



NSW GOVERNMENT
Department of Planning

**MAJOR PROJECT ASSESSMENT
CONSTRUCTION OF A PRIVATE
HOSPITAL AT 35-45 WATER STREET,
WAHROONGA**

***Proposed by MURLAN CONSULTING for
WATERBROOK***

MP07_0151

Director General's Environmental Assessment
Report

S 75I of the

Environmental Planning and Assessment Act 1979

March 2010



View from the Water Street entry looking south-east — *Tanner Architects*

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EXECUTIVE SUMMARY

Murlan Consulting Pty Ltd (the proponent) is seeking approval for the construction of a new private hospital building and the adaptive re-use of the Rippon Grange house at 35–45 Water Street, Wahroonga in the Ku-ring-gai local government area.

The site is in a predominantly low-density residential area of Wahroonga, 1km north-east of Wahroonga railway station. The site has an area of approximately 21,320m². Wahroonga Public School lies across Water Street from the property and the site is otherwise surrounded by residential properties.

The site contains the former Rippon Grange estate which comprises a large Federation house currently in a deteriorated state, terraced gardens, stable, croquet lawn, swimming pool and associated structures which date from 1898–1930s. The entire property is listed as an item of local heritage significance.

The site also contains a stand of Blue Gum High Forest (BGHF) which is a critically endangered ecological community. This vegetation is primarily located along the eastern and southern portions of the site. Whilst currently in a degraded condition, the proposal includes the rehabilitation of the BGHF and expansion of its area, as well as a commitment to conserve and manage the BGHF in perpetuity via a covenant under the Conveyancing Act 1919.

The proposal seeks approval for the construction of a 124-bed hospital building of seven levels, of which two are for basement car parking, the adaptation of the two-storey Rippon Grange house for purposes associated with the hospital including administration, medical suites and a cafe; the demolition of several structures that do not have high heritage significance and in several cases are in a compromised condition, excavation works, landscaping, road upgrading works and service works.

The capital investment value of the proposal is **\$44.2 million** and the proposal will create approximately 80 construction jobs and approximately 79 full-time equivalent operational jobs.

The proposal constitutes a major project under Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), being for a hospital with a capital investment value over \$15 million, and consequently the Minister for Planning is the approval authority for the project.

During the public exhibition of the project, the Department received 12 submissions from agencies including Ku-ring-gai Council, 323 letters of objection from members of the public, and one letter of support. The key issues raised by the agencies comprised: impacts on the BGHF, traffic, access and parking provision, bulk and scale of the proposed hospital, amenity impacts, functional adequacy as a hospital, and protection of cultural heritage. Key issues raised in submissions from the public included: the bulk, scale and design of the proposal; incompatibility with surrounding land uses; amenity impacts including overshadowing and overlooking; heritage impacts; impacts on the BGHF; increased traffic on local roads; and on-street parking.

This assessment found that the site has unique constraints in terms of cultural heritage and biodiversity, but that the proposal, as amended through recommended conditions of approval, adequately responds to these constraints and the character of the surrounding area. Key issues relate to bulk and scale of the new buildings, traffic and access, heritage and the conservation of BGHF. These issues have been assessed in detail and the Department is satisfied that each issue has been adequately addressed through revisions made to the project during the assessment process and through the recommended conditions of approval including reductions in the bulk and scale of the buildings. Accordingly, none of the key issues, either individually or cumulatively, warrant refusal of the project. The project would be in the public interest through the provision of health services, the generation of employment, and the investment in the site resulting in the generation of funds for extensive conservation work to Rippon Grange and grounds, including the BGHF. Consequently, the Department considers that on balance the project warrants approval, subject to conditions.

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1 BACKGROUND

1.1 THE SITE

Site Inspections

The site was inspected by officers from the Department of Planning on 21 July, 4 August, 3 September and 10 September 2009.

Site context and location

The site is located at 35-45 Water Street, Wahroonga, in the Ku-ring-gai local government area (LGA). The land is legally described as Lot 1 of DP 375262.

The site has a total area of approximately 21,320m². It is characterised by a gradient of approximately 1:10 falling 17m from the north-west corner to the south-east corner of the site. The site is bounded by Water Street to the north; Young Street to the east; and low density dwelling houses on large lots to the south and west (see Figure 1).

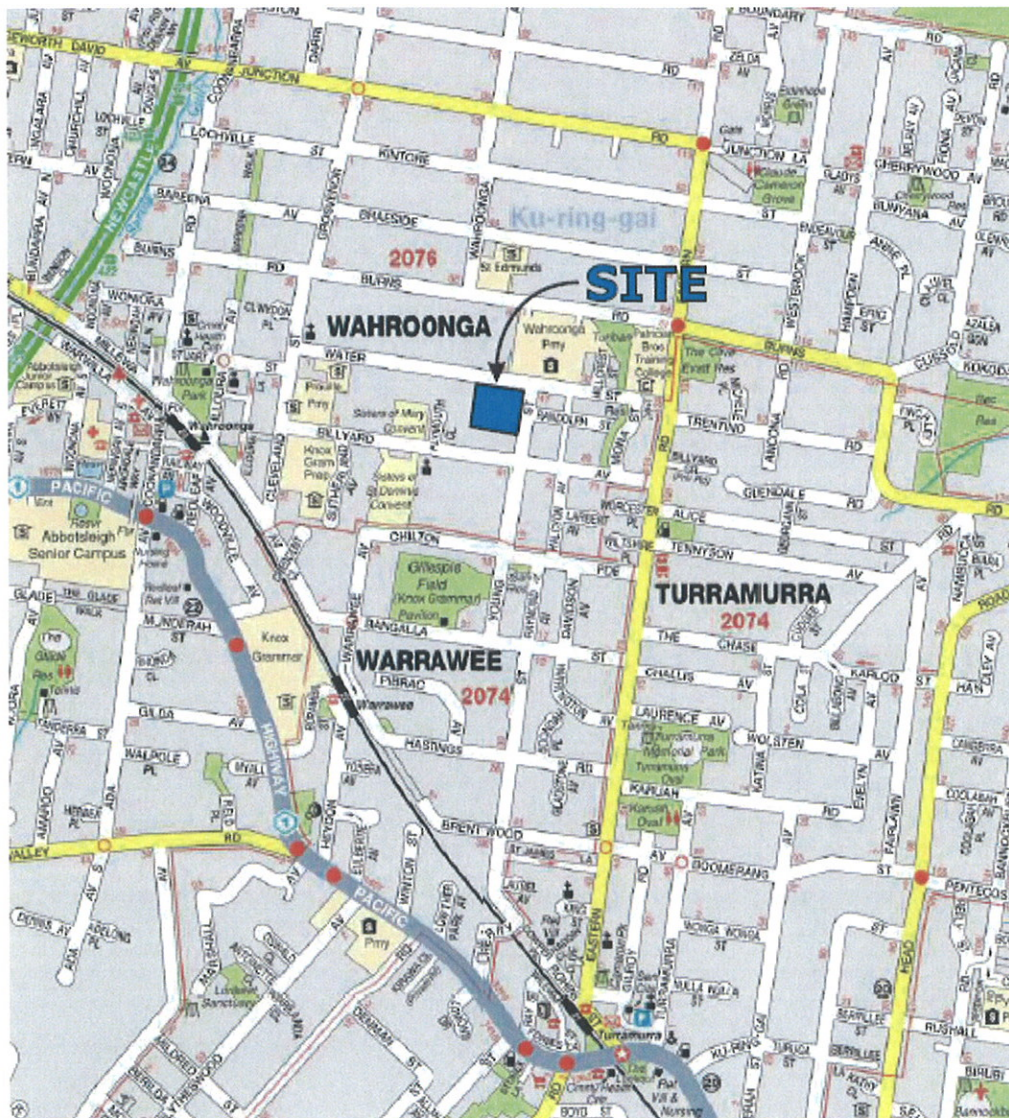


Figure 1 – Site Location

Traffic Planners / UBD 2005

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The site is approximately 1km east of Wahroonga railway station, and is approximately 1km from the Pacific Highway corridor.

Wahroonga is a relatively elevated part of Sydney, located on a ridge of Wianamatta shale. The fertile soils derived from shale and relatively high rainfall originally supported the Blue Gum High Forest (BGHF) that occupied much of the ridgeline from Roseville to Hornsby to Eastwood. Remnant tall trees still dominate the wider landscape here despite substantial clearing for residential development over time. The density of vegetation is such that views from this area are not extensive over lower districts.

The site is surrounded by detached one-to-two storey dwellings on substantial allotments, in many cases including tennis courts and swimming pools. Remnant tall eucalypt forest trees are commonly scattered throughout the surrounding allotments with exotic plantings in between. Wahroonga Public School ('The Bush School') is located to the north-east of the site on the opposite side of Water Street. Two other primary schools, Prouille and Knox Grammar Preparatory School, are located approximately 300m west of the site, and these are accessed from Billyard Avenue to the south of the site.

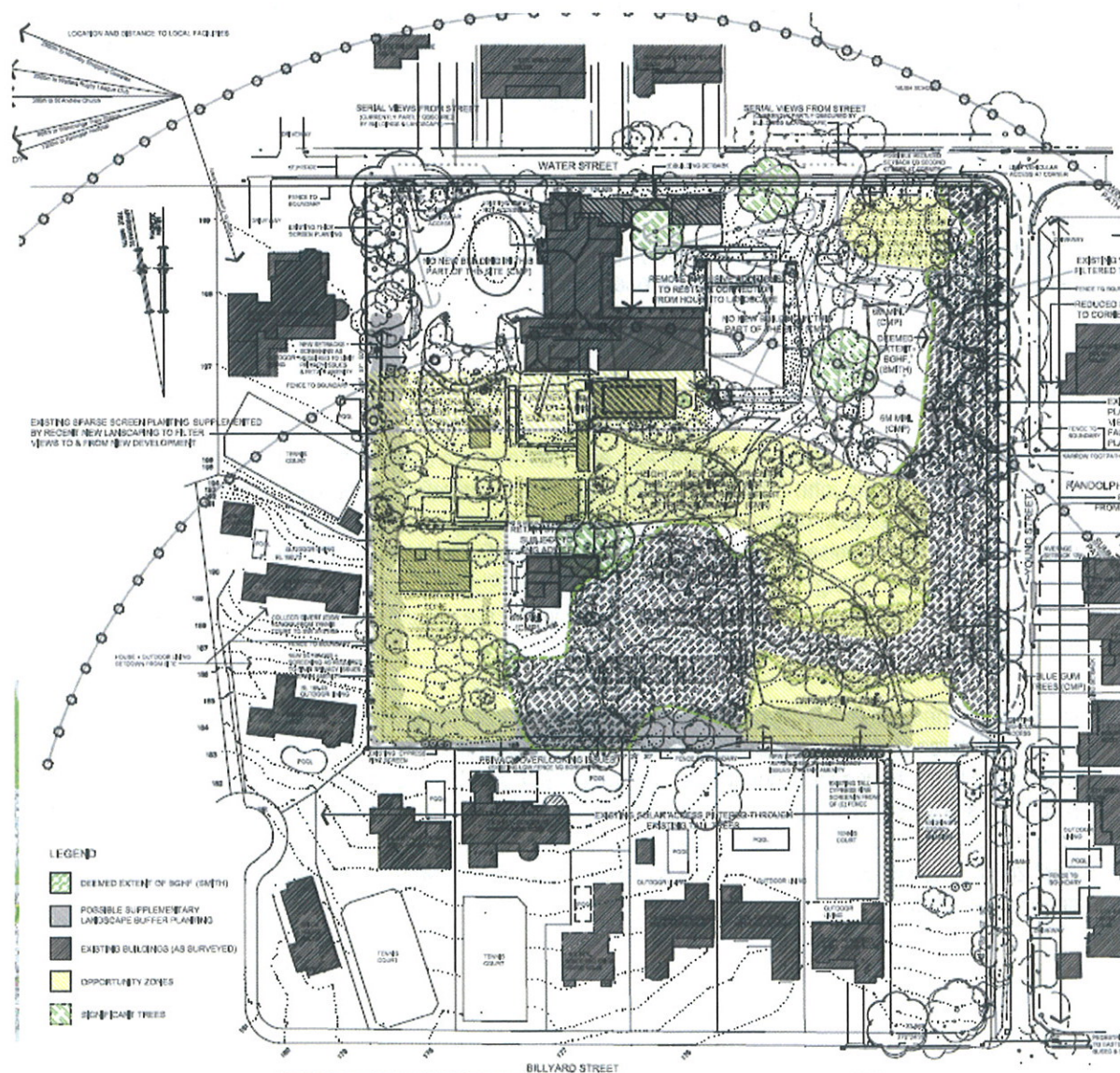


Figure 2 — Site Plan showing Rippon Grange House (top centre) with its terraced gardens to the east and west, areas of Blue Gum High Forest (diagonal hatch) and areas shaded yellow are marked in the Conservation Management Plan as having some development potential.

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Existing site features

Rippon Grange house, which is currently in a deteriorated condition, occupies the highest part of the site and overlooks large-scaled landscaped elements of the early twentieth century that contribute to the high cultural value of the northern third of the site. However, the house and garden are in a deteriorated state. The house's entry faces a formal carriage loop accessed from Water Street, with a tall shrubbery garden beyond on the western boundary. The eastern side of the house looks over a series of garden terraces that fall to the east. These terraces include areas of lawn, a former tennis court, and a former croquet lawn. The eastern view is largely contained within the site's boundary by a row of planted blue gums along Young Street. An inter-war swimming pool was constructed south of the house with a stable beyond, and together with several large exotic trees, they form a sub-precinct of cultural significance in the central-south-west section of the site. There is an additional driveway at the south-east corner of the site accessing Young Street. See Figure 2.

Between Rippon Grange and the stable, are several elements from the site's domestic period 1898–1951, including an Inter-War swimming pool with its own shed, a much-altered Federation period garage and overgrown gardens established in the Federation and Inter-war periods. The hospital extensions to Rippon Grange, the playroom and a school house date from the John Williams Memorial Hospital period 1951–1999.

The whole site is a local heritage item listed on the Ku-ring-gai Planning Scheme Ordinance (KPSO). A Conservation Management Plan for the site was endorsed by the Heritage Council in 2008. The statement of heritage significance prepared by Ku-ring-gai Council for the site on the State Heritage Inventory that lists items of local significance, mentions the Federation period house, its landscape features, the 1954 playroom and the mature eucalypts.

Zoning

The site is zoned Special Uses Hospital 5(a) in the KPSO of June 2007. The entire site is listed as a local heritage item in the KPSO as amended October 2008.

1.2 SITE HISTORY

Rippon Grange is a two-storey Federation Arts and Crafts house constructed by Frederick George Sargood in 1898 to a design by Sir John Sulman. Sulman was one of Australia's most prominent architects and town planners in the Federation period. The billiard room extensions were completed c 1906 and the Sargood Family lived on the premises until 1921. An auction of subdivided land in 1922 established the current boundary of Rippon Grange. Another two families owned Rippon Grange during the Inter-War period, and they further developed the garden and various structures within the grounds, including the swimming pool. See Figure 2.

In 1951, the then owner of Rippon Grange dedicated the property to the State Government for the benefit of crippled children and as a memorial to his son John Williams who died during WWII. A number of buildings and extensions to the house were constructed between 1954 and 1970 to facilitate the operation of the property as a children's hospital. The number of patients declined in the 1970s and the property was transferred among a number of State Government health agencies until the John Williams Respite Centre ceased to function on 30 April 2004. The site was offered for sale by tender in 2005. Waterbrook at Wahroonga Pty Ltd purchased the site in June 2005.



Figure 3 — the west façade of Rippon Grange house

Previous Applications

Murlan Consulting Pty Ltd has previously lodged two separate development applications for seniors living housing proposals on this site. DA0855/06 for 78 self-care units in five new buildings on the site was lodged with Ku-ring-gai Council on 4 August 2006. This application was refused by Council on 12 December 2006. Murlan Consulting appealed this refusal in the Land and Environment Court in December 2006. The Court upheld the refusal in its judgment of 26 June 2007. The Court concluded that, "the application must fail as it would not respond appropriately to the heritage significance of Rippon Grange or its setting and the Blue Gum High Forest." Murlan Consulting appealed the Commissioners' decision to a judge under section 56A of the *Land and Environment Act 1979*. Justice Pain heard this appeal on 18 October 2007 and dismissed the appeal on 29 October 2007.

DA1333/07 for 61 self-care units in three new buildings on the site was lodged with Ku-ring-gai Council on 20 December 2007. This scheme kept development further from Rippon Grange and would have retained more BGHF and left the north-east corner of the site free of buildings. A report by Council officers recommending refusal was presented to the Ku-ring-gai Planning Panel on 25 June 2008. The Panel supported the Council officers' recommendation and refused the application.

Murlan Consulting Pty Ltd subsequently sought orders in the Court of Appeal that the Commissioners' decision in relation of DA0855/06 be set aside on various grounds. On 6 October 2009, the Court handed down its judgment to remit the case to the Land and Environment Court for determination. At this time, the matter has not yet been heard by the Land and Environment Court.

2 PROPOSED DEVELOPMENT

2.1 THE PROPOSED DEVELOPMENT

Approval is sought for construction of a private hospital comprising 124 beds, adaptive re-use of heritage buildings, demolition of buildings with low heritage value, restoration of Federation-style heritage landscapes, rehabilitation of BGHF, associated vegetation removal, excavation, bulk earthworks and car parking. The new hospital would have a Main Wing, West Wing and East Wing, generally forming a crescent shape (Figure 4). Specifically, the proposal as outlined in the Preferred Project Report (PPR) (see Section 2.1.5 below) seeks the following:

2.1.1 New Private Hospital

- The hospital would provide rehabilitation, psychiatric, post-natal, post-operative, chronic pain management and treatment and palliative care services;
- 124 single patient care rooms, rehabilitation centre, admissions clinic, medical consulting rooms with access to the existing adjoining pool (which is to be restored);
- The new hospital building would comprise: the Main Wing of up to 5 storeys, the West Wing of up to 5 storeys and the East Wing of up to 5 storeys. The building footprint also includes 2 levels of basement parking;
- Kitchen, laundry, plant room and stores;
- 79 underground car parking spaces in a 2 level basement carpark and 13 at-grade car parking spaces; and
- An ambulance bay outside the reception area located at the Main Wing and a second ambulance bay in the basement car park.

2.1.2 Adaptive reuse of Rippon Grange House

- Adaptation for purposes auxiliary to the hospital, including consulting rooms, administrative and management offices, kitchens and a chapel;
- Establishment of a café to serve both the hospital and the public;
- Demolition of the intrusive extensions and alterations, such as suspended ceiling grids, to the house associated with the post-war children's hospital; and
- Installation of a lift providing disabled access, upgraded services and changes to the floor plan to create usable rooms.

2.1.3 Site Preparation Works

- Demolition of the former garage, pool shed, playroom building, covered way, classroom block and postwar swimming pool enclosure;
- Excavation for two levels of basement car parking and services affecting an area of overgrown Federation-style garden;
- Removal of six BGHF trees; and.
- Excavation for stormwater detention tanks and other services.

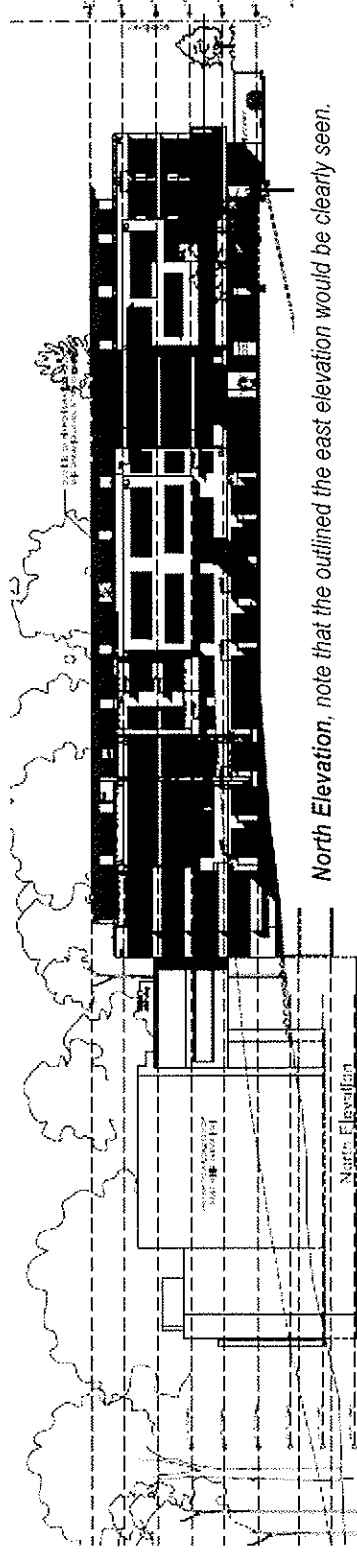
2.1.4 Landscape Conservation Works

- Conservation works to the carriage loop, arbours, summer house, Killara Cottage, and remaining gardens;
- Reconstruction of terraced lawns to the east of the house; and
- Replanting of additional area of BGHF and regeneration works (including weeding) to the BGHF.

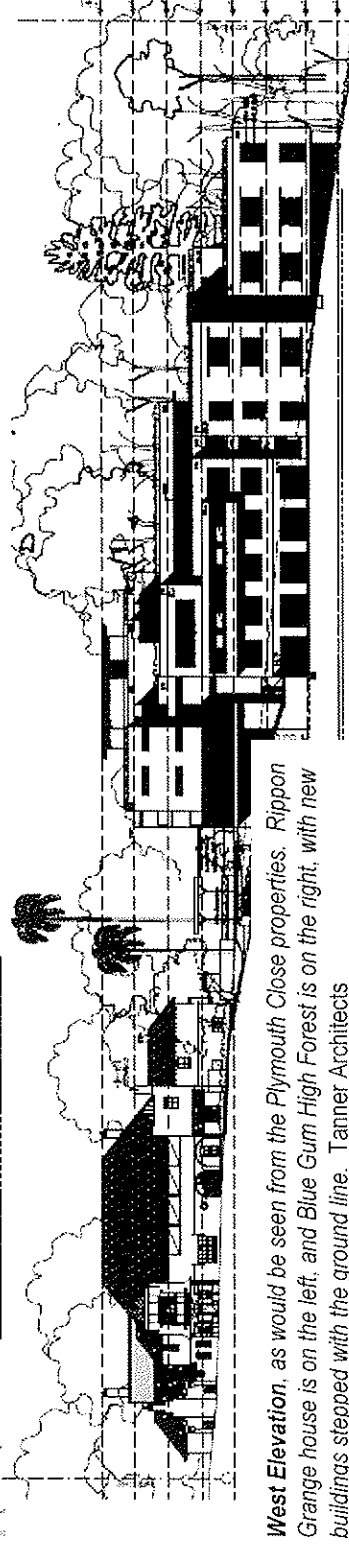
2.1.5 Amendments in the Preferred Project Report

The proponent submitted a Preferred Project Report (PPR) to the Department on 2 December 2009. Key amendments in the PPR that vary the proposal outlined in the EA include:

- Reduction in building bulk by removing rooms 15 and 16 on Level 1 of the West Wing; removing room 14 on level 2 and relocating the adjacent cleaner's store further away from the western boundary;
- Reduction in bed numbers from 129 to 124;
- Increased indent to main entry between the West Wing and the Main Wing to allow for a recessed glazed entry by removing the central dining area and adjusting the balconies on Levels 1 and 2;
- Adjustments to the design of the driveway entry off Young Street to promote left turn entries to and right – turn exits from the site and installation of "No Left Turn" signage;
- Widening of Young Street south of the Young Street site access;
- Option to require a one-way clockwise construction traffic flow pattern into the site, with entry via 64 Billyard Avenue (owned by the Proponent) and exit via right turn into Young Street;
- Designation of a garbage collection area in the south-eastern corner of the site;
- A garbage pick-up area in south-east corner of the site;
- Incorporation of a baby room to replace room 10 in the East Wing Level B2;
- Amendment of Vegetation Management Plan (VMP) to include removal of non-heritage significant exotics from the BGHF and regenerating areas;
- Inclusion of an interpretive path to Water Street, east of Rippon Grange;
- Non-BGHF and non-heritage significant trees removed from BGHF areas; and
- Relocation of Killara Cottage to a terraced lawn east of Rippon Grange, near Water Street.



North Elevation, note that the outlined the east elevation would be clearly seen.



West Elevation, as would be seen from the Plymouth Close properties. Rippon Grange house is on the left, and Blue Gum High Forest is on the right, with new buildings stepped with the ground line. Tanner Architects

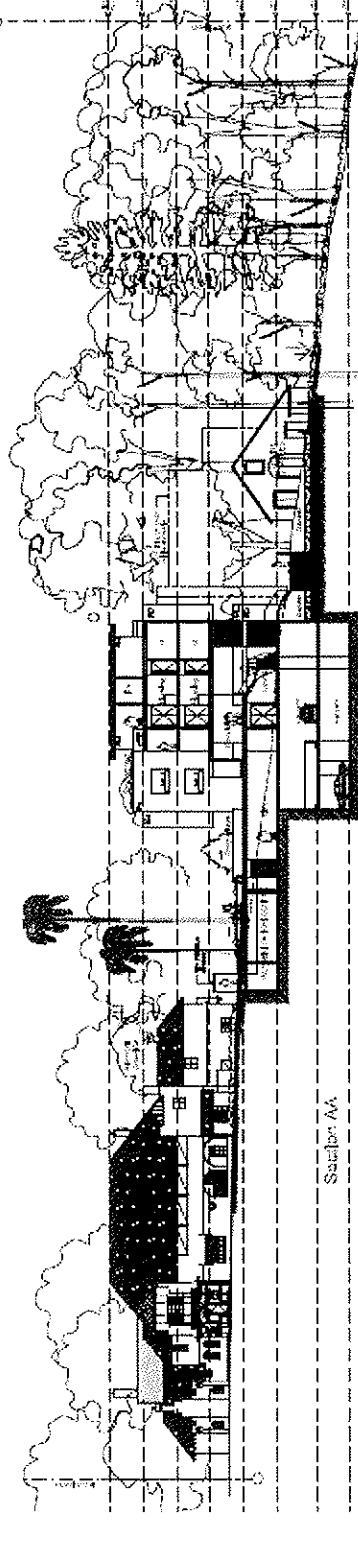


Figure 4: Section looking east, showing the underground car parking. Tanner Architects

3 STATUTORY AND STRATEGIC CONTEXT

3.1 MAJOR PROJECT DECLARATION

On 11 December 2007, the Director General as delegate for the Minister for Planning formed the opinion that the proposal was a project to which Part 3A of the EP&A Act applies. The proposal is classified as a Major Project under Part 3A of Environmental Planning and Assessment Act 1979 (EP&A Act) because it is development for the purpose of a hospital, with a Capital Investment Value (CIV) of over \$15 million and therefore meets the criteria in Clause 18 of Schedule 1 of State Environmental Planning Policy (Major Development) 2005. Consequently, the Minister for Planning is the approval authority for the project.

3.2 PERMISSIBILITY

The site is zoned 5(a) Special Uses (Hospital) under the KPSO and the proposed private hospital is a permissible use. The café is ancillary to the hospital and is therefore also permissible.

3.3 EXHIBITION AND NOTIFICATION

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment (EA) of a project publicly available for at least 30 days.

After accepting the EA for Project Application, the Department made the EA publicly available from 17 June 2009 until 4 September 2009:

- on the Department's website; and
- at the Department's Information Centre in Bridge Street, Ku-ring-gai Council Offices and Turramurra Library;
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and Ku-ring-gai Council by letter; and
- advertised the exhibition in the *North Shore Times*, *Daily Telegraph* and the *Sydney Morning Herald*.

This satisfies the requirements in Section 75H(3) of the EP&A Act.

The PPR was accepted on 1 December 2009. This was placed on the Department's website and sent to Ku-ring-gai Council and DECCW for comment.

During the assessment process the Department also made a number of documents available for download on the Department's website. These documents included the:

- Project Application;
- Director-General's environmental assessment requirements;
- Environmental Assessment; and
- PPR and Response to Submissions.

3.4 ENVIRONMENTAL PLANNING INSTRUMENTS

Under Section 75I of the EP&A Act, the Director-General's report is to include 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

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- environmental planning instruments that would (but for Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project.

The primary instruments guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Development) 2005.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy (Remediation of Land) 2005.
- Ku-ring-gai Planning Scheme Ordinance.

3.4.1 State Environmental Planning Policy (Major Development) 2005

The proposal is a Major Project under Part 3A of EP&A Act because it is development for the purpose of a hospital with a CIV of over \$15 million and is therefore triggered by the criteria in Clause 18 of Schedule 1 of the Major Development SEPP 2005.

3.4.2 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State. The proposal meets aim 2(c) of the Infrastructure SEPP as it allows for the efficient redevelopment of formerly surplus government owned land.

Although the proposal did not trigger referral to the RTA under Schedule 3 of the SEPP, the Department did refer the application to the RTA for review and comment (refer to Section 4.1).

3.4.3 Ku-ring-gai Planning Scheme Ordinance

The site is zoned 5a Special Use (Hospital) under the KPSO. A private hospital meets the definition of 'hospital' in the KPSO, namely, *a building used or intended for use as a hospital, sanatorium, health centre or dispensary, nursing home or home for the aged, infirm, incurable or convalescent persons, whether public or private, and includes a shop or dispensary used in conjunction therewith, but does not include an institution.*

As stated above, the proposal is permissible in this zone.

The KPSO does not contain any development standards for this zone.

The site at 35–45 Water Street Wahroonga is listed in the KPSO as a local heritage item. Clause 61D requires that a person must have the permission of Council to demolish, damage or alter the building, or move any relics, or build any building or subdivide the property listed as a local heritage item. Council must consider the proposal's impact on the heritage significance of the heritage item and any horticultural or stylistic features of the item's setting. Impacts on the site's heritage significance are considered in section 5 of this report.

3.5 OTHER PLANS AND POLICIES

3.5.1 Conservation Management Plan

The Heritage Council endorsed a Conservation Management Plan (CMP) for the site on 18 July 2008. The CMP was prepared by Rod Howard and Associates on behalf of the site owners and referred to the Heritage Council. The CMP, as endorsed, was an update of a previous CMP for the site (prepared by the same authors) that identified the site as being of State heritage significance. The CMP contains 20 Conservation Policies addressing a range of matters such as conservation of significant fabric and items, including landscape elements, removal of intrusive items, protection of significant views, and guidelines for new development. These guidelines identify areas of the site both suitable and unsuitable for new development and identify a height control (no higher than the height of Rippon Grange's roof) for new buildings.

It is noted that on 5 August 2009, the Heritage Council considered a community nomination for the site to be listed on the State Heritage Register. The Heritage Council determined that Rippon Grange does not meet the

threshold for listing on the State Heritage Register. In this circumstance, the plan does not have an effective statutory role, but has been endorsed by the State's heritage agency as a considered document.

3.5.2 Ku-ring-gai Council Biodiversity Strategy 2006

The Strategy seeks to protect, enhance and increase biodiversity of public and private lands. The strategy includes making partnerships with non-government organisations to help maintain or enhance regional biodiversity. The proposed perpetual protection of the critically endangered ecological community of BGHF and its implementation via the Vegetation Management Plan outlined in the proposed development are consistent with this strategy.

3.5.3 The State Plan

The proposed private hospital is consistent with the relevant objectives of the State Plan, including provisions 'S1 — Improved access to quality healthcare', 'F3 — Improved outcomes in mental health', and 'F5 — Reduced avoidable hospital admissions'. The proposal would provide health services, including some psychiatric care, and has the potential to complement nearby surgical hospitals with the proposed rehabilitation, neo-natal and general medical services that could reduce demand for beds in existing hospitals.

3.5.4 Metropolitan Strategy

The Metropolitan Strategy anticipates that with increasing wealth and an ageing population, there will be increased demand for health services in the Sydney metropolitan area. The Strategy also states that jobs and services are best located within established areas to minimise travel distances. Furthermore, the Strategy aims to protect Sydney's biodiversity values. The subject proposal is consistent with these aspects of the Strategy as it entails the provision of additional health services in an established and accessible area and includes the conservation and on-going management of the BGHF on the site.

3.5.5 Draft North Subregional Strategy

The Strategy notes that "employment within the North Subregion is concentrated in health [and] community services ... with employment very much driven by local needs". Ku-ring-gai has an employment capacity target of 4,500 to the year 2031. The proposed development includes the creation of 80 construction and 79 full time operational jobs.

The Draft North Subregional Strategy identifies a priority 'to manage and accommodate urban development whilst protecting the valuable environmental, resource and cultural assets' of the region. This proposal is consistent with this objective because the BGHF on the site will be protected and enhanced, and the local heritage item Rippon Grange house will be conserved in its garden setting and adapted for appropriate new uses auxiliary to the hospital that maintain its heritage significance.

State infrastructure projects in the north subregion include the upgrading of obstetrics, mental health facilities and the emergency department of Hornsby Hospital, 2km from Rippon Grange. The proposed private health care services at the Rippon Grange site have the potential to complement these public infrastructure projects.

3.6 OBJECTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The Minister's consideration and determination of the application must be consistent with the relevant provisions of the EP&A Act, including the objects set out in the Act's section 5. The objects of most relevance to the Minister's decision on whether or not to approve the proposed project are found in section 5(a)(i), (ii), (iv), (vi) and (vii). They are:

The objects of this Act are:

(a) *to encourage:*

(i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and*

- villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iv) the provision of land for public purposes,*
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) ecologically sustainable development".*

The Department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the application. The assessment integrates all significant economic and environmental considerations and seeks to avoid any potential serious or irreversible damage to the environment.

3.7 ESD PRINCIPLES

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (c) the principle of inter-generational equity — that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the redevelopment in relation to the ESD principles and has made the following conclusions:

- a) Integration Principle — the conservation of Rippon Grange and the construction and operation of the new building will create jobs and provide significant social benefits through the provision of health care. Rippon Grange house would be conserved in its garden setting. The BGHF would be rehabilitated and protected in perpetuity consistent with the Vegetation Management Plan.
- b) Precautionary Principle — on balance, the commitments within the proposal, as revised by conditions, are considered to result in an acceptable development. Measures have been included in the recommended conditions to ensure that the BGHF is conserved and protected with the planting of additional areas with BGHF species.
- c) Inter-Generational Principle — the proposal represents a sustainable reuse of the site that will protect a specified area of BGHF and expand that area of BGHF in perpetuity. The redevelopment would adapt and reuse an existing heritage building, which will conserve the building in its remaining garden setting, and include the opportunity for public access.
- d) Biodiversity Principle — following an assessment of the EA and in consideration of the conditions of approval, all reasonable measures have been considered to protect the biodiversity of the BGHF on

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the site from threat of serious or irreversible environmental damage. Regeneration works and additional plantings are expected to enhance the biodiversity of this area of BGHF.

- e) Valuation Principle — the proposed private hospital would provide an on-going funding mechanism for the repair and conservation of Rippon Grange as well as the rehabilitation, expansion and management of the BGHF. As a result, the value of the biodiversity and cultural heritage on site will be enhanced as a result of this proposal.

3.8 DIRECTOR GENERAL'S REQUIREMENTS

On 9 February 2008, the Director General issued Director General's Requirements (DGRs) pursuant to s75F of the *Environmental Planning and Assessment Act, 1979*. The DGRs are contained in Appendix A. the Department is satisfied that the DGRs have been complied with.

4 CONSULTATION AND ISSUES RAISED

In response to the exhibition and notification of the PPR, the Department received a total of 336 submissions, comprising the following:

Public agencies

- Ku-ring-gai Council (2 submissions);
- Department of Environment, Climate Change and Water (3 submissions);
- NSW Department of Health (2 submissions);
- Heritage Branch, Department of Planning;
- NSW Rural Fire Service;
- Roads and Traffic Authority; and
- Sydney Water Corporation.

These agency submissions are contained in Appendix D.

Submissions from the public

The Department received 325 submissions from 308 members of the public and community organisations (including the John Williams Neighbourhood Group Inc, Friends of Ku-ring-gai Environment Inc and the National Trust). One submission supported the proposal and 307 objected to the proposal.

Submissions are summarised below.

4.1 SUBMISSIONS FROM PUBLIC AUTHORITIES

4.1.1 Ku-ring-gai Council

Council raised the following issues responding to the EA and PPR:

- 1 Design and amenity:
 - The bulk, scale and height of new buildings are too large and out of context with the residential area, and inappropriately sited;
 - Design character, particularly flat roofs, is inappropriate in its context;
 - Amenity impacts on residents in Plymouth Close and Billyard Avenue; and
 - Overshadowing impacts on residents in Plymouth Close.
- 2 Traffic, parking and access:
 - Concern that traffic generated would have a noticeable impact on surrounding roads;
 - Road widening of Young Street to 7.5m is preferred over the 9m option to enable adequate vehicular access to the site;
 - Car parking should be increased to comply with the RTA guidelines;
 - Construction traffic should avoid school pick up and drop-off times; and
 - Further details of traffic management are required in a construction management plan.
- 3 Natural and cultural heritage:
 - Impacts on the BGHF and additional areas that contain some of these species, including the Young Street verge;
 - The bulk and scale is too large for its proximity to Rippon Grange house and will adversely impact on the site's cultural heritage values; although Council supports conservation works to the house;
 - The new building will diminish the significance of the grounds visually dividing the site; and

- The 1953 Playroom should be retained.
- 4 The café is not a permissible use in a hospital 5(a) zoning.

These issues are addressed in Section 5 of this report.

4.1.2 NSW Department of Environment, Climate Change and Water

DECCW's key issue was impact on the BGHF. DECCW raised concerns about the extent of BGHF on the site, in particular impacts on areas of regenerating BGHF, and the cumulative effect of direct and indirect impacts, including overshadowing on the BGHF. DECCW also stated that the lack of a buffer between buildings and vegetation would make conservation of the BGHF more difficult. DECCW was also concerned that there was no commitment to the protection and management of the BGHF in perpetuity.

Following further consultations between DECCW, the Department and the proponent, DECCW advised that its highest priority was the permanent protection and management of the BGHF remnant on the site via a covenant. This was subsequently agreed to by the proponent. DECCW also advised that it would support reductions to bulk of the buildings and identification of additional areas on the site as BGHF rehabilitation areas. These issues have been addressed through the recommended conditions of approval.

DECCW also raised issues relating to the identification of buffers in the Proponent's Vegetation Management Plan (VMP) and the requirement for an independent, qualified ecologist to ensure compliance with the construction management plan. These issues have been addressed in recommended conditions of approval.

Issues relating to the BGHF are further discussed in Section 5.5 of this report.

4.1.3 NSW Department of Health

The Department of Health questioned the financial viability of the hospital and design suitability for a private hospital. However, following the submission of further information from the proponent and further consultations between the proponent and the Department of Health, Health advised that further consideration of detailed design issues would be subject to further consideration as part of the licence application process necessary to operate a private hospital. The design suitability of the proposal is considered in section 5.4 of this report.

4.1.4 Heritage Branch, Department of Planning

The Heritage Branch stated that the proposed use as a private hospital may be appropriate to avoid the site being subdivided and to keep landscape elements intact. The Heritage Branch also stated that the proposal incorporates a considerable number of recommendations of the Heritage Council endorsed CMP for the site. In addition, it made several recommendations in relation to heritage works and impacts, including:

- more glazing to the L3 link (PPR adjusted accordingly);
- further detail of works to spaces of moderate and high significance be provided;
- retention of the playroom;
- a heritage consultant be nominated for the project;
- an archival recording be made; and
- management measures to be implemented during construction.

These issues are considered in Section 5.3 of this report.

4.1.5 NSW Rural Fire Service

The Rural Fire Service noted that the site is not classified as bush fire prone on the Ku-ring-gai Bush Fire Prone Land Maps and advised that it has no concerns or issues in relation to bush fire. Bushfire risk is considered in Section 5.7 of this report.

4.1.6 Roads and Traffic Authority (RTA)

The RTA raised no objection to the proposal, and stated that the additional traffic generated would have a minimal impact on the surrounding road network. The RTA stated that consideration should be given to an internal traffic signal control for the section of the internal access road from Young St that is one way. The RTA recommended parking restrictions in Water Street, that parking and traffic movement be to code, and that a Construction Traffic Management Plan be submitted for approval.

These issues are considered in Section 5.6 of this report.

4.1.7 Sydney Water

Sydney Water advised that a Section 73 Certificate is required to enable them to specify any works that may be required as a result of the development.

4.2 SUBMISSIONS FROM THE PUBLIC

Key issues raised in the public submissions objecting to the proposal comprised:

- Overdevelopment of the site given site constraints;
- Bulk and scale of the buildings proposed;
- Inconsistency of proposal with neighbourhood character;
- Would set a development precedent at this scale;
- Visual impacts;
- Privacy impacts;
- Overshadowing;
- Impacts on local property prices;
- Impacts on traffic flow and pedestrian safety from the construction phase and the hospital's operation, particularly during school pick-up and drop-off periods;
- Is not sufficiently close to public transport;
- Inadequate parking on site to prevent on-street parking;
- Not an efficiently designed hospital;
- Object to psychiatric patients in a residential area;
- Impacts on the BGHF;
- Bushfire risk and the need for an asset protection zone;
- Impacts on the cultural heritage of Rippon Grange house and garden; and
- Should be rejected because previous development applications for the site were refused by Council, the Ku-ring-gai Planning Panel and the Land and Environment Court.

These issues are addressed in Section 5 of this report.

One submission was received supporting the concept of having psychiatric services within Ku-ring-gai.

5 ASSESSMENT

The DGRs and following key issues were considered in the Department's assessment of the proponent's Environmental Assessment:

- 1 Built Form and Urban Design;
- 2 Environmental and Residential Amenity;
- 3 Heritage Conservation;
- 4 Design suitability for a private hospital;
- 5 Biodiversity — Blue Gum High Forest;
- 6 Traffic, Car Parking and Access;
- 7 Bushfire Risk Assessment;
- 8 Contamination and Storm Water;
- 9 ESD measures;
- 10 Construction and operational impacts; and
- 11 Developer Contributions.

5.1 BUILT FORM AND URBAN DESIGN

The proposed new hospital building consists of a Main Wing, West Wing and an East Wing. The Main Wing is five storeys built over two levels of basement car parking. The West Wing varies from two storeys in the south up to the five storeys where it connects with the Main Wing. The East Wing is linked to the Main Wing by an elevated two-storey bridge, and is four-to-five storeys built over one level of car parking. The proposed buildings are of a contemporary design, characterised by flat roofs and a variety of façade materials and colours (Figure 4).

Many submissions from the public and those from Council expressed concerns that the proposal has an excessive height, bulk and scale for the site and its surrounds. This was related to concerns about privacy, overshadowing, the conservation of Rippon Grange within its heritage curtilage, impacts on the BGHF and setting a design precedent for the area.

In response to issues raised in submissions and by the Department in relation to bulk and scale, the PPR included relatively minor reductions in the size of the buildings. These entailed the removal of five patient care rooms, reduced bulk to the West Wing within proximity of the western boundary and an increased setback of the recessed glazed entry between the West Wing and Main Wing.

The Department acknowledges that the area surrounding the site is dominated by detached, albeit typically large dwellings and that the buildings proposed in the project are of a considerably larger size and scale than is characteristic of the area. However, given the specific zoning of this site for hospital purposes in an area otherwise largely zoned low density residential, the Department does not consider that the proposal will set a precedent for larger-scale development in the area. Furthermore, the proposed buildings are located on a large site, in excess of 2 hectares, and have been positioned towards the centre of site, with generally large setbacks and substantial screening by the dense and mature vegetation that is to be retained on the site (see Figure 5). In this regard, the proposed buildings' setbacks are as follows:

- East Wing setback 30 metres from the site's eastern boundary at Young Street, with extensive screening by the BGHF along this boundary
- Main Wing setback 62 metres from the site's northern boundary at Water Street, with screening offered by the Rippon Grange house and existing boundary planting;

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- Variable setbacks of 10 metres (West Wing, at which point the building is limited 2 storeys in height), 39 metres (East Wing) and 55 metres (Main Wing) from the site's southern boundary (adjoining lots containing detached dwellings) with extensive screening by the BGHF; and
- 10 metres from the site's western boundary. Although this is a smaller setback, the building along this boundary is stepped and ranges from 2 to 3 storeys, with some existing screen planting within the site along the boundary.

Accordingly, despite the scale and height of the proposed buildings, it is considered that the proposed setbacks and extensive vegetation on the site would result in limited visibility of the buildings from surrounding streets and properties.

The proposal would have a floor space ratio (FSR) of between 0.52:1 (excluding floor area of Rippon Grange) and 0.57:1 (including floor area of Rippon Grange). While it is noted that this would exceed Council's FSR for residential development in the Residential 2(c) of 0.3:1 to 0.4:1 (as per DCP No. 38), the Department considers that this is a relatively low FSR for a non-residential use and is justifiable given the site's overall size, its zoning for hospital purposes, the proposed building's siting and setbacks and the extent of landscaping on the site. This indicates that the proposal has adequately responded to the site's constraints, including cultural and natural heritage, by utilising a smaller footprint than would be reasonably expected on a less constrained site of a similar size.

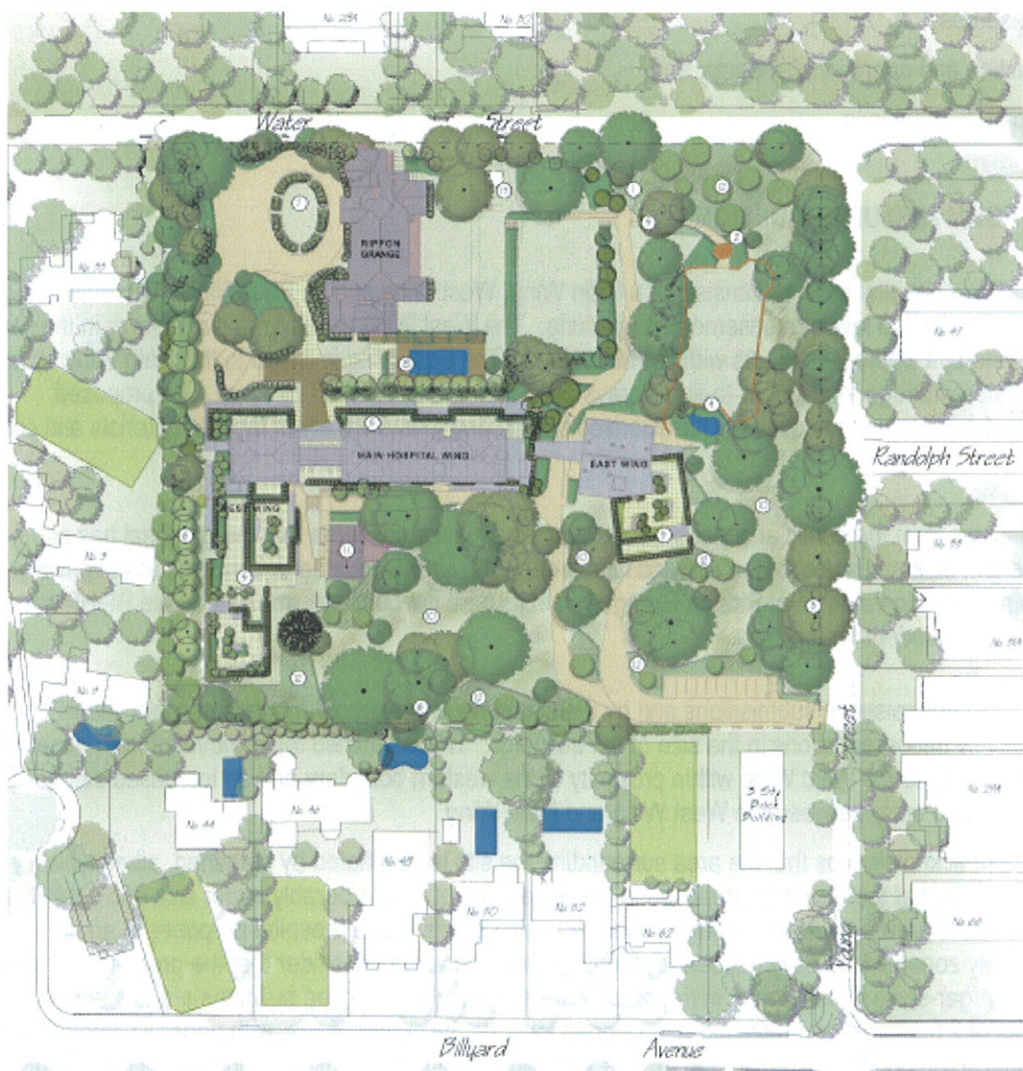


Figure 5: **Ground Floor Plan of the new hospital building** showing the East Wing (right), the Main Wing (centre) and West Wing (left) shaped around the existing Blue Gum High Forest
Tanner Architects (not to scale)

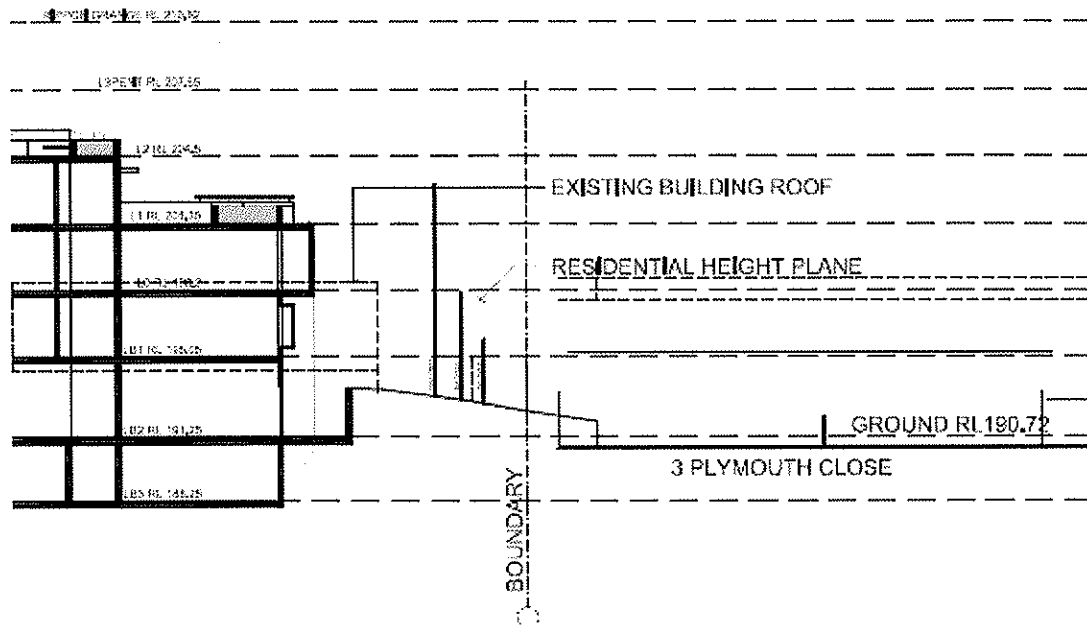


Figure 6: **Residential Building Height Plane** demonstrating that the proposed hospital buildings would fit within the allowable height plane for residential 2(c) zoning at the side boundary, adapted from DCP 38. Note: this diagram does not show council's height limits for residential buildings
Tanner Architects (not to scale)

In addition, in terms of other relevant density and built form standards, the proposal would comply with the 50% minimum percentage of soft landscaped surfaces for surrounding residential areas that applies in DCP No. 38. The West Wing would also fit within the DCP's residential building height plane of a 45° line inclined from 3m above natural ground level at the nearest side boundary (See Figure 6). In terms of building height, the Department notes that height of the Main Wing does not exceed the top ridge of Rippon Grange house and therefore complies with the endorsed CMP.

Notwithstanding the above, the Department considers that there is scope for further reductions in the bulk and scale of the buildings to improve their relationship to both Rippon Grange and to surrounding sites. Specifically, the proposed new buildings remain overly uniform in its bulk and massing, particularly given the total length (114m) of the buildings from east to west. This length, combined with the proposed height of the buildings, could result in a less than optimal built form relationship with Rippon Grange, particularly when viewed from vantage points on Water Street and from the forecourt of Rippon Grange (which would become a publicly accessible area given the proposed operation of the café). It is considered that a more modulated built form, with a less uniform massing and a less dominant appearance in relation to Rippon Grange, can be reasonably achieved through further design refinements.

It is also considered that the West Wing should be further scaled back to account for the smaller setback from the western boundary and to address potential amenity impacts on adjoining residential properties (see section 5.2 below). Similarly, in order to reduce the perceived bulk of the East Wing, design refinements including removal of rooms and the use the upper level setbacks are warranted.

The Department also notes that the north façade of the East Wing appears to be less articulated than the north façade of the Main Wing and could be improved through a greater variety of materials, colours and treatments.

For these reasons, the Department recommends the following key amendments as conditions:

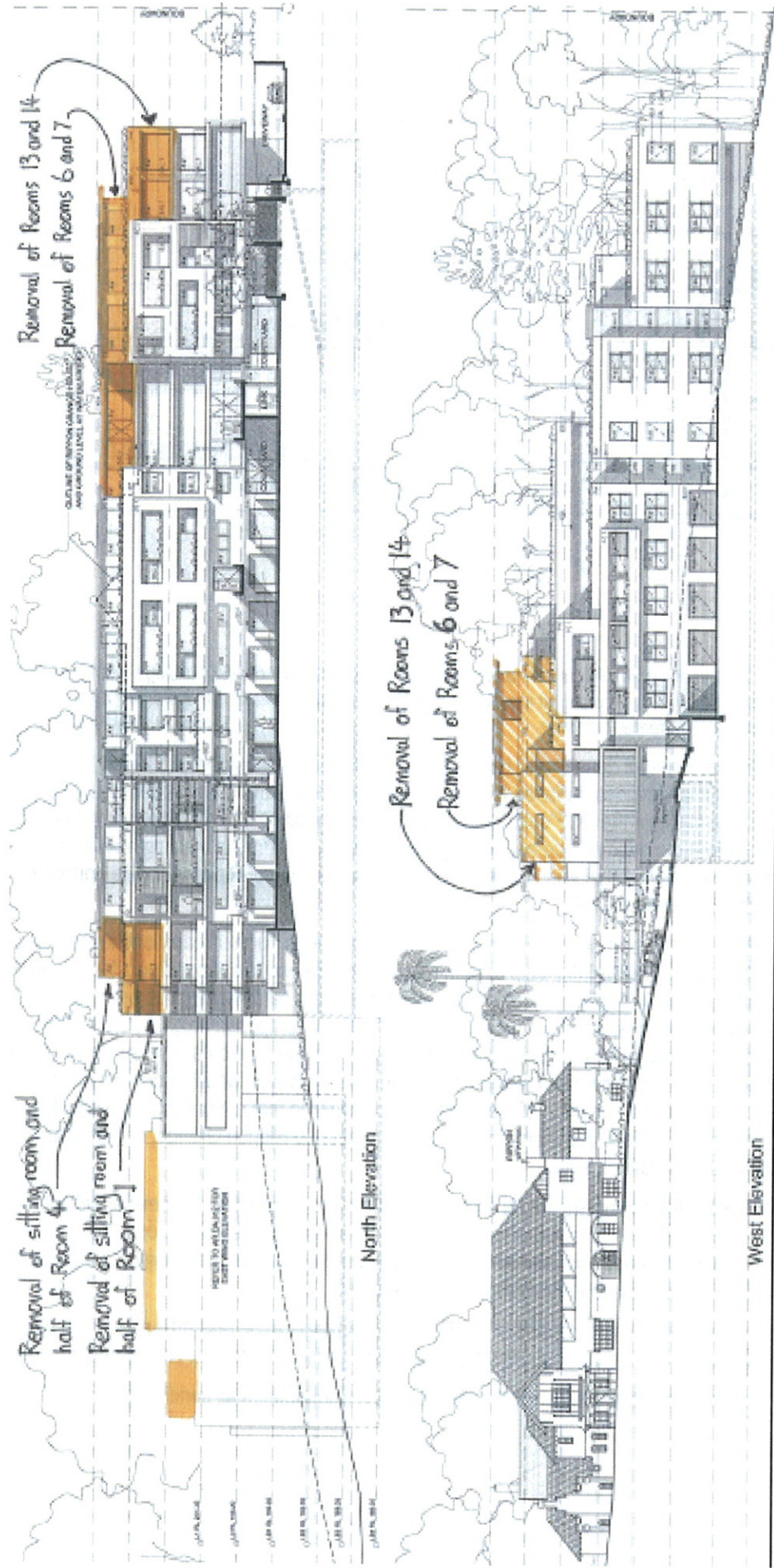


Figure 7: Extract from Appendix E showing **Building Bulk to be removed by Conditions**. Areas of solid colour would be removed in full, while areas coloured with diagonal lines would have bulk reduced in the foreground, but other bulk would remain further back. Not to scale. Original drawing by Tanner Architects

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Main Wing and West Wing

Reductions in bulk through:

- removal of the Western portion of the top level (ie Rooms 6 and 7 and glazed link) and the eastern-most top level rooms (ie half of Room 4 and adjacent sitting room); and
- removal of Rooms 13 and 14 on western side of level 2 and half of Room 1 and adjacent sitting room on eastern side of Level 2;

East Wing

Reductions in bulk through:

- removal of Rooms 5 and 6 on Level 0; and
- setback of the upper level (Rooms 1 and 2) by at least 3 metres.

Design detail:

- Improved design compatibility with the Main Wing through greater façade articulation and variety of materials, colours and treatments.

See Figure 7 and Appendix E illustrate the recommended conditions requiring reductions in building bulk and scale. The Department considers that these design modifications would result in an appreciable reduction in the bulk, scale and massing of the new buildings and would produce an acceptable built form outcome for the site.

5.2 ENVIRONMENTAL AND RESIDENTIAL AMENITY

5.2.1 Overshadowing

The Department notes that as a result of the proposed minimum 10 metre building setback from the site's western and southern boundaries, stepped building form and compliance with the residential building height plane in DCP No. 38, overshadowing impacts would be generally confined to four adjoining residential properties (3 and 5 Plymouth Place and 44 and 46 Billyard Avenue). It is further noted that the properties in Billyard Avenue to the south of the site would already experience some overshadowing from existing BGHF vegetation on the site.

In terms of potential impact of the proposal, the shadow diagrams submitted with the PPR (See Figures 8 and 9) indicate that:

- The dwellings at 3 and 5 Plymouth Place would be impacted until 10 am during March to September;
- The dwelling at 44 Billyard Avenue would be impacted until 10.30 am during March to September;
- The dwelling at 46 Billyard Avenue would be impacted during mid-Winter from the mid afternoon onwards, but would not be affected at Equinox.

The Department considers that while the above overshadowing impacts are minimal, the recommended conditions relating to reductions in the bulk and scale of the buildings, including modifications to the western end of the Main Wing and the West Wing, will further reduce these already minimal impacts.

Accordingly, it is considered that overshadowing impacts of the proposal would be acceptable.

5.2.2 Privacy

Concern has been raised in submissions from residents and Council regarding decreased privacy for existing properties in Plymouth Close and Billyard Avenue (particularly No. 44 Billyard Avenue, given the West Wing's setback of 10m).

The project as proposed in the PPR includes several measures to address potential overlooking of adjacent residential properties. These include:



Figure 8: **Sun Shadow Diagrams** demonstrating the shadows that the proposed hospital buildings would cast on properties adjoining the south-west corner of the site in mid-Winter at 9am (main image) and later in the morning.

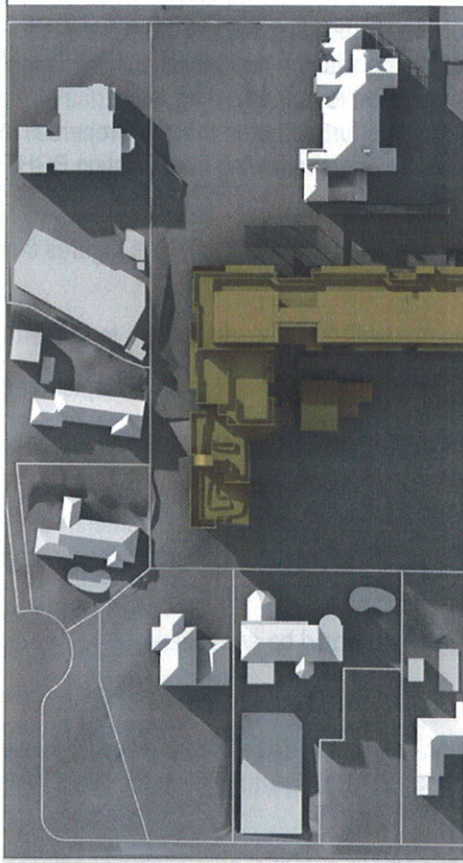


Figure 9: **Sun Shadow Diagram** demonstrating the shadows that the proposed hospital buildings would cast on properties adjoining the south of the site at 3pm in mid-Winter. No. 46 Billyard Avenue (second from the left) would be affected.

- setbacks to the west wing and removing bulk from the south-west corners of the West Wing on Levels 1 and 2;
- stepped building form and placement of terraces at the western edges of the West Wing rather than habitable rooms;
- louvres/screens over a number of the windows on the west façade of the West Wing; and
- advanced screen planting along the boundaries at the south-western corner of the site.

The Department's recommended conditions aimed at reducing the bulk and scale of the new buildings include the removal of rooms on Level 2 of the West Wing and removal of the Western portion of the top level of the Main Wing. These design modifications will further reduce potential for overlooking of adjacent residential properties and it is considered that the issue has been satisfactorily addressed.

5.3 HERITAGE CONSERVATION

5.3.1 Site and Design of the New Hospital Buildings

Finding a development area within this site to generate funds for the conservation of the heritage value of the site has been constrained by the Federation house and its landscaped setting in the north of the site, as well as the protection of the BGHF to the east and south. The endorsed CMP identifies the only sizeable zone of development opportunity to be to the south of the house, and north of the BGHF that runs along the southern boundary. This area includes the sites of the school house, garage, driveways, overgrown gardens and grassed areas. Considering the essential conservation works to the house and garden, the retention of the site in single ownership, likely public access, and the conditions to maintain the house, gardens and BGHF, a building footprint in this development area is considered acceptable and complies with the development guidelines of the endorsed CMP.

The main heritage issue in submissions was the retention of a reasonable setting for Rippon Grange house among its landscaped gardens. The removal of intrusive buildings that intrude on the original relationship between the house and its gardens would greatly improve the setting of the house. No new buildings would be constructed to block the primary views from the house looking east and west. The proposal would place the Main Wing of 5 above-ground levels 18m from the southern end of the original two-storey house. While this southern end of the house was the service wing, it would mean that the original house would be seen against a backdrop of buildings no higher than Rippon Grange itself, when looking south from locations near Water Street (as already stated in Section 5.1, the height of the proposed new buildings does not exceed the top ridge of the Rippon Grange house, as required through the endorsed CMP). The new hospital building will make the perceived vegetated context of Rippon Grange smaller because the forest will be less clear in views from near the house towards the south. Mitigating measures in the PPR included seeking to link the house with its forest setting by making a multi-level translucent entry volume through the Main Wing, and by removing several rooms from the West Wing. Furthermore, as outlined in Section 5.1, the Department recommends conditions to reduce the building massing by cutting away at the east and west ends of the upper levels of the Main Wing and West Wing, and set back the upper level of the East Wing to break up these buildings and reduce the size of their elevations. These changes in building massing would improve the relationship between the proposal and Rippon Grange, particularly when viewed from Water Street and the house's forecourt, and would reduce the visual dominance of the proposed new buildings on the site.

There are no known significant historical views from the site to other places, due to the dense BGHF that has traditionally existed on, and around this site. The significant views are within the site, particularly from the habitable rooms of the house looking over the east and western gardens. Several submissions identified a significant north-south view from the house to the service buildings such as the garage, stable and former orchard as being significant. The Department believes that while this view can be demonstrated to have existed, the more convincing evidence suggests that the north-south connection between the house and service buildings was a functional relationship and not a significant view. The house's primary windows do not face towards the south, but rather look towards the landscaped areas to the east and west. Accordingly, the placement of the new buildings to the south of the house, in accordance with the endorsed CMP, would not compromise any significant historical views on the site.

The form and detailing of the new buildings would contrast with Rippon Grange and the surrounding residential properties. The new buildings would be broader and taller; roofs of flatter pitch and metal decking. The architectural style is not domestic, having large-scale patterns of openings, and large sheets of glazing. The buildings' massing is broken up by a variety of discontinuous geometric themes, varied facade materials and colours, contrasting openings and patterns of light and shade. The top level would be recessed from the edges and have low-pitched hip roofs with overhangs, and larger areas of glazing. This architectural style is appropriate for the new work to be distinct from the Federation period heritage item, and for the new work to recede visually from the heritage item.

The use of some face brickwork and screens of timber and metal would have some affinity with the verandas on Rippon Grange. The selected colours of red-brown and other muted natural colours would serve to break up the massing and be as recessive as possible. These approaches would enable Rippon Grange to be seen in its garden setting distinct from the contemporary development. With the recommended reduction in the new building massing, Rippon Grange house would continue to be seen as the dominant structure on the site when viewed from Water Street.

5.3.2 Adaptive and Conservation Works

The proposal commits to extensive repair and conservation works of the house's external form, its larger spaces and structure. A number of elements would be reconstructed to Sulman's designs. These include the reconstruction of walls, windows and verandas where missing or altered, external shingle wall cladding, and the reconstruction of the fireplace and associated column in room G12 (former ball room). Other more general conservation repair works would be undertaken to the terra cotta tile roofing, copper roof plumbing, face brickwork, roughcast wall surfaces, structural and decorative timberwork, internal plasterwork, pressed metal ceilings, marble finishes, tessellated tile floors and polished finishes. Given the deteriorated state of the house, the conservation works are much needed and would have a significant positive heritage impact.

Several spaces in the southern servant wing identified as having high significance would be altered. These spaces have traditionally been service spaces, such as kitchens and washrooms, and have been altered. The proposed uses for these spaces would be similarly of a service nature. These spaces are less remarkable than the grander spaces to the north of the house, though they contribute to an understanding of the operation of a grand Federation period house. The necessary adaptive works are concentrated in spaces of previous alterations, which is preferred practice. Nonetheless, it is recommended that the staircase proposed to be inserted in Rippon Grange between room G2 and lobby F5 be deleted because the heritage impact would be greater than the utility of the work, given that there would be two other staircases and a new lift serving the first floor. The fire egress distance would still be less than 30m to the top of the stairs for all parts of the upper level and, in an engineered solution, it is anticipated that it will comply with the Building Code of Australia.

The reconstruction of damaged or missing landscaped elements proposed is supported by the Department. The positive aspects of the proposal in this regard include the reconstruction/ conservation of the entry carriage loop with rose garden, north-western shrubbery and Water Street timber fencing to the north-west, the lawn terraces and croquet lawn, summer house, arbours and ponds to the east of the site. The landscape to be conserved includes the most significant landscape elements on the site. Large rhododendrons and associated plantings on the site of the new hospital block would be transplanted to the shrubbery near the Water Street entry and to other parts of the site.

Killara Cottage is a children's playhouse in poor condition. The proposed restoration of this structure would enable the hospital phase to be interpreted without compromising the restoration of the early twentieth-century garden terraces. Killara Cottage is currently adjacent to the former tennis court and would be placed nearby on the lowered, restored level of the garden terrace currently occupied by the Playroom, a small post-war building that is proposed to be demolished.

It is recommended that an interpretation plan be required and installed due to the site's significance.

5.3.3 Demolition Works

Demolition of the following buildings would occur:

- Garage — dates from the early twentieth century but has been so extensively altered that the endorsed CMP states that it has little heritage significance. The site would be occupied by the Main Wing of the new hospital.

- 1960s-1970s extensions to Rippon Grange house — are considered 'intrusive' in the CMP and their removal would be a significant positive heritage impact;
- Playroom — designed by Government Architect Cobden Parkes, it has moderate significance in the CMP for its clean Modernist form and detailing. The CMP would allow its demolition if can be proven that the retention of the building would conflict with the restoration of the landscaped setting of Rippon Grange. The Playroom is proposed to be demolished to allow the levels of garden terracing to be restored to their early twentieth-century form, and to enhance views of the house from Water Street. While this building is architecturally the best element of the John Williams phase of the site's development, the conservation of Rippon Grange house in its early twentieth-century setting is the most important cultural heritage benefit to be gained on this site. Given that the retention of the Playroom conflicts with the restoration of the early landscaping, the Department believes it would be preferable to remove the Playroom and consider other means to provide an interpretation of the John Williams Memorial Hospital phase. The conservation of Killara Cottage would achieve this (see section 5.3.2).
- Eastern portion of the stables — is thought to be an early addition, and its structural integrity is threatened by the roots of a large and significant brush box tree nearby. The Heritage Council and the CMP accept that retaining the tree rather than the extensions to the stables is the preferable heritage outcome. A new deck would be an acceptable interpretation measure for the stable extension.
- Pool shed — was built in two stages and varies from 'little' to 'moderate' heritage significance. Due to its small scale, unremarkable form and deteriorated equipment, demolition would have little adverse heritage impact on the site in order to provide a development site for the Main Wing of the new hospital. The CMP finds that its significance is not so great as to warrant retention, though elements would be retained to assist in the conservation of the inter-war swimming pool.
- Classroom building in the south-west of the site — although it has been assessed as having Moderate heritage significance in the CMP, it is similar to other small school buildings constructed by the NSW Government in the post-war period. The demolition of this building to provide a development opportunity is considered in the CMP and the Department finds this an acceptable outcome.

5.3.4 Heritage Conclusion

The cultural heritage significance of Rippon Grange has been compromised by intrusive structures built in the 1960s and 1970s, post-war alterations, and by declining maintenance since the 1990s. In the absence of an approved management scheme and viable use for the site, the site will continue to deteriorate. The Department therefore recognises the need for development to generate investment to conserve the heritage values of the house in its garden setting in the long term, in a manner consistent with the endorsed CMP for the site.

The Heritage Branch of the Department stated that the proposed development incorporated a considerable number of recommendations in the endorsed CMP, and the hospital use is appropriate to avoid the site being subdivided.

On balance, the Department considers that the CMP's policies have been reasonably satisfied, including the key policies relating to development footprint, building height and conservation outcomes. Furthermore, the heritage conservation benefits of the proposal include the retention of the site in a single ownership, the removal of intrusive institutional elements, the conservation of the original house exterior and most of its significant grand spaces, the conservation/reconstruction of the most significant designed landscape elements, and the protection in perpetuity of the BGHF. Regular public access to Rippon Grange for the first time in over a decade is a favourable aspect of the proposal.

The PPR responded to issues raised in submissions and the Department's statement by reducing the scale of some building elements. The Department has recommended conditions to reduce the building bulk further, and considers that such reductions will ensure the new buildings would not negatively impact on the heritage values of the site. The articulated architectural style would minimise the perceived bulk of the new buildings, and the recessive colours would further minimise the impact of the new buildings seen against Rippon Grange.

5.4 SUITABILITY FOR PRIVATE HOSPITAL USE

5.4.1 Land Use Suitability

Concern has been raised, predominantly in public submissions, regarding the suitability of a proposed hospital on this site, particularly as the proposal includes psychiatric services.

The site is zoned for Hospital Use and has been used as a children's hospital for close to half a century, therefore indicating that the use of the site as a private hospital is suitable. Further, the types of services within the hospital, comprising a mix of rehabilitation, post-natal and psychiatric services, would be compatible with the site's zoning. With respect to the treatment of psychiatric patients in this location, the proponent submitted in its PPR information advising that the hospital would only provide services for private, voluntarily admitted psychiatric patients and that these patients would not pose any safety risks. Furthermore, the only ward that would be required to be secure is that for dementia patients and this would be on the grounds of the safety of the patients themselves rather than any risk they may pose to the surrounding community. As such, the treatment of these patients along with the rehabilitation and post-natal patients is considered to be appropriate in the location.

Further, prior to operating the hospital, a licence from NSW Health will be required and at this stage they will further consider the hospital's design with respect to the level of care and types of treatments that can occur.

5.4.2 Hospital Design Suitability

The Department of Health raised initial concerns with respect to the viability of the hospital, the efficiency of the ward layout, location of psychiatric patient rooms, and capacity to reduce demand at Hornsby Hospital.

In response, the proponent provided evidence from two hospital operators supporting the proposal.

Firstly, a generalist health services consultant noted that the proposed design as being likely to be compliant with the *Australasian Health Facility Guidelines*. This consultant commented that the inclusion of a well baby nursery area in the neo-natal ward would be beneficial and that this hospital would be likely to reduce pressure on Hornsby Ku-ring-gai Hospital and the Sydney Adventist Hospital at Wahroonga by enabling them to transfer privately insured patients during periods of high demand. Further, it was acknowledged that all the hospitals in the region have high occupancy rates and an inter-hospital agreement could be developed to manage transfers.

A second psychiatric service consultant stated the need for high quality hospital beds for psychiatric services on the Upper North Shore. The only beds for psychiatric services in the region currently are at Hornsby Ku-ring-gai Hospital, and such a proposal would allow privately insured patients to be admitted to Rippon Grange, relieving pressure on the public hospital. It was acknowledged that it would be an advantage to have a hospital of this kind being in proximity to the Sydney Adventist Hospital and the Mt Wilga Rehabilitation Hospital at Hornsby. Further, it was noted that there could be scope to change the layout of the hospital within the massing to suit a range of services. It was also recommended that psychiatric rooms should be located on the ground floor.

The Department of Planning notes the issues raised in submissions and the response from the proponent and considers the use to be acceptable, subject to final design suitability being approved by NSW Health during the licensing process. The Department of Health has confirmed that a more detailed Health Services plan will be required in the licensing process. Accordingly, conditions have been imposed that require an in-principle private hospital licence to be obtained before the granting of a construction certificate, and a full licence to be obtained before the granting of an occupation certificate.

5.5 BIODIVERSITY — BLUE GUM HIGH FOREST

BGHF was listed in 2007 as a critically endangered ecological community under the NSW *Threatened Species Conservation Act 1995*. Where the vegetation sample is of sufficient size and quality, it is also protected by the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Murlan Consulting had referred one of its earlier applications on the site to the Department of Environment, Water, Heritage and the Arts, who advised that the proposal did not constitute a controlled action under the EPBC Act.

This site does not meet the listing of BGHF under the EPBC Act as the BGHF on site is less than one hectare in area and does not have an intact vegetation structure (ie the understorey is largely missing).

Currently the site contains approximately 6,350m² of BGHF. This figure has been determined by Dr Peter Smith, who has both delineated the extent of BGHF on the site for previous Land and Environment Court proceedings in 2006 and undertaken subsequent reporting for Council in 2009. Dr Smith has defined the extent of BGHF based on the extent of canopy trees. Dr Smith notes that while the stand of BGHF has a canopy of native trees, the understorey is severely modified and consists of predominantly exotic species.

During the assessment of this proposal, there was extensive consideration given to the extent of BGHF on the site. DECCW identified areas of regenerating BGHF, however DECCW agreed that while these regenerating areas possess ecological values and may well have the capacity to regenerate to BGHF, it would be difficult to argue that they meet the definition of BGHF as defined by the NSW Scientific Committee, as these areas lack an overstorey of eucalypts characteristic of BGHF. Council also suggested that following advice from Theresa James, an ecological consultant, that Smith's area should be expanded to include the croquet lawn, site of the East Wing and north-east of the site because these areas are within 10m of BGHF canopy trees, are contiguous, have signs of regeneration and have capacity to regenerate into the structure and composition of BGHF.

In a report commissioned by Council, Dr Smith has subsequently responded that in the absence of a BGHF canopy and the general scarcity of native plants, he does not believe these areas can be considered BGHF as defined by the NSW Scientific Committee. Accordingly, given the views of DECCW and Dr Smith, the Department accepts that regeneration areas do not comprise BGHF.

Concern has been raised in submissions from DECCW, Council and the public regarding impacts on the BGHF during both the construction and operational phases of the proposal. DECCW advised that its key consideration was the permanent protection of the BGHF remnant on the site and provision for its active management in perpetuity. Other issues raised include: removal of BGHF species; impacts during construction stages (such as heavy machinery movement and use); changes to site conditions such as increase in shadowing and changes to hydrological flows; and lack of adequate buffer areas.

In response to DECCW's key concern relating to the permanent protection of the BGHF in perpetuity, the proponent has committed in their Statement of Commitments to establish a covenant over the remnant BGHF in order to achieve this protection in perpetuity. This is in accordance with DECCW's key requirement for the site and the Department is therefore satisfied that the issue of the ongoing protection of the BHF has been adequately addressed.

With respect to removal of BGHF species, it is proposed to remove only three trees to allow for the footprint of the proposed building and three trees which have been determined by the proponent's arborist as being in an unstable condition and therefore posing the risk of falling and damaging healthier native vegetation (six trees in total). Figure 10 shows that as the proposed buildings and roads are generally outside the identified areas of BGHF, the extent of BGHF to be removed is minimal. Given replanting of BGHF is also proposed (shown in Figure 10 as Compensatory Offsets), an overall net increase in BGHF as specified in the PPR would be provided as detailed below:

- Currently 6,350m² of BGHF exists on the site;
- The removal of the six trees will reduce the stand by 116 m²;
- The replanting and revegetation works will increase the stand by 2,099 m²;
- The total area of BGHF will therefore increase to 8,333 m²;
- Over time, this would equate to an increase from 30% of the site containing BGHF to 39% of the site containing BGHF.



Figure 10— Areas of Blue Gum High Forest identified in the Vegetation Management Plan – UBM Ecological Consultants

In addition, the Department has included in the recommended conditions that the Vegetation Management Plan be revised to include the areas specified by DECCW as being suitable for regeneration. These areas include: the area in the south-west corner of the site where landscape works were previously undertaken and an extension of the current proposed regeneration / revegetation area in the north of the site near the playroom / classroom, which would include removing the existing pathway.

The Department therefore considers that although a limited number of trees would be removed, this is acceptable given an overall increase in BGHF will be achieved.

Impacts on the BGHF from construction work would most likely be caused from movement and use of heavy construction machinery on the site. Also, excavation works may require root pruning of BGHF trees and will

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likely require the establishment of access roads and storage areas for building materials. The VMP and the recommended conditions require that measures are implemented to ensure protection from construction activities of the areas identified as BGHF.

A further issue raised in submissions is the potential impact on BGHF trees from a change to hydrological conditions on the site. In particular, the removal of soil and rock may alter the flow of water across the site. Hydrological reports provided by the proponent in the EA and subsequent PPR however have identified that due to the existing roads, gutters, drains and retaining walls which have been constructed over time, there are only limited water flows from the upper parts of the site down to the BGHF. The Department has responded to this concern by including the need to monitor hydrological conditions and impacts on BGHF as part of the operational Environmental Management Plan required in the recommended conditions.

DECCW has raised concerns that areas of BGHF in permanent or regular shade are likely to be advantageous to the establishment of weeds. In this respect, DECCW was concerned with regard to the areas of BGHF south of the East Wing and Main Wing. The proponent has argued however that the removal of existing vine weeds will improve light levels, and that sufficient light will reach the lower levels of the forest to maintain growth of BGHF species. Also, the VMP commits to this initial removal of weeds, ongoing weed maintenance and the planting of shade-tolerant BGHF species in these areas. Further, the reductions required to the bulk and scale of the buildings will reduce height from some areas of the East Wing and Main Wing and is therefore likely to also further reduce impacts from overshadowing. Therefore, it is considered that the impact of shadowing will not have a negative impact on the BGHF subject to the implementation of recommendations in the VMP and commitments in the Statement of Commitments.

With regard to the need for buffer areas around the BGHF to protect the stand from edge effects, differing opinions have been raised. Dr Smith and Council both stated a 10m buffer should be provided, however DECCW indicated that while a buffer would be desirable it was a lower priority than permanent conservation and management of the BGHF. The proponent has indicated that edge effects have already occurred by way of exotic garden escapees and weed spread, and have argued that the measures in the VMP are designed to mitigate the potential edge effects so that a buffer is not essential for the protection of the BGHF on site. As such, it is considered that subject to the active management of the BGHF as recommended in the VMP, a buffer is not necessary in this case. The Department of Planning acknowledges that while buffers may provide additional beneficial outcomes for the BGHF, they are not essential given:

- Proposed buildings and roads are largely outside of the BGHF, with the Main Wing and West Wing generally setback from BGHF areas;
- Reductions in building bulk as required through the recommended conditions, particularly to East Wing, would reduce impacts associated with overshadowing and therefore the need for additional buffers;
- the key DECCW outcome of permanent protection and management of the BGHF areas would be achieved; and
- the proposal would result in a net increase in BGHF area on the site.

An area of the Young Street verge will also require clearing for road widening and access for construction traffic. This area, outside 64 Billyard Avenue, contains no trees that would create a BGHF canopy, although it does contain 9 pittosporum trees that are representative of BGHF and two trees indigenous to New South Wales comprising a brush box, and a rough barked angophora. Therefore, while the works to establish this construction access would affect the under-storey plants on this verge, the indigenous trees would be protected during construction with appropriate geofabric and placement of aggregate to avoid root zone compaction. Further, the recommended conditions require that this construction access is monitored by an arborist.

On the basis of the above, the Department considers that while there is potential for impacts on the BGHF as a result of the proposal, there would be an overall beneficial impact through the permanent protection and management of the BGHF, as well as the planting of additional areas.

5.6 TRAFFIC, ACCESS AND CAR PARKING

5.6.1 Operational Traffic and Access

The site is accessed from two local roads that border the site: Water Street that runs along the site's northern boundary and Young Street that runs along the eastern boundary. Given the nature of the proposal, it is also anticipated that private vehicles would be the predominant mode of transport accessing Rippon Grange.

Due to the residential nature of the location, the narrowness of both Water Street and Young Street and the proximity of primary schools, significant concern was raised, predominantly by the public, regarding the impact of increased traffic and parking on the road network. Many submissions raised potential safety issues with respect to additional traffic movement during the school drop off and pick up periods.

In response to the issues raised in submissions, and by the Department, the PPR included amendments to adjust the design of the Young Street entry and to set up signage to direct traffic away from the narrow sections of the local roads. To achieve this, traffic would be directed to turn left out of the Water Street entry, and to turn right out of the Young Street entrance. Whilst the site would be able to be accessed from both Water Street and Young Street, Young Street is proposed to be the predominant access point to help reduce conflict with school traffic. Measures to enforce this include a 'right in / left out' in peak periods sign at Water Street, a 'left in / right out' at all times sign at Young Street, redesign of the Young Street entry direction to accept traffic turning left in and right to go out, and road widening works to Young Street between the southern access point and Billyard Avenue. Further, a recommended condition would require the proponent to make Young Street the official entry to the site.

Following receipt of the PPR and in response to the traffic issues raised in submissions from Ku-ring-gai Council and the John Williams Neighbourhood Group Inc, the Department engaged an independent traffic consultant to provide advice on the likely traffic impacts, and on the adequacy of the traffic and parking arrangements proposed. The consultant reviewed the traffic issues raised in submissions. The consultant was also asked to inspect traffic conditions in the morning and afternoon peaks. The Department's independent review (see Appendix F) concluded that:

- the impact of traffic generated by the proposal is minor, particularly in peak periods, ie, 56 extra vehicle movements would be generated in the morning peak of 8am to 9am, equating to an extra vehicle movement every two minutes if both entries are used equally; and 99 extra vehicle trips would be generated in the peak traffic generating hour of 3pm to 4pm period, equating to an extra vehicle movement every minute;
- the surrounding intersections are expected to operate efficiently with acceptable delays following development of the site;
- the widening of Young Street by 7.5m is appropriate because it enables vehicles to pass, without also enabling parallel parking on the western side of Young Street;
- the internal roads have sufficient width and turning circles for ambulances to be able to traverse the site and access the two ambulance parking spaces, as designed;
- the internal roads have sufficient width and turning circles for fire trucks from the NSW Fire Brigade and Rural Fire Service to be able to traverse the site; and
- Trucks of 11m could enter the site, but a condition should be imposed requiring the proponent to demonstrate with swept path diagrams that all vehicles requiring access to the site can be accommodated and would be able to leave the site in a forward direction.

The Department's traffic consultant concluded that the expected increase in vehicle trips as a result of the proposal is very small, and that the impacts are manageable. Conditions have been imposed to widen Young Street between the entry and Billyard Avenue, as stated in the PPR, and to make the Young Street entry the main vehicular entrance. Subject to the recommended conditions, the Department is satisfied that the traffic impacts generated by this development would be minor and can be appropriately managed.

5.6.2 Parking

The proposal includes a total of 92 car parking spaces and a further four spaces for specific vehicles as follows:

- 79 basement parking spaces over two levels, including two disabled spaces on each level;
- 11 at-grade parking spaces by the Young Street entrance to the south-east of the site;
- 2 at-grade parking spaces around the carriage loop; and
- 2 ambulance parking spaces, including one on basement level B2 and another under a canopy at Ground Level;
- 2 loading spaces, including one on each basement level;
- bicycle parking area located on basement level B3.

Local residents and Council raised concerns that the proposal had insufficient on-site parking and would therefore result in hospital-related parking spilling onto surrounding streets. Council recommended that the RTA's standard for parking spaces be used rather than their own requirements in DCP 43.

The parking provided in the PPR would conform to Council's DCP 43 (requiring 92 spaces), but not the RTA *Guide to Traffic Generating Developments* (which would require 112 spaces). The PPR argues that the RTA guide is excessively demanding on parking requirements, but the Department's independent traffic consultant is of the opinion that car ownership and use has increased since the RTA's surveys and having considered parking requirements for a similar rehabilitation hospital, Lady Davidson Hospital at North Turrumurra, has recommended that the parking provision be in accordance with the RTA guidelines in order to minimise parking on surrounding streets.

The Department's recommended conditions relating to reductions in bulk and scale would reduce the number of beds from 124 to 118. Allowing for this reduction in bed numbers, using the RTA's guidelines, the parking requirements of the proposal would be 101 spaces. This represents nine more than proposed, and may result in a small number of cars parking on surrounding streets. The Department considers this to be a minor shortfall in on-site parking, and the parking of up to nine cars on surrounding residential streets would over the course of a day have a negligible amenity impact and is therefore acceptable. Further, the provision of an additional 9 spaces on site would require additional excavation if accommodated in the basement car park, or potential vegetation clearance and provision of spaces in areas with heritage significance, if provided at grade. Therefore, given the sensitivity of the site and the negligible impact of the shortfall of 9 on-site spaces, requiring the provision of additional on-site spaces is not warranted.

5.6.3 Construction Traffic

The proponent estimates that 15,600m³ of excavated fill will need to be removed from the site. This is likely to generate 2,300 heavy truck loads, meaning 4,600 truck movements over five months. It is expected that there would be 19 trucks coming and going each day, or about 2 per hour, which is a moderate level of activity. Excavation trucks would be medium rigid trucks of 10m length or manoeuvrable 'truck and dog' combinations of an 8m truck with a trailer of up to 8m length. No articulated trucks (semi trailers) would be used during the works.

The new reinforced concrete buildings have a construction area of approximately 11,206m² and are estimated to require 5,800 truck loads over a further 14 months of construction time. It is expected that there would be 18 trucks coming per day, or about 2 per hour.

The Department acknowledges that heavy vehicle movements during the excavation and construction phases would potentially impact on the local road network in terms of residential amenity and pedestrian safety. However, this would be a temporary impact and subject to appropriate management measures (as described below). In response to issues raised in submissions and by the Department, the proponent subsequently included in the PPR an alternative access scheme for the majority of construction traffic to enter the site from their property at 64 Billyard Avenue, thus avoiding Young Street for ingress, and have construction traffic exit via Young Street onto Billyard Avenue in a clockwise direction. It is anticipated that a minority of construction traffic would use the Water Street entry for conservation and restoration works to Rippon Grange house. These issues are addressed in the recommended conditions.

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Construction traffic issues were also considered by the Department's independent traffic consultant. The construction management plan that is required by the conditions must provide details about the potential impacts of construction traffic and measures to mitigate any such impacts. Key issues to be addressed in the construction traffic management plan include:

- consultation with Council;
- identifying the nearby school drop off and pickup times;
- ensuring that construction traffic avoids Water Street for all but works for Rippon Grange house;
- respecting that Junction Road and Burns Road are load-limited roads;
- ensuring that the locations of employee parking and zones for waste production and storage on site do not have adverse impacts on the Blue Gum High Forest;
- identifying truck loading and unloading areas, storage areas and location of temporary structures;
- and
- minimising parking and standing of construction vehicles on public roads.

Parking demands are expected to be approximately 20 cars during excavation and 60 cars, including visitors, during construction. These cars would be accommodated on site in locations to be demonstrated in a construction Traffic Management Plan, as required in the recommended conditions.

5.7 BUSHFIRE RISK ASSESSMENT

A small number of the public submissions referred to the dangers of bushfire on this site and questioned the capacity of emergency services to access the site. The site is not within bushfire prone land, as shown on the Ku-ring-gai Bush Fire Prone Land Maps. Part of the Wahroonga Public School site across Water Street from the site contains a bushfire prone vegetation buffer, but this buffer is more than 50m away from the Rippon Grange site. The NSW Rural Fire Service stated that having reviewed the Environmental Assessment, they have no concerns or issues in relation to bush fire risk on this site.

The Department's traffic consultant advised that the proposal adequately accommodates fire-fighting vehicles in terms of accessibility and manoeuvrability through the site.

5.8 CONTAMINATION

The site was inspected in October 2004 by Thornton Consulting Pty Ltd. While hazardous building materials were found, no land contamination was found. Cement-stabilised asbestos was found in 'Fibro' sheeting on walls and soffits, some gutters and some eaves. It is likely that lead-based paints were used in many of the buildings on site. All the buildings are of an age where polychlorinated biphenyls (PCBs) are likely to exist in fluorescent light capacitors. As such, contractors specialising in the safe removal of hazardous materials are required to be engaged by the proponent to remove hazardous materials in buildings approved for demolition at Rippon Grange. The recommended conditions of approval require that a work method statement be prepared in the construction management plan.

The known contaminants in the building materials, if managed and removed appropriately, are not a constraint to development.

5.9 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT MEASURES

The proposal includes the following energy efficient measures:

- East-west orientation allows a maximum of rooms to face north with balconies, overhangs and screens to allow the entry of winter sun and to block summer sun. West-facing windows would be screened;
- Reinforced concrete construction and solar efficiency combine to provide opportunities for good thermal mass, minimising the need for winter heating;
- Use of air-conditioning systems with high coefficient of performance;
- Insulation to walls and ceilings to minimise energy use in heating and cooling;

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- Implementation of the recommendations in the Energy Efficiency Assessment submitted with the Environmental Assessment;
- Rainwater harvesting tank for landscape irrigation;
- Equipment with automatic power off; and
- Negotiating power agreements with local providers.

The proponent has committed to maximise the recycling of waste materials, in accordance with the Construction Management Plan. The conditions of approval require the proponent to ensure the project is energy and water efficient, in accordance with industry best practice. To achieve this, a condition has been imposed that the proponent produce a water and energy efficiency program to the satisfaction of the Director General.

The Department is satisfied that ESD principles can be adequately incorporated into the design of the facility.

5.10 STORMWATER

Ku-ring-gai Council identified that a larger volume of on-site water detention tanks are proposed than Council requires. The proponent indicated that the proposed volume is desired to be used for irrigating the gardens of the site. Considering the large size of the remaining cultured gardens, and the proposed roof terraces, an extra volume capable of being pumped around the site for use in dry periods is considered by the Department to be reasonable and responsible.

5.11 CONSTRUCTION MANAGEMENT

Ku-ring-gai Council, the John Williams Neighbourhood Group and several public submissions identified possible impacts on the site and surrounding streets from the proposed construction works. There was particular concern about the impact on school-related traffic in Water Street, and impacts on the BGHF on the site.

The Department has considered these possible impacts. The construction period would extend for approximately a 19-month period and consist of five months of excavation and shoring works, followed by a 14-month construction period. Fill and demolition refuse would be removed from the site, and building materials would be trucked in, as estimated in section 5.6.3. The proponent acknowledges the need for a detailed construction management plan, and a condition requires it to be prepared in consultation with Council and approved by the Director General. This would cover issues of construction traffic, parking and unloading, storage of materials, noise, operation of cranes, vibration, complaints handling procedures, and measures to protect the BGHF during construction.

Recommended conditions are included to ensure that construction occurs only during the working hours normally permitted by DECCW *Interim Construction Noise Guidelines*, and that construction vehicles avoid Water Street during the school drop-off and pick-up hours of 8–9:30am and 2:30–4pm. The Department is satisfied that the conditions allow the Director General sufficient control of the construction process to address the concerns of Council and local residents.

On the basis of the above, the Department is satisfied that the construction impacts are temporary and can be managed to acceptable levels.

5.12 DEVELOPER CONTRIBUTIONS

The proposal does not trigger the requirement for any State or regional contributions. Council has not requested any local contributions. However, the Department's recommended conditions require the proponent to partially widen Young Street and also construct a kerb, gutter and footpath in consultation with Council along the site's full boundary with Young Street.

5.13 THE PUBLIC INTEREST

The proposed development is in the public interest given that:

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- retaining the BGHF in perpetuity, rehabilitating it and expanding its area;
- conserving Rippon Grange house in its landscaped setting.
- adaptive reuse of a vacant and deteriorated heritage item that will generate funds for the on-going maintenance of the house, its garden and the BGHF;
- providing health facilities in the community;
- reactivating redundant former government-owned institutional land; and
- providing greater employment opportunities through construction and operation of the hospital.

Subject to the amendments outlined in this assessment, the proposal will result in an appropriate built form that ensures the development will not have any significant adverse impacts upon the amenity of the surrounding locality. Accordingly, and for these reasons, the proposal is considered to be in the public interest.

Table 1 — Summary of Key Assessment Outcomes

Issue	Assessment
Bulk and Scale	<ul style="list-style-type: none"> • Siting of buildings towards centre of site and extensive screening by vegetation on the site would result in minimal visibility of new buildings from surrounding areas. • Height of new building would not exceed highest point of the Rippon Grange house. • Department's conditions that require substantial reductions in bulk and scale of new buildings would result in acceptable visual outcome in terms of impacts on Rippon Grange house and adjoining residential properties.
Privacy and Shadowing	<ul style="list-style-type: none"> • Minimal impact given building siting (minimum 10m boundary setback with screen planting) and design (stepped building form, privacy screens). • Proposal complies with Ku-ring-gai DCP No. 38 residential building height plane. • Reductions in bulk would further reduce limited overshadowing and overlooking impacts on neighbouring properties.
Design Suitability for Private Hospital Use	<ul style="list-style-type: none"> • NSW Health has confirmed that the final range of uses, layout and operational management measures to be subject to NSW Health licensing process. • Recommended conditions require proponent to obtain an in-principle licence from NSW Health prior to issue of a construction certificate and full licence prior to issue of an occupation certificate.
BGHF	<ul style="list-style-type: none"> • Key DECCW outcome of permanent protection and management of BGHF on site via a covenant achieved. • Existing BGHF would be regenerated and protected, its quality would be improved with weeding and diversification of appropriate species, and expanded in area. • The area of BGHF across the site would increase from approximately 30% of the site to approximately 39% of the site. • Impacts on BGHF from construction works would be managed by implementing measures outlined in the VMP and indirect impacts such as overshadowing would be reduced as a result of the reductions in bulk and scale of the new buildings.
Heritage	<ul style="list-style-type: none"> • Proposal complies with Heritage Council endorsed Conservation Management Plan. • Extensive conservation and reconstructive works for Rippon Grange and grounds. • Demolition of intrusive elements.
Operational traffic, impacts on school traffic	<ul style="list-style-type: none"> • Proposal would generate minor traffic volumes that can be accommodated by local roads and intersections. Findings confirmed by independent traffic review commissioned by Department. • PPR modifications include revised driveway design and signage to divert traffic away from school pick up/drop off zone in Water Street. • Young Street would be widened and used as the main entry. • The proponent committed to avoid peak school zone times for staffing shift changes.
Construction traffic	<ul style="list-style-type: none"> • Construction traffic pattern would minimise use of Water Street, prevent use of Water Street during school zone times, halve use of Young Street by traffic using a haulage route through 64 Billyard Avenue, and widen Young Street.
Parking	<ul style="list-style-type: none"> • Proposal complies with Council DCP parking requirements but not RTA guidelines. Reduction in bed numbers as a result of bulk and scale modifications result in minor shortfall (9 spaces) of RTA guidelines – not sufficient to generate adverse amenity impacts through any on street parking.

6 CONCLUSION

The Department has assessed the PPR and considered the submissions in response to the EA stage of the proposal. Based on this assessment, the Department recognises that the site has a unique set of constraints and that any development on the site must have proper regard to these constraints. The key issues raised in submissions relate to bulk and scale, overshadowing and overlooking, traffic and parking, cultural heritage, and impacts on the BGHF. The Department has determined that these matters have been satisfactorily addressed in the PPR and through recommended conditions of approval. Accordingly, it is considered that the proposal can be accommodated on the site with minimal environmental impacts.

Key features of the project application include the provision of health services in the community. Rippon Grange house would be conserved in its landscaped setting and the BGHF would be protected in perpetuity and enhanced by weeding, management and further planting to increase its net area.

The proposal also supports key objectives of the Draft North Subregional Strategy and the NSW State Plan, particularly those which seek to promote economic development, and to manage and accommodate long-term urban development whilst protecting the environmental and cultural assets of the region.

The key assessment issues have been satisfactorily addressed and none of the issues, either cumulatively or individually, warrant refusal of the project. Accordingly, the Department considers that, on balance, the project application warrants approval, subject to conditions.

7 RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this report;
- (B) approve the project application, subject to conditions, under section 75J *Environmental Planning and Assessment Act, 1979*; and
- (C) sign the Instrument of Approval (tag A).

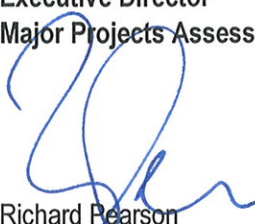
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APPENDIX A. DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application No.	MP 07_0151
Project	<p>The proponent is seeking project application approval for the construction of a hospital in Wahroonga for the provision of health care services to in-patients requiring rehabilitation, psychiatric care, general medical services and post natal care.</p> <p>The project also incorporates the restoration and re-adaptive use of the heritage significant Rippon Grange for ancillary hospital uses, such as administrative offices and a public cafe.</p>
Site	35 Water Street, Wahroonga (Lot 1 DP 375262)
Proponent	Murlan Consulting
Date of Issue	9 February 2008, as amended 30 April 2008 and 03 December 2008 (<i>If the environmental assessment is not exhibited within 2 years after this date, the proponent must consult further with the Director-General in relation to the preparation of the environmental assessment.</i>)
Special Provision	The Director-General as delegate of the Minister for Planning formed the opinion pursuant to clause 6 of <i>State Environmental Planning Policy (Major Projects) 2005</i> (MP SEPP) that the project is a Major Project under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> on 11 December 2007 as amended on 03 December 2008.
General Requirements	<p>The Environmental Assessment must include:</p> <ul style="list-style-type: none"> • an executive summary; • a description of the proposal comprising: <ul style="list-style-type: none"> ◦ textual and diagrammatic articulation of the proposal; ◦ description of the site, including cadastre and title details; ◦ design, construction, operation, maintenance, rehabilitation and staging as applicable; ◦ project objectives and need; • an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; and • a statement on the validity of the Environmental Assessment, the qualifications of person(s) preparing the assessment and that the information contained in the Environmental Assessment is neither false nor misleading.

Key Assessment Requirements

Part A – Heads of Consideration

- Suitability of the site;
- Likely environmental, social and economic impacts;
- Justification for undertaking the project, including evidence of need for hospital in local area;
- Consideration of alternatives; and
- Public Interest.

Part B – Relevant EPIs, Guidelines and other requirements to be addressed

- Planning provisions applying to the site including permissibility and the provisions of all plans and policies; including the Kuring-gai PSO, relevant DCPs, SEPP 11, SEPP 19, SEPP 53, SEPP 55, and SEPP 65.
- Nature and extent of compliance with relevant EPIs;

Part C – Key Issues to be addressed

Requirements of the Department are as follows:

Previous Land and Environment Court Judgements

Key matters to be addressed include:

- outline/comparison of proposal with previous Court judgements; and
- response to Court findings by proposal (ie how have concerns been addressed).

Hospital Land Use

Key matters to be addressed include:

- Type of Health Care Facility proposed (eg. Private Hospital, Public Hospital, Aged Care Facility etc), identification of relevant regulatory jurisdictions and approvals required;
- Comment as to how the proposal differs from 'residential care facilities' such as those defined in the Seniors Housing SEPP;
- General compliance with the 'Health Facilities Guidelines' including:
 - Role delineation and levels of service the facility is designed for;
 - Staff profiles;
 - Health Planning Units (HPU's) and schedule of accommodation; and

- Functional relationships diagram;
- Evidence the proposed hospital uses can be licensed as a private hospital premise under the *Private Hospitals and Day Procedure Centres Act 1988*.
- Funding arrangements and evidence of any applications/ approvals for funding;
- Confirmation the proposed building complies with Class 9A building requirements under the Building Code of Australia; and
- Staging/ timing of approvals process, building construction and operation of facility.

Urban Form and Design

Key matters to be addressed include:

- urban design, height, density, bulk and scale of the proposal in relation to the surrounding development, landscape and topography;
- impact on streetscape/landscape; and
- details of proposed areas of and nature of landscaping and open space.

Amenity Impacts on Neighbours

- visual impact, privacy and overshadowing.

Transport, Traffic & Access

Key matters to be addressed include:

- demonstrate compliance with the *RTA Guidelines for Traffic Generating Development*;
- existing traffic conditions, road network and road capacity on and in the vicinity of the site;
- proposed internal road and access arrangements;
- measures to promote public transport usage and modal share including bus & train networks and connections;
- pedestrian and bicycle linkages;
- proposed car parking arrangements; and
- proposed emergency evacuation and public access.

Heritage

Key matters to be addressed include:

- a conservation management plan for the site;
- a Heritage Impact Study (HIS) prepared in accordance with NSW Heritage Council guidelines. The HIS should address:
 - the relationship between the proposed new hospital and the heritage components of the site and the visual impact of the new buildings;
 - measures to minimise and mitigate potential adverse heritage impacts; and
 - impacts on the curtilage and any significant landscape elements of the heritage item itself and heritage items within the precinct.
- any archaeological impacts.

Bushfire Risk Assessment

- demonstrate compliance with the NSW Rural Fire Services *Planning for Bushfire Protection*.

Biodiversity

Key matters to be addressed include;

- ◆ impact of the development on existing native flora and fauna and their habitats, including identified threatened species, having regard to the *Threatened Species Assessment Guidelines*;
- ◆ a Species Impact Statement addressing the endangered ecological community of Blue Gum High Forest;
- ◆ a Vegetation Management Plan providing for the on-going care, retention and improvement of the Blue Gum High Forest community; and
- ◆ assessment of the significance of trees on the site and their condition if/when proposed to be removed.

Planning Agreements and/or Developer Contributions

- ◆ address and provide the likely scope of a planning agreement and/or developer contributions between the proponent and the local council.

Construction and operational impacts

Key matters to be addressed include:

- any likely geotechnical impacts for the development on the site;

- flooding, drainage and stormwater management issues, including: on-site detention of stormwater, WSUD, and drainage infrastructure;
- noise and vibration; and
- air pollution.

ESD measures

Key matters to be addressed include:

- details of the development's proposed ESD measures including NatHERS ratings, BASIX water sensitive urban design measures, energy efficiency, recycling and waste disposal; recycling and waste disposal;
- details of any cut and fill and whether any fill is proposed to be imported or exported to/from the site.

Services

Key matters to be addressed include:

- capacity of water, sewer, stormwater, gas, power and telecommunications infrastructure which will serve the project; and
- any upgrading works to infrastructure necessary to service the development and contributions applicable under any adopted contributions plans.

Part D – Draft Statement of Commitments

- Proposed mitigation and management of residual impacts; and
- A Statement of Commitments detailing measures for environmental management and mitigation measures and monitoring for the project.

Consultation Requirements

During the preparation of the Environmental Assessment, you should undertake an appropriate level of consultation with the relevant Local or State government authorities, service providers, community groups and other stakeholders. In particular, you should consult with:

Agencies, other authorities and groups:

- Ku-ring-gai Council;
- NSW Health (including Private Health Care Branch);
- NSW Heritage Office;
- NSW Roads and Traffic Authority;
- NSW Department of Environment and Climate Change; and
- All utility providers.

Deemed refusal period

120 days

Application Fee Information	The application fee is based on Capital Investment Value of the project as defined in the Major Projects SEPP and as set out in Clause 8H of the <i>Environmental Planning and Assessment Regulation 2000</i> . To verify the cost of works for this project you are requested to submit a Quantity Surveyor's report for the project.
Landowners Consent	Landowner's consent is to be provided in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> .
Documents to be submitted	Once the draft EA has been submitted and determined to be adequate by the Department the proponent should submit: <ul style="list-style-type: none"> • 12 hard copies of the environmental assessment report; and • 5 copies of the environmental assessment report on CD-ROM (in PDF – please ensure all files are less than 5Mb in size)
2.1 Documents to be submitted	<ul style="list-style-type: none"> • 12 hard copies of the EA. • 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale). • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below). • If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.

APPENDIX B.

ENVIRONMENTAL ASSESSMENT REPORT

MURLAN CONSULTANTS, BBC CONSULTING PLANNERS AND WATERBROOK

APPENDIX C.

PREFERRED PROJECT REPORT

MURLAN CONSULTANTS, BBC CONSULTING PLANNERS AND WATERBROOK

APPENDIX D.

AGENCY SUBMISSIONS

