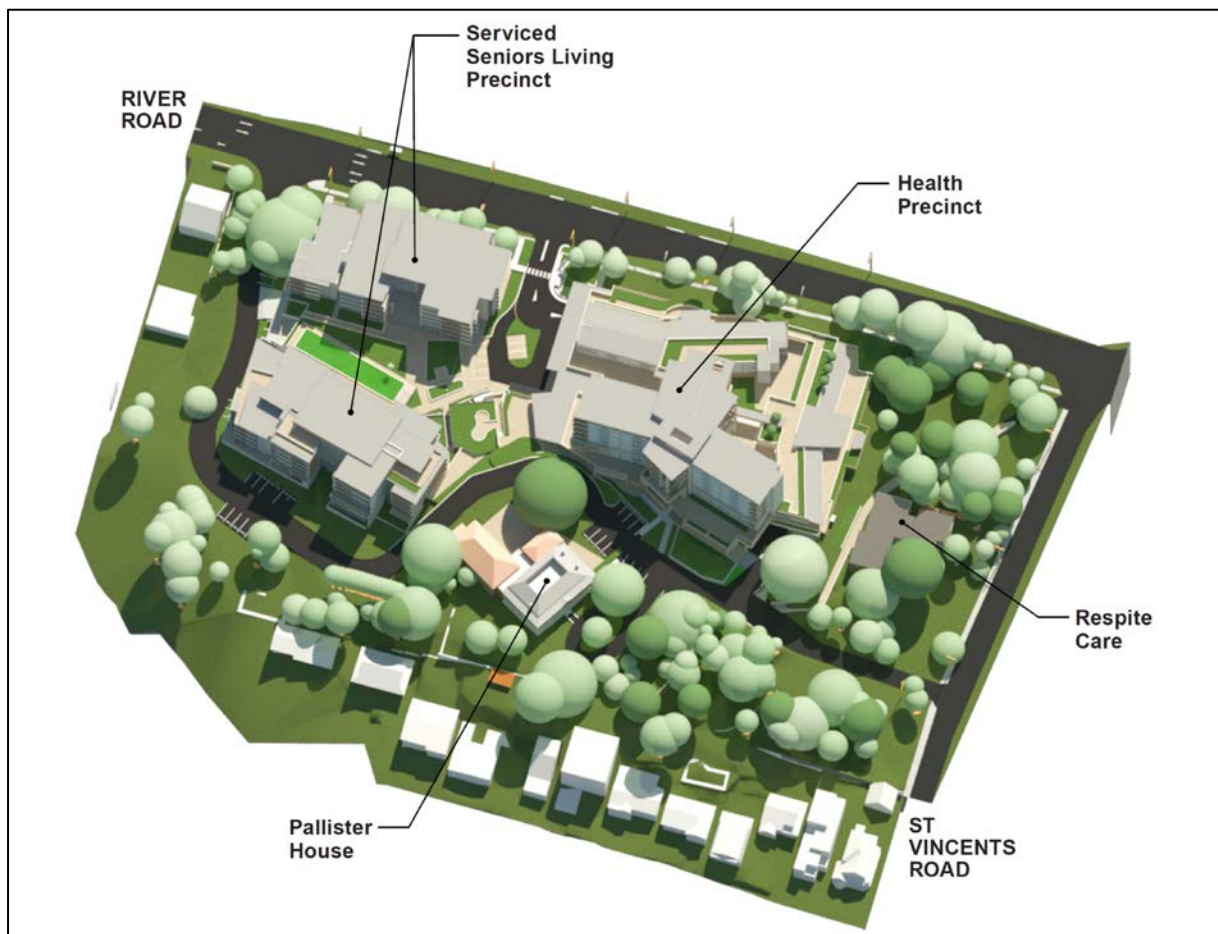


# Redevelopment of Greenwich Hospital

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State Significant Development Assessment SSD-8699

September 2020



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Title: Redevelopment of Greenwich Hospital

Subtitle: State Significant Development Assessment SSD-8699

*Cover image: 3D model of proposal from the south (Source: Bickerton Masters)*

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# Glossary

Abbreviation	Definition
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>CIV</b>	Capital Investment Value
<b>CPP</b>	Community Participation Plan
<b>Council</b>	Lane Cove Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EESG</b>	Environment, Energy and Science Group
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>EPL</b>	Environment Protection Licence
<b>ESD</b>	Ecologically Sustainable Development
<b>Heritage</b>	Heritage NSW, Department of Premier and Cabinet
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>RtS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Secretary</b>	Planning Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW, including Roads and Maritime Services (RMS)

# Executive Summary

This report provides an assessment of a State significant development (SSD) application lodged by Hammondcare (the Applicant) seeking concept approval for the proposed redevelopment of Greenwich Hospital (SSD-8699). The proposal is SSD under clause 14 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of a hospital.

## Assessment summary and conclusions

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) and objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development (ESD), the issues raised in submissions as well as the Applicant's response to these.

The proposal would provide improved health care facilities and integrated seniors housing to support an ageing population and increased demand on health services. However, as the subject site is located within a predominantly low density area, the Department has recommended modifications to the proposed building envelopes identified in the Response to Submissions (RtS) to ensure greater compatibility with the adjoining streetscape and neighbourhood while addressing State policy regarding housing for seniors. The proposal, as amended by the conditions, would have satisfactory amenity impacts and would provide public benefits with delivery of additional health facilities integrated with seniors housing.

The Department recommends the proposed development be approved, subject to recommended conditions of consent. The application is referred to the Independent Planning Commission for determination as Council has objected to the application and more than 50 objections have been received.

The Department identified site suitability; built envelopes and urban design; amenity impacts; heritage impacts; traffic and transport; and biodiversity as the key issues for assessment. The Department's assessment concludes that the:

- site is suitable for the redevelopment of this hospital and the addition of the seniors living development subject to the envelopes for the future seniors living development being reduced to ensure greater compatibility with the surrounding land uses in relation to the potential impacts of the bulk, scale, built form and character of the proposed development.
- bulk and scale of the redevelopment is acceptable for the site subject to reduced envelopes for the seniors living component to better respond to neighbourhood amenity and streetscape and a greater setback of these envelopes from River Road to be equal or greater than the adjacent residence.
- amenity impacts are satisfactory subject to conditions requiring:
  - architectural design responses to address visual privacy issues on adjacent properties to the west.
  - further consideration of the location of the west facing carpark entry under the seniors living area if satisfactory noise levels cannot be achieved.
- 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 the State Heritage

listed “Pallister”, a schedule of conservation works for the State Heritage listed “Pallister”, heritage interpretation and management of potential for archaeological resources.

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

The Department is satisfied that the impacts of the proposed development and issues raised in the submissions have been considered in the Environmental Impact Statement (EIS), the RtS and Response to Request for Information 2 (RRFI2). Conditions of consent and future assessment requirements are recommended to ensure that the identified impacts are managed appropriately.

### **The proposal**

The proposal seeks approval of a concept proposal for redevelopment of the existing hospital. The proposal comprises new health care and allied health facilities and residential aged care and seniors housing, in an integrated care campus.

The proposal also includes building envelopes, car parking and site access arrangements.

The concept proposal has a Capital Investment Value of \$141.5 million and would generate up to 174 operational jobs (FTE staff) when fully developed.

### **The site**

The site is located at 97-115 River Road, Greenwich (Lots 3 and 4 DP 584287) within the Lane Cove local government area (LGA). The site fronts River Road, and primary access is via River Road. The topography of the site varies significantly with a steep fall in the south-west and a rise mid-way along the River Road frontage. It is heavily vegetated along the east, south and south-west. Located on the site are hospital buildings varying in height between one and five storeys, including the State heritage listed ‘Pallister’ house. It is located within a predominantly low-density residential area.

### **Engagement**

The SSD application and the EIS was publicly exhibited between 14 February 2019 and 5 April 2019. The Department of Planning, Industry and Environment (the Department) received a total of 198 submissions, comprising nine from public authorities (including an objection from Lane Cove Council), 177 individual public submissions (including 161 objections) and 10 submissions from special interest groups (including eight objections).

The key issues raised in the submissions included: site suitability for the seniors living component; bulk and scale; building heights; overdevelopment restricts future ability to expand hospital services; impact on character of the locality and streetscape; heritage impacts; tree loss; biodiversity impacts; increase in traffic and associated impacts; parking impacts; view impacts; overshadowing; privacy impacts on neighbours; and impact on bushland.

The Applicant submitted a RtS, including an amended proposal, on 15 October 2019, which incorporated the following key amendments to the concept proposal:

- reduced scale of development, including deletion of seniors living villas.

- increased health care facilities, including a new respite care facility.
- greater setbacks and transitions in height of building envelopes along the boundaries of the site.
- increased tree retention and landscaping.
- reconfiguration of the layout to protect the heritage curtilage of Pallister House.
- revised staging to deliver redeveloped hospital in the first stage.

The RtS was publicly exhibited between 24 October 2019 and 18 December 2019. The Department of Planning, Industry and Environment (the Department) received a total of 136 submissions, comprising nine from public authorities (including an objection from Lane Cove Council), 119 individual public submissions (including 109 objections) and eight submissions from special interest groups (including six objections).

The key issues raised in the RtS submissions remained the same as those raised during exhibition of the EIS, with significant concerns raised regarding: traffic; scale of the development; seniors living use; impact on character of the area; view impacts; impact on school safety; amenity impacts; tree removal; and fewer concerns in relation to heritage impacts.

A further RtS was submitted in the RRFI2, submitted on 23 June 2020, addressing the key issues raised in the submissions. No changes were made to the proposal in response to matters raised in submissions and by the Department.

The Applicant submitted further information in July and August 2020, addressing concerns raised by the Department regarding inconsistencies with envelope heights and setbacks, and potential design modifications.

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# 1 Introduction

1.1.1 This report provides an assessment of a State significant development (SSD) application for a concept proposal for the Redevelopment of Greenwich Hospital at 97-115 River Road, Greenwich (SSD-8699).

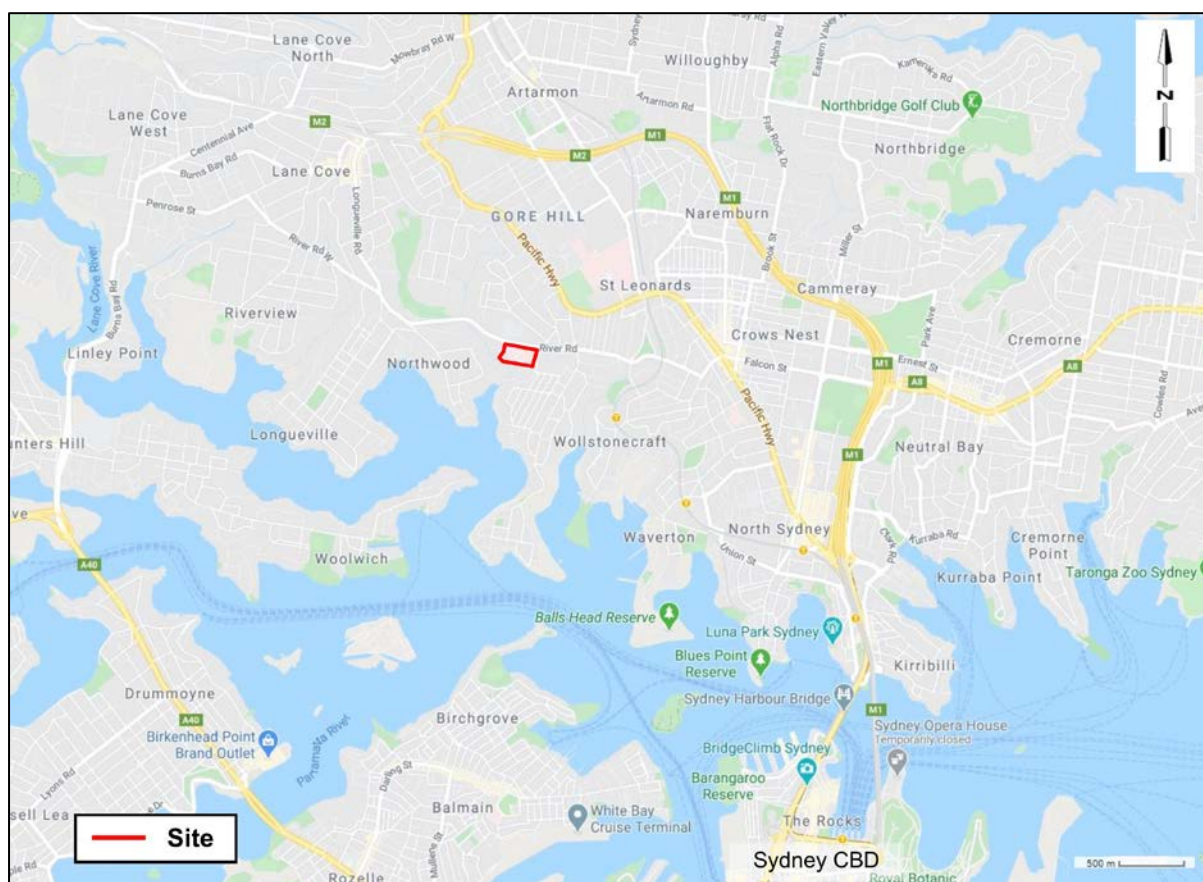
1.1.2 Hammondcare (the Applicant) proposes:

- new health care and allied health facilities and residential aged care and seniors housing in an integrated care campus.
- building envelopes, within which future health and seniors housing buildings are proposed to be located.
- car parking and site access arrangements.

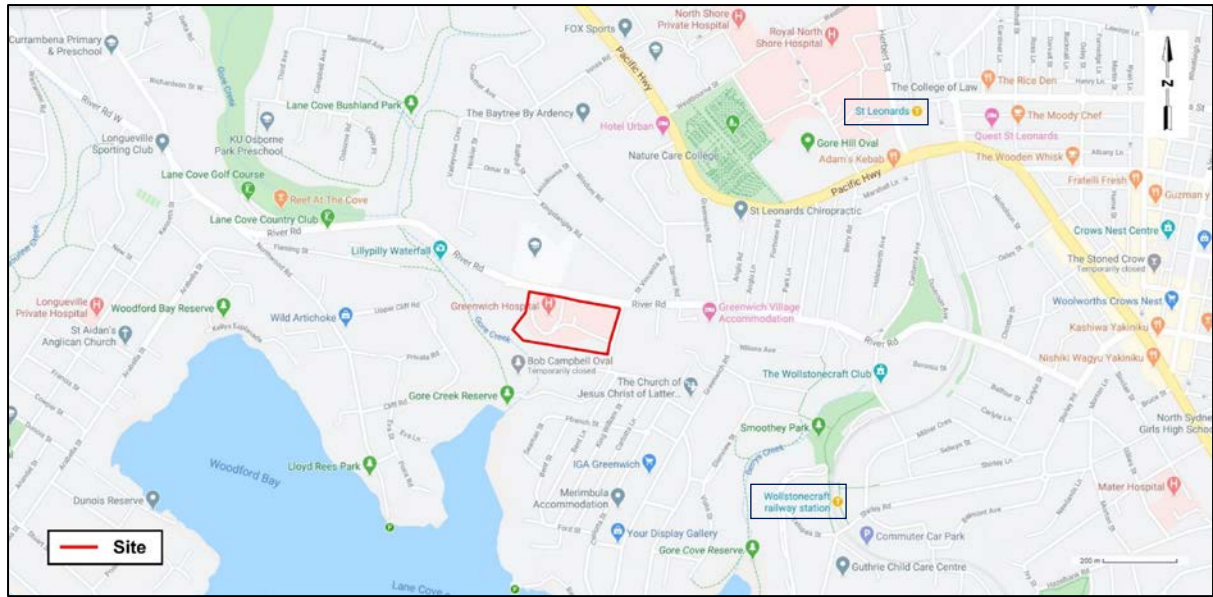
1.1.3 No building works are proposed to be carried out in this SSD application. Future applications are required for the detailed design, construction and occupation of the buildings.

## 1.2 Site description

1.2.1 The site is located at 97-115 River Road, Greenwich within the Lane Cove local government area (LGA) and is approximately one kilometre (km) southwest of the St Leonards Health and Education Precinct and approximately 4km from the Sydney CBD (**Figure 1**). The site is 1km from St Leonards Railway Station and 800 metres (m) from the Wollstonecraft Railway Station (**Figure 2**).



**Figure 1 |** Regional context map (Base source: Google maps)



**Figure 2 |** Local context map (Base source: Google maps)

- 1.2.2 The site fronts and is primarily accessed via River Road (**Figure 3**). The irregular shaped site, comprising two lots (Lots 3 and 4 DP 584287), has an area of approximately 3.376 hectares (ha). Located on Lot 4 is the State heritage listed ‘Pallister’ item, incorporating a late Victorian house formally known as ‘Standish’ (**Figure 4**). Located on the remainder of the site are hospital buildings varying in height between one and five storeys (max RL 60.65) (**Figure 5**). The current total gross floor area (GFA) on the site is approximately 9,507sqm, resulting in a floor space ratio (FSR) of 0.28:1. The existing Main Hospital Wing (five storeys) is located centrally on the western portion of the site. Located along River Road is the Riverglen building (one storey) situated in front of the Main Hospital Wing and the Blue Gum building (two storeys) situated centrally along the frontage.



Figure 3 | Aerial site view (Base source: Nearmap)



Figure 4 | Pallister (Source: DPIE)



**Figure 5 | Existing five storey hospital building (Source: EIS)**

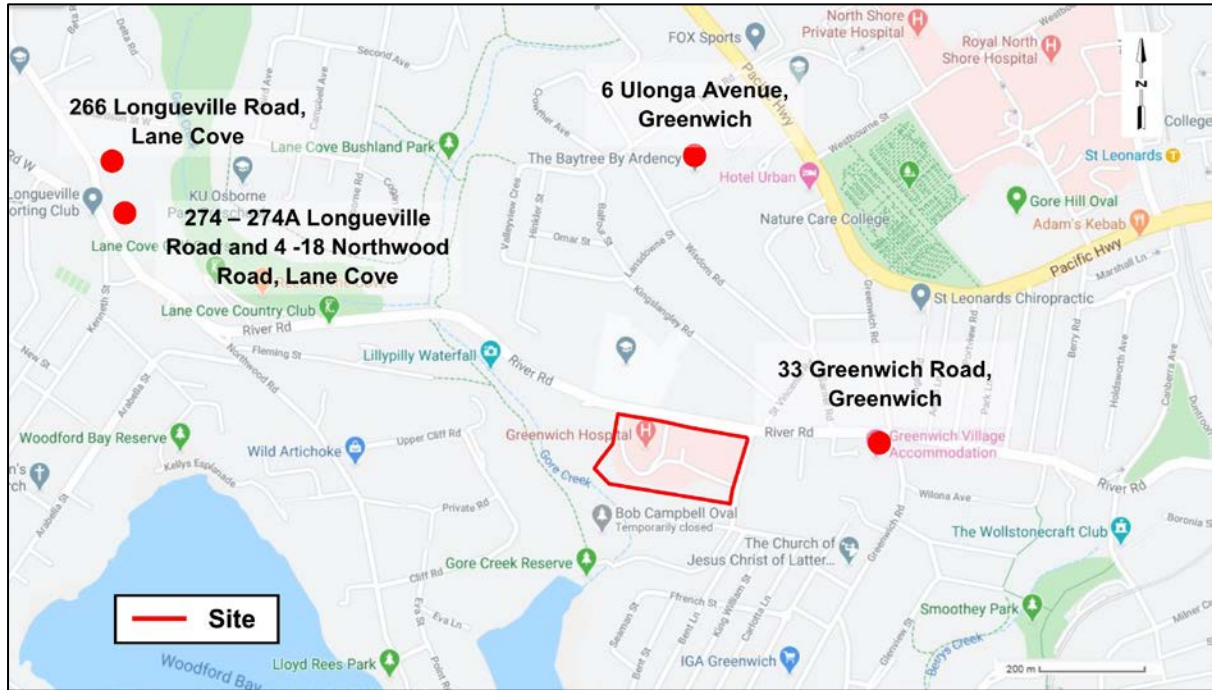
- 1.2.3 The topography of the site varies significantly with steep falls in the south-west and south-east. “Pallister” sits on the highest part of the site (centrally towards the south) and the main hospital buildings are located towards the north of the site on land that has been leveled for hospital buildings. The site is heavily vegetated, particularly along the eastern and southern parts of the site.
- 1.2.4 “Pallister” was originally a private residence, followed by a range of welfare and community activities, including use as a girl’s home from 1936, prior to its current hospital use commencing in 1966. The Applicant has been the operator of the hospital since 2008.

### **1.3 Surrounding developments and future site planning context**

- 1.3.1 The site is located within a predominantly low-density residential area and surrounded by low-scale residential dwellings, except to the north and south-west. Located to the north of the site on the opposing side of River Road is Greenwich Public School and to the south-west is Bob Campbell Oval.
- 1.3.2 Located 850m north-east of the site is the Royal North Shore Public and Private Hospitals, 1.5km east is Mater Hospital and 1.2km west is the Longueville Private Hospital (see **Figure 2**).
- 1.3.3 The site is in a low-density residential area and the dominant streetscape and character of the area will remain low-density residential under Council’s current strategic planning framework. Council has advised that several applications for development of, or redevelopment, for seniors living within the locality have been completed, approved or will be lodged with Council as follows:
- 6 Ulonga Avenue, Greenwich: The Baytree By Ardency Retirement Village.
  - 33 Greenwich Road, Greenwich: approved for change of use to a residential aged care facility.
  - 2 Central Avenue, Lane Cove: Pottery Gardens non-profit retirement units.
  - 40A Cope Street, Lane Cove: Caroline Chisholm Retirement Village.
  - 15 Fig Tree Street, Lane Cove: Uniting Church Residential Aged Care.
  - 274 – 274A Longueville Road and 4 -18 Northwood Road, Lane Cove: a residential aged care facility. The design is currently being modified.

- 92 Burns Bay Road, Lane Cove: Northcott Gardens non-profit retirement units.
- 155 Longueville Road, Lane Cove: Uniting Church Retirement Village.
- 266 Longueville Road, Lane Cove: seniors living currently under consideration by the Sydney North Planning Panel.

1.3.4 Illustrated in **Figure 6** are the location of the seniors living developments located within 1km of the subject site.



**Figure 6 |** Seniors living development in proximity to the site (Base source: Google maps)

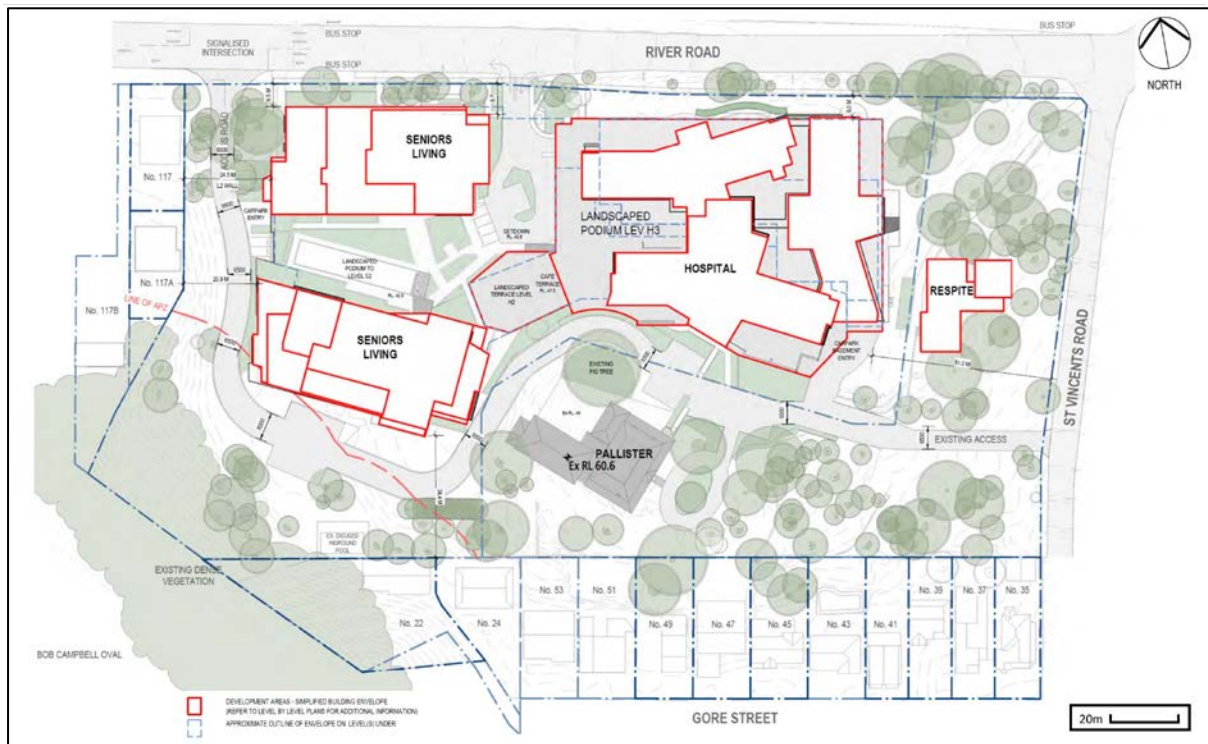
## 2 Project

2.1.1 The key components and features of the concept proposal (as refined in the Response to Submissions (RtS)) are provided in **Table 1** and shown in **Figures 7 to 13**.

**Table 1 | Main components of the project**

Aspect	Description
<b>Development summary</b>	<p>Staged concept development application comprising:</p> <ul style="list-style-type: none"> <li>• new health care and allied health facilities and residential aged care and seniors housing in an integrated care campus.</li> <li>• building envelopes.</li> <li>• indicative car parking area and site access arrangements.</li> </ul>
<b>Site area</b>	33,763sqm.
<b>Demolition</b>	All structures except “Pallister”.
<b>Built form</b>	<p>Hospital building envelope: max. height of <b>RL 80</b> (up to 10 storeys) comprising:</p> <ul style="list-style-type: none"> <li>• part two, part three storey basement (RL 38.9 to RL 51.7).</li> <li>• part one storey podium (RL 56.9).</li> <li>• part three, part four storey podium (RL 61.6).</li> <li>• five storey tower incl. plant (overall RL 80).</li> </ul> <p>Respite care building envelope: max. height of <b>RL 55.1</b> (three storeys).</p> <p>Seniors living building envelopes (future apartments):</p> <ul style="list-style-type: none"> <li>• northern envelope: <b>RL 62.6</b> (up to seven storeys).</li> <li>• southern envelope: <b>RL 63.2</b> (up to seven storeys).</li> </ul>
<b>GFA</b>	<p>Health: 14,500sqm, comprising:</p> <ul style="list-style-type: none"> <li>• 12,750sqm hospital building envelope.</li> <li>• 1,050sqm “Pallister”.</li> <li>• 700sqm respite care building envelope.</li> </ul> <p>Seniors living: 13,000sqm.</p> <p><b>Total: 27,500sqm.</b></p>
<b>Indicative capacity</b>	<p>Hospital: 150 beds (inpatient hospital beds, palliative care beds and residential aged care beds).</p> <p>Seniors housing: 89 two-bed units.</p>
<b>Access</b>	<p>Retention of three existing vehicle access points:</p> <ul style="list-style-type: none"> <li>• signalised access at western end of River Road.</li> <li>• conversion to left-in/left-out at eastern access on River Road (main entrance).</li> <li>• retention of time restricted St Vincents Road access (between 7am to 7pm only).</li> </ul>

Aspect	Description
<b>Indicative Parking</b>	Hospital: 209 basement car spaces. Seniors living: 89 basement car spaces. Drop-off / pick-up area: 10 car spaces. Along access road: 10 car spaces. Visitor spaces: 11. <b>Total: 329 car spaces.</b>
<b>Servicing</b>	Loading dock at south-eastern corner of hospital building envelope.
<b>Site works</b>	<ul style="list-style-type: none"> <li>• Remediation.</li> <li>• Excavation.</li> <li>• Stormwater management works.</li> </ul>
<b>Public domain and landscaping</b>	<ul style="list-style-type: none"> <li>• Tree removal (86 trees, comprising 55 trees within footprint and 31 structurally compromised, dead or exempt specimen trees).</li> <li>• Tree planting (60 trees).</li> <li>• Landscaped area 20,000sqm (60%).</li> <li>• Deep soil planting area 13,800sqm (41%).</li> </ul>
<b>Hours of operation</b>	24 hours a day, 7 days a week.
<b>Jobs</b>	174 operational jobs (when fully developed).
<b>Capital investment value (CIV)</b>	\$141,500,000.



**Figure 7 | Site layout (Source: RRF13)**

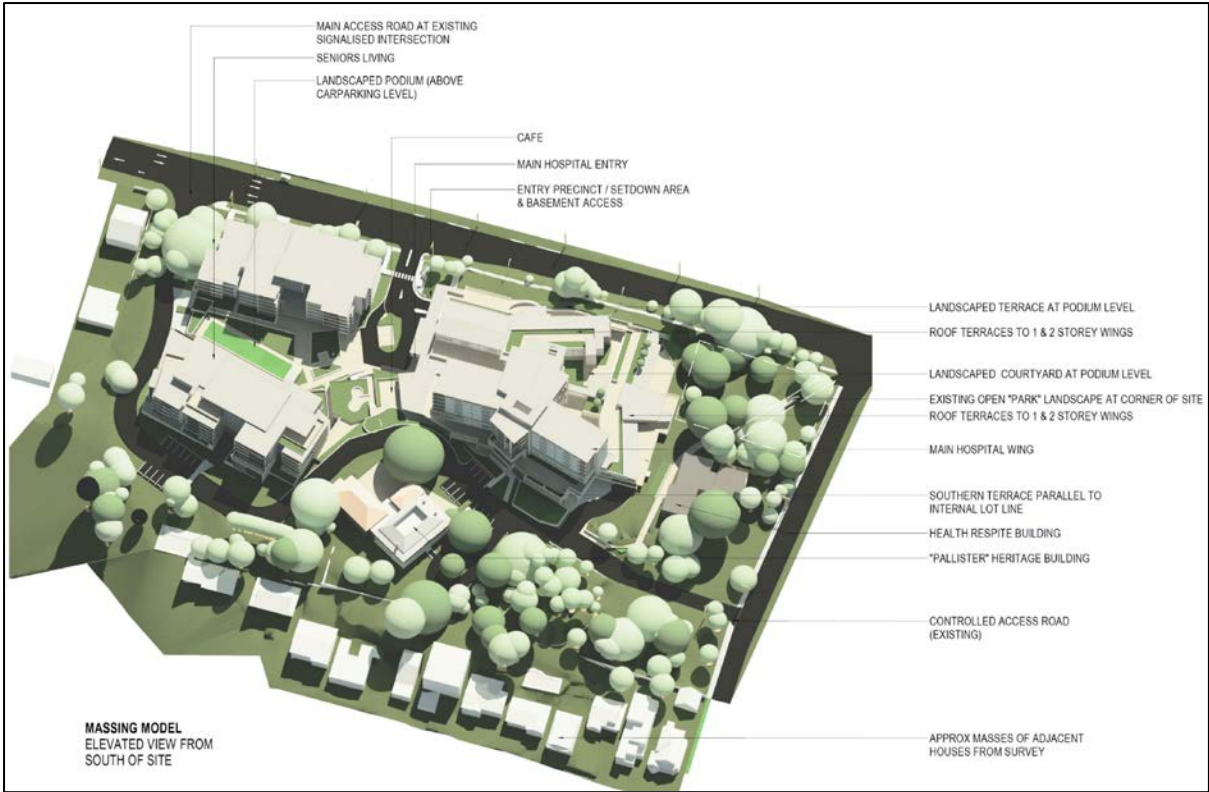


Figure 8 | Massing model – elevated view from the south (Source: RtS)

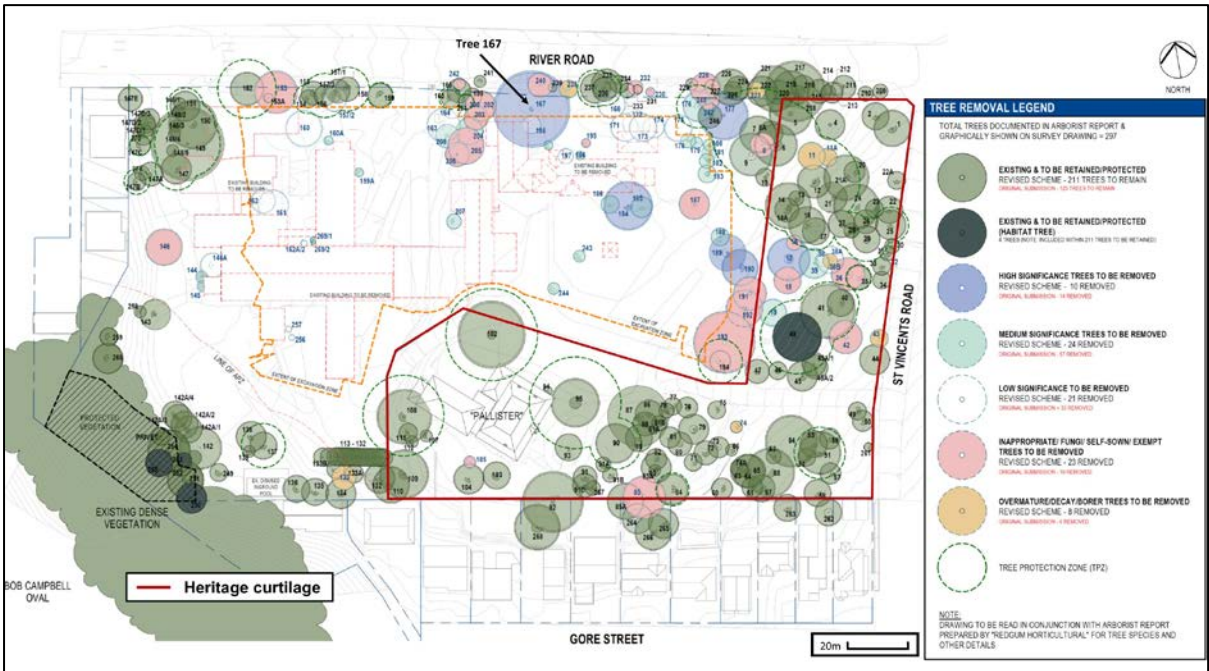


Figure 9 | Tree removal (Source: RtS)





Figure 10 | Landscape plan (Source: RtS)



Figure 11 | Illustrative perspective of the development along River Road from the east (Source: RtS)



**Figure 12** | Illustrative perspective of the development along River Road from the west (Source: RtS)



**Figure 13** | Illustrative perspective of the development from internal road (past respite building) looking west (Source: RtS)

## 2.2 Physical layout and design

- 2.2.1 The development is a concept proposal to allow health facilities on the eastern portion of the site and seniors housing on the western portion of the site. Currently, the hospital facilities are located across the site with the main hospital wing sited on the western part of the site. No buildings or structures are currently located in the heritage curtilage except “Pallister” and associated structures (see **Figure 3**).
- 2.2.2 To facilitate redevelopment of the site, a significant area of excavation is proposed extending from below the hospital building envelope to the seniors living envelopes to create an integrated basement structure. The excavated zone is setback from River Road by a minimum 6.4m and would avoid the heritage curtilage which runs along the eastern and southern portion of the site (see **Figure 9**).
- 2.2.3 The hospital building envelope is situated on the higher part of the site, which currently accommodates two storey hospital buildings, grassed areas and areas for car parking. The

positioning of the hospital would allow for the existing hospital to continue operating and minimise overshadowing impacts to adjoining residents to the west and riparian bushland to the south-west. The envelope has been designed to include a single storey component along the eastern elevation to address the heritage and landscaped setting and a part two part three storey podium to address the street frontage. The single storey component is setback a minimum 6m from River Road and the remainder varies from 6.8m to 17.6m from River Road. The future building would have a primary frontage to River Road.

- 2.2.4 The three storey eastern most respite building envelope is located within the heritage curtilage and heavily vegetated area along the eastern boundary. It is setback a minimum 13.8m from the eastern boundary and 22m from the St Vincents Road access point.
- 2.2.5 The seniors living building envelopes have been located on the western part of the site where the land has already largely been disturbed for the main hospital wing, Riverglen building and associated structures. These buildings would provide a transition between the hospital and adjoining residential area. The northern envelope is setback 6.5m from River Road and 24.5m from the western boundary. The southern envelope is separated from the northern envelope by a minimum 21m and from Pallister by 16.9m. The southern envelope is setback a minimum 20.9m from the western boundary and 34.4m from the southern boundary and 30m from the remnant bushland.
- 2.2.6 An internal two-way road would be provided connecting the signalised River Road western access and the St Vincents Road access. The eastern access on River Road at the main entrance would provide access to the pick-up / drop off area and the basement carpark. The basement carpark would also be accessible from the internal road.
- 2.2.7 Landscaping will be separated into three precincts: western edge, including the remnant bushland area; central River Road precinct; and the heritage precinct. Design guidelines have been established by the Applicant for these various precincts to recognise the conservation values and social and cultural opportunities for each of these precincts.

## 2.3 Timing

- 2.3.1 The construction of the development is proposed to be delivered in multiple stages and allow for the continued operations of the hospital. The proposed staging is as follows and illustrated in **Figures 14 to 20**:
  - Stage 1.1: demolish Blue Gum building, eastern wing of hospital and associated car parking.
  - Stage 1.2: construct hospital podium and tower.
  - Stage 2: construct remainder of hospital.
  - Stage 3.1: demolish remainder of hospital (main hospital wing and Riverglen).
  - Stage 3.2: construct southern seniors living apartments and completion of internal road.
  - Stage 4: construct northern seniors living apartments.
  - Stage 5: construct respite building.
- 2.3.2 The development is subject to future development application(s) for the detailed design, construction and operation. The Applicant has stated that they would seek approval for the detailed design, construction and operation of all components of the development in a single subsequent application. The Applicant intends commencing construction in 2021 (subject to obtaining necessary approvals).

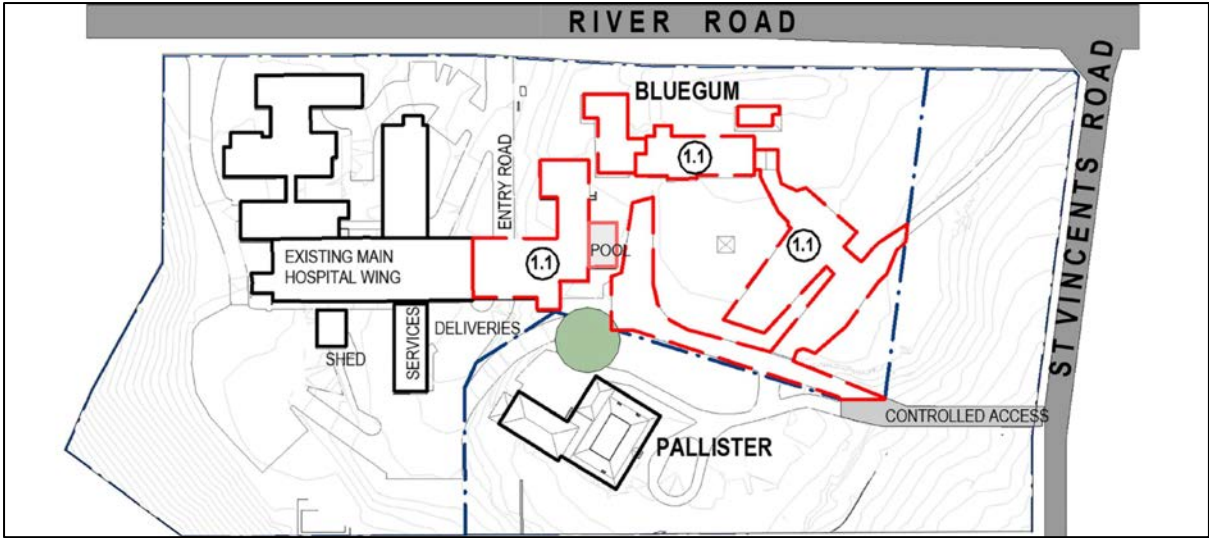


Figure 14 | Stage 1.1 (Source: RtS)

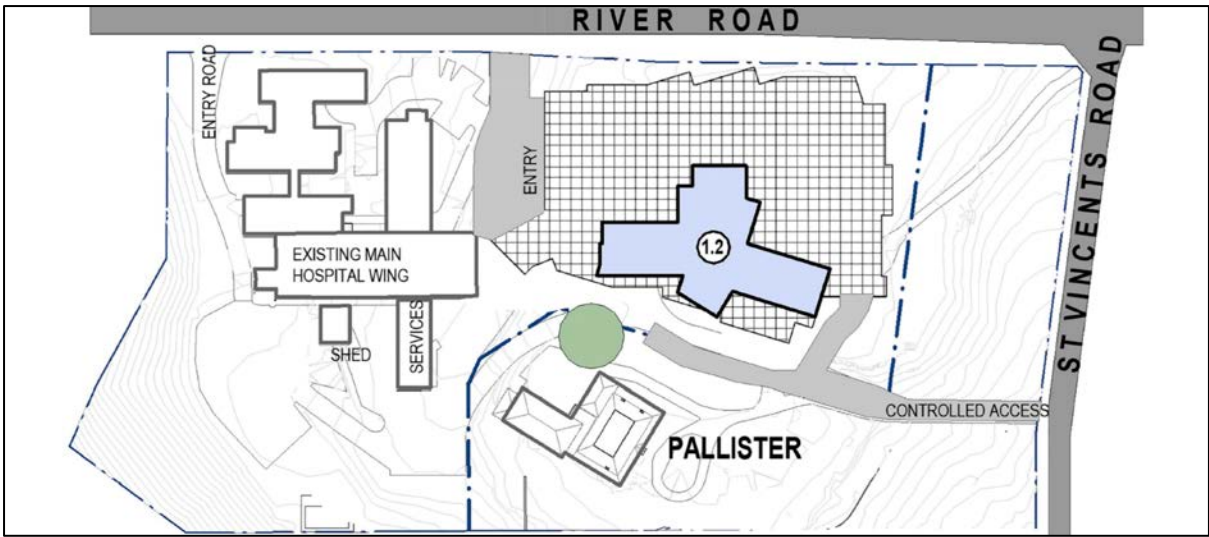


Figure 15 | Stage 1.2 (Source: RtS)

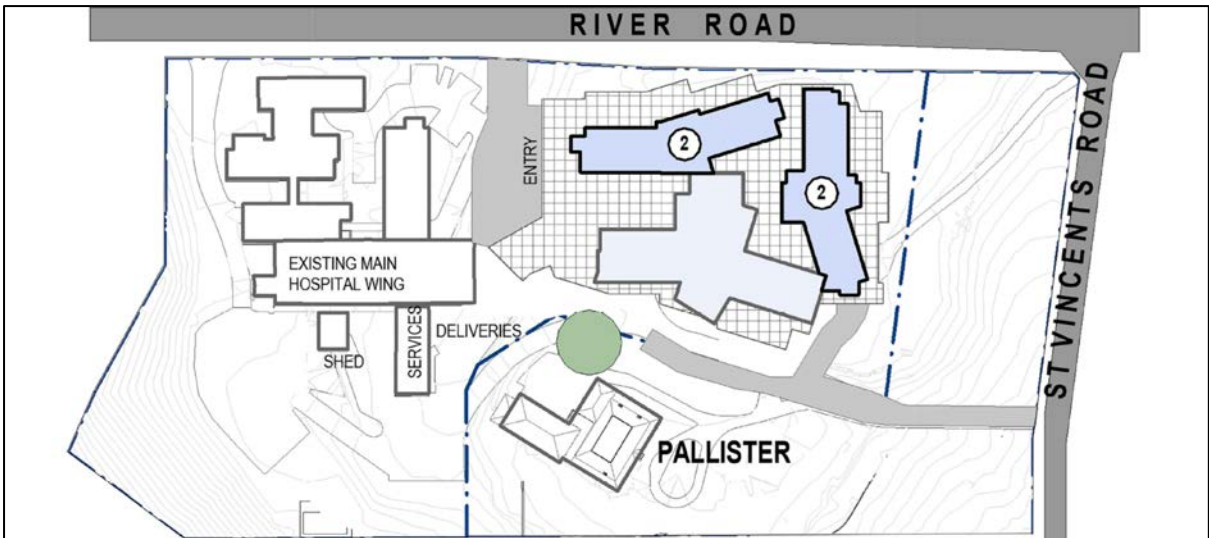


Figure 16 | Stage 2 (Source: RtS)

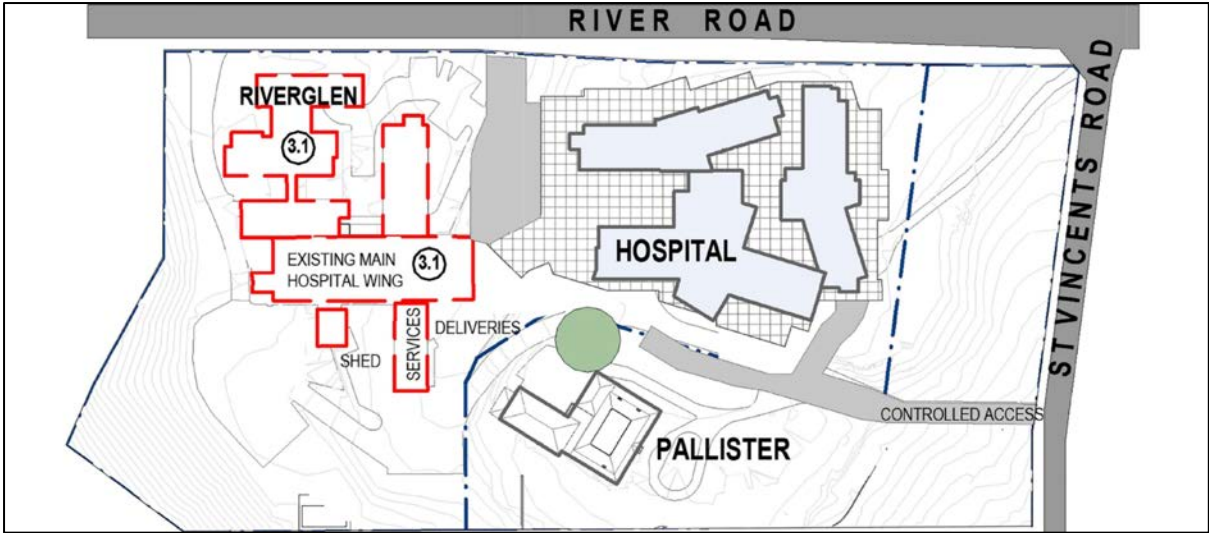


Figure 17 | Stage 3.1 (Source: RtS)

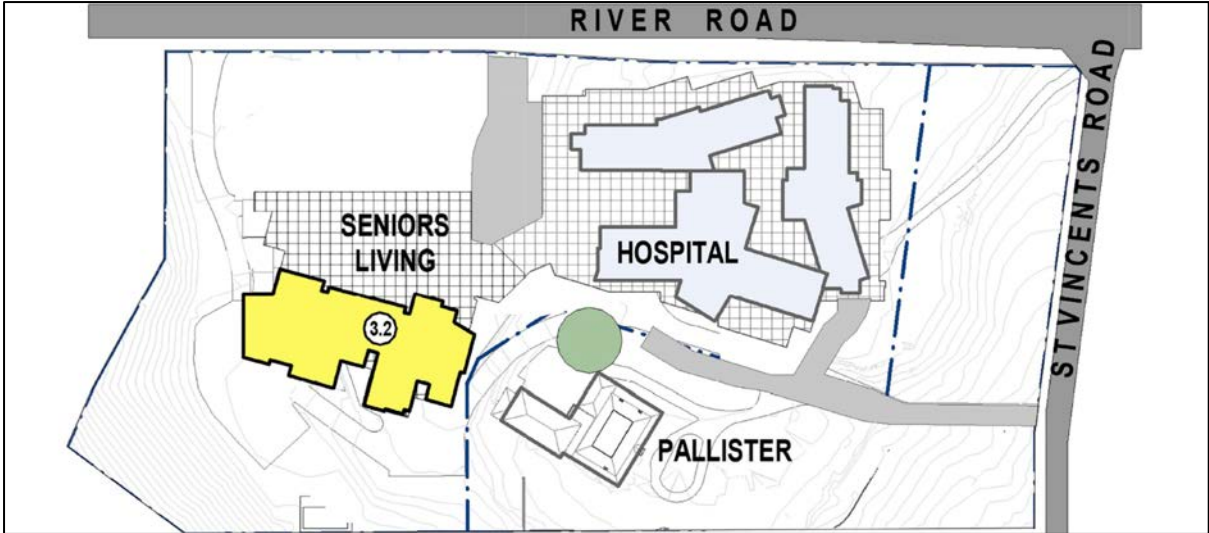


Figure 18 | Stage 3.2 (Source: RtS)

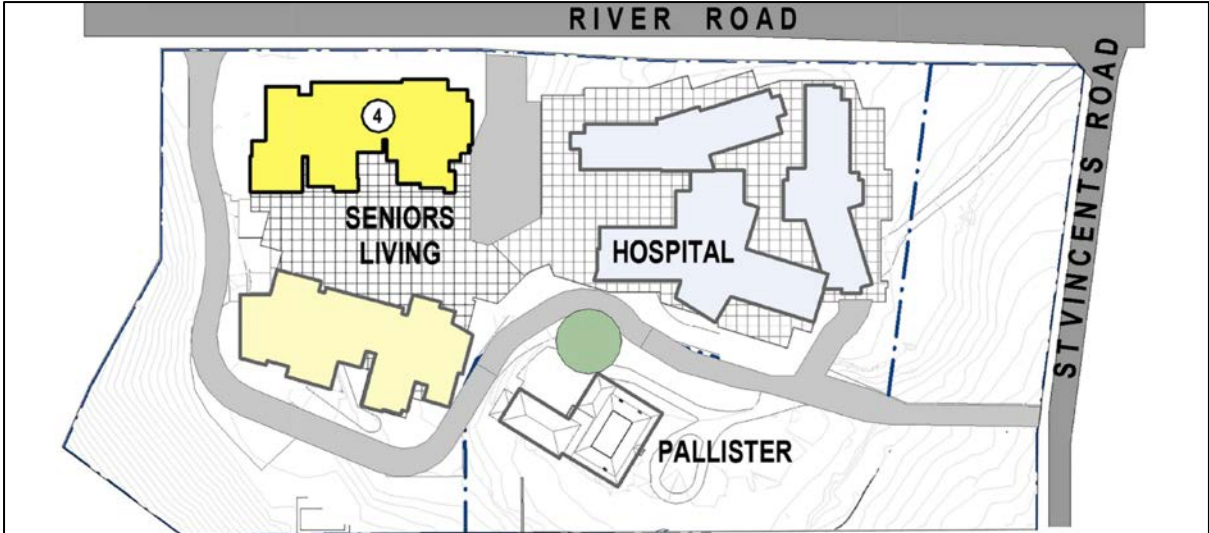


Figure 19 | Stage 4 (Source: RtS)

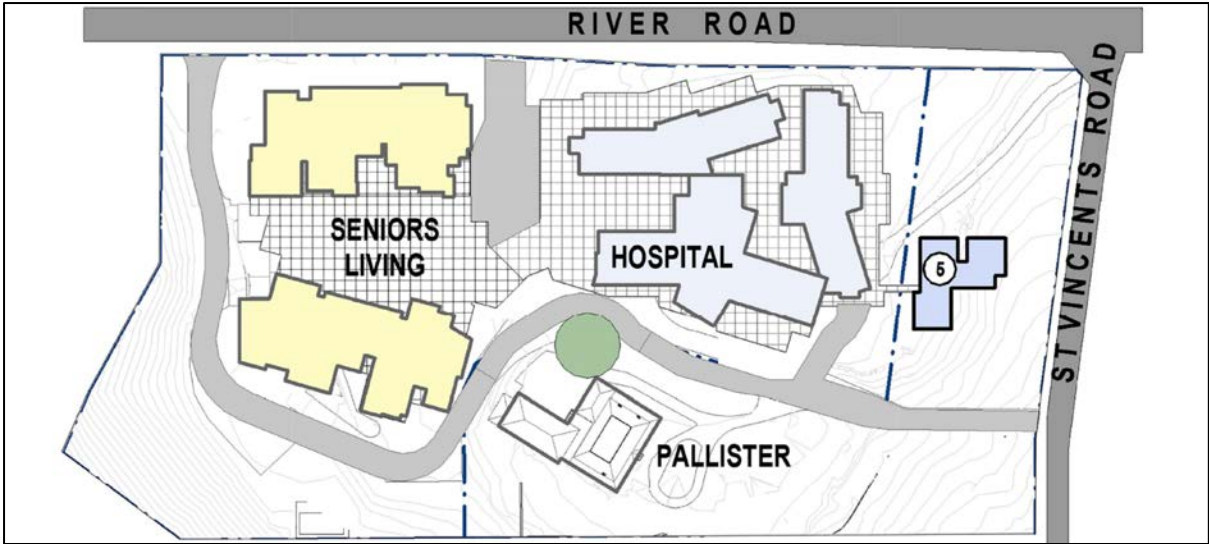


Figure 20 | Stage 5 (Source: RtS)

## 3 Strategic context

### 3.1 Project need and justification

- 3.1.1 The concept proposal facilitates a development opportunity to address the need for social infrastructure and additional housing to support seniors living by co-locating these services. The Applicant has advocated that the model to be delivered as part of the redevelopment of Greenwich Hospital would provide an integrated and accessible model of care for patients, residents, visitors and the wider community. 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.
- 3.1.2 The proposed future redevelopment of the existing hospital would also 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.
- 3.1.3 Greenwich Hospital would be able to increase its capacity and provide improved services as demonstrated in **Table 2**.

**Table 2 | Site services and facilities**

Existing	Proposed
<ul style="list-style-type: none"> <li>• Main building - 58 inpatient hospital beds and facilities for palliative care, cancer rehabilitation and general rehabilitation health care services.</li> <li>• Blue Gum Lodge - pain clinic healthcare services.</li> <li>• Riverglen unit - 20 bed acute care facility for older people in the acute phase of a mental health disorder.</li> <li>• Pallister - dementia centre, research facilities and education services.</li> </ul>	<ul style="list-style-type: none"> <li>• Hospital building - 150 beds; short term restorative care programs; inpatient and outpatient rehabilitation services; older persons mental health and positive ageing services; residential aged care with specialised support services available for people living with dementia and carers; palliative and supportive care; a Centre for Learning and Research.</li> <li>• Respite care building - day and overnight respite care.</li> <li>• "Pallister" - dementia centre, research facilities and education services.</li> <li>• Serviced seniors living with 24/7 support services to provide 'hospital in the home' opportunities for older people to stay in their homes longer.</li> </ul>

- 3.1.4 The addition of seniors living integrated with the specialist health services offered by Greenwich Hospital (focusing on dementia care) would provide greater housing choice for the ageing population in the area and facilities that would enable ageing in place, maintaining independence, minimising preventable hospitalisation and managing the increasing demand on the acute services of health

facilities. By facilitating housing choice and the relocation of the elderly into seniors housing, opportunities would also be created for younger families to move into the area. The proposal would provide a high-quality contemporary facility to the community and relieve increasing demand on existing public hospitals in the area.

- 3.1.5 The Applicant has stated that the redevelopment of Greenwich Hospital is necessary to provide suitable health service facilities to meet increased demand in the area and ageing population in the Lane Cove LGA, which is projected to increase to 17 per cent of the overall population by 2041. It is also consistent with the NSW State Health Plan – Towards 2021, which focuses on delivering integrated and connected health care. It is also consistent with the strategy to design and build future focused infrastructure, which includes establishing healthcare precincts with public and private services and encouraging integrated services delivery models for multipurpose facilities.

## 3.2 Strategic Context

- 3.2.1 The Department considers that the proposal is consistent with the:

- Greater Sydney Regional Plan, *A Metropolis of Three Cities*, as it proposes redevelopment of health facilities to meet the growing needs of Sydney.
- vision outlined in the Greater Sydney Commission's *North District Plan*, as it would contribute towards health infrastructure within proximity of St Leonards Health and Education Precinct and responds to the following priorities:
  - Planning Priority N3 - Providing services and social infrastructure to meet people's changing needs.
  - Planning Priority N5 - Providing housing supply, choice and affordability with access to jobs, services and public transport.
  - Planning Priority N19 - Increasing urban tree canopy cover and delivering Green Grid connections.
- *Future Transport Strategy 2056*, as it would support the ongoing provision of improved health facilities in an accessible location with access to public transport services.
- *State Infrastructure Strategy 2018 - 2038 Building the Momentum*, as it proposes investment in the non-government health sector, supports the delivery of modern health care and delivers specialised care for older persons to address the expected 56 per cent utilisation of the acute health services by this cohort.
- Lane Cove Council's Local Strategic Planning Statement, as it would deliver additional housing to support the planning priority to deliver diverse range of housing types and encourage housing that is sustainable, liveable, accessible and affordable and protects remnant riparian bushland maintaining bushland connectivity, which is consistent with the planning priority to enhance the urban tree canopy, bushland and waterways.



## 4 Statutory context

### 4.1 State significance

- 4.1.1 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).
- 4.1.2 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.
- 4.1.3 In accordance with clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission (the Commission) is the consent authority as Council objects to the development and there are more than 50 unique public submissions in the nature of objection (161 objections received).

### 4.2 Permissibility

- 4.2.1 The site is identified as being located within the SP2 Health Services Facilities zone under Lane Cove Local Environmental Plan (LCLEP) 2009. Hospitals are permissible with consent in the SP2 zone. While seniors housing is prohibited in the zone, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) permits seniors housing on land zoned primarily for urban purposes where hospitals are permissible.
- 4.2.2 Therefore, the Commission may determine the carrying out of the development.

### 4.3 Other approvals

- 4.3.1 Under section 4.41 of the EP&A Act, other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.
- 4.3.2 Under section 4.42 of the EP&A Act, a number of further approvals are required, and must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).
- 4.3.3 The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

## 4.4 Mandatory matters for consideration

### Environmental planning instruments

- 4.4.1 Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the proposal.
- 4.4.2 The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs, subject to the recommended modifications in **Section 6**.

### Objects of the EP&A Act

- 4.4.3 The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 3**.

**Table 3 | Response to the objects of section 1.3 of the EP&A Act**

Objects of the EP&A Act	Consideration
<b>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</b>	The proposal would provide clinical care and seniors living in an integrated setting, resulting in significant benefits for the community including more hospital beds focused on specialised healthcare for the ageing population.
<b>(b) to facilitate Ecologically Sustainable Development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</b>	The proposal incorporates satisfactory measures to achieve ecologically sustainable development, as detailed in <b>Section 4.5</b> .
<b>(c) to promote the orderly and economic use and development of land</b>	The proposal would promote the orderly development of the land as it would contribute to the growth of the healthcare and seniors housing sectors. The site is sufficiently serviced by public transport infrastructure with access to services.

Objects of the EP&A Act	Consideration
(d) to promote the delivery and maintenance of affordable housing	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal is located on a previously developed and disturbed site. Impact on threatened or vulnerable species, plants, ecological communities or their habitats are addressed in <b>Section 6</b> and would be appropriately mitigated.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposed development has been designed to minimise impacts upon European built and cultural heritage and is not anticipated to result in any impacts upon Aboriginal cultural heritage. See <b>Section 6</b> .
(g) to promote good design and amenity of the built environment	The Department has consulted with the Government Architect NSW (GA NSW) throughout the assessment of the proposed development and considers the application would provide for good design and amenity of the built environment, subject to recommended modifications detailed in <b>Section 6</b> .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Not applicable.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department publicly exhibited the proposal ( <b>Section 5.1</b> ) and amended proposal ( <b>Section 5.5</b> ), which included consultation with Council and other public authorities and consideration of their responses ( <b>Sections 5.3, 5.7</b> and <b>6</b> ).
(j) to provide increased opportunity for community participation in environmental planning and assessment	The Department publicly exhibited the proposal and amended proposal as outlined in <b>Section 5.1</b> and <b>5.5</b> (respectively), which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition periods.

## 4.5 Ecologically sustainable development

4.5.1 The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

4.5.2 The Applicant is committed to targeting the equivalent of a 4-star Green Star rating but not certification as it has stated that some of the initiatives inhibit quality of patient care. The proposed ESD initiatives also include targets of:

- increasing renewable energy to 20 per cent of total energy used.
- reducing water use per square metre by 10 per cent compared to existing operations.
- diverting 20 per cent more waste from landfill compared to existing operations.

4.5.3 The Department has recommended a condition requiring future applications demonstrate consideration of building performance and mitigation of climate change, including consideration of Green Star Performance, or demonstrate that an alternative framework is more suitable.

4.5.4 The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in section 12.5 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

4.5.5 Overall, the proposal is consistent with ESD principles and the Department is satisfied that the future detailed design would encourage ESD, in accordance with the objects of the EP&A Act.

## 4.6 Environmental Planning and Assessment Regulation 2000

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

## 4.7 Planning Secretary's Environmental Assessment Requirements

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

## 4.8 Section 4.15(1) matters for consideration

4.8.1 **Table 4** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which

additional information and consideration is provided in **Section 6** and relevant appendices or other sections of this report and EIS, referenced in the table.

**Table 4 | Section 4.15(1) matters for consideration**

<b>Section 4.15(1) Evaluation</b>	<b>Consideration</b>
<b>(a)(i) any environmental planning instrument</b>	The Department’s consideration of the relevant EPIs is provided in <b>Section 6</b> and <b>Appendix B</b> of this report.
<b>(a)(ii) any proposed instrument</b>	Consideration has been given to draft EPIs at <b>Appendix B</b> .
<b>(a)(iii) any development control plan (DCP)</b>	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at <b>Appendix B</b> .
<b>(a)(iiia) any planning agreement</b>	Not applicable.
<b>(a)(iv) the regulations</b> <b>Refer Division 8 of the EP&amp;A Regulation</b>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 EP&A Regulation), public participation procedures for SSD and Schedule 2 EP&A Regulation relating to EIS.
<b>(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</b>	Appropriately mitigated or conditioned - refer to <b>Section 6</b> .
<b>(c) the suitability of the site for the development</b>	The site is suitable for the development as discussed in <b>Sections 3</b> and <b>6</b> .
<b>(d) any submissions</b>	Consideration has been given to the submissions received during the exhibition period. See <b>Sections 5</b> and <b>6</b> .
<b>(e) the public interest</b>	Refer to <b>Sections 6</b> and <b>7</b> .

## **4.9 Biodiversity Conservation Act 2016**

- 4.9.1 Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.
- 4.9.2 The impact of the Redevelopment of Greenwich Hospital on biodiversity values has been assessed in the BDARs accompanying the EIS and RtS and considered in **Section 6**.

## 4.10 Environment Protection and Biodiversity Conservation Act 1999

- 4.10.1 Under the assessment and approval provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), actions that are likely to have a significant impact on a matter of national environmental significance are subject to an assessment and approval process. An action includes a project, development, undertaking, activity, or series of activities.
- 4.10.2 The site does not contain any vegetation communities that are listed as critically endangered and endangered ecological communities under the EPBC Act. It is considered that the Grey-headed Flying-fox and the Large-eared Pied Bat, which are listed as vulnerable under the EPBC Act, are likely to use some of the development site for seasonal foraging.
- 4.10.3 In giving consideration to the EPBC Act and the project's impact, the Applicant's Biodiversity Development Assessment Report (BDAR) asserts that the subject site does not contain suitable breeding or roosting resources, and that, considering the species extensive foraging range, it was concluded that the concept proposal would not result in a significant impact to these species as it would not affect known breeding habitat, would only impact on foraging habitat, would not result in isolation or fragmentation of any populations or impact the life cycle of these species. Therefore, the action is not likely to have a significant impact on these species and a referral to the Commonwealth Department of Agriculture, Water and the Environment was not required.

## 5 Engagement

### 5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 14 February 2019 until 5 April 2019 (51 days). The application was exhibited at the Department and on its website, at the NSW Service Centre and at Lane Cove Council's office.
- 5.1.2 The Department placed a public exhibition notice in the Sydney Morning Herald and The Daily Telegraph on 13 February 2019 and North Shore Times on 14 February 2019. Adjoining landholders and relevant State and local government authorities were also notified in writing. A representative of the Department visited the site to provide an informed assessment of the development.
- 5.1.3 The Department has considered the comments raised in the submissions during the assessment of the application (**Section 6**) and by way of recommended conditions in the instrument of consent at **Appendix C**.

### 5.2 Summary of submissions on EIS

- 5.2.1 The Department received a total of 196 submissions on the EIS, including nine submissions from public authorities providing comments on the proposal (including an objection from Lane Cove Council (Council)), 10 submissions from special interest groups (including eight objections), and 177 public submissions (including 161 objections). A summary of submissions received is outlined in **Table 5** and copies of the submissions may be viewed at **Appendix A**.

**Table 5 | Summary of submissions (EIS)**

Submitter	Number	Position
<b>Government Agencies</b>	<b>9</b>	
Council	1	Object
Heritage NSW	1	Advice
Environment, Energy and Science Group (EESG)	1	Advice
Transport for NSW (TfNSW)	1	Advice
NSW Rural Fire Service (RFS)	1	Advice
Sydney Water	1	Advice
Ausgrid	1	Advice
Civil Aviation Safety Authority (CASA)	1	Advice
Environment Protection Authority (EPA)	1	Advice

Submitter	Number	Position
<b>Special Interest Groups</b>	<b>10</b>	
Greenwich Action Group	1	Object
Greenwich Community Association Inc.	1	Object
Greenwich Public School Parents and Citizens Association	1	Object
GSL Action Group	1	Object
Lane Cove Bushland Management Advisory Committee	1	Object
Lane Cove Bushland and Conservation Society Inc.	1	Object
Lane Cove North Residents Association	1	Comments
Longueville Residents Association	1	Object
Northwood Action Group Inc.	1	Object
Palliative Aged Care Network	1	Support
<b>Community Members</b>	<b>177</b>	
	161	Object
	7	Support
	9	Comment
<b>TOTAL</b>	<b>196</b>	

### 5.3 Public Authority submissions on EIS

5.3.1 A summary of the issues raised in the public authority submissions is provided at **Table 6** and copies of the submissions may be viewed at **Appendix A**.

**Table 6 | Summary of public authority submissions to the EIS exhibition**

Council
<p>Council supported the expansion of the hospital in principle but raised objections in relation to the:</p> <ul style="list-style-type: none"> <li>seniors living component, which is not permitted within the zone under the LCLEP 2009. The seniors living component should be removed from the development or significantly reduced to be ancillary to the primary health services facility.</li> <li>proposed unacceptable loss of tree canopy, contrary to planning priority N19 of the North District Plan. The tree loss is also likely to be higher given potential encroachments and the further testing required.</li> </ul>



- physical bulk of the hospital building, which should be reduced by increasing the distance of the building from the heritage item and stepping back the south west facade at each floor level to reduce the massing and visual dominance of the building.

Council also provided comments regarding:

- providing a minimum 10m setback of structure to the bushland on the site and maintaining solar access to the bushland.
- the seniors housing apartment buildings, which are considered incompatible with the surrounding development, which is predominantly one and two storey dwelling houses, and would visually dominate the northwest corner of the site.

Council requested further information regarding:

- aboriginal assessment.
- HammondCare affordable housing model.
- stormwater management.
- erosion and sediment control.
- analysis of view impacts from the harbour.
- construction noise management.
- waste management.
- Stage 2 contamination assessment.
- hydrological survey.
- apartments and villas compliance with accessibility Australian Standards.
- apartment buildings compliance with the Apartment Design Guide (ADG).

Council provided recommended conditions, should the concept proposal be approved, for future applications relating to:

- development contributions.
- affordable housing requirements.
- revisions to address heritage impacts.
- pre-construction requirements and construction management.
- engineering requirements.
- tree protection, biodiversity management and landscaping requirements.
- parking requirements.
- Aboriginal cultural heritage management.

## Heritage NSW

Heritage NSW, as delegate of the Heritage Council of NSW, provided the following comments:

- the proposal should identify and include ongoing conservation works and an interpretation strategy for the State heritage listed 'Pallister' item.
- an opportunity to allow for better appreciation of the historic house and appropriate setbacks and recognition of significant views should be facilitated by the proposal.
- the seniors living villas are located within the curtilage and would impact the landscaped setting and approach from St Vincents Road. The villas to the south of St Vincents Road should be removed and the remainder relocated further north towards River Road (north

of the access road), which would reduce tree removal and protect the setting and connection to St Vincents Road.

- consideration should be given to the historic landscaping to inform landscape conservation works.
- the scale of the hospital building would dominate Pallister and further consideration should be given to mitigating these impacts, including reducing the height, increasing setbacks from Pallister's north and north-west boundary, and increasing the separation between the bulk and Pallister.
- consider increasing the setback of the seniors living components to the west of Pallister to support a landscaped buffer and reduce negative visual impacts.
- engage an appropriately experience heritage consultant in the project team for any future application for the detailed design to ensure the form, detailing and materiality of the development is sympathetic to Pallister.
- remove the basement car parking from the curtilage of Pallister to protect the structural integrity of Pallister.
- locally significant archaeological resources may remain in parts of the site and it would be appropriate for early physical investigation of the areas of archaeological potential, where works involve ground disturbance, to inform the final design.

Heritage NSW also provided recommended conditions regarding:

- modifying the concept proposal to address above concerns.
- nominating a suitably qualified and experienced heritage consultant for the project.
- utilising specialist tradespersons for any work involving heritage fabric.
- preparing and incorporating a schedule of conservation works as part of the redevelopment.
- developing a sympathetic landscape plan by an appropriately qualified and experienced landscape architect with expertise in historic gardens and landscapes.
- preparation and implementation of an interpretation plan for the site.
- practices and procedures for undertaking early archaeological testing.

## EESG

EESG advised that:

- the BDAR has not been prepared in accordance with the Biodiversity Assessment Method (BAM). Specifically, the species credit assessment does not meet technical requirements, potential habitat for the Powerful Owl was not considered, not all prescribed impacts have been considered, preventative mitigation measures should be adopted over managing adverse impacts and lighting design should consider impacts on bats.
- the urban tree canopy cover should be increased in accordance with State policy and should include planting of advanced size local native trees and tree planting at a ratio of greater than 1:1 for replacement tree planting. The RtS must detail the number and species of trees to be planted, including pot container sizes.
- a condition of consent should be imposed to ensure that the rainforest vegetation on the site in the southwest corner is not managed as an inner protection area.

- green or cool roofs should be incorporated into the design to reduce energy demand and to increase biodiversity at the site.
- a preliminary flood assessment should be prepared to assess overland flow in the vicinity.
- further Aboriginal cultural heritage assessment (including subsurface archaeological testing for the eastern part of the site) and preparation of an Aboriginal Heritage Management Plan (AHMP) are required prior to ground disturbance works. Sub-surface testing should inform the AHMP and should only be undertaken in areas where ground disturbance works are proposed.
- the Aboriginal Cultural Heritage Assessment Report (ACHAR) should be revised to clarify the registered Aboriginal parties (RAPs).

## TfNSW

TfNSW advised that:

- there are no accessible pathways and kerb ramps for the seniors living at the eastern end of the site and they will need to be provided.
- the bus stop on River Road at St Vincents Road is not compliant with accessibility standards and a review should be undertaken to determine what mitigation measures are required to ensure safe access can be provide to / from bus stops and across River Road.
- end-of-trip facilities must be provided for staff and visitors in accordance with relevant standards and guidelines.
- in relation to road matters: River Road must be restricted to left in/left out (as proposed); works along River Road must be contained on the site; all vehicle must enter and exit the site in a forward direction; and the Applicant must provide signposting.

## RFS

RFS advised that:

- the site, except for the rainforest vegetation in the southwest corner and the heritage curtilage of Pallister House, must be managed as an inner protection area (IPA).
- a specific vegetation management plan (VMP) must be prepared for Pallister House, including managing grass heights, removing accumulation of vegetation litter, restricting shrub planting and maintaining separation between tree limbs and shrubs.
- a fuel management plan must be prepared.
- construction of the seniors living must comply with Australian Standards and Planning for Bush Fire Protection 2006 (PBFP).
- internal roads and utilities must comply with PBFP.
- a bush fire emergency management plan and evacuation plan must be prepared in accordance with relevant guidelines and Australian Standards.

## Sydney Water

Sydney Water advised that:

- a watermain extension along River Road from Greenwich Road to the north boundary of the site is required to service this development.
- the wastewater sewer pipe traversing the western portion of the site would need to be relocated if buildings are to be located above.
- the eastern portion of the site will drain to the sewer pipe encroaching the south of the site.
- a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained and detailed requirements, including any extension or amplification, will be determined as part of this process.

## Ausgrid

Ausgrid advised that:

- the Applicant should consult with Ausgrid early to determine whether a new substation is required.
- underground cables run along River Road and appropriate mitigation measures need to be implemented for safe work near the cables.

## CASA

CASA advised that the proposal does not impact aviation safety.

## EPA

EPA advised that the proposal is not a scheduled activity and does not require an environment protection licence.

## 5.4 Community Submissions on EIS

- 5.4.1 A summary of the issues raised in the community (including special interest groups) submissions is provided in **Table 7** and copies of the submissions may be viewed at **Appendix A**.

**Table 7 | Summary of issues raised in community submissions to the EIS exhibition**

Issue	Number of Submissions
Traffic impacts: <ul style="list-style-type: none"><li>• existing congestion along River Road would increase.</li><li>• safety concerns given topography and additional traffic.</li></ul>	99 (52.9%)
Seniors living is not a suitable use for the site and does not meet SSD criteria.	96 (51.3%)

Issue	Number of Submissions
<p>Bulk and scale:</p> <ul style="list-style-type: none"> <li>height of seniors living out of character and results in amenity impacts.</li> <li>height of hospital building would dominate the skyline and could be reduced if seniors living was not part of the proposal.</li> <li>overdevelopment of the site.</li> <li>layout is not consistent with residential pattern.</li> </ul>	95 (50.8%)
<p>Tree removal:</p> <ul style="list-style-type: none"> <li>loss of amenity from impact on character of the area.</li> <li>impact landscaped heritage setting.</li> <li>biodiversity impacts including loss of habitat.</li> <li>risk of greater loss of trees without adequate tree protection for retained trees.</li> <li>insufficient arborist assessment.</li> </ul>	93 (49.7%)
<p>Inconsistent with the character of the area:</p> <ul style="list-style-type: none"> <li>site is surrounded by predominantly single detached residential and bushland.</li> <li>desired character of the area is to remain detached residential.</li> </ul>	71 (38%)
<p>View impacts:</p> <ul style="list-style-type: none"> <li>adversely impact outlook from Northwood and Bob Campbell Oval.</li> <li>impact outlook for adjoining neighbours.</li> </ul>	69 (36.9%)
<p>The site is zoned for health facilities and the seniors living would restrict future delivery of hospital floorspace.</p>	62 (33.2%)
<p>Impact on school safety from additional traffic, increased population using constrained footpaths and impacts from construction activities.</p>	61 (32.6%)
<p>Heritage impacts:</p> <ul style="list-style-type: none"> <li>villas encroaching the curtilage of “Pallister”.</li> <li>development would dominate and overshadow “Pallister”.</li> <li>loss of landscaped setting.</li> </ul>	48 (25.7%)
<p>Impact on bushland and biodiversity:</p> <ul style="list-style-type: none"> <li>loss of trees within corridor.</li> <li>insufficient assessment of water flow impacts.</li> <li>overshadowing of bushland.</li> <li>loss of habitat.</li> </ul>	42 (22.5%)

Issue	Number of Submissions
Amenity impacts: <ul style="list-style-type: none"> <li>• development would overlook adjoining residents and result in loss of privacy.</li> <li>• noise impacts (including additional traffic noise and additional service vehicles).</li> </ul>	39 (20.9%)
Insufficient infrastructure and services to support seniors living: <ul style="list-style-type: none"> <li>• insufficient public transport.</li> <li>• insufficient access to access retail, commercial, and community services.</li> <li>• insufficient details regarding utilities.</li> </ul>	28 (15%)
Construction impacts: <ul style="list-style-type: none"> <li>• traffic, noise, dust and impact on biodiversity.</li> <li>• unknown timeframe.</li> </ul>	25 (13.4%)
Overshadowing impacts on adjoining residents, “Pallister”, Bob Campbell Oval and adjoining bushland.	25 (13.4%)
Existing parking impacts on surrounding streets exacerbated and insufficient car parking provided.	20 (10.7%)
Inconsistent with controls.	19 (10.2%)
Insufficient setbacks to River Road and adjoining residences to the west.	16 (8.6%)
Lightspill.	15 (8%)
Impact on property values.	15 (8%)
Pedestrian safety given additional population to the site and additional traffic with insufficient pedestrian paths.	13 (7%)
St Vincents Road must remain a time restricted access and additional traffic would impact road safety.	13 (7%)
Supports hospital upgrade.	13 (7%)
Cumulative traffic impacts from completed, under construction and approved development within the area and associated change in traffic behaviour.	12 (6.4%)
Inadequate consultation.	11 (5.9%)
Insufficient consideration of stormwater management and potential impacts on adjoining residents and bushland.	10 (5.3%)
Design does not meet ADG and principles of SEPP 65.	9 (4.8%)

Issue	Number of Submissions
Inappropriate location given bushfire risk and management requirements.	8 (4.3%)
Setting a high-rise precedent, insufficient landscaping and open space.	7 (3.7%)
Access road widening resulting in loss of vegetative buffer.	6 (3.2%)
Adequacy of EIS, flooding from overland flow.	5 (2.7%)
Accessibility of the site, does not meet applicable Seniors Housing SEPP requirements.	4 (2.1%)
Aboriginal archaeological impacts, contamination, insufficient site analysis, request new pool, not suitable for retail shopfronts, not affordable housing, housing should be restricted to seniors, security, single ownership and staging.	1 (0.5%)

## 5.5 Response to submissions

5.5.1 Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions. The Department also asked that the following additional matters be addressed:

- provide details of the operation of the serviced housing and integration with hospital facilities.
- provide consideration of requirements of the Seniors SEPP, including accessibility requirements, relevant site compatibility criteria, detailed site analysis, consideration of a reduction in seniors living to address the low density residential character of the neighbourhood and adequate solar access for future occupants of the envisaged seniors living.
- address the principles of SEPP 65, particularly in relation to neighbourhood character and built form, and demonstrate that the proposal could achieve the relevant requirements of the ADG.
- provide additional details on architectural plans, including ground levels, relationship with existing heritage structures and landscaping.
- commit to achieving best practice sustainability standards.
- undertake a preliminary risk screening to address State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33).
- undertake a detailed site investigation to identify whether remediation is required and provide a strategy for remediation if required.
- address heritage and flooding concerns raised by government agencies.
- undertake further community engagement to address community concerns.

5.5.2 On 15 October 2019, the Applicant provided an RtS, including an amended proposal (**Appendix A**), addressing the issues raised in the submissions to the EIS. The RtS proposed the following design amendments:

- reduced scale of development, including deletion of the seniors living villas.
- increased health care facilities, including a new respite care facility.

- greater setbacks and transitions in height of building envelopes along the boundaries of the site.
- increased tree retention and landscaping.
- reconfiguration of the layout to protect the heritage curtilage of “Pallister” House.
- revised staging to deliver the new hospital in the first stage.

5.5.3 A summary of the numerical changes to the development are detailed in **Table 8**.

**Table 8 | Qualitative summary of changes in RtS/Amended proposal**

Aspect	EIS	RtS/Amended Proposal
<b>GFA</b>	<p>Health uses: 13,900sqm. Seniors living apartments: 12,800sqm. Seniors living villas: 1,600sqm. <b>Total: 28,300sqm.</b></p>	<p>Health: 14,500sqm comprising:</p> <ul style="list-style-type: none"> <li>• 12,750sqm main hospital building envelope.</li> <li>• 1,050sqm Pallister.</li> <li>• 700sqm respite care building envelope.</li> </ul> <p>Seniors living apartments: 13,000sqm. <b>Total: 27,500sqm.</b></p>
<b>Built form</b>	<p>Hospital building envelope: max. height of <b>RL 80</b> (up to 10 storeys) comprising:</p> <ul style="list-style-type: none"> <li>• part two, part three storey basement (RL 38.9 to RL 51.7).</li> <li>• part one storey podium (RL 56.9).</li> <li>• part three, part four storey podium (RL 61.6).</li> <li>• five storey tower incl. plant (overall RL 80).</li> </ul> <p>Seniors living apartment building envelopes: <b>RL 65</b> (stepping down to RL 61.4 at western edge). Seniors living villa building envelopes: <b>RL 55</b>.</p>	<p>Hospital building envelope: max. height of <b>RL 80</b> (up to 10 storeys) comprising:</p> <ul style="list-style-type: none"> <li>• part two, part three storey basement (RL 38.9 to RL 51.7).</li> <li>• part one storey podium (RL 56.9).</li> <li>• part three, part four storey podium (RL 61.6).</li> <li>• five storey tower incl. plant (overall RL 80).</li> </ul> <p>Respite care building envelope: max. height of <b>RL 55.1</b> (three storeys). Seniors living building envelopes:</p> <ul style="list-style-type: none"> <li>• northern envelope: <b>RL 62.6</b> (up to seven storeys stepping down to five storeys (RL 55.7) at western edge).</li> <li>• southern envelope: <b>RL 63.2</b> (up to seven storeys stepping down to five storeys at the eastern end (R 61.4) and western end (RL 52.4)).</li> </ul>



Aspect	EIS	RtS/Amended Proposal
<b>Indicative capacity</b>	Hospital: 150 beds (inpatient hospital beds, palliative care beds and residential aged care beds). Seniors housing: 80 apartments and 9 villas.	Hospital: 150 beds (inpatient hospital beds, palliative care beds and residential aged care beds). Seniors housing: 89 two-bed units.
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>• Tree removal (131 trees).</li> <li>• Deep soil planting area 12,000sqm (35%).</li> </ul>	<ul style="list-style-type: none"> <li>• Tree removal (86 trees, comprising 55 trees within the development footprint and 31 structurally compromised, dead or exempt specimen trees).</li> <li>• Tree planting (60 trees).</li> <li>• Deep soil planting area 13,800sqm (41%).</li> </ul>

#### 5.5.4 The RtS also included:

- further consideration of the Seniors Housing SEPP, including additional information in relation to: access to facilities; site compatibility considerations; site analysis; impacts on neighbourhood amenity and streetscape; accessibility; and solar access for future seniors living units.
- revised Architectural Design Statement, assessment of compliance with the ADG and the Applicant’s design guidelines for future development.
- revised landscape plans, including additional cultural planting associated with “Pallister”, a period garden (framing the carriage loop) that contributes to the “Pallister” curtilage and re-instating the ‘bridle path’ as a footpath through the landscaped setting of “Pallister”.
- further details regarding the operations of the hospital and intended operations of the seniors housing.
- accessibility report confirming that the site can comply with accessibility standards.
- revised arborist assessment which assessed 297 trees on the site and adjoining the site and identified 211 trees for retention and protection and removal of 86 trees.
- revised BDAR to address matters raised by EESG.
- clarification regarding bushfire management measures, which would not impact the landscaped setting or remnant bushland as these areas are not required to be managed as an IPA.
- detailed visual impact assessment.
- revised Heritage Impact Statement.
- structural engineering advice confirming that the basement structure would not impact on Pallister.
- further Aboriginal cultural heritage advice regarding timing for further assessment, including subsurface archaeological testing to inform that assessment.
- preliminary flood study concluding that the site is at a high point and overland flow would continue flow around the site and therefore flood mitigation measures are not required.
- detailed site investigation confirming that the site can be made suitable subject to a Remedial Action Plan (RAP) for the land.
- a Community Consultation Report.

- 5.5.5 The Department publicly exhibited the RtS from 24 October 2019 until 18 December 2019 (50 days). The RtS was exhibited in the same manner as the EIS, including the same notification process, and previous submitters and parties registering an interest on the Department’s Major Projects website were also notified.
- 5.5.6 The Department has considered the comments raised in the submissions on the RtS during the assessment of the application (**Section 6**) and by way of recommended conditions in the instrument of consent at **Appendix C**.

## 5.6 Summary of submissions on RtS

- 5.6.1 The Department received a total of 135 submissions to the RtS, including eight submissions from public authorities providing comments on the proposal (including an objection from Lane Cove Council (Council)), eight submissions from special interest groups (including six objections) and 119 public submissions (including 109 objections). A summary of submissions received is outlined in **Table 9** and copies of the submissions may be viewed at **Appendix A**.

**Table 9 | Summary of Submissions (RtS)**

Submitter	Number	Position
<b>Government Agencies</b>	<b>8</b>	
Council	1	Object
Heritage NSW	1	Advice
EESG	1	Advice
TfNSW	1	Advice
RFS	1	Advice
CASA	1	Advice
SACL	1	Advice
EPA	1	Advice
<b>Special Interest Groups</b>	<b>8</b>	
Greenwich Community Association Inc.	1	Object
GSL Action Group	1	Object
Lane Cove Bushland Management Advisory Committee	1	Object
Lane Cove Bushland and Conservation Society Inc.	1	Object
Longueville Residents Association	1	Object
Northwood Action Group Inc.	1	Object

Submitter	Number	Position
Sydney North Health Network	1	Support
Dementia Australia	1	Support
<b>Community Members</b>	<b>119</b>	
	109	Object
	3	Support
	7	Comment
<b>TOTAL</b>	<b>135</b>	

## 5.7 Public Authority submissions to the RtS

5.7.1 A summary of the issues raised in the public authority submissions is provided at **Table 10** and copies of the submissions may be viewed at **Appendix A**.

**Table 10 | Summary of public authority submissions to the RtS**

Council
<p>Council maintained its objection, particularly in relation to:</p> <ul style="list-style-type: none"> <li>the seniors living component, which is not permitted within the zone under the LCLEP 2009 and would restrict future expansion of the health services facilities. Council acknowledged the need for seniors living facilities but considers the subject site inappropriate for this use. The removal of the seniors living component would also allow a more sensitive design of the hospital building to minimise the height and bulk.</li> <li>the respite clinic given the loss of trees and impact on St Vincents Road frontage.</li> </ul> <p>Council acknowledged that the revised proposal addressed concerns regarding:</p> <ul style="list-style-type: none"> <li>planning priority N19 North District Plan as there would be a net increase of trees (excluding structurally compromised, dead or exempt specimen trees) given the significant reduction in tree removal and proposed offset planting.</li> <li>appropriate setback of structures to the bushland on the site and overshadowing impacts on the bushland as they fall largely within the existing shadow caused by the site's steep topography and existing built form.</li> <li>the hospital building envelope has been modified to address the relationship with Pallister House and not compromise the heritage fabric of the Pallister House and its curtilage.</li> <li>accessibility requirements.</li> <li>amenity requirements for seniors living apartments.</li> <li>submission of Stage 2 contamination assessment, traffic noise assessment, stormwater management details, erosion and sediment control details, construction noise management, waste management details and hydraulic survey with the detailed design application.</li> </ul>

Council reiterated comments regarding concerns over:

- the height of the building envelopes and the need for the development to address the context of the surrounding built form on and adjoining the site. The proposed scale of the seniors living building and hospital building envelopes would continue to dominate Pallister and is not in keeping with the low scale of residential development surrounding the site.
- tree loss resulting from the development.
- compliance with the Seniors Housing SEPP requirements to provide a minimum of 10 per cent of all dwellings as affordable housing.

Council requested conditions be imposed as per its original submission on the EIS.

Council also relayed community concerns regarding discrepancies regarding tree planting, discrepancies regarding site contours, understated view impacts to Northwood, insufficient community consultation, separate the vehicle access between the three access points for various uses to address safety, integrating the respite clinic with other health facilities to avoid wayfinding issues, demarcating private open space areas for residential uses, subdividing the site to reflect uses, clarify location of asset protection zone (APZ) and further consideration of the heritage significance of the bridle path area.

## Heritage NSW

Heritage NSW advised:

- the removal of the seniors living villas south of St Vincents Road is supported.
- the respite building replacing the northern seniors living villas is appropriately screened by trees and will not be readily viewed from the St Vincents Road access drive.
- the hospital building envelope has been modified to respond to the heritage setting, including:
  - the western end being concealed beneath a landscaped terrace to improve site lines to Pallister House from River Road (now partially single story).
  - provision of a two-to-three storey podium to respond to the scale of Pallister House.
  - amended south side to have a stronger relationship and visual connection to Pallister House and its heritage curtilage.
  - the basement has been reconfigured to be located outside the curtilage of Pallister.
- the landscape concept has been redesigned to minimise heritage impacts and incorporate elements to recognise significant features of the site, including retention of mature vegetation to maintain landscaped setting of Pallister, interpretation of the former bridle path as a pedestrian footpath and planting of a period garden around Pallister.
- an interpretation plan must be prepared for the site.
- the high-level link bridge between the hospital and respite centre is to be removed and all plans must be updated to reflect this change.

Heritage NSW also re-iterated previous recommended conditions and provided additional conditions relating to:

- refining the future building to increase setbacks to Pallister where possible and ensure a large landscaped buffer to screen the development and reduce impacts on the heritage setting.
- protecting significant built and landscape elements.

#### **EESG**

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EESG advised:

- the revised BDAR addresses comments raised and a condition should be imposed to require the mitigation measures are implemented.
- retention and planting of exotic and invasive tree species is a regional concern and native trees, shrubs and groundcover species should be planted as per the mitigation measures in the BDAR except where cultural heritage planting is required.
- tree planting must be at a ratio greater than 1:1 and should have pot sizes of 75-100 litres where feasible or sized trees or pre-grown from provenance seed.
- a landscape plan must detail Plant Community Types (PCTs), list of plantings (including quantity and location), pot sizes, identify growth area required and maintenance details.
- habitat features should be installed to improve biodiversity, such as nest boxes.
- any large tree trunks from trees removed should be salvaged and used for landscaping.

#### **TfNSW**

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TfNSW acknowledged the Applicant's response regarding compliance with accessibility requirements and recommended that adequate way-finding signage and strategy should be provided.

TfNSW also advised that previous comments regarding road matters are still applicable.

#### **RFS**

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RFS advised comments provided on the EIS are still applicable to the revised application.

#### **CASA**

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CASA advised that the revised proposal does not impact aviation safety.

#### **SACL**

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SACL advised that it had no objection to the proposal, and it does not protrude into prescribed airspace. Construction cranes may need approval.

## EPA

EPA advised that the revised proposal is not a scheduled activity and does not require an environment protection licence.

### 5.8 Community Submissions to the RtS

5.8.1 A summary of the issues raised in the community (including special interest groups) submissions to the RtS is provided in **Table 11** and copies of the submissions may be viewed at **Appendix A**.

**Table 11 | Summary of issues raised in community submissions to the RtS**

Issue	Number of Submissions
Traffic impacts: <ul style="list-style-type: none"><li>existing congestion along River Road would increase.</li><li>safety concerns given topography and additional traffic.</li></ul>	101 (79.5%)
Bulk and scale: <ul style="list-style-type: none"><li>height of seniors living out of character and results in amenity impacts.</li><li>height of hospital building would dominate the skyline and could be reduced if seniors living was not part of the proposal.</li><li>overdevelopment of the site.</li><li>layout is not consistent with residential pattern.</li></ul>	79 (62.2%)
Seniors living is not consistent with the zoning and is not permissible on the site.	67 (52.8%)
Inconsistent with the character of the area: <ul style="list-style-type: none"><li>site is surrounded by predominantly single detached residential and bushland.</li><li>desired character of the area is to remain detached residential.</li><li>detrimentally impact character.</li></ul>	66 (52%)
View impacts: <ul style="list-style-type: none"><li>adversely impact outlook from Northwood and Bob Campbell Oval.</li><li>impact outlook for adjoining neighbours.</li></ul>	60 (47.2%)
Impact on school safety from additional traffic, increased population using constrained footpaths and impacts from construction activities.	54 (42.5%)

Issue	Number of Submissions
Tree removal: <ul style="list-style-type: none"> <li>• loss of amenity from impact on character of the area.</li> <li>• biodiversity impacts including loss of habitat.</li> <li>• risk of greater loss of trees without adequate tree protection for retained trees.</li> </ul>	49 (38.6%)
The site is zoned for health facilities and the seniors living would restrict future delivery of hospital floorspace.	47 (37%)
Due to the height of the development and loss of trees, the proposal would impact on the privacy of adjoining and nearby properties.	36 (28.3%)
Overdevelopment of the site and the additional population will have adverse impacts.	31 (24.4%)
Noise impacts (including additional traffic noise, additional service vehicles and construction noise).	30 (23.6%)
Impact on bushland and biodiversity: <ul style="list-style-type: none"> <li>• loss of trees within corridor.</li> <li>• insufficient assessment of water flow impacts.</li> <li>• overshadowing of bushland.</li> <li>• loss of habitat.</li> </ul>	28 (22%)
Insufficient public transport services to support seniors living.	28 (22%)
Lightspill.	25 (19.7%)
Insufficient car parking provided which will exacerbate demand on on-street parking.	24 (18.9%)
Seniors living is not SSD and is bypassing controls with a tenuous link to the proposed health facility.	24 (18.9%)
No development should be located in the Pallister heritage curtilage, especially when details of the respite facility are unknown.	22 (17.3%)
Insufficient access to access retail, commercial, and community services to support seniors living and increasing burden on facilities given the increasing population.	22 (17.3%)
The proposed development would dominate and adversely impact the heritage setting for “Pallister”.	20 (15.7%)
Seniors living should not be located on bushfire prone land and the management of the bushfire risk would have adverse impacts on the landscape setting and biodiversity given the need for tree and vegetation removal to manage the risk.	19 (15%)

Issue	Number of Submissions
Overshadowing impacts on adjoining residents, "Pallister", Bob Campbell Oval and adjoining bushland.	19 (15%)
Insufficient setbacks to River Road and adjoining residents, residential is still the dominant use and insufficient consideration of stormwater management and potential impacts on adjoining residents (localised flooding from overland flow) and bushland.	9 (7.1%)
Construction impacts, insufficient consultation, insufficient details regarding respite care facility, supports hospital upgrade component.	8 (6.3%)
Envelope can accommodate more unites based on average GFA for a two- bedroom unit, cumulative traffic impacts from completed, under construction and approved development within the area and associated change in traffic behaviour.	7 (5.5%)
Accessibility of the site does not meet applicable Seniors Housing SEPP requirements, impact on property values.	6 (4.7%)
Setting a high-rise precedent, insufficient landscaping and open space.	5 (3.9%)
Insufficient details regarding criteria for seniors living, does not meet Seniors Housing SEPP requirements, St Vincents Road must remain a time restricted access.	4 (3.1%)
Insufficient site analysis, pedestrian safety, insufficient details regarding management of seniors living.	3 (2.4%)
Inconsistent with controls, design does not meet ADG and principles of SEPP 65, errors regarding RLs, accuracy of contours, St Vincents Road access safety concerns.	2 (1.6%)
Contamination, internal road width is insufficient to meet bushfire planning standards, social impact.	1 (0.8%)

## 5.9 Response to submissions and request for more information

5.9.1 The Department reviewed the RtS and requested the Applicant provide a further response to the submissions and matters regarding:

- matters for consideration under the Seniors Housing SEPP regarding bushfire prone land, site combustibility concerns and neighbourhood amenity and streetscape.
- responding to design principles in SEPP 65.
- cumulative traffic impacts.

5.9.2 In response, the Applicant submitted a Response to Request for Information 2 (RRFI2) including response to submissions on 23 June 2020. No further changes were made to the proposal, however



further information was provided regarding the matters raised by the Department and in submissions, including:

- additional comments regarding bushfire assessment.
- confirmation that the assessment of traffic capacity of River Road remains relevant.
- built form assessment along River Road to support proposed building envelopes.
- additional shadow diagrams.
- further details regarding tree assessment on weed species.
- updated site plan to reflect removed link between the Hospital building envelope and the respite building envelope.
- clarification regarding survey and contours.

5.9.3 The Department received further representations from the community regarding the Hammondcare business model being outdated and should not be supported and querying the viability of the project.

5.9.4 The Applicant submitted a further response to a request for information on 10 July 2020 (RRF13), providing a revised plan set with envelope plans that provide dimensions, setback details and floor areas for the envelopes. Further clarification was also provided regarding: overshadowing of Gore Street and St Vincents Road properties; and the built form assessment along River Road illustrating that the Greenwich Public School development was actually three storeys but at a height of 12.5 metres would appear as four storeys.

5.9.5 The Applicant submitted further information on 14 and 17 August 2020 in response to draft conditions regarding view impacts (Further Information), providing additional montages from private properties. a revised plan set with envelope plans that provide dimensions, setback details and floor areas for the envelopes. Further clarification was also provided regarding: overshadowing of Gore Street and St Vincents Road properties; and the built form assessment along River Road illustrating that the Greenwich Public School development was actually three storeys but at a height of 12.5 metres would appear as four storeys.

## 6 Assessment

6.1.1 The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS and both Responses to Requests for Information (RRFI's) in its assessment. The Department considers the key issues associated with the proposal are:

- site suitability.
- building envelopes and urban design.
- amenity impacts.
- transport and traffic.
- heritage impacts.
- biodiversity impacts.

6.1.2 Each of these issues is discussed in the following sections of this report. Other issues taken into consideration during the assessment of the application are discussed in **Section 6.8**.

### 6.2 Site suitability

6.2.1 The development of the hospital component is consistent with the objectives of the zone. The key issue raised in relation to the proposal regarding site suitability by Council and in the public submissions was the use of the site for seniors living and potential to restrict any future development of the site for social infrastructure purposes.

6.2.2 This section addresses the suitability of the site for the two uses. Other site-specific issues such as urban design, amenity, traffic, heritage and biodiversity are addressed in detail in **Sections 6.3 to 6.7**.

#### Hospital use

6.2.3 The site has been used for health purposes since 1966 and is zoned SP2 Health Services Facilities under LCLEP 2009. The redevelopment of the hospital is consistent with the objectives of the zone.

6.2.4 The Applicant has advised that the existing buildings have reached the end of design life and are no longer suitable for best practice healthcare. The Applicant has argued that not proceeding with the proposal would mean that the site remains under utilised, there is reduced access to a range of healthcare services and additional employment opportunities and community benefits are lost. The Applicant's proposal seeks to deliver an innovative and integrated model of healthcare. Specifically, the integration of the hospital and seniors living addresses an area of care that is currently not well catered for and would result in an overall reduction in occupation of hospital beds.

6.2.5 The demand for hospital beds and specialised care that the current hospital provides is acknowledged. The delivery of expanded hospital facilities is consistent with strategic planning policies as discussed in **Section 3** and the zoning of the land and is therefore suitable for the site. Concerns regarding environmental impacts of the scale of the hospital building is discussed in the following sections.

#### Seniors housing use

6.2.6 Seniors housing is not permitted in the zone but the Seniors Housing SEPP allows for seniors housing on land zoned primarily for urban purposes where certain development is permissible on that

land. This includes SP2 Health Services Facilities where hospitals are permitted. Seniors housing is therefore permissible on the site. Seniors housing is not required to be consistent with the underlying objectives of the zone, but is required by the Seniors Housing SEPP to demonstrate that it meets certain site and design requirements as set out in the SEPP.

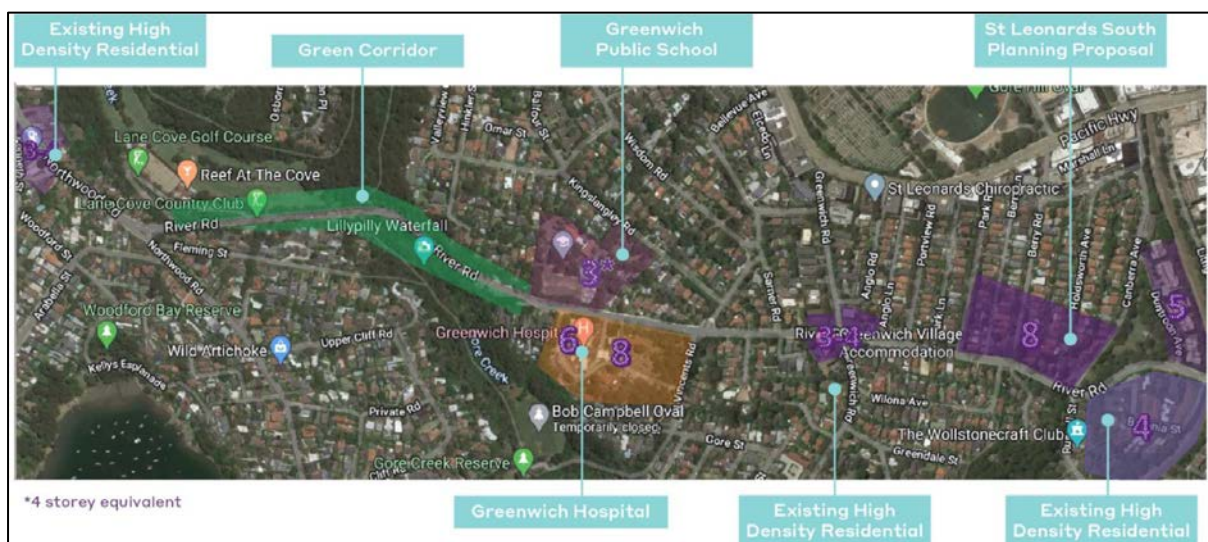
- 6.2.7 The Applicant has argued that the seniors living is not seniors housing in the traditional sense and does not fall categorically into the defined seniors housing types and falls between housing and healthcare. It is complimentary to the hospital redevelopment. Notwithstanding, the Applicant has considered the seniors housing component against the Seniors Housing SEPP in the EIS, RtS and RRFI2 and has detailed how the redevelopment would comply with the site-related and design requirements of the SEPP. The Applicant considers that the development would be categorised as 'serviced self-care housing' under the SEPP.
- 6.2.8 The Department notes that whilst the development may provide healthcare above what traditional serviced self-care housing would include, the seniors housing is still defined as self-contained dwellings and therefore must be considered against the Seniors Housing SEPP. The Seniors Housing SEPP aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of housing to meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.
- 6.2.9 Council and community submissions considered that the seniors housing development is not suitable for the site as it is not compatible with the low-density residential character of the area. It was further noted that Council recently amended LCLEP 2009 and the R2 zoning to remove multi-dwelling housing to ensure that the low-density residential zoning maintains this desired character. Related to the concerns raised in the public submissions regarding the suitability of the site, was the capacity of the locality's existing infrastructure and services to support the seniors living component of the proposal.
- 6.2.10 The Seniors Housing SEPP sets aside local planning controls that would prevent development for this purpose where it can be demonstrated that the development meets the development criteria and standards in the SEPP. The Seniors Housing SEPP also sets out design principles that should be followed to achieve built form that responds to the characteristics of its site and neighbourhood (see **Section 6.3**).
- 6.2.11 The Department is satisfied that the site related requirements regarding location and access to facilities, bush fire prone land, water and sewer can generally be met as outlined in **Appendix B**, but the site compatibility requirements of clause 29 have not been met as discussed below.
- 6.2.12 Clause 29 of the Seniors Housing SEPP requires the consent authority consider whether the proposed development is compatible with the surrounding land uses having regard to:
- the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development.
  - the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision.
  - without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.

6.2.13 The Department considers that the development would be compatible with the surrounding land uses regarding the first two matters above as:

- the development is primarily located on land that has already been disturbed and the requirement to avoid and minimise biodiversity impacts has been addressed. This includes the retention of the remnant vegetation in the south-west corner, which has been relatively undisturbed compared to the remainder of the site. Offsets would be provided as set out in the BDAR submitted with the RtS where impacts are unavoidable in accordance with the BC Act.
- the bushfire hazard has also been assessed and can be managed. The future detailed design, construction and operation of the facility would need to address design requirements in PBFP. The Department is satisfied that the land has been developed for urban purposes and surrounded by urban development.
- services and infrastructure are available to meet demand generated by the development, with accessible bus stops located near the site that would provide access to local and regional centres that contain the relevant services required, and TfNSW raised no issues with service levels and capacity in relation to the bus service.

6.2.14 The Department considers that the development is not compatible with the surrounding land uses when considering the impact that the bulk, scale, built form and character of the future proposed development would likely have on the existing uses, approved uses and future uses of land in the vicinity of the development.

6.2.15 The Applicant argues that the recent decision *Catholic Healthcare Limited v Randwick City Council* [2019] NSWLEC 99 [51] highlighted “compatibility is different from sameness and it is generally accepted that buildings can exist in harmony without having the same density and scale of appearance”. The Applicant also provided a built form analysis in its RRFI3 to demonstrate that River Road did not have a consistent streetscape, as residential heights vary from low-scale residential to five storeys and adjoining to the west is an extensive green corridor (see **Figure 21**).



**Figure 21 | Applicant's River Road Built Form Analysis (Source: RRFI3)**

6.2.16 The Department acknowledges that the proposal does not have to be same, but as noted in that same decision, the relevant consideration for whether it is compatible “is whether the development fits”. In considering whether it fits, the objectives of the surrounding zones were considered. The

surrounding zoning for the site is comprised of R2 Low Density Residential and E2 Environment Conservation (**Figure 22**). The objectives of these zones seek to maintain the low-density character, the residential amenity of a detached single-family dwelling area, encourage dwellings not to be highly visible from Lane Cove River, maintain landscaping and protect environmentally sensitive areas (riparian land). The surrounding land is generally restricted to a 9.5m height control except for a few pockets of 12m (**Figure 23**). Heights of 25m are only permissible along the Pacific Highway.



**Figure 22 |** LCLEP 2009 Zoning Map (Base source: NSW Planning Portal)



**Figure 23 |** LCLEP 2009 Height Map (Base source: NSW Planning Portal)

- 6.2.17 The site has no height controls and the Department does not consider that the height control from the adjoining land should be transposed onto this site. Existing built form on the site already significantly exceeds this surrounding height control and the site is significantly larger than that of the surrounding land which allows for greater mitigation of amenity impacts. However, the surrounding height limit provides an indication of future development and desired character for the area.
- 6.2.18 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.
- 6.2.19 The Applicant contends that there would be development up to eight storeys high in the planning proposal for St Leonards South, but the Department does not consider this a relevant consideration for the local neighbourhood context given the location and access to infrastructure afforded to that site (located within 650m of a transport hub). It is considered that St Leonards South would form part of the St Leonards locality and not Greenwich.
- 6.2.20 The Department considers that the impacts of the development is not what may reasonably be expected for development within the surrounding R2 Low Density Zone. Whilst the use may be compatible with the hospital development and adjoining residences, the overall form proposed by the concept development is not. The Department therefore recommends that the building envelopes be modified to ensure that it fits with the local scale, and the impacts of the development are reasonable.
- 6.2.21 The Department considers that 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. While the modified building envelopes are not identical to the immediate surrounding built form context, they are considered reasonable as the:
- revised envelopes would be of a comparable form with existing building heights on the site.
  - revised height would be comparable to the form on the opposing school site and other taller forms located along the key roads within the local neighbourhood context.
  - lower envelopes and reduced massing provide a more gradual transition to the higher hospital envelope.
  - reduced envelopes establish an appropriate scale for the seniors living component of the development, which is intended to be secondary to the dominant hospital use and assist in wayfinding across the site.
  - revised forms respond to neighbourhood amenity and streetscape design principles as discussed in **Section 6.3**.
  - revised forms provide an improved response regarding amenity as discussed in **Section 6.4**.
  - reduced envelopes also improve heritage outcomes as discussed in **Section 6.5**.
  - site has an extensive frontage and is exceptional given its size and forms that are higher than the local context can be reasonably expected on the site.

- the proposal's modified appearance is in harmony with the buildings around it and the character of the street given the transition from River Road and along River Road and the reduced visibility as the lower levels are screened along River Road by the retained landscaping.

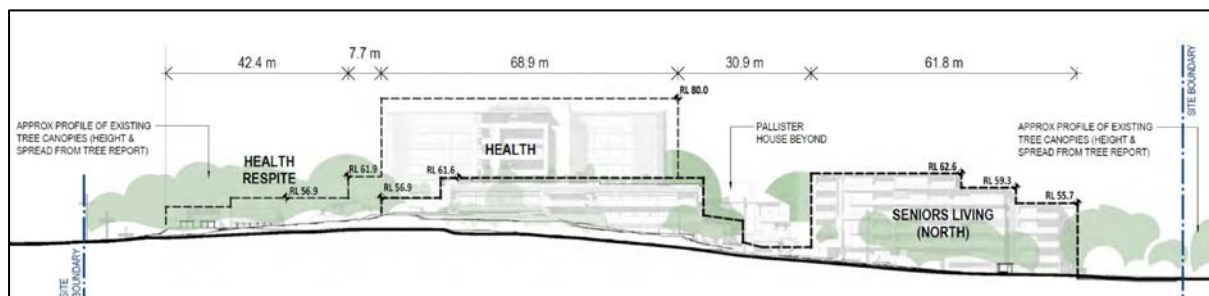
6.2.22 Accordingly, the Department considers that the site is suitable for development of seniors housing under the SEPP, subject to building envelope modifications. The modifications are required to mitigate the impacts given the intensity of the development proposed and the character of the area. The Department considers the efficiencies and benefits of co-locating the two uses is in the public interest. Further, the provision of such a facility would assist in reducing the service demands currently placed on the public health sector. The redevelopment would also lead to an increase in the range and quality of health services provided for the ageing population in this area of the Sydney region.

6.2.23 Based on the above, the Department considers that the proposed redevelopment for hospital and seniors housing is satisfactorily justified, subject to conditions, noting that the facility would provide public benefits towards health service improvements and infrastructure investment for the community. The Department has recommended conditions reducing the size of the seniors living envelopes to ensure the form is suitable for the site and locality.

### 6.3 Building envelopes and urban design

6.3.1 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.

6.3.2 The proposed building envelopes have heights of up to 10 storeys (including basement and plant) and a total GFA of 27,500sqm. The hospital envelope has a maximum height of RL 80 (10 storeys) and the seniors living has maximum heights of RL 63.2 and RL 62.6 (up to seven storeys) (see **Figures 24 to 28**). The GFA is comprised of 14,500sqm of hospital floorspace (including the existing Pallister house and proposed respite care facility) and 13,000sqm of seniors living floorspace. The building envelope of the hospital has an irregular footprint, with a single to four storey podium and a central core and two wings for the tower, and the seniors living envelopes have regular rectangular footprints.



**Figure 24 | River Road elevation (Source: RRFI2)**

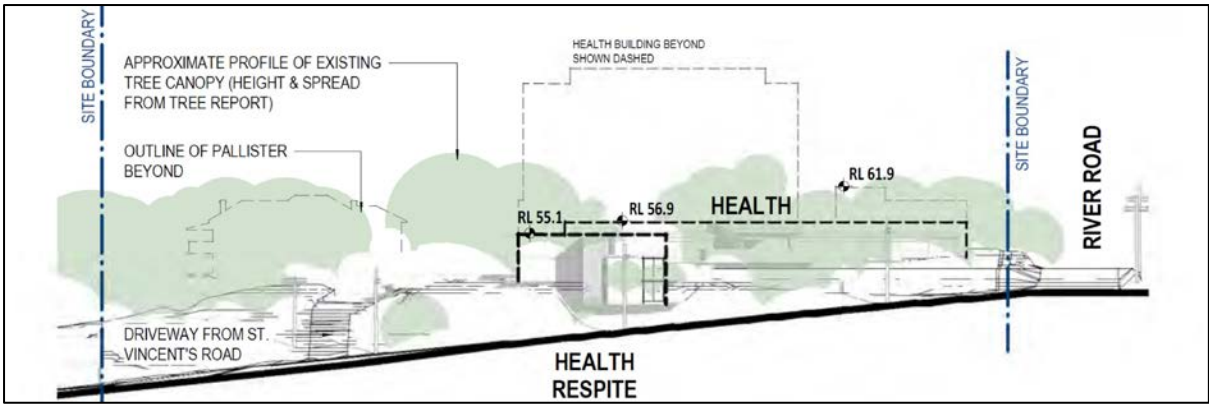


Figure 25 | St Vincents Road elevation (Source: RRF12)

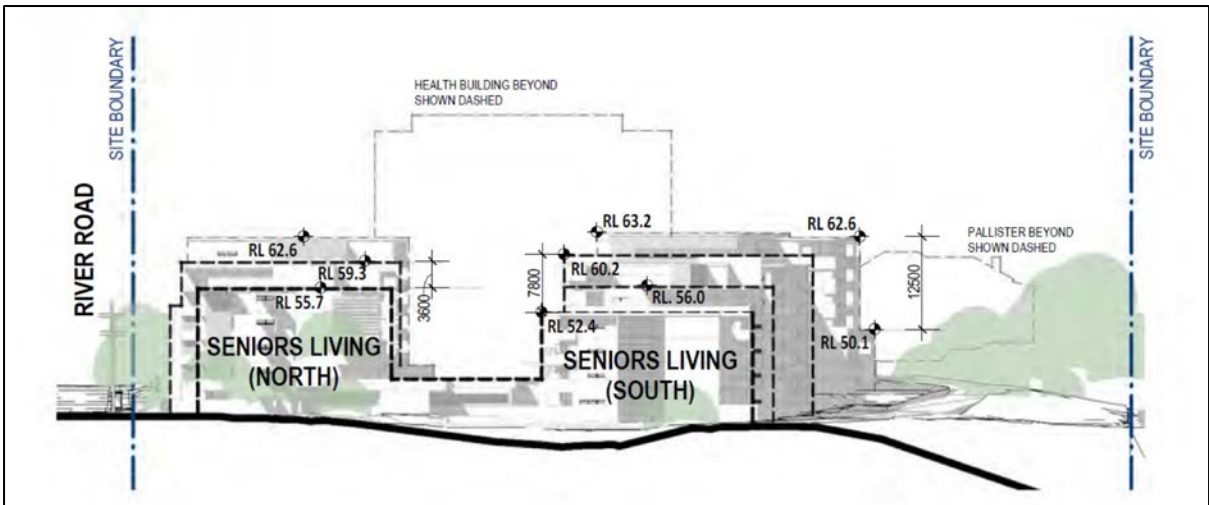


Figure 26 | Western elevation (Source: RRF12)

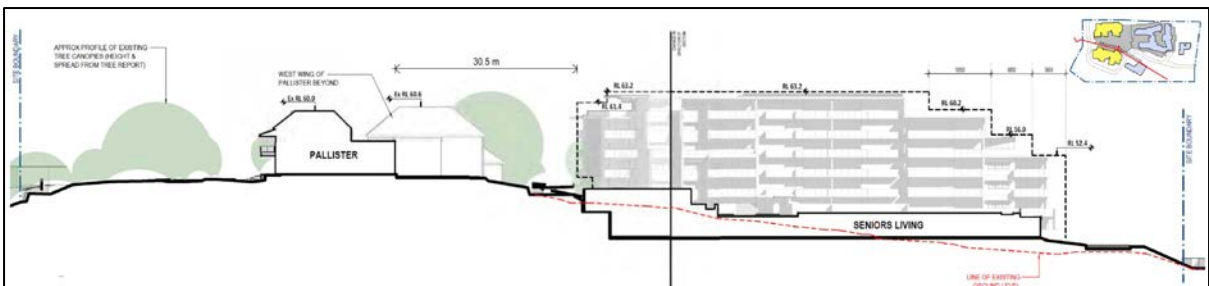
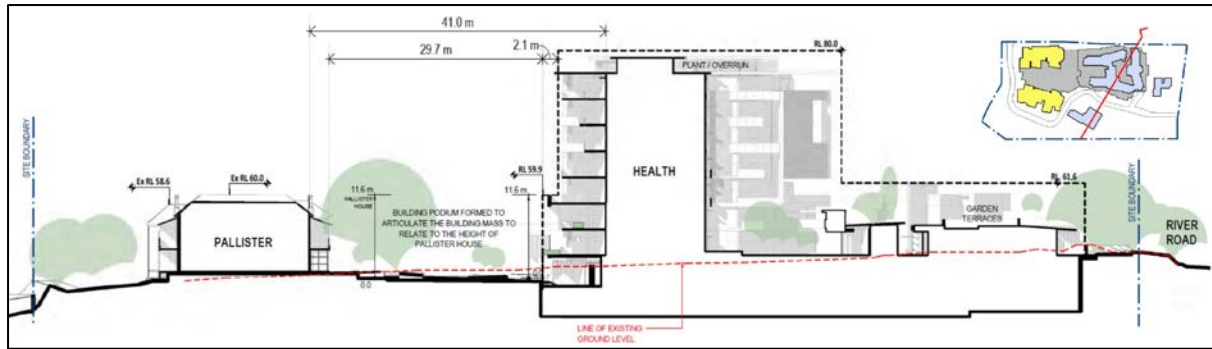


Figure 27 | Cross section of southern seniors living building envelope and Pallister (Source: RRF12)





**Figure 28 |** Cross section of hospital building envelope and Pallister (Source: RRF12)

6.3.3 The following design guidelines have been proposed by the Applicant in the RtS for the future design of the buildings in relation to built form and scale.

### Objectives

- *Ensure an appropriate form and scale at boundaries to neighbouring properties.*
- *Allow adequate distances and separation between proposed buildings on site to reduce overlooking and to provide opportunities for landscaping and external community spaces.*
- *Design the mass of the Hospital building to ensure a transition in height at the interface with River Road.*
- *Incorporate facade elements to introduce proportion and scale which is consistent with Pallister House to create a visual relationship with the heritage precinct.*
- *Where possible, maintain existing significant trees and incorporate new planting into built forms to provide a transitional scale to the proposed buildings.*

### Control

- *Provide a transition in height at the western interface of the site to limit the impact of the Serviced Seniors Living Buildings on the neighbouring properties.*
- *Provide appropriate separation and landscaping to enhance the heritage curtilage of Pallister House and reinstate a Gardenesque landscape setting. Additionally, ensure adequate separation between Serviced Seniors Living buildings to provide privacy between apartments, promote views through the site and allow for terraces and community recreation facilities (such as a bowling green) at the podium level.*
- *Design Hospital building with lower two-storey wings closest to River Road and taller wing located towards the centre of the site to reduce the impact on the existing streetscape.*
- *Articulate external terraces and balconies in the Hospital building and southern Seniors Living building to create a scale which responds to the height and form of Pallister House.*
- *Maintain dense vegetation on the eastern and southern boundaries to reduce the scale and visibility of Seniors Living when viewed from St Vincent's Road and Lane Cove River.*
- *Incorporate planting and green roofs to podiums and terraces in the Hospital and to the 'stepped' roofs of the serviced Seniors Living buildings to erode the scale of the proposed buildings when viewed from the west and provide patients and residents direct access to quality outdoor spaces.*



minimise any impacts on the curtilage of “Pallister” as views to “Pallister” would be retained. The Applicant also noted that Heritage NSW considered that the respite building envelope was appropriately screened by trees and would not be readily viewed from the St Vincents Road access drive.

- 6.3.6 Council supported the hospital redevelopment in principle but not the bulk of the hospital building. Council recommended the envelope be reduced by increasing the distance of the building from the heritage item and stepping back the south west facade at each floor level to reduce the massing and visual dominance of the building. Community submissions objected to the height and scale of the development as it is perceived to be out of character of the area, inconsistent with the streetscape and would result in amenity impacts on surrounding properties. The respite building envelope was also not supported, and it was recommended that it would be better to integrate it with the main hospital building envelope.
- 6.3.7 The Department notes that it is important to ensure that development of this typology integrates with the existing urban context, while also ensuring that the functionality and operational efficiency of the future hospital is not unduly restricted. The industry standard for hospital design is development around a central core, with wards expanding outwards, resulting in a taller built form at the centre of the building, which in turn maximises efficiency and operation. In this respect, the Department considers the building envelope design generally satisfactory.
- 6.3.8 The location of the main hospital building envelope more centrally on the site, would minimise amenity impacts on adjoining neighbours but would make the development more prominent from various viewpoints given the highpoint on the site. Whilst the development would be prominent due to the bulk and mass, the main hospital building envelope has been designed to respond to the site constraints and to minimise amenity impacts on adjoining residential properties to the west. In particular, the envelope responds to the various interfaces with a single storey component to address the landscaped curtilage to the east, part two, part four storey podium to River Road and a 33m setback of the tower element. The podium component also ensures the hospital responds to the scale of Pallister, reducing the impact of the floors above. Heritage NSW advised that the design of the south side of the main hospital building envelope had been amended to have a stronger relationship and visual connection to Pallister House and its heritage curtilage.
- 6.3.9 The location of the smaller respite building envelope within the heritage curtilage is also considered acceptable as tree removal has been minimised and the location is suited to the intended care to be undertaken in the future building. It would support a greater use and appreciation of the heritage setting and has been sited to avoid the reinstated bridle path and does not impact on views from the St Vincents Road access.
- 6.3.10 The proposed retention of vegetation along the northern boundary and within the heritage curtilage would also retain the immediate green interface with the residential area to the north and east and River Road public domain. However, the proposal did identify the removal of Tree 167 (**Figure 9**), which is a significant tree along the River Road frontage that contributes to the landscaped setting. The Department recommends that this tree be retained, and the Applicant has indicated that it would accept this recommendation.

6.3.11 The Department considers that:

- the height of the hospital building envelope is acceptable as there is no height limit and the bulk of the building has been located to minimise amenity impacts, including overshadowing (**Section 6.4**).
- the scale is consistent with infrastructure building typology in urban settings and supports operational efficiency and effectiveness.
- vertical expansion supports the retention of “Pallister” within a landscaped setting.
- the building envelope provides appropriate transitions in height from River Road.
- the respite building is an appropriate scale for its location.
- the proposal is a continuation of the nature of the site, which is notable for its landscaped setting harmonising with heritage and large scale buildings.
- suitable design principles have been prepared by the Applicant to guide the detailed design of the building, particularly in relation to ensuring an adequate relationship with “Pallister” and reinstating its garden landscaping and minimising impacts on streetscape.

6.3.12 The Department recommends that the hospital building envelopes be approved, subject to the retention of Tree 167, and future applications demonstrate that the detailed design:

- addresses the built form and scale design guidelines in the RtS.
- incorporates materials and detailing that responds to the heritage context.
- has been articulated and modulated to minimise bulk and massing, especially when viewed from the north and at the Pallister interface.
- addresses environmental impacts, such as sustainable design, overshadowing and solar access.
- addresses visual and acoustic privacy, noise, and reflectivity, particularly in relation to River Road residents to the north.
- addresses access and circulation across the site including pedestrian, cycle, vehicular and service movements.

### Seniors living building envelopes

6.3.13 The floorplates for the seniors living envelopes are as follows:

- northern seniors living building envelope – 1,760sqm and have a maximum breadth of 61.8m and depth of 30m. The building envelope is situated on the western part of the site and up against the northern boundary and has a 6.5m setback to this boundary and 24.5m from the western boundary (**Figure 29**). The future building would have a primary frontage to River Road and is situated a minimum 18m from the hospital building envelope.
- southern seniors living building envelope – 1,865 sqm and have a maximum breadth of 68m and depth of 33.6m (**Figure 29**). The building envelope is situated centrally on the western part of the site and behind the northern seniors living building envelope. It has a minimum 20.9m setback to the western boundary and 34.4m setback to the southern boundary. The envelope is situated a minimum 12m from “Pallister”.

6.3.14 As noted in **Section 6.2**, community submissions object to the scale of the seniors living building envelopes as it is out of character with the locality and not compatible with the streetscape. The bulk and scale would also have significant amenity impacts and result in the loss of trees.

6.3.15 The Applicant considers that the design of the development that is being permitted under the Seniors Housing SEPP cannot be expected to be a replication of the surrounding development and compatibility can be achieved through design measures such as stepped building forms and concentrating building mass in areas of the site, which have the least impact on its surrounds. The Applicant contends that the revised proposal as identified in the RtS sufficiently reduces the bulk and scale of the development in response to concerns raised in EIS submissions and protects core vegetation, which screens and softens the perceived built form massing.

6.3.16 The Seniors Housing SEPP sets out design principles (clauses 33-39) that must be considered for the seniors living component of the development and development standards that cannot be used as grounds to refuse consent (clause 50).

6.3.17 In relation to the design principles, clause 33 is relevant at the concept proposal stage and remaining clauses 34-39 identify requirements for: visual and acoustic privacy; solar access and design for climate; stormwater; crime prevention; accessibility; and waste management, which would be relevant at the detailed design stage. The Applicant has provided details regarding indicative compliance with solar access requirements in the ADG, a concept stormwater management plan and demonstrated that the site could be designed to address accessibility requirements as required by clause 26 of the Seniors Housing SEPP and discussed in **Appendix B**. These preliminary assessments demonstrate that the proposal can comply, but these matters would need to be addressed in the detailed design and future DA(s).

6.3.18 Clause 33 Neighbourhood amenity and streetscape of the Seniors Housing SEPP requires:

*The proposed development should-*

*(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*

*(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*

*(c) maintain reasonable neighbourhood amenity and appropriate residential character by-*

*(i) providing building setbacks to reduce bulk and overshadowing, and*

*(ii) using building form and siting that relates to the site's land form, and*

*(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*

*(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*

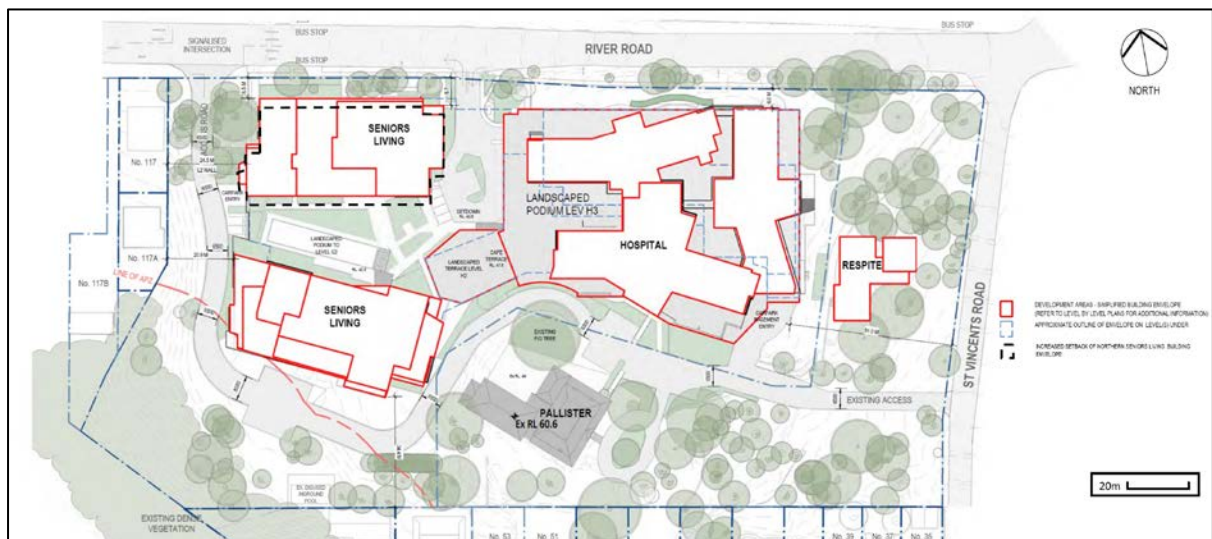
*(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*

*(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*

*(f) retain, wherever reasonable, major existing trees, and*

(g) be designed so that no building is constructed in a riparian zone.

- 6.3.19 The Department has reviewed the desirable elements of the location's current character including: the site's bushland setting and vistas, protection of Lane Cove River and landscaped heritage setting. The recent removal of multi-dwellings as a permissible use from the surrounding R2 zone by Council reinforces that the continuation of the existing scale as the desired character of the area. The desirable element of the bushland setting is particularly relevant as the site contains vegetation that contributes to the high environmental value land.
- 6.3.20 The proposed building envelopes have been located to avoid impact on this sensitive riparian bushland and is setback from the bushland as per EEGS guidance. The Department's recommended reductions to the envelopes outlined in **Section 6.2** to address compatibility with the streetscape by reducing the heights to be more consistent with existing highest buildings on the site would ensure that the buildings sit within the bushland setting instead of protruding significantly above it.
- 6.3.21 The proposed building envelopes also respond to the heritage context by being situated so views to "Pallister" from River Road can be reinstated and on existing disturbed land away from "Pallister" and the contributory elements to its significance (Victorian house, fig tree, bridle path and carriage loop). The recommended reduction in the height as discussed in **Section 6.2** would also ensure that the seniors living building would be lower than "Pallister" when viewed from the top of the access driveway from St Vincents Road (**Figure 13**).
- 6.3.22 The proposed building envelopes include setbacks to maintain residential amenity, but the Department considers that the setback of the northern envelope from River Road can be increased without impacting the southern envelope given the reduction in height of this envelope. It is recommended that at a minimum, the envelope should be setback the same distance as the adjoining development to the west given the scale of the building (see **Figure 31**). Whilst the proposal retains significant trees and a landscaped setting, the additional setback would also allow for additional planting within the increased setback. This would ensure that the future development would contribute to the quality and identity of the area.



**Figure 31** | Site plan showing recommended increased setback of northern seniors living building envelope (Source: RRF13)

- 6.3.23 The scale of the larger hospital building envelope is appropriate as the use is consistent with the zoning and objectives of the site and smaller building envelopes for the seniors living buildings are appropriate to reflect the secondary nature. The Department's recommended reductions to the height of the building envelopes recommended in **Section 6.2** would further facilitate this gradual transition from the main hospital use, with the largest form on the site to the smaller seniors living building envelopes. The design guidelines also identify that a transition at the western interface would be provided.
- 6.3.24 The Department has considered the standards that cannot be used to refuse development consent in accordance with clause 50 of the Seniors Housing SEPP and notes that the development exceeds the standards specified in the clauses relating to building height (8m) and density and scale (FSR 0.5:1 or less). In concept, the proposal would meet the other specified standards: landscaped area (30 per cent); deep soil zones (15 per cent with min. three metre dimensions); solar access (70 per cent of units receive three hours of solar access in mid-winter between 9am and 3pm); and parking (0.5 car spaces per bedroom). The proposal is being considered on its merits.
- 6.3.25 The Department has considered the design within the context of the surrounding streetscape and considers that the building envelopes must be modified and has recommended conditions: requiring the northern envelope be no higher than existing five storey hospital building and the southern envelope being no higher than "Pallister"; and provision of a greater setback for the northern seniors living building from River Road. The building envelopes as modified would be satisfactory within the context of the site given: the envelopes are comparable with existing heights on this part of the site; adequate setbacks to adjoining sites and remnant bushland; heritage on the site is protected; retention of a landscaped setting; and the revised envelopes would provide improved amenity outcomes discussed in **Section 6.4**. The Department has also recommended a condition capping the GFA for the seniors living building envelopes at 10,990sqm to reflect the reduced size of the seniors living building envelopes.
- 6.3.26 The Department also notes that the detailed design would be subject to a thorough merit assessment to ensure it provides a satisfactory built form outcome. The Department has recommended conditions that require the future application(s) demonstrate:
- how the design guidelines and design principles are incorporated in the design.
  - how measures to reduce water and energy usage are incorporated in the design.
  - safe pedestrian circulation.
  - how the natural setting has been incorporated in the design.
  - connectivity between seniors living and hospital buildings and landscaped areas for residents, patients, staff and visitors.
  - compliance with SEPP 65 and the ADG.

### Landscaping and tree loss

- 6.3.27 A revised Arboricultural Impact Assessment (AIA) was submitted with the RtS. The AIA considers the impact on 297 trees, comprising 254 trees within the site, one boundary tree and eight trees within neighbouring properties and 34 trees on River Road reserve. The revised proposal in the RtS seeks to remove 86 trees (comprising 55 trees within the development footprint and 31 structurally compromised, dead or exempt specimen trees) and plant 60 trees.

- 6.3.28 EESG raised concerns regarding retention of invasive exotic species and recommended native trees, shrubs and groundcover species should be planted as per the mitigation measures in the BDAR except where cultural heritage planting is required. Significant concerns were raised in community submissions regarding tree loss and protection.
- 6.3.29 The Applicant has provided a concept landscape proposal (**Figure 10**) and indicated that there would be a net increase in five trees on the site with the planting of 60 trees to offset the 55 trees within the development footprint, which would address strategic planning objectives to increase urban tree canopy cover. The Applicant also advised that certain trees are retained for streetscape, screening or landscape amenity purposes.
- 6.3.30 The Department notes that the proposed tree planting of 60 trees would not result in a net increase across the site as a result of the proposal. The Department considers that 31 trees proposed to be removed due to structural integrity should also be replaced in addition to the trees being removed as a direct result of the proposal. The increased setback to River Road that has been recommended by this report, would facilitate this additional planting. The Department also considers Tree 167 is a significant tree that contributes to the River Road streetscape and is located on the edge of the building envelope and better siting of the future building could retain the tree.
- 6.3.31 The Department accepts that on balance the retention of invasive species is acceptable given the significant role the tree canopy has in the landscaped and heritage setting and protection of amenity.
- 6.3.32 The Department has recommended a condition requiring a minimum 86 trees be planted and Tree 167 be retained. A condition requiring future application(s) include a detailed landscape plan that includes planting of 1:1 for trees removed for each application has also been recommended.

## 6.4 Amenity impacts

### View impacts

- 6.4.1 The proposed building envelopes establish the worst-case scenario in terms of potential visual impacts. Therefore, whilst the view impacts considered in the following sections are based on the envelopes, detailed view impact analysis would be required for the future building(s) proposed within the envelopes. The proposed envelopes would have an impact on views in the immediate and wider locality context.
- 6.4.2 Council and community members raised view impacts from private properties, including from Northwood located across the valley to the west, and the public domain, including Bob Campbell Oval, Gore Creek Reserve, Lane Cove River, as a key issue.
- 6.4.3 The Applicant provided a revised Landscape Character and Visual Impact Assessment (LCVIA) with the RtS, which analyses 13 viewpoints (**Figure 32**).





**Figure 32 | Location of viewpoints (Source: RtS)**

6.4.4 The LCVIA measured the impacts using a rating system that factors in sensitivity of the receptor and magnitude (distance from development, quantum of view, period of view and scale of change), concluding that the proposal would have:

- high impact when viewed from private properties on the opposite side of River Road.
- moderate/high impact when viewed from private properties in Northwood south-west of the site and from private properties along Gore Street adjacent to the southern boundary of the site.
- moderate impact when viewed from: public domain along River Road to the west; public views from Bob Campbell Oval; public domain along River Road to the east at Sarnar Road; public views from a local reserve in French Street south of the site; public domain along River Road and St Vincents Road intersection; and public domain at the River Road main entrance.
- low/moderate impact when viewed from corner of Gore Street and Carlotta Street to the south-east.
- low impact when viewed from further along River Road to the west and footpath opposing St Vincents Road access point.
- negligible impact when viewed from the public domain at the St Vincents Road and Gore Street intersection.

**Public domain view impacts**

6.4.5 This section addresses and considers the impacts of the bulk and scale of the proposal from key public places.

- 6.4.6 The Department has reviewed the public domain impacts against planning principles in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046. This comprises identification and analysis of the view impacts.
- 6.4.7 The first part of the process requires identification of:
- the nature and scope of the existing views from the public domain.
  - the locations in the public domain from which the potentially interrupted view is enjoyed.
  - the extent of the obstruction at each relevant location.
  - the intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development.
  - whether there is any document that identifies the importance of the view to be assessed.
- 6.4.8 The second part requires a quantitative and qualitative evaluation of the impacts. The quantitative assessment considers the extent of the present view, the elements within it and the extent to which the view will be obstructed by or have new elements as a result of the development. It should also factor in any planning document with an objective/aim for the maintenance, protection and/or enhancement of public domain views. A qualitative evaluation sets out the factors for consideration and the weight attached to them when assessing the aesthetic and other elements of the view.
- 6.4.9 The Applicant concluded mature vegetation (particularly to the east and south of the site) obstructs or provides highly filtered views of a substantial proportion of the proposal and had a greater impact to the north as there is less vegetation screening the proposal and it can be seen above the vegetation.
- 6.4.10 In respect of the first part, the Department is satisfied that the Applicant has provided a comprehensive visual analysis from the public domain in the LCVIA to identify the views, location where the views might be enjoyed, the extent of obstruction and the assessment of the amount of people exposed to the view impacts. However, view impact assessment from Lane Cove River, which was raised by Council, was not provided. This view is recognised as an important view in Council's LEP and Local Strategic Planning Statement. The objectives in the R2 zoning that surrounds the site recognises this importance as it seeks to "encourage new dwelling houses or extensions of existing dwelling houses that are not highly visible when viewed from the Lane Cove River or Parramatta River". Leafy district vistas were also identified as important for the area in Council's Local Strategic Planning Statement.
- 6.4.11 Consideration of the second part for the public domain along River Road and public open spaces is considered in the following sections.
- Public Domain from River Road*
- 6.4.12 The LCVIA found that there would be moderate impacts from the public domain, particularly along River Road from both approaches and at the main entrance from the visibility of the northern facades of the proposed hospital and northern seniors living building (**Figures 33 to 35**).



**Figure 33 | Existing and proposed indicative view from River Road from the east (Source: RtS)**



**Figure 34 | Existing and proposed indicative view from River Road from the west (Source: RtS)**



**Figure 35 | Existing and proposed indicative view along River Road at the main entrance (Source: RtS)**

6.4.13 In summary, the views along River Road are of a landscaped setting with predominantly filtered views to the hospital buildings (except at the entrances) for people in transit along River Road. The planning principles note in the absence of any planning guidance, if the view that remains after the development is still sufficient to understand and appreciate the nature of and attractive/significant elements of the existing view, the impacts would be satisfactory. The Department is satisfied that the view impacts along River Road are acceptable as the River Road frontage would continue to provide a landscaped setting for those travelling along and arriving at the site. To ensure this remains, the Department has recommended that Tree 167 be retained given it is a significant tree and would provide significant screening of the new hospital building.

6.4.14 The Department considers that the vertical expansion with a smaller building footprint and tower form would reduce impact on views as the outlook around the tower would be retained. The development would reinstate views to Pallister from River Road. The recommended modified northern seniors living envelope would further minimise the impacts as it would now provide a better contextual fit and be compatible with the local neighbourhood streetscape and support a transition to the more visually prominent hospital building. The Department considers the proposed hospital building envelopes that would be prominent and highly visible from wider contextual viewpoints acceptable given the heritage constraints and the reasonableness of the built form for the zoning of the land.

*Impact on public spaces*

6.4.15 The LCVIA found that there would be moderate impacts on the public open spaces at Bob Campbell Oval and the Gore Creek Reserve as a result of filtered views of the upper levels of the southern seniors living building envelope and at the local reserve in French Street from filtered views of the upper levels of the hospital building envelope (**Figures 36 and 37**).



**Figure 36** | Existing and proposed indicative view from Bob Campbell Oval/Gore Creek Reserve (Source: RtS)



**Figure 37** | Existing and proposed indicative view from local reserve at French Street (Source: RtS)

6.4.16 The views from public open space areas comprise a bushland vista with minimal built form intrusion and would be enjoyed by active and passive recreation users. These views would be impacted by the addition of structures above the Gore Creek Reserve and within the bushland setting. As with private views, iconic views are more highly valued but a view that is entirely unobstructed is also valuable. The views from the public open spaces are neither iconic nor completely unobstructed as there are

also filtered views in the bushland vista from dwelling houses that sit within the bushland setting. The visibility of new elements, the southern seniors building envelope at Bob Campbell Oval and the hospital building envelope at the local reserve in French Street, would not detract users from visiting these spaces. These outlooks would continue to be predominantly occupied with a bushland vista.

6.4.17 The Department is satisfied that the impact on outlook from public open space areas is acceptable. The recommended modifications to the southern building envelope, which would make it more consistent with the existing built form on the site, would further reduce the visibility and would have a comparable impact as the existing hospital building from viewpoints, including Lane Cove River. The design principles for the development also includes the requirement to maintain dense vegetation on the southern boundary to reduce the scale and visibility of the seniors living when viewed from Lane Cove River and green roofs to the seniors living, which would soften the building and further integrate it with the bushland setting. A more detailed assessment is recommended to be undertaken for the detailed design of the future buildings.

### Private property view impacts

6.4.18 The LCVIA has assessed the impact on private properties immediately to the north and south and across the valley to the south-west in Northwood. The Department considers that properties in Northwood to the west of the site would experience view impacts as the properties have a direct, albeit distant, line of sight to the site (**Figure 38**). Whilst the Applicant has not provided a visual impact assessment from these locations, the Department has considered the impact on these properties.

6.4.19 The Applicant concludes that the overall visual impact of the proposal on views is acceptable given the visual catchment of the proposal is limited as result of the topography and surrounding vegetation, with the upper levels of the hospital and seniors living envelopes being the most visible elements at distance.



**Figure 38** | Existing view from hospital to Northwood properties to the west (Source: DPIE)

6.4.20 In order to ascertain whether the proposal's view sharing is reasonable the Department has followed a four-step assessment in accordance with the principles established by *Tenacity Consulting vs Warringah* [2004] NSWLEC 140. The principles of that decision are:

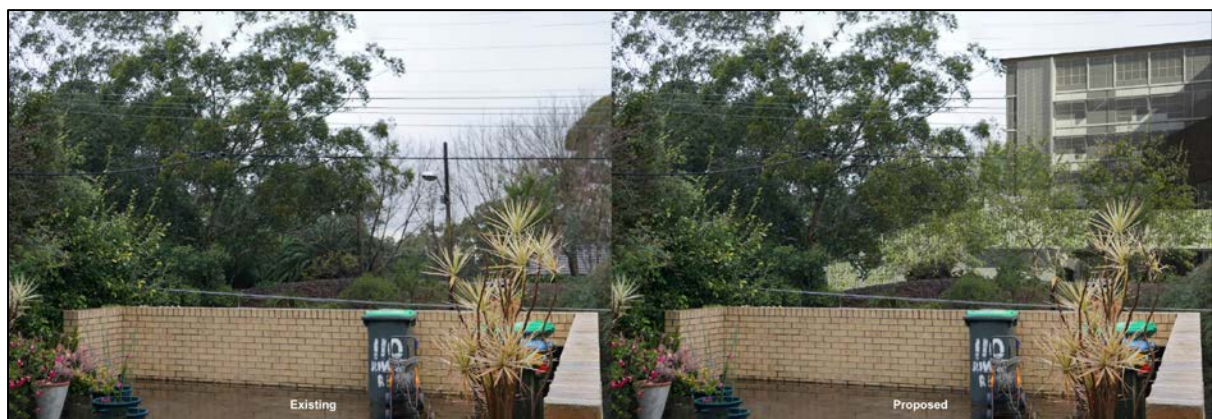
- assess what views are affected and the qualitative value of those views (water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured).
- consider from what part of the property the views are obtained.
- assess the extent of the impact (Tenacity principles establish a spectrum of impacts from 'negligible' to 'devastating').
- assess the reasonableness of the proposal that is causing the impact. (i.e. a development that complies with all planning controls is more reasonable than one that breaches them).

6.4.21 An assessment of potential view impacts in accordance with the first three Tenacity principles is outlined below for River Road properties to the north, Gore Street properties to the south and Northwood properties to the west. An assessment of the fourth (reasonableness) follows.

*River Road private properties to the north*

6.4.22 The outlook enjoyed from dwellings on River Road along the north towards the site is an unobstructed skyline above a landscaped street frontage as the current taller hospital buildings are located on lower parts of the site and generally screened by vegetation (**Figure 39**).

6.4.23 The view would be from the front of the properties and the impacts would range from moderate to severe, with four dwellings located directly opposite the tower element of the hospital building envelope experiencing severe impacts given the loss of sky outlook due to the height of the envelope over existing vegetation (**Figure 39**). Other properties would experience moderate impacts as they would receive oblique views to the larger buildings but maintain an unobstructed skyline for their front view.



**Figure 39** | Existing and proposed indicative view from private properties to the north (Source: RtS)

*River Road private properties to the west*

6.4.24 The outlook enjoyed from dwellings on River Road adjoining the site to the west towards the site is hospital buildings within a landscaped setting. These would be views from the side of the properties.

6.4.25 The impacts would be moderate given these properties already experience views of hospital buildings and where they do not due to existing vegetative screening, they will continue to be screened. The size of the buildings at the western part of the site would be larger. Subject to the recommended modifications reducing the height of these envelopes by the Department, they would be comparable with existing built form and setback an acceptable distance as recommended by the ADG.

### *Gore Street private properties*

6.4.26 The outlook enjoyed from dwellings on Gore Street to the south adjoining the site have an unobstructed skyline above the Pallister landscaped setting (**Figure 40**). The view impact would be to the rear and side of these properties. These properties are situated at a lower level and the site sits above, with significant vegetation along the southern boundary.



**Figure 40** | Existing and proposed indicative view from private properties to the south (Source: RtS)

6.4.27 These properties would experience moderate impacts as elements of the building envelopes would be visible within the landscaped setting (**Figure 40**). These properties would maintain a landscaped setting as tree removal within the heritage curtilage is minimal. The westernmost property which has a side view to the hospital would be most exposed to the southern seniors living building envelope, but side views are harder to protect than front and rear views. Further, subject to the recommended modifications reducing the height of the envelopes by the Department, the envelope would be a comparable scale and location to the existing five storey hospital building, and therefore the impacts would also be moderate.

### *Northwood private properties*

6.4.28 The dwellings to the west and south-west in Northwood enjoy bushland vistas across the site, with distant views of St Leonards (**Figure 41**). The existing hospital is visible within these views. The view impact would be to the rear of these properties.



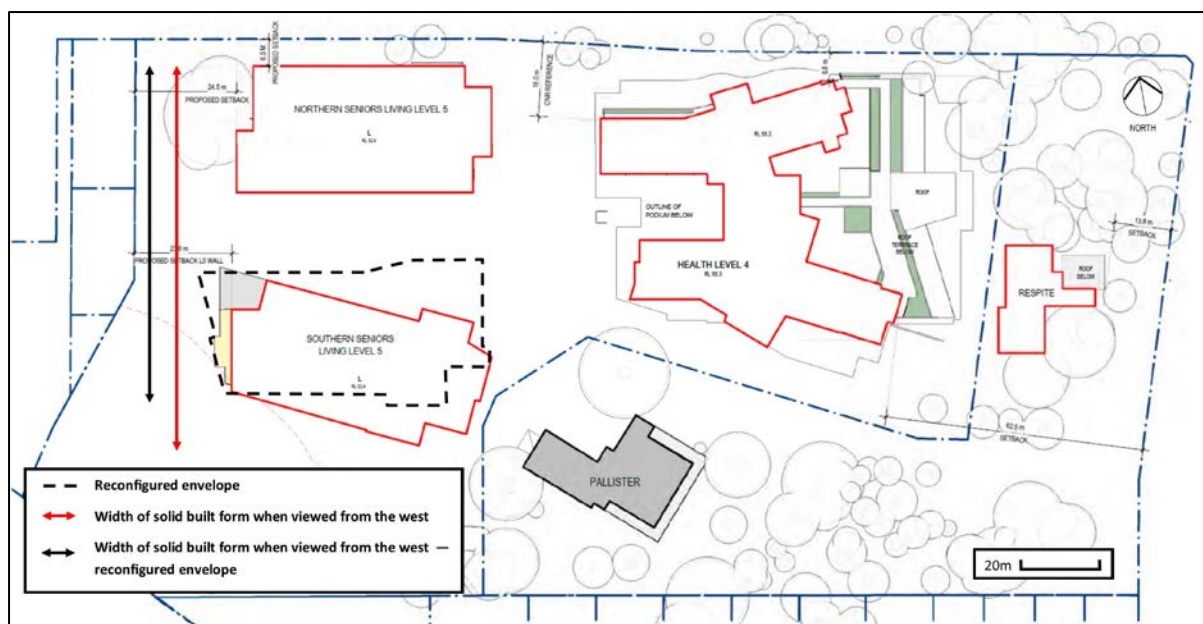
**Figure 41** | Existing and proposed indicative view from private properties to the south-west in Northwood (Source: RtS)

- 6.4.29 The properties that have a direct line of sight from the west would experience moderate impact given the significantly wider footprint and higher built form proposed. Individually, each of the building envelopes would have a similar impact as the existing hospital building but together, they form a solid expanse when viewed from Northwood to the west. The building intrusions would occupy a significant proportion of the site but would still be surrounded by bushland.
- 6.4.30 When viewed from the south-west it would have a moderate impact as the proposal enlarges the elements protruding from the bushland setting but subject to the recommended modifications, the seniors living building envelopes would be comparable to the visibility of the existing five storey hospital building, which already interrupts the bushland vista enjoyed by these residents (**Figure 41**).

*Reasonableness*

- 6.4.31 In summary, the outlook from private properties would be impacted with partial loss of sky outlook and the addition of filtered built form elements within the landscaped and bushland settings and above these settings. No highly valuable or iconic views are impacted, but predominantly bushland vistas. The more highly valued front views that are being most severely impacted are from the River Road properties to the north.
- 6.4.32 The fourth Tenacity step in considering the view impacts relates to the reasonableness of the impact with consideration of compliance with the development controls. No specific controls apply to the height of the proposal but as discussed in **Sections 6.2** and **6.3**, seniors living building envelopes are required to be compatible with the surrounding land uses. The Department has recommended modifications to the building envelopes to respond to this requirement, which would also reduce view impacts.
- 6.4.33 As identified in the fourth *Tenacity* step, it would also be reasonable where impact on the views of neighbours can be reduced with a more skillful design and provide the same development potential and amenity, then it should be delivered. The Department has considered modifications to the design that could provide a more reasonable view sharing outcome to the west by realigning the southern seniors living building envelope parallel with the northern envelope (**Figure 42**). This would result in the envelope occupying a similar footprint on the site to that of the existing five storey hospital building so that the width of the development from this view is reduced.





**Figure 42 | Existing and proposed indicative view from private properties to the south-west in Northwood (Source: RtS)**

- 6.4.34 The potential to re-orientate the southern envelope would seem feasible, as the recommended modification reducing the height of the northern building by two levels results in the reduction in the length of the overshadowing from the northern envelope. However, as a condition has also been recommended to increase the setback of the northern envelope from River Road, the re-orientation would potentially reduce amenity for future occupants of the southern envelope given the narrowing of the separation between buildings, potential solar access impacts and reduced outlook and privacy. Whilst this modification would achieve a fairer view sharing outcome for residents directly to the west, the Department has reviewed further information submitted by the Applicant that demonstrates that there would be marginal improvements to the vista from the re-orientation as illustrated in **Figures 43 to 45**. On balance, the Department considers the re-orientation of the southern envelope is not reasonable in this regard given the loss of amenity and marginal view improvements. However, the Department considers that the re-orientation could still improve the interface with “Pallister” and address advice from Heritage NSW to provide greater setbacks where feasible, as discussed in **Section 6.5**, which could include a smaller re-orientation where amenity would not be compromised.
- 6.4.35 Overall, the impacts are not considered unreasonable given that the vista from properties would likely be further obstructed with any development of the site. Private views cannot be guaranteed and protected but need to be considered when determining the public benefits of the proposal. In this regard, vistas would still be enjoyed but with additional built form elements, and enhanced landscape features would further minimise impacts (**Figure 46**). The demand for additional health facilities and housing for the ageing population on a large site, where reasonable setbacks can be provided, is relevant when balancing up the impact on vistas where the existing development on site already establishes intrusions into the vista.



**Figure 43** | Existing view from private properties directly to the west in Northwood (Source: Further information)



**Figure 44** | Proposed view from private properties directly to the west in Northwood (Source: Further information)



**Figure 45** | Proposed view from private properties directly to the west in Northwood with re-orientation of southern seniors living building envelope (Source: Further information)



**Figure 46** | Existing and proposed indicative view from private properties to the south-west in Northwood with additional landscaping at maturity (Source: RtS)

- 6.4.36 The Department concludes that the view impacts are reasonable given: views are not being obliterated and significant elements of the vistas can be maintained thereby ensuring view sharing is achievable as future buildings would only form part of the outlook from these properties and these properties would retain views to a landscaped setting and bushland vista around the site; the modified building envelopes are compatible and reasonable for a site of this size; the higher forms respond to the constraints on the site; and the development is for the purpose of social infrastructure and housing consistent with State policy.
- 6.4.37 The proposed building envelope represents the maximum potential building mass that can be achieved on the site, and visual impacts may be less in net terms with good design. The Department has recommended conditions that would ensure the detailed design would further address view sharing principles.
- 6.4.38 The Department recommends view sharing principles be addressed in the design of future buildings. The Department is satisfied the view impact of the proposal and future buildings can be managed during the future application for the detailed design.

### **Overshadowing**

- 6.4.39 The proposed development would result in additional overshadowing of land surrounding the site. Illustrated in **Figures 47 to 53** is overshadowing from indicative buildings located within the proposed building envelopes during mid-winter.
- 6.4.40 Council identified overshadowing of bushland as an issue in its submission on the EIS and community members raised overshadowing of adjoining properties, Pallister and bushland as an issue. Council accepted the Applicant's contention in the RtS that the proposal would not result in significant additional shadow, as the shadow of the proposed building envelope falls largely within the existing shadow caused by the site's steep topography and existing built form. Community submissions on the RtS maintained that overshadowing from the development on adjoining properties, "Pallister" and

bushland was not acceptable. Members of the community also raised issue with the accuracy of overshadowing given that the south-western portion of the site had not been surveyed.



Figure 47 | Mid-winter shadow diagram 9am (Source: RRF12)



Figure 48 | Mid-winter shadow diagram 10am (Source: RRF12)



Figure 49 | Mid-winter shadow diagram 11am (Source: RRFI2)



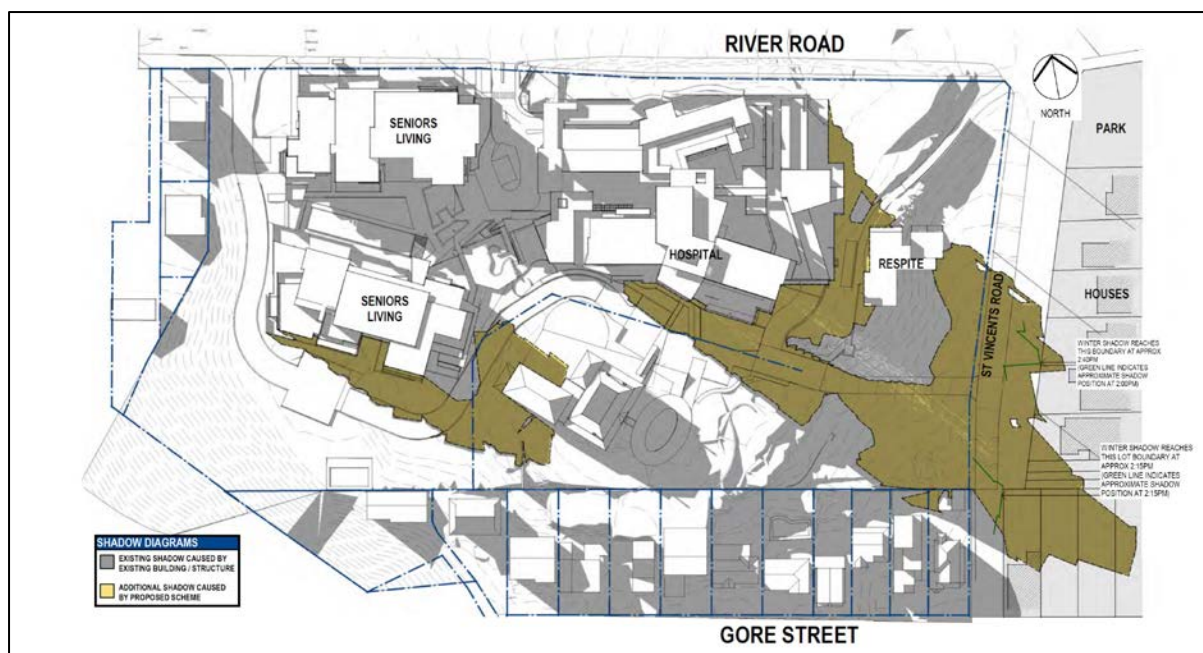
Figure 50 | Mid-winter shadow diagram midday (Source: RRFI2)



Figure 51 | Mid-winter shadow diagram 1pm (Source: RRFI2)



Figure 52 | Mid-winter shadow diagram 2pm (Source: RRFI2)



**Figure 53 |** Mid-winter shadow diagram 3pm (Source: RRF13)

### Hospital building envelopes

- 6.4.41 The hospital building envelopes as proposed in the RtS would overshadow internal areas of the site, including Pallister, private properties adjacent to the site to the south and private properties to the east on the opposing side of St Vincents Road. No specific standards or criteria apply regarding solar access impacts of hospitals but maintaining three hours of solar access between 9am and 3pm to living areas and private open spaces during the mid-winter is a standard ‘rule-of-thumb’ applied as best practice. This is the requirement in Council’s DCP for residential development. A total of 14 private properties would be impacted by additional overshadowing during the mid-winter when shadows are at their longest.
- 6.4.42 Properties 24, 49, 51, 53 and 55 Gore Street would experience additional overshadowing in the morning between 9am and 10am during the mid-winter but would not be overshadowed for the remainder of the day by the proposal. This overshadowing falls amongst existing overshadowing created by the topography of the site and existing buildings on the site (refer to **Figures 47 to 49**), including existing shadows from Pallister which extend until 11am. Solar access to these properties is maintained from approximately 11am until approximately 2pm. A minimum three hours of solar access can be maintained to these properties.
- 6.4.43 Properties 25, 27, 29, 31, 35 and 37 Gore Street and 16, 18 and 20 St Vincents Road would experience additional overshadowing in the afternoon between 2pm and 3pm during the mid-winter to the private open space areas of the Gore Street properties and front yards of the St Vincents Road properties (see **Figure 53**). These properties would continue to maintain solar access until 2pm. A minimum three hours of solar access can be maintained to these properties during the mid-winter.
- 6.4.44 The overshadowing of “Pallister” would be on its northern façade, the fig tree and the garden from 9am to midday. The northern façade and the fig tree would be in sunlight from midday to 3pm. The garden area would only be partially in shadow from 11am but also experiences shadowing from Pallister. The garden area would still receive sunlight to substantial parts of the garden between 11am and 2pm.

6.4.45 The Department accepts that the additional overshadowing impacts to private properties and “Pallister” from the hospital building envelopes is satisfactory as all impacted properties and significant areas would still receive a minimum three hours of solar access during mid-winter.

#### **Seniors living building envelopes**

6.4.46 Council’s DCP for residential development requires that reasonable sunlight (three hours) to the habitable rooms and recreational areas of adjoining premises be maintained between 9am and 3pm during mid-winter.

6.4.47 Future development of the seniors living apartments as proposed in the RtS would overshadow internal areas of the site, including “Pallister”, and private properties adjacent to the site to the west and south. This overshadowing would impact four private properties. The additional overshadowing of residential properties at 117, 117A and 117B River Road would be between 9am and 10am and be between 9am and 11am at 24 Gore Street. The Applicant contends that only minimal overshadowing will be generated by the proposal outside of the site and it would not result in additional overshadowing of Bob Campbell Oval or Gore Creek Bushland Reserve. This is due to the steep topography and existing built form.

6.4.48 The Department accepts that the additional overshadowing impacts to the properties to the west would be minimal as the additional overshadowing falls marginally over the boundaries where existing shadows from the topography of the site and existing buildings already exist. This additional shadowing would be for less than an hour between 9am and 10am during mid-winter. The additional overshadowing would be most significant for 24 Gore Street, which is overshadowed until potentially 11am. This property would retain solar access from midday to 3pm. The modified envelopes recommended by the Department to address compatibility with the surrounding area and bulk and scale impacts would further reduce these overshadowing impacts.

6.4.49 The overshadowing of “Pallister” would be on its western façade from 2pm to 3pm during mid-winter from the southern seniors living envelope. This overshadowing largely falls outside of the significant landscaping and affects only the western annex and is therefore considered acceptable. Whilst this further increases the overshadowing to “Pallister”, it falls on a different aspect and all areas of significance of “Pallister” retain adequate levels of solar access (approximately three hours or more of solar access to 50 per cent of these areas during mid-winter between 9am and 3pm). The overshadowing impact is also likely to be reduced by the recommended modifications to the building envelope.

6.4.50 The Department accepts additional overshadowing impacts to private properties and “Pallister” from the seniors living building envelopes are satisfactory.

#### **Visual privacy**

6.4.51 The proposal would result in additional overlooking of surrounding residential properties.

6.4.52 Loss of privacy and overlooking from both the seniors living and hospital components of the development were raised in community submissions.

6.4.53 No standards generally apply to hospital developments and the hospital tower is setback 33m from River Road and separated by Pallister from the southern boundary. Significant vegetation and Pallister would also assist in screening the hospital development to the south. The Department



considers that the impacts associated with the future hospital development are reasonable and appropriate for the type of development and can be further mitigated in the detailed design through architectural measures.

- 6.4.54 The Applicant contends that the proposed seniors living buildings contain generous setbacks and exceed building separation requirements set out in the ADG. The minimum 20.9m setback from the side and 34.4m from the rear boundary are significantly greater than the minimum 12m setback required by the ADG for buildings up to four storeys. Issues relating to privacy would be addressed further in the detailed design application. The Applicant has also stepped the building in relation to the western boundary to provide a transition in height at the western interface of the site to limit the impact on the neighbouring properties.
- 6.4.55 The Department considers that visual privacy can be maintained given the setback to adjacent premises. The most effective way to protect privacy is using architectural treatments. The Department has therefore recommended a condition that requires the Applicant to demonstrate in the detailed design that privacy measures have been incorporated into the design to mitigate overlooking impacts to the west and the south such as: facing non-habitable areas to adjacent residential areas; the use of devices like fixed louvres; high and/or deep sills; and planter boxes.

### **Noise impacts**

- 6.4.56 The noise generating activities associated with the operation of the future hospital and seniors living includes the operation of plant and machinery and traffic associated with the operations.
- 6.4.57 Noise impacts from the hospital operations, traffic, additional noise resulting from the loss of vegetation buffer, noise impacting across the valley given the amplifying effect of Gore Creek Reserve, construction impacts and potential noise impacts on bushland were identified as issues in the community submissions.
- 6.4.58 The EIS was supported by an Acoustic Assessment (AA) which included a preliminary assessment of potential noise impacts associated with operation of plant and machinery, vehicle noise and additional traffic associated with the operations, which are predicted to be able to comply with the relevant noise emission criteria subject to appropriate selection of plant and acoustic treatments.
- 6.4.59 The Department notes that sleep arousal to residents to the west was identified as an issue, although it notes that night-time car movements between 10pm and 7am are expected to be infrequent. The Department considers that the future detailed design should consider relocating the car park access from the western façade of the seniors living buildings to minimise impact on adjoining neighbours to the west and has recommended a condition requiring the relocation of the carpark unless it can be demonstrated that noise impacts from the operation on the carpark entry would not result in adverse noise impacts.
- 6.4.60 In relation to operational noise from the future hospital, the Department considers that noise from plant and machinery could be mitigated through standard acoustic treatments to be incorporated into the design of the plant areas during detailed design and would need to be identified in the acoustic assessment for the future application for the detailed design, construction and operation of the development.

6.4.61 The Applicant would also need to demonstrate that all feasible and reasonable mitigation measures have been considered to manage noise and vibration impacts from the construction activities to minimise impacts on the surrounding residences and open space areas.

6.4.62 The Department has recommended that the future application provide a quantitative assessment of the main noise and vibration impacts during construction and operation and outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land.

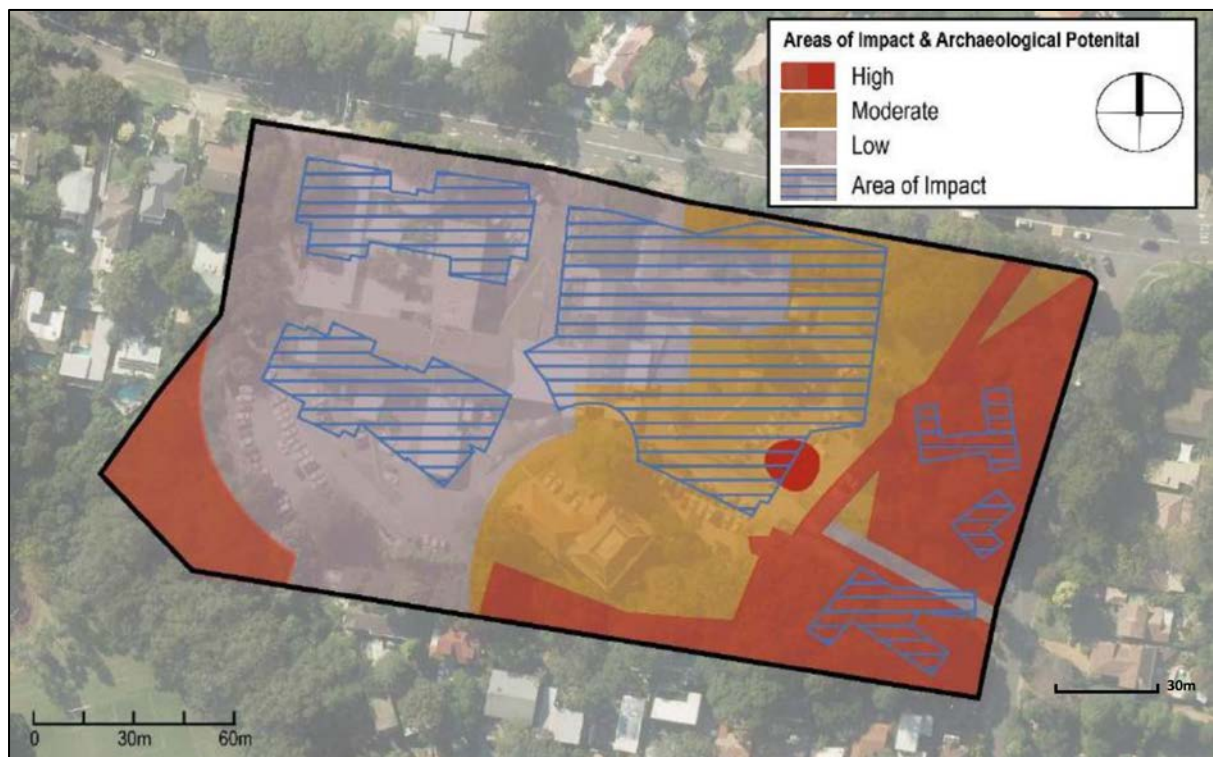
## 6.5 Heritage Impacts

### European

6.5.1 The site is listed as a State and local heritage item (Pallister) in the State Heritage Register and in LCLEP 2009. Pallister incorporates the late Victorian house known as Standish, which was built as a residence for John St Vincent Welch and his family in 1892 and is evidence of residential development and the urbanisation of the municipalities of Lane Cove, Willoughby and North Sydney. Standish is a rare example of a late Victorian Gentleman's residence within Greenwich. The heritage curtilage is the eastern lot and the contributory elements to its significance, located within the lot, are:

- Pallister, the two-storey late Victorian house.
- tear-drop shaped carriage loop.
- mature fig tree.
- bridle path from the corner of River Road and St Vincent's Road towards Pallister.

6.5.2 The site also contains potential for archaeology as illustrated in **Figure 54**. Located to the south of the site is the State listed sandstone swimming pool, which is the pool associated with Pallister (now on a private property), which would not be impacted by this development.



**Figure 54** | Archaeological potential (Source: EIS)

- 6.5.3 The proposed building envelopes are located to the north of Pallister and within the landscaped curtilage of Pallister and above potentially locally significant archaeology. The proposed development would generally not directly impact on the fabric of the heritage item but may potentially impact archaeological resources. The proposal also has the potential to impact on the setting and amenity of the heritage item on the site.
- 6.5.4 Council, Heritage NSW and community submissions identified concerns regarding the scale of the proposed building and impact on heritage setting.
- 6.5.5 The Applicant modified the envelopes in the RtS to address a number of heritage matters initially raised, including removing seniors living villas in the heritage curtilage and replacing them with a single building envelope for a respite care facility. This envelope is located to the north of Pallister and away from the approach from St Vincent's Road. The southern seniors living envelope has also been reduced in height at the interface with Pallister to improve the relationship and separated further from the hospital building to improve views to Pallister from River Road.
- 6.5.6 The Applicant contends that the heritage impacts are acceptable as a heritage and visual impact assessment was undertaken and concluded that the scale of the building envelope would not adversely affect heritage values or the landscaped setting within the surrounding area and improves views to the heritage item from River Road. The Applicant asserts that the overall scale and form of future buildings, the setbacks between new structures and Pallister and the relationship of new buildings to the street are addressed by the proposed envelopes, and design guidelines that have been established for the future buildings. These include:
- providing appropriate separation and landscaping to enhance the heritage curtilage of Pallister and reinstate a Gardenesque landscape setting.
  - articulating external terraces and balconies in the Hospital building and southern Seniors Living building to create a scale which responds to the height and form of Pallister.
- 6.5.7 The Applicant's heritage assessment in the RtS also contends that the retention of additional trees and landscaping maintain the significant landscape character of the area.
- 6.5.8 Council and community members reiterated concerns regarding the impacts on Pallister given the bulk and scale and perceived dominance of the development.
- 6.5.9 Heritage NSW considered the revisions appropriate as:
- the removal of the original seniors living villas south of St Vincents Road retains the connection between Pallister and St Vincent's Road, the setting of the historic villa and reduces the impacts on the SHR listed site.
  - the respite building replacing the northern seniors living villas is appropriately screened by trees and will not be readily viewed from the St Vincents Road access drive.
  - while the height of the hospital building and the western seniors living apartment building envelopes were not reduced, the adverse impacts have been reduced as the:
    - western end of the hospital building envelope has been reduced in scale (now partially single story) and is concealed beneath a landscape terrace to improve site lines to Pallister from River Road.
    - hospital building envelope includes a two-to-three storey podium to respond to the scale of Pallister and partially reducing the impact of the floors above.

- south side of the hospital building envelope has been amended to have a stronger relationship and visual connection to Pallister and its heritage curtilage.
- basement of the building envelopes has been reconfigured to be located outside the curtilage of Pallister.
- the landscape concept proposal has been redesigned to minimise heritage impacts and incorporate elements to recognise significant features of the site including:
  - retention of mature vegetation and compensatory planting to offset tree removal contributing to the immediate and wider setting of Pallister.
  - interpretation of the former bridle path through provision of a pedestrian footpath running through the site.
  - planting of a period garden around Pallister to contribute to its heritage curtilage.

6.5.10 Heritage NSW has reviewed the revised proposal and supports the Applicant's responses regarding archaeology and considers further testing for archaeology to determine the extent and management of significant archaeology to inform the future design of the building appropriate and has recommended conditions accordingly.

6.5.11 The Department has recommended conditions to reduce the building envelopes for the seniors living to improve compatibility with the surrounding neighbourhood and achieve improved built form outcomes. The seniors living buildings would be reduced so that they are no higher than Pallister. The Department considers that these modifications would also improve heritage outcomes and would encourage a more sympathetic form and interface with the heritage buildings and setting. The Department has recommended a condition requiring consideration be given to adjusting the orientation of the southern seniors living building and modulation in the detailed design to minimise bulk and massing, especially at the Pallister interface. This would also address the recommended condition of Heritage NSW to refine the design to ensure that the new buildings are setback as much as possible from "Pallister's" north and north-west boundary to reduce negative impacts to the primary and wider heritage setting of "Pallister".

6.5.12 The Department considers that the recommendations of the Heritage NSW in relation to archaeology are appropriate and would ensure the conservation of significant archaeology. Further archaeological testing is recommended to inform the future detailed design to ensure avoidance of any relics and allow for conservation of relics in-situ where feasible.

6.5.13 The Department considers that the proposed development as modified is satisfactory in relation to heritage impacts as it would provide facilities to support ongoing health and compatible uses and the:

- built form elements that do not contribute to heritage significance of the site are being demolished and additional views to the State listed item are being re-instated, which would offset the additional bulk and scale surrounding the item.
- location of the envelopes is adequately separated from the item and a singular low-scale envelope is being located within the heritage curtilage.
- vertical development for the hospital building envelope and seniors living envelopes is supported as it assists in the conservation of the heritage by minimising the footprint and horizontal development.
- new setting is appropriate as it represents a balanced redevelopment of the site while retaining the heritage item and its landscaped setting.

- redevelopment reflects the changing nature of institutional uses and requirement for operational efficiencies.
- views of the heritage items, from the surrounding areas, would not be significantly obstructed given the existing intrusive elements around Pallister and the landscaped setting.
- visual prominence of the future seniors living buildings have been reduced with the recommended envelope modifications to address compatibility with the surrounding land uses and neighbourhood amenity and streetscape.
- building envelopes would support the ongoing and future use of the site for health and complimentary purposes.
- bridle path would be reinstated which would support greater movement through the landscaped setting and allow for a greater appreciation of the historical approach to Pallister, including the proposed period garden.

6.5.14 The Department is therefore satisfied that the heritage impacts can be appropriately managed and that the development should be approved, subject to the recommended conditions. The Department has also included relevant conditions, as recommended by the Heritage NSW.

## Aboriginal

6.5.15 The Aboriginal Cultural Heritage Assessment Report (ACHAR) submitted with the RtS documented investigations undertaken on the site and provided a range of mitigation measures. The report noted:

- the site has been developed since the late 1800s and with extensive works from the 1960s for its current use as a hospital. This development would likely have removed most of any Aboriginal objects that may have previously been present and therefore there is a low likelihood of Aboriginal objects occurring.
- one part of the site has some potential for Aboriginal objects within rock overhangs and the potential for Aboriginal objects to occur is assessed as moderate (**Figure 55**).



**Figure 55** | Aboriginal archaeological potential shaded yellow (Source: RtS)

6.5.16 EESG advised that further Aboriginal cultural heritage assessment (including subsurface archaeological testing for the eastern part of the site) and preparation of an Aboriginal Heritage

Management Plan (AHMP) are required prior to ground disturbance works. Sub-surface testing should inform the AHMP and should only be undertaken in areas where ground disturbance works are proposed.

- 6.5.17 The Department notes the Applicant's proposed mitigation measures include the implementation of the recommendations of the ACHAR, including preparation of an Aboriginal Heritage Management Plan (AHMP) prior to any ground disturbance works.
- 6.5.18 Based on the above assessment and the recommended mitigation measures, the Department is satisfied that the proposal is unlikely to result in significant impacts on Aboriginal heritage.
- 6.5.19 The Department has recommended conditions requiring preparation of the AHMP, informed by sub-surface testing once detailed design has been finalised, in consultation with Registered Aboriginal Parties and submission of the AHMP with future applications.

## **6.6 Traffic and transport**

### **Traffic**

- 6.6.1 The EIS and appended Transport and Parking Impact Assessment Report (TPIA) considered the existing and likely future traffic conditions within the surrounding road network. The TPIA estimates a total hourly peak of 156 vehicle movements in the AM peak hour and 160 vehicle movements in the PM peak hour from the hospital use. This assumes a 100 per cent increase in movements given the near doubling of beds/room capacity (78 beds/rooms to 150 beds). An additional 18 vehicle movements in peak periods is calculated for the seniors living based on rates in RMS's Guide to Traffic Generating Developments (GTGD).
- 6.6.2 The TPIA concludes that the additional traffic would not adversely impact the road network and upgrades would not be required as traffic efficiency is not impacted as the level of service at the impacted intersections would remain the same. It was noted that there was a noticeable change in the average delay for right-turn and through movements at the River Road / St Vincents Road intersection. The TPIA concluded that there would not be any significant traffic impacts and the delay would not eventuate as the model is based on an allocation of 50 per cent of the traffic using the St Vincents Road access and it is observed that the preference is to use River Road. The TPIA suggests that drivers would adjust their behaviour to use the signalised intersection due to the potential delays.
- 6.6.3 Community submissions raised increases in traffic and congestion as a key issue in their submissions and resulting impact on school safety and pedestrian safety. Impacts along St Vincents Road were also raised particularly, regarding the steepness and safety issues, and cumulative impacts from other developments in the area and diversion of additional traffic along River Road.
- 6.6.4 In considering the projected impact of the proposal on the existing road network, the Department notes that surrounding intersection operations are expected to operate at the same levels of service. Neither TfNSW nor Council raised issue with the traffic impacts from the development.
- 6.6.5 The TPIA reviewed the traffic associated with the current use and extrapolated traffic impacts based on current traffic generation, which is above the rates identified in the RMS's GTGD. This is considered a reasonable approach, however the TPIA acknowledges that the traffic distribution does not reflect travel behaviour. Therefore, the Department recommends that a traffic impact assessment form part of the application for the detailed design and provide a more realistic distribution of traffic.

The Department also notes that the TPIA has anomalies in the calculations as it does not factor in updates regarding trip generation for seniors housing. However, peak movements in relation to seniors housing only affects evening periods and would be further reduced given the Department's recommendation to reduce the size of these envelopes (and therefore occupancy numbers).

6.6.6 The Department recommends that the traffic impact assessment to be prepared for the future detailed design also include revised traffic surveys, given the traffic survey was undertaken in 2017 and traffic modelling guidelines identify that anything beyond two to three years may not be representative of current volumes on the network. A road safety assessment has also been recommended for the detailed design application given the increase in traffic and potential to impact student safety. The recommended conditions also require the Applicant to consider construction traffic impacts and prepare a preliminary construction traffic and pedestrian management plan.

### **Car parking**

6.6.7 Following a review of Council's Development Control Plan (DCP) and the Seniors Housing SEPP, the TPIA identified the need for 208 car parking spaces comprising:

- 45 car spaces for seniors housing based on the Seniors Housing SEPP requirement of 0.5 car space per bedroom.
- 163 car spaces for the hospital based on one space per specialist (56 specialists), one space per two employees (114 employees) and one space per three beds (150 beds).

6.6.8 The development proposes to provide approximately 329 parking spaces and therefore would exceed the calculated demand.

6.6.9 The Department considers that the methodology used by the TPIA to calculate the car parking demand for the hospital is inappropriate given that the site already provides 150 car spaces for the existing hospital facilities. Further, the seniors living component has calculated a requirement of 45 spaces based on 89 units, but the rate is per bedroom and therefore a more accurate requirement of 89 would be required as the units indicatively have two bedrooms each. However, the building envelopes have been reduced. The Department has recommended a condition requiring the Applicant provide car parking in accordance with the Seniors Housing SEPP for that component of the development and car parking requirements be calculated for the increased hospital capacity to supplement existing supply. Indicatively, the demand for additional car parking spaces would be:

- 75 car spaces for seniors housing based on the Seniors Housing SEPP and reduced envelopes.
- 79 car spaces for the additional hospital capacity based on one space per specialist (27 additional specialists), one space per two employees (55 additional employees) and one space per three beds (72 additional beds).

6.6.10 The Department is satisfied that the car parking proposed would meet the total requirement of 304 parking spaces for the site comprising 150 existing car parking spaces and demand for an additional 154 car spaces.

### **Transport**

6.6.11 The bus stops for route 261, which travels to centres including Lane Cove, Crows Nest, North Sydney, Wynyard and King Street Wharf, is located adjoining the site frontage and on the opposite side of River Road, a maximum of approximately 200m walking distance from the southern seniors

living building envelope. The service arrives/departs from the site approximately every half hour and meets the public transport requirements and subsequently access to facilities requirements under the SEPP. The Applicant has provided confirmation from an accessibility consultant that the path of travel from the site to the stop would meet accessibility requirements.

- 6.6.12 TfNSW did not identify any issues with capacity or service in relation to public transport services to the site. While accessibility was initially raised, TfNSW was satisfied with the Applicant's response to this matter in the RtS. Insufficient public transport to service the seniors housing was raised as an issue in the community submissions.
- 6.6.13 The requirements for access to services and facilities required by the Seniors Housing SEPP have been met, but the TPIA acknowledges a lack of public transportation options to the site. Therefore, the Department recommends that the Applicant provide a free shuttle bus service for the residents of the site to local retail centres and public transport nodes.

## **Access**

- 6.6.14 The proposed development will generally maintain the existing access arrangement, except the unsignalised eastern access on River Road would be restricted to left-in/left-out to address the sight distance deficiency to the east.
- 6.6.15 Community submissions raised concerns regarding the potential that St Vincents Road access would be altered to allow greater access, and safety concerns given the steepness of the internal road.
- 6.6.16 No changes to the current restricted access arrangements at St Vincents Road are proposed and the Applicant has stated that the design to address the grade of the road would be resolved in the detailed design stage.
- 6.6.17 The Department has recommended a condition requiring a Road Safety Audit for River Road and St Vincents Road and all access points be provided with the future application for the detailed design.

## **6.7 Biodiversity**

- 6.7.1 A Biodiversity Development Assessment Report (BDAR) prepared in accordance with the Biodiversity Assessment Method (BAM) was submitted with the EIS. The BDAR provided an assessment of the likely impacts on biodiversity, including predictions of vegetation clearing, potential impacts on any threatened species or populations, and a detailed description of the measures to avoid, minimise, mitigate and offset biodiversity impacts. A revised BDAR was submitted in the RtS to address matters raised by EESG in relation to preparing the BDAR in accordance with the BAM, which sets out the technical requirements for a BDAR.
- 6.7.2 EESG has confirmed that the revised BDAR addressed the matters it raised regarding the BDAR submitted with the EIS. Community concerns were raised regarding impact on bushland and biodiversity impacts on the site as a result of tree loss and loss of habitat.
- 6.7.3 The 3.39ha site has considerable vegetation disturbance given the previous and current development of the site for hospital buildings and associated car parking, landscaped areas, roads and infrastructure. The site contains disturbed remnant bushland and remnant native trees, shrubs and ground cover species are present within parts of the development site. The remnant bushland in the



south-west forms a contiguous link with the bushland in Gore Creek Reserve and forms part of the riparian vegetation.

6.7.4 The bulk of the development site is substantially degraded and modified, with dense areas of weeds and horticultural plantings. The vegetation survey identified three Plant Community Types (PCTs) within the site (**Figure 56**):

- Smooth-barked Apple - Red Bloodwood open forest on enriched sandstone slopes around Sydney and the Central Coast (PCT ID 1776) (consisting of two zones, one in moderate condition and the other managed understorey).
- Smooth-barked Apple - Coast Banksia / Cheese Tree open forest on sandstone slopes on the foreshores of the drowned river valleys of Sydney (PCT ID 1778).
- Coachwood - Lilly Pilly - Water Gum gallery rainforest in sandstone gullies of the Sydney basin (PCT ID 1828).



**Figure 56** | Classification of vegetation on the site (Source: RtS)

6.7.5 The footprint for the proposed buildings has been located on generally cleared land, but the proposal seeks to remove 0.26ha of vegetation (PCT ID 1776) to accommodate the future development. The vegetation on the site is not listed as threatened ecological communities. The vegetation on the site is classified as potential habitat for the Large-eared Pied Bat, listed as vulnerable on the BC Act.

6.7.6 The BDAR asserts that the proposal avoids and minimises biodiversity impacts by locating the building envelope within a predominantly cleared area of the site. The BDAR provides an assessment of the potential direct and indirect impacts. The direct impacts include removal of native vegetation and loss of habitat for threatened species. Potential indirect impacts considered in the BDAR include:

- sedimentation run-off, noise, light spill, vibration, damage to adjacent vegetation and potential importation of pathogens during construction.

- pollution, potential injury to fauna, removal of wood or bush rock, increase in domestic predatory species or pests and increase fire risk during construction and operation.

6.7.7 A range of mitigation measures have been detailed to address expected impacts during the construction and operational stages of the project. It is expected that further detail regarding these measures would be outlined in the future application for the detailed design. These measures include:

- establishing a clearing protocol, including construction programming to minimise impacts.
- compensatory artificial habitat to offset any removal of hollow bearing trees.
- minimise light spill and direct lighting away from retained bushland.
- erosion and sedimentation control.
- establish hygiene protocols.
- construction staff training.
- use native species for landscaping.

6.7.8 Despite these measures, impacts on biodiversity would result from construction and operation of the proposal, including loss of native vegetation and impact on potential threatened species habitat. The revised BDAR identifies that biodiversity offset requirement of three ecosystem credits for PCT ID 1776 and five species credits are required to offset the residual impacts of the development.

6.7.9 The Department considers that the proposal would result in the loss of biodiversity values on the site, but the impacts can be adequately compensated. Conditions of approval are recommended requiring the future application revise and update the BDAR, where necessary, and ensure that the detailed design incorporates the mitigation measures outlined in the BDAR.

## 6.8 Other issues

6.8.1 The Department’s consideration of other issues is provided in **Table 12**.

**Table 12 | Summary of other issues**

Issue	Findings	Recommend Condition
Residential amenity for future occupants	<p>Council and community submissions raised amenity for future occupants of the seniors living as an issue.</p> <p>The Applicant provided modelling to demonstrate that the indicative buildings within the envelopes would be capable of complying with amenity requirements (solar access and cross-ventilation) required by the Seniors Housing SEPP and the ADG.</p> <p>The Department is satisfied that the orientation and separation of the seniors living building envelopes, including the reconfigured and reduced envelopes, can support future buildings</p>	<p>The Department has recommended a condition requiring future DA(s) for the seniors living buildings demonstrate compliance with the requirements of the Seniors Housing SEPP and address the ADG.</p>

Issue	Findings	Recommend Condition
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that would provide appropriate levels of amenity for future residents.

**Bushfire risk**

Concern regarding the bushfire risk of the site was identified in the public submissions and loss of trees to manage the bushfire risk.

The EIS includes a Bushfire Hazard Assessment Report, which identified that the entire site excluding vegetation within the heritage curtilage and within the riparian corridor must be managed as an inner protection area and a vegetation management plan be prepared for the heritage area. Complying with PBFP in relation to construction standards, landscaping, emergency management, water supply and access requirements were also identified.

The Department is satisfied that bushfire risk has been appropriately considered at a conceptual level and management can be incorporated as part of the detailed design of the future buildings and spaces on the site.

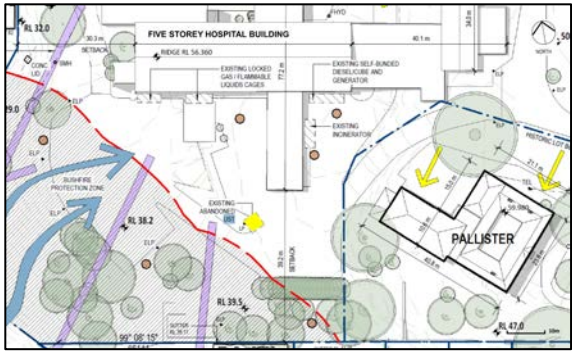
The Department has recommended a condition requiring future DA(s) demonstrate compliance with PBFP.

**Contamination**

Council advised in its comments on the EIS that further contamination assessment is required.

The Preliminary Site Investigation (PSI) for the site submitted with the EIS identified potential for contamination due to an abandoned underground storage tank (UST) see **Figure 57**. A Detailed Site Investigation (DSI) was undertaken and submitted with the RtS.

The Department has recommended a condition requiring future DA(s) include a remedial action plan.



**Figure 57 |** Location of UST highlighted in yellow (Source: RtS)

Issue	Findings	Recommend Condition
	<p>The DSI found elevated concentrations of contaminants in fill and located at the surface potentially from a spill and identified the need for further sampling around the UST. It concluded that the site can be made suitable for the proposed development subject to additional sampling (around UST and below demolished buildings), preparation of a remedial action plan (RAP) and validation of the remediation.</p> <p>Considering that no works can be carried out under a concept proposal, the Department accepts the Applicant's recommended mitigation measures to undertake recommendations of the DSI and recommends that the RAP be submitted with future applications for works.</p>	
<p>Flooding / stormwater</p>	<p>Council, EESG and community submissions raised flooding and stormwater issues.</p> <p>The EIS includes a Stormwater Management Report, which was supported by a further overland flow assessment in the RtS. These documents considered the flooding potential of the site and drainage requirements for the proposed development.</p> <p>The Stormwater Management Report confirmed the development could achieve discharge limits and on-site detention requirements capable of incorporating appropriate stormwater devices to provide acceptable levels of water quality and maintain predevelopment site discharge. The overland flow assessment confirmed that the site would not be affected by overland flow as its sits on a highpoint.</p> <p>The Department is satisfied that flood risk and stormwater management has been appropriately considered at a conceptual level and can be managed and/or mitigated through the detailed design of the future buildings and surrounds.</p>	<p>The Department has recommended a condition requiring future DA(s) include flooding and drainage reports.</p>

Issue	Findings	Recommend Condition
Lightspill	<p>Concern was raised in the public submissions regarding unacceptable light spill to neighbouring properties and surrounding bushland.</p> <p>The Department notes the proposal relates to a concept proposal only and future DA(s) would be required for the detailed design of the development within the building envelopes.</p>	The Department has recommended a condition requiring future DA(s) include a lighting plan.
Waste	<p>Concern was raised in the public submissions regarding waste and impacts on biodiversity.</p> <p>To ensure that future buildings waste management is co-ordinated across the future buildings and to manage potential impacts on adjoining bushland, the Department recommends future DA(s) include details of the operational waste management. Consideration of construction waste would also need to be undertaken in future DA(s).</p>	The Department has recommended a condition requiring future DA(s) address waste management during construction and operation.

## 6.9 Public interest

- 6.9.1 On balance, the Department is satisfied that the proposal would be in the public interest. The proposal would benefit the community as it would provide significantly improved health facilities including specialised care for the ageing population. In addition, it would provide additional seniors housing that is integrated with the hospital and reduce hospitalisation rates by facilitating care at home. The concept proposal would result in direct investment in the area of \$141.5 million and support 174 operation jobs when fully developed.
- 6.9.2 Overall, it is considered that the proposal would have acceptable environmental impacts, subject to recommended conditions of consent.

## 6.10 Summary of Department's consideration of submissions

- 6.10.1 A summary of the Department's consideration of the issues raised in submissions is in **Table 13**.

**Table 13 | Department's consideration of key issues raised in submissions**

Issue	Findings	Recommend Condition
Traffic and congestion	The Department has considered the traffic impacts in <b>Section 6.6</b> of the report.	The Department has recommended a condition requiring future DA(s) include a detailed traffic assessment, including

Issue	Findings	Recommend Condition
		current traffic flow survey data and road safety audit of access points, River Road and St Vincents Road.
Site is not suitable for seniors living	The Department has considered the site suitability in <b>Section 6.2</b> and <b>Appendix B</b> of the report.	The Department has recommended a condition requiring the envelopes for the seniors living be reduced to ensure the development is compatible with the surrounding land uses.
Seniors living does not meet SSD criteria	In accordance with clause 8(2) of the SRD SEPP if a single proposed development the subject of one development application comprises development that is only partly SSD, the remainder of the development is also SSD except where the Secretary determines it is not sufficiently related to the SSD. The Department has concluded that the seniors living is sufficiently related to the hospital development.	No additional conditions or amendments are necessary.
Bulk and scale	The Department has considered the size of the building envelopes and urban design in <b>Section 6.3</b> .	The Department has recommended a condition requiring the envelopes for the seniors living be reduced to ensure the development is compatible with the surrounding land uses, which would also address bulk and scale issues and support a greater transition to the lower residential development adjoining the site.
Tree removal and impacts on biodiversity	The Department has considered tree removal and landscaping in <b>Sections 6.3</b> and <b>6.7</b> .	The Department has recommended a condition requiring a minimum of 86 trees be planted to offset tree removal and future DA(s) must demonstrate that they are consistent with the BDAR or a revised BDAR be submitted.

Issue	Findings	Recommend Condition
Inconsistent with the character of the area	The Department has considered the compatibility with the surrounding area in <b>Section 6.2</b> and the size of the building envelopes and urban design in <b>Section 6.3</b> .	The Department has recommended a condition requiring the envelopes for the seniors living be reduced to ensure the development is compatible with the surrounding land uses, which would also address bulk and scale issues and support a greater transition to the lower residential development adjoining the site.
View impacts	The Department has considered view impacts from private properties surrounding the site and the public domain in <b>Section 6.4</b> .	The Department considers the view impacts to be reasonable and future DA(s) must demonstrate that they address view impacts, particularly for residents to the west and from Lane Cove River.
Seniors living would restrict future delivery of hospital floorspace	<p>Whilst one of the objectives of the zone is to prevent development that is not compatible with or that may detract from the provision of hospital infrastructure, the Seniors Housing SEPP overrides this control and allows for the seniors housing where it can meet site-related requirements. The Department has considered these requirements in <b>Section 6.2</b> and <b>Appendix B</b> of the report.</p> <p>Furthermore, it is private land and the development includes the delivery of infrastructure upgrades in conjunction with the seniors housing and there are several public and private hospitals in the vicinity of the site. The infrastructure component of the development would be delivered as the first stage of any development of the site.</p>	No additional conditions or amendments are necessary.
Impact on school safety and pedestrian safety	The Department has considered additional traffic impacts in <b>Section 6.6</b> .	The Department has recommended a condition requiring future DA(s) include a road safety audit of access points, River Road and St Vincents Road.

Issue	Findings	Recommend Condition
Heritage impacts	The Department has considered impacts on heritage in <b>Section 6.5</b> .	The Department has recommended conditions requiring future DA(s): consider re-orientation of the southern seniors living building to improve the relationship with “Pallister”; and provide an assessment of heritage impacts, conservation schedule for Pallister, heritage interpretation plan and details of and plans for archaeological management.
Privacy impacts	The Department has considered privacy impacts on private properties surrounding the site in <b>Section 6.4</b> .	The Department has recommended future DA(s) for seniors living buildings must demonstrate that the visual privacy impacts have been considered, including using architectural features to minimise impacts from west and south facing balconies and windows.
Noise impacts	The Department has considered noise impacts at a concept phase in <b>Section 6.4</b> .	The Department has recommended that the carpark access to the west be relocated unless it can be demonstrated that there would be no adverse noise impacts and that future DA(s) must include a detailed assessment of noise and vibration impacts.
Insufficient services to support seniors living	The Department has considered accessibility of the site required by the Seniors Housing SEPP in <b>Appendix B</b> and <b>Section 6.6</b> .	The Department has recommended a condition requiring a shuttle bus service be provided to future residents.
Construction traffic, noise, vibration and dust	<p>Concern was raised in the public submissions regarding construction noise, vibration and air quality.</p> <p>The Department notes the proposal relates to a concept proposal only and future DA(s) would be required for the detailed design of</p>	The Department has recommended a condition requiring future DA(s) include assessment of construction noise impacts and details for managing construction traffic.



Issue	Findings	Recommend Condition
	<p>the development within the building envelopes and management of construction impacts would need to be addressed as part of that application.</p>	
Overshadowing	<p>The Department has considered overshadowing impacts in <b>Section 6.4</b>.</p>	<p>The Department has recommended a condition requiring future DA(s) demonstrate that solar access impacts have been minimised to residential properties impacted by overshadowing from the development.</p>
Parking impacts	<p>The Department has considered the car parking requirements at a conceptual phase in <b>Section 6.6</b>.</p>	<p>The Department has recommended a condition requiring future DA(s) address car parking requirements in accordance with relevant guidelines.</p>
Lightspill	<p>The Department notes the proposal relates to a concept proposal only and future DA(s) would be required for the detailed design of the development within the building envelopes.</p>	<p>The Department has recommended a condition requiring future DA(s) include a lighting plan.</p>
Insufficient setbacks to River Road and adjoining residents to the west	<p>The Department has considered the location of the building envelopes and urban design in <b>Section 6.3</b> privacy concerns and noise impacts in <b>Section 6.4</b>.</p>	<p>The Department has recommended that the northern seniors building envelope be further setback from River Road to be equal to or greater than the front setback of the dwelling immediately to the west and mitigation measures are adopted in the future design to address visual privacy impacts to adjoining properties to the west.</p>
Property Values	<p>The Department notes that matters relating to impact on value of properties is not a planning matter for consideration as it is an established principle that the impact of a project on surrounding property value is not</p>	<p>No additional conditions or amendments are necessary.</p>

Issue	Findings	Recommend Condition
	<p>a planning consideration (<i>Trinvass Pty Ltd and Anor v Council of the City of Sydney</i> [2015] NSWLEC 151, [89]).</p>	
<p>Cumulative traffic impacts from recent development and changed road conditions</p>	<p>The Department has considered the traffic impacts in <b>Section 6.6</b>.</p>	<p>The Department has recommended a condition requiring future DA(s) include a detailed traffic assessment, including current traffic flow survey data.</p>
<p>Stormwater and flooding</p>	<p>The Department has considered the stormwater at a conceptual phase and flood risk in <b>Section 6.8</b>.</p>	<p>The Department has recommended a condition requiring future DA(s) include flooding and drainage reports.</p>
<p>Insufficient public consultation</p>	<p>The Applicant has undertaken the following key consultation activities at EIS and RtS stages of the application:</p> <ul style="list-style-type: none"> <li>• held meetings, briefings and presentations with various government agencies and key stakeholders.</li> <li>• held community information sessions.</li> <li>• distributed updates to community when EIS was lodged.</li> <li>• letterbox drop to 1,830 residential properties with details of revised proposal and invite to attend drop-in event.</li> <li>• provided e-mail and phone contact for community feedback.</li> <li>• provided updates to community members who had provided contact details.</li> <li>• met with adjacent residents, community groups and residents.</li> </ul> <p>The Department notes it has appropriately exhibited the EIS and notified the RtS in accordance with the requirements of the EP&amp;A Act, as stated in <b>Section 5</b>.</p>	<p>No additional conditions or amendments are necessary.</p>

Issue	Findings	Recommend Condition
	<p>The Department is satisfied that sufficient consultation has been undertaken to allow for the assessment and determination of the application.</p>	
<p>Compliance with SEPP 65 and ADG</p>	<p>The Department has considered compliance with SEPP 65 in <b>Section 6.3</b> and <b>Appendix B</b>.</p>	<p>The Department has recommended a condition requiring future DA(s) for the seniors living component demonstrate that the detailed design complies with SEPP 65 and the ADG.</p>
<p>Bushfire hazard</p>	<p>The Department has considered the management of bushfire risk at conceptual phase in <b>Section 6.8</b>.</p>	<p>The Department has recommended a condition requiring future DA(s) demonstrate that the detailed design meets the requirements of PBFP.</p>
<p>Establishing a precedent</p>	<p>The Department considers that the site is unique given the size of the site and the opportunities provided by the co-location of the infrastructure facilities and therefore a precedent would not be established given the unique circumstances of the development.</p>	<p>No additional conditions or amendments are necessary.</p>

## 7 Evaluation

- 7.1.1 The Department has reviewed the EIS, RtS and RRFI's and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council and concerns raised in community submissions. Issues raised have been considered and environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal can be appropriately mitigated through the implementation of the recommended conditions of consent.
- 7.1.2 The concept proposal comprises new health care and allied health facilities and residential aged care and seniors housing, in an integrated care campus. The proposal also includes building envelopes, car parking and site access arrangements.
- 7.1.3 The proposal is consistent with the objects of the *Environment Planning and Assessment Act 1979*, including facilitating ESD, and is consistent with the vision outlined in the North District Plan, as it would provide health infrastructure and diversity of housing for seniors.
- 7.1.4 The SSD application and the EIS was publicly exhibited for 51 days between 14 February 2019 and 5 April 2019. The Department received a total of 198 submissions comprising nine from public authorities (including an objection from Lane Cove Council), 177 individual public submissions (including 161 objections) and 10 submissions from special interest groups (including eight objections).
- 7.1.5 The Applicant submitted a Response to Submissions (RtS), including an amended proposal, on 15 October 2019, which reduced scale of seniors living development, increased health care facilities, provided greater setbacks, provided transitions in height of building envelopes along the boundaries of the site, increased tree retention, reconfigured the layout to protect the heritage curtilage of "Pallister" and revised staging to deliver the new hospital in the first stage.
- 7.1.6 The RtS (and amended proposal) was publicly exhibited between 24 October 2019 and 18 December 2019. The Department received a total of 136 submissions comprising nine from public authorities (including an objection from Lane Cove Council), 119 individual public submissions (including 109 objections) and eight submissions from special interest groups (including six objections).
- 7.1.7 The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the principles of ESD, and issues raised in submissions.
- 7.1.8 The Department identified: site suitability; built envelopes and urban design; amenity impacts; heritage impacts; traffic and transport; and biodiversity as the key issues for assessment. The Department has concluded the:
- site is suitable for the redevelopment of this hospital and the addition of the seniors living development subject to reducing the envelopes for the future seniors living development being reduced to ensure greater compatibility with the surrounding land uses in relation the potential impacts of the bulk, scale, built form and character of the proposed development.
  - bulk and scale of the redevelopment is acceptable for the site subject to reduced envelopes for the seniors living component to better respond to neighbourhood amenity and streetscape and a greater setback of these envelopes from River Road to be equal or greater than the adjacent residence.

- amenity impacts are satisfactory subject to conditions requiring:
  - architectural design responses to address visual privacy issues on adjacent properties to the west.
  - further consideration of the location of the west facing carpark entry under the seniors living if satisfactory noise levels cannot be achieved.
- 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.
- 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.
- 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.

7.1.9 The proposal is in the public interest and would provide a range of public benefits, including:

- provision of additional modern health infrastructure in an area of care that will have increasing demand.
- provision of diversity in seniors housing with integrated care from the co-location with the specialised healthcare services to support an ageing population.
- would result in direct investment in the area of \$141.5 million.
- support 174 operation jobs when fully developed.

7.1.10 The impacts of the proposal have been considered in the EIS, the RtS and RRFIs. Conditions of consent are recommended to ensure that these impacts are managed appropriately.

7.1.11 The SSD application is referred to the Independent Planning Commission as Council objects to the development and more than 50 public objections have been received in response to exhibition of the application. The Department considers the proposal can be approved, subject to conditions of consent outlined within this report.

7.1.12 This assessment report is hereby presented to the Independent Planning Commission for determination.

Recommended by:



**Megan Fu**  
Principal Planner, Social and Infrastructure

Recommended by:



**Karen Harragon**  
Director, Social and Infrastructure Assessments

Recommended by:



**David Gainsford**  
Executive Director, Infrastructure Assessments

# Appendices

## Appendix A – List of documents

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

1. Environmental Impact Statement  
<https://www.planningportal.nsw.gov.au/major-projects/project/12171>
2. Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/12171>
3. Response to Submissions, including amended proposal  
<https://www.planningportal.nsw.gov.au/major-projects/project/12171>
4. Responses to Requests for Information  
<https://www.planningportal.nsw.gov.au/major-projects/project/12171>

## Appendix B – Statutory Considerations

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- 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
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy (Coastal Management) 2018
- Draft Remediation of Land State Environmental Planning Policy (Remediation SEPP)
- Draft State Environmental Planning Policy (Environment)
- Lane Cove Environmental Plan 2009 (LCLEP).

### State Environmental Planning Policy (State and Regional Development) 2011

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications.

**Table B1 | SRD SEPP compliance table**

Relevant Sections	Consideration and Comments	Complies
<p><b>3 Aims of Policy</b></p> <p>The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development</p>	<p>The proposed development is identified as SSD.</p>	<p>Yes</p>
<p><b>8 Declaration of State significant development: section 4.36</b></p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	<p>The proposed development is permissible with development consent. The development is a type specified in Schedule 1.</p>	<p>Yes</p>



Relevant Sections	Consideration and Comments	Complies
<p><b>Schedule 1 State significant development —general</b> (Clause 8 (1)).</p> <p><b>14 Hospitals, medical centres and health research facilities</b></p> <p>Development that has a capital investment value of more than \$30 million for any of the following purposes:</p> <ul style="list-style-type: none"> <li>(a) hospitals,</li> <li>(b) medical centres,</li> <li>(c) health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).</li> </ul>	<p>The proposed development comprises development is for the purpose of a hospital and has a CIV in excess of \$30 million.</p>	<p>Yes</p>

### State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The development constitutes traffic generating development and in accordance with clause 104 of the ISEPP the application was referred to TfNSW for comment, which raised no objections to the development and advised that: River Road must be restricted to left in/left out (as proposed); works along River Road must be contained on the site; all vehicle must enter and exit the site in a forward direction; and signposting must be provided by the Applicant.

The development is located within the vicinity of an electricity transmission or distribution network and in accordance with clause 45 of the ISEPP, the development must be referred to the relevant electricity supply authority for comment. The application was referred to Ausgrid in accordance with the ISEPP. It advised that consideration should be given to undertaking works in the proximity of existing electricity network assets and early consultation with Ausgrid should be undertaken to determine any necessary substation requirements.

The proposal is therefore consistent with the ISEPP given the consultation and consideration of the comments from the relevant public authorities. The Department has included suitable conditions in the recommended conditions of consent requiring future development applications to demonstrate that comments of TfNSW and the utility providers have been addressed in the detailed design (see **Appendix C**).

## State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Contamination is considered in **Section 6.8**.

The Department is satisfied that consistent with clause 7 of SEPP 55, the submitted preliminary and detailed site investigations have been carried out in accordance with the contaminated land planning guidelines, and that subject to remediation, the site can be made suitable for the proposed hospital and seniors living use. The Department has included a condition requiring future applications include a remedial action plan.

## 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 EIS indicated that no substantive changes to operational procedures or the materials stored on site are anticipated.

The Department is satisfied the proposed development at a conceptual phase is not considered as potentially hazardous and no further preliminary hazard analysis assessment is required.

## State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)

The Seniors Housing SEPP aims to encourage the provision of housing: to meet the needs of seniors or people with a disability; makes efficient use of existing infrastructure and services; and promotes good design. It establishes design principles to ensure built form responds to the characteristics of the site. The Department's consideration of the design principles is at **Table B2**.

**Table B2** | Seniors Housing SEPP consideration

Relevant Sections	Consideration and Comments
<b>Site related requirements</b>	
<i>26 Location and access to facilities</i> This clause requires that the consent authority be satisfied that access to the following facilities are provided to residents: <ul style="list-style-type: none"><li>shops, bank service providers and other retail and commercial services that residents may reasonably require.</li><li>community services and recreation facilities.</li><li>the practice of a general medical practitioner.</li></ul>	Access is considered acceptable if the facilities are located within 400m of the site or there is public transport (i.e. available once between 8am and 12pm per day and at least once between 12pm and 6pm each day on weekdays) located within 400m of the site that would arrive within 400m of these facilities and pathways to travel to the facilities are accessible.  The bus stops for route 261, which travels to

## Relevant Sections

## Consideration and Comments

centres including Lane Cove, Crows Nest, North Sydney, Wynyard and King Street Wharf where these services are available, is located adjoining the site frontage and on the opposite side of River Road and a maximum of approximately 200m walking distance from the southern seniors living building envelope. The service arrives/departs from the site approximately every half hour and therefore meets the public transport requirements and subsequently access to facilities requirements under the SEPP. The Applicant has provided confirmation from an accessibility consultant that the path of travel will meet accessibility requirements.

The Department is satisfied that future residents would have access to facilities in accordance with the SEPP.

### *27 Bush fire prone land*

This clause requires that prior to consent to carry out development on bush fire prone land, the consent authority must be satisfied that the development complies with the requirements of PBFP, or if in the vicinity of bush fire prone land, the means of access to and egress from the general location of the development and other relevant matters have been considered. In considering these matters. Consultation with RFS is required.

The Applicant has advised that the EIS has addressed the more rigorous requirements of assessment for bush fire prone land, including a Bushfire Hazard Assessment Report (BHAR) addressing compliance with PBFP. An Addendum Bushfire Statement was also submitted with the RRF12 advising that the matters required to be considered for developments in the vicinity of bushfire prone land are normally considered at the detailed design stage and that the Addendum Transport Statement in the RRF12 has also been prepared confirming that matters regarding access to and egress would be addressed in the detailed design.

RFS raised no issues with the proposal and the bushfire assessment and provided recommended conditions.

The Department is satisfied that matters relating to bushfire prone lane have been addressed and has included conditions requiring further assessment of the relevant matters in the future application for carrying out the development.

## Relevant Sections

## Consideration and Comments

### *28 Water and sewer*

This clause requires the consent authority be satisfied that reticulated water and sewerage infrastructure is available for the development.

The site is serviced by water and wastewater infrastructure. The Department has consulted with Sydney Water who have not identified any issues with connection for the redeveloped services to the relevant infrastructure. Further details would be required in the application for the detailed design, construction and operation.

The Department has recommended a condition requiring connections to services be addressed in the future DA(s).

### *29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply*

This clause requires the consent authority to consider whether the proposed development is compatible with the surrounding land uses regarding:

- the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development.
- the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision.
- without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.

The proposal, subject to conditions, is acceptable in this regard as discussed in detail in **Section 6.2**.

## Relevant Sections

## Consideration and Comments

### Design requirements

#### General

#### *30 Site analysis*

Provided in RtS.

This clause requires a consent authority to consider the detailed site analysis of the site and adjoining sites and a written statement regarding how the proposal responds to the design principles in the SEPP.

#### *31 Design of in-fill self-care housing*

Not applicable – the Applicant has advised that the seniors housing would be serviced self-care housing.

This clause requires the consent authority to take into consideration specific guidelines for the development for the purpose of in-fill self-care housing.

#### *32 Design of residential development*

Addressed below.

This clause requires the consent authority to consider the design principles of the SEPP.

### Design requirements

#### Design principles

#### *33 Neighbourhood amenity and streetscape*

The proposal, subject to conditions, is acceptable in this regard as discussed in detail in **Sections 6.2, 6.3 and 6.5**.

This clause requires that the development should:

- recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.
- retain, complement and sensitively harmonise with any heritage items.
- maintain reasonable neighbourhood amenity and appropriate residential character by: providing building setbacks to reduce bulk and overshadowing; using building form and siting that relates to the site's land form; adopting building heights at the street frontage that are compatible in scale with adjacent development; and consider the impact of the boundary walls on neighbours.

Relevant Sections	Consideration and Comments
<ul style="list-style-type: none"> <li>• be designed so that the front set back is in sympathy with the existing building line.</li> <li>• planting that is sympathetic to the streetscape.</li> <li>• retain major existing trees.</li> <li>• avoid buildings in riparian zones.</li> </ul>	
<p><i>34 Visual and acoustic privacy</i></p> <p>This clause requires the design of the development to consider the visual and acoustic privacy of neighbours and future residents.</p>	<p>The proposal, subject to conditions, is acceptable in this regard as discussed in detail in <b>Section 6.4</b>.</p>
<p><i>35 Solar access and design for climate</i></p> <p>This clause requires adequate solar access be maintained for neighbours and site planning that optimises natural ventilation, solar access and lighting.</p>	<p>The proposal, subject to conditions, is acceptable in this regard as discussed in detail in <b>Sections 6.4</b> and <b>6.8</b>.</p>
<p><i>36 Stormwater</i></p> <p>This clause requires minimising stormwater runoff impacts and on-site detention for re-use.</p>	<p>The proposal, subject to conditions, is acceptable in this regard as discussed in detail in <b>Section 6.8</b>.</p>
<p><i>37 Crime prevention</i></p> <p>This clause requires crime prevention to be considered in the design of the building and entrances.</p>	<p>The Department notes the proposal relates to a concept proposal only and future DA(s) would be required for the detailed design of the development within the building envelopes.</p> <p>The Department has recommended a condition requiring future DA(s) address Crime Prevention Through Environmental Design Principles.</p>
<p><i>38 Accessibility</i></p> <p>This clause requires safe pedestrian links from the site to public transport services or local facilities and safe environments within the site.</p>	<p>The proposal, subject to conditions, is acceptable in this regard as discussed in detail in <b>Section 6.8</b>.</p>
<p><i>39 Waste management</i></p> <p>This clause requires provision of waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>The Department has recommended a condition requiring future DA(s) provide a waste management plan.</p>

## State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65) seeks to improve the design quality of residential flat development through the application of a series of nine design principles. A Design Verification Statement has been provided by Bickerton Masters stating that the subject development has been designed having respect to the design quality principles. An assessment against the nine design principles is below.

**Table B3** | SEPP 65 consideration

Key Principles of SEPP 65	Department Comment
Principle 1: Context and neighbourhood character	<p>The site is in an existing low-density residential area and this scale would remain as the desired future character of the area as noted in <b>Sections 6.2</b> and <b>6.3</b>. The site itself however has been zoned for infrastructure purposes and accommodates larger scale buildings. The design of the buildings must respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>The Department has recommended modifications to the seniors living building envelopes to improve the compatibility with the surrounding land uses and respond to the streetscape, including a reduction in height of the visible and prominent northern seniors living building and greater setback to River Road. The modified envelopes would also provide a more gradual transition from the adjoining lower forms to the taller proposed hospital envelope.</p>
Principle 2: Built form and scale	<p>The Department has recommended modifications to the seniors living building envelopes to ensure the future built form and scale responds to the streetscape and desired character of the area. The reduced envelopes would also ensure the form of the seniors living is secondary to the dominant hospital use of the site and provides a transition in scale.</p>
Principle 3: Density	<p>The Applicant has demonstrated that an acceptable level of amenity can be provided to future occupants to support the proposed density, subject to modifications to reflect the reduced size of the seniors living building envelopes. The integrated model of care would further support the proposed density by providing direct access to health services to support seniors living in an area with an ageing population and the co-location of the seniors living would optimise care provided as part of the redeveloped hospital component.</p>

**Key Principles of SEPP 65****Department Comment****Principle 4: Sustainability**

The proposal incorporates good design in relation to environmental, social and economic outcomes as it protects environmentally sensitive areas and heritage whilst investing in health infrastructure and providing additional housing for a growing sector. The integration of seniors housing and the hospital facilities also reduces travel to receive healthcare and supports ageing in place.

The Applicant has demonstrated that adequate levels of cross ventilation and sunlight can be provided to future occupants. The Department has recommended a condition requiring future applications to demonstrate compliance with BASIX.

**Principle 5: Landscape**

The Applicant has provided a conceptual landscape plan and committed to planting 60 trees, including trees to screen the development, cultural planting and a period garden to enhance the heritage setting. The landscape concept plan also retains vegetation within the landscaped setting outside of the development footprint, including the riparian zone in the south-western part of the site.

The Department has recommended a condition that requires the tree planting be increased to 86 trees to ensure that a replacement of 1:1 is achieved, including replacing all trees to be removed as part of the development even if due to structural integrity reasons.

The Department has also recommended the retention of a significant tree (Tree 167) in front of the hospital component to ensure the landscaped character is retained along the frontage.

Future DA(s) for the detailed design would need to include detailed landscape plans to address the above requirements.

**Principle 6: Amenity**

The Applicant has demonstrated that an acceptable level of amenity can be provided to future occupants.

The Department has concluded that amenity impacts on occupants within surrounding land uses are satisfactory at a conceptual stage subject to conditions requiring architectural design responses to address visual privacy issues on adjacent properties immediately to the west and further consideration of the location of the carpark entry under the seniors living facing the west in the detailed design if there are adverse noise impacts.

**Principle 7: Safety**

The Department notes the proposal relates to a concept proposal only and future DA(s) would be required for the detailed design of the development within the building envelopes.

The Department has recommended a condition requiring future DA(s) address Crime Prevention Through Environmental Design Principles.



**Key Principles of SEPP 65****Department Comment**

Principle 8: Housing diversity and social interaction

Due to the nature of the housing type proposed, housing diversity is not the key design outcome for the development as it is the support one cohort of the population. The development however would provide greater housing choice for the ageing population within the area given the traditional housing form and retention of this desired form for the area. The provision of serviced self-care housing located with hospital facilities would further expand the level of care options available to the ageing population. The development would incorporate extensive communal open space areas for social interaction.

Principle 9: Aesthetics

The Department notes the proposal relates to a concept proposal only and future DA(s) would be required for the detailed design of the development within the building envelopes, including addressing use of material, colours and textures to balance proportions and compositional elements.

**State Environmental Planning Policy No.19 – Bushland in Urban Areas (Bushland SEPP)**

The Bushland SEPP aims to protect and preserve bushland within the urban areas, including protecting remnant bushland for its biodiversity and scenic values and promoting the management of bushland so that the quality is enhanced for public enjoyment where compatible with its conservation.

Public authorities responsible for granting consent for development of land adjoining land zoned or reserved for public open space must consider:

- the need to retain any bushland on the land.
- the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland.
- any other matters which are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

The proposed development adjoins Gore Creek Reserve, which contains bushland protected by the Bushland SEPP and therefore consideration of the above is required before any consent can be granted. The Department considers that the proposed development addresses the matters for consideration as the development is setback from the remnant bushland vegetation on the site in accordance with recommendations from EESG, which would be protect the vegetation and the corridor. The BDAR submitted with the application also considered the impacts on this vegetation and includes recommendations to minimise impacts such as sediment barriers to control water quality, hygiene protocols to prevent spread of weeds or pathogens.

The Department has recommended future DA(s) for the detailed design, construction and operation of the development must demonstrate consistency with the BDAR.

## **State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)**

The Coastal SEPP aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone. To achieve this the Coastal SEPP supports coastal management objectives by: managing development in the coastal zone and protecting the environmental assets of the coast; establishing a framework for land use planning to guide decision-making in the coastal zone; and mapping the four coastal management areas (the coastal wetlands and littoral rainforests area, the coastal vulnerability area, the coastal environment area and the coastal use area) that comprise the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*. The Coastal SEPP replaces SEPPs 14, 26, and 71.

The site is mapped in a Coastal Environment Area zone and Coastal Use Area zone. An assessment of the proposal against the requirements for these zones under the Coastal SEPP are not required where land is located within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. General provisions that apply to the land covered by the Coastal SEPP requires that the consent authority be satisfied that the development does not increase risk of coastal hazards, considers any certified coastal management program that applies to the land, the development is permissible with consent regardless of the Coastal SEPP provisions and the provisions of the more sensitive zone is adhered to the extent of any inconsistency.

The Department is satisfied that the development would not increase the risk of coastal hazards as the development is primarily located on existing developed land and is not located on the foreshore. The other clauses are not applicable as there are no certified coastal management programs for the land, the development is permissible with consent under the SRD SEPP and no provisions are applicable for the zones that the land is on.

## **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)**

The SHC SREP aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained in recognition of it being a natural and public asset of national and heritage significance for existing and future generations. Other aims that are relevant to the development are: to ensure a healthy, sustainable environment on land and water; to achieve a high quality and ecologically sustainable urban environment; and to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.

The land is located within the Foreshores and Waterways Area. The key principle in relation to Foreshores and Waterways Area is recognising Sydney Harbour as a public resource that should be protected for the public good over private good and protection as a natural asset over all other interests applies to Foreshores and Waterways Area. Other planning principles relate to improving and maintaining access to foreshore, protecting and enhancing visual qualities and maintaining working waterways.

Matters for consideration of the consent authority are discussed in **Table B4**.

**Table B4 | SHC SREP Matters for consideration**

Clause	Department Comment
21 Biodiversity, ecology and environment protection	<p>The proposed development adjoins Gore Creek Reserve and remnant riparian land is located on the site. The Department is satisfied that the development would retain and protect riparian land on the site and would minimise impacts on adjoining riparian land. The proposed development is setback from the remnant bushland vegetation on the site in accordance with recommendations from EESG.</p> <p>The BDAR submitted with the application also considered the impacts on this vegetation and includes recommendations to minimise impacts such as sediment barriers to control water quality and hygiene protocols to prevent spread of weeds or pathogens. Stormwater management measures have also been identified for the operational requirements of the development, which would ensure the ongoing protection of the remnant riparian land and maintain water quality for the receiving watercourses.</p> <p>The Department has recommended future DA(s) for the detailed design, construction and operation of the development must demonstrate consistency with the BDAR recommendations and provide stormwater management details.</p>
22 Public access to, and use of, foreshores and waterways	Not applicable.
23 Maintenance of a working harbour	Not applicable.
24 Interrelationship of waterway and foreshore uses	Not applicable.
25 Foreshore and waterways scenic quality	<p>The scale, form, design and siting of building envelopes, subject to modifications, would address characteristics of the site, adjoining land and the future character of the locality.</p> <p>The Department's recommended conditions reducing the scale of the seniors living envelopes which are located closer to the foreshore and waterways so that it is comparable with existing development on the site would address scenic impacts. The scenic quality from the foreshore and waterways are unlikely to be adversely impacted by the development and would need to be further considered as part of future applications for the detailed design.</p>

Clause	Department Comment
26 Maintenance, protection and enhancement of views	<p>The proposed building envelopes, subject to modifications, would minimise any adverse impacts on views and vistas to and from public places as it would be comparable with the scale of existing development on the site in the vicinity of the foreshore and waterways.</p> <p>The development of future buildings within the building envelopes would not be prominent or highly visible from public places protected by the SEPP.</p>
27 Boat storage facilities	Not applicable.
27A Floating boat platforms	Not applicable.
27B Mooring pens	Not applicable.

A Development Control Plan (DCP) has also been prepared to support the SHC REP. The DCP provides detailed design guidelines for development and criteria for natural resource protection for the area identified as Foreshores and Waterways.

Notwithstanding that DCPs do not apply the SSD, the proposed building envelopes have been designed to respond to the principles in the SHC SREP and generally meets the relevant criteria in the DCP, including siting that ensures: vegetated shorelines are protected and not obscured; the continuous line of any natural feature is preserved and remains the dominant feature in the landscape; and vegetation cover on the upper slopes and ridgelines are maintained.

Future DA(s) would need to demonstrate that the proposal addresses any view impacts from Lane Cover River.

### **Draft State Environmental Planning Policy (Remediation of Land)**

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP would require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to Council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

## Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

## Lane Cove Local Environmental Plan (LCLEP) 2009

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the LCLEP 2009 and those matters raised by Council in its assessment of the development (**Section 6**). The Department concludes the development is consistent with the relevant provisions of the LCLEP 2009. Consideration of the relevant clauses of the LCLEP 2009 is provided in **Table B4**.

**Table B4** | Consideration of LCLEP 2009

LCLEP 2009	Department Comment
1.2 Aims of Plan	The proposal is considered to meet the aims of LCLEP 2009 as: <ul style="list-style-type: none"><li>the proposed development has considered ESD principles.</li><li>the proposed development preserves significant remnant riparian bushland.</li><li>the proposed development supports conservation of heritage items.</li></ul>
Land Use Table – Zone SP2 Infrastructure	Hospitals are permissible with consent in the SP2 Infrastructure – Health Services Facility zone. While seniors housing is prohibited in the zone, the Seniors Housing SEPP permits seniors housing on land zoned primarily for urban purposes where hospitals are permissible.  The redevelopment of the hospital is considered to meet the objectives of the zone to provide for infrastructure and related uses.
Clause 4.3 Height of Buildings	No controls apply.
Clause 4.4 Floor space ratio	No controls apply.
Clause 5.10 Heritage conservation	Refer to <b>Section 6.5</b> .

LCLEP 2009	Department Comment
Clause 6.1A Earthworks	The Department notes the proposal relates to a concept proposal only and future DA(s) would be required for the detailed design of the development within the building envelopes, where further details about earthworks would be provided.
Clause 6.3 Riparian Land	The Department is satisfied that the development would retain and protect riparian land on the site and would minimise impacts on adjoining riparian land. The proposed development is setback from the remnant bushland vegetation on the site in accordance with recommendations from EESG.

### Other policies

In accordance with Clause 11 of the SRD SEPP, DCPs do not apply to State significant development.

## **Appendix C– Recommended Instrument of Consent**

The recommended instrument of consent can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/12171>