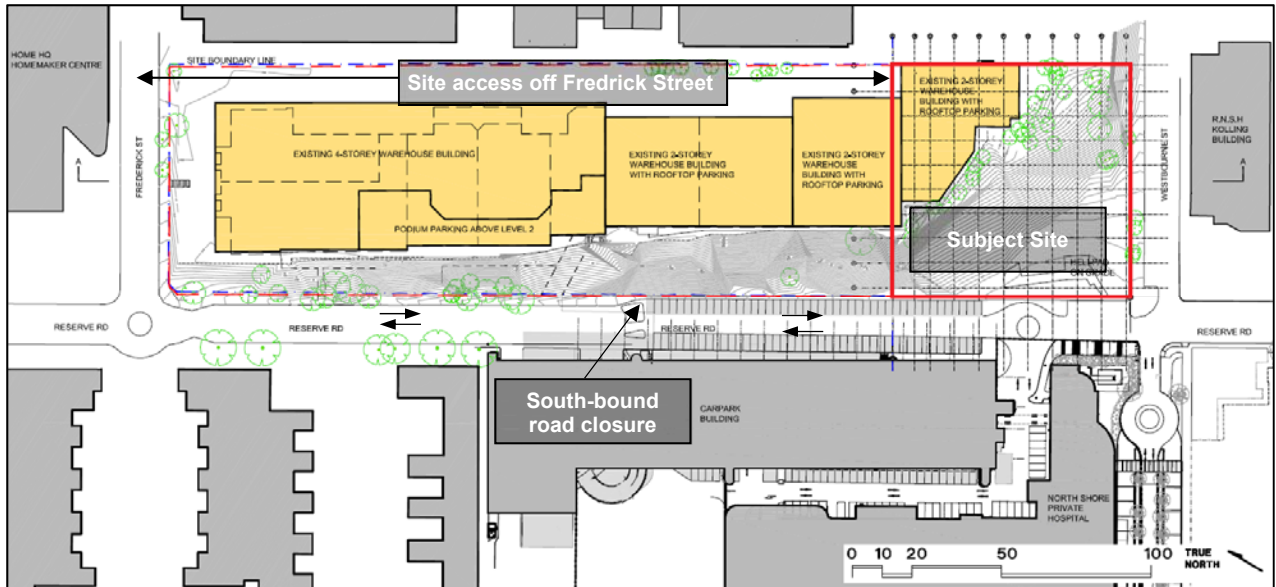


Figure 3: Existing site conditions (Base source: Tower B EIS)



Figure 4: View of the site from the north  
(Source: Tower B EIS)



Figure 5: View of the site from west  
(Source: Tower B EIS)



Figure 6: Site access from Frederick Avenue  
(Source: Tower B EIS)

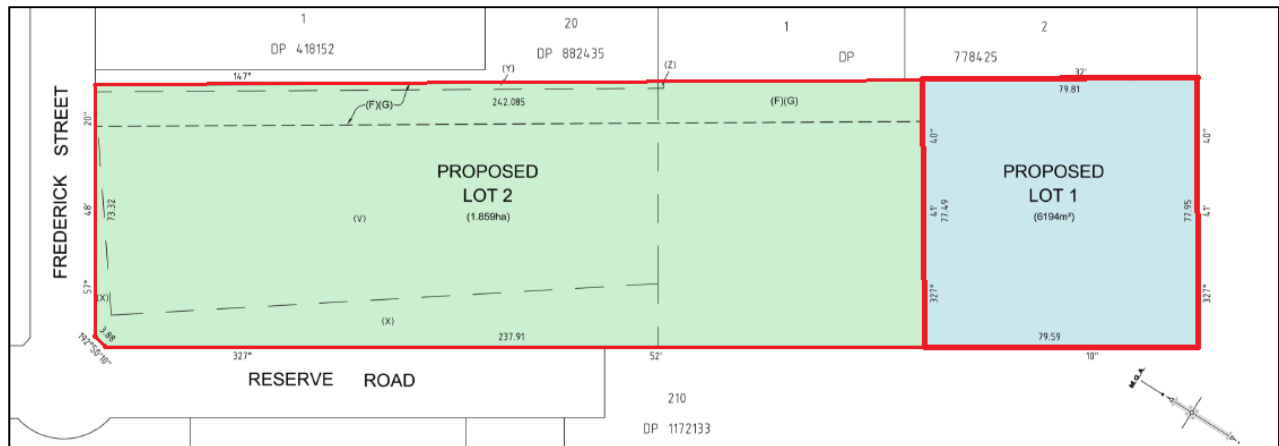


Figure 7: Reserve Road parking area and southbound lane closure (Source: Tower B EIS)

### 1.3 Other relevant applications

#### **Council early works development application**

On 29 June 2017, Willoughby City Council (Council) granted consent to development application (DA) 2016/211 for the demolition of existing buildings on the site and the subdivision of Lot 1 DP 591747 to create a separate lot for the subject proposal (as shown in **Figure 8**). No vegetation removal is proposed as part of this application.



**Figure 8: Proposed lots (Source: DA 2016/211)**

#### **Tower A SSD application and Tower B SSD concept development application**

On 29 June 2018 the Executive Director, Priority Projects Assessments (as delegate of the Minister for Planning) approved the following applications on the subject site:

- SSD 7543 – the detailed design, construction and operation of ‘Tower A’, including site preparation works, a new seven-storey building for health care related uses, basement car parking, an elevated pedestrian bridge to the adjacent North Shore Private Hospital and Royal North Shore Hospital multi-storey car park, and landscaping and public domain works
- SSD 8499 – a concept development application for a building, known as Tower B, to be used for health and medical purposes associated with Tower A and the existing NSPH, and comprising: a future building footprint, envelope and height; indicative uses, including: medical specialist suites and associated allied health services; basement carparking allocation.

The approved Tower B envelope is detailed in **Figures 9 to 14**. Excluding columns and stair core, the building would have an effective height of approximately 26.9 m (seven storeys). Including columns and stair core, from the roof level of the Tower A Ground Level to the top of the lift overrun, Tower B would be approximately 35.5 m (nine storeys) high. As shown in the indicative section at **Figure 13**, from the lowest level of the basement of Tower A (RL 80.05) to the top of the lift overrun (RL 138.35), Tower B would be approximately 58.3 m high. A gross floor area (GFA) of 7000 sqm is allowed within the endorsed building envelope, while 135 basement car parking spaces is allocated to users of Tower B within the approved Tower A basement carpark.

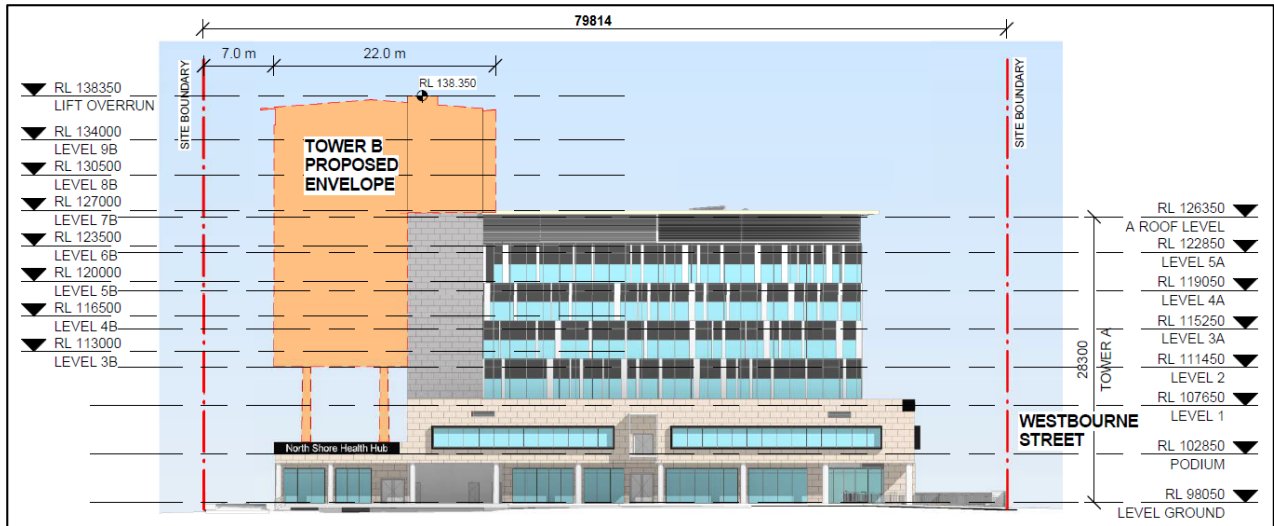


Figure 9: South-west elevation (Source: Tower B concept RtS)

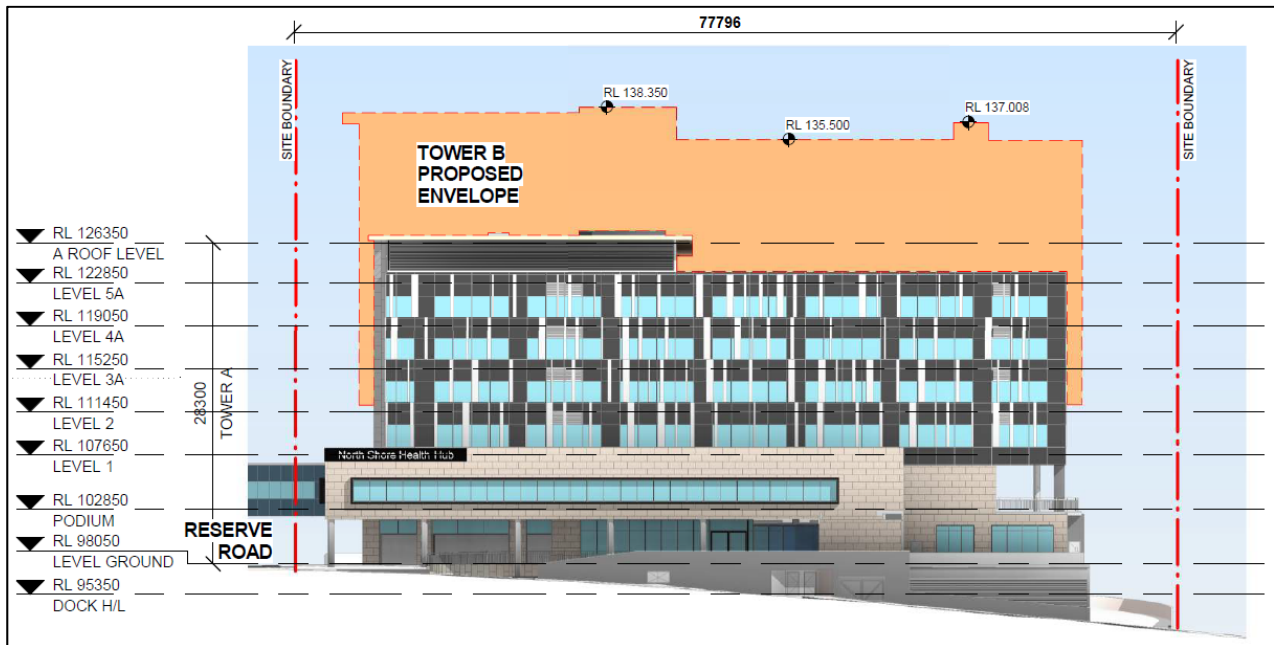


Figure 10: South-east elevation (Source: Tower B concept RtS)

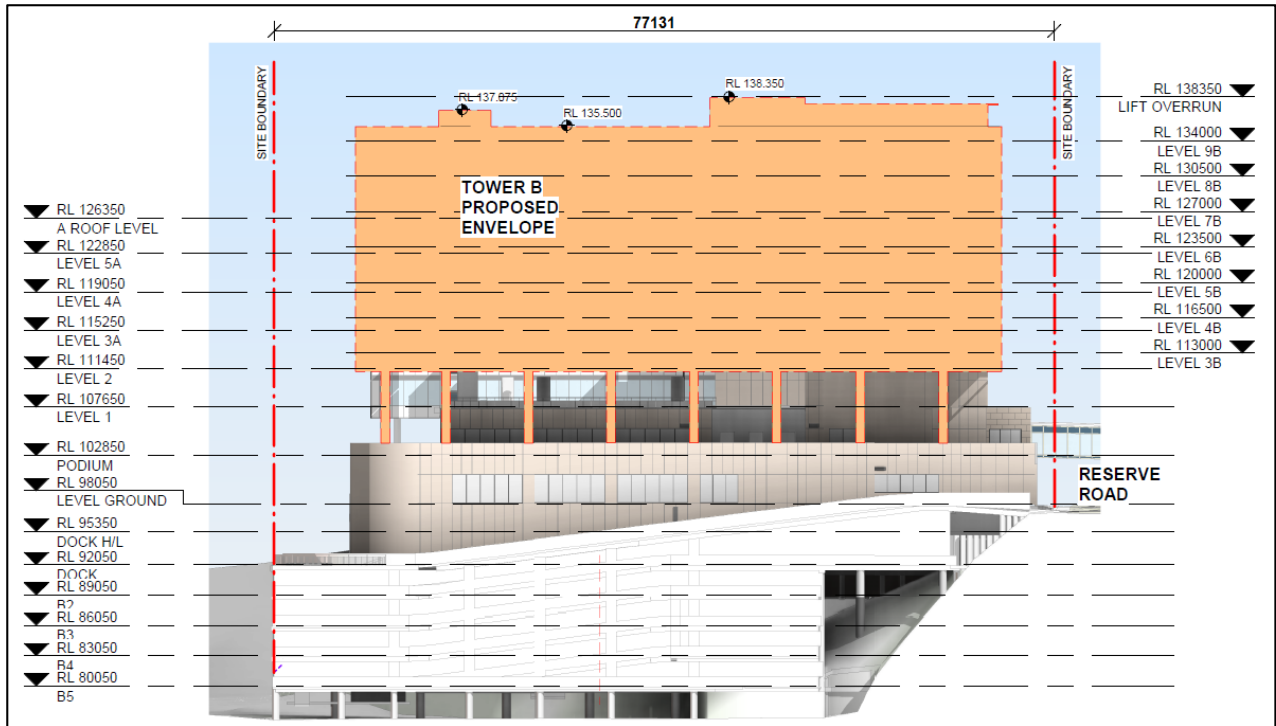


Figure 11: North-west elevation (Source: Tower B concept RtS Addendum)

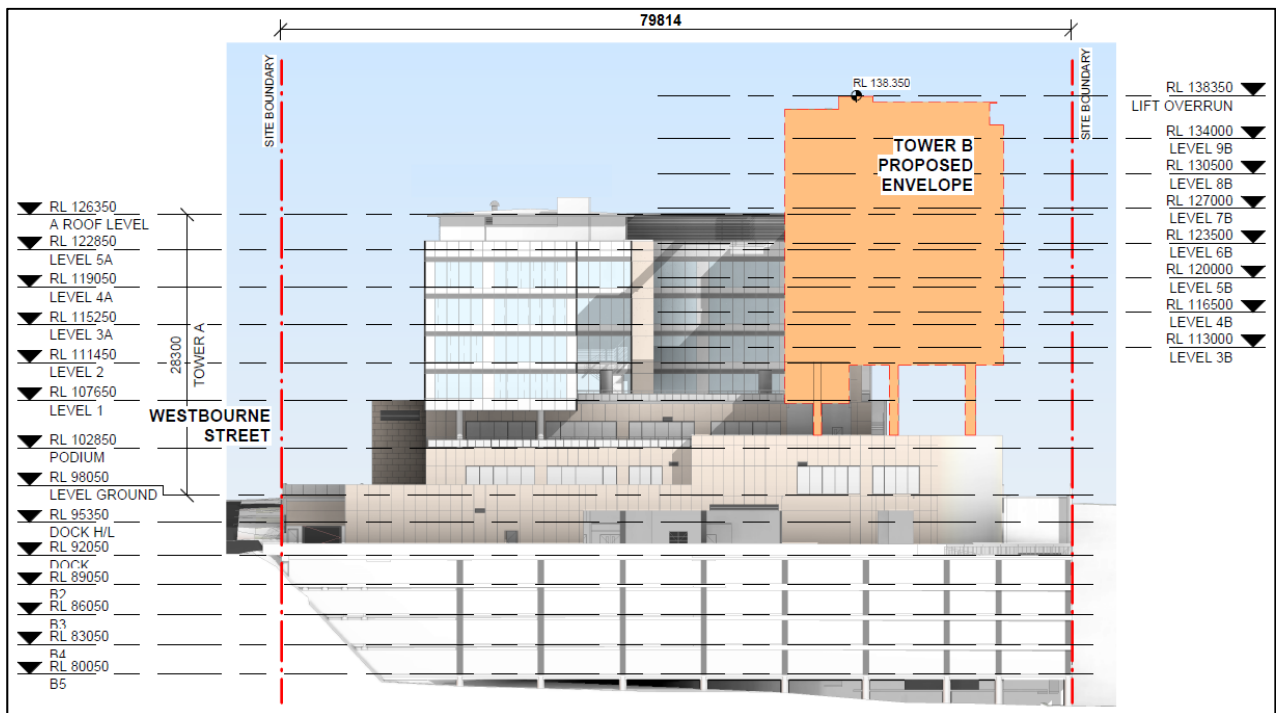


Figure 12: North-east elevation (Source: Tower B concept RtS Addendum)

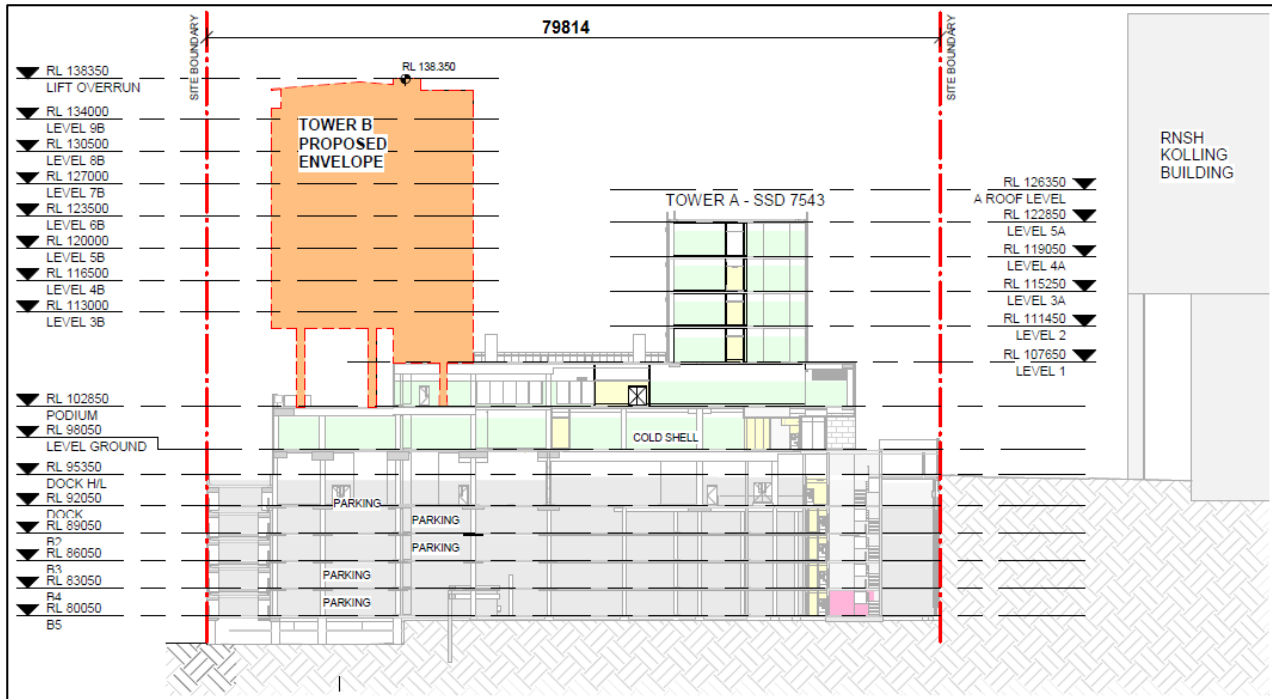


Figure 13: Tower B section (Source: Tower B concept RtS Addendum)

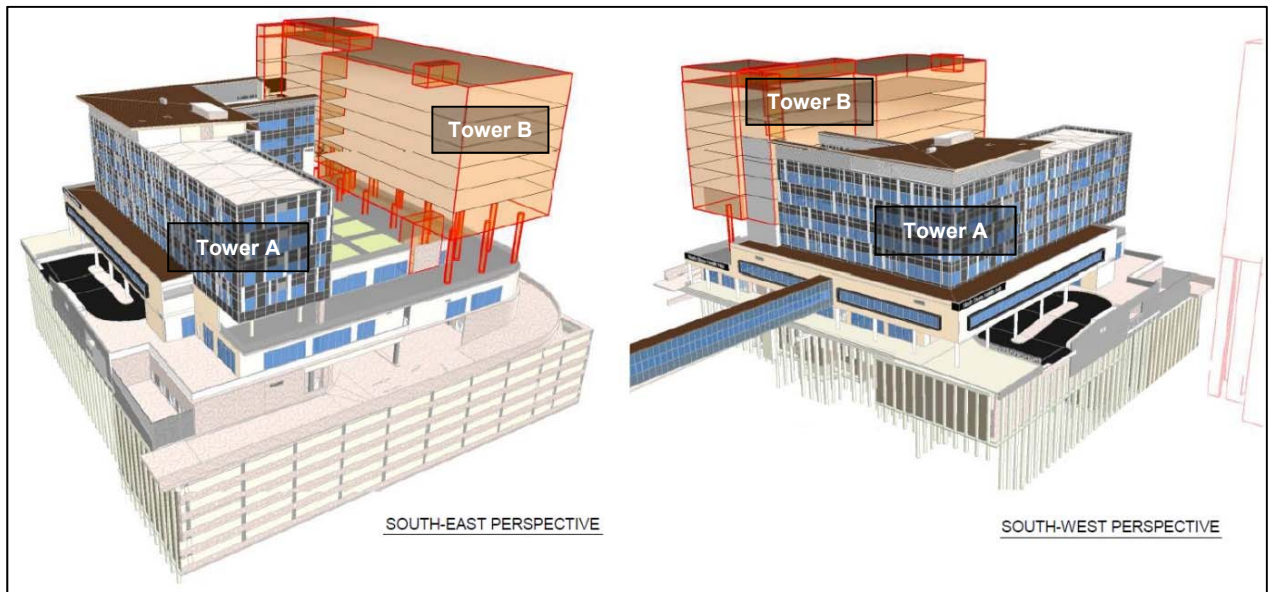


Figure 14: Perspectives of Tower A and Tower B building envelope (Base source: Tower B concept RtS)

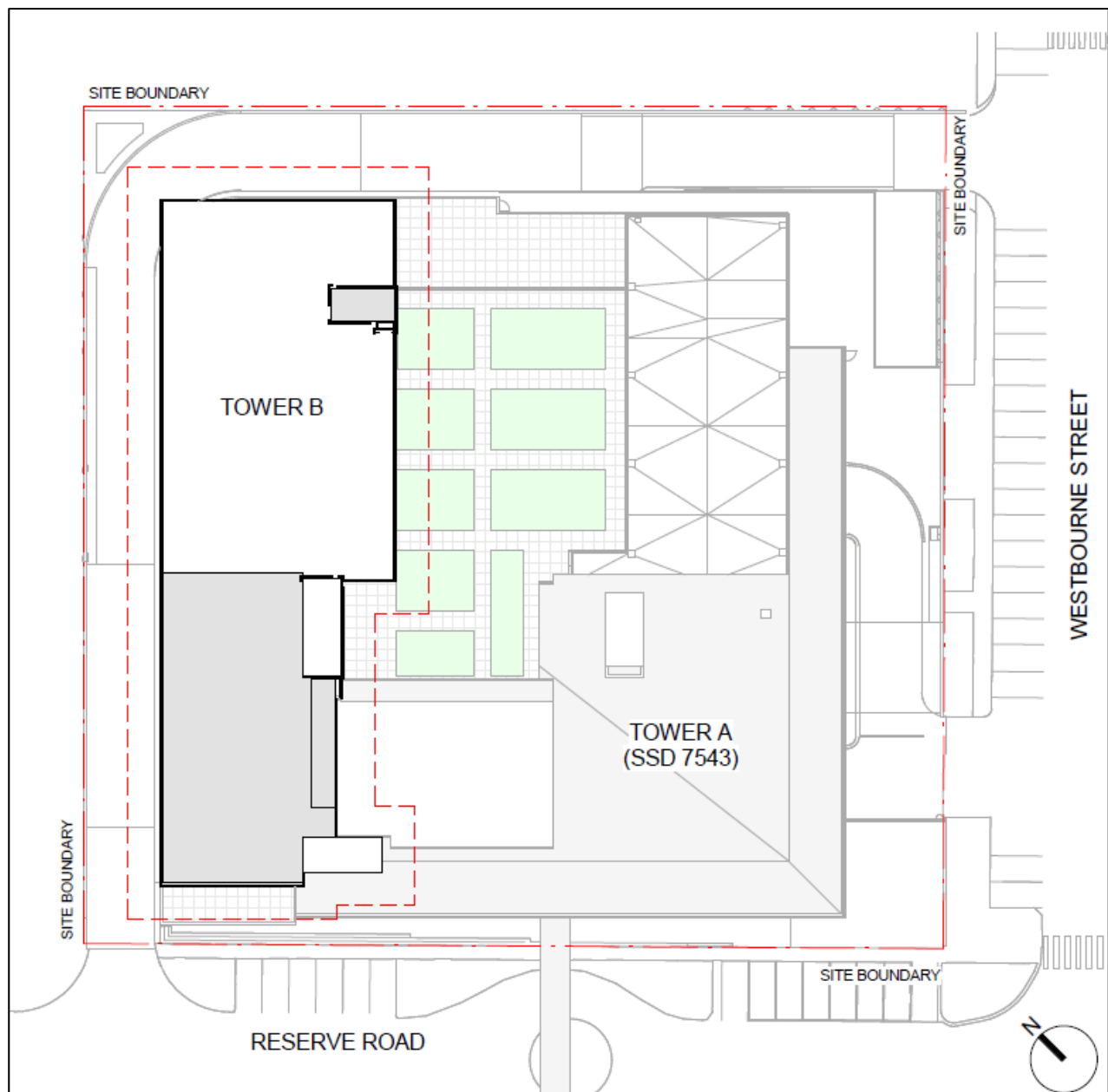
## 2. DESCRIPTION OF PROPOSAL

### 2.1 Description of proposal

The key components and features of the proposal (as refined in the Response to Submissions (RtS)) are provided in **Table 1** and are shown in **Figures 15 to 18**.

**Table 1: Key components of the SSD application**

Aspect	Description
Summary	Construction of a new six-storey building, known as 'Tower B', on the podium of Tower A to be used for health and medical purposes associated with the proposed Tower A and the existing NSPH
Maximum building height	RL 138.35
Gross floor area (GFA)	6,864 sqm
Floor Space Ratio (FSR)	1.1:1
Uses	Specialist medical suites and associated allied health uses such as osteopath, physiotherapy and speech pathology
Car parking	135 basement parking spaces in Tower A to be allocated to Tower B
Signage	Building identification signage zone (south-west facade)
Jobs	330 construction jobs and 110 operational jobs
CIV	\$38 million



**Figure 15: Site Plan (Source: EIS)**

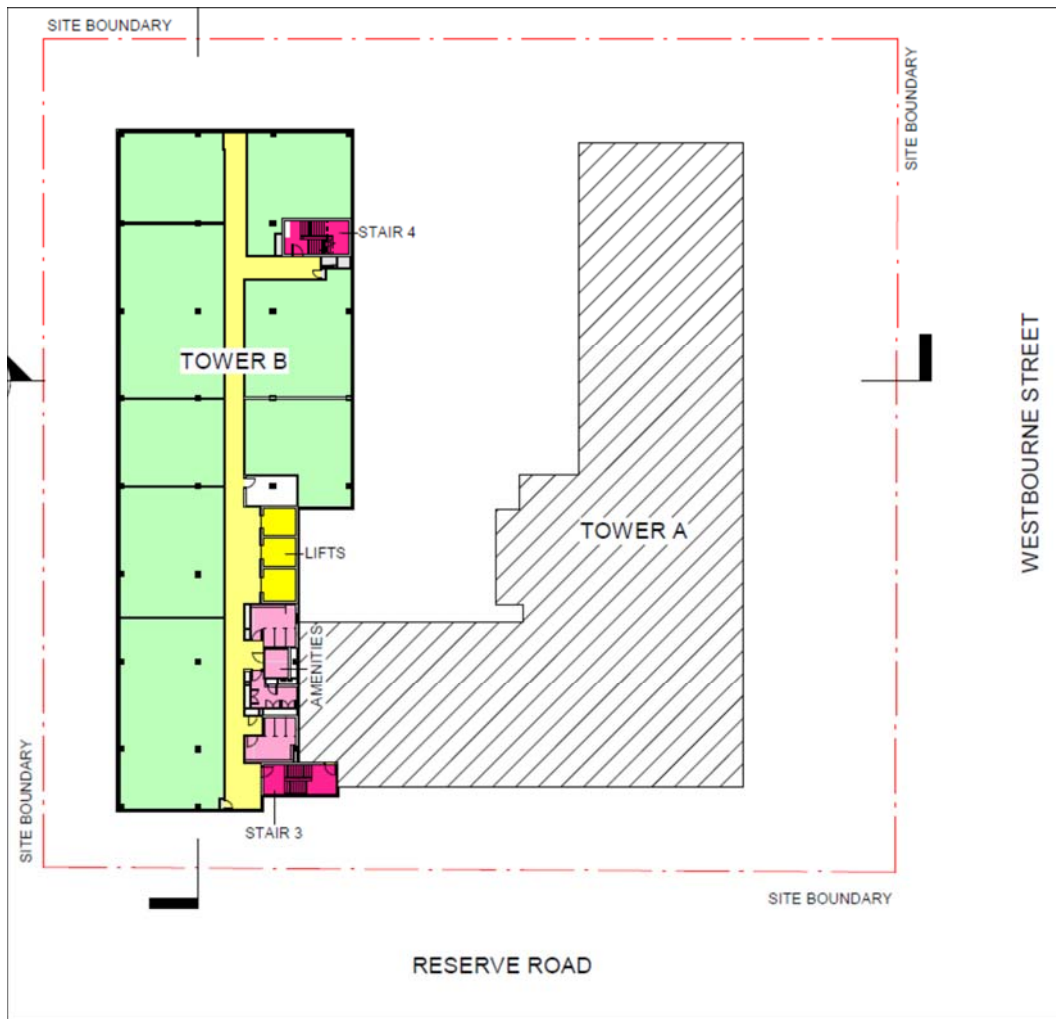


Figure 16: Typical Floor Plan (Source: EIS)



Figure 17: Northern perspective of proposed Tower B (Source: EIS)



Figure 18: Southern perspective of proposed Tower B (Source: EIS)

## 2.2 Project need and justification

The Applicant undertook an initial review of the relevant healthcare catchment area, which includes Warringah, Chatswood-Lane Cove, North Sydney-Mosman, Ku-ring-gai, Ryde-Hunters Hill and Manly. The review identified a shortfall in medical professions within the catchment and high existing and forecast demand for medical and healthcare services. The Applicant subsequently undertook further testing and refined the proposed uses to reflect the responses from health and medical services regarding what is required to meet the public demand for healthcare services

The Applicant is seeking to deliver significant community benefit through addressing the identified need in the catchment for health care and related services. It is submitted that the proposal will

- reinforce health services around the State significant North Shore Health Precinct through the agglomeration of leading healthcare providers, educators and ancillary uses
- expand upon the precincts ability to attract and retain high calibre specialist across a comprehensive range of complementary specialties and services, with long-term teacher and training benefits
- create a contemporary business environment for medical professionals and staff close to transport and amenities
- provide positive economic and community benefits by creating jobs and community infrastructure.

## 2.3 Strategic Context

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

- it is consistent with the *Premiers Priorities* to create jobs and improve service levels in hospitals through the provision of better access to healthcare services
- it is consistent with *A Metropolis of Three Cities - The Greater Sydney Plan* as it would provide for the expansion of health services and facilities to support Sydney's growing population
- it is consistent with the *State Infrastructure Strategy*, which recommends opportunities for a better mix of services from the private sector to deliver infrastructure and public health services
- it is consistent with the *Future Transport Strategy 2056* as it would provide for the expansion of health services and facilities in a highly accessible location and provide access to additional new employment opportunities close to public transport

- it is consistent with the vision outlined in the Greater Sydney Commission's revised North District Plan, which prioritises growing and investing in the identified St Leonards Health and Education Precinct and growing investment, business and job opportunities in the identified St Leonards Strategic Centre
- it is consistent with the *Sydney's Cycling Future 2013* as it would promote and cater for bicycle use through the provision of cycling parking and end-of-trip facilities
- it is consistent with the goals of the strategic planning investigation currently being undertaken by the Department for the St Leonards and Crows Nest Planned Precinct to rejuvenate the area with new jobs and infrastructure
- it would provide total direct investment in the region of approximately \$38 million and support a total of 330 construction jobs and 110 operational jobs.

### 3. STATUTORY CONTEXT

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#### 3.1. State Significant Development

The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the proposal also has a CIV of more than \$30 million and is for the purposes of a health, medical or related research facility under clause 14 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development)* (SRD SEPP). The Minister for Planning is therefore the consent authority for the proposed development.

#### 3.2. Consent Authority

In accordance with the Minister for Planning's delegation to determine SSD applications, signed on 11 October 2017, the Executive Director, Priority Projects Assessments may determine this application as:

- the relevant Council has not made an objection to either application
- there are less than 25 public submissions in the nature of objection on both applications
- a political disclosure statement has not been made.

#### 3.3. Permissibility

The site is zoned IN1 General Industrial under Willoughby Local Environmental Plan 2012 (WLEP), where health services facilities are prohibited. However, under clause 74 of Schedule 1 of WLEP, development for the purpose of a 'hospital' is permitted with consent on certain land at 12 Frederick Street, St Leonards (being the subject site).

The WLEP defines "hospital" as meaning: "a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- a) day surgery, day procedures or health consulting rooms
- b) accommodation for nurses or other health care workers
- c) accommodation for persons receiving health care or for their visitors
- d) shops, kiosks, restaurants or cafes or take away food and drink premises
- e) patient transport facilities, including helipads, ambulance facilities and car parking
- f) educational purposes or any other health-related use
- g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes)
- h) chapels
- i) hospices
- j) mortuaries."

As concluded in the SSD assessment report for Tower A and Tower B concept development application, the proposed development is consistent with the definition of hospital and is therefore permissible with consent.

### 3.4. Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project. The following EPIs apply to the site:

- SRD SEPP
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment)
- WLEP.

The Department's consideration of these EPIs and draft EPIs is provided in **Appendix B**. In summary, the Department is satisfied the application is consistent with the requirements of the EPIs.

### 3.5. Objects of the EP&A Act

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

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

<b>Objects of the EP&amp;A Act</b>	<b>Consideration</b>
(a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal will not impact on the State's natural or other resources and will promote a better environment for the users.
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	The proposal includes measures to deliver ecologically sustainable development, as detailed in <b>Section 3.6</b> of this report.
(c) <i>to promote the orderly and economic use and development of land</i>	The proposal would facilitate redevelopment of the site for health care related uses.
(d) <i>to promote the delivery and maintenance of affordable housing</i>	Not applicable.
(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The proposal would protect the environment, as detailed in <b>Section 5</b> of this report.
(f) <i>to promote the sustainable management of built and cultural</i>	Not applicable.

<i>heritage (including Aboriginal cultural heritage)</i>	
<i>(g) to promote good design and amenity of the built environment</i>	The proposal promotes good design and amenity, as detailed in <b>Section 5</b> of this report.
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent.
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The proposal been assessed by the Department in consultation with various Government Agencies and Council, as detailed in <b>Section 4</b> of this report.
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	Appropriate level of community participation has been undertaken in the environmental planning and assessment, as detailed in <b>Section 4</b> of this report.

### 3.6. Ecologically Sustainable Development

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

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

The development proposes ESD initiatives and sustainability measures, including:

- building orientation to maximise functionality in line with providing efficient pedestrian and vehicular access and good access to natural light, prevailing winds, and natural ventilation and area views
- high performance glazing
- internal shading to minimise any occupant discomfort from glare
- net high building mass with consequential benefits in thermal storage and inertia
- installation of individual water meters in separate sections of the building
- fixtures and fittings to provide the best Water Efficiency Labelling Standards (WELS) rating
- efficient water use equipment to minimise water consumption
- water recycling
- roof mounted cooling units and high efficiency heating systems
- duct and pipe insulation
- heat recovery from exhaust air
- digital control of mechanical services
- all lighting will be selected to minimise consumption and associated heat loads on air conditioning systems
- appropriate recycling and waste disposal for waste minimisation.

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 by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

### 3.7. 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.

### 3.8. Secretary's Environmental Assessment Requirements

On 1 December 2017, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that section 1.3 of the EIS adequately addresses compliance with the SEARs to enable the assessment and determination of the application.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1. Exhibition

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 1 March 2018 until 3 April 2018 (34 days). The application was exhibited on the Department's website, at NSW Service Centres and at the Council's office.

The Department placed a public exhibition notice in the Sydney Morning Herald and Daily Telegraph on 28 February 2018 and the North Shore Times on 1 March 2018, and notified adjoining landholders and relevant State and local government authorities in writing.

The Department received a total of six submissions from public authorities. A summary of the issues raised in the submissions is provided at **Table 3** below and copies of the submissions may be viewed at **Appendix A**. No public submissions were received.

The Department has considered the comments raised by public authorities during the assessment of the application (**Section 5**) and/or by way of recommended conditions in the instrument of consent at **Appendix C**.

#### 4.1.1. Public Authority submissions

**Table 3: Summary of public authority submissions to the EIS exhibition**

<b>Willoughby City Council (Council)</b>
<p>Council does not object to the proposal, however, it provided comments in relation to:</p> <ul style="list-style-type: none"> <li>• identified errors and insufficient details in the submitted architectural and landscape plans</li> <li>• inadequacies in the submitted Traffic Assessment Report</li> <li>• the need for the appointment of a Travel Plan Coordinator to monitor and modify the Green Travel Plan</li> <li>• the need for additional detail regarding water usage, lighting, waste management and employment generation</li> <li>• identified errors in the submitted Acoustic Report</li> <li>• further clarification of the location of the Fire Control Room</li> <li>• lack of detail regarding building identification signage.</li> </ul> <p>Council also provided recommended conditions, should the application be supported.</p>
<b>Roads and Maritime Service (RMS)</b>
<p>RMS does not object to the proposal, however, it provided comments and requested additional information in relation to:</p> <ul style="list-style-type: none"> <li>• intersection modelling</li> <li>• bicycle safety at the proposed Westbourne Street/Hebert Street roundabout</li> <li>• impacts of the proposal upon the performance of the Campbell Street/Pacific Highway intersection.</li> </ul>

<b>Office of Environment and Heritage (OEH)</b>
OEH does not object to the proposal, however, it provided comments regarding the inclusion of Green Roof or Cool Roof into the proposal if possible.
<b>Transport for NSW (TfNSW)</b>
TfNSW does not object to the proposal, however, it provided comments in relation to: <ul style="list-style-type: none"> <li>potential overlap of construction of proposal with the closedown of the Epping to Chatswood Railway and the operation of the associated Temporary Transport Plan (TTP)</li> <li>the construction methodology for retaining walls and shoring proposals</li> <li>the requirement for and necessary content of a Construction and Pedestrian Traffic Management Plan (CPTMP).</li> </ul> TfNSW also provided recommended conditions, should the application be supported.
<b>Sydney Water</b>
Sydney Water does not object to the proposal, however, it provided comments in relation to water utilities.
<b>Environmental Protection Agency (EPA)</b>
The EPA does not object to the proposal, however, it commented that the proposal has not addressed the licencing requirements under the <i>Radiation Control Act 1990</i> .

## 4.2. Response to Submissions

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

On 5 July 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS did not propose any changes to the proposed development, rather provided clarification on matters raised by public authorities. Regarding the OEH request for consideration of the integration of a green or cool roof into the design, the Applicant responded that there will be a cool roof and the provision of other sustainable measures such as the future installation of solar panels.

The RtS was made publicly available on the Department website and was referred to the relevant public authorities. Additional submissions were received from OEH, EPA, TfNSW and RMS raising no additional issues.

## 5. ASSESSMENT

### 5.1 Section 4.15(1) matters for consideration

**Table 4** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 5** (key and other issues) and relevant appendices or other sections of this report and EIS, referenced in the table.

**Table 4: Section 4.15(1) Matters for Consideration**

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in <b>Appendix B</b> of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at <b>Appendix B</b> .
(a)(iiia) any planning agreement	Not applicable.

(a)(iv) the regulations <i>Refer Division 8 of the EP&amp;A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(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	The Department's assessment has given appropriate consideration to the likely impacts of the project and is satisfied it can be appropriately mitigated or conditioned. Refer to <b>Section 5.2</b> of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in <b>Sections 3</b> and <b>5</b> of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See <b>Sections 4</b> and <b>5</b> of this report.
(e) the public interest	Refer to <b>Section 5</b> of this report.
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.
The likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report (BDAR). (Section 7.14 of the Biodiversity Conservation Act 2016)	The Flora and Fauna Assessment undertaken as part of SSD 7543 (Tower A) concluded that the site does not comprise of remnant vegetation communities and does not conform to any threatened ecological community listed under current legislation. As such the construction of Tower B is unlikely to impact on any biodiversity values (as defined in section 1.5 of the BC Act). A request to waive the requirement for a biodiversity development assessment report under section 7.9(2) was submitted to the Department for consideration. On 30 January 2018, the Department and OEH granted a waiver to the need for the SSD application to include a BDAR.

## 5.2 Key assessment issues

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

- built form and urban design
- traffic and parking
- noise.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 5.3**.

### 5.2.1 Built Form and Urban Design

Under the concept development application for Tower B (SSD 8499), a building within the approved envelope is restricted to a maximum height of RL 138.35 and a maximum GFA of 7,000 sqm. The proposal fully complies with these controls, having a maximum height of RL 138.35 and a GFA of 6,864 sqm. The indicative uses proposed to occupy Tower B (specialist medical suites and associated allied health uses such as osteopath, physiotherapy and speech pathology) are also consistent with the concept approval.

Tower B is physically integrated with Tower A by being located on the podium of Tower A, with a common lobby for both Towers located on the ground floor facilitating the transfer of patients

between the towers and the NSPH via the approved pedestrian bridge over Reserve Road. The design of the Tower B façade is articulated through the use of vertical sun shading control elements which relate visually and functionally to the façade for Tower A, with similar, but distinctive, materials and colours used on both towers.

As detailed in the previous assessment report for SSD 8499, the proposed Tower B building has been carefully designed to take account of the form and scale of Tower A and adjacent buildings. Tower B would be approximately 11.85 m lower than the Kolling Institute building (located opposite), approximately 10.05 m higher than Tower A, approximately 12.3 m higher than the NSPH building and approximately 19.5 m higher than the RNSH multi-storey carpark. The Tower B facades would be setback approximately 5.2 m from the south-west boundary fronting Reserve Road, 7 m from the north-west boundary fronting the warehouse buildings, 8.3 m from the north-east boundary fronting the Australia Post facility and 50.8 m from the south-east boundary fronting Westbourne Street.

Tower B would cast minor additional shadows to that of Tower A during the winter months, which would affect additional portions of the public domain, the recessed lower levels of the north-west façade of the Kolling Institute and the north-west and north-east façade of easternmost wing of the NSPH. The Applicant submits that most of shadow cast by Tower B would be contained within the shadow cast by Tower A and Tower B would not overshadow any residential living areas or recreational open spaces.

Tower B would result in potential privacy impacts on the Kolling Institute and NSPH. However, the Applicant submits that Tower B: would be located approximately 70 m from the Kolling Institute; the curved windows on north-east facade of the easternmost wing of the NSPH are oriented towards the south-east and are separated from Tower B by approximately 41 m; and the detailed design of Tower B would include window tinting and internal blinds. Furthermore, Tower B would be partially screened by Tower A and the multi-storey carpark and would not overlook any existing residential properties and would not impact residential privacy.

A Wind Impact Assessment was included in the Tower B EIS which concludes that existing wind conditions at pedestrian level are relatively windy and the addition of Tower B would have marginal effects on existing conditions.

The Department has considered the proposed Tower B design and scale within the context of the surrounding streetscape and adjoining development. It is acknowledged that due to the proposed height of the building and the change in elevation across the site, Tower B would be highly visible and prominent from Reserve Road, Frederick Street, Herbert Street and Westbourne Street and generally visible from the light industrial precinct to the north-east. Tower B would also be higher than Tower A and the adjoining NSPH building, multi-storey RNSH carpark, Australia Post facility and warehouse buildings and would partially block views to the north-east and/or north-west from the Kolling Institute, RNSH and NSPH.

However, the Department considers the proposed structure appropriate for the site as:

- the proposed height of Tower B is significantly lower than that of the adjacent Kolling Institute building and of a similar scale to newer buildings within the RNSH campus
- to allow for natural light and air flow through to the Tower A rooftop-court courtyard as previously requested by Council, Tower B is proposed to be constructed on columns that elevate Tower B approximately 8.6 m above Tower A (in the absence of these columns, Towers A and B and the NSPH would be of a similar height)
- Tower B would be at an intermediate height between the Kolling Institute building to the south-east and the two-storey warehouse buildings to the north-west
- the overall scale and massing of Tower B is generally consistent with the larger forms of hospital buildings and bulky retail and warehousing structures surrounding the site
- Tower B would be setback adequately from adjoining buildings and Reserve Road and Westbourne Street

- the building would result in acceptable overshadowing, privacy and wind impacts.

Accordingly, the Department considers that, on balance, the proposed design and scale of Tower B is acceptable.

## 5.2.2 Traffic and Parking

### **Operational Traffic and Parking**

A Traffic Impact Assessment (TIA) was provided as part of the EIS for the Tower B Stage 2 application. Given the physical and operation integration of Tower A and Tower B, the TIA address the impact of both proposals jointly.

The TIA has considered the post development traffic conditions and concludes that most intersections assessed would continue to operate at a satisfactory Level of Service (LoS). However, the LoS of the Herbert/Westbourne Street intersection would reduce from A to F without any upgrade. Accordingly, the TIA identifies the upgrade of the intersection to a roundabout to address the increase in traffic generation as a consequence of the development and maintain its current LoS A. The TIA includes a concept design for the roundabout and the Applicant has detailed that on-going consultation with Council (as the relevant road authority) is occurring on this matter. The development consent for Tower A includes a condition requiring that *“prior to final occupation of Tower A, the Applicant complete (in consultation with and to the agreement of Council) road upgrade works at the Herbert Street/Westbourne Street intersection to maintain the 2026 pre-development level of service”*. This is considered to satisfactorily address the issue and a further condition for SSD 8894 is not considered necessary.

The TIA identified the intersection of Campbell Street and Pacific Highway as achieving a LoS B (both in 2016 and 2026). LoS B is considered good overall with acceptable delays and spare capacity. Accordingly, no mitigation measures beyond minor phase time optimisation has been identified. The detailed SIDRA results appended to the TIA identify a Level of Service F in the AM peak for the right turn movement from the Pacific Highway into Campbell Street under all scenarios, however no development traffic has been added to this movement by the proposed development (as Campbell Street is an approach route from the north for proposal).

The TIA also includes a detailed assessment of car parking requirements for the proposal and concludes that Tower B will require 135 on-site car parking spaces. Basement parking is being provided as part of the Tower A development, which itself requires 181 spaces. In addition to 24 spaces to offset the loss of on-street parking, this results in a maximum combined total of 340 car parking spaces on site. This amount of parking was considered satisfactory by the Department in its assessment of Tower A and Tower B concept development application given the proximity of the site to various modes of public transport. Both the Tower A and Tower B concept development application development consents include a condition requiring the allocation of 135 car spaces for future users of Tower B. This is considered to satisfactorily address the issue and a further condition for SSD 8894 is not considered necessary.

In addition, following discussions with the Department, the Applicant has agreed to provide a total of 32 bicycle parking spaces (21 spaces for employees and 11 spaces for visitors) for users of both Tower A and Tower B in the basement of Tower A, along with end-of-trip facilities (showers, lockers etc.), in accordance with *Cycling Aspects of Austroads Guides 2017*. TfNSW is supportive of this number of spaces. A condition of development consent was imposed in the Tower A consent requiring the delivery of the bicycle spaces.

In accordance with condition of consent B2 of the Tower B concept development application approval, an updated Green Travel Plan (GTP) was submitted as part of the TIA for the Tower B Stage 2 application. The GTP contains the following measures to encourage staff and visitors to reduce travel by private cars and adopt alternative and more sustainable travel modes:

- compliance with the stringent parking controls applicable to the site

- provision of a Travel Access Guide (providing information to staff and visitors on how to travel to the site using sustainable transport modes such as walking and public transport), which would be given to all staff and visitors
- public transport information boards to make staff and visitors more aware of the alternative transport options available (the format of such information boards would be based upon the travel access guide)
- promotion of the availability of car sharing pods for trips that require the use of private vehicles
- provision of bicycle facilities including secure bicycle parking for staff, bicycle racks for visitors and shower and change room facilities
- connect staff working at the site to carpool together by creating a Carpooling club
- replacement of existing GoGet car share pods within the site.

The initiatives outlined in the GTP are considered acceptable and the Department is satisfied that operational traffic impacts can be appropriately managed.

### **Construction Traffic**

A preliminary construction traffic management plan (CTMP) was prepared as part of the Tower A proposal and submitted with the Tower B Stage 2 EIS. The report examined the impacts on traffic (i.e. vehicles and pedestrians) on the local road network and provided mitigation measures to address any traffic and/or transport implications associated with the development. Access and egress to the site from the Pacific Highway would be via Herbert, Frederick and Campbell Streets and Reserve Road. The overall principles of traffic management during the construction activity are to:

- provide an appropriate and convenient environment for pedestrians
- minimise the impact on pedestrian movements
- maintain appropriate capacity for pedestrians at all times on footpaths around the site
- maintain appropriate public transport access
- restrict construction vehicle movements to designated routes to/from the site
- manage and control construction vehicle activity in the vicinity of the site
- minimise impacts to general traffic in the vicinity of the site.

It is envisaged by the Applicant that Tower B would be constructed in a similar manner and most likely concurrently with Tower A, noting that this may slightly increase the construction timeframe and/or construction traffic volumes.

As it did with Tower A, TfNSW raised concerns regarding the overlap of the proposed construction works and the operation of the Temporary Transport Plan (TTP) associated with the conversion of the Epping to Chatswood Railway line to a metro line. Bus services associated with the TTP will use the same roads as those proposed in the construction vehicle routes, including Herbert and Frederick Streets. Accordingly, TfNSW has requested the imposition of a condition of consent requiring the Applicant to prepare (prior to the commencement of works and in consultation with TfNSW) a CTMP that appropriately addresses the TTP.

An updated CTMP was subsequently submitted with the RtS for the Tower B Stage 2 application. The updated CTMP reflects refinements made to Tower B, as approved in the concept development application. The CTMP concludes that:

- construction vehicle movements to and from the site can be satisfactorily accommodated by the surrounding road network
- all loading and unloading of materials associated with the construction works would be undertaken within the site
- a preliminary traffic guidance scheme will be provided to manage ingress and egress vehicles to and from the site access and work site. This plan would also alert drivers to the construction vehicle activity taking place
- driver protocols will be established as part of the site induction procedure for drivers to ensure the safety of motorists, pedestrians and cyclists

- the site is within 500 m of the St Leonards Railway Station, which is served by a network of trains and buses. Council operate the Artarmon Free Shuttle Loop between the site and railway station between 6am and 7pm to enhance accessibility to the area. Consequently, the traffic and parking impact from construction staff would be minimal.

In its approval of Tower A, the Department has allowed for the storage of materials and the parking of construction vehicles in the basement carpark while the remainder of the development it's constructed. The Department also acknowledges the concerns raised by TfNSW and has recommended a condition of consent for Tower B Stage 2 requiring the submission of a final CTMP that adequately addresses the TTP.

Subject to the imposition of recommended conditions of consent, the Department is satisfied that construction traffic impacts associated with Tower B can be appropriately managed, along with the impacts anticipated from Tower A. This is consistent with the conclusions reached for the Tower B concept development application.

### 5.2.3 Noise

A Noise Impact Assessment (NIA) was submitted as part of the Tower B Stage 2 EIS. The NIA identifies sensitive receivers near the site, including RNSH immediately to the south-east, NSPH immediately to the south-west, industrial/commercial receivers immediately to the north and residential receivers on Herbert Street (the nearest of which is located approximately 200 m to the east of the site), as shown in **Figure 19**. Background noise monitoring was undertaken at the four locations shown in **Figure 19** to establish rating background levels (RBL) in accordance with the EPA's *Industrial Noise Policy* (INP). The results of background noise monitoring for residential receivers are presented in **Table 5**.

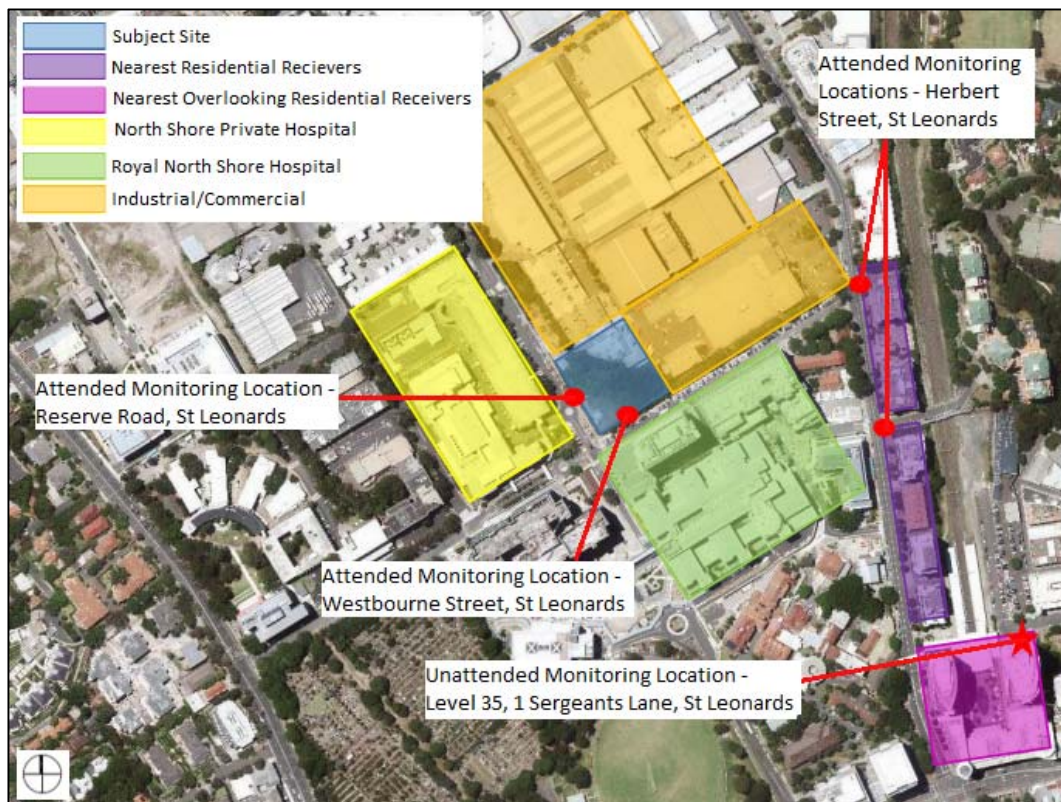


Figure 19: Noise monitoring locations (Source: EIS)

**Table 5: Rating Background Noise Levels**

	Day (7am – 6pm)	Evening (6pm – 10pm)	Night (10pm – 7am)
<b>Herbert Street (Ground Level)</b>	63dB(A)Leq(15min)	62dB(A)Leq(15min)	57dB(A)Leq(15min)
	53dB(A)L90	51dB(A)L90	46dB(A)L90
<b>Level 35 Sergeants Lane (Elevated)</b>	60dB(A)Leq(15min)	59dB(A)Leq(15min)	54dB(A)Leq(15min)
	57dB(A)L90	55dB(A)L90	50dB(A)L90

### Construction Noise

The EPA's *Interim Construction Noise Guideline* (ICNG) outlines the process of establishing construction noise management levels (NMLs) for surrounding sensitive receivers. Based on the established background noise levels and ICNG recommended NMLs, construction NMLs for sensitive receivers have been established as outlined in **Table 6**.

**Table 6: Construction noise management levels (L<sub>Aeq(15)</sub>)**

Sensitive Receiver	Day (7am – 6pm)	Saturday (7am – 6pm)	Highly noise affected Noise Level
<b>Herbert Street (Ground Level Residences)</b>	63 (Background + 10 dBA)	58 (Background + 5 dBA)	75
<b>Sergeants Lane (Elevated Residences)</b>	67 (Background + 10 dBA)	62 (Background + 5 dBA)	75
<b>Hospital Wards and Operating Theatres (Internal)</b>	45	45	-
<b>Industrial Premises (External)</b>	75	75	-

As no earthworks will be undertaken as part of the Tower B Stage 2 application, noise and vibration impacts will be significantly reduced.

The NIA notes that construction noise impacts could be minimised further by: locating static plant (concrete pumps, cranes) away from southern and western boundaries to maximise distance from RNSH and NSPH receivers; using electric cranes rather than diesel cranes where practicable and acoustic screening of diesel crane engines if used; and advising affected receivers when highly noise effected levels are likely to be reached. Accordingly, the NIA proposes several construction noise mitigation measures, including: when proposed construction activities and plant/method is finalised, an acoustic review should be undertaken to identify the extent and duration of potential exceedances of the NMLs; identification of feasible acoustic controls or management techniques when exceedance of NMLs may occur; for activities where acoustic controls and management techniques cannot guarantee compliant noise levels, implementation of a notification process whereby receivers are made aware of the time and duration of noise intensive works; and implementation of noise monitoring program during construction.

The NIA recommends a Construction Noise and Vibration Management Plan (CNVMP) be prepared addressing appropriate management of construction noise. The Department has recommended a condition of consent for Tower B requiring that a CNVMP be prepared in consultation with Council and noise sensitive receivers. A similar condition was also imposed on the Tower A approval, noting that both Towers could conceivably be constructed by the same construction company at the same time.

The Department has also recommended a condition of consent for Tower B limiting the hours of construction to those requested by Council for Tower A, between 7am and 5:30pm Mondays to Fridays and between 7:30am to 3pm Saturdays.

Subject to compliance with the recommended conditions of consent and implementation of the proposed mitigation measures, the Department is satisfied that construction noise impacts can be appropriately managed.

### **Operational Noise**

Based on the established RBLs, the project specific noise levels detailed in **Table 7** were established for Towers A and B, which are the most stringent of the intrusive and urban amenity criteria for sensitive receivers in accordance with the INP.

**Table 7: Project specific operational noise management levels**

<b>Sensitive Receiver</b>	<b>Time</b>	<b>Noise management level dB(A)<sub>Leq(period)</sub></b>
<b>Herbert Street (Ground Level)</b>	Day (7am – 6pm)	53
	Evening (6pm – 10pm)	52
	Night (10pm – 7am)	47
<b>Sergeants Lane (Elevated)</b>	Day (7am – 6pm)	50
	Evening (6pm – 10pm)	49
	Night (10pm – 7am)	44
<b>Hospital Buildings (Internal)</b>	When in use	35-40
<b>Hospital Buildings (External)</b>	When in use	50-55
<b>Commercial</b>	When in use	65

The NIA states that whilst final plant has not been selected, an indicative assessment of primary plant items, including rooftop cooling towers, air handling plant, chillers, basement emergency generators and substation, has been carried out. The NIA concludes that compliance with the project specific noise levels would be achievable subject to detailed acoustic review of selected plant items and the adoption of acoustic treatments, including: acoustic screens, louvres or attenuators for cooling towers; wall and ceiling cladding for water cooled chiller plant room; external louvres and internal linings for fan and air handling unit ducting; and intake and discharge silencers, vibration isolation and soffit treatment for emergency generators.

The Department has recommended conditions of consent for Tower B Stage 2, requiring:

- that all plant and equipment must be maintained and operated in a properly and efficiently
- noise associated with plant, machinery or other equipment must not exceed 5dB(A) above RBLs when measured at the boundary of the sensitive receiver
- noise monitoring to verify that operational noise levels do not exceed NMLs
- the provision of noise attenuating measures should noise monitoring identify exceedance of NMLs.

Subject to compliance with the recommended conditions of consent and implementation of the proposed mitigation measures, the Department is satisfied that operational noise impacts can be appropriately managed.

### **Noise Intrusion**

Consideration of the potential acoustic impact of surrounding industrial uses adjacent to the site on Tower A and Tower B patients and occupants was undertaken as part of the Tower A and Tower B concept development application assessments, where it was concluded that patients and occupants would not be adversely impacted by surrounding industrial uses and that no additional acoustic treatment of facades would be required to treat against existing industrial noise. Considering the above, the Department is satisfied that the potential acoustic impact of surrounding industrial uses upon Tower B patients and occupants would be acceptable.

### 5.3 Other issues

The Department's consideration of other issues is provided at **Table 8**.

**Table 8: Department's assessment of other issues**

Issue	Consideration	Recommendation
Development Contributions	<ul style="list-style-type: none"> <li>Section 7.12 of the EP&amp;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.</li> <li>The Department has recommended a condition of consent for Tower B requiring the Applicant to pay \$379,850 (subject to indexing) in monetary contributions. The contribution is payable to Council and equates to one percent of the estimated total cost to construction of Tower B. In accordance with Section 7.12(3) of the EP&amp;A Act, contributions are to be applied towards the provision, extension and augmentation of public amenities or public services.</li> </ul>	The Department has recommended a condition for Tower B requiring payment of \$379,850 (subject to indexing) in monetary contributions.
Signage	<ul style="list-style-type: none"> <li>Council requested that details and plans of Tower B signage plan/details be submitted, together with an assessment against relevant provisions of SEPP 64 Advertising and Signage.</li> <li>The Applicant as confirmed that specific signage is not sought for Tower B and the Department has recommended a condition of consent excluding building identification signage.</li> <li>The proposal includes a 'signage zone' for future identification signage for Tower B, located on the western elevation of the building. The location of the signage zone is considered acceptable by the Department. A SEPP 64 assessment has also been provided by the Applicant as part of the EIS, which demonstrates that the proposed signage zone is appropriate for the development.</li> </ul>	The Department has recommended a condition for Tower B excluding specific building identification signage.
Building fit-out	<ul style="list-style-type: none"> <li>Cold shell space is proposed on all floors of Tower B.</li> <li>Accordingly, it is considered appropriate that separate consent be obtained for Tower B for the future fit-out of various spaces within the building.</li> </ul>	The Department has recommended a condition of consent for Tower B requiring the Applicant to lodge separate DAs for the future fit-out of Tower B.

### 5.4 Public Interest

The proposal is considered to be in the public interest as it would provide for the delivery of new health care related activities, including specialist medical suites and associated allied health uses such as osteopath, physiotherapy and speech pathology. The proposal would also generate a total of 330 construction jobs and 110 operational jobs. The proposal would also address State priorities of 'improving service levels in hospitals' and 'delivering infrastructure' through the provision of new health facilities and integrated healthcare infrastructure.

## 6. CONCLUSION

The Department has reviewed the EIS, RtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department considers that the proposal is consistent with the *Premiers Priorities*, as it would create jobs and provide for better access to healthcare services, and *A Metropolis of Three Cities – The Greater Sydney Plan*, as it would provide for the expansion of health services and facilities to support Sydney's growing population. The proposal would also generate approximately 330 construction jobs, 110 operational jobs and \$38 million in total direct investment.

The Department concludes the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.

## 7. RECOMMENDATION

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In accordance with section 4.38 of the *EP&A Act 1979*, it is recommended that the Executive Director, Priority Projects Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent to** the application in respect of the construction of the North Shore Health Hub Tower B (SSD 8894)
- **signs** the attached development consent and recommended conditions of consent (**Appendix D**).

Recommended by:



David Gibson  
**Team Leader**  
**Social Infrastructure Assessments**

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## Decision

The recommendation is Adopted by:



David Gainsford      10/8/18  
**Executive Director**  
**Priority Projects Assessments**  
as delegate of the Minister for Planning

I agree that the key reasons set out in the Notice of Decision (which will be made public) accurately reflects the key reasons for my decision.

## **APPENDIX A RELEVANT SUPPORTING INFORMATION**

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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=8894](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8894)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8894](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8894)

3. Applicant's Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8894](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8894)

## **APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)**

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### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)**

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

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

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage
- Willoughby Local Environmental Plan 2011.

### **COMPLIANCE WITH CONTROLS**

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

The aims of the SRD SEPP are to identify State significant development 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 4.36 of the EP&A Act because it is development for the purposes of a health, medical or related research facility with a capital investment value (CIV) 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, as in force at the time of lodgement.

#### **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

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

The development constitutes traffic generating development in accordance with clause 104 of the ISEPP and therefore must be referred to RMS for comment. The applications were referred to RMS and TfNSW and their comments are summarised in **Section 4** of this report.

The proposal is considered to be consistent with the ISEPP given the consultation and consideration of the comments raised has been undertaken in the Department's assessment at **Section 5** of this report.

#### **State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)**

SEPP 33 aims to provide clear definitions for hazardous and offensive industries and ensure that consideration of any application to carry out hazardous and offensive industries is accompanied by sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

The Applicant submitted with the Tower B Stage 2 RtS an assessment of the applicability of SEPP 33 to the Tower B proposal. The assessment analysed the proposal against the screening methods for potentially hazardous development and potentially offensive development and concluded that as the proposal is neither potentially hazardous nor potentially offensive industry, the provisions of SEPP 33 do not apply to the proposed Tower B development.

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

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS for Tower A included a contamination assessment for the site which concludes the site is suitable for the proposed development in accordance with SEPP 55 as concentrations of contaminants of potential concern were not identified in any soil or groundwater samples above the adopted health or ecological investigation criteria. The EIS also included a RAP which concludes that if remediation is carried out in accordance with the RAP, then the site would be made suitable for the proposed development.

The Department is satisfied that the investigations undertaken by the Applicant satisfactorily demonstrate that the site can be made suitable for the proposal in accordance with Clause 7 of SEPP 55. The Department imposed conditions in the Tower A development consent requiring a site validation report and site audit statements be prepared by an accredited site auditor prior to and upon completion of the remediation works. The Department also imposed conditions relating to ensure measures are in place should any unanticipated contamination be found during works.

### **Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)**

An Explanation of Intended Effect for the Draft Remediation SEPP and Draft Contaminated Land Planning Guidelines were recently exhibited.

The Explanation of Intended Effect sets out the key changes proposed to SEPP 55 which largely relate to:

- categorisation of remediation works base on scale, risk and complexity
- more clearly specifying remediation works requiring development consent
- introducing certification and operational requirements for remediation works that can be undertaken without development consent
- requiring environmental management plans relating to post remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as containment cell) to be provided to Council.

The key operational framework of SEPP 55 is to be maintained and new provisions are unlikely to significantly affect the subject applications. As such, the Department is satisfied that the proposal would be consistent with the intent of the Draft Remediation SEPP.

### **Draft Environment State Environmental Planning Policy (draft Environment SEPP)**

The draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the draft SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under

the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, it is concluded that the proposed development will generally be consistent with the provisions of the draft Environment SEPP.

### Willoughby Local Environmental Plan 2011 (WLEP)

The WLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Willoughby LGA. The WLEP also aims to conserve and protect natural resources and foster economic, environmental and social wellbeing.

The site is zoned IN1 General Industrial under Willoughby Local Environmental Plan 2012 (WLEP), where health services facilities are prohibited. However, under clause 74 of Schedule 1 of WLEP, development for the purpose of a hospital (the definition of which encompasses health services facilities) is permitted with consent on certain land at 12 Frederick Street, St Leonards (being the subject site).

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the WLEP and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the WLEP.

### Other Policies

In accordance with Clause 11 of the SRD SEPP, Development Control Plans (DCP) do not apply to State significant development. Notwithstanding, the objectives of relevant plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the SEARs and are considered below.

**Table 1: Consideration of the Willoughby DCP**

DCP Provisions	Department's Consideration
<p><b>C.3 Sustainable Development</b></p> <ul style="list-style-type: none"> <li>minimise consumption of resources</li> <li>facilitate energy efficient development</li> </ul>	<ul style="list-style-type: none"> <li>An Ecologically Sustainable Development (ESD) report was included in the EIS which details measures regarding sustainability, thermal massing, building fabric, water sensitive urban design, energy efficiency, recycling and waste disposal.</li> <li>The Department has recommended a condition of consent requiring that the Applicant meet sustainability benchmarks by obtaining a Green Star Certificate for construction and operation.</li> </ul>
<p><b>C.4 Transport Requirements for Development</b></p> <ul style="list-style-type: none"> <li>Encourage the use of public transport in areas close to transport nodes</li> <li>Ensure that appropriate facilities are provided for bicycles</li> <li>Ensure that provision is made for a reasonable number of parking spaces for vehicles generated by a development including</li> </ul>	<ul style="list-style-type: none"> <li>An assessment of traffic and parking implication associated was provided with the application. Vehicle access and internal circulation was assessed in the Tower A application.</li> <li>A condition of consent for Tower A required that prior to final occupation of Tower A, the Applicant must complete (in consultation with and to the agreement of Council) road upgrade works at the Herbert Street/Westbourne Street intersection to maintain the 2026 pre-development level of service. The Department has also imposed a condition requiring the Applicant to prepare a Green Travel Plan for the Health Hub.</li> <li>The Department considers that the proposal will provide a sufficient vehicle and bicycle parking for both Towers A and B when complete.</li> </ul>

<p>visitor, employee, service and commercial vehicles</p> <ul style="list-style-type: none"> <li>• Ensure that vehicular movements and parking do not impede pedestrian traffic safety and efficiency</li> </ul>	
<p><b>C.5 Water Management</b></p> <ul style="list-style-type: none"> <li>• Applies Water Sensitive Urban Design principles which minimise impacts on the natural water cycle</li> <li>• provides a safe and effective framework for the control, re-use and disposal of rainwater and stormwater</li> <li>• reduces flooding risk in urban areas</li> </ul>	<ul style="list-style-type: none"> <li>• A Stormwater Management Plan, Stormwater Drainage Plan and Drainage Details, and Stormwater Strategy Plan were included in the EIS.</li> <li>• The Department has recommended a condition of consent requiring that final drainage design plans of the stormwater drainage and onsite detention system are to be prepared by a suitably qualified engineer generally in accordance with the requirements of Council. A condition of consent is also recommended requiring preparation of a Stormwater Quality Management Plan.</li> </ul>
<p><b>C.8 Waste Management</b></p> <ul style="list-style-type: none"> <li>• Waste minimisation and resource recovery-encouraging improved environmental outcomes</li> <li>• ensuring waste systems are easy to use and that collection vehicles are able to access buildings to remove waste and recycling materials</li> </ul>	<ul style="list-style-type: none"> <li>• A Waste Management Plan was included in the EIS which described current policies, waste definitions and procedures and provides goals and targets to ensure ongoing improvement in waste management, including the generation, handling, storage and disposal of all forms of waste.</li> <li>• The Department has recommended a condition of consent requiring that an appropriate area will be provided within the premises for the storage of garbage bins, recycling containers and all waste and recyclable material generated by the premises.</li> </ul>
<p><b>C9. Preservation of Trees and Vegetation</b></p> <ul style="list-style-type: none"> <li>• minimise unnecessary removal of trees</li> <li>• encourage the planting of trees that are appropriate for site conditions</li> <li>• encourage the planting of local native species where appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• N/A – Tower B is located on the Tower A podium. The impact of any tree loss was considered as part of the Tower A application.</li> </ul>
<p><b>C.11 Safety by Design</b></p> <ul style="list-style-type: none"> <li>• crime prevention principles including surveillance and access control</li> </ul>	<ul style="list-style-type: none"> <li>• While Tower B is constructed on a podium created by Tower A, the Department imposed a condition of consent on Tower A requiring that the Applicant design and construct Tower A having consideration for Crime Prevention through Environmental Design principles. The Department also imposed a condition requiring that CCTV and suitable lighting must be provided on the external perimeter of the Tower A.</li> </ul>

## APPENDIX C GLOSSARY

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**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(CI.7(4) Schedule 2 of the Regulation)*

### **Section 4.15(1) 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 Secretary 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 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, 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.*

## **APPENDIX D    RECOMMENDED CONDITIONS OF CONSENT**

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