



New South Wales Government
Independent Planning Commission

Redevelopment of Greenwich Hospital (Concept) SSD-8699

Statement of Reasons for Decision

Peter Duncan (Chair)
Adrian Pilton

10 November 2020

Redevelopment of Greenwich Hospital, Concept (SSD-8699) Final Report ©
State of New South Wales through the Independent Planning Commission 2020

Independent Planning Commission NSW
Level 3, 201 Elizabeth St Sydney NSW Australia
Telephone: (02) 9383 2100
Email: ipcn@ipcn.nsw.gov.au
ABN: 38755709681

Disclaimer:

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

The Independent Planning Commission NSW advises that the maps included in the report are to give visual support to the discussion presented within the report. Hence information presented on the maps should be seen as indicative, rather than definite or accurate. The State of New South Wales will not accept responsibility for anything, or the consequences of anything, done or omitted to be done in reliance upon the mapped information.

TABLE OF CONTENTS

| | |
|---|-----------|
| DEFINED TERMS | 1 |
| 1 INTRODUCTION | 2 |
| 2 THE APPLICATION | 3 |
| 2.1 Site and Locality | 3 |
| 2.2 Summary of the Application | 4 |
| 3 THE DEPARTMENT’S CONSIDERATION OF THE APPLICATION | 5 |
| 3.1 Key Steps in the Department’s Consideration | 5 |
| 3.2 The Department’s Assessment Report..... | 5 |
| 4 THE COMMISSION’S CONSIDERATION | 6 |
| 4.1 The Department’s Assessment Report..... | 6 |
| 4.2 The Commission’s Meetings | 6 |
| 4.3 Public Comments | 6 |
| 5 MATERIAL CONSIDERED BY THE COMMISSION | 7 |
| 6 STRATEGIC CONTEXT | 7 |
| 7 STATUTORY CONTEXT | 9 |
| 7.1 State Significant Development | 9 |
| 7.2 Mandatory Considerations | 10 |
| 8 CONSIDERATION OF KEY IMPACTS | 12 |
| 8.1 Site Suitability..... | 12 |
| 8.2 Building Envelopes and Urban Design | 13 |
| 8.3 Amenity Impacts..... | 15 |
| 8.4 Transport, Traffic and Access | 17 |
| 8.5 Heritage..... | 18 |
| 8.6 Biodiversity Impacts | 19 |
| 8.7 Other Issues..... | 20 |
| 9 CONCLUSIONS: THE COMMISSION’S FINDINGS AND DETERMINATION | 20 |

DEFINED TERMS

| ABBREVIATION | DEFINITION |
|-----------------------------|--|
| Applicant | HammondCare |
| Application | The SSD Application referred to the Commission on 17 September 2020 |
| ARP | Department's Assessment Report Paragraph |
| CIV | Capital Investment Value |
| Commission | Independent Planning Commission of NSW |
| Council | Lane Cove Council |
| Department | Department of Planning, Industry and Environment |
| Department's AR | Department's Assessment Report |
| EIS | Environmental Impact Statement |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EPI | Environmental Planning Instrument |
| LGA | Local Government Area |
| Material | The material set out at paragraph 32 |
| Regulations | Environmental Planning and Assessment Regulations 2000 |
| RRFI | Response to Request for Further Information |
| RtS | Response to Submissions |
| SEARs | Secretary's Environmental Assessment Requirements |
| Seniors Housing SEPP | State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 |
| SEPP | State Environmental Planning Policy |
| SEPP SRD | SEPP (State and Regional Development) 2011 |
| Site | As described in paragraphs 7-10 of this Statement of Reasons |
| SSD | State significant development |

1 INTRODUCTION

1. On 17 September 2020, the NSW Department of Planning, Industry and Environment (**Department**) referred a State significant development application (SSD-8699) (**Application**) from HammondCare (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination. The Applicant seeks approval for a concept development application pursuant to section 4.22 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and has specified that the detailed proposal will be submitted as a single subsequent application.
2. Greenwich Hospital is in the Lane Cove Local Government Area (LGA), on Sydney's Lower North Shore. The hospital is operated by HammondCare, with services including rehabilitation, palliative and supportive care, pain management and mental health care for older people.
3. The Application seeks concept approval for demolition of all existing buildings other than Pallister House, and construction of a new hospital building with 150 combined hospital and residential care beds, two seniors living blocks with 89 two-bedroom units, a respite care facility, and 329 car parking spaces (the **Project**).
4. The Application is State significant development under section 4.36 of the EP&A Act as the hospital component of the Project has a Capital Investment Value which meets the threshold of \$30 million under clause 14 of Schedule 1 to the *State Environmental Planning Policy (State and Regional Development) 2011 (SEPP SRD)*. As the Application represents a single proposed development that partly comprises State significant development, the Application is declared under clause 8(2) of the SEPP SRD to be State significant development in its entirety. The SSD status of the Application is discussed in detail at paragraphs 43-48 of this Statement of Reasons.
5. The Commission is the consent authority in respect of the Application under section 4.5(a) of the EP&A Act and clause 8A of the SEPP SRD as the Department received more than 50 unique public objections, while Lane Cove Council also objected to the Application.
6. Professor Mary O'Kane AC, Chair of the Commission, nominated Peter Duncan AM (Chair) and Adrian Pilton to constitute the Commission determining the Application.

2 THE APPLICATION

2.1 Site and Locality

7. Greenwich Hospital is located at 97-115 River Road, Greenwich, and comprises Lot 3 and Lot 4, DP 584287 (the **Site**). The overall area of the Site is approximately 3.4 ha.
8. The Department describes the Site in Assessment Report Paragraph (**ARP**) 1.2.1, 1.2.2, 1.2.3 and 1.2.4. Lot 3 DP 584287 contains existing hospital buildings from one to five storeys in height, associated inpatient and outpatient facilities, car parking and service areas. The main hospital building comprises 58 inpatient hospital beds and facilities for palliative care, cancer rehabilitation and general rehabilitation health care services. Lot 4 DP 584287 contains a two-storey, late Victorian house and its grounds. The house and grounds are collectively known as Pallister and are listed as State heritage item SHR 00574. Pallister House is in use as the hospital's dementia centre, research facilities and education services. The Site includes established vegetation, with some significant trees at various locations around the site and including large stands of trees at its east and south.
9. The Department describes the surrounding area at ARP 1.3.1, 1.3.2, 1.3.3 and 1.3.4. The Site sits within a predominantly low-density residential area comprising of mostly one and two-storey residential dwellings, as well as Greenwich Public School to the north and Gore Creek Reserve to the south-west of the Site.
10. The location of the Site is illustrated in Figure 1 below.

Figure 1: Site Location (source: Department's AR dated September 2020)



2.2 Summary of the Application

11. The Application is a concept proposal for redevelopment of the Site, including construction of a hospital building comprising 150 combined hospital and residential care beds, 89 two-bedroom apartments for use as seniors living, a respite care facility, and 329 car spaces comprising of 31 on ground car spaces and 298 basement car spaces.
12. The Department's Assessment Report (Department's AR) describes the Application at ARP 2.1.1. Key information is summarised in Table 1, below.

Table 1: Summary of the proposed Application (source: Department's AR)

| Aspect | Description |
|--------------------|--|
| Demolition | All existing structures except Pallister House |
| Built form | Hospital building envelope: max. height of RL 80 (up to 10 storeys). Respite care building envelope: max. height RL 55.1 (three storeys). Seniors living building envelopes: max. height of northern envelope RL 62.6 (up to seven storeys) and southern envelope RL 63.2 (up to seven storeys). |
| GFA | Health: 14,500sqm. Seniors living: 13,000sqm. |
| Capacity | Hospital: 150 beds (inpatient hospital beds, palliative care beds and residential aged care beds). Seniors living: 89 two-bed units. |
| Parking | 329 spaces, comprising of basement car spaces for the hospital (209) and seniors living (89) and on-ground car spaces for drop off/pick up (10), access road (10) and visitors (11). |
| Site works | Remediation, excavation and stormwater management |
| Landscaping | Removal of 86 trees Planting of 60 trees |
| Hours of operation | 24 hours a day, seven days a week. |
| Employment | 174 operational jobs |
| CIV | \$141.5 million. |

13. The proposed staging of development is described at ARP 2.3.1. The Applicant proposes to develop the hospital building first, followed by the seniors living apartments second, and the respite care building last.
14. The Application is for a concept proposal only and does not permit the carrying out of any works until further detailed consent is granted. The Applicant has specified that the Application will be followed by a single subsequent detailed application.

3 THE DEPARTMENT'S CONSIDERATION OF THE APPLICATION

3.1 Key Steps in the Department's Consideration

15. The Department received the Environmental Impact Statement (**EIS**) in January 2019, with subsequent documents set out below.
 - Response to Submissions (RtS), dated 18 September 2019
 - Response to Request for Information (RRFI), dated 23 June 2020
 - Letter to the Department with amended plans, dated 10 July 2020
16. The Department's engagement is described in Chapter 5 of the Department's AR. The EIS was publicly exhibited from 14 February 2019 to 5 April 2019. The Department received a total of 198 submissions, including nine from public authorities (including one objection from Council), 10 from special interest groups (eight objecting) and 177 public submissions (161 objecting).
17. The key issues raised in submissions on the EIS are summarised in the Department's AR in Table 6 (public authorities) and Table 7 (special interest groups and public).
18. The Applicant submitted a RtS which was publicly exhibited from 24 October 2019 to 18 December 2019. The Department received 136 submissions on the RtS, including nine from public authorities (including one objection from Council), eight from special interest groups (six objecting) and 119 public submissions (109 objecting).
19. The key issues raised in the submissions on the RtS are summarised by the Department at ARP 5.7.1 (public authorities) and ARP 5.8.1 (special interest groups and public).

3.2 The Department's Assessment Report

20. ARP 6.1.1 lists the following key issues identified by the Department:
 - site suitability
 - building envelopes and urban design
 - amenity
 - transport and traffic
 - heritage
 - biodiversity
21. Section 6.2 to section 6.7 of the Department's AR sets out the Department's detailed consideration of the above key issues, with section 6.8 addressing other issues associated with the proposal, and section 6.9 addressing public interest.
22. The Department's conclusions regarding the identified key issues are set out at ARP 7.1.8. The Department finds that all identified impacts can be addressed through the future detailed application and the recommended conditions of consent.
23. At ARP 7.1.9 the Department finds that the proposal is in the public interest and would meet an identified need for health infrastructure, contribute to a diversity of housing types through the proposed integrated care model, involve an investment of \$141.5 million and support 174 operational jobs.

24. At ARP 7.1.11 the Department concludes that the Application can be approved subject to conditions of consent.

4 THE COMMISSION'S CONSIDERATION

4.1 The Department's Assessment Report

25. Under section 4.6 of the EP&A Act, certain functions of the Department are to be exercised by the Planning Secretary on behalf of the Commission, including "*undertaking assessments of the proposed development and providing them to the Commission (but without limiting the assessments that the Commission may undertake)*" (section 4.6(b)). The Planning Secretary's assessment of the Application is set out in the Department's AR.

4.2 The Commission's Meetings

26. As part of its determination, the Commission held meetings with the Department, Applicant and Council, as well as a Public Meeting and a Site inspection, as set out in **Table 1**. All meeting transcripts and presentations, as well as Site inspection notes and locational photographs, were made available on the Commission's website.

Table 1 – Commission's Meetings

| Meeting | Date of Meeting | Transcript/Notes Available on |
|-----------------|-------------------|-------------------------------|
| Department | 1 October 2020 | 6 October 2020 |
| Applicant | 8 October 2020 | 13 October 2020 |
| Council | 1 October 2020 | 6 October 2020 |
| Public Meeting | 15 October 2020 | 21 October 2020 |
| Site Inspection | 24 September 2020 | 27 September 2020 |

27. The Site Inspection was held on 24 September 2020 and was attended by the Commission, the Applicant, and representatives of two local community groups. Notes and a photographic log of the Site visit were published on the Commission's website on 27 September 2020, documenting locations visited by the Panel and summarising key observations and discussions.
28. The Public Meeting was held on 15 October 2020, with the Commission appearing from a studio in Sydney and broadcast live on the Commission's website and Twitter. All speakers appeared via videoconference or telephone. The Commission heard presentations from 25 registered speakers in addition to the Department and the Applicant.

4.3 Public Comments

29. The Commission invited written submissions from 17 September 2020 to 23 October 2020. A total of 43 written submissions were received, including 39 objections, two in support and two neither supporting nor objecting to the Application.
30. Key issues raised as objections in the Public Meeting and in written submissions to the Commission included:
- Built form
 - Seniors living use
 - Traffic, transport and parking
 - Neighbouring Amenity

- Biodiversity
- Site suitability
- Heritage

31. Presentations and submissions in support of the proposal noted that the proposal meets evidenced demand for healthcare infrastructure and seniors living and is in the public interest.

5 MATERIAL CONSIDERED BY THE COMMISSION

32. In this determination, the Commission has carefully considered the following material (**material**):

- the Secretary's Environmental Assessment Requirements (**SEARs**) issued by the Secretary, dated 24 August 2017;
- the Applicant's EIS prepared by Barker Ryan Stewart, dated 30 January 2019, and accompanying appendices;
- all submissions made to the Department in respect of the Application during the public exhibition period of 14 February 2019 to 5 April 2019;
- all Council and Government agency submissions made to the Department in respect of the Application;
- the Applicant's RtS prepared by Ethos Urban, dated 18 September 2019, and accompanying appendices;
- all submissions made to the Department in respect of the Application during the public exhibition of the RtS from 24 October 2019 to 18 December 2019;
- the Applicant's RRFI prepared by Ethos Urban, dated 23 June 2020 and 10 July 2020 and accompanying attachments;
- the Applicant's letter prepared by Ethos Urban, dated 10 July 2020, and accompanying attachments;
- the Department's AR, dated September 2020;
- the Department's draft Development Consent;
- all speaker comments and presentations to the Commission at the public meeting held on 15 October 2020;
- all written comments received by the Commission up until 23 October 2020;
- the Department's written response to questions from the Commission, dated 5 November 2020.

6 STRATEGIC CONTEXT

Applicant's Consideration

33. In its RtS report, the Applicant summarised the objective of the proposal as follows:

The long-term vision of the proposed Concept Plan involves transforming the Greenwich Hospital from a dated, 1960's facility which is no longer fit for purpose, into an integrated, contemporary healthcare campus with specialised care services for seniors and people with complex health needs to meet the growing community demand in Northern Sydney Local Health District (NSLHD).

34. The RtS report also emphasises the contribution of the seniors living to the ongoing financing of the Applicant's operations:

The inclusion of seniors living as part of the health campus is a responsible use of the site to ensure the long-term financial sustainability of HammondCare's broader range of services. As there is no public money or government funding for capital works on Schedule 3 hospitals, the capital for this important project is fully funded by HammondCare who relies on revenue from its operations, donations and government grants to fund their network of care services

Department's Assessment

35. The strategic context of the proposal is assessed in Chapter 3 of the Department's AR. ARP 3.1.1 states that the proposal would:

...address the need for social infrastructure and additional housing to support seniors living by co-locating these services....It would improve access to specialist services, including: inpatient and outpatient palliative care; rehabilitation; older persons' mental health; dementia care; restorative care; supported seniors' living; and emergency and short-term respite.

36. At ARP 3.1.2 the Department states that the proposal would:

...create jobs, stimulate the economy and deliver a vital service for the future community. It would provide direct investment in the region of approximately \$141.5 million, and ultimately support 174 operational jobs.

37. At ARP 3.2.1 the Department finds that the Proposal is consistent with the Greater Sydney Regional Plan - A Metropolis of Three Cities, the Greater Sydney Commission's North District Plan, the Future Transport Strategy 2056, the Site Infrastructure Strategy 2018, and Lane Cove Council's Local Strategic Planning Statement.

Public Comments

38. Public submissions received by the Commission were generally supportive of the principle of renewing and expanding healthcare facilities at the Site. Objections focussed on the strategic merit of the proposed seniors living buildings, including concerns that the proposed seniors living buildings would limit future expansion of healthcare facilities at the Site. Submitters also sought clarity on the precise definition of the proposed seniors living and controls on the range of acceptable uses.

Commission's Findings

39. The Commission has noted public concern regarding the potential for the Applicant to offer long-term leases for the seniors accommodation, potentially hindering future redevelopment or changes of use of buildings on the Site. The Applicant's RtS states that the seniors living would be offered on a licensed basis and will remain in the ownership of the Applicant. A licence is a more flexible arrangement than a lease. A lease runs with the land, which is not the case for a licence. If ownership of the land changes, then a licensee would not have any rights against the new owner, unless the licence is transferred by agreement between the old owner, the new owner and the licensee. The Commission considers that the Applicant's commitment to offering the seniors living on a licensed basis will remove possible obstacles to future expansion of health care at the Site.
40. Public comments also raised concerns regarding unclear descriptions of the seniors living in the Application. The Commission notes that the EIS identifies the seniors living as serviced self-care housing, which is defined at clause 13(3) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (**Seniors Housing SEPP**) as:

... serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

41. The Commission notes the community concerns regarding the lack of enforceable controls on the end user of the proposed seniors living. The Commission has accordingly imposed a condition of consent which limits the occupancy of the seniors housing to the kind of people referred to in Clause 18(1) of the Seniors Housing SEPP, which includes:

(a) seniors or people who have a disability,

(b) people who live within the same household with seniors or people who have a disability,

(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy

The added condition satisfies Clause 18(2)a of the Seniors Housing SEPP which prevents a consent authority from granting development consent under Chapter 18 without imposing a condition restricting the end user.

42. The Commission agrees with the Department's findings that the proposal is consistent with relevant strategic planning policies.

7 STATUTORY CONTEXT

7.1 State Significant Development

The Applicant's Consideration

43. The EIS and RtS state that the Application is SSD, with the Applicant emphasising the connection of the proposed seniors living and health care uses. The RtS states:

A key design principle of the health campus is the synergy between functions that are both reliant and complimentary [sic] to each other. As a result, the composition, placement and interrelationships of differing functions are carefully considered to form a single, integrated development...Accordingly, the seniors living uses are permissible at the site pursuant to SEPP SRD and the whole development constitutes SSD in accordance with Clause 8(2) of SEPP SRD.

The Department's Assessment

44. At ARP 4.1.1, the Department finds that the Proposal is SSD, stating:

The proposal is SSD under section 4.36 (development declared SSD) of the Environmental Planning and Assessment Act 1979 (EP&A Act) as the development is for the purpose of a hospital under clause 14 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

45. At ARP 4.1.2, the Department expands on the SSD status, stating:

Whilst the seniors living component of the development is not for the purposes of a hospital (or any other purpose specified under the SRD SEPP), the proposal forms a single integrated concept development and the remainder of the development that is not specified SSD is also declared to be SSD, except where the Secretary determines it is not sufficiently related to the SSD component. The Department is satisfied that the Seniors housing component is sufficiently related given the shared basement facilities for the two components and the broader integrated delivery model across the development.

Council's Consideration

46. In their submission to the Department regarding the RtS, the Council stated:

Council objects to the proposal on a number of grounds, but in particular the inclusion of the Seniors Living in the proposal and calls for the Director General to rule the residential component is not State Significant as it is a prohibited use.

Public Comments

47. Public submissions to the Commission raised concerns regarding the SSD status of the Project and the consequential overriding of local planning controls. Submissions also questioned whether the proposed uses were meaningfully related.

Commission's Findings

48. The Department has evaluated the degree of relatedness between the hospital and seniors living components of the Project and considered the physical connectivity and operational inter-dependency of the uses. The Commission has considered the Department's findings that the proposed seniors living is sufficiently related to the hospital use and agrees that the application is SSD in its totality.

7.2 Mandatory Considerations

49. In determining this application, the Commission is required by section 4.15(1) of the EP&A Act to take into consideration such of the following matters as are of relevance to the development the subject of the Application (**mandatory considerations**):

- the provisions of:
 - any environmental planning instrument;
 - any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the Commission (unless the Planning Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved);
 - any development control plan;
 - any planning agreement that has been entered into under s 7.4 of the EP&A Act, and any draft planning agreement that a developer has offered to enter into under s 7.4;
 - the *Environmental Planning and Assessment Regulations 2000 (Regulations)* to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act;
- that apply to the land to which the Application relates;
- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- the suitability of the site for the development;
- submissions made in accordance with the EP&A Act and Regulations; and
- the public interest.

50. The mandatory considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Project. To the extent that any of the Material does not fall within the mandatory considerations, the Commission has considered that Material where it is permitted to do so, having regard to the subject matter, scope and purpose of the EP&A Act.
51. In accordance with s 4.15(1) of the EP&A Act, the Commission has considered the mandatory considerations. They are addressed in the following sections.

7.2.1 Relevant Environmental Planning Instruments

52. The Commission has considered the following Environmental Planning Instruments (**EPIs**) which apply to the Site:
 - State Environmental Planning Policy (State & Regional Development) 2011
 - State Environmental Planning Policy (Infrastructure) 2007
 - State Environmental Planning Policy No. 55 (Remediation of Land)
 - State Environmental Planning Policy No. 33 (Hazardous and Offensive Development)
 - State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)
 - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
 - State Environmental Planning Policy No. 19 (Bushland in Urban Areas)
 - State Environmental Planning Policy (Coastal Management) 2018
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
 - Lane Cove Local Environmental Plan 2009
53. The Commission agrees with the Department's detailed assessment against the EPIs that are of relevance to the Application, as set out at Appendix B of the Department's AR, including the department's finding that the Application is permissible under the Seniors Housing SEPP.

7.2.2 Proposed Instruments

54. The Commission agrees with the Department's assessment against the Draft State Environmental Planning Policy (Remediation of Land) and the Draft State Environmental Planning Policy (Environment) as set out at Appendix B of the Department's AR.
55. The Commission has noted the proposed new Housing Diversity State Environmental Planning Policy (**Housing Diversity SEPP**), for which an Explanation of Intended Effects has been published. Although the proposed Housing Diversity SEPP may include wide-ranging changes to controls on seniors housing developments, the Statement of Intended Effects is not a proposed instrument that has been the subject of public consultation under the EP&A Act and has not been notified to the Commission. Accordingly, to the extent that the proposed Housing Diversity SEPP is a relevant consideration at all, it is accorded no weight by the Commission.

7.2.3 Development Control Plans

56. Pursuant to clause 11 of SRD SEPP, development control plans do not apply to SSD. Nonetheless, the Commission notes the Department's conclusion at Table B4 that the Application generally complies with the controls in the Lane Cove Development Control Plan 2010.

7.2.4 Relevant Planning Agreements

57. The Commission is satisfied that there are no executed or draft Voluntary Planning Agreements relevant to this Application.

7.2.5 Applicable Regulations

58. The Commission is satisfied that the Application meets the relevant requirements of the Regulations, including procedures in relation to applications, public participation for SSD, and Schedule 2 relating to EISs.

7.2.6 The Likely Impacts of the Development

59. The potential impacts of the project have been considered in section 8 of this Statement of Reasons.

7.2.7 The Suitability of the Site for Development

60. Site suitability has been considered in section 8.1 of this Statement of Reasons.

7.2.8 Submissions

61. Section 4.3 of this Statement of Reasons sets out how the Commission has considered submissions in its determination of the Application.

7.2.9 The Public Interest

62. The Commission agrees with the Department's finding that the Project is in the public interest, as set out at section 6.9 of the Department's AR.

8 CONSIDERATION OF KEY IMPACTS

8.1 Site Suitability

Applicant's Consideration

63. The RtS report included detailed consideration of provisions of the Seniors Housing SEPP relating to site suitability, including clause 26 (Location and Access to Facilities), clause 29 (Consent Authority to Consider Certain Site Compatibility Criteria), clause 30 (Site Analysis); clause 33 (Neighbourhood Amenity and Streetscape), clause 38 (Accessibility) and clause 50 (Standards That Cannot Be Used to Refuse Development Consent).
64. The RtS also discussed the compatibility of the proposed built form with the scale, density and appearance of the surrounds. The Applicant noted the decision *Catholic Healthcare Limited v Randwick City Council* (2019) which highlighted that compatibility is different from sameness and that buildings can exist in harmony without having the same density and scale of appearance.

Department's Assessment

65. ARP 6.2.3 states that the proposed hospital use is consistent with the Site zoning as SP2 Health Services Facilities.
66. ARP 6.2.6 notes that seniors housing is prohibited in the SP2 zone, but the Seniors Housing SEPP overrides this control and allows seniors housing on land zoned SP2 Health Services. The Department notes that seniors housing is not required to be consistent with the underlying objectives of the zone but is required to demonstrate that it meets site and design requirements as set out in the Seniors Housing SEPP.

67. At ARP 6.2.11 the Department states that the Application generally complies with provisions of the Seniors Housing SEPP regarding location, access to facilities, bush fire prone land, water and sewer; however, the Department states that the Application does not comply with the site compatibility requirements of clause 29 of the Seniors Housing SEPP.
68. At ARP 6.2.14, the Department states that the development is not compatible with the surrounding land uses due to the bulk, scale, built form and character of the proposal and the associated impacts on neighbouring properties.
69. At ARP 6.2.18 the Department states that the:

...height of the northern building envelope should be reduced to no higher than the existing development (which would be the equivalent of five storeys), and the southern building envelope be reduced to the height of "Pallister" (the equivalent of six storeys). Limiting the height facilitates a greater gradual transition in height. The modified envelopes would provide a better fit with the neighbourhood and be a reasonable massing for what may be expected for the site.

The Department considers that the height of the seniors housing at seven storeys does not fit at the local neighbourhood scale. This scale was identified to be a 400m radius of the site in Catholic Healthcare Limited v Randwick City Council and is considered relevant for this site given the Pacific Highway is on the border of this radius, which separates the Greenwich neighbourhood from that of St Leonards. The local neighbourhood ranges from one to three storeys with the occasional higher built form.

Commission's Findings

70. The Commission agrees with and has imposed the Department's recommended condition A5, which reduces the maximum height of the building envelope, and agrees with the Department's finding that the Project, subject to the recommended conditions, is acceptable with regard to site suitability.

8.2 Building Envelopes and Urban Design

Applicant's Consideration

71. In its meeting with the Commission, the Applicant raised concerns regarding the Department's recommended conditions A4 and A5. The Applicant's presentation document stated:

The character of the River Road Corridor is different to the character of the rest of Greenwich. Whether the Seniors Living buildings are 5 or 6 storeys will not alter whether the development 'fits with the local character'. The reduction in height has no discernible visual impact benefit from the key affected areas in Northwood and River Road dwellings west of the site...The reduction in height provides a minor benefit but would significantly impact on HammondCare's ability to provide in-demand care and public health infrastructure...

HammondCare Request: Proposed Condition A4(a) & (b) be deleted.

72. Regarding the recommended condition A4(c), the Applicant's presentation states:

The proposed setback has several negative scale implications. It will push the built form back where it will be more visible from the River Road west dwellings. It will reduce the internal amenity of the Seniors Living through reduced separation and solar access. The beneficiaries of the proposed setback will be road users, which has questionable value.

73. Regarding the recommended condition A5, the Applicant's presentation states:

The condition impacts on the funding of the hospital, provision of specialised care, and has no benefit because the build form is determined by the approved envelopes.

Department's Assessment

74. Building envelopes and urban design are considered in detail in section 6.3 of the Department's AR.

75. ARP 6.2.3 sets out the applicable development standards:

The site is not subject to height and FSR controls. The Seniors Housing SEPP identifies development standards, design principles and prescribes standards that cannot be used to refuse development consent for the seniors housing component of the development. The development standards require that the site be a minimum 1,000sqm, has a site frontage of 20m and meet accessibility and usability standards in the Seniors Housing SEPP. The site meets the first two development standards and is capable of meeting the third in future applications.

76. The Department's draft instrument of consent included condition A4 which reduces the maximum height of the proposed building envelopes.

A4. The building envelopes identified in condition A3 are modified as follows:

- a. the northern seniors living building envelope is reduced to a maximum height of RL56.36.*
- b. the southern seniors living building envelope is reduced to a maximum height of RL60.65.*
- c. the northern seniors living building envelope must be relocated so that the minimum front setback of the building envelope is equal to, or greater than, the front setback of the dwelling on the adjoining 117 River Road. The dimensions of the building envelope in relation to the depth of the envelope remain unchanged.*

77. The Department also recommended condition A5 which limits the maximum GFA of each of the site buildings.

A5. The maximum gross floor area for the future buildings are:

- a. (a) main hospital building – 12,750 square metres.*
- b. (b) respite care building – 700 square metres.*
- c. (c) seniors living buildings – 10,990 square metres.*

78. At ARP 6.3.12 the Department recommends that the building envelopes, as modified by Condition A4 and A5, be approved, noting the requirement for further design detail to be submitted through a subsequent detailed application.

Commission's Findings

79. The Commission notes the proposed Condition A4 which limits the maximum building envelope heights for the seniors living buildings and agrees with the Department's finding that the reduction in height is required for the development to accord with the character of the area.
80. The Commission notes the Applicant's position that Condition A5, which imposes maximum GFAs for the proposed buildings, is not necessary as condition A4 already restricts the scale of buildings at the Site. The Commission sought confirmation from the Department regarding the reason for recommending Condition A5. The Department's written response dated 5 November 2020, stated:

...the Department considers Condition A5 is necessary to ensure that the design of future buildings is not compromised, and the area required for articulation of the buildings is retained.

The Commission agrees that the Department's recommended Condition A5 is necessary to deliver an appropriate level of articulation and ensure a high-quality of design for the proposed buildings.

81. The Commission notes that the concept application contains limited details regarding the layout and design of the proposed buildings and considers that further scrutiny will be required at the detailed application stage to confirm that a high quality of design is achieved. The Commission sought clarification from the Department regarding the likely involvement of the State Design Review Panel in the assessment of the subsequent detailed application. The Department's written response, dated 5 November 2020, confirmed that the Department would recommend Design Review through preparation of the SEARs, subject to Government Architect NSW endorsement.
82. The Commission agrees with the Department's finding that the proposed building envelopes and urban design are acceptable, subject to the imposed conditions, and noting that the building design will be subject to further scrutiny through assessment of the detailed application.

8.3 Amenity Impacts

Applicant's Consideration

83. Chapter 10.2 of the EIS includes a detailed assessment of amenity impacts and finds that the proposal will not cause unacceptable view loss, overshadowing or noise impacts.
84. The Applicant also submitted a revised Landscape Character and Visual Impact Assessment with the RtS, reflecting a revised design which incorporated changes made as part of the RtS intended to minimise loss of visual amenity and reducing the impact of the proposal on the local skyline.

Department's Assessment

85. Section 6.4 of the Department's AR includes detailed consideration of amenity impacts arising from the proposed development, including view impacts, overshadowing, visual privacy, and noise, and finds that all impacts can be appropriately managed through the recommended conditions of consent and the detailed planning application.

86. At ARP 6.4.45 and 6.4.50, the Department states that the predicted overshadowing impacts to private properties and Pallister House are acceptable and would be further reduced as a result of the building height reductions imposed by the recommended condition A4, which reduces maximum building envelope heights.
87. At ARP 6.4.55 the Department finds that visual privacy at neighbouring properties can be maintained using architectural treatments to the proposed buildings. The Department also recommended condition B(4)g that requires privacy measures to be incorporated into the detailed design of proposed buildings in order to mitigate overlooking impacts, such as facing non-habitable areas to adjacent residential areas, fixed louvres, high and/or deep sills, and planter boxes.
88. At ARP 6.4.60 Department finds that operational noise could be appropriately managed through quantitative analysis and standard acoustic treatments to be incorporated as part of the detailed application.

Public Comments

89. Public submissions to the Commission raised concerns regarding construction noise and operational noise, including traffic noise associated with the existing corrugated access from St Vincent's Road and the vehicle movements within the Site. Submissions also raised concerns regarding loss of privacy to neighbouring residential properties associated with overlooking from the proposed seniors living buildings and other areas of the Site.
90. Public submissions to the Commission also raised concerns regarding amenity impacts, including potential privacy and view impacts to neighbouring properties due to the proposed removal of established trees on the Site.

Commission's Findings

91. The Commission agrees with and has imposed the Department's recommended conditions related to amenity impacts including:
 - B4(g) – requiring the detailed application to address measures to minimise privacy impacts on residents to the west and south
 - B4(h) - requiring relocation of the car park entry under the seniors living away from adjacent properties to the west unless it can be demonstrated that noise impacts from the operation on the car park entry/exit would not result in adverse noise impacts
 - B7 – requiring consideration at the detailed application stage of solar access to residential properties impacted by the development, visual privacy impacts, view impacts, and light spill.
 - B8 – requiring quantitative assessment and mitigation of noise impacts during construction
 - B9 – requiring quantitative assessment and mitigation of operational noise impacts
92. The Commission agrees with and has imposed the Department's recommended condition requiring a minimum of 86 trees to be planted at the Site. The Department's written response to the Commission's questions, dated 5 November 2020, noted that this number of trees is a minimum and further trees may be added through detailed landscape design.

93. The Commission agrees with the Department's findings that potential impacts to neighbouring amenity can be adequately controlled through the imposition of the recommended conditions of consent and the assessment of amenity impacts required at the detailed application stage.

8.4 Transport, Traffic and Access

Applicant's Consideration

94. The Applicant's EIS included a Traffic and Parking Impact Assessment Report (TPIA) providing an assessment of the expected traffic generation from the proposed development, impacts on the surrounding road network and details of vehicle movements associated with waste collection, delivery and emergency services.
95. The TPIA concludes that the Project will have a minimal impact on traffic in the surrounding area and that the increased demand for parking resulting from the Project will be accommodated within the Site.
96. The Applicant submitted an addendum transport statement with the RRFI in response to the Department's request for a cumulative impact assessment of transport impacts. The addendum statement did not provide a cumulative impact assessment, instead stating that the original assessment was undertaken using conservative traffic estimates and remains appropriate, notwithstanding the new developments proposed for the surrounding area.

Department's Assessment

97. At ARP 6.6.13, the Department notes that the Project meets the requirements of the Seniors Housing SEPP for access to services and facilities; however, the Department identifies a lack of public transportation options to the Site. As such, the Department has recommended a condition B21(c) requiring a free shuttle bus service to be provided by the Applicant for the residents of the Site to access public transport nodes and retail centres.
98. At ARP 6.6.4, the Department notes that intersections adjacent to the Site are expected to continue to operate at the existing level of service; however, the Department finds that the traffic volumes may not be accurate as the supporting traffic surveys were conducted in 2017. The Department has noted the need for a representative assessment of traffic impacts, and has therefore recommended conditions requiring a Traffic Impact Assessment (Condition B21(b)) and a preliminary Construction Traffic and Pedestrian Management Plan (B21(d)) to accompany the detailed application.
99. At ARP 6.6.14, the Department notes that the proposed development will generally maintain existing access arrangements. The Department recommends a condition B21(a), requiring a Road Safety evaluation for River Road and St Vincent's Road, including all access points, to be provided with the detailed application.
100. At ARP 7.1.8 the Department finds that

traffic and transport impacts are acceptable at a conceptual level and further detailed assessment must be undertaken with the detailed design, including road safety audits of the access points, River Road and St Vincents Road.

Public Comments

101. Public submissions to the Commission noted a lack of public transport to and from the Site, raised concerns with potential road-safety impacts and increased signal changes at the remaining signalised exit, and questioned the accuracy of assessment of projected traffic impacts in the TPIA due to the use of traffic data from 2017 and failure to assess cumulative impacts.

Commission's Findings

102. The Commission notes the public comments about a lack of public transport options and agrees with and has imposed the Department's recommended condition B21(c) requiring the Applicant to provide a free shuttle bus service for residents to public transport nodes and local retail centres.
103. The Commission agrees with and has imposed the Department's recommended condition B21 which requires the detailed application to be accompanied by a Road Safety evaluation, Traffic Impact Assessment, Green Travel Plan and preliminary Construction Traffic and Pedestrian Management Plan.
104. The Commission notes that Transport for New South Wales did not raise concerns with traffic impacts from the proposed development and agrees with the Department's finding that the traffic and transport impacts are acceptable subject to further assessment through the detailed application.

8.5 Heritage

Applicant's Consideration

105. The Applicant's EIS included an Aboriginal Cultural Heritage Assessment and a Heritage Impact Assessment,
106. In its RtS, the Applicant responded to concerns raised in submissions regarding encroachment on the setting of the heritage-listed Pallister House. The modifications to the proposed development included the removal of the seniors living villas and replacement with a respite care facility, redesign of the hospital building to reduce the bulk and scale, and removal of basement car parking from the heritage curtilage of Pallister House.

Council Comments

107. In its submission on the Applicant's RtS, the Council acknowledged the Applicant's amendments, and stated:

The changes to the hospital building are considered to significantly improve the relationship between the hospital building and Pallister House. The modifications to facilitate the necessary upgrades to the hospital will not compromise the heritage fabric of the Pallister House and associated curtilage.

Department's Assessment

108. In its submission to the Applicant's RtS, dated 15 November 2019, Heritage NSW noted the Applicant's amendments to the proposal, including relocation of the seniors housing villas, and supported the changes. Heritage NSW recommended conditions requiring an assessment of the significance of heritage items in accordance with the NSW Heritage Manual, a schedule of works for Pallister House, and a heritage interpretation plan.

109. At ARP 6.5.5 and 6.5.6, the Department notes the modifications made in the Applicant's RtS, including the removal of the seniors living villas, reduction in the scale of proposed buildings and increased setbacks from Pallister House.
110. In its submission on the Applicant's EIS, the Office of Environment and Heritage (**OEH**) commented on potential impacts on Aboriginal cultural heritage. The OEH recommended conditions requiring archaeological investigation prior to any work causing ground disturbances and the preparation of an Aboriginal Heritage Management Plan.
111. At ARP 7.1.8, the Department confirmed that heritage impacts could be adequately addressed, stating:

heritage impacts are satisfactory subject to conditions requiring consideration of re-orientation of the southern seniors living building envelope to create a greater separation to Pallister, schedule of conservation works, heritage interpretation and management of potential for archaeological resources.

Public Comments

112. Heritage issues raised during the public meeting and in public submissions to the Commission included concerns that the Development dominates and encroaches on Pallister, and that removal of trees and the building of the respite facility will impact the curtilage of Pallister House.

Commission's Findings

113. The Commission notes the advice from Heritage NSW that the modifications made to the Application sufficiently address their previous concerns as well as the conditions recommended by OEH. The Commission understands from discussions with the Applicant during the Site visit, that the Applicant has engaged a heritage consultant to assist in developing a heritage sensitive landscape design to be submitted with the detailed application. The Commission agrees with the Department's finding that heritage impacts can be appropriately managed through the recommended conditions and further assessment at the detailed application stage.

8.6 Biodiversity Impacts

Applicant's Consideration

114. The Applicant submitted a Biodiversity Assessment Report (**BDAR**) accompanying the EIS, prepared by Eco Logical Australia. The BDAR assessed likely biodiversity impacts arising from the construction and operation of the proposed development and described possible measures for mitigating and offsetting these impacts.
115. The BDAR finds that five species credits and three ecosystem credits are required to offset biodiversity impacts arising from the proposed development. At section 10.7, the EIS concludes that the Application complies with local, state and federal legislation relating to biodiversity.

Council Comments

116. In its submission to the RtS, dated 18 December 2019, Council raised concerns with the number of trees proposed to be removed. Council also raised concerns with the location of the proposed respite clinic, due to the potential impacts on the tree canopy.

Department's Assessment

117. The Environment, Energy and Science (EES) Group provided advice on the BDAR in response to the RtS, which states:

EES has assessed the revised BDAR and considers the BDAR to be adequate and that all the biodiversity related comments in the previous OEH submission have been adequately addressed.

118. At ARP 7.1.8 the Department finds that biodiversity impacts at the Site can be appropriately managed, stating:

...biodiversity impacts and tree removal can be appropriately managed on the site and where impacts are proposed, can be adequately offset with additional planting and biodiversity offsets, which must be detailed in future applications for the detailed design of the development.

Public Comments

119. Public submissions to the Commission raised concerns regarding tree loss at the site and impacts to flora and fauna, both onsite and in adjacent bushland, from overshadowing, disrupted stormwater flows and light spill. One submission mentioned extensive community-based bush regeneration efforts which have occurred in the adjacent Gore Reserve and highlighted the importance of planting native species at the Site.

Commission's Findings

120. The Commission notes that the proposed building envelope for the respite care facility partially intersects with a significant tree and that removal of the tree is proposed. In its meeting with the Commission, the Applicant confirmed that there was flexibility regarding the design of the respite care building and potential to retain the significant tree, and that the matter would be given further consideration through the detailed application.
121. The Commission notes the advice from EES regarding the sufficiency of the BDAR, and the recommended condition B22 requiring the detailed application to demonstrate consistency with the BDAR. The Commission agrees with the Department's finding that both biodiversity impacts and tree removal can be appropriately managed through a combination of replacement planting at the Site and biodiversity offsets.

8.7 Other Issues

122. The Commission agrees with the Department's assessment at Table 12 regarding residential amenity for future occupants, bushfire risk, contamination, flooding and stormwater, light spill and waste

9 CONCLUSIONS: THE COMMISSION'S FINDINGS AND DETERMINATION

123. The Commission has carefully considered the Material before it (paragraph 32).
124. The views of the community were expressed through public submissions and presentations to the Commission at the public meeting. The Commission carefully considered all these views as part of making its decision.

125. The Commission has considered the key issues relevant to the concept proposal, including site suitability, seniors living use, building envelopes and urban design, amenity impacts, transport, traffic and access, heritage and biodiversity impacts.
126. The Commission notes the Department's recommended conditions of consent which identify administrative controls for the Project and future development application and impose controls on the potential impacts of the Project. The Commission made revisions to the Department's recommended conditions to improve the clarity of wording and to add a condition restricting the occupancy of the seniors accommodation. The revised conditions were agreed by the Department.
127. The Commission agrees with the Department's findings, as set out at Section 7 of the Department's AR, that the proposed integrated hospital and seniors living development is strategically justified and is in the public interest, and that the identified impacts can be appropriately managed through the conditions of consent imposed, and through the subsequent detailed application.
128. Based on its consideration of the Material, the Commission finds that the Application should be approved subject to the Department's conditions, as revised by the Commission
129. The reasons for the Decision are given in the Statement of Reasons for Decision dated 10 November 2020.



Peter Duncan AM (Chair)
Member of the Commission



Adrian Pilton
Member of the Commission