



NSW GOVERNMENT
Department of Planning

***MAJOR PROJECT ASSESSMENT:
Long Bay Gaol Hospitals Project***



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

July 2006

© Crown copyright 2006
Published July 2006
NSW Department of Planning
www.planning.nsw.gov.au

Disclaimer:

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

1 EXECUTIVE SUMMARY

- 1.1 This Director General's Environmental Assessment Report has been prepared pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (as amended) in relation to the Long Bay Hospitals Project. The project consists of the demolition of the existing Long Bay Prison Hospital and construction of a new 135 bed Forensic Hospital and a new 85 bed Prison Hospital in the Long Bay Gaol Complex at Malabar.
- 1.2 The Director General, as delegate of the Minister for Planning, formed the opinion on 16 February 2006, that the proposal is a Major Project and subject to Part 3A of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 The Director General also agreed to delegate his planning and assessment functions to Randwick City Council as contained in an Instrument of Delegation dated 16 February 2006. Council accordingly, prepared the Director General's Environmental Assessment Requirements for the project, consulted with stakeholders, exhibited the proposal, and undertook the assessment and drafting of the Director General's Environmental Assessment Report to the Minister.
- 1.4 The proposal was exhibited for the requisite 30 days between 21 March 2006 and 21 April 2006. Two submissions were received, being from the RTA and the NSW Heritage Office. One resident submission was received after the closing date of the public exhibition.
- 1.5 In April 2006, Council released to the proponent a list of issues as raised in a document titled *Preliminary Assessment for Long Bay Hospitals Project*.
- 1.6 Key issues raised in the assessment concerned local traffic and parking and drainage. Local amenity impacts resulting from the construction and operation of the proposal have additionally been considered.
- 1.7 The proponent has addressed these issues and submitted a Preferred Project Report and revised Statement of Commitments on 19 June 2006 to address issues and provide added mitigation measures.
- 1.8 The Department is of the view that the proposal is of State and regional significance. The construction of the new Forensic and Prison Hospitals forms part of a rationalisation of the care of patients and prisoners within the Long Bay Gaol Complex for separate accommodation and treatment for forensic patients and prisoners as required under international health conventions.
- 1.9 In meeting the health and correctional objectives with the issues raised above, the Department is of the view that the proponent has satisfactorily mitigated the environmental impacts arising from the proposed development and adequately maintained the amenity of the local area. In assessing the proposal, the Department has resolved any outstanding environmental issues through recommended conditions of approval.
- 1.10 The Department has worked closely with Randwick City Council. This has ensured an effective and efficient approval process.
- 1.11 Recommended conditions of approval are provided at **Appendix A**. The reasons for the imposition of conditions are to maintain the amenity of the local area and adequately mitigate the environmental impact of the development.

2 BACKGROUND

2.1 Background

The NSW Department of Health (Justice Health) and the Department of Corrective Services proposes to construct two new hospitals, the Forensic Hospital and the Prison Hospital, within the existing Long Bay Gaol Complex at Malabar. The development forms part of a rationalisation of the care of forensic patients and prisoners within the complex in line with international health conventions. The existing Long Bay Hospital was constructed in 1987 within the Long Bay Gaol complex to accommodate and treat forensic patients and provide medical treatment for prisoners. Forensic patients are patients who have not been found guilty of crimes by reason of mental illness, are unfit to be tried because of mental illness, or who are waiting trial for a serious offence where mental illness is thought to be a factor. International mental health conventions require forensic patients to be held in a secure hospital and not in a correctional facility. Accordingly, the project will provide for separate accommodation and treatment for forensic patients and prisoners.

The current Long Bay Gaol Hospital has 120 beds to accommodate 90 male mental health, 10 female mental health, and 20 medical patients.

It is proposed that the new Prison Hospital will remain under the control of the Department of Corrective Services with clinical service provided by Justice Health while clinical services in the new Forensic Hospital will be provided by Justice Health.

2.2 Site Location

The Long Bay Gaol Complex is located on Anzac Parade, Malabar, in the Randwick Local Government Area, approximately 12 kilometres from the Sydney CBD (see **Figure 1**). The site is located on a headland that separates Long Bay from Little Bay. The proposed Forensic Hospital and Prison Hospital site are located within the Long Bay Gaol Complex.

2.3 Site Description

The Long Bay Gaol is bounded by Anzac Parade along the north-west and south-west of the site; Bilga Crescent to the south and part of the eastern side; Calga Avenue along the eastern perimeter of the site; and Austral Street along the north eastern perimeter (see aerial photograph at **Figure 2**)

The subject site has an irregular shape and a total area of 39.53 hectares. The site comprises Lot 5291 of DP 824057 and is known as Long Bay Gaol. The site is Crown land.

A minor ridge runs north-east to south-west through the subject site along which the original buildings of the Gaol complex have been built dating to the early part of last century. The site falls away from this ridge towards Anzac Parade to the main entry into the Gaol.

The site is used for a range of special inmate management programs and health services and associated supporting administrative, maintenance and stores, industries and nursery buildings/uses for inmate employment, staff amenities and the like.

2.4 Surrounding land uses

The complex is bounded by Anzac Parade to the west and north-west which has northbound and southbound lanes separated by a wide median strip. Bilga Crescent runs along the southern and south-eastern perimeter and Calga Avenue along the eastern perimeter of the site. Austral Street runs along the north eastern perimeter.

To the north-west of the Long Bay Gaol Complex on the opposite side of Anzac Parade is the Matraville High School and Chifley Public School. To the west and the south-west, are dwelling houses and medium density residential developments fronting Anzac Parade, Forrest Street, Gibson Place and Mawson Parade. To the north-east and south are predominantly dwelling houses which share property boundaries with the Complex and front Austral Street and Bilga Crescent respectively.

Figure 1: Site Location

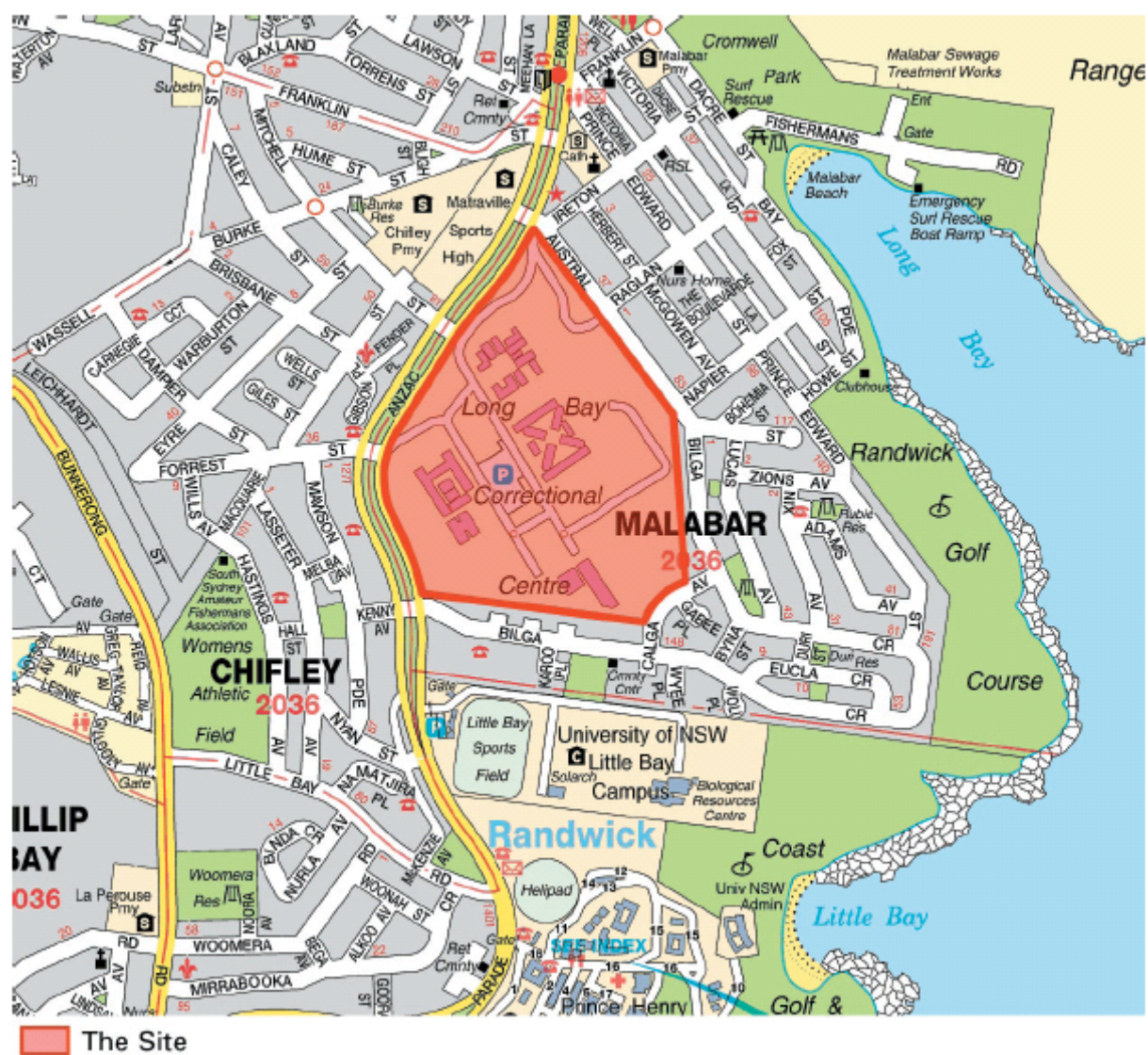


Figure 2: Aerial Photo



3 PROPOSED DEVELOPMENT

3.1 Proposal

The development comprises 2 main elements:

- Demolition of the existing Long Bay Prison Hospital, and
- Construction of new Prison Hospital and Forensic Hospital buildings.

The estimated capital investment value of the proposal is in the order of \$130 million.

All buildings proposed are single storey in height, with the exception of the Justice Health Operations Building, which will be part 2-storey – see **Figure 4** below.

Figure 3: Location of new Prison and Forensic Hospital buildings



3.1.1 The Forensic Hospital

The proposed Forensic Hospital site will be located in the south-west section of the Long Bay Gaol Complex which contains the existing Long Bay Hospital. The site is approximately 5.4 ha in area.

The Forensic Hospital development will comprise:

- Demolition of the existing Long Bay Prison Hospital.
- Construction of five new buildings comprising:
 - the Justice Health Operations Building including extension to the existing carpark;
 - two Acute Care buildings;
 - a Long Stay Unit building; and

- a Recreation and Rehabilitation Centre.
- Construction of the maximum security 5.5m perimeter wall, internal fences, garden walls, a circulation road, driveways and landscape works.

The subject Forensic Hospital land will be re-gazetted for health purposes and ownership transferred to the Health Administration Corporation as part of the NSW Department of Health.

Figure 4: Proposed Justice Health Operations Building



Figure 5: New Forensic Hospital as viewed from western side of Anzac Parade



3.1.2 The Prison Hospital

The proposed Prison Hospital site will be in the south-eastern section of the Long Bay Gaol Complex. The site is approximately 2.1 ha in area.

The Prison Hospital development will comprise:

- Construction of four new buildings comprising:
 - a Gatehouse building to service both the new Prison Hospital and the existing Metropolitan Medical Transient Centre (MMTC);

- a Visitors Centre, Service and Administration Building to service both patients from the new Prison Hospital and inmates held in the MMTC;.
 - a Mental Health Unit building; and
 - an in-patient Medical and Surgical Unit, and Aged and Rehabilitation Unit Building.
- Construction of the maximum security 5.5m pre-cast perimeter wall, internal fences, garden walls and landscape works.
 - Construction of an external perimeter road and alterations to existing roadways to form new entry road and lay-by.

Figure 6: New Prison Hospital as viewed from Bilga Avenue



Detailed plans of the development as proposed are included in the proponent's Environmental Assessment provided at **Appendix E**. Layout plans for both hospitals are displayed below and over the page at **Figures 7 and 8**.

Figure 7: Forensic Hospital - development proposal

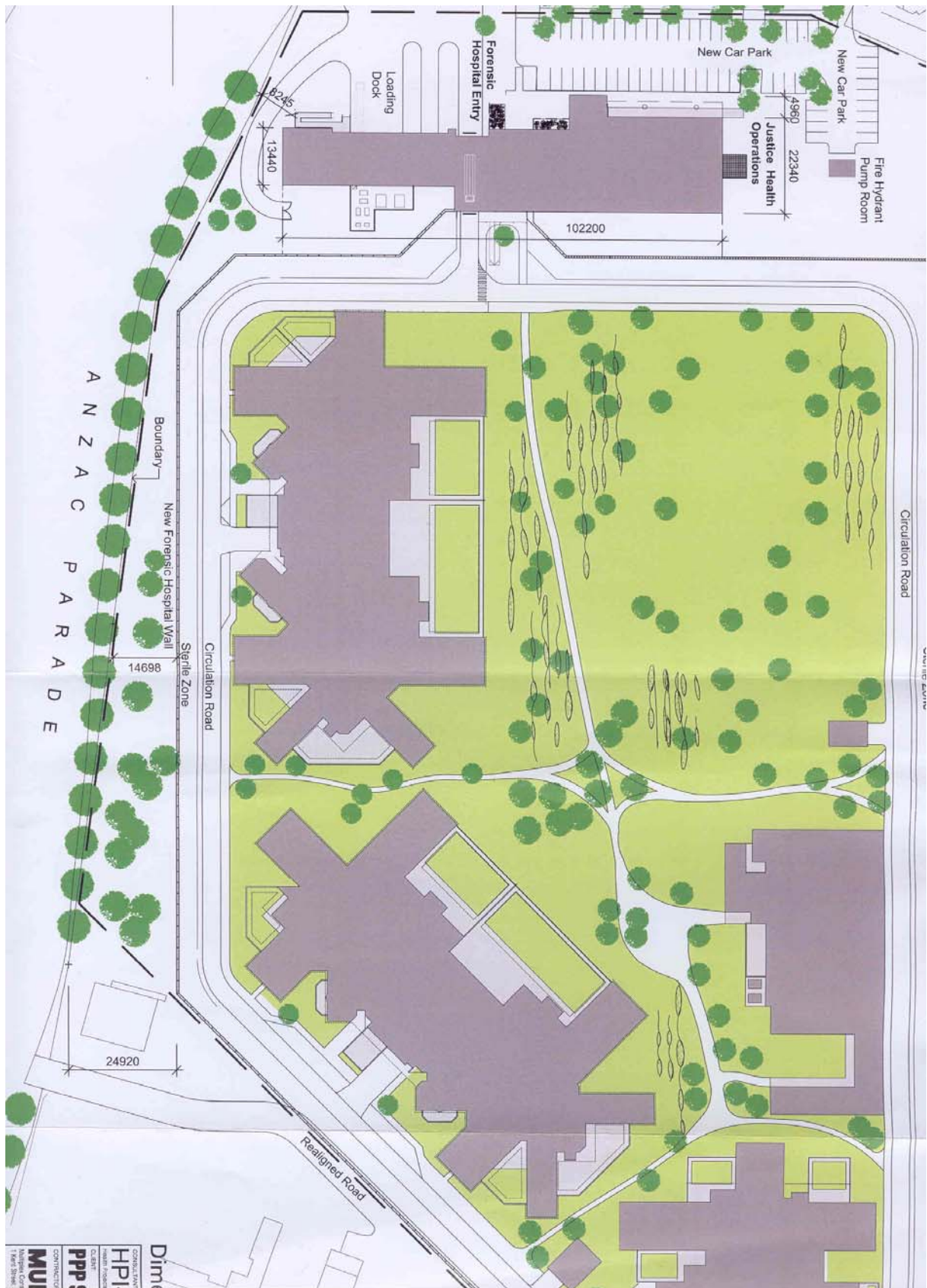


Figure 8: Prison Hospital - development proposal



3.2 Preferred Project Report

In response to the submissions received and Randwick Council's comments on various aspects of the project, the proponent lodged a Preferred Project Report and a revised Statement of Commitments.

No significant changes are proposed to the project as a result of the public exhibition process.

The Statement of Commitments has been revised to include:

- The recommendations of the Heritage Council of NSW.
- Management and design of access, traffic and parking during construction in accordance with the revised Construction Traffic Management Plan, Roads and Traffic Authority, and Randwick City Council requirements and relevant Australian Standards.
- Provisions for service connection, relocation and/or adjustment.
- Provisions for management of waste during demolition, construction and operational phases.
- Compliance with Randwick City Council's stormwater management requirements and policies for on-site detention.
- Provision of all operational parking on-site.
- Provision of landscaping in accordance with the proponent's Landscape Design Report and Plans, and Council's Tree Preservation Order and Street Tree Master Plan.

A copy of the Preferred Project Report and revised Statement of Commitments is provided at **Appendix B**.

4 STATUTORY CONTEXT

STATUTORY FRAMEWORK

4.1 Part 3A of the Environmental Planning and Assessment Act 1979

Part 3A of the Environmental Planning and Assessment Act commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all major projects previously considered under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the EP&A Act. The new Part 3A applies to State government infrastructure projects, developments previously classed as State significant, and other projects, plans or programs declared by the Minister.

Under the provisions of Section 75B of the Act development may be declared to be a Major Project by virtue of a State Environmental Planning Policy or by order of the Minister published in the Government Gazette.

On 16 February 2006, the Director General of Planning, as the delegate of the Minister, formed the opinion that the Long Bay Gaol Hospitals Project is a Major Project to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979. In addition, the Director-General also advised that he had agreed to delegate his assessment powers in respect of the hospitals project to Randwick City Council as contained in an Instrument of Delegation dated 16 February 2006.

4.2 State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 was gazetted on 25 May 2005. The SEPP sets out criteria to establish which proposals are Major Projects for the purposes of Part 3A of the Act.

Under the SEPP, the Minister for Planning may form the opinion that a certain form of development is a Major Project. On 16 February 2006, the Director General (as the Minister's delegate) formed the opinion that the proposal was a Major Project on the basis that the its capital investment value of \$130 million exceeds \$15 million threshold for a "hospital", and \$30 million for the purposes of a "correctional facility" under Schedule 1 Group 7 Clause 18 and Schedule 1 Group 7 Clause 21 of the Major Projects SEPP, respectively.

4.3 Instrument of Delegation

In accordance with the Instrument of Delegation dated 16 February 2006, the Director General of the Department of Planning delegated certain functions to Randwick City Council in relation to the assessment of the Project Application.

Council assumed responsibility for the following tasks:

- Preparation of the Director General's Environmental Assessment requirements.
- Preparation of a "Test of Adequacy" of the Environmental Assessment.
- Public consultation and notification of the Project Application.
- Preparation of the report to the Director General detailing the assessment of the Project Application.
- Preparation of a draft instrument of approval on behalf of the Minister.

The Minister for Planning continues to bear responsibility for approval of the Project Application.

PERMISSIBILITY

4.4 Randwick Local Environmental Plan 1998

The subject land is zoned 5(a) Special Uses under the provisions of Randwick Local Environmental Plan (LEP) 1998.

The Randwick LEP 1998 contains the following definitions:

***Hospital** means a building or place used for providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people and includes*

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care for their visitors, and*
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health workers, and whether or not any such use is a commercial use,*

but (in Part 2) does not include a building or place elsewhere defined in this clause.

Development for the purposes of a "hospital" is permissible with the consent of Council in the 5(a) Special Uses Zone.

4.5 Deemed DCP - Long Bay Gaol Complex

In October 2004, a Master Plan for the Long Bay Gaol Complex was adopted. Under the amendments to the Environmental Planning and Assessment Act 1979 gazetted on 16 June 2005, the Master Plan is now a Deemed Development Control Plan (Deemed DCP). The Deemed DCP essentially outlines long-term development proposals for the complex and how these proposals should address a range of matters. Specifically, the Deemed DCP provided for the erection of a new Forensic Hospital and a new Prison Hospital and the attendant demolition works and rationalisation and relocation of industries and maintenance functions in the areas where the hospitals are to be established.

Appendix M of the proponent's Environmental Assessment Report contains a Table of Compliance with the Deemed DCP for the Long Bay Gaol Complex. An assessment of this table indicates that the proposal is generally consistent with the provisions of the Deemed DCP. In particular, the proposal is consistent with all the matters listed in *Part B – Matters to be addressed / submitted in Future Development Applications* of the determination of the Deemed DCP (Master Plan).

CONSIDERATION OF RELEVANT LEGISLATION

4.6 Other relevant legislation and environmental planning instruments

Section 6 and **Appendix E** both set out the approval process, relevant consideration of legislation (including other Acts) and environmental planning instruments as required under Part 3A of the Act.

5 CONSULTATION AND ISSUES RAISED

5.1 Consultation Process

In accordance with the Instrument of Delegation, Council assumed responsibility for coordinating the consultation and exhibition process with Government Departments and members of the public.

Section 75H(3) of the EP&A Act requires that after the Environmental Assessment has been accepted by the Director General, the Director General must, in accordance with any guidelines published in the Gazette, make the environmental assessment publicly available for at least 30 days. The Director General has not published any specific guidelines in relation to the public exhibition of the Project Application.

A "Test of Adequacy" was undertaken by Council which determined that the matters contained in the Environmental Assessment Requirements were adequately addressed in the Environmental Assessment prior to public exhibition.

Broadly the process followed in terms of the public exhibition was as follows:

- The application was placed on exhibition between 21 March 2006 and 21 April 2006.
- Copies of the Environmental Assessment documents were forwarded to relevant Government Departments, namely, the Heritage Council of NSW and the Roads and Traffic Authority.
- Details of the application were forwarded to all owners of land directly adjoining the subject land (i.e. landowners in Anzac Parade, Forrest Street, Gibson Place, Kenny Avenue, Mitchell Street, Austral Street, Bilga Crescent, Calga Avenue, Gabee Place, McGowen Avenue and Raglan Street).
- Copies of the Environmental Assessment and associated documents were available for inspection at Council's offices in Randwick and at the Department of Planning in Sydney.
- Details of the application were placed on Council and the Department of Planning websites.

In response Council received written submissions from the NSW Heritage Office, and the Roads and Traffic Authority. Copies of the submissions are provided at **Appendix C** whilst the proponent's response to submissions is contained within its Preferred Project Report at **Appendix B**. One resident submission was received after the public exhibition closing date.

5.2 Government Departments

Submissions were received from the NSW Heritage Office and the Roads and Traffic Authority.

Issues raised in the respective submissions are outlined below:

5.2.1 NSW Heritage Office

- The 1987 Prison Hospital to be demolished should be recorded in accordance with Heritage Council guidelines as a layer in the development history of the site.
- If any archaeological relics are discovered during construction, work must cease on that part of the site and the Heritage Council is to be notified in accordance with section 146 of the Heritage Act. The Heritage Council may require the remains to be recorded by a suitably qualified archaeologist prior to the recommencement of works.

5.2.2 Roads and Traffic Authority

- The design of the proposed deceleration lane along Anzac Parade to the construction site and the temporary car park within the median island must be undertaken in accordance with current Australian Standards and RTA design requirements.
- An acceleration lane designed to current RTA and Australian Standards should also be provided for vehicles exiting the site to the south.

- The proposed provision of a pedestrian crossing on Anzac Parade must meet the warrants for the installation of this type of facility and all associated signage and line marking must conform to the current standards.
- A clear sight distance is to be maintained at all times for proposed driveway entry and exit points.
- All vehicles must enter and exit the site in a forward direction.
- Provision must be made for all loading/unloading activities to be carried out on site as the use of Anzac Parade for these purposes should not be permitted.

5.3 Public Submissions

One submission was received from a resident in Gabee Place after the public exhibition closing date. The submission raised the following concerns:

1. The impact of construction traffic in terms of dust.
2. Intrusion of flood lighting from Prison Hospital.
3. The visual impact of the proposed Prison Hospital when viewed from residential properties in Gabee Place and Calga Avenue.
4. Lack of appropriate fence along Calga Avenue and Bilga Crescent consistent with heritage significance.

Points of concern Nos. 1 to 3 above are generally addressed in the proponent's Statement of Commitments and/or by way of conditions of approval.

Point of concern No. 4 is not considered to be relevant to the proposed development as the proposal involves the construction of the subject hospitals in designated areas within the Long Bay Gaol Complex which will be separately fenced and does not include any proposal to replace fencing along the whole length of the boundary of the overall Complex. Accordingly, no action is required in relation to this issue in the assessment of this project.

Similarly, Point 2 is an existing operational issue not explicitly subject of this proposal.

5.4 Independent Hearing and Assessment Panel

Section 75G of the Environmental Planning and Assessment Act provides that the Minister may constitute an independent panel to assess any aspect of a project. No panel was constituted for the purposes of Section 75G.

6 ASSESSMENT

6.1 Environmental Assessment Requirements

Section 75F of the Environmental Planning and Assessment Act provides that the Director General is to prepare Environmental Assessment requirements for each project. The Environmental Assessment outlines the matters that the Director General considers should be considered as part of the assessment process.

The Environmental Assessment requirements were prepared by Randwick City Council in consultation with the Department of Planning and forwarded to the applicant. The Environmental Assessment prepared by JBA Urban Planning Consultants forms the basis for consideration of the significant issues associated with the development.

6.2 DIRECTOR GENERAL'S REPORT

The purpose of this submission is for the Director General to provide a report on the project to the Minister for the purposes of deciding whether or not to grant approval to the project pursuant to Section 75J of the Act.

Section 75I(2) sets out the scope of the Director General's report to the Minister. Each of the criteria set out therein have been addressed below, as follows:

(a) a copy of the proponent's environmental assessment and any preferred project report; and

The proponent's environmental assessment is included at **Appendix D** while the proponent's Preferred Project Report is set out for the Ministers consideration at **Appendix B** along with a revised Statement of Commitments.

(b) any advice provided by public authorities on the project; and

All advice provided by public authorities on the project for the Minister's consideration is set out at **Appendix C**.

(c) a copy of any report of a panel constituted under Section 75G in respect of the project; and

No independent hearing and assessment panel was undertaken in respect of this project.

(d) a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project; and

A brief assessment of each relevant State Environmental Planning Policies that substantially govern the carrying out of the project is set in **Appendix E**.

(e) except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division; and

An assessment of the development relative to the prevailing environmental planning instruments is provided in **Appendix E**.

(f) any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.

The environmental assessment of the project is this report in its entirety.

6.3 SIGNIFICANT ISSUES

6.3.1 Heritage

The Long Bay Gaol Complex is listed on the State Heritage Register and is identified as an item of state significance in the Randwick Local Environmental Plan 1998.

The Site is also the subject of a Conservation Management Plan (CMP) prepared by Clive Lucas Stapleton Partners. Specifically, the CMP establishes general conservation guidelines for the Outer Complex of the Long

Bay Gaol Complex, namely, the continuing use of the Outer Complex as part of a correctional centre in accordance with an agreed long-term co-ordinated plan and compliance with the general conservation policies of the CMP.

A Heritage Impact Assessment has been undertaken for the project which has assessed the proposed works against the Conservation Management Plan and concludes that the proposal complies with the CMP and has an acceptable level of impact upon the significance of the place. Specifically, in terms of treatment of fabric, the Forensic Hospital project will only affect fabric ranked as having moderate significance comprising sandstone outcrops near the south west side boundary and the Old Quarry fishpond. These components, however, date from a relatively recent modification of the place and would be unlikely to contain significant archaeological deposits so that the proposed Forensic Hospital will not lessen their significance in the overall site. In terms of views, the form and character of the Forensic Hospital and the Justice Health Operations Building will not be detrimental to the visual amenity of the existing heritage components of the Long Bay Gaol Complex.

In relation to the proposed Prison Hospital, the Heritage Assessment finds that the Hospital will have no detrimental impact on any significant items, elements or views as identified in the CMP. The proposed Hospital is to be located within the New Development Zone 3 of the CMP which allows for new discrete and low rise built forms. As the proposed structures are generally single storey they are considered to comply with this policy.

An Aboriginal Heritage Assessment has also been undertaken for the project which indicates that no archaeological Aboriginal sites are found within the development footprint of the proposed hospitals. This Assessment indicates that the pond, referred to as a dam, was constructed after 1994 and is not considered to be significant. The sandstone outcrops in this area are described in the report as being relatively recently exposed as they appeared to be unweathered. The assessment did not identify any engravings of Aboriginal origin on the stone outcrops. The Assessment recommends that no further archaeological investigation is required but a La Perouse LALC representative should be on site to monitor initial earthworks.

The Aboriginal Heritage Assessment identifies the site as likely to be a former Aboriginal Camp location, however as the site has been disturbed it is unlikely significant intact archaeological remains have survived. The area is identified as having low to moderate archaeological potential. The Assessment recommends monitoring and limited testing of the site.

Consideration

The proposal will comply with the conservation policies contained in the Conservation Management Plan. The proponent's Heritage Impact Assessment confirms this. The Aboriginal Heritage Assessment recommends that no further archaeological investigation is required for the proposal but a La Perouse LALC representative should be on site to monitor initial earthworks.

Resolution

The Department is satisfied that the issues raised have been appropriately addressed. To ensure appropriate heritage conservation measures are adopted, conditions of approval at *Appendix A, Schedule 2, Part B, B.2 – Heritage* seek to ensure that the proposal complies with the recommendation of the Aboriginal Heritage Assessment in relation to the attendance of a La Perouse LALC representative to monitor initial earthworks.

6.3.2 Traffic

6.3.2.1 Traffic – Construction Phase

Initial concerns were raised by Council with the proponent regarding proposed traffic impact during the construction phase. In response, the applicant submitted a revised construction traffic assessment titled Construction Traffic Management Plan by Traffix, Ref 6 029v2, dated April 2006 for consideration. An assessment of the revised document raised the following issues:

- The proposed deceleration lane on Anzac Parade potentially will be used for the stacking of waiting construction truck which will severely compromise sight lines for motorists exiting the subject site into Anzac Parade particularly having regard to the approach curve in Anzac Parade.

- The revised report indicated that there would be 6 construction truck movements daily to the Prison Hospital site via Austral Street. All construction traffic to the Prison Hospital site should only be directed through Anzac Parade, Bilga Crescent (east of Anzac Parade) and Calga Avenue to the south of the driveway to the site.
- Potential conflict between existing local pedestrian use of the site frontages and the proposed deceleration lane in Anzac Parade. It considered that with the existing pedestrian usage and the increased presence of construction workforce, the rerouting of pedestrians around the proposed deceleration lane would be essential.
- The revised CTMP has not assessed the traffic impacts on the surrounding road network during the site preparation and demolition phase. According to the submitted Construction TMP some 168 truck trips/day are anticipated during this phase of the development. The applicant was previously requested to address this matter; however, the amended Construction TMP does not consider these peak generation rates.

Consideration

The proponent's Statement of Commitments has not explicitly addressed the above listed issues relating to construction traffic. Notwithstanding this, these outstanding issues have been addressed by way of conditions of approval to supplement the applicant's Statement of Commitments.

Resolution

The Department is satisfied that the issues raised have been appropriately addressed. To ensure safe traffic movements and reasonable traffic impacts are appropriate, conditions of approval at *Appendix A, Schedule 2, B.7 Traffic and Parking* will be applied to mitigate the impact of construction traffic.

6.3.2.2 Traffic – Operational Phase

Traffix has prepared an updated Traffic Review (of the traffic study prepared for the Long Bay Gaol Complex Master Plan/Deemed DCP adopted in 2004) incorporating an analysis of the existing traffic situation and proposed impacts of the proposed hospitals project to accompany the Environmental Assessment. The Traffic Review indicates that the existing complex has a total of 1040 staff (585 custodial, 180 administrative and 275 Justice Health staff) of which 673 staff (363 custodial, 180 administrative and 170 Justice Health staff) are deployed on a typical weekday. The Traffic Review states that this typical weekday staff generates an estimated 1,360 vehicle trips per day. Occasional trips throughout the day would increase this by approximately 20 per cent to 1,600 vehicle trips per day. In addition, the complex generates an average of :

60 visitor trips per day to visit inmates
70 professional visitor trips per day
80 service vehicle trips per day

Consequently, the complex generates a total 1,800 vehicle trips per day on an average weekday.

In terms of conditions during weekday peak periods, the Traffic Review estimates that a flow of approximately 163 vehicle entries occur during the morning on-street peak (8:30am to 9:30am) and 163 vehicle exits in the evening on-street peak (4:30pm to 5:30pm). The Review states that flows at all other times do not coincide with the on-street peak periods.

The Traffic Review uses the above weekday traffic generation as a base case for the assessment of the increased traffic from the proposed development. In this regard, the new Forensic and Prison Hospitals will result in an additional 101 beds in the LBGC and an additional staff of 160. The Traffic Review states that this increase in patient numbers and staff levels is moderate and that the shift changovers of both existing and future additional staff do not coincide. Accordingly, the traffic generation and impact arising from the operation of the proposed hospitals will be acceptable and reasonable.

Consideration

The proposal is satisfactory in relation to traffic generation and impact.

Resolution

This issue has independently been assessed and addressed by Randwick City Council. No further action is required other than ensuring all parking related to the site occurs on site. The applicant has committed to this.

6.3.3 Parking

6.3.3.1 Parking – Construction Phase

The revised Construction Traffic Management Plan (April 2006) states that any higher short term parking demands of construction workforce will be monitored to ensure that residential areas are protected from unnecessary parking intrusion. Accordingly, it recommends that a management plan be implemented to discourage any use of street parking by construction workers. Any temporary street parking for workers, if considered necessary by Council, should be subject to consultation with residents of affected streets and the cost of implementing such measures should be borne by Multiplex.

Consideration

Parking demands of the construction workforce must be appropriately managed to ensure no construction workers park in surrounding residential streets. No commitment has been made to address this issue in the Statement of Commitment. Accordingly, a condition of consent will be applied requiring the applicant meet the full cost of implementing any temporary parking restrictions considered necessary by the Randwick Traffic Committee should Council receive complaints regarding construction workers parking in the residential streets surrounding the Long Bay Gaol site.

Resolution

The Department is satisfied that the issues raised have been appropriately addressed. To ensure appropriate construction phase carparking is provided, conditions of approval at *Appendix A, Schedule 2, B.7 Traffic and Parking* seeks to mitigate the potential impact of construction workers parking in the residential streets surrounding the Long Bay Gaol site.

6.3.3.2 Parking – Operational Phase

In the process of assessment, the proponent provided additional information in a report titled 'Long Bay Forensic and Prison Hospitals PPP Project – Long Bay Hospitals Carparking Report' dated April 2006 showing estimates of the staff parking demands. The report, however, did not consider visitor parking demands for the redeveloped hospital sites.

Consideration

The proponent's traffic and parking reports have not indicated that the long term parking impacts (i.e. post-construction/operational impacts) are acceptable and that the required number of parking spaces will be provided on site. This is accentuated by the lack of details of visitor parking demands. A commitment has been made to address this issue in the Statement of Commitments indicating that all parking related to the site will be accommodated on site. Nonetheless, a condition has been applied requiring all visitor and staff parking demands from the proposed Prison Hospital, Justice Health Operations Building and the new Forensic Hospital to be met on site without compromising parking provisions for the existing Correctional Complex.

Resolution

The Department is satisfied that the issues raised have been appropriately addressed. To ensure appropriate on-site parking levels are incorporated, a condition of approval at *Appendix A, Schedule 2, B.7 Traffic and Parking* seeks to ensure all visitor and staff parking demands from the proposed Prison Hospital, Justice Health Operations Building and the new Forensic Hospital is met on site without compromising parking provisions for the existing Correctional Complex.

6.3.4 Drainage Infrastructure

Drainage for the proposed development is addressed specifically in the 'On Site Detention Statement' prepared by Meinhardt dated 19 May 2006 and, in general, in the 'Long Bay Corrective Complex Master Plan Development – Stormwater Management Concept Plan' (including variations specified in the master plan approval). Stormwater management for the proposal must be taken in accordance with the provisions of these documents.

Specifically, onsite detention (OSD) must be designed to ensure that the discharge from sub-catchment areas 1 and 2 (as identified in the adopted Masterplan/Deemed DCP – Long Bay Gaol Complex) does not exceed that which would occur during a 1 in 5 year storm of 1 hour duration for existing site conditions. All other stormwater run-off from for all storms up to the 1 in 100 year storm is to be retained on sub-catchments 1 and 2 for gradual release to Council's underground drainage system.

The required timing for construction of the OSD systems are as follows:

- Sub-catchment area 1 - OSD systems 2 and 3 and the Forensic Hospital detention basin (as identified in the 'On Site Detention Statement' dated May 2006 prepared by Meinhardt) together with all drainage infrastructure required to convey runoff from their design sub-catchment area (21.1085 Ha) to the detention areas are to be constructed prior to occupation of the Forensic Hospital.
- Sub-catchment area 2 - The OSD systems for sub-catchment 2, together with all drainage infrastructure required to convey runoff from sub-catchment area 2 (3.92 Ha) to the detention areas are to be constructed prior to occupation of the Prison Hospital.

Consideration

The proponent's Statement of Commitments has not adequately addressed the implementation of the stormwater requirements as discussed above. Conditions will be applied to ensure stormwater management and OSD systems are designed in accordance with Council's requirement. The drainage conditions have been largely developed in consultation with the applicant. Subsequent to draft conditions being emailed to the applicant on the 1 May 2006, some of the original draft conditions have been modified and others removed to address the issues raised by the applicant. The applicant has indicated that it is generally satisfied with proposed conditions that seek to supplement its Statement of Commitments.

Resolution

The Department is satisfied that the issues raised have been appropriately addressed. To ensure appropriate on-site stormwater design and management are incorporated, a condition of approval at *Appendix A, Schedule 2, B.5 Drainage* seeks to ensure stormwater management and OSD designs comply with Council's requirements.

6.3.5 Waste Management Arrangements

Waste management arrangements have been covered in the Preferred Project Report; consequently, no conditions regarding this matter have been included in this report.

Consideration

The proposed waste management arrangements are considered an appropriate level of service.

Resolution

This issue has independently been assessed and addressed by Randwick City Council.

6.3.6 Contamination

Coffey Geosciences have undertaken an environmental site assessment of the Long Bay Gaol Complex (LBGC) to assess the nature, extent and degree of soil and groundwater contamination. The assessment divided the LBGC into five discrete development areas (Areas A to E) with Area B located in the south-eastern section of the LBGC site containing the Prison Hospital complex and Area D located in the south-western section of the site containing the Forensic Hospital complex.

The report has identified the following issues which require remediation, management or further assessment for Areas B and D:

AREA B

- Underground storage tanks and associated pipe work
- Petroleum contamination in the maintenance areas
- The presence of fibre cement sheeting fragments containing asbestos
- Potential for contamination in soils beneath existing buildings and concrete and bitumen surfacing.
- Potential for asbestos containing materials to be present in fill.

AREA D

- PAH and potentially asbestos contamination within the sound bunds.
- Potential contamination within the fill material.
- Potential for natural soils below groundwater table to be acid sulphate soils.

The report concludes that, for areas B and D to be suitable with respect to contamination for the proposed developments, remediation, management or further assessment is required. Accordingly, the report recommends:

- That once the remediation/management strategies have been selected, that a remedial action plan (RAP) be prepared detailing remediation and validation procedures for areas A and B.
- That an asbestos management plan be prepared for the construction works to manage the potential for asbestos containing material to be encountered.

Consideration

Subject to conditions to ensure the proper management and remediation of contaminated soil in Areas B and D of the LBGC, there is no environmental concern in relation to site contamination.

Resolution

The Department is satisfied that the issues raised have been appropriately addressed. To ensure appropriate remediation / management strategies to address soil contamination are adopted, conditions of approval at *Appendix A, Schedule 2, Part B, B.8 – Site Contamination and Remediation* seek to ensure:

- Preparation of a Remediation Action Plan (RAP)
- An accredited Site Auditor assesses the suitability of the site for its intended development and use, with submission of document to Council consistent with the recommendations of the Coffey Geosciences Report submitted with the project application.

6.3.7 Construction Management

Guidelines for management of noise, vibration, dust, soil, and erosion during construction are provided in the Construction Methodology Plan accompanying the proponent's Environmental Assessment. In relation to noise, there is no specific criteria for restricting construction noise in the Plan. Accordingly, a condition will be applied requiring that a report be obtained from a suitably qualified and experienced consultant in acoustics/vibration certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997* and relevant standards relating to noise and vibration for construction. The application of this condition is consistent with the proponent's Acoustic Impact Statement prepared by Acoustic Logic Consultancy that states that a construction noise and vibration plan will be developed before work commences on site.

Consideration

No specific criteria exist for controlling noise from construction activity is provided in the application. The proponent has indicated that a construction noise and vibration plan will be developed before work commences on site. Accordingly, a condition will be applied requiring a report to address noise and vibration from construction activity.

Resolution

The Department is satisfied that the issues raised have been appropriately addressed. To ensure appropriate noise mitigation measures are adopted for the construction phase of the hospitals, conditions of approval at *Appendix A, Schedule 2, Part B, B.9 – Construction Management* seek to ensure:

- Submission of a report addressing construction noise and vibration.

7 CONCLUSION

- 7.1 The Long Bay Gaol Hospitals Project will ensure that the care of forensic patients and prisoners within the Long Bay Gaol Complex accords with national and international best practices.
- 7.2 The objectives of the Long Bay Gaol Hospitals Project include:
- To improve the care of patients and prisoners within the Long Bay Gaol Complex by providing separate accommodation and treatment for forensic patients (in the Forensic Hospital) and prisoners as required under international health conventions.
 - To enhance the custodial management of prisoners by reducing movements within the complex.
 - To reduce the potential for escapes through security arrangements built into the design of both hospitals.
 - To optimise the use of an existing corrective facility and also the appropriate reuse of land for the care of both forensic patients and prisoners and thus provide economic benefit for the State.
 - To provide appropriate security for, and separation from, public and adjacent land uses.
 - To develop two new hospitals that are sensitive to the heritage significance of the site.

Accordingly, the Department considers the redevelopment of the Long Bay Hospitals sites for improved forensic and prisoner care to be of State and regional significance.

- 7.3 The Department has reviewed the Environmental Assessment and the Preferred Project Report and duly considered advice from public authorities as well as issues raised in general submissions in accordance with Section 75I(2) of the Act. All the relevant environmental issues associated with the proposal have been extensively assessed. These issues primarily focus on potential traffic, parking, drainage and heritage issues, and amenity impacts on existing residents, particularly additional local traffic and operational noise stemming from the restructured hospital functions.
- 7.4 The heritage, construction and operational impacts can be readily mitigated through the application of conservation, and preparation of environmental, management plans.
- 7.5 The proponent has committed (through Statements of Commitment) to a number of measures to ensure the redevelopment proceeds smoothly and does not adversely impact on local amenity, and existing significant heritage buildings and landscapes. The Department (with Council's assistance) is recommending further conditions of approval to augment commitments made by the proponent.
- 7.6 The Department is of the view that the proposal satisfactorily mitigates the environmental and heritage impacts arising from the redevelopment and adequately maintains the amenity of the local area. In assessing the proposal, the Department resolved any outstanding environmental issues through conditions of approval that impose mitigation measures.
- 7.7 The Department has worked closely with Randwick City Council to ensure an effective and efficient approval process. The Director General in delegating his functions under Part 3A of the Act to Council has enabled a consistent approach to be established in stakeholder consultation, exhibition, and assessment and resolution of relevant local issues.
- 7.8 Recommended conditions of approval are provided at **Appendix A**. The reasons for the imposition of conditions are to encourage design sympathetic to heritage values of the site, maintain the amenity of the local area, and adequately mitigate the environmental impact of the development.

8 RECOMMENDATION

It is recommended that the Minister for Planning, pursuant to Section 75J of the Environmental Planning and Assessment Act, 1979 (as amended):

- **Consider** the findings and recommendations of this report; and
- **Approve** the project as outlined in the Environmental Assessment prepared by JBA Urban Planning Consultants (and appendices) and the proponent's Preferred Project Report and Statement of Commitments, subject to the conditions of approval set out in the attached instrument of approval at **Appendix A**; and
- **Sign** the attached instrument of approval; and
- **Authorise** the Department to carry out post-determination notification.

APPENDIX A. CONDITIONS OF APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06_0043

(File No. 9041815)

I, the Minister for Planning, pursuant to Section 75J of the *Environmental Planning & Assessment Act, 1979*, determine Major Project No. 06_0043 referred to in the attached Schedule 1, by **granting approval** subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure sympathetic development in the vicinity of existing heritage buildings.
- (2) To adequately mitigate the environmental impact of the development.
- (3) To maintain the amenity of the local area.

Frank Sartor MP
Minister for Planning

Sydney,

2006

SCHEDULE 1

PART A — TABLE

Application made by:	NSW Department of Health 73 Miller Street North Sydney NSW 2060
Application made to:	Minister for Planning
Major Project Number:	06_0043
On land comprising:	Lot 5292 DP 824057 Land bounded by Anzac Parade, Bilga Crescent, Calga Avenue and Austral Street, Malabar.
Local Government Area	Randwick City Council
For the carrying out of:	A detailed description of the development approved to is described in Condition A1, Part A, Schedule 2
Capital Investment Value	Approximately \$130 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	6 July 2006
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

Act means the Environmental Planning and Assessment Act, 1979 (as amended).

Applicant means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the applicant.

BCA means the Building Code of Australia.

Council means Randwick City Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning

Major Project No. 06_0043 means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 2.

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Regulations means the Environmental Planning and Assessment Regulations, 2000 (as amended).

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF APPROVAL - MAJOR PROJECT NO. 06_0043

PART A – ADMINISTRATIVE CONDITIONS

A1. *Development Description*

Project approval is granted only to carrying out the development described in detail below:

- (1) The construction of new Forensic and new Prison Hospital buildings.
- (2) The demolition of the existing Prison Hospital.
- (3) The provision of landscaped areas and soft landscaping.
- (4) The construction of vehicular and pedestrian access and car parking and associated structures.
- (5) Associated utility services.

A2. *Development in Accordance with Plans and Documentation*

The development shall be in accordance with the following plans and documentation:

- (1) The Environmental Assessment Report dated March 2006 prepared by JBA Urban Planning Consultants Pty Ltd (including accompanying Appendices) and drawings DA-A-1902, EW-A-1600, EW-A-1601, JH-A-1600 and FEW-LA-9400.
- (2) Long Bay Gaol Hospitals Project – Preferred Project Report and Statement of Commitments.

Except for otherwise provided by the Department's conditions of approval as set out in Schedule 2 - Part B, and the proponent's statement of commitments.

A3. *Inconsistency Between Documentation*

In the event of any inconsistency between conditions of this project approval and the plans and documentation described in Condition A2, Part A, Schedule 2 referred to above, the conditions of this project approval prevail.

A4. *Lapsing of Approval*

Approval of Major Project No. 06_0043 shall lapse 5 years after the determination date in Part A of Schedule 1 unless specified action has been taken in accordance with Section 75Y of the Act.

PART B – DEPARTMENT OF PLANNING'S CONDITIONS OF APPROVAL

B.1 General

- 1.1 The proponent will obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project.
- 1.2 The proponent will continue to liaise with the local community during the development process.
- 1.3 The proponent will continue to liaise with Randwick City Council (and any other relevant agencies – such as the RTA, NSW Heritage Office, and Department of Environment and Conservation - as and where relevant) during the development process.

B.2 Heritage

- 2.1 The applicant shall submit to Council a copy of the report on the outcomes of the archaeological investigations completed on the site of new Prison Hospital and undertaken in accordance with recommendations contained in page 112 of the Aboriginal Heritage Assessment – Long Bay Correctional Complex prepared by Mary Dallas and Dan Tuck and dated April 2005.

- 2.2 A member of the La Perouse Local Aboriginal Land Council should be present to monitor initial earthworks associated with the Forensic Hospital site in the area between Anzac Parade and the existing Prison Hospital.

B.3 Civil Works

- 3.1 The applicant must meet the full cost for Council or a Council approved contractor to:
- (a) Construct any new vehicular crossings required to facilitate temporary or permanent access to the site.
 - (b) Repair/replace any damaged sections of Council's roadway, footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site.
- 3.2 All external work carried out on Council property (excluding those works within the proposed licensed area), shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".

An application for the cost of the external civil works is to be submitted to Council prior to the works being undertaken. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

B.4 Services

- 4.1 The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority. Note: Any electricity substation required for the site as a consequence of this development shall be located within the site.
- 4.2 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be obtained prior to commencement of work on the site.

The Section 73 Certificate must be obtained prior to occupation of the development.

B.5 Drainage

- 5.1 Stormwater management shall be undertaken in accordance with the 'On Site Detention Statement' dated 19 May 2006 prepared by Meinhardt and in general accordance with the 'Long Bay Corrective Complex Master Plan Development – Stormwater Management Concept Plan' (including variations specified in the approved master plan/deemed DCP).

Onsite detention (OSD) shall be designed to ensure that the discharge from sub-catchment areas 1 and 2 (as identified in the approved master plan/deemed DCP) does not exceed that which would occur during a 1 in 5 year storm of 1 hour duration for existing site conditions. All other stormwater run-off from all storms up to the 1 in 100 year storm is to be retained on sub-catchments 1 and 2 for gradual release to Council's underground drainage system.

- 5.2 For Sub-catchment area 1, OSD systems 2 and 3 and the Forensic Hospital detention basin (as identified in the 'On Site Detention Statement' dated May 2006 prepared by Meinhardt) together with all drainage infrastructure required to convey runoff from their design sub-catchment areas (21.1085 Ha) to the detention systems, shall be constructed prior to occupation of the Forensic Hospital.
- 5.3 For Sub-catchment area 2, The OSD systems for sub-catchment 2, together with all drainage infrastructure required to convey runoff from sub-catchment area 2 (3.92 Ha) to the detention areas, shall be constructed prior to occupation of the Prison Hospital.
- 5.4 All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system via kerb inlet pits. Any new kerb inlet pit shall be constructed in general accordance with Council's standard drawing SD7a with any further design development in consultation with Council.
- 5.5 If required, reflux valves shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from Council's drainage system does not surcharge back into the site stormwater system.
- 5.6 Any new pipelines constructed within Council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline. Prior to backfilling, all pipelines in Council's road reserve shall be inspected and approved by the certifying authority.
- 5.7 All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approved by Council prior to the commencement of drainage works in the road reserve.
- 5.8 A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council prior to occupation of the development, detailing the as-constructed details for all works within Council's road reserve (including detailed levels).
- 5.9 Engineering calculations and plans (with levels reduced to Australian Height Datum) in relation to proposed drainage of sub-catchment areas 1 and 2, shall be prepared by a suitably qualified hydraulic engineer and a copy of the plans submitted to Council (subject to Department of Correctional Services clearance) prior to the commencement of work on the site. The drawings and details shall demonstrate compliance with the principals of the approved master plan/deemed DCP and the 'On Site Detention Statement' dated 19 May 2006 prepared by Meinhardt, and shall include the following information:
 - (a) A detailed drainage design for all new works in sub-catchments 1 and 2; including a catchment plan clearly showing the areas draining to each of the on-site detention (OSD) systems.
 - (b) Details of any existing drainage infrastructure being utilised in the new drainage systems (to be provided by Department of Corrective Services).
 - (c) Details of the proposed connection/s into Council's stormwater system.
 - (d) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc.

Generally all internal pipelines must be capable of discharging at least a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
- 5.10 All new floor areas for the Forensic and Prison Hospital buildings shall be located a minimum of 300mm above (or provided with a suitable waterproof barrier to 300mm above) *any 1 in 100 year flood levels/overland flow depths on the site.*

- 5.11 Rainwater tanks shall not be considered as contributing to detention storage requirements unless it can be demonstrated through continuous modelling (using historical rainfall data for the area) that there will always be available storage in rainwater tanks at the beginning of critical storm events.
- Overflow from rainwater tanks shall be directed to the on-site detention area/s.
- 5.12 Should a pump system be required to drain any portion of the site, the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The system shall be designed by a suitably qualified hydraulic engineer and a clear overland flow path shall be provided from the pump pit to Council's roadway.
- 5.13 Uncovered car parking areas may be used as above ground detention storage areas provided:
- (a) The storage depth does not generally exceed 150 mm, with an isolated absolute maximum depth of 200mm at the lowest point in the detention storage area (Note: the maximum depth must be controlled by a clear flow path to ensure that the depth never exceeds 200mm);
 - (b) The minimum slope of the car park floor is 1% (in accordance with the requirements of AS 2890.1 (2004));
 - (c) At least the first 15% of the required storage volume is provided either below ground or outside of the parking area to ensure that regular flooding of the car park does not occur during smaller storm events i.e. the car parking areas should not experience flooding more than once every year (on average).
- 5.14 Stormwater pollution control devices (or an alternative device agreed to by Council) shall be provided prior to stormwater being discharged from the site. The pollution control or alternative devices shall be capable of treating all runoff up to at least the 3 month ARI storm event.
- 5.15 The detention area/s must be regularly cleaned and maintained to ensure they function as required by the design.
- 5.16 Above ground stormwater detention area/s must be suitably signposted warning people of the maximum flood level. The depth of ponding in above ground storage areas shall be restricted to 300mm in any detention areas accessible to the general public.
- 5.17 A corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- 5.18 If required, a 'V' drain shall be constructed along the perimeter of the property, where required, to direct all stormwater to the detention areas.
- 5.19 Prior to occupation of the new Prison Hospital, Forensic Hospital and Justice Health Operations Building, the applicant shall submit to Council a works-as-executed drainage plan for the relevant sub-catchment drainage works. The plan shall be prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer, and shall include the following details (subject to Department of Correctional Services clearance):
- (a) The location of the detention areas with finished surface levels;
 - (b) Finished site contours at 0.2 metre intervals;
 - (c) Volume of storage available in the detention areas;
 - (d) The catchment area draining to each detention area;
 - (e) The discharge rate for each site outlet;
 - (f) The location, diameter, gradient and material (i.e. PVC, RC etc) of stormwater pipes; and
 - (g) The orifice size(s) (if applicable).
- 5.20 Prior to occupation of the new Prison Hospital, Forensic Hospital and Justice Health Operations Building, the applicant shall submit to Council certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system within the relevant sub-catchment complies with the conditions of development approval.

- 5.21 There shall be no erection of any buildings or structures nor the carrying out of any works on or over the on-site stormwater detention systems that may adversely affect the design function of the systems without written consent from Randwick City Council. The on-site stormwater detention systems include all ancillary pipes, drains, walls, kerbs, pits, trenches, grates, chambers, basins and surfaces designed to temporarily detain stormwater.

Works in this context shall be taken to mean the excavation or replacement of soil or landscape material upon the detention systems, or any variation to the size or shape of the "on-site stormwater detention systems", which may affect the design function of the said areas.

- 5.22 Upon completion of the on-site detention systems, the Department of Corrective Services and the NSW Department of Health shall provide a written undertaking to implement a maintenance program for the on-site detention systems. The undertaking shall outline the Department's agreement to:

- (a) Permit stormwater to be temporarily detained by the system.
- (b) Keep the system clean and free from silt, rubbish and debris.
- (c) Maintain, renew and repair the system so that it functions in a safe and efficient manner in accordance with the original design function.
- (d) Carry out the matters referred to in paragraphs (b) and (c) at their own expense.
- (e) Not make any alterations to the detention facility or elements thereof without prior written approval of the relevant approval authority.

- 5.23 Should seepage and/or groundwater be encountered within the depth of any the basement excavation, the basement shall be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify that the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes:-

- (a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's drainage system.
- (b) Adequate provision is to be made for the seepage water to drain around the basement structures (to ensure that the basement will not dam or slow the movement of the ground water through the development site).

B.6 Landscaping

- 6.1 Removal of existing trees from within the site, as well as the planting of any new street trees on Council land, must be in general accordance with the requirements of Council's Tree Preservation Order (TPO) and Street Tree Master Plan. Any variations to the TPO or Street Tree Master Plan requirements must be approved by Council in writing.
- 6.2 Landscape screen planting (or other form of screening to the satisfaction of Council) shall be provided along the boundary/perimeter fence on the western side of Calga Avenue to screen the visual bulk and scale of the building when viewed from Gabee Place.

B.7 Traffic and Parking

- 7.1 All visitor and staff parking demands from the proposed Prison Hospital, Justice Health Operations Building and the new Forensic Hospital shall be met on site without compromising parking provisions for the existing Correctional Complex. Calculations outlining predicted staff and visitor parking demands, together with details regarding where these parking demands will be met on site, shall be submitted to Council prior to occupation of the new buildings.
- 7.2 The deceleration lane in Anzac Parade must not be used for stacking of waiting construction vehicles. The site control points must be sufficiently setback within the site to ensure that queuing vehicles are wholly within the site at all times. Details demonstrating compliance with this requirement shall be submitted to Council prior to the commencement of work on the site.

Note: According to the submitted Construction Traffic Management plan (Ref 6029 v2), the peak truck trips are anticipated to be 16 veh/hr during the demolition and site preparation phase of the development. These peak figures should be considered when determining the queue length at the control points.

- 7.3 Detailed design plans for the deceleration lane in Anzac Parade shall be submitted to and approved by the Randwick Traffic Committee prior to commencement of work in Anzac Parade.
- 7.4 Construction Traffic to the Prison Hospital shall be directed through Anzac Parade, Bilga Crescent and the section of Calga Avenue south of the proposed construction driveway to the Prison Hospital.
- 7.5 The applicant shall meet all cost associated with providing 'No Stopping' restrictions at the proposed site entrances. The restrictions shall be to the satisfaction of the Randwick Traffic Committee.
- 7.6 Provision shall be made for safe movement of pedestrians/construction workers across the southbound carriageway of Anzac Parade (i.e. to and from the temporary carpark). Details of the proposed pedestrian safety measures shall be submitted to and approved by the Randwick Traffic Committee prior to the commencement of works on the site. All costs associated with the required works shall be borne by the applicant.
- 7.7 Pedestrian access along the site frontages shall be maintained at all times. This includes re-routing of pedestrians around the proposed deceleration lane in Anzac Parade. Details of the proposed pedestrian facilities around the site shall be submitted to and approved by Council prior to the commencement of work on the site.
- 7.8 All costs associated with implementing traffic control measures required as a result of the proposed development shall be borne by the applicant.
- 7.9 Should Council receive complaints regarding construction workers parking in the residential streets surrounding the Long Bay Gaol site, the applicant shall meet the full cost of implementing any temporary parking restrictions considered necessary by the Randwick Traffic Committee.
- 7.10 Prior to commencement of work, Multiplex shall enter into a formal license agreement with Council for use of the Anzac Parade median island as a temporary carpark for construction workers. The applicant is advised to contact Council's Property Compliance Officer, (9399-0936), regarding Council's requirements for the formal license agreement.
- 7.11 In accordance with the letter from PPP Solutions dated 21 June 2006, PPP Solutions shall submit payment to Council for use of the Anzac Parade median island as a temporary parking area for 150 vehicles. The agreed fee shall be paid prior to the commencement of work and entitles the applicant to occupy the licensed carpark area for a period of 24 months. Additional fees will be payable for any extension to the duration of the license agreement.
- 7.12 The Licensee must keep in full force and effect for the term of the license agreement established, a policy of public risk insurance with respect to the licensed area and the business undertaken by the Licensee therein. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount which may be paid arising out of any one single accident or event.

NOTES:

- (a) The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the licensed area.
 - (b) The policy must name the Council as the owner and the Licensee as the insured and must contain a clause that the insurer will not cancel or change the insurance without first giving the Council ten (10) days prior written notice.
 - (c) The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the Licensee to the Council
- 7.13 The Licensee shall indemnify Council for the full duration of the license agreement from and against all claims, demands, writs, etc. as set out in the formal license agreement.

- 7.14 The applicant shall ensure that the licensed area is maintained in a clean, tidy and safe condition at all times.
- 7.15 The Licensee shall, during the term of the agreement with Council, abide with any current or future Council Policy, Resolution or directive relative to the use of the median island.
- 7.16 The Licensee shall abide with any directive given by any utility authority in relation to access requirements to any utility within the proposed licensed area.
- 7.17 No structures shall be erected, nor goods stored, nor any works carried out in, on or over the median island other than those approved by Council.
- 7.18 The temporary carpark shall be removed and the area reinstated with turf and landscaping to Council's satisfaction at the end of the license period.
- 7.19 The carpark shall be designed and constructed in accordance with the relevant Australian Standards. Detailed design plans for the carpark shall be submitted to and approved by the Randwick Traffic Committee prior to the commencement of works on the site.

B.8 Site Contamination and Remediation

- 8.1 The Applicant shall submit to Council for its approval a Remediation Action Plan and a Hazardous Materials Survey. The Remediation Action Plan must be accompanied by a statement from a site auditor accredited by the Department of Environment and Conservation to issue site audit statements.
- 8.2 Upon completion of the remediation works on the site, the Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to Council for its approval. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Department of Environment and Conservation to issue site audit statements. This site audit must verify that the land is suitable for the proposed land uses.
- 8.3 All documentation submitted to Council shall be consistent with the recommendations of the Coffey Geosciences report titled "*Stage 2 Environmental Site Assessment Areas B and D, Long Bay Correctional Complex Redevelopment*" dated 5 august 2005 (issue E12723/4 – AW), as submitted to support the Environmental Assessment for the Project Application.
- 8.4 The Applicant is to provide to Council a copy of the Remediation Action Plan and the final Environmental Audit report for the completed Underground Fuel Tanks remediation for the new Prison Hospital site.

B.9 Construction Management

- 9.1 A report must be obtained from a suitably qualified and experienced consultant in acoustics/vibration and a copy is to be provided to Council upon commencement of works, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Council's requirements and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

APPENDIX B: PREFERRED PROJECT REPORT, RESPONSE TO SUBMISSIONS AND STATEMENT OF COMMITMENTS

APPENDIX C: SUBMISSIONS RECEIVED

The General Manager
Randwick City Council
30 Frances Street
RANDWICK 2031

Dear Sir

**ENVIRONMENTAL ASSESSMENT REPORT – LONG BAY CORRECTIONAL CENTRE,
1250 ANZAC PARADE MALABAR
Attention: Kerry Kyriacou**

Thankyou for your letter of 27 March 2006 referring the subject Environmental Assessment Report to the Heritage Council under section 75H of the EP&A Act. It is understood that Council has been delegated the consultation and assessment functions for the application.

It is noted that the application is for a major project as described in Group 7 of Schedule 1 to State Environmental Planning Policy (Major Projects) 2005 relating to hospitals and correctional facilities. It is also noted that the land to which the application relates is listed on the State Heritage Register. It is understood that the proposed project will be an "approved project" for the purposes of Part 3A of the EP&A Act and section 75U of the Act therefore suspends the requirement for an approval under part 4 and an excavation permit under section 139 of the Heritage Act. Although approval under the Heritage Act is not required for the proposed development, the site has been identified as being of State heritage significance and the opportunity to comment on the Environmental Assessment is appreciated.

The Heritage Office has reviewed the Environmental Assessment, particularly Appendices I, O and P relating to heritage impact, the Conservation Management Plan (CMP) and visual impact statement. It is understood that the purpose of the project is to demolish the existing prison hospital and construct a new forensic hospital and associated Justice Health Operations Building fronting Anzac Parade and a new prison hospital on vacant land in the south eastern part of the site. The CMP grades only those elements within the outer prison complex which existed in 1918 as being of high significance. The Prison Hospital to be demolished was completed in 1987 and is graded as being of little heritage significance. Nevertheless it is suggested that the building should be recorded in accordance with Heritage Council guidelines as a layer in the development history of the site.

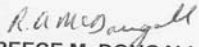
The HIS also concludes that the proposed development complies with the conservation policies of the CMP relating to the continuation of the historic use of the site and retention of significant views from Anzac Parade to the imposing entrance blocks of the historical dual institutions. The Forensic Hospital will occupy the lowest part of the site and will be predominantly of single storey construction. The proposed 5.5 metre high perimeter wall will be an imposing structure fronting part of Anzac Parade but will not further obstruct views to the significant heritage structures. The proposal to retain substantial parts of the existing Hospital Prison perimeter wall will assist historical interpretation and is supported, as is the intention to choose colours and landscaping directed towards receding the visibility of the wall in the landscape.

The development site has been disturbed over a long period and the Archaeological Assessment identified no Aboriginal archaeological sites within the development footprint. The recommendations regarding archaeological monitoring are supported. It is also requested that a condition be imposed in the following terms:

If any archaeological relics are discovered during construction, work must cease on that part of the site and the Heritage Council is to be notified in accordance with section 146 of the Heritage Act. The Heritage Council may require the remains to be recorded by a suitably qualified archaeologist prior to the recommencement of works.

For further information or contact in relation to this matter please phone Gary Pringle at the Heritage Office on 98738564.

Yours sincerely


REECE McDOUGALL
Executive Director
Heritage Office
Department of Planning

26/4/06



The General Manager
Randwick City Council
30 Frances Street
Randwick 2031

Attention: Kerry Kyriacou

**PROPOSED CONSTRUCTION OF A NEW FORENSIC HOSPITAL AND A
NEW PRISON HOSPITAL IN THE LONG BAY CORRECTIONAL COMPLEX**

Dear Kerry,

I refer to your letter of 28 March 2006, with regard to the subject application, which was referred to the Roads and Traffic Authority (RTA) for comment.

The RTA has assessed the development application and raises no objection to the proposal on traffic grounds as it will not have a significant traffic impact on the adjacent classified road network. However, the RTA offers the following comments on the provision of site access and temporary parking arrangement to assist Council in its determination of the development application:

1. Council must ensure that the RTA is suitably indemnified in relation to any proposed works (temporary car park etc) within the road reserve of Anzac Parade.
2. The design of the proposed deceleration lanes along Anzac Parade to the construction site and the temporary carpark within the median island must be undertaken in accordance with current Australian Standards and RTA design requirements. Details of these requirements should be obtained from the RTA's Project Services Manager, Traffic Projects Section, Blacktown (Ph: 02 8814-2144).
3. An acceleration lane designed to current RTA and Australian Standards should also be provided for vehicles exiting the site to the south.
4. The proposed provision of a pedestrian crossing on Anzac Parade must meet the warrants for the installation of this type of facility. If warrants are met, Council should ensure all signage and linemarking associated with this crossing conform to the current standards.
5. Council should ensure all driveway widths, aisle widths, number of parking spaces and parking bay sizes are provided in accordance with the requirements of Australian Standard AS 2890.1 – 2004.
6. A clear sight distance is to be maintained at all times for the proposed driveway entry and exit points.
7. All vehicles must enter and exit the site in a forward direction.

Roads and Traffic Authority
ABN 64 480 155 255



Level 2/81 Rushcombe Road
Blacktown NSW 2148

PO Box 558 Blacktown NSW 2148
DX8120 Blacktown

T 131 782

www.rta.nsw.gov.au

8. Provision must be made for all loading/unloading activities in association with the proposed development to be carried out on site as the use of Anzac Parade for these purposes should not be permitted.

9. All works associated with this development shall be at no cost to the RTA.

Any inquiries in relation to this matter can be directed to the undersigned on telephone 8814 2553 or facsimile 8814 2107.

Yours sincerely,



Adriana Gavazzi
Traffic and Development Assessment Manager
Operations and Services Directorate

20 April 2006.

C.C. Graham Pindar, Traffix.

APPENDIX D: EXHIBITED ENVIRONMENTAL ASSESSMENT

APPENDIX E: ENVIRONMENTAL PLANNING INSTRUMENTS AND OTHER CONSIDERATION

State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 outlines the types of development declared to be a project for the purposes of Part 3A of the Act.

For the purposes of the SEPP the following category of development is considered to be a Major Project:

Hospitals that have a capital investment value of more than \$15 million for the purposes of providing professional health care services to people admitted as in patients (whether or not out patients are also cared for or treated there), including ancillary facilities for:

- a) day surgery, day procedures or health consulting rooms, or*
- b) accommodation for nurses or health care workers, or*
- c) accommodation for persons receiving health care or for their visitors, or*
- d) shops or refreshment rooms, or*
- e) transport of patients, including helipads and ambulance facilities, or*
- f) educational purposes, or*
- g) research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use, or*
- h) any other health related use*

Development for the purpose of correctional facilities that:

- (a) has a capital investment value of more than \$30 million, or*
- (b) employs 100 or more people, or*
- (c) provides accommodation for an additional 100 or more persons.*

As the capital investment value of the project (\$130 million) exceeds the above \$15 million and \$30 million thresholds the development is considered to be a Major Project and subject to Part 3A of the Act.

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

SEPP 55 Remediation of Land aims to promote the remediation of contaminated land by specifying under what circumstances consent is required to remediate land.

Category 1 remediation works are that require development consent to be issued. Category 1 remediation works includes any remediation works in any areas which are zoned or designated as being in a conservation or heritage conservation area. As the site is listed on the State Heritage Register development consent would be required for any remediation works. The remedial works are to be undertaken in accordance with the requirements of SEPP55.

Randwick Local Environmental Plan 1998

The subject land is zoned 5(a) Special Uses under the provisions of Randwick Local Environmental Plan (LEP) 1998.

Randwick LEP 1998 contains the following definition:

Hospital means a building or place used for providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people and includes

- (c) *ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care for their visitors, and*
- (d) *facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health workers, and whether or not any such use is a commercial use,*

but (in Part 2) does not include a building or place elsewhere defined in this clause.

Development for the purposes of a "hospital" is permissible with the consent of Council in the 5(a) Special Uses Zone.

OTHER ACTS AND APPROVALS

Heritage Act 1977

The Long Bay Gaol Complex is listed on the State Heritage Register.

As the proposal is being assessed under Part 3A of the Act no further authorisation or approval is required under the Heritage Act. All relevant heritage related issues have been addressed or are addressed via conditions of approval.

Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1997

The EPBC Act commenced on 16 July 2000. The EPBC Act includes the assessment and approvals system for actions that have a significant impact on:

- Matters of National Environmental Significance (NES); and
- The environment on Commonwealth land.

Should an action be determined to likely have a significant impact, an approval from the Commonwealth Minister for the Environment and Heritage is required.

The EPBC identifies seven matters of national environmental significance being:

1. World Heritage properties;
2. National Heritage places;
3. RAMSAR wetlands of international significance;
4. Nationally listed threatened species and ecological communities;
5. Listed migratory species;
6. Commonwealth marine areas; and
7. Nuclear actions.

The Environmental Assessment identified that no NES matters or Commonwealth land are likely to be impacted by the proposal and therefore an approval from the Commonwealth Minister is not required.