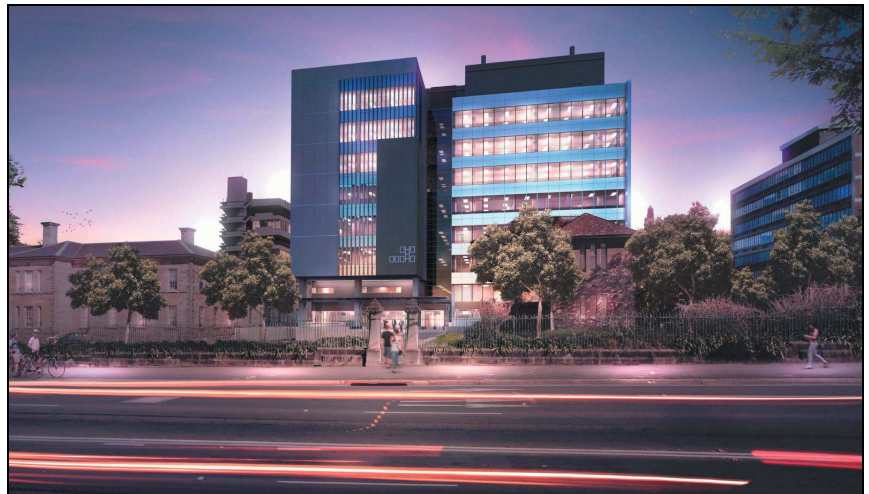




Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
*Stage 2 Nelune Comprehensive Cancer
Centre and Australian Advanced
Treatment Centre
(SSD 6180)***



Secretary's Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

May 2014

ABBREVIATIONS

Applicant	Health Infrastructure
CIV	Capital Investment Value
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
PAC	Planning Assessment Commission
Regulation	Environmental Planning and Assessment Regulation 2000
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment, or her delegate/nominee
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Cover Photograph: Illustrative perspective of main entrance from Avoca Street (*Source: Rice Daubney*)

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EXECUTIVE SUMMARY

This report is an assessment of a State significant development application lodged by Health Infrastructure seeking approval for the construction and operation of Stage 2 of the Nelune Comprehensive Cancer Centre and Australian Advanced Treatment Centre (NCCC & AATC), at Avoca and High Street, Randwick.

The project has a capital investment value (CIV) of approximately \$73 million and will generate 50 operational jobs and 237 construction jobs.

The development is State significant development under clause 14 of Schedule 1 to the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as it is a development for the purpose of a hospital and has a CIV of more than \$30 million. The Minister for Planning is the consent authority.

The site is zoned SP2 Infrastructure – Health Services Facility under the Randwick Local Environmental Plan 2012 and the development is permissible in the zone.

The proposal was exhibited from 14 November 2013 until 13 December 2013. The Department of Planning and Environment (the department) received submissions from six public authorities, including Randwick City Council (council). No submissions were received from the public. The matters raised in the submissions included heritage impacts, car parking impacts, noise impacts and landscaping.

The applicant provided a Response to Submissions with revised mitigation measures in relation to potential structural impacts on heritage items, surrounding buildings and infrastructure from excavation works. The Response to Submissions also provided further information regarding noise impacts and radiation management measures.

The department has assessed the merits of the proposal and has found the key issues associated with the project include: urban design and built form; heritage impacts; transport and traffic impacts; environmental and residential amenity; and the public interest. The department is satisfied that the impacts of the proposed development have been addressed in the Environmental Impact Statement and Response to Submissions, and can be adequately managed through the recommended conditions.

The department considers the site to be suitable for the proposed development and that the application is consistent with the objects of the EP&A Act (including the principles of ecologically sustainable development), NSW 2021 and the draft Metropolitan Strategy for Sydney to 2031. The department is further satisfied that the subject site is suitable for the proposed development as it would provide social infrastructure and provide additional employment opportunities. The department therefore considers the development would be in the public interest and recommends that the State significant development application be approved, subject to conditions.

1. PROPOSED DEVELOPMENT AND SITE DESCRIPTION

1.1 The Proposal

Staged development consent was issued by the then Executive Director, Major Projects Assessment, as delegate of the then Minister for Planning and Infrastructure, on 31 July 2012 for the Comprehensive Cancer Centre and Blood Disorder Centre (SSD 5036-2011) at the Prince of Wales Hospital, located at Avoca and High Street, Randwick (Lot 1 DP870720).

The project location is shown in **Figure 1**.



Figure 1: Project Location

The staged development consent comprised concept approval for a nine level building envelope (approximately 12,660 sqm of floor space and up to 38.6 metres high) and a lower ground treatment area including four radiotherapy bunkers (see **Figure 2**). The development consent also included approval to carry out the first stage of works, which comprised bulk excavation and construction of the underground treatment area (1,598 sqm of floor space), including the four radiotherapy bunkers (see **Figure 3**).

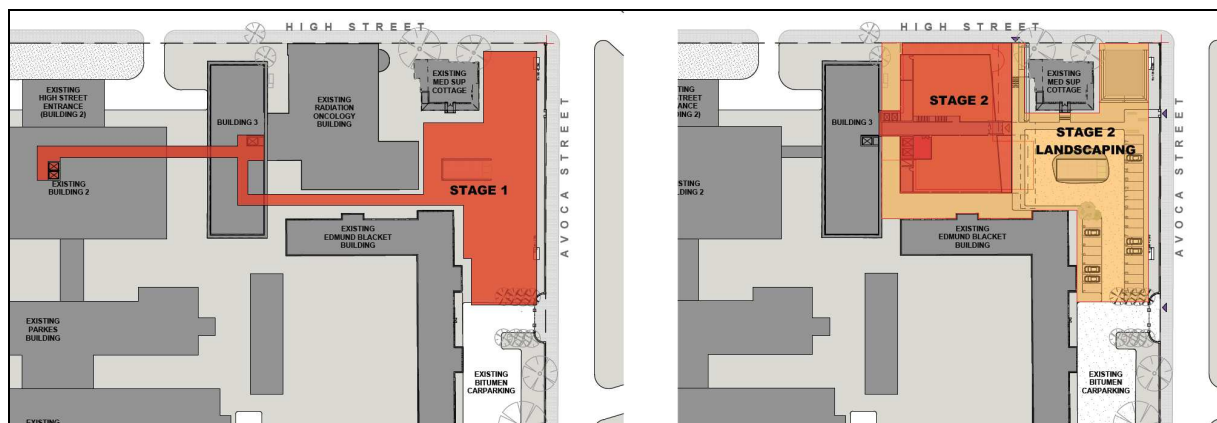


Figure 2: Concept Proposal

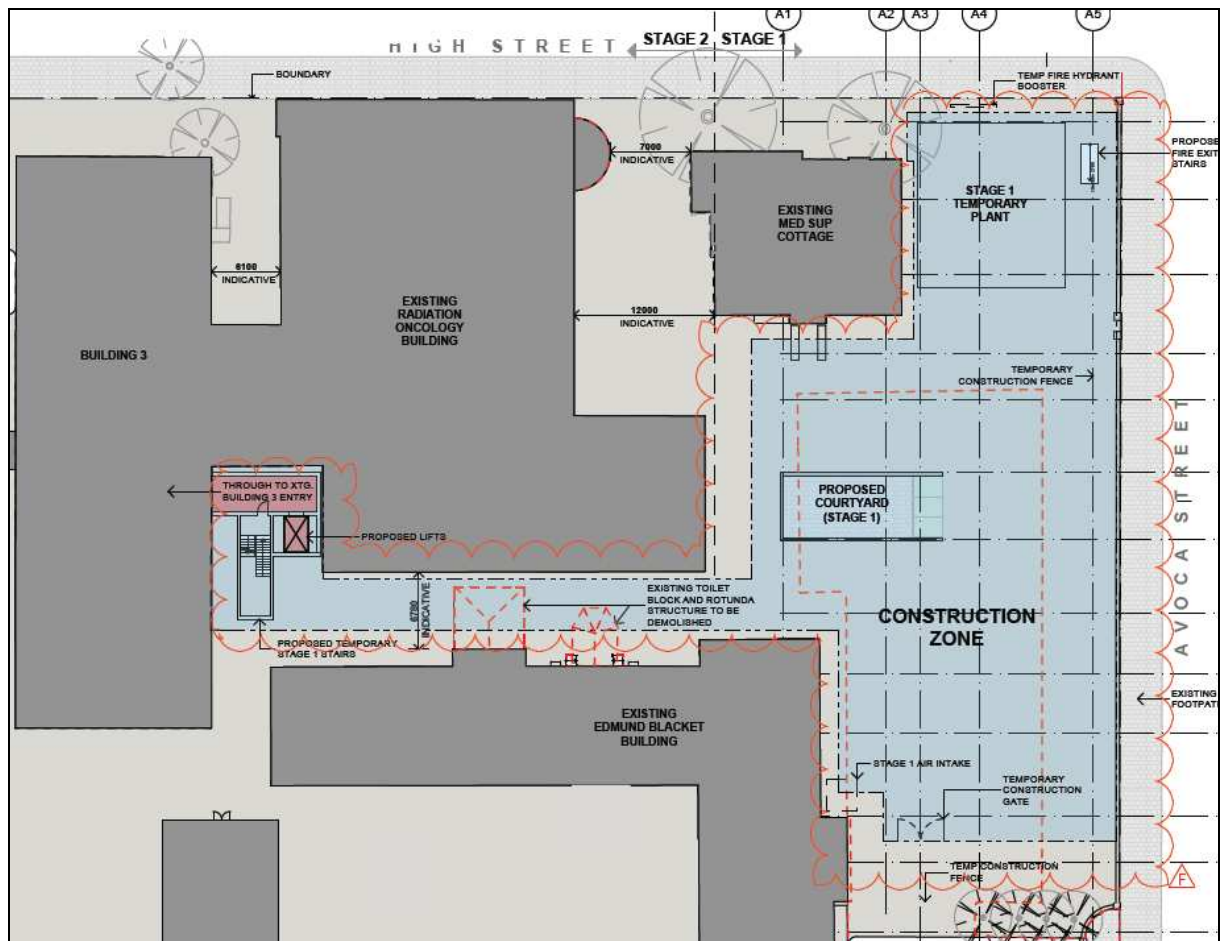


Figure 3: Stage 1 Site Plan

Health Infrastructure (the applicant) proposes to construct Stage 2 of the development for the Nelune Comprehensive Cancer Centre and Australian Advanced Treatment Centre (NCCC & AATC - formerly known as the Comprehensive Cancer Centre and Blood Disorder Centre) and operate these facilities as part of the Prince of Wales Hospital (SSD 6180).

1.2 Site Description and Surrounding Development

The Prince of Wales Hospital Campus is located in Randwick, within the Randwick Local Government Area. The campus is approximately 14 ha in area and includes the Royal Women's Hospital, the Sydney Children's Hospital, the Prince of Wales Hospital and the Prince of Wales Private Hospital. The campus is wholly owned by the NSW Health and is bound by High Street to the north, Avoca Street to the east, Barker Street to the south and Hospital Road to the west (see **Figure 4**). The campus contains a variety of medium and high rise hospital buildings.



Figure 4: Randwick Health Campus

Development surrounding the campus consists of:

- the Randwick Town Centre and residential unit blocks to the north;
- low scale residential development of one to two storeys to the west and east; and
- horse stables, a veterinary clinic and Randwick Girls High School to the south.

The subject site is located in the north eastern quadrant of the campus and is bounded to the north by High Street and to the east by Avoca Street (see **Figure 5**). The site sits at a natural high point within the campus and falls gently away from the High and Avoca Streets corner toward the south west. The site has been used for hospital purposes since 1916, initially as a Military Hospital before developing into a public hospital.



Figure 5: Existing site layout

The site is located in the High Cross Heritage Conservation Area identified in Randwick Local Environmental Plan 2012 (RLEP 2012), and is within the 'Heritage Precinct' identified in the Randwick Comprehensive Development Control Plan 2013, which identifies four precincts within the campus that represent the various functional zones (see **Figure 6**).

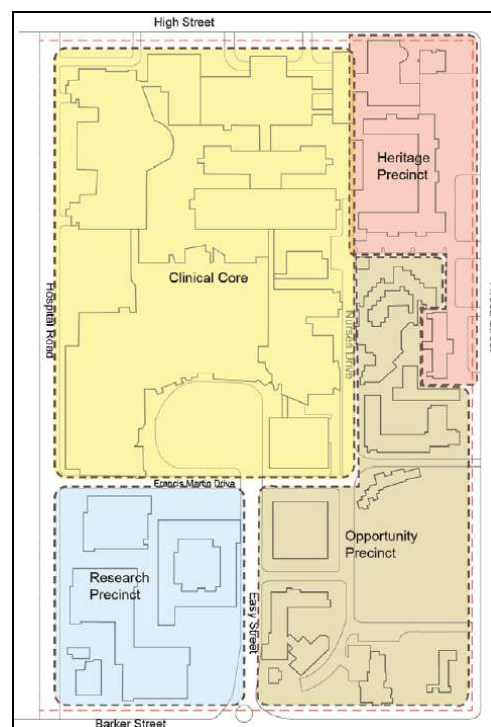


Figure 6: Campus Precincts in Randwick Comprehensive Development Control Plan 2013

The site is also located within the area identified as the 'Prince of Wales Hospital group' (Main Block, Catherine Hayes Hospital and Superintendent's Residence), which is a locally listed heritage item in RLEP 2012. The site is currently a construction site for the first stage of works and also occupied by the Institute of Oncology building (Building 3 and eastern wing) and the Superintendent's Residence (see **Figure 7**).



Figure 7: View of the site from High Street

The land uses immediately surrounding the development site include:

- High Street to the north and the Randwick Town Centre located on the northern side of High Street, including a two storey building with ground floor retail uses and an adjoining eight storey office building;
- 'Randwick Lodge', a State listed heritage item, located diagonally opposite from the site to the north east at the junction of Avoca Street and Belmore Road;
- Avoca Street to the east with the local heritage listed High Cross Park on the eastern side of Avoca Street; and
- medical and educational institutions and associated uses to the south and west.

1.3 Key Development Components and Features

The Stage 2 NCCC & AATC building would accommodate consolidated cancer care treatment services that are currently located across the campus. These services would occupy five levels (Level 0 to Level 4) and support existing services and existing staff. The new facilities would result in a marginal increase in patient numbers. The AATC would occupy two levels (Level 5 and 6) and would be supporting new research and treatment services, including new patients. The remaining three levels (Levels 7 to 9) are identified as shell space and could potentially accommodate affiliated services or consolidation of existing hospital services, especially given the ongoing requirements to bring existing facilities and services up to new mandated standards.

Table 1 provides a summary of the development proposal's key components and features and the development layout is shown in **Figure 8**.

Table 1: Key Development Components

Development Summary	<ul style="list-style-type: none"> • Demolition of part of part of the Institute of Oncology building (eastern wing); • construction of an 11 level building (including two basement levels and one level of plant); • modifications to the existing staff car park, including provision of a vehicle drop off area; and • courtyards and landscaping.
GFA	12,724 sqm (excl. plant)
Height	40.89 metres
Car Parking Spaces	20 spaces
Capital Investment Value	\$73,140,537
Jobs	50 new operational and 237 construction jobs

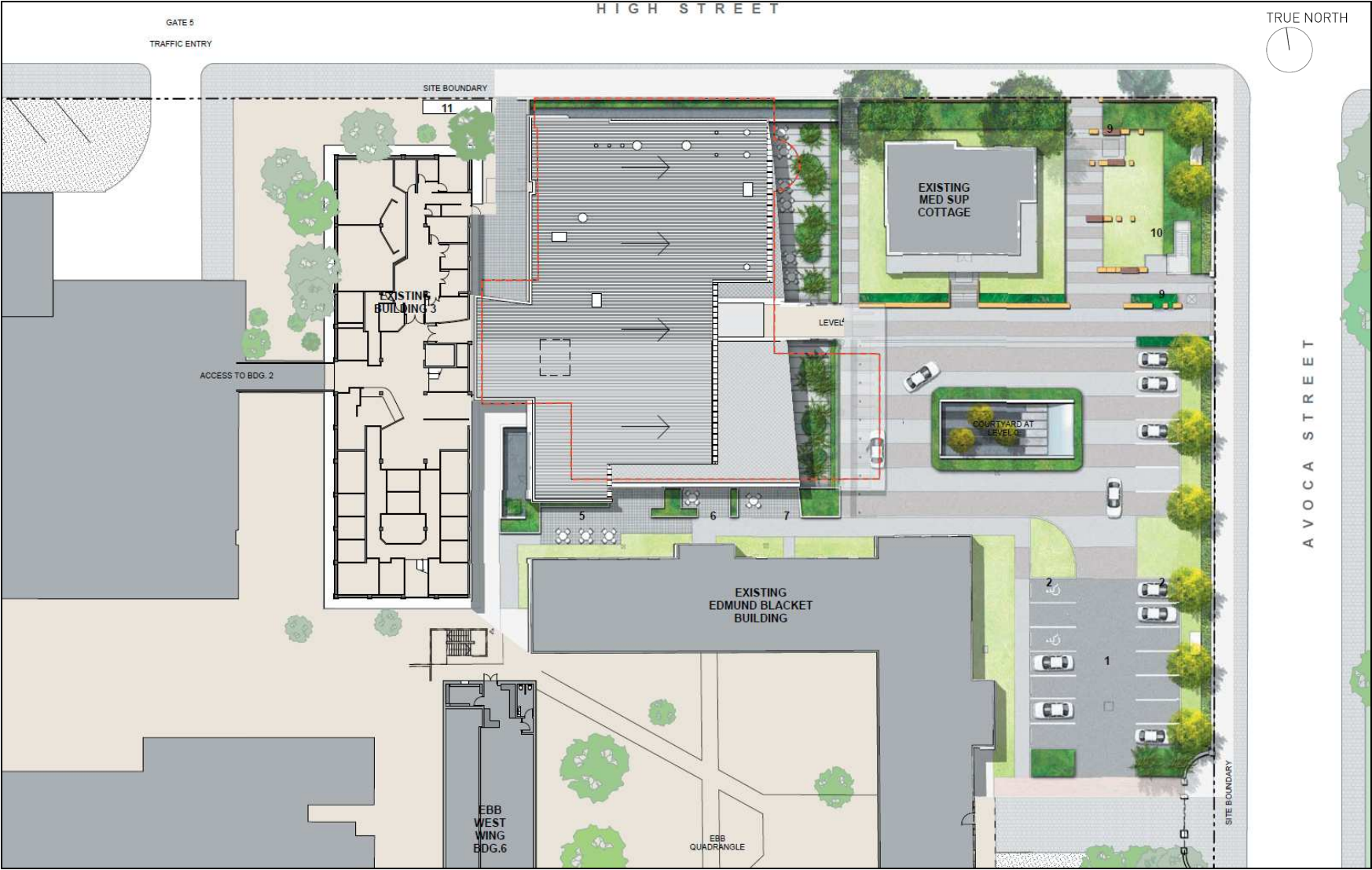


Figure 8: Development Layout

2. STATUTORY AND STRATEGIC CONTEXT

2.1. SEPP (State and Regional Development) 2011

The proposal is classified as State significant development because the staged development of the NCCC and AATC is development for the purpose of a hospital with a capital investment value (CIV) in excess of \$30 million under clause 14 (Hospitals, medical centres and health research facilities) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011. Therefore the Minister for Planning is the consent authority.

2.2. Delegated Authority

On 27 February 2013, the then Minister for Planning and Infrastructure delegated his functions under section 89E of the *Environmental Planning and Assessment Act 1979* to Executive Director, Development Assessment Systems and Approvals to determine applications where:

- (a) the relevant council has not made an objection, and
- (b) a political disclosure statement has not been made, and
- (c) there are less than 25 public submissions in the nature of objections.

The proposal complies with the terms of the delegation as council has not objected to the proposal, no political disclosure statement has been made and no public submissions were received objecting to the proposal.

On 22 February 2013, the then Director-General delegated his functions under Part 4 of the *Environmental Planning and Assessment Act 1979* to the Executive Director, Development Assessment Systems and Approvals. Accordingly, the required concurrence for the exception to the development standard relating to building height (see Section 4.2.1) can be issued by the Executive Director.

2.3. Permissibility and Zoning

The site is zoned SP2 Infrastructure – Health Services Facility under the RLEP 2012 and the development is permissible in the zone.

2.4. Environmental Planning Instruments

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

2.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in section 5 of the Act (see glossary at Appendix C). The proposal complies with the objects of the EP&A Act as it would deliver additional health facilities to promote the social welfare of the State. The proposal supports the orderly development of land within an existing health campus for social infrastructure, and thereby protects the land for public purposes.

2.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (see glossary at Appendix C). Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

The department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the

project. The proposal is considered to be consistent with ESD principles as described in Section 6.3 of the applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Regulation.

The proposal is located on a previously developed and disturbed site and seeks to construct additional hospital facilities with shell space, thereby considering the life-cycle of the proposed building. It would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. The site is not subject to any known effects of flooding and is not subject to bushfires. The site would not be impacted by changes in sea level resulting from climate change.

The development incorporates the following sustainability initiatives:

- reduce energy use through on-site generation, natural lighting, zoned lighting control, use of energy efficient fixtures and energy metering;
- reduce potable water use through re-use of rainwater and water efficient fixtures;
- facilitate reduction in operational waste and encourage recycling; and
- support active transport through the implementation of a sustainable travel plan.

The department is satisfied that the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

2.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

2.8. Strategic Context

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

- it is consistent with the priorities of NSW 2021, the State's 10 year plan, as it would be rebuilding hospitals and investing in health infrastructure;
- it is consistent with the guiding principle of the draft Metropolitan Strategy for Sydney to 2031 (draft Strategy) to integrate infrastructure, transport and land use. The development would support the ongoing delivery of social infrastructure at the Randwick Education and Health Specialised Precinct, which would be supported by the proposed light rail extension infrastructure project outlined in the draft Strategy;
- the ongoing development of the health sector and delivery of new jobs is consistent with the metropolitan priorities to intensify the activity at the health campus, which would also assist in strengthening the Anzac Parade Corridor, one of the nine city shapers identified in the draft Strategy;
- it is consistent with the draft East Subregional Strategy as the delivery of new floorspace at a key asset within the Randwick Medical and Education Specialised Centre will contribute to the aim of consolidating and strengthening the Specialised Centre;
- it will provide social infrastructure that will promote the State's capacity for delivering world class health care; and
- it will provide direct investment in the region of \$73 million, which would support 237 construction jobs and 50 new operational jobs.

2.9. Secretary's Environmental Assessment Requirements

The EIS is compliant with the Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1. Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the application and accompanying information was made publicly available for at least 30 days following the date of first publication, in accordance with the Regulation. The department publicly exhibited it:

- on the department's website from 14 November 2013 until 13 December 2013 (30 days); and
- at the department's Bridge Street Sydney Information Centre and Randwick Council's offices from 14 November 2013 until 13 December 2013 (30 days).

The department also advertised the public exhibition in the Sydney Morning Herald and The Daily Telegraph on 13 November 2013 and the Southern Courier on 12 November 2013. The department notified adjoining landholders, and relevant State and local government authorities in writing.

No submissions were received from the public. A summary of the issues raised in submissions from public authorities is provided in the following section.

3.2. Public Authority Consultation and Submissions

A total of six submissions were received from public authorities, as summarised below.

Randwick City Council generally supports the proposal and considers that the development is well located in close proximity to existing and future public transport services and provides social, economic and environmental benefits. Council also provided the following comments for consideration:

- the development significantly exceeds the RLEP 2012 height controls and results in a permanent penetration of the Sydney Airport Obstacle Limitation Surface (OLS);
- the visual bulk of the building, overshadowing impacts on neighbouring buildings / open space areas and visual dominance over the heritage buildings requires further mitigation;
- a cohesive presence on High Street should be provided;
- setbacks to the heritage items should be increased to ensure an appropriate curtilage is achieved for the items;
- the setback to High Street should be increased to align with the Superintendent's Residence to deliver a consistent building line as well as accommodate any future light rail requirements;
- the construction works would need to be carefully managed given the potential for significant impacts to the heritage items given the proximity of the new building;
- the heritage assessment recommends that conservation management plans be prepared for the adjoining heritage items, however, the EIS provides no details in regards any conservation measures for the items;
- further details of heritage interpretation needs to be provided;
- improved use of public (existing and anticipated) and active transport is supported, however, insufficient evidence has been provided to justify the loss of existing car parking and no additional car parking and therefore a campus-wide parking study and sustainable travel plan are required;
- the design of the building should consider any potential for future integration with light rail facilities;
- pedestrian access along High Street should be maintained throughout construction;
- the forecourt (reconfigured drop-off area) and proposed landscaping are generally supported, however: consistent paving should be utilised; the raised lawn around the Superintendent's Residence should be redesigned given potential adverse impacts;

further details are required regarding the fence and gates; and tree planting should not obscure views to the heritage items;

- the increased permeability of the site is supported and additional pedestrian safety measures are recommended to be provided in the forecourt; and
- the increased activation around the heritage items is supported.

Council also provided recommended conditions in relation to European heritage, European archaeology, Aboriginal archaeology, sustainable travel plan, construction traffic management plan, drainage and groundwater management and road damage security.

The **Heritage Division** of the **Office of Environment and Heritage** (Heritage Division) raised concern over the proposed building's scale, bulk, façade finish and dominance over the heritage elements of the precinct. The Heritage Division also provided the following comments on conditions in relation to the landscape design and public domain aspects which fall within the curtilage of the heritage items:

- further details of plant species, landscaping materials, stone paving and central light well balustrade materials should be provided;
- further details of the extent of the heritage fabric removal should be provided; and
- raised lawn surrounding the Superintendent's Residence may result in long term damage to heritage fabric, including stone decay from rising damp.

Environment Protection Authority (EPA) raised no objection to the development and provided the following comments for consideration:

- a detailed radiation/contamination survey is required prior to demolition works for any areas where nuclear medicine were undertaken to ensure no residual radioactive materials remain and no activation of the building fabric has occurred;
- more detailed site contamination investigations are required post demolition and during site preparation phases;
- Workcover NSW must be consulted if there is any asbestos waste;
- clinical and related waste is classified as 'special waste' and may require a license;
- extended construction hours on Saturdays have not been justified and are not supported;
- all reasonable and feasible measures to mitigate construction noise and vibration impacts should be implemented, including respite periods and alternative reversing and movement alarms;
- additional assessment against current guidelines regarding operational noise and construction vibration should be provided;
- measures to minimise and prevent construction dust must be implemented during construction stages, particularly during the bulk earthworks stage;
- erosion and sediment control must be provided and implemented prior to commencing earthmoving or vegetation removal;
- the proposed building is likely to store regulated material, including radioactive substances and radiation apparatus' and therefore would require a radiation management licence; and
- practical energy and water conserving initiatives should be integrated into the design of the building and supporting infrastructure.

Roads and Maritime Services (RMS) raised no objection to the development and provided the following comments for consideration:

- the terminus for the light rail has not been determined and may affect access to the development;
- the development should not rely on on-street car parking given the already high demand for on-street parking in the locality and the likely reduction of the supply when the light rail is constructed;

- traffic management measures require further review prior to implementation; and
- swept paths should comply with AUSTROADS.

Sydney Water raised no objection to the development, identified water and wastewater mains that are available for connection and recommended that a condition of consent should require the applicant obtain a section 73 certificate.

Sydney Airport Corporation Limited (SACL) had advised that the building penetrates the Sydney Airport Obstacle Limitation Surface and requires approval from the Department of Transport and Regional Development (DITRD).

The DITRD has subsequently issued an approval for the building.

The department has fully considered the issues raised in submissions in its assessment of the development.

3.3. Applicant's Response to Submissions

The applicant has provided a response to the issues raised in submissions. The Response to Submissions (RtS) proposed no changes to the design of the building and provided revised mitigation measures in relation to potential structural impacts on heritage items, surrounding buildings and infrastructure from excavation works. The RtS also included revised noise assessments, details of the hospital's waste management plan, radiation management licence, radiation assessment and a demolition plan.

The applicant's RtS was forwarded to council for review. Council has provided the following comments:

- the proposed building does not respond to the heritage context of the immediate locality and would result in a degraded setting for the listed heritage items;
- the appropriateness of the overshadowing impacts on the open space areas of heritage significance have not been clarified;
- the applicant should provide further details as to the capacity of the staff car park at the Mental Health Unit;
- the proposed restored view cones to the heritage items would be below an overhanging building element which would have an overbearing effect on the adjacent heritage items;
- no restoration works are proposed for the heritage items;
- the surface treatment of the forecourt should be reconsidered;
- the heritage impacts relating to the heritage gate, raised lawn and tree planting have been adequately addressed; and
- the recommended conditions regarding Aboriginal and European archaeology and consultation with the land council should be retained.

4. ASSESSMENT

4.1. Section 79C Evaluation

Table 2 identifies the matters for consideration under section 79C that apply to State significant development, in accordance with section 89H of the EP&A Act (see glossary at Appendix C). The table represents a **summary** for which additional information and consideration is provided for in Section 4 (Key and Other Issues) and relevant appendices or other sections of this report and the EIS, referenced in the table.

The EIS has been prepared by the applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

Table 2: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Generally complies except for the height of the building - see discussion in Section 4.2 and Appendix B
(a)(ii) any proposed instrument	Not applicable
(a)(iii) any development control plan	See Appendix B*
(a)(iia) any planning agreement	Not applicable
(a)(iv) the regulations	The development application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to development applications (Part 6 of the Regulations), public participation procedures for SSD's and Schedule 2 of the Regulation relating to environmental impact statements. Refer to discussion at Section 2.7.
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 4.2
(c) the suitability of the site for the development	Suitable - Refer to Sections 2.8 and Section 5
(d) any submissions	Refer to Sections 3.2 and 4.2
(e) the public interest	Refer to Section 4.2.5
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

* Under clause 11 of the SRD SEPP, development control plans do not apply to state significant development. Notwithstanding, consideration has been given to relevant Development Control Plans at Appendix B.

4.2. Key and Other Issues

The department has considered the EIS, the issues raised in submissions and the applicant's response to these issues in its assessment of the proposed development. The department considers the key issues to be:

- built form and urban design;
- heritage impacts;
- transport and traffic impacts;
- environmental and residential amenity; and
- the public interest.

These issues are addressed further in sections 4.2.1 to 4.2.5.

4.2.1. Built Form and Urban Design

Building Height and Massing

The proposed building has a height of 40.89 metres and the highest point of the parapet reaches RL 105.3 (excluding flues). The staged development consent approved a nine level envelope up to RL 103.01 (see **Figure 9**), which allows for a 38.6 metre high building. The proposed building (see **Figure 10**) is therefore 2.29 metres (six per cent) higher than the approved envelope. It is also partially located within a 24 metre height limit zone prescribed in RLEP 2012, which extends 30 metres into the site from the northern boundary.

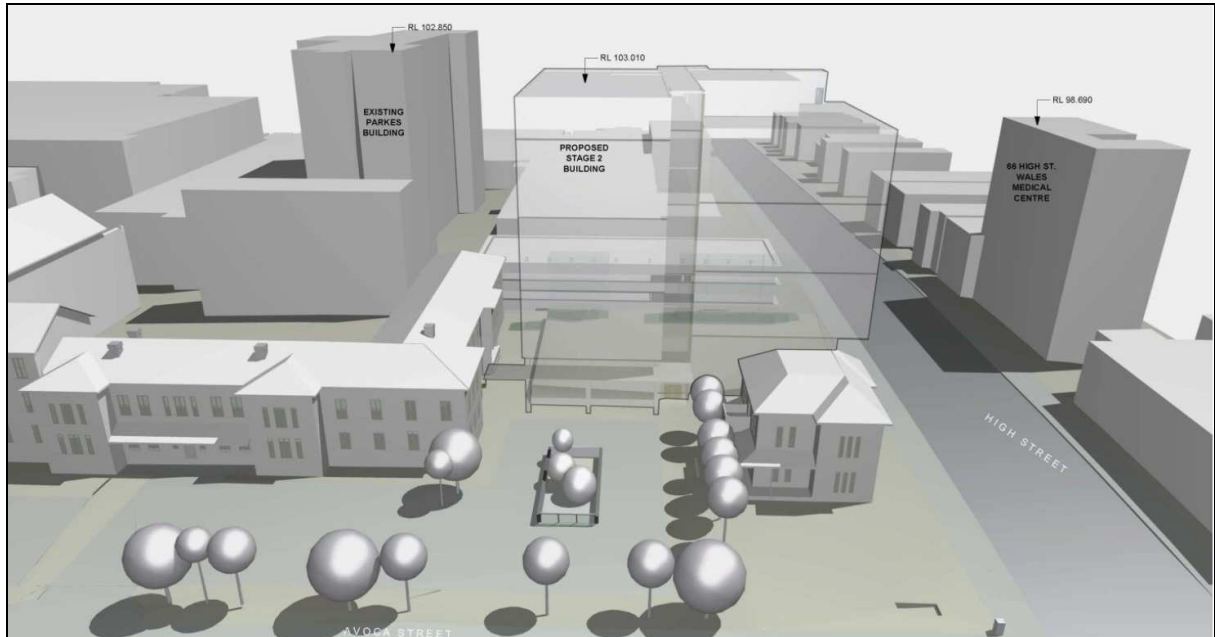


Figure 9: Indicative Stage 2 envelope (view from Avoca Street)



Figure 10: Photomontage View of the proposal from Avoca Street

Council has raised concern with the height and bulk of the proposed building particularly in relation to the variation to the 24 metre height limit. The applicant contends that the proposed development is generally consistent with the approved building envelope and has been designed to respond to the height of adjacent buildings, including the heritage items. The applicant has provided a solid podium level and modulated the upper levels to minimise the visual massing of the building and the buildings dominance over the heritage items (see

Figure 11). The proposed development has three distinct elements for the modulated upper levels including:

- the northern element which provides a simple form with aluminium panels and glazing which extends along the northern façade and wraps around along the eastern façade for the northern section of the building;
- the western element (precinct block) which is composed of a predominantly solid concrete façade design along the western elevation and wraps around part of the southern elevation to provide a definitive edge to the heritage precinct that responds to the solidity, form and proportion of the heritage items; and
- the central element which utilises ceramic cladding and glazing along part of the eastern and southern facades for the south eastern wing providing the most articulated façade that provides a transition between the glazed northern form and solid western form.



Figure 11: Photomontage View of the site from Avoca Street (eastern elevation)

The applicant argues that the design would complement the 10 storey Parkes Building on the campus and the eight storey Wales Medical Centre on the opposite side of High Street. The building has also been located to provide appropriate setbacks to the heritage items as the proposed development generally retains the current separations to the adjacent heritage items with a similar footprint to the current eastern wing of the Institute of Oncology (which is to be demolished). The applicant has also indicated that the proposed development would not contravene the objectives of the development standard and is consistent with the objectives of the zone and therefore strict compliance with the development standard in RLEP 2012 is not warranted in this instance.

The department's original assessment of the staged development application considered that the height of the building envelope responded appropriately to the surrounding locality. Whilst the proposed building varies from the approved envelope by 3.85 metres (2.29 metres above ground and 1.56 metres below ground) and one level (below ground), the department considers the proposal is consistent with the approved staged development consent as:

- the proposed 10 level building and plant only seeks to vary the number of levels of the approved envelope (nine levels and plant) by one additional underground level. The additional level would have no discernible visual impacts as it is located below ground and the proposed 7.56 metre basement structure is only 1.56 metres lower than the approved below ground envelope of 6 metres;
- the height of the uppermost habitable level of the proposal is consistent with that in the approved building envelope, both having a height of RL 98.01;

- the overall height of the building at 40.89 metres is only 2.29 metres higher than the approved building envelope of 38.6 metres. This is due to a larger plant structure, which is subject to detailed design and was not evident at the conceptual design stage (the further detailed design revealed a requirement for a 7.29 metre plant level compared to the indicative 5 metre plant level in the approved building envelope);
- a variation to the height of the building by 2.29 metres, is equivalent to a six per cent increase which is considered to be consistent with the scale of the approved building envelope;
- the overall height and scale of the building is visually consistent with the building envelope and the proposed 12,724 sqm only marginally exceeds the indicative 12,660 sqm envisaged for the Stage 2 building; and
- the building is located within the area designated for Stage 2 of the development.

Notwithstanding that the proposed development is generally consistent with the approved building envelope, the height of the building results in an exceedance of the 24 metre height limit in RLEP 2012 and therefore requires the Secretary's concurrence in accordance with clause 4.6 of RLEP 2012. In varying the development standard the Secretary must have regard to whether:

- the applicant has adequately justified that the development standard is unreasonable or unnecessary in relation to the development and that there are sufficient environmental planning grounds to justify contravening the development standard;
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone;
- contravention of the development standard raises any matter of significance for State or regional environmental planning; and
- the public benefit of maintaining the development standard.

Accordingly, the department considers that the height and scale of the building can be supported and recommends that a concurrence in regard to the exception to the development standard be issued as:

- the applicant has demonstrated that the proposed development is consistent with the objectives of the height control as it has minimal amenity impacts, is appropriate within the context of the locality given the comparable surrounding building heights (see **Figure 12**) and is consistent with the character of the future high density precinct, which is being facilitated by the urban activation precincts and the future light rail;
- the applicant has demonstrated that the proposed development is consistent with the objectives of the special use zone as it would provide key social infrastructure and it would protect the land for community purposes as well as enhance the provision of community health care services;
- the applicant has demonstrated that the height is appropriate within the context of the campus and the locality as similar sized buildings are located within close proximity to the development and the proposal would have acceptable amenity impacts;
- the height and scale of the building has already been generally endorsed in the consent for the concept proposal (SSD 5036-2011);
- at the time the concept approval for the building envelope was issued, the height controls were only identified in draft form;
- the 24 metre height limit and 18 metre height limit zones prescribed in RLEP 2012 around the perimeter of the campus (30 metres deep), which would facilitate a transition in height from the larger institution buildings within the campus to the surrounding lower density development, are not warranted in this instance given the existing development to the north of the site is eight storeys (see **Figure 13** and **14**);
- a 24 metre height limit would restrict the building to three or four above ground levels and plant due to the floor to ceiling heights required for medical and research floor space, and therefore would restrict the delivery of the AATC. This would also limit the ability for ancillary and affiliated services from co-locating, which would reduce service delivery efficiency;

- any reduction in height would require an increased building footprint which would potentially have more significant impacts on the surrounding heritage items;
- the exceedance of the height control would not set an adverse precedent or result in any state or regional impacts given the site traditionally has not been subject to any height controls, where as any reduction in height would impede the delivery of regional health services and result in greater impacts on the heritage items; and
- there would be limited public benefit in requiring a complying development given the potential adverse social and heritage impacts that would result with complying with the height control.

The department is therefore satisfied that the proposed built form can be supported and should be approved.

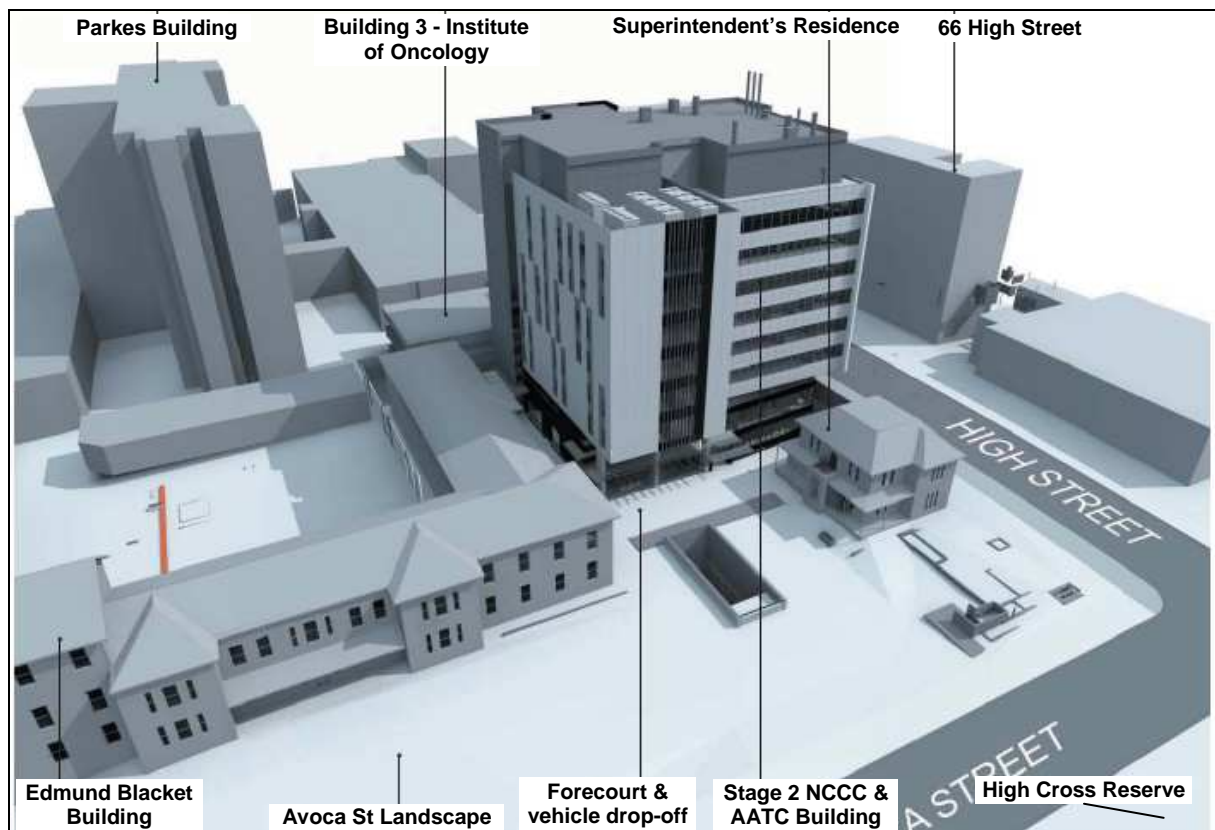


Figure 12: Contextual model of the site



Figure 13: Eastern Elevation (view along Avoca Street)



Figure 14: Northern Elevation (view along High Street)

Public Domain and Landscaping

The Landscape Plan proposes replacement plantings to compensate for the removal of trees as part of the Stage 1 development. The landscaping scheme proposes to provide an appropriate setting for the proposed building and create a greater visual unity and identity for the hospital campus. The landscaping also seeks to enhance the significance of the heritage precinct and the setting of the heritage buildings.

Council and the Heritage Division raised issues with the design of landscaping and forecourt to the east of the Superintendent's Residence, specifically that:

- the raised lawn surrounding the Superintendent's Residence may result in long term damage to heritage fabric, including stone decay from rising damp;
- further details regarding the extent of the removal of heritage fabric removal for the alterations to the pedestrian fence and gate are required;
- further design details for the reinstatement of the fence and gates should be provided;
- consistent paving should be utilised in the forecourt; and
- tree planting should not obscure views to the heritage items.

The applicant has indicated in its RtS (in response to concerns from council and the Heritage Council) that the lawn is not being raised but the forecourt and pathway around the lawn are being lowered to address accessibility requirements. The fence and gates were recorded then removed as part of Stage 1 works, including two sandstone pillars and one gate, and will be reinstated as part of the landscaping works. The works result in the relocation of the southern pillar to increase the entry width to improve pedestrian access. The variation in the banding of the paving is provided to distinguish vehicle and pedestrian areas but would utilise the same materials, which would provide continuity in the design as well as visual interest. The proposed tree planting would be small and medium sized deciduous trees with clear stems and therefore would not block views to the heritage items.

RMS advised that the terminus for the light rail has not been determined and may affect access to the development. The Preferred Infrastructure Report for the Sydney CBD and South East Light Rail Project identifies that the Randwick stop would be located at High Cross Reserve, which would not impact access to the new building. Furthermore, the proposed buildings main access is orientated towards Avoca Street and whilst additional pedestrian access is being provided along High Street, these would be unaffected by the light rail as no road widening or property acquisition is required.

Council has advised that the further details and justification adequately responds to matters identified in its submission except for the design of the paving. The Heritage Division raised no further issues with the responses provided by the applicant. The department considers that the proposal, including new access from High Street and improved access from Avoca Street, would improve permeability and activation of the site along High Street. The landscaping would complement the landscaping within the Heritage Precinct and the proposed paving is acceptable given the continuity in the materials.

4.2.2. Heritage Impacts

The development site is located in close proximity to four heritage listed items identified in Randwick LEP 2012. These items are also listed on NSW Health's section 170 register which requires NSW Health to manage the heritage significance of these buildings into the future. The items are the:

- Edmund Blacket Building (EBB);
- Superintendent's Residence;
- Catherine Hayes Hospital; and
- Prince of Wales Hospital Gate and Fence.

The proposed building is located along the western edge of the north eastern section of the heritage precinct. The proposed development would not impact on the fabric of these items, however, is located adjacent to these items. The department's assessment of the staged development application considered that the height of the building envelope responded appropriately to the surrounding locality.

The applicant contends that the heritage impacts are acceptable as the heritage assessment concluded that the proposed development's articulated form is appropriate within the setting and preserves the spatial relationships with the surrounding heritage items within the campus. The proposed new setting unifies the development within the heritage precinct and would restore important views through the site to heritage items. The views being: views from High Street through towards the EBB; views from Avoca Street to the EBB; views from High Street towards the glazed base to reflect local context; and the historically significant views from the porch of the Superintendent's Residence to the northern entrance to the EBB. The proposal to widen the existing north-eastern pedestrian gate along the Avoca Street frontage to improve access into the site and align with the hospital street access was also considered to be acceptable and appropriate given the reconfigured landscape setting for the main access and forecourt. The heritage assessment also concluded that the proposed development would also not have an adverse impact on the heritage items or heritage conservation area in the vicinity of the site.

Randwick Council and the Heritage Council identified concerns regarding the scale of the proposed building and dominance over the adjacent heritage items. Council also requested:

- the shape of the building be revised to provide a block form as the proposed shape competes with the more simple block forms of the heritage items and the protrusion of the upper levels of the south-eastern wing above the pedestrian walkway and view corridor to the EBB has an overbearing effect;
- setbacks to the heritage items be increased;
- setback to High Street be increased to align with the Superintendent's Residence to deliver a consistent building line;
- the construction works be carefully managed given the potential for structural impacts to the heritage items; and
- conservation measures and heritage interpretation be provided in accordance with the heritage assessment.

The applicant reiterated in the RtS that the heritage impacts were acceptable, however, incorporated an additional mitigation measure requiring the use of a rock saw for breaking rock within the vicinity of heritage items and council infrastructure, which would reduce potential vibration impacts. The applicant also indicated in the RtS that the recommended conservation measures in the heritage assessment would be implemented except the naming of places, as this measure needs to be considered and managed by the local health district.

The department considers that the proposed development is appropriate within the context of the campus and the heritage precinct as it would provide facilities to support important medical treatment and research and is consistent with the institutional use of the site since 1857. The department considers that the heritage impact is acceptable as:

- an intrusive built form element within the campus is being demolished;
- the proposal would provide a more transparent High Street frontage along the site boundary as the existing building with a solid 26 metre brick wall with no openings would be demolished and replaced with a building where the lower levels are setback from High Street and glazing would be used along the northern (High Street) elevation, as well as two new pedestrian entries to the site from High Street (see **Figures 7 and 11**);
- the bulk and scale of the development is acceptable within its context as it retains the setbacks and relationships provided by the current building on the site and therefore protects the curtilage of the heritage items;
- vertical expansion assists in the conservation of the heritage items as it has restricted any horizontal expansion, which would have more significant heritage impacts by either reducing separations to the heritage items or requiring demolition of significant heritage fabric;
- the redevelopment improves the heritage setting by restoring views to the heritage items, enhancing the landscaped setting and providing greater transparency to the heritage precinct;
- the new setting is appropriate as it highlights the balance achieved in accommodating new social infrastructure and changing nature of institutional uses on the campus with existing conserved heritage aspects of the campus;
- the primary views from Avoca Street to the heritage items would not be obstructed by the development;
- the proposed development and its simplistic design does not compete with the heritage items as it is a contrasting contemporary building;
- the simple design ensures that the aesthetic values of the heritage items when viewed from Avoca Street are highlighted;
- any reduction in floor space would result in the loss of chemotherapy beds and the delivery of cancer care services and the visual prominence of a smaller complying development would be comparable to the proposal as both would be significantly larger than the smaller forms of the heritage items; and
- the new contrasting contemporary building signifies the ongoing and future use of the campus for institutional purposes, which complements the ongoing use of the heritage items for institutional purposes and the social significance of these items.

The department is therefore satisfied that the heritage impacts can be appropriately managed and that the development should be approved.

4.2.3. Transport and Traffic Impacts

Traffic

The proposal is consolidating the cancer care services currently provided across the site into one location as well as supporting the Australian Advanced Treatment Centre (AATC) and providing shell space. The applicant has indicated that the floorspace for the cancer services would generate minimal additional traffic as there would be no new staff and only a small increase in patient numbers. The new AATC however would be supporting up to 50 new staff

and 20 patients/visitors. The traffic assessment concludes that an additional 50-60 vehicle trips would be generated during peak hours and therefore a sustainable travel plan is required to manage impacts on the road network.

The intersections surrounding the hospital are currently operating at good to satisfactory levels of service. Council and RMS raised no issue with the traffic generated by the development. However, council did recommend that a sustainable travel plan be provided and RMS requested that the proposed traffic management measures be implemented and provided to RMS for review.

The department considers that whilst additional traffic would be generated by this development, given the constrained supply of car parking, the increase in traffic (with the support of a sustainable travel plan, which the applicant has committed to implementing) would be acceptable.

Car Parking and Public Transport

The RTA Guide to Traffic Generating Development does not provide a rate for car parking for public hospitals. Council's DCP requires 1 visitor space per 3 beds, 1 space per 2 employees and 1 space per doctor. The RTA Guidelines consider that it is appropriate for the provision of parking to be reduced where it can be demonstrated that the facilities would not be used concurrently or that a reduction in parking would not have adverse impacts on the surrounding street network.

The NCCC would require no additional car parking given the consolidation of existing services on the hospital campus. Based on the rate in council's DCP the AATC would require up to 50 car spaces, if all new staff were doctors. However, it is unlikely that all staff would be doctors, especially given the research activities that are undertaken at these premises. As the AATC is only expected to result in 42 additional vehicle trips for staff (excluding patients), the department considers a demand of 42 car spaces is a more accurate representation of the car parking requirements.

The site accommodated 59 car parking spaces prior to Stage 1 works. The proposal would result in the reinstatement of 24 car spaces for staff prior to commencement of construction works. The proposal also seeks to reinstate 20 car spaces to be reserved for patients and visitors. Therefore, there would be a loss of 35 existing car spaces for existing staff and a shortfall of up to 42 spaces for additional staff of the AATC. The department notes that the unallocated shell space proposed within the building would also potentially generate additional demand for car parking, however it is likely that this shell space will support the further consolidation of existing hospital services as further upgrades of the hospital are undertaken to meet current standards.

The applicant has indicated that car parking provided at other locations within the campus would assist in offsetting the loss, including the recently constructed 60 car spaces located at the Mental Health Unit, as well as the future light rail. The traffic assessment has recommended that a campus wide parking strategy and a sustainable travel plan be prepared.

Council has raised concern regarding the shortfall in car parking and RMS has also advised that the proposal should not rely on on-street car parking given the existing demands on on-street car parking in the locality and the future losses as a result of the light rail project, which is proposed to traverse High Street. Council recommended that the campus wide parking strategy and sustainable travel plan recommended in the traffic assessment be required by conditions of approval. Council has also indicated that the proposal should not rely on the light rail project given that it would not be delivered for at least another six years.

The applicant has detailed in the RtS that a sustainable travel plan would be prepared for the development, however, the campus wide parking strategy would not be delivered as part of

this project given the required input from numerous stakeholders across the campus. The applicant contends that the sustainable travel plan would encourage the use of the available public transport services which would mitigate the car parking demands of the development.

The site is currently supported by a number of bus routes that service the hospital at regular intervals, with bus stops located around the campus along Barker Street and High Street. These services link the hospital site with the CBD, Bondi Junction, Pagewood, Coogee, Leichhardt, Burwood, Maroubra, Sydney Airport and Newtown. The department considers that the site is well serviced by public transport and the addition of the light rail would further improve the accessibility of the site. The proposed light rail is envisaged to traverse High Street, including a terminus in the vicinity of the development, indicatively at High Cross Reserve (see **Figure 15**). As the proposed development does not provide any additional car parking for staff, the proposal relies on car parking provided at other parts of the campus and the public transport services, including the future light rail. Whilst the light rail is unlikely to be delivered for several years, the existing bus services ensure that the site is still highly accessible.

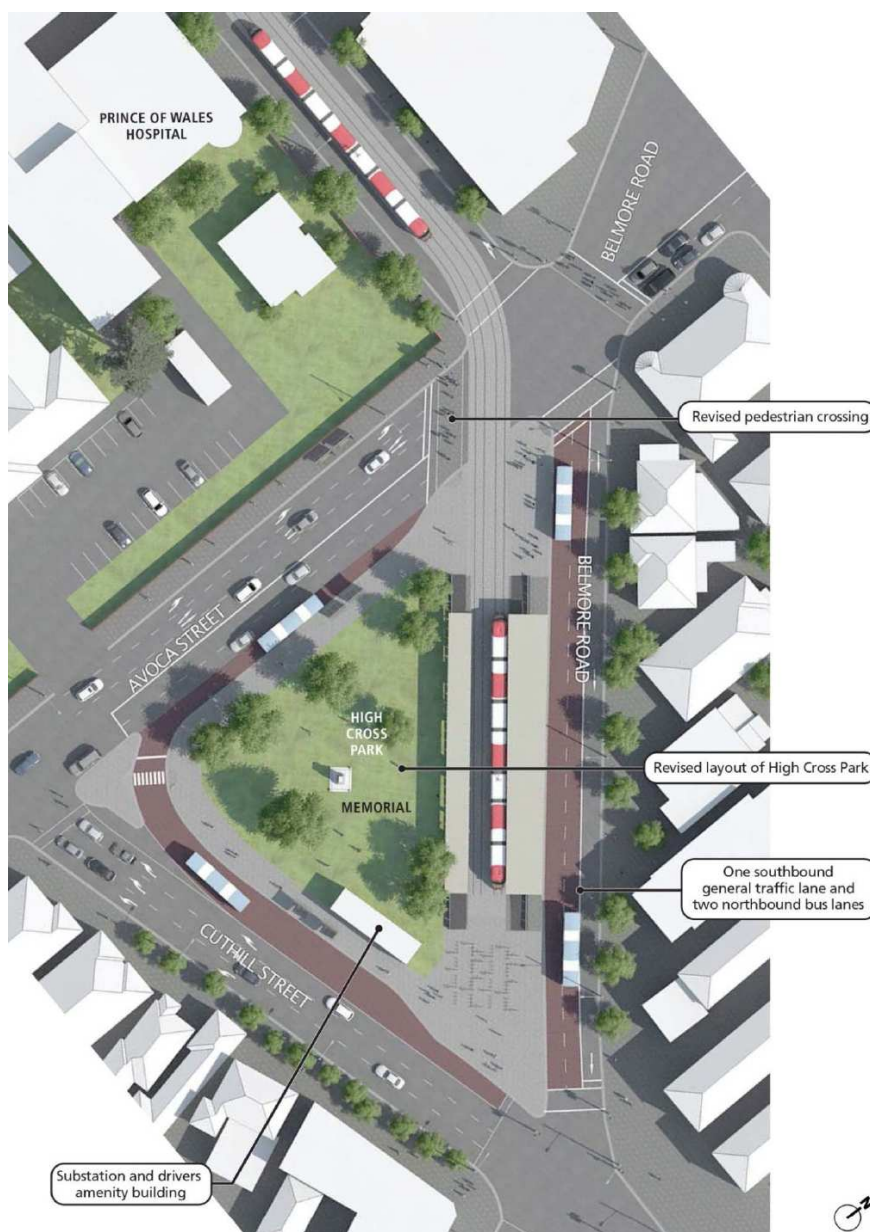


Figure 15: Preferred route and Randwick Stop at High Cross Park in the Preferred Infrastructure Report for the Sydney CBD and South East Light Rail Project

The department notes that of the 60 car spaces provided at the Mental Health Unit, 20 spaces were provided to offset the loss of spaces for the extension of Simeon Pierce Drive. Therefore, the additional demand and loss of car parking (77 car spaces) would only be partially offset by these recently constructed spaces. However, the additional visitor spaces would also partially relieve existing demand in other parts of the campus as they would be provided for patients and visitors of predominantly existing services. Given the envisaged future improvements in public transport services in the locality, the department considers the parking shortfall is acceptable. However, to mitigate impacts in the short term, the sustainable travel plan should be prepared and implemented prior to the occupation of the new building. A condition is recommended accordingly.

Air Transport

A height constraint that does apply to the site is the Sydney Airport Obstacle Limitation Surface (OLS) which identifies the prescribed airspace for Sydney Airport. The OLS height for buildings on the site is between 100 and 110 metres above the Australian Height Datum (AHD). The maximum height proposed for the building is RL 109.915 (with flues) which would penetrate the OLS. The proposal therefore requires approval from the Department of Infrastructure and Regional Development (DIRD) as the proposed building results in a permanent penetration into the prescribed airspace.

The applicant had submitted a concurrent application for the penetration into restricted airspaces. The DIRD recently issued an approval for the proposed building at 110.6 metres AHD, which is higher than the proposed height in the subject application and therefore would not raise any issues with regard to the DIRD approval. Approval was also granted for construction cranes up to a height of 116.9 metres AHD.

4.2.4. Environmental and Residential Amenity

Noise Impacts

The applicant has prepared an Acoustic Report which concludes that the operation of the proposed building is not expected to generate any adverse noise impacts on the adjoining noise sensitive land uses (residential to the northwest and surrounding hospital buildings) and the commercial uses to the north. The report acknowledges the potential noise impacts from the operation would be from the plant. The noise assessment indicated that the noise and vibration can be adequately managed by using standard noise control measures, including:

- selection of quiet plant;
- enclosure of plant;
- line ducting, duct silencers, acoustic louvres;
- limiting velocities of plant; and
- anti-vibration mounts to vibrating equipment.

The applicant has indicated that further investigation of the mitigation measures is required at the detailed design stage. The department therefore recommends appropriate conditions to ensure that the applicant identifies and adopts the necessary mitigation measures required to ensure that the rooftop plant and equipment complies with relevant noise criteria prior to commencement of works.

The applicant has indicated that the acoustic construction impacts, which is expected to extend over 90 weeks, on the closest sensitive land uses (residential to the north and commercial offices) would exceed the noise management levels in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) (ICNG) and therefore requires additional mitigation measures. The noise management levels for these receivers would be 58 dB(A) $L_{10(15\text{ min})}$ for the residences and 70 dB(A) L_{eq} for commercial premises in accordance with the ICNG.

The predicted noise levels in the preliminary construction noise and vibration management plan is between 60 dB(A) and 75 dB(A) during the demolition and excavation stage and is between 55 dB(A) and 70 dB(A) during the construction of the building structure stage. These levels would only be reached in the worst case scenarios and would still be below the highly affected noise level in the ICNG of 75 dB(A) for residential receivers and only marginally exceeds the criteria for the commercial offices. The hydraulic hammers are expected to generate the highest sound pressure, however, will be used for a relatively short period of the construction process.

The department notes that the maximum noise levels would not be occurring for the whole construction period as the predicted noise levels are based on all noisy equipment operating simultaneously. Furthermore, the applicant has indicated that all reasonable and feasible measures would be implemented to minimise the noise impacts, including preparation of a final construction noise and vibration management plan.

The department considers that as the construction noise levels would be below the highly noise affected threshold of 75 dB(A) in the ICNG that the noise impacts are satisfactory subject to the preparation of a construction noise and vibration management plan. The department has recommended conditions to require the preparation of this plan and require that it is implemented during construction. The plan should:

- be prepared in consultation with the noise sensitive receivers identified in the acoustic assessment, including the hospital receivers;
- identify appropriate measures to mitigate the noise impacts; and
- establish a complaints management system.

Overshadowing

Shadows cast would fall on: existing hospital buildings within the campus; open space areas within the campus; roads; and High Cross Reserve. During mid-winter parts of the courtyard of the Edmund Backet Building would still retain sunlight during the morning and the afternoon and the High Cross Reserve would retain sunlight during the whole morning period and would only be partially overshadowed in the afternoon (less than a quarter of the park at 3pm). Accordingly, the department is satisfied that the overshadowing impacts of the proposal are acceptable.

4.2.5. Public interest

The proposal is considered to be in the public interest as it would have significant benefits including:

- delivering sustainable development on the campus by considering the life cycle of new structures and future health requirements;
- consolidating cancer care services in one accessible location;
- ensuring the conservation of the heritage items and landscaping elements within the heritage precinct by consolidating the floorspace in one building;
- improved urban design and pedestrian outcomes for the site;
- supporting the creation of employment opportunities through the construction and operational stages of the development; and
- consolidating and providing further investment in social infrastructure in the Randwick Education and Health Specialised Centre.

CONCLUSION AND RECOMMENDATION

5.1. Conclusion

The construction of Stage 2 of the NCCC and AATC and operation of the cancer care and blood treatment facilities provides public benefit through consolidating services to improve the delivery of world class medical care.

The proposal is considered to be in the public interest as it would deliver significant social, economic and environmental benefits to the wider community by providing social infrastructure and supporting the generation of operational and construction jobs.

The department is satisfied that the proposed development satisfactorily responds to the issues raised and recommends that the SSD application for the construction of Stage 2 of the NCCC and AATC and operation as part of the Prince of Wales Hospital be approved, subject to conditions. The department's recommended conditions of consent will ensure that the construction and future operation of the proposed facilities will maintain the environmental and residential amenity of the surrounding environment.

5.2. Recommendation

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Development Assessment Systems and Approvals:

- (a) **consider** the findings and recommendations of this report;
- (b) **grant** concurrence under Clause 4.6 of Randwick Local Environmental Plan 2012 to contravene the development standard in Clause 4.3 - Height of buildings;
- (c) **approve** the State significant development application for the construction and operation of Stage 2 of the NCCC and AATC (SSD 6180), subject to conditions of consent set out in the attached instrument at **Appendix D**; and
- (d) **sign** the attached development consent at **Appendix D**.

Prepared by:



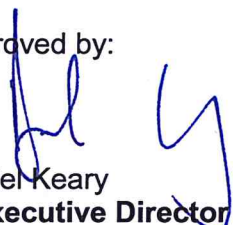
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Approved by:

 7/5/14

Daniel Keary
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Development Assessment Systems and Approvals

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

1. Environmental Assessment
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6180.
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=list_submissions&job_id=6180.
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6180.

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

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this SEPP are to identify State significant development and State significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

The proposal is for SSD in accordance with s. 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because the staged development of the NCCC and AATC is development for the purpose of a hospital with a capital investment value (CIV) in excess of \$30 million, under clause 14 (Hospitals, medical centres and health research facilities) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 provides clear definitions of hazardous and offensive industries and aims to facilitate development defined as such and to ensure that in determining developments of this nature, appropriate measures are employed to reduce the impact of the development and require advertisement of applications proposed to carry out such development.

A preliminary hazard analysis assessment is required if the development is identified as a potentially hazardous or potentially offensive development. The preliminary hazard assessment for the development indicates that the radioactive materials and clinical waste to be handled or stored on the site would exceed threshold levels. The applicant has provided a relevant radiation management licence, which the applicant has indicated that the operation of the cancer treatment facilities would continue to adhere to. The preliminary hazard assessment indicates that the development would result in the storage and transport of clinical waste which would exceed the criteria. Any development that exceeds this threshold must be forwarded to the department. The department considers that as the proposal is primarily a consolidation of existing services, the existing procedures for storage and transporting clinical waste would continue to be satisfactory for the existing services and additional services.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to provide a state wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances

consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

A phase 1 contamination assessment was undertaken for the concept proposal and a detailed contamination assessment was undertaken for the Stage 1 works. The contamination assessments undertaken for the site concluded that the potential concentrations of contaminants are below the site assessment criteria and that the site was suitable for the continued hospital use. Accordingly, the contamination assessment submitted with this application confirms that the site is a relatively low risk site from a contamination perspective as investigations have shown that the contaminant concentrations are below the site assessment criteria and the soil conditions are suitable for continued use of the site for hospital purposes.

The department is satisfied that, in accordance with clause 7 of the SEPP, the investigations undertaken of the subject site demonstrate that the site can be made suitable for the continued use for the intended purpose.

State Environmental Planning Policy (Infrastructure) 2007

The aim of the Infrastructure SEPP is to facilitate the effective state wide delivery of infrastructure by providing greater flexibility in the location of infrastructure and service facilities, allowing the development of surplus government land, identifying relevant environmental assessment categories for development and relevant matters to be considered and providing for consultation with relevant public authorities.

Schedule 3 of the Infrastructure SEPP requires traffic generating development to be referred to the RMS. The proposal was referred to the RMS who raised no objection to the development.

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

SEPP 64 aims to ensure that signage is compatible with the desired amenity and visual character of an area, is suitably located and is of high quality design.

The proposed signage includes identification signage and way finding signage for the hospital. The signage is compatible with the signage within the remainder of the campus, appropriately located and sized within the context of the proposed new building and characteristic of signage located at health facilities. The signage and any illumination is necessary for the functioning of the hospital and would not adversely impact any environmentally sensitive locations or adversely impact any views or vistas.

Randwick Local Environmental Plan 2012 (RLEP 2012)

The development is consistent with the aims of RLEP 2012 to support the efficient use of land, vibrant centres, integration of land use and transport, and an appropriate mix of uses. The development is consistent with the aim of the special uses zone in the RLEP 2012 to provide infrastructure and protect the land for community purposes. Consideration of the relevant clauses of the LEP is provided in **Table 1**.

Table 1: Consideration of RLEP 2012

RLEP 2012 Criteria	Complies	Department Comment / Assessment
Clause 2.3 - Zone objectives and Land Use Table	Complies	Development is permissible in the SP2 Infrastructure – Health Service Facility zone and consistent with the objective of the zone.
Clause 2.7 - Demolition requires development consent	Complies	Development consent is being sought for the demolition of the eastern wing of the Institute of Oncology building.

Clause 4.3 - Height of buildings	No	A 24 metre zone applies to part of the site and the proposed building at 40.89 metres exceeds this height limit. A variation to the development has been sought under clause 4.6 (see below).
Clause 4.6 - Exceptions to development standards	Complies	<p>The applicant has advised in the EIS that a variation to the height of building standard is requested as it is unreasonable in the circumstances of the case to require compliance and there are sufficient planning grounds to support the variation. Specifically, the applicant has stated that the proposal meets the objectives of the development standard and the zone and therefore strict compliance with the control is not necessary as this would result in an oddly shaped building and compromise the delivery of important social infrastructure. The applicant also contends that as no adverse environmental amenity impacts would result and the significant public benefit that would be provided justifies the variation to the development standard.</p> <p>The department has considered the applicant's request and recommends that a concurrence be issued for the exception to the development standard as the applicant's request satisfactorily demonstrates that the development standard is not appropriate in respect of this development and the development is consistent with the objectives of the zone and the development standard. Maintaining the development standard would not be in the public interest and could impede the delivery of social infrastructure for the region and therefore issuing a concurrence for the exception to the development standard is recommended.</p>
Clause 5.9 - Preservation of trees or vegetation	Complies	No trees are to be removed as part of the Stage 2 development.
Clause 5.10 - Heritage conservation	Complies	The proposal is located adjacent to heritage items and within a heritage conservation area, within and outside the campus. The department has considered the heritage impacts of the development (see Section 4.2.2 of the report) and considers that the heritage impacts are satisfactory as the proposal facilitates the conservation of the heritage items, the proposal incorporates additional conservation measures and the amenity impacts are generally acceptable. Whilst the setting of the heritage items would be altered, the restoration of views to the heritage items and greater activation and transparency around the heritage items provides an overall improved setting.
Clause 6.2 - Earthworks	Complies	The applicant has considered the impacts of the earthworks and proposes measures to mitigate the impacts. In addition to the applicant's proposed mitigation measures, The department's recommended conditions of consent would ensure that the proposed earthworks would have no adverse environmental impacts and the heritage items would be monitored during excavation and construction works.
Clause 6.8 - Airspace operations	Complies	The department has consulted with SACL, a delegate of the Department of Infrastructure and Regional Development (DIRD). SACL indicated that the penetration into the prescribed airspace for Sydney Airport would require approval from the DIRD. The DIRD recently granted approval for the permanent penetration of elements of the proposal and activities into the restricted airspace for Sydney Airport as well as for cranes.

Clause 6.10 - Essential Services	Complies	The proposal considers the requirements for services and the department is satisfied that the services are already available to the site or would be made available for the new building.
Clause 6.11 - Design Excellence	Complies	The department considers the development exhibits design excellence as it: activates the ground level; improves permeability of the campus; provides an appropriate interface with the surrounding public domain areas; is generally consistent with the character of the campus; is designed to address sustainability requirements for Crown development; considers the potential life cycle of the structure; achieves a high standard of architectural design as it responds to the heritage setting by minimising the bulk and scale through modulation of the building and articulated facades with variations to the materials for each of the modules; and provides a visually interesting building which responds to the prominent location within the campus and interface with the Randwick Town Centre. The proposal would not have any detrimental impacts on views and would provide an overall improved setting for the heritage items.
Clause 6.12 - Development requiring the preparation of a DCP	Complies	Council's DCP incorporates guidelines and controls for the Randwick Education and Health Specialised Centre and the department's consideration of the DCP is provided below.

Development Control Plans

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

Table 2: Consideration of the relevant DCP

DCP Provisions	Department Comment / Assessment
Part B: General Controls – Chapter B1 Design	
3.1 Context analysis • Provide a context analysis	Provided - complies
3.2 Site analysis • Provide a site analysis	Provided - complies
4.1 Design excellence • Address the 10 design quality principles	Not addressed specifically but the principles are generally addressed in the architectural design statement, which demonstrates that the proposal would achieve design excellence as well as respond to the heritage context.
Part B: General Controls – Chapter B2 Heritage	
2.2 Design and Character • Demonstrate how it respects the heritage values of the heritage item or the heritage conservation area • Incorporate common elements of the streetscape into design • Consistency with horizontal lines within the streetscape • Avoiding large blank walls	The site is located adjoining heritage items within the campus (which is further addressed in consideration of Chapter E2 below) and located within in the High Cross Conservation Area and adjacent to the High Cross Reserve. The proposal generally complies with these controls which have been considered in the design of the building and in the Heritage Impact Statement provided with the EIS.
2.4 Siting and Setbacks • Conform to predominant front setbacks • Retain existing landscape character of the heritage item or conservation area and important landscape features	The proposal is located within an existing footprint and seeks to enhance the landscaped setting.

2.6 Materials, Finishes and Colour Schemes <ul style="list-style-type: none"> Materials for pathways and driveways must be consistent with the heritage conservations area 	<p>The proposed paving treatment was considered appropriate within the landscaped setting. Whilst council raised concerns with discontinuity due to the variation in the size of the paving between pedestrian and vehicle areas, the department considers this treatment appropriate as the materials and colours would remain consistent.</p>
2.9 Garages, Carports, Car spaces and Driveways <ul style="list-style-type: none"> Large areas of concrete should be avoided and alternative materials such as pavers, gravel or permeable paving must be considered and car parking should generally be unobtrusive 	<p>The proposal provides new paving for the car parking areas and enhances the formal landscaped area along Avoca Street.</p>
2.10 Fences <ul style="list-style-type: none"> Front fences must not obscure building facades New fence heights and form must be appropriate to the character of the heritage item, or to the heritage conservation area Retain, repair or reconstruct original fences and retaining walls where possible 	<p>The significant fencing along Avoca Street would be reinstated and the concrete fencing along High Street is lower than existing fencing and only extends section of the High Street boundary while new opening have been provided which ensures greater visibility into and out of the site. The solid fencing is appropriate within the context of the hospital campus and is only located in front of the new building and therefore would not obscure views to the heritage items.</p>
4.6 High Cross Conservation Area <ul style="list-style-type: none"> Consider key values and characteristics of the High Cross Conservation Area 	<p>The proposal has acceptable impacts on the significance of the conservation area as the proposal is consistent with the institutional context of the campus and the conservation of the significant elements of the campus that contribute to the conservation area.</p>
Part B: General Controls – Chapter B3 Ecologically Sustainable Development	
2 Building Materials and Finishes <ul style="list-style-type: none"> Submit a schedule of materials and demonstrate use of sustainable materials 	<p>Complies</p>
Part B: General Controls – Chapter B4 Landscaping and biodiversity	
2 Landscape Plan <ul style="list-style-type: none"> Prepare a landscape plan 	<p>Complies</p>
3.1 Existing vegetation and natural features <ul style="list-style-type: none"> Maximise retention of existing vegetation 	<p>Proposal does not remove any vegetation</p>
3.2 Selection and location of plant species <ul style="list-style-type: none"> Planting to comprise a minimum 50 per cent of native species, if appropriate within the heritage setting 	<p>The applicant provided additional information regarding the tree planting in the Response to Submissions. Council considered the proposed tree planting acceptable.</p>
3.3 Water Efficiency <ul style="list-style-type: none"> Maximise capture of rainwater Landscaping design to minimise water consumption 	<p>The proposal increases paved areas due to the provision of additional pedestrian access which would increase impervious areas. However, additional garden beds are provided instead of lawns which would minimise water consumption.</p>
3.4 Outdoor car parks & circulation areas <ul style="list-style-type: none"> Incorporate landscaping in car 	<p>Complies</p>

parking areas including along perimeter to provide shading however maintain visibility and sightlines	
Part B: General Controls – Chapter B6 Recycling and waste management	
2 Recycling and Waste Management Plan • Submit a Waste Management Plan	The waste management plan for the hospital has been submitted.
3 Demolition and Construction • Identify storage areas and likely waste streams for demolition and construction waste	To be identified in the construction management plan. This would need to be prepared prior to demolition works as per the recommended conditions of consent.
4 On-going operation • Identify waste storage facilities and provide waste generation details	The waste management plan for the hospital has been submitted and would be updated accordingly for the new facilities.
Part B: General Controls – Chapter B7 Transport, Traffic, parking and access	
2.1 Public Transport • Support transport measures that promote use of public transport, walking and cycling	The proposal provides limited car parking and seeks to promote use of the future light rail as part of the sustainable travel plan to be prepared for the development.
2.5 Traffic and parking study requirements • Provide: ▪ transport assessment study and travel plan; ▪ parking and access study; and ▪ construction traffic management plan (preliminary)	Complies
3.2 Vehicle Parking Rates and 3.3 Exceptions to Parking Rates • Provide for cars 1 visitor space per 3 beds; plus 1 space per 2 staff; plus 1 space per doctor • Provide motorcycle spaces at 5 per cent of car parking rate • Consider type and scale of development, parking provisions for comparable development, existing facilities, site constraints, heritage considerations, on-street car parking in the area, public transport accessibility, access to other services, safety and sustainable transport options.	The proposal does not comply, however, given the site's accessibility to public transport services (including the future light rail services), site's existing car parking provisions, site constraints and the intended implementation of a sustainable travel plan, the car parking provided is considered acceptable.
3.7 Parking layout, configuration & dimensions • Design of spaces to comply with Australian Standards • All vehicles must enter and exit in a forward direction	These requirements are addressed in the recommended conditions of consent.
3.9 Service and Delivery Vehicles • Provide 1 service deliver space per 2,000 sqm (50 per cent of spaces must be adequate for trucks)	The proposal comprises consolidation of existing services and service delivery would utilise existing facilities available on the campus in designated areas for loading and unloading and therefore additional provision would not be necessary.
4 Bicycles • Provide 1 bike space per 10 car	Bicycle parking requirements are addressed in the

parking spaces	recommended conditions of consent.
Part B: General Controls – Chapter B8 Water management	
2 Water Conservation <ul style="list-style-type: none"> Provide rainwater tanks and use rainwater for non-potable water demands 	Considered by the applicant as one of the sustainable measures. Feasibility to be determined upon final design of sustainability measures.
3.1 Water Quality <ul style="list-style-type: none"> Capture sediments and pollutants from car parking areas 	These requirements are addressed in the recommended conditions of consent.
3.2 On-site Detention and infiltration <ul style="list-style-type: none"> Provide on-site detention and infiltration systems 	On site-detention provided in Stage 1 works.
3.3 Construction water management <ul style="list-style-type: none"> Soil and erosion management plan to be provided 	Initial details have been provided to council and further requirements are covered in the recommended conditions of consent.
3.4 Stormwater infrastructure <ul style="list-style-type: none"> Design and install stormwater infrastructure in accordance with council's stormwater code 	Initial details have been provided to council and further requirements are covered in the recommended conditions of consent.
4.1 Site investigations, 4.2 Basement design and construction and 4.3 Groundwater during construction <ul style="list-style-type: none"> Identify whether basement would be affected by groundwater If groundwater is encountered, the basement must be designed so it does not need to be de-watered and is suitably waterproofed Natural flowpaths of groundwater must also be maintained Outline dewatering measures during construction 	Initial details have been provided to council and further requirements are covered in the recommended conditions of consent.
Part E: Specific Sites - Chapter E2 Randwick Education and Health Specialised Centre	
3.4.1 Uses <ul style="list-style-type: none"> Locate high public interface activities in Clinical Core Precinct with a High Street Interface and Heritage Precinct Encourage adaptive re-use within Heritage Precinct 	The proposal is located within the Heritage Precinct and improves permeability of the site, which facilitates greater activation around the heritage items and supports the ongoing adaptive re-use of these heritage items.
3.4.Site Planning <ul style="list-style-type: none"> Setbacks: <ul style="list-style-type: none"> High Street – 6 m setback or align with existing buildings Avoca Street - align with primary frontage of Catherine Hayes and Edmund Blacket Buildings Improve or maintain key campus connections, public domain / landscaped areas and open spaces 	The proposal is located within the footprint of the existing building, which is located along the High Street site boundary and behind the Avoca Street setback. However, the podium of the proposal provides: a setback to High Street, which would improve the pedestrian environment along High Street; and an increased setback to the Superintendent's Residence and provision of a formal entry / pathway, which would enhance visual and pedestrian connections into the campus. The proposal maintains existing open space areas as well as providing new entrances along High Street / pathways from High Street, which enhances access to open spaces and permeability of the campus.
3.4.3 Heritage Conservation <ul style="list-style-type: none"> Conserve and manage heritage components 	The proposal facilitates the conservation of the heritage items as it limits the building to the existing footprint of an intrusive

	<p>element. The proposal provides additional conservation measures to address the heritage impacts and has an acceptable amenity impacts on the surrounding heritage items / conservation areas.</p>
<p>3.4.4 Landscape and open space</p> <ul style="list-style-type: none"> • Maintain and enhance formal landscape frontage to Avoca Street • Improve access and views to gardens and open space areas 	<p>The proposal landscaping would complement the Avoca Street landscaped setting and improve landscaped setting along High Street. The increased transparency along High Street and additional pedestrian access points would also improve views and access in and around the heritage items and the significant open space areas.</p>
<p>3.4.5 Built form</p> <ul style="list-style-type: none"> • Provide covered entries • Minimise large expanses of blank walls • Ground level should relate to the human scale with clear horizontal articulation • Roof design should minimise visual bulk of services and plant • Incorporate passive surveillance and CPTED design principles 	<p>The proposal would address the built form requirements as it:</p> <ul style="list-style-type: none"> • would provide a covered main entrance as well as a formal vehicle drop off area; • has a modulated and articulated building design; • provides a podium level with setbacks to High Street and the Superintendents Residence to ensure the proposal relates to the lower scale buildings and the human scale; • the design of the building minimises the bulk and scale of the plant by extending the façade design to the plant levels and unifying the plant with the separate modulated elements as well as setting back the plant from the prominent eastern and northern facades; and • the proposal incorporates glazing elements along the northern, eastern and southern elevations, which facilitates passive surveillance of the High Street pedestrian environment and towards the main entrance, internal pedestrian pathways and towards to the open spaces and garden areas.
<p>3.4.6 Amenity</p> <ul style="list-style-type: none"> • Provide access and views to open spaces and gardens • Facilitate opportunities for staff interaction • Design stairs to encourage incidental exercise • Use art and colour to assist with space orientation and identity 	<p>The department considers the proposal provides appropriate amenity outcomes as:</p> <ul style="list-style-type: none"> • it provides improved access, connections, landscaping and overall permeability around the site, which will improve the overall campus amenity; • it restores views to heritage items and improves views into the campus; • provides internal stairs to the lower levels of the NCCC floors to facilitate movement and interaction in the lower levels; and • the building adopts appropriate colours to identify the building whilst being sympathetic to the heritage setting.
<p>3.4.7 Movement and Circulation</p> <ul style="list-style-type: none"> • Retain public vehicle access from Barker Street / Easy Street and avoid vehicle access from Avoca and High Street • Facilitate long term circulation network • Provide pedestrian and cycle network improvements 	<p>The proposal provides additional pedestrian access to the campus and makes no changes to the vehicle access arrangements for the campus. The additional pedestrian access points and additional pathways would facilitate the delivery of the preferred primary circulation and open space network, including facilitating connections from High Street to, and through, the formal landscaped frontage to Avoca Street.</p>
<p>Part F: Miscellaneous Controls - F2 Outdoor advertising and signage</p>	
<p>2 General</p> <ul style="list-style-type: none"> • Signage must: have a clear purpose; be compatible with the development and surrounding development; must not dominate 	<p>The proposed signage zones would support building identification signage and way finding signage for the hospital. The signage will be compatible with the signage within the remainder of the campus. The department</p>

the building or obscure architectural features; be appropriately sized; be in English; must not detract from the heritage significance; and must not be flashing or animated.	considers the signage zones to be appropriately located and sized within the context of the proposed new building and characteristic of signage located at health facilities. The signage, and any illumination, are necessary for the functioning of the hospital and would not adversely impact any environmentally sensitive locations or adversely impact any views or vistas.
3.4 Special Purpose Zones <ul style="list-style-type: none"> • Signage must not be flashing or animated • Signage must be integrated with building design • Minimise number of signs 	The proposal includes two signage zones, on the eastern and western elevations. These signage zones have been designed to be integrated with the design of the building and will facilitate way finding to the hospital building. The department considers the signage zones are appropriately sized and positioned.
Part F: Miscellaneous Controls - F3 Sydney Airport planning and noise impacts	
2 Airspace Operations <ul style="list-style-type: none"> • Submit details of the highest features of the building for referral to SACL • Landscaping must not intrude into restricted airspace • Submit details of the cranes that may be used 	The applicant submitted an application to the Department of Infrastructure and Regional Development (DIRD) for approval of the permanent penetration of the flue into restricted airspace. The DIRD recently granted approval for the permanent penetration of elements of the proposal and activities into the restricted airspace for Sydney Airport as well as for cranes.

APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
 - (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.
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APPENDIX D RECOMMENDED CONDITIONS OF CONSENT
