

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-9351535 John Hunter Health and Innovation Precinct
Applicant	Health Administration Corporation
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

30 November 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report.
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000.
- the objects of the Act.
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW).
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report.
- the findings and recommendations in the Department's Assessment Report.
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including a significant investment which would support the delivery of 1,613 jobs during the construction phase and 210 new operational jobs.
- the project is permissible with development consent and is consistent with NSW Government policies, including the NSW Premier's Priorities, Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum, the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036 and Newcastle Council's Local Strategic Planning Statement.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The Department is satisfied the traffic generated by the proposal can be accommodated on the surrounding road network, subject to the completion of the adjoining Newcastle Inner City Bypass (NICB). In that regard, the Department has included conditions requiring the implementation of management measures to minimise traffic impacts if the hospital is delivered prior to the completion of the NICB. The Department is also satisfied the proposal adequately seeks to avoid and minimise biodiversity impacts and delivers a biodiversity offset strategy that appropriately compensates for the unavoidable loss of ecological values on the site. The Department has included conditions requiring the Applicant to investigate minimising biodiversity impacts associated with the future road access to the eastern part of the hospital campus.
- the issues raised in agency submissions have been considered and adequately addressed through the recommended conditions of consent.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 1 June 2021 until 28 June 2021 (28 days) and received 12 public submissions.

The key issues raised by Council and in the public submissions and considered in the Department's Assessment Report and by the decision maker includes traffic and parking impacts, biodiversity impacts and built form and urban design. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Parking impacts</i></p> <ul style="list-style-type: none"> Insufficient parking on the site for the construction workers and to meet the ongoing parking demand for staff and visitors generated by the proposed development. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Based on a first principles analysis of the existing relationship between current and future staffing levels, as well as student, visitor and patient demands, the proposed development would demand an additional 754 parking spaces on site by 2031/32. The proposal would provide 917 additional car spaces on the site in the parking basement at the lower levels of the ASB and throughout the upgraded at-grade parking areas across the campus. Furthermore, the existing hospital staff parking supply is proposed to be maintained with no net loss during the construction period and coordination with the NICB / JHH steering committee would mitigate potential impact of construction workers parking on local streets. The Department is satisfied there will be an adequate supply of parking spaces available to ensure the efficient and orderly movement of vehicles through the hospital campus and minimise parking in the surrounding streets. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> Preparation and implementation of Construction Traffic and Pedestrian Management Plan, including initiatives ensuring construction workers do not park in surrounding streets and coordination with the NICB/JHH steering committee.
<p><i>Transport and traffic impacts</i></p> <ul style="list-style-type: none"> Adverse traffic impacts and congestion in the surrounding road network. Increased internal traffic movements from the proposed Northern Road east which connects the bypass to Lookout Road/Russell Road. Public transport must be improved to support the development. Impacts on the cycleway/walking on the northern side of the hospital from roadworks. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The transport assessment found that based on an assumed 62 per cent of vehicles currently entering the site from Lookout Road being redirected to the NICB, no adverse traffic impacts will arise following implementation of the new access arrangements via the NICB and connection through to Lookout Road/Russell Road, with key intersections operating with Level of Service A or B. Transport for NSW (TfNSW) recommends a condition requiring connection to the NICB to accommodate the additional traffic before the occupation of the site for any part of the development that generates additional traffic. Whilst the Applicant requested the condition be modified to "controlled" uplift in clinical activity to ensure the hospitals clinical functions can be appropriately managed, the Department considers that any uplift in clinical activity prior to completion of the NICB, is inconsistent with the submitted Transport Impact Assessment and advice from TfNSW regarding the current capacity of the existing road network. The redevelopment would be supported by a Green Travel Plan that would promote and encourage improved public transport usage and provides a mechanism for feedback and development of improved public transport requirements for staff travel. Existing cycleway/walking routes would be maintained where possible and a new cycleway is proposed as part of the bypass and along the new Northern Road. Appropriate provisions have been included in the design to facilitate improved public transport services, including three public bus bays and a bay for community bus and taxi parking. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> Consultation with the NICB/JHH steering committee to minimise the impact of the commencement of operations of the development prior to the NICB. Implementation of appropriate management measures (such as no uplift in clinical activity) to minimise traffic impacts during peak periods in the event the NICB is not completed prior to the commencement of operations of the new development. Preparation and implementation of a Green Travel Plan in consultation with TfNSW. Preparation and implementation of Construction Traffic and Pedestrian Management Plan, in consultation with the NICB/JHH steering committee.

<i>Issue</i>	<i>Consideration</i>
<p><i>Biodiversity</i></p> <ul style="list-style-type: none"> The proposed northern road east section should be located further south, closer to the hospital building, providing a more efficient connection and reducing the fragmentation of bushland. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes that the eastern extension of the proposed Northern Road is not required for the road network to satisfactorily accommodate the anticipated traffic generation of the current proposal and is intended to be completed in 2025 to facilitate future development zones within the JHHIP. The Department requested the Applicant consider relocating the future Stage 2 eastern extension of the proposed Northern Road generally along the alignment of the existing fire trail to be retained to avoid and minimise the extent of disturbance to the existing creek corridor and vegetation clearing within the E3 Environmental Management zoned land. The Applicant advised that the use of the retained existing fire trail for future access to the eastern part of the JHHC is inappropriate as the alignment contains tight bends which do not afford adequate sight distances and would result in a similar extent of vegetation clearing as the proposed Northern Road eastern extension. Whilst upgrading of the fire trail will require some additional clearing adjacent to the construction access, this is likely to be to a lesser extent than the eastern extension of the proposed Northern Road in terms of extent of vegetation loss, fragmentation from the adjoining bushland and disturbance to the existing creek riparian corridor. It is considered that further investigation of future road extension, that is generally aligned with the existing fire trail and located outside of the E3 Environmental Management zoned land, should be undertaken to determine whether biodiversity impacts can be further avoided and minimised and maintain greater connectivity to the adjoining bushland to the north. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> Investigation of the biodiversity impact associated with the additional clearing of vegetation necessary to upgrade the existing fire trail to a standard required for a future access road to the eastern part of the hospital precinct. Realignment of the eastern extension of the Northern Road, if the net additional clearance of vegetation required to upgrade the existing fire trail has reduced biodiversity impact compared to the proposed second stage eastern extension of the Northern Road.
<p><i>Bushfire</i></p> <ul style="list-style-type: none"> Bush fire risk to houses in Croudace Street must be managed, including extension of fire trail and/or Asset Protection Zone (APZ). 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The vegetation surrounding the site is a bush fire risk and the occupants of the proposed development may be more vulnerable to bush fire attack and therefore may require greater protection from such threats as well as assisted evacuation. The Bush Fire Hazard Assessment submitted with the application includes a series of bush fire protection measures, including a buffer provided by an APZ up to 61m from the outer elevation of the closest building to the vegetation. The APZ contains roads, parking areas, service areas and has been designed to minimise disturbance to vegetation within the existing riparian zone. The development would not affect the bush fire risk to adjoining residential areas and the development is able to manage the bush fire risk for the new hospital buildings and associated facilities. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> Implementation of APZs, building construction standards, access, utilities and services and evacuation arrangements required by relevant guidelines and Australian Standards.
<p><i>Noise impacts</i></p> <ul style="list-style-type: none"> Long term noise and vibration monitoring should be undertaken for impacts on the residential area of Lookout Road and any damage rectified by the Applicant. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The construction noise impacts would be greatest on the existing hospital buildings within the JHHC. The nearest sensitive residential receivers are located beyond bushland to the west and north of the JHH. The construction noise impacts would exceed construction noise targets during recommended standard construction hours at the residential receiver locations but are below the 75dB(A) Highly Affected Noise Levels outlined in the Interim Construction Noise Guideline. To mitigate construction noise impacts, a variety of standard measures would need to be implemented to manage the noise generation, particularly for the adjoining hospital development, which includes sensitive equipment. The Department is satisfied the noise and vibration impacts generated by the development can be adequately managed and mitigated, subject to the

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	<p>verification of noise attenuation measures during the detailed design stage and verification of operating conditions upon commencement of operations.</p> <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> • Preparation and implementation of Construction Noise and Vibration Management Plan. • Verification of the incorporation of noise attenuation measures during the detailed design stage and verification of operating conditions upon commencement of operations to ensure operational noise limits are complied with.
<p><i>Waste</i></p> <ul style="list-style-type: none"> • Construction wastewater or waste must not impact residential properties. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Removal of construction waste and wastewater was addressed in the Preliminary Construction Management Plan and would be managed to ensure adjoining properties are not impacted. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> • Preparation and implementation of a final Construction Management Plan.