President Private Hospital Redevelopment

State Significant Development SSD-10320

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Cover image: Photomontage from Applicant's Response to Submissions

Glossary

Abbreviation	Definition
CIV	Capital Investment Value
CEMP	Construction Environmental Management Plan
CSWMSP	Construction Soil and Water Management Sub-Plan
Council	Sutherland Shire Council
Department	Department of Planning and Environment
DDA	*Disability Discrimination Act 1992*
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FERP	Flood Emergency Response Plan
Heritage NSW	Heritage Council of NSW
LGA	Local Government Area
Minister	Minister for Planning
RFI	Request for information
RtS	Response to Submissions
SDRP	State Design Review Panel
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSLEP 2015	Sutherland Shire Local Environmental Plan

SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of the State Significant Development (SSD) project seeking approval for the redevelopment of President Private Hospital located at 369 - 381 President Avenue, Kirrawee.

The application has been lodged by Macquarie Health Corporation Limited (the Applicant). The Applicant is seeking approval for:

- demolition of three single storey dwellings on site and areas of the existing hospital building affected by the redevelopment
- demolition of a locally heritage listed item, Hotham House
- construction of a new three storey building with two basement car park levels, providing in-patient accommodation, therapy and rehabilitation facilities, and support services
- an increase in the number of surgical and rehabilitation beds from 45 to 110, and a new mental health facility with 72 beds bringing total patient beds to 182
- refurbishment of the wellness centre, comprising a rehabilitation gym, change rooms, and hydrotherapy pool
- a new site linkage between the wellness centre and hospital
- upgrade of the existing three operating theatre suites and the construction of a fourth operating theatre and new recovery and sterilising facilities

President Private Hospital is located within the Sutherland Shire Local Government Area (LGA). The project has a capital investment value (CIV) of $86,905,349 and would generate approximately 50 construction jobs and 77 operational jobs.

Engagement

The Department of Planning and Environment (the Department) exhibited the Environmental Impact Statement (EIS) between 16 December 2020 and 3 February 2021. The Department received:

- 54 unique public submissions, of which 50 were objections to the project, two were in support, and two provided comment on the project
- Advice from 7 public authorities
- One submission by Sutherland Shire Historical Society objecting to the project

Sutherland Shire Council (Council) raised concerns over heritage, urban design, flood risk management, trunk stormwater design, traffic, access and car parking and landscaping and tree protection.

Key issues raised in the public submissions include protection of a heritage item, traffic congestion, lack of parking, access issues in and out of the hospital and in the surrounding streets, road safety issues, and noise impacts.

The Applicant submitted a Response to Submissions (RtS) and additional information to address the issues raised. The application is referred to the Independent Planning Commission for determination as 50 objections were received.

Assessment

The Department has considered the merits of the project in accordance with section 4.15(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, issues raised in submissions and the Applicant's response.

During the assessment of this project, the Department considered that the project would provide:

- critical overnight mental health services that respond to existing demand for these services.
- expansion of rehabilitation services for the area, currently operating at or near capacity.
- consistency with the strategic planning framework for the Greater Sydney Region Plan, South District Plan and the Sutherland Shire Council Community Strategic Plan.

The Department identified built form and urban design, environmental amenity, heritage, flooding, traffic, and noise as key issues for assessment. The Department's assessment concluded that:

- The Department considers that the built form and urban design is acceptable for a health services facility and that the revised design appropriately responds to the local context whilst minimising visual impacts to adjoining properties. A variety of materials and finishes are used at different elevations to respond to street frontages and adjoining residential properties. The bulk and tallest parts of the project are designed to be centred towards the site fronting President Avenue and Hotham Road where setbacks are greatest.
- The Department considers that the project would result in marginal and acceptable impacts to environmental amenity. The project results in minimal additional overshadowing to adjoining properties. Reasonable levels of privacy to adjacent properties is achieved by the project and recommended conditions require the adoption of further privacy measures. Light spill from the development is mitigated by louvers and other appropriate treatments.
- The project proposes to demolish Hotham House which is a locally listed heritage item. The Department considered an independent assessment of the heritage values of Hotham House, which confirmed that Hotham House is of local significance only, is not rare within Sutherland Shire itself and does not hold value at a State or national level.
- The Applicant's options analysis described that if Hotham House was retained, the hospital would be unable to operate as an efficient modern hospital due to the constraints of the site. The Department considers that the Applicant has sufficiently demonstrated that redevelopment of the site at the proposed scale, and with the proposed additional mental health services, may only reasonably be achieved with the demolition of Hotham House.
- The Department considers that the need to provide a modern health facility to meet the demands of the community is essential and that in this context, the demolition of a local heritage item is justified. Conditions are imposed requiring a heritage interpretation plan and other measures to retain and record the heritage value of the site.

- Parts of the site are identified as an area which is potentially flood prone. Flood mitigation measures have been incorporated into the design, including a flood protection wall along the southwest car park and conceptual design of an overland flow path to address potential flooding. The Department is satisfied that flood risks can be appropriately addressed and managed for the project. However further development of the proposed design is required and conditions are recommended which require the Applicant to demonstrate the suitability of proposed flood controls. The Department also recommends the flood emergency response management plan is further developed and that this should be informed by consultation with SES and Council.

- The efficient and safe access to and from the hospital were key considerations during the Department's assessment and a splayed driveway off President Avenue has been provided to provide a safer entry and exit. The project will not significantly impact traffic volumes at key intersections. Adequate parking is provided for the hospital and the implementation of a green travel plan will support the adoption of sustainable modes of transport in and around the site.

- The project has the potential to generate significant levels of noise during construction. However, the Department is satisfied that noise can be appropriately managed and mitigated. Construction noise mitigation measures include the erection of 2.4 m high temporary sound attenuating barriers around construction areas and the development of strategies with the community to manage works generating high levels of noise. During operation, the project is predicted to remain broadly compliant with relevant noise criteria with some marginal exceedances at night from vehicles accessing the site. Recommended conditions include requirements for short-term monitoring of operational noise within two months of operation.

On balance, the Department concludes that the potential impacts of the project are acceptable and can be appropriately mitigated through implementation of the recommended conditions of consent. The application is referred to the Independent Planning Commission to determine the application and is recommended for approval.

Contents

1 Introduction

1.1.1 This report provides an assessment of a State Significant Development (SSD) application lodged under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the redevelopment of President Private Hospital, an existing private hospital located at President Avenue, Kirrawee.

1.1.2 The development is considered SSD in accordance with clause 14, schedule 1 of the former State Environmental Planning Policy (State and Regional Development) 2011, which was applicable at the time of lodgement.

1.1.3 The application has been lodged by the Macquarie Health Corporation Pty Ltd (the Applicant).

1.1.4 The existing health facility on the site was built in the 1970's. The Applicant is seeking to upgrade the facility to provide a wider range of services, including mental health facilities, to the community.

1.1 Site description and context

1.1.1 President Private Hospital is located at 369-381 President Avenue, Kirrawee in the Sutherland Shire Local Government Area (LGA). The location of the site in relation to the Sydney CBD is shown in **Figure 1**.

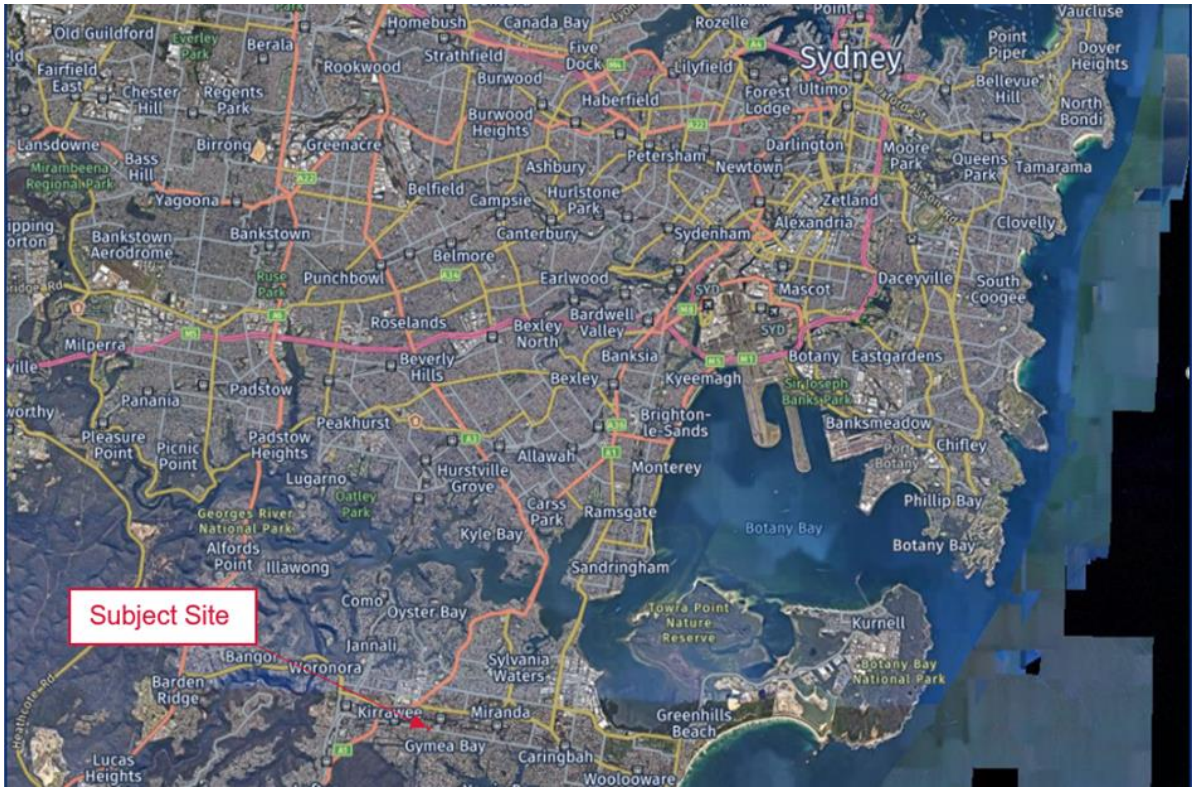


Figure 1 | Regional context map (Source: Nearmap 2021)

1.1.2 The site is located on the corner of President Avenue and Hotham Road. It is irregular in shape and comprised of 5 separate lots, Lot 1 in DP 841502, Lot 24A in DP26995, Lot 23 in DP 26995 and Lots 53 and 54 in DP 29493.

1.1.3 The total site area is approximately 9,535 m^2, including a 121 m frontage to President Avenue (southern boundary), a 76 m frontage to Hotham Road (eastern boundary) and a 39 m frontage to Bidurgal Avenue (northern boundary). The site has a crossfall to the southeast with its lowest point at the junction of Hotham Road and President Avenue.

1.1.4 The site is shown in the local context in **Figure 2**.

Figure 2 | Local context map (Source: Nearmap 2021)

1.1.5 Existing buildings on the site include a single storey hospital building fronting President Avenue, a dwelling (Hotham House - a local heritage item) currently used for inpatient rehabilitation fronting Hotham Street, a building used for hospital administration, two residential dwellings, paved areas, car parking and landscaping.

1.1.6 Access for vehicles and pedestrians is provided from Hotham Road and President Avenue. An aerial view of the site is shown in **Figure 3**. The existing buildings on site are identified in **Figure 4** and **Figure 5**.

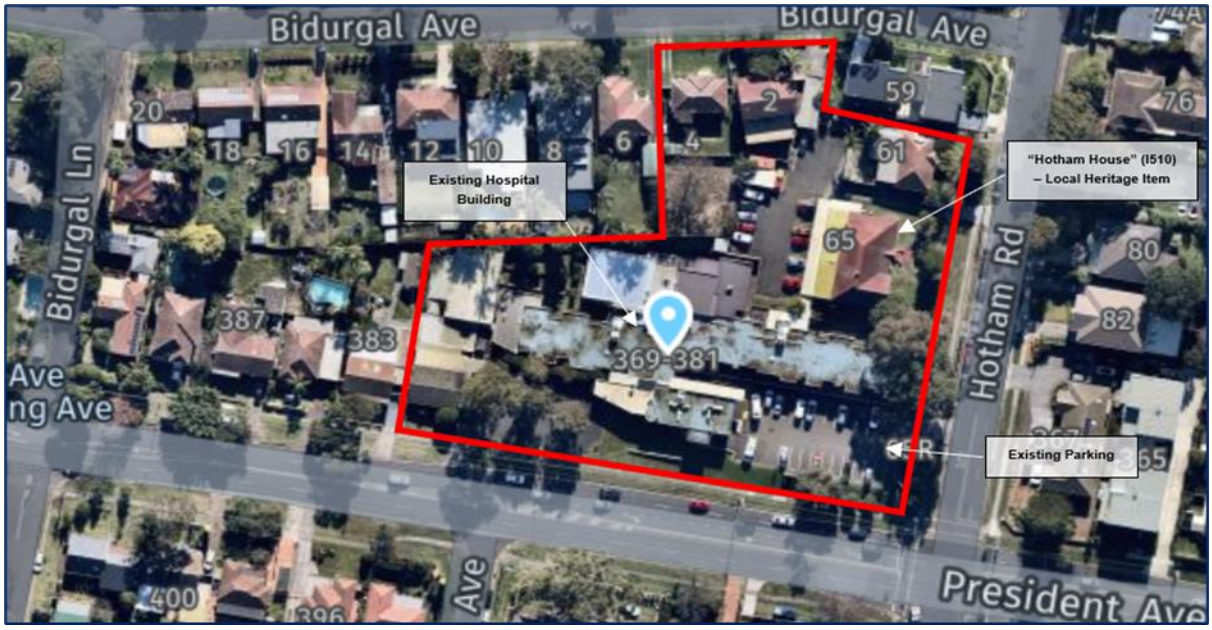


Figure 3 | Site extent (Source: Nearmap 2021)

Figure 4 | Existing hospital building (Source: Nearmap 2022)

Figure 5 | Existing hospital building (Source: Neamap 2022)

1.1.7 An item of local environmental heritage significance, Hotham House, is located within the site. Hotham House, house and garden is described as item number 1510 within the Sutherland Shire Local Environmental Plan 2015 (SSLEP). The heritage item is located on lot 24A on DP26995 and the address is described as 65 Hotham Road, Gymea.

Figure 6 | Hotham House – building with forecourt and pine tree (Source: EIS)

Figure 7 | Hotham House – building with forecourt and pine tree (Source: Google Maps 2021)

1.2 Surrounding development

1.2.1 Land surrounding the site, to the north, south and west is generally zoned R2 Low Density Residential.

1.2.2 Land immediately adjacent to the east on Hotham Road is zoned R3 Medium Density Residential (Figure 8Figure). The surrounding land use is largely residential with one additional health facility being a skincare clinic located on the southeastern corner of the site.

1.2.3 The T4 railway line is located to the north, 110 m from the site. Gymea station is located 600 m from the site and Kirrawee station is 700 m. Several bus networks service the site and there is a bus stop approximately 100 m from the site on President Avenue.

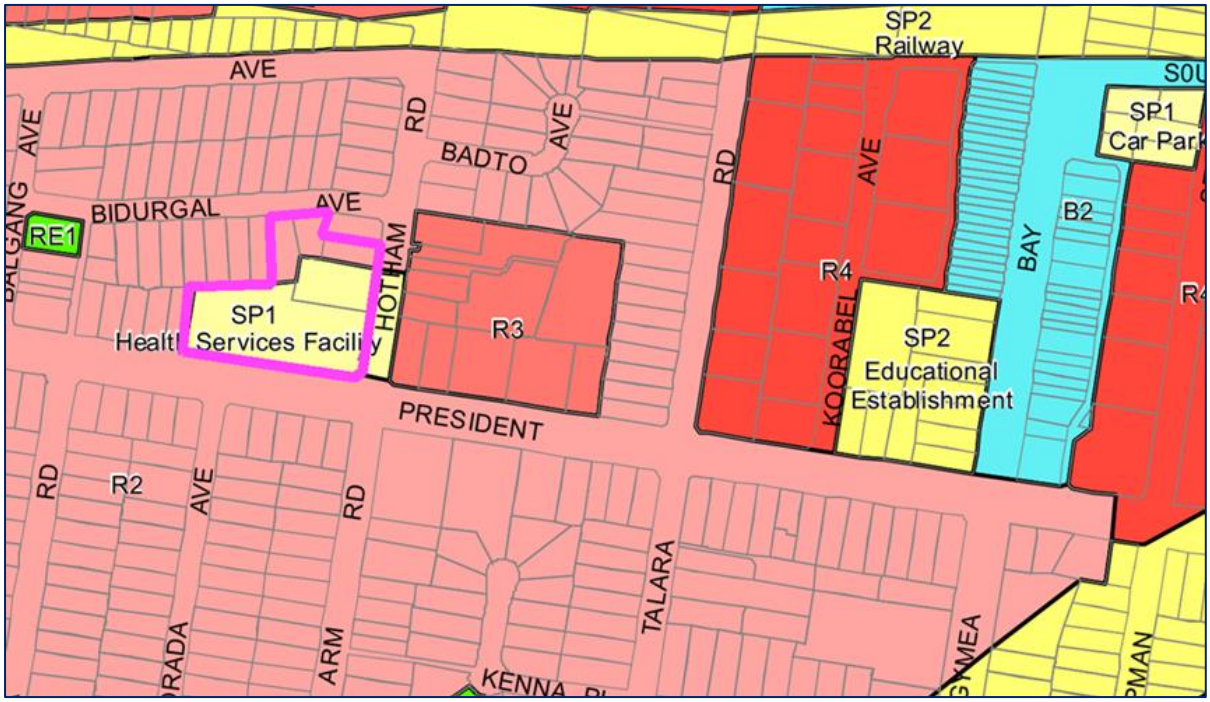


Figure 8 | Land zoning map (Source: Sutherland Shire Council, 2015)

2 Project

2.1.1 The key components and features of the project, as refined in the Response to Submissions (RtS) report and supplementary information, are provided in **Table 1** and shown in **Figure 9Figure** to **Figure 12**.

Table 1 | Main components of the project

Aspect	Description

Project summary	Refurbishment of the existing hospital, including partial demolition of the existing hospital and the construction of one new single three storey building to provide:
	• a new mental health facility
	• a new operating theatre
	• upgrade and refurbishment of the existing wellness centre, rehabilitation spaces and hydrotherapy spa
	• 182 beds consisting of:
	  ○ 110 surgery and rehab beds
	  ○ 72 mental health beds.

Demolition	Demolition of single storey structures: • 65 Hotham Road (Hotham House, an existing heritage listed cottage) • 61 Hotham Road (existing cottage) • 2 Bidurgal Avenue (existing cottage) • 4 Bidurgal Avenue (existing cottage) • Outbuildings located on the south west corner of the site which are used for the rehabilitation gym and wellness education

Built form	• Construction of a new three storey hospital building with three new wings and linkages throughout:
	  ○ West wing - new wellness centre
	  ○ North wing - mental health facility with 72 beds.
	  ○ East wing - 110 surgery and rehabilitation beds
	• Alterations to existing operating theatre suite to provide a fourth operating theatre, new recovery, and new sterilising department at the centre of the development
	• Improvements to existing facilities to be retained including an upgrade to existing patient accommodation and an upgrade to the hydrotherapy spaces for the inpatient and outpatient programs.

Site area	• 9,520 $m^{2.}$
GFA	• 9,519 $m^{2.}$

Access	• Access from President Avenue via a left in, left out driveway configuration • Two entrances along Hotham Road, one access is an entry only and the other an in and out driveway.
Car parking	• 168 car parking spaces (including 3 patient drop off bays accessed via Hotham Road) • New basement car park with two levels • Ambulance bay accessed by the northern driveway from Hotham Road (The project will not provide emergency services or receive emergency cases. However, ambulance access is required for patient transport).
Bicycle parking	• 20 bicycle parking spaces and end of trip facilities for staff
Public domain and landscaping	• Removal of 26 trees • Retention of an existing Cook pine located close to the eastern boundary in the Hotham House curtilage • Planting of approximately 153 new trees on site.
Flooding design	• Overland flow path to the southwest of the site • Culvert design on the President Avenue access to continue the overland flow path • Diversions and regrading on the north part of the site allow flows through to the lower southern part of the site.
Signage	• A free-standing sign is proposed to identify the entry and exists of the site • A smaller free-standing sign is proposed for the outpatient gym area • An illuminated hospital identification sign.
Hours of Operation	• 24 hours, seven days a week.
Jobs	• 50 construction jobs • 77 operational jobs.
CIV	• $86,905,349.

2.2 Physical layout and design

2.2.1 The project includes a single three storey building with two basement car park levels. The three storey building has three new wings with linkages throughout (see **Figure 7**).

Figure 9 | Proposed site plan (Source: Applicants RtS)

2.2.2 The hospital encompasses the existing hospital building and three new wings:

- North wing - mental health
- East wing – patient accommodation
- West wing – outpatient programs and wellness therapies.

2.2.3 The massing of the project is provided below in **Figure 10** and **Figure 11**.

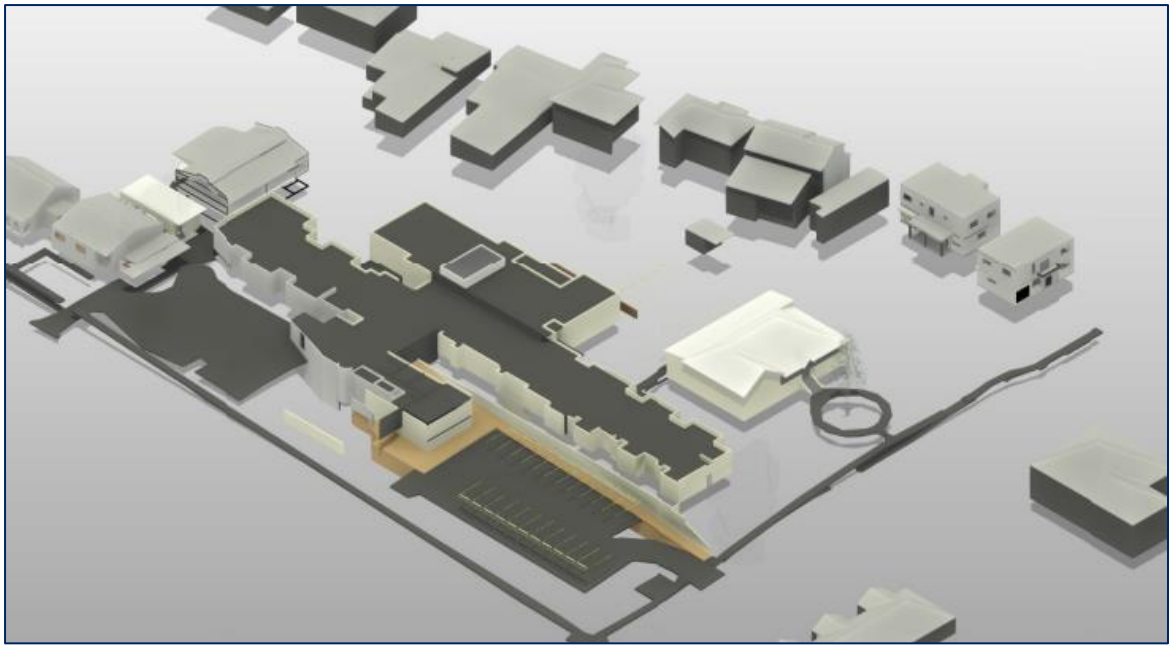


Figure 10 | Existing site massing (Source: EIS)

Figure 11 | Proposed site massing (Source: EIS)

2.2.4 The site has three vehicle access points.

- Hotham Road – primary access to the main entrance and drop-off zone
- Hotham Road – in and out from Hotham Road access to the basement car park
- President Avenue – left in left out, providing access to at grade parking.

2.2.5 Landscaped areas are proposed throughout the site. A range of open spaces consisting of courtyards, soft landscaping and deep soil plantings are provided as seen in **Figure 12**. Further details on landscaping are provided in **Section 6.2**.

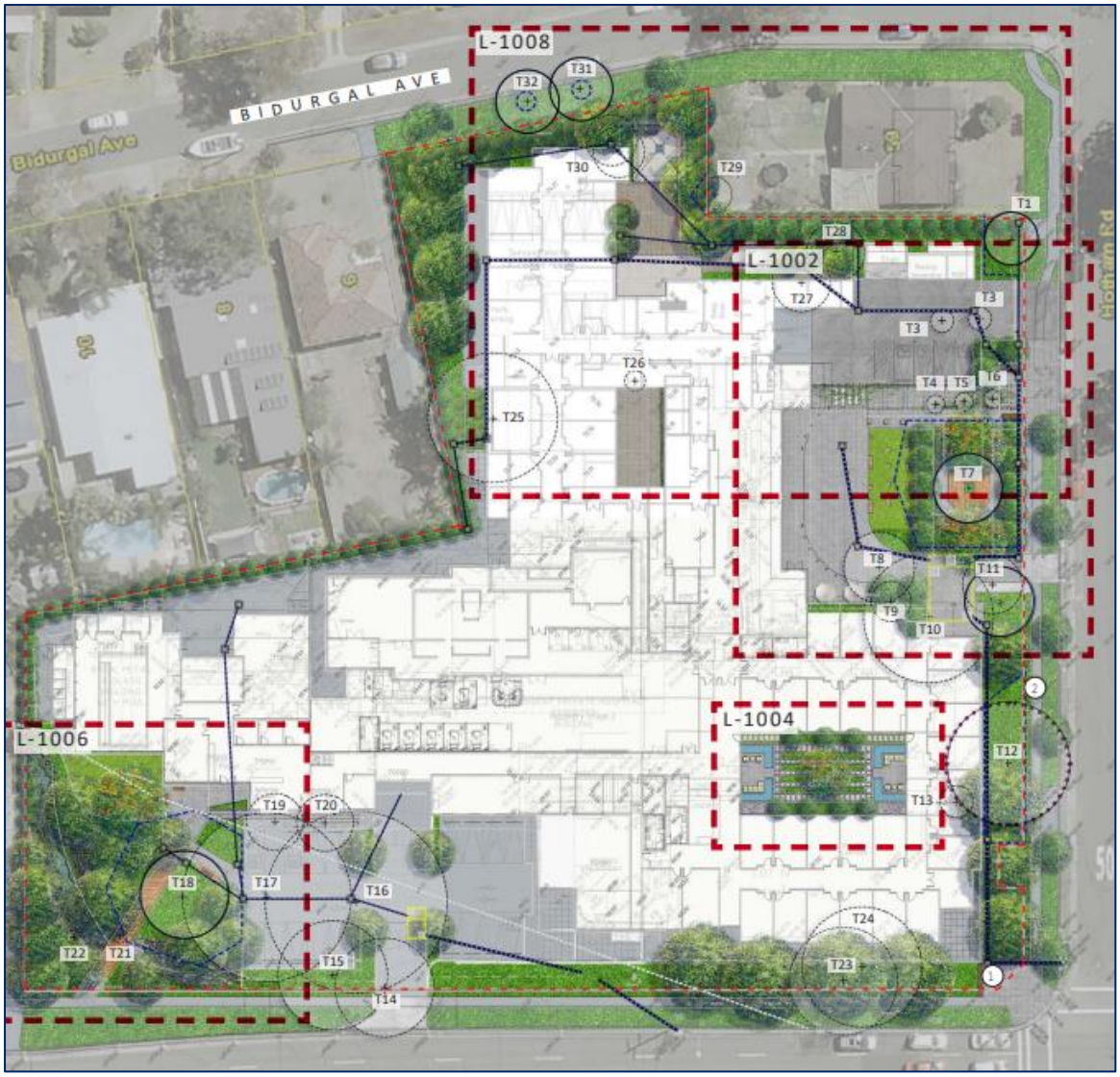


Figure 12 | Landscape concept masterplan (Source: Applicant's RtS)

2.3 Uses and activities

2.3.1 The project would continue to operate as a private hospital on the site and would provide the following additional services:

- A total of 182 beds, which comprises:
  - 110 surgical and rehabilitation in-patient beds, an increase of 65 beds from the existing 45 beds,
  - 72 mental health in-patient beds,
- Outpatients and x-ray clinic,
- Urgent care centre (4 bays of minor illness and injuries).

2.4 Construction timing

2.4.1 Construction of the project is expected to be completed over 3 years and 5 months or a total of 41 months.

2.4.2 Construction is proposed to occur over three stages to enable the existing hospital to remain operational in a reduced capacity during the redevelopment. The three stages of work are described in **Table 2**. The stages would be confirmed during detailed design and construction.

Table 2 | Construction stages

Phase	Activities
Phase 1	• Demolition of Hotham House • Demolition of 65 and 61 Hotham Road and 2 and 4 Bidurgal Ave • Demolition of northern staff car park • Excavation for northern car park off Hotham Road • Construction of the northern wing • Construction of main entry off Hotham Road • Construction of northern (45 spaces) car park and vehicle access to main entry
Phase 2	• Demolition of existing eastern ward • Demolition of southern eastern car park • Excavation for south eastern car park • Construction of eastern wing • Construction of south eastern car park • Temporary ground floor linkage from new north wing to existing east wing • Relocating of east and west wing patients to north wing.
Phase 3	• Demolition of therapy and therapy gym buildings • Demolition of west wing • Refurbishment of hydrotherapy area • Construction of new west wing and recovery • Construction of swale drainage

- Construction of President Avenue access.

3 Strategic context

3.1 Project need and justification

3.1.1 The project supports the NSW State priorities to improve the health system in NSW by increasing the patient capacity of the existing hospital from 47 to 182 beds and providing additional private mental health services currently unavailable in the Sutherland LGA.

3.1.2 The Applicant has identified that there are currently no private overnight mental health facilities in the Sutherland Shire, and the existing hospital is operating at full capacity. The project would provide the local community with a private overnight mental health facility with 72 mental health beds out of the total 182 beds.

3.1.3 The population of the Sutherland Shire LGA is growing and the demand for health care and associated needs are increasing. The increase in services that the hospital would provide, including additional beds and a new operating theatre, would alleviate pressure on these facilities.

3.1.4 The project would provide direct capital investment in the region of around $86,900,000 supporting 50 construction jobs and 77 operational jobs.

3.2 Greater Sydney Regional Plan and South District Plan 2018 *Greater Cities Commission*

3.2.1 The South District Plan outlines a 20 year plan to manage growth in the context of economic, social, and environment matters to achieve the 40 year vision of the Plan.

3.2.2 The project is consistent with the relevant key priorities of the South District Plan as it would:

- support the growth of health precincts,
- match growth and infrastructure, including social infrastructure.

3.3 Sutherland Shire Council Community Strategic Plan 2032 *Sutherland Shire Council*

3.3.1 The Community Strategic Plan outlines the community's aspirations and long-term vision for Sutherland Shire. The Plan identifies that the population of the Sutherland Shire is ageing and needs additional care and access to services. The project is consistent with Outcome 3 'A Caring and Supportive Community' as it would:

- plan and, provide quality medical, specialist, preventative and allied health services and facilities;
- deliver community services and facilities that respond to the changing needs of the community.

3.4 NSW Future Transport Strategy 2056 *Transport for NSW*

3.4.1 The *Future Transport Strategy 2056* outlines a planned and coordinated set of actions to address the challenges faced by the NSW transport system.

3.4.2 The project contributes to the strategy as:

- the site is located within walking distance of a number of public transport services.
- it provides active transport travel options by providing bicycle parking spaces.
- a green travel which encourages sustainable modes of transport will be submitted before the commencement of operation of the new development, to promote the use of active and sustainable transport modes.

3.5 20 Year Health Infrastructure Strategy 2020 *NSW Health*

3.5.1 The NSW Health *20 Year Health Infrastructure Strategy* aims to achieve a long-term vision for NSW to ensure health infrastructure is fit-for purpose to improve health outcomes and experiences for residents of NSW.

3.5.2 The project is consistent with this strategy as the development would upgrade an existing hospital and provide additional services including a mental health facility for the Sutherland LGA and surrounding areas.

4 Statutory context

4.1 State Significant Development

4.1.1 The project is declared SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for the purpose of a hospital and has a CIV of more than $30 million in accordance with clause 14(a) in Schedule 1 of the Planning Systems SEPP.

4.1.2 The Independent Planning Commission (the Commission) is the consent authority for the application in accordance with section 4.5 of the EP&A Act and section 2.7 of the State Environmental Planning Policy (Planning System) 2021 as the application has received more than 50 unique submissions during the exhibition period by way of objection.

4.2 Permissibility

4.2.1 The site is comprised of land zoned Low-Density Residential (R2) and Special Activities (Health Services Facility) (SP1). The proposed hospital use meets the definition of a health services facility and is permissible with consent in both zones under clause 2.60 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).

4.2.2 Clause 2.60 of the Transport and Infrastructure SEPP (previously clause 57 (1) of the State Environmental Planning Policy Infrastructure 2007) permits the use of R2 land for the purposes of a health services facility.

4.3 Other approvals

4.3.1 Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the project.

4.3.2 Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the project (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 relevant approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (**Appendix D**).

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 consider any environmental planning instrument (EPI) that is of relevance to the development the subject of the 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 project.

4.4.2 The Department has undertaken a detailed assessment of the relevant EPIs, discussed in more detail in **Appendix B** and is satisfied that the application is consistent with the requirement of these EPIs.

4.4.3 The application includes a request to vary development standards for height and floor space ratio. The Department has considered the request and is satisfied that the proposed variation to development standards would be in the public interest. A detailed assessment is provided in **Appendix C**.

Objects of the EP&A Act

4.4.4 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 in **Table 3**.

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

Objects of the EP&A Act		Consideration
(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,	The redevelopment of the hospital addresses a gap in mental health services and provides the community with better access to mental health care by using an existing facility rather than a new greenfield site.
(b)	to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The project incorporates satisfactory measures to achieve ecologically sustainable development.
(c)	to promote the orderly and economic use and development of land,	The project is permissible on the site, supports economic growth and will continue to provide health services to the community.
(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,	While redevelopment of the hospital would require tree removal, there are no threatened species or ecological communities or their habitats on the site. Proposed tree replacement

		and landscaping would contribute towards the ecological values of the site.
(f)	to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site contains a locally listed heritage item listed on the SSLEP known as Hotham House. The project includes the demolition of this heritage item (**Section 6.4**). A condition of consent requiring a heritage interpretation plan be prepared is recommended. The project is not anticipated to result in any impacts to Aboriginal cultural heritage.
(g)	to promote good design and amenity of the built environment,	The design of the proposed buildings is acceptable within the context of the site. The proposed design was referred to the State Design Review Panel and has responded to feedback from the Government Architect NSW. The Department considers that the density and scale of the development is acceptable for the purposes of a health facility, and the bulk and scale has been appropriately managed to reduce the visual impact to adjoining properties.
(h)	to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The application indicates that construction and maintenance of buildings can be achieved to meet the relevant standards as recommended in the conditions of consent. The Department recommends conditions of consent to ensure the construction and maintenance of the project is undertaken in accordance with the relevant legislation, guidelines, policies and procedures (**Appendix D**).
(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 project which included consultation with Council and other public authorities and consideration of the responses received (**Section 5**).
(j)	to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the project on 16 December 2020 until 3 February 2021 which included notifying adjoining and surrounding landowners. The EIS was made available on the Department's website.

4.5 Ecologically sustainable development

4.5.1 The EP&A Act adopts the definition of ecologically sustainable development (ESD) 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 project includes the following ESD initiatives and sustainability measures:

- design of facades that respond to local climate including sun, wind and aspect.
- providing for natural daylight through windows and internal courtyards.
- sunshades and high levels of thermal insulation.
- robust and durable building materials.
- usage of low total VOC paints, sealants, adhesives and floor coverings.
- air conditioning system integrated with energy recovery ventilation to recover waste heat and reduce energy consumption.
- design for reduced internal noise levels and reverberation time for acoustic comfort.

4.5.3 The EIS indicates the principles of Green Star performance have been considered and incorporated into the project-specific 'sustainability strategy', to ensure continued optimal operational performance through the fine tuning of systems and operational standards. The Applicant has demonstrated that the project can achieve a 4-star Green Star Rating.

4.5.4 The Department has considered the project in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project.

4.5.5 Overall, the project is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives 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 Biodiversity Development Assessment Report

4.7.1 The *Biodiversity Conservation Act 2016* (BC Act) has been considered as part of this assessment. Under section 7.9(2) of the BC Act both the Planning Agency Head and Environment Agency Head have determined that the project is not likely to have any significant impacts on biodiversity values and therefore the requirement to prepare a

Biodiversity Development Assessment Report (BDAR) has been waived. A copy of the BDAR wavier can be found in **Appendix A** of this report.

4.8 Planning Secretary's Environmental Assessment Requirements

4.8.1 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 project for determination purposes.

4.9 Section 4.15(1) matters for consideration

4.9.1 The matters for consideration under section 4.15(1) of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act are addressed in **Table 4**.

Table 4 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	The Department's consideration of the relevant EPIs is provided in **Appendix B.**
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in **Appendix B**.
(a)(iii) any development control plan (DCP)	Under section 2.10 of the Planning Systems SEPP, DCPs do not apply to SSD. Notwithstanding, the Department has considered relevant DCPs.
(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that a developer has offered to enter into	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 8 of the EP&A Regulation), public participation procedures for SSD and Part 8 Division 5 of the EP&A Regulation relating to preparation of an EIS.
(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	The EIS, RtS provided adequately demonstrate that all likely impacts of the development can be appropriately mitigated or conditioned – details are discussed in **Section 6**.
(c) the suitability of the site for the development	The suitability of the site is assessed and discussed in **Section 6.**

(d)	any submissions	Consideration has been given to the submissions received during exhibition and discussed in **Section 5**.
(e)	the public interest	The project is considered to be in the public interest as discussed in **Section 6**.

4.10 Biodiversity Conservation Act 2016 (BC Act)

4.10.1 Section 7.9(2) of the BC Act requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values.

4.10.2 The Applicant submitted a BDAR waiver request as part of the EIS. The Environment and Heritage Group of the Department reviewed the request and concluded that the development is not likely to have any significant impact on biodiversity values.

4.10.3 On 9 September 2020, the Department determined that the application is not required to be accompanied by a BDAR and a waiver was issued for the development.

5 Engagement

5.1 Department's engagement

5.1.1 In accordance with Schedule 1 of the EP&A Act and Part 5, Division 6 of the EP&A Regulation, the Department publicly exhibited the application from 16 December 2020 until 3 February 2021 (50 days). The application was made publicly available on the Department's website. The Department notified landholders and public authorities in writing of the exhibition period.

5.1.2 On 8 April 2021, representatives of the Department inspected the site to inform the assessment of the project and met with Sutherland Shire Council to discuss the application and seek advice from Council.

5.1.3 The Department has considered advice from seven government agencies and submissions from special interest groups and the public during the assessment of the project (**Section 6**) and the preparation of recommended conditions (**Appendix A**).

5.1.4 During the exhibition period the Department received one submission which was considered a duplicate due to the name and address already being registered in the Major Projects portal against another submission (both objections). A total of 50 unique public objections were received. Therefore, the application must be referred to the Independent Planning Commission (the Commission) for determination.

5.2 Summary of submissions

5.2.1 A record of all unique submissions received is provided in **Table 5**. Copies may be viewed at **Appendix A**.

Table 5 | Summary of submissions

Advice	Number	Position
Council		
Sutherland Shire Council	1	Comment
Community		
	2	Support
	50	Object
	1	Comment
TOTAL (excluding one duplicate submission)	**54**	

Sutherland Shire Council submission

5.2.2 A summary of the submission made by Council is provided at **Table 6** and copies of the submission may be viewed at **Appendix A**.

Table 6 | Summary of Council and public agency advice on the EIS

Sutherland Shire Council
Council provided the following comments: **Heritage** • Strongly opposes the demolition of Hotham House and considers that the cottage should be conserved and integrated into the project. • Considers that the demolition of the heritage item contravenes clause 5.10 of Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). **Urban design** • The design of the development and the loss of the heritage cottage is not sympathetic to the context of the local community's history. • The project's modernity and loss of the character of the site will make the development more visually apparent in comparison to the existing facility. • Concern regarding privacy impacts to neighbouring properties from the project. • The design of the development is excessive for the site area and there is a loss of architectural design of the development when read from the street. • The development is unsympathetic to the adjoining properties and the streetscape. **Flood risk management** • Comments were provided to submit updated flood reports and associated documents as errors were identified in the original information submitted. **Trunk stormwater design** • Comments were provided to submit further information to support the easement relocation. • Private structures over Council's easements will not be supported. **Traffic, access and car parking** • The development will result in continuous traffic using the proposed driveway off President Ave which will create potential risk not only during peak hours but also outside peak periods. • A slip lane is recommended to be provided at the President Ave entry to the car park. • A parking survey is to be undertaken by the Applicant to ensure no parking shortfall is identified.

Landscaping and tree protection

- Of the twenty-six trees identified to be removed, four of the trees would be considered significant to the site.
- Further investigation into tree retention of the site should be undertaken.

5.3 Public submissions

5.3.1 The Department received 54 unique public submissions, 50 of which were objections to the project, two were in support, and two provided comments on the project.

5.3.2 A duplicate submission was received which was not counted towards the total submissions for the project. As a result the total number of submissions objecting to the project was 50. Copies may be viewed at **Appendix A**.

5.3.3 Public submissions included a submission from the Sutherland Historical Society, which objected to the project and raised concern with the demolition of Hotham House due to the item being of significance to Gymea's history.

Table 7 | Issues raised by community and special interest groups

Issue	Number of submissions raising issue
Protection of the heritage item	42
Traffic/parking/access	39
Safety concerns	23
Noise impacts	17
Loss of residential character	13
Loss of privacy	13
Construction impacts	13
Integrity of the project	12
Building heights, overshadowing and bulk and scale	9
Lack of landscaping/ tree removal	5
Impact on residential value of surrounding properties	3
Other mental health facilities located in close proximity to President Private	3
Discrepancy in the information submitted with the application	3
Economic benefits of the project	2

5.4 Summary of advice from Government agencies

5.4.1 A summary of the advice provided by public agencies is provided at **Table 8** and copies of the advice may be viewed at **Appendix A**.

Table 8 | Summary of Government Agencies advice on the EIS exhibition

Transport for NSW (TfNSW)
TfNSW provided the following comments: • Traffic and Parking Impact Assessment (TPIA) does not address TfNSW policies for integrating transport with land use or the Sutherland Shire DCP 2015 regarding off-street bicycle parking and end of trip facilities.

- Green Travel Plan (GTP) should be submitted to the satisfaction of the Certifier promoting sustainable transport modes and reducing dependence on single occupant car travel.

Environment Protection Authority (EPA)

The EPA had no comments and required no follow-up consultation as an environment protection license issued under the *Protection of the Environment Operations Act 1997* was not sought.

Heritage NSW - Aboriginal Cultural Heritage Division

Heritage NSW provided the following comments:

- A systematic subsurface testing program needs to be undertaken with an Archaeological Report assessing impact to any Aboriginal cultural heritage identified during testing.
- Consultation with the Registered Aboriginal Parties needs to continue.
- A Cultural Heritage Management Plan is required to be submitted

Environment and Heritage Division DPE

BCD recommended undertaking further detailed site-specific flood risk management studies, including an emergency management study.

Heritage NSW - Heritage Council of NSW

Heritage Council of NSW noted the site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Heritage Council recommended consultation with Sutherland Shire Council due to the status of Hotham House as a locally listed heritage item.

Hazards and Risk DPE

Two conditions of consent were recommended addressing the storing of dangerous goods.

State Emergency Service SES

SES commented:

- The risk assessment should consider the full range of flooding.
- The risk assessment should have regard to flood warning and evacuation
- Future development must not conflict with the NSW SES's flood response and evacuation strategy.

5.5 Response to submissions

5.5.1 Following the exhibition of the application, the Department placed copies of all submissions and agency advice received on its website and requested the Applicant provide a response to the submissions (RtS).

5.5.2 The Department identified additional issues and sought clarification from the Applicant as a number of matters required further consideration. The request for a response to submissions, requests for additional information and the Department's requirements, are available in **Appendix A.**

5.5.3 On 8 March 2022, the Applicant submitted an RtS which included some amendments to the project (**Appendix A**).

5.5.4 The RtS was supported by several technical documents responding to the issues raised by the agencies and in submissions including:

- Urban Design Report
- Amended drawings identifying light spill and views from the hospital to neighbouring properties
- Construction management assessment plan
- Traffic and parking impact assessment
- Aboriginal test excavation report
- Flood Study Report and mapping,
- Clause 4.6 variation request seeking a variation to planning controls in the SSLEP.

5.5.5 The RtS was made publicly available on the Department's website and referred to relevant agencies and Council. No further comments were received.

5.5.6 The Department made several requests for additional information (RFIs) following receipt of the RtS.

5.5.7 The Applicant responded to the RFIs by amending the design and submitting additional supporting information including:

- reducing the proposed building form of the development around 600mm
- modifications to the President Avenue driveway configuration, to increase the splay and enable vehicles to use a single lane when entering and exiting
- additional flood investigations assessing on-site and offsite impacts
- provision of a flood wall along the southwest car park with a top of wall height of 70.2AHD, above identified PMF levels and diverting flows away from the car park and towards the existing flood drainage channel
- a preliminary stormwater design demonstrating the transfer of overland flood flows and associated pooled water from the north west of the site, away from operating theatres, through the site to Hotham Road
- proposed realignment of an existing stormwater pipe easement to better represent the actual alignment of Council owned infrastructure on the site to avoid interaction with building footprints. A minor reduction in building envelopes was also adopted to enable access to Council assets in future

- a preliminary Flood Emergency Response Plan (FERP)
- an heritage impact assessment report including, an options study considering modified floor plan layouts and the potential retention of Hotham House
- preparation of a Building Code of Australia compliance report considering the potential adaptation of Hotham House for future use
- preparation of a Structural integrity assessment considering the condition of Hotham House, required refurbishment and the potential cost and feasibility of these works
- a revised clause 4.6 variation request, assessing the exceedance in FSR control located on the R2 portion of the site, in addition to the clause 4.6 request for height
- further information on the strategic need and justification for the private hospital, including consideration of existing nearby medical services and facilities.

5.6 Other engagement

State Design Review Panel

5.6.1 The project was reviewed through a State Design Review Panel (SDRP) process consisting of three panel meetings. During each meeting the Government Architect NSW (GANSW) provided feedback on the design to inform good design principles.

5.6.2 The comments from the final SDRP were incorporated into the design and amendments include:

- revision of the colour palette to more natural colours, softening the appearance of bulk and scale
- further break up the bulk of the building within the colour palette
- consideration of heritage interpretation of Hotham House, including retention of a significant pine tree in Hotham Park
- improved definition of access and public address
- brickwork provided along the frontage of President Avenue to screen headlight glare from the basement car park.

Engagement regarding Hotham House

5.6.3 In a letter dated 15 January 2021, Heritage NSW confirmed that the site is not listed on the SHR, is not in the immediate vicinity of any SHR items, and does not contain any known historical archaeological deposits.

5.6.4 However, Heritage NSW did note that the project includes demolition of Hotham House, a listed heritage item of local significance, and due to its value as a local item recommended consultation with Council.

5.6.5 The Department consulted with Sutherland Shire Council, who provided a written submission on 29 January 2021. Council did not formally object to the project, however did note that it strongly opposes the demolition of the item.

5.6.6 Council was invited to comment on the RtS and amended documentation on 11 March 2022. No comments were received from Council.

5.6.7 Following public exhibition, the Department requested additional information including an options analysis detailing any options explored to retain or incorporate Hotham House into the design of the project, to avoid its demolition.

5.6.8 Council was invited to comment on the options analysis and amended documentation on 5 August 2022. Council did not provide further comments.

6 Assessment

6.1 Background

6.1.1 The Department has considered the Applicant's EIS, RtS, supplementary information, and issues raised in submissions during assessment of the project. The Department considers the key assessment issues are:

- built form and urban design
- environmental amenity
- heritage
- drainage and flood risk
- transport and accessibility
- noise and vibration

6.1.2 The Department engaged independent specialists to peer review:

- heritage
- drainage and flood risk
- transport and accessibility

6.1.3 Key issues are discussed in **Section 6.1** to **6.7**. Other issues considered during the assessment are discussed in **Section 6.8**.

6.2 Built form and urban design

Building height and scale

6.2.1 The project will increase the bulk and scale of the existing one storey hospital to a three storey hospital comprising three wings. A maximum building height of approximately 14.6 metres above natural ground level is proposed towards the centre of the site. Buildings close to the corner of President Avenue and Hotham Road is approximately 11.1 metres tall while the building along the western boundary of the site adjacent to the residential properties are 4.2 metres above natural ground level. The average roof height is 11.1 metres (measured from the ground floor to the roof top of the second floor) across the development. The site massing is shown in **Figure 13** and **Figure 14**.

Figure 13 | Proposed site massing (Source: EIS 2022)

6.2.2 The site is bound by residential properties with single and two storey dwellings located in close proximity to the site. 365 President Avenue to the east of the site is zoned R3 and contains a three storey town house development and highlights the mix of low and medium density development in the local context.

6.2.3 The project includes two-storey developments along the adjoining residential boundaries to be sympathetic to the surrounding context. The development is designed to be centred towards the south east portion of the site fronting President Avenue and Hotham Road which does not adjoin residential properties and is set back from the road along the southern boundary reducing the bulk and scale impacts on the surrounding locality. **Figure 14** shows the building heights across the site and depicts a design which appropriately responds to the surrounding context.

Figure 14 | Proposed building heights (Source: EIS, 2020)

6.2.4 The buildings located at the rear of the hospital on the northern side of the site are two storeys in height providing a transition to the single and two storey dwellings on Hotham Road and Bidurgal Avenue as shown in **Figure 15**.

Figure 15 | Northern elevation – Bidurgal Avenue (Source: RtS, 2022)

6.2.5 The site is split across two different zonings which are SP1 and R2 as shown in **Figure 16**. The Sutherland Shire LEP sets a maximum building height of 8.5 metres for R2 zones and no maximum height for SP1.

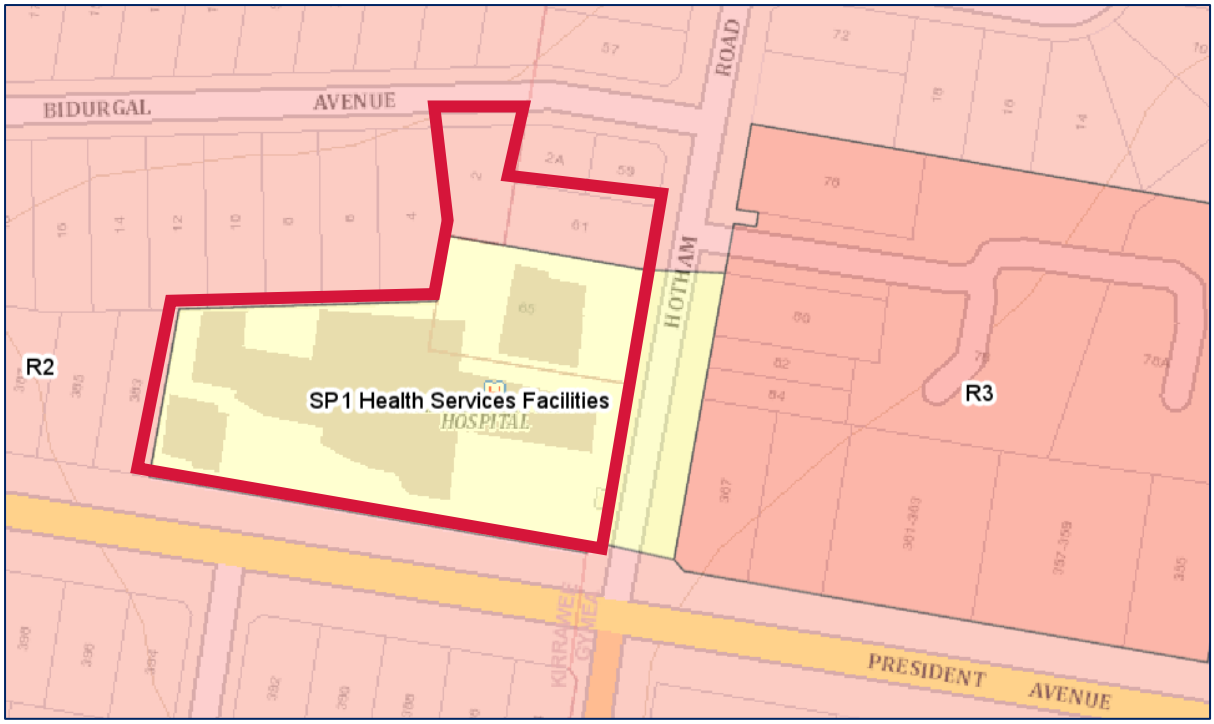


Figure 16 | Land zoning map (Source: ePlanning Spatial Viewer 2022)

6.2.6 The majority of the site is zoned SP1 which is 369-381 President Avenue and 65 Hotham Road which are both hospital facilities and therefore no maximum building height control is applied to development in these areas. A range of building heights is proposed within the SP1 zone with the highest point of the development measuring 14.6 metres, located centrally within the development and including lifts, utilities and building services.

6.2.7 The proposed building form within the smaller R2 zoned portion of the site exceeds the maximum building height by 1.7 metres. The R2 zoned area is made up of three existing parcels of land at 61 Hotham Road, 2 Bidurgal Avenue, and 4 Bidurgal Avenue which are three residential properties. The three properties are proposed to be amalgamated with the SP1 zone property as part of this application.

6.2.8 A maximum FSR of 0.55:1 applies to the R2 zoned area of the site while no FSR limit is set for SP1 zones. The proposed FSR within the R2 portion of the site is 1.16:1 which exceeds the development standard by 110%

6.2.9 The Applicant submitted a request to vary the height limit and FSR standard set out in the SSLEP. The exceedance is considered relatively minor in its spatial extent and the Department's assessment concluded that it was reasonable to accept the variation request as the project has been designed to minimise bulk and scale impacts. A detailed assessment of the variation request is outlined in **Appendix C**.

6.2.10 Following the exhibition of the project, the applicant refined the development which included some material changes to improve the façade including brick and grey tones (see **Figure 17** and **Figure 18**).

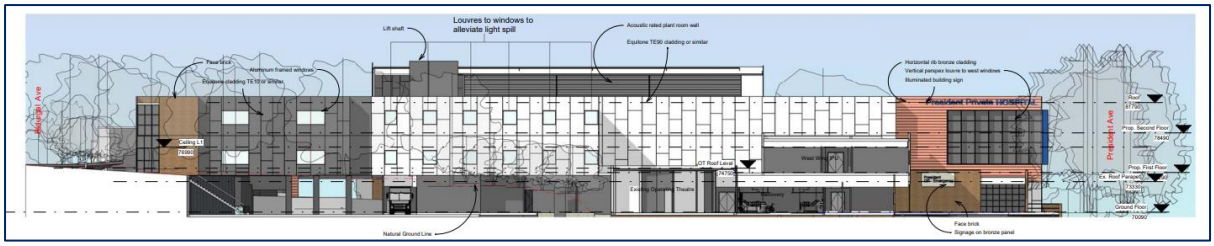


Figure 17 | Original West Elevation (Source: EIS 2020)

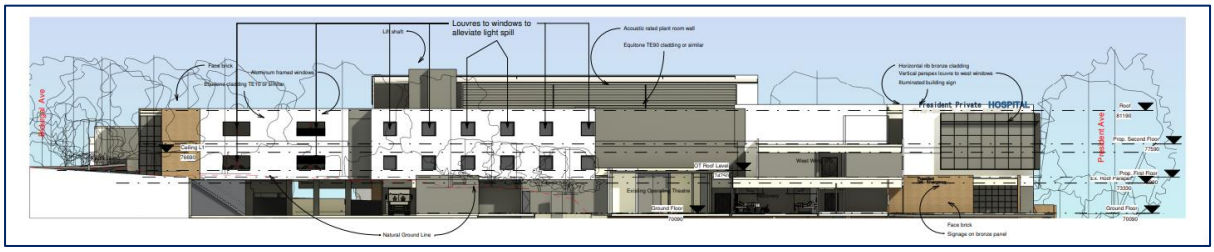


Figure 18 | Amended West Elevation (Source: RtS 2022)

6.2.11 The Department is satisfied the amended project suitably addresses the design advice from the SDRP by providing higher quality building materials and a balanced articulation of the built form resulting in a development that is compatible with the site.

6.2.12 The Department concludes the height and density of the development is acceptable for a health services facility and the revised design appropriately responds to the local context whilst minimising the visual impact to adjoining properties.

Street activation and setbacks

6.2.13 The project provides two vehicular access points, one from President Avenue and one from Hotham Road (**Figure 19** and **Figure 20**).

Figure 19 | Perspective Hotham Road (Source: EIS 2020)

Figure 20 | Perspective President Avenue (Source: EIS 2020)

6.2.14 The vehicle access from President Avenue retains the soft landscaping. The Department notes the accesses and services are well integrated into the design and would not detract from the streetscape.

6.2.15 The Department is satisfied the articulated open space and vehicle access along Hotham Road and President Avenue will soften the built form and provide a welcoming environment for visitors.

6.2.16 The main entrance to the hospital is set back from Hotham Road as shown in **Figure 19** Landscaped areas soften the built form along Hotham Road while also providing accessible open space to visitors. The landscaping incorporates a front courtyard off the main entrance on President Avenue with the retention of the Cook Pine.

6.2.17 President Avenue provides an entrance to the outpatient facility. A setback from President Avenue incorporating soft landscaping and open space provides an active street frontage (**Figure 20**).

6.2.18 A variety of materials and finishes are used at different elevations to respond to street frontages and residential interfaces. Materials and finishes complement the stepping down of the building near adjoining residential dwellings. The materials used range from facebrick to cladding at different elevations to reduce the perceived bulk and scale.

6.2.19 The Department concludes the built form and urban design will adequately respond to the adjoining context and the design compliments the streetscape with open space and landscaping.

Solar access and overshadowing

The project was supported by solar analysis diagrams illustrating the overshadowing impacts on surrounding development as shown in

6.2.20 **Figure Figure 21** to **Figure 23**. The Applicant identified there would be minimal impact to the adjoining residential properties to the west of the site and therefore the solar access and overshadowing is considered acceptable.

Figure 21 | Overshadowing impacts on surrounding development, 9am 21 June (Source: EIS 2020)

Figure 22 | Overshadowing impacts on surrounding development, 12am 21 June (Source: EIS 2020)

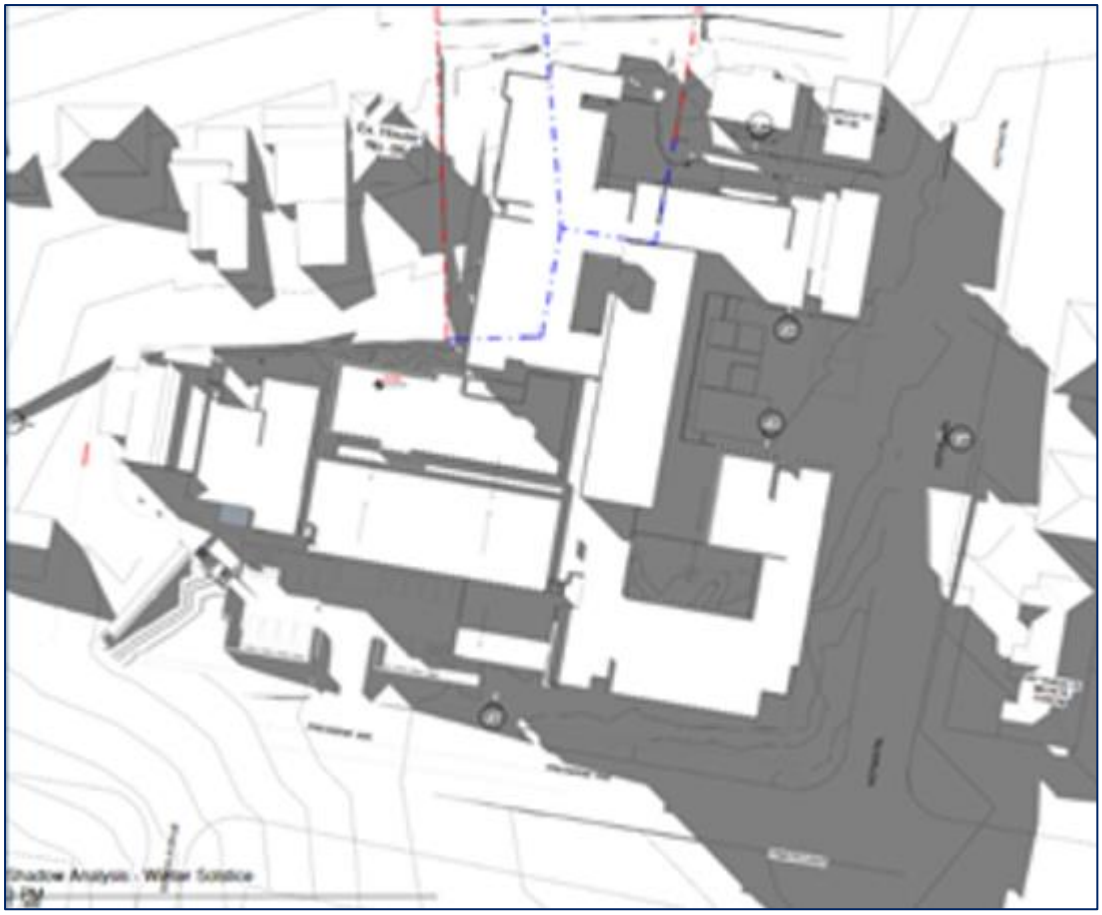


Figure 23 | Overshadowing impacts on surrounding development, 3pm 21 June (Source: EIS 2020)

6.2.21 The Department notes the submitted shadow analysis illustrates most shadows from the project will fall within the site itself and not cause unreasonable overshadowing to surrounding properties.

6.2.22 During the morning at 9.00am on 21 June in the winter solstice, a small portion of additional overshadowing from the project is cast to the rear of the residential property at 6 Bidurgal Avenue. From midday onwards 6 Bidurgal Avenue is unaffected by the overshadowing impacts from the project.

6.2.23 Due to the orientation of the site, there will be some overshadowing at the main entrance off Hotham Road and the main courtyard located outside the main entrance. To address this, internal windows facing the courtyard have been increased in size to improve natural light..

6.2.24 There are no specific standards or criteria regarding solar access impacts to hospitals. Maintaining three hours of solar access between 9am and 3pm to living areas and private open space (for residential dwellings) during mid-winter has been applied as best practice as there are no controls for solar access for hospitals. The design achieves adequate solar access and is considered acceptable given the majority of the windows face north and east and will not be overshadowed.

6.2.25 The Department is satisfied that overshadowing impacts would not significantly affect surrounding developments nor impact solar access of buildings on the site.

6.3 Environmental amenity

6.3.1 The Department recognises the importance of the health facility being sympathetic to the adjoining properties, in particular visual privacy and lighting impacts.

Visual privacy

6.3.2 The proposed development borders low density residential properties. During the exhibition a key issue raised in public submissions was visual privacy. The RtS report identifies measures to reduce impacts such as half height windows, and horizontal louvres for privacy screening to alleviate impacts to the adjacent dwellings at 59 Hotham Road and 6 Bidurgal Avenue.

6.3.3 The varied setbacks of the project assist in mitigating visual privacy loss and provide acceptable levels of separation between the project and nearby residential properties.

6.3.4 The analysis provided for 59 Hotham Road shows sightlines from the hospital to the adjacent dwelling. The positioning of the windows would be off-centre towards the corner of the patient rooms. This means that hospital beds would not be in direct view of the adjacent property's windows and would still receive natural light (see **Figure 24**).

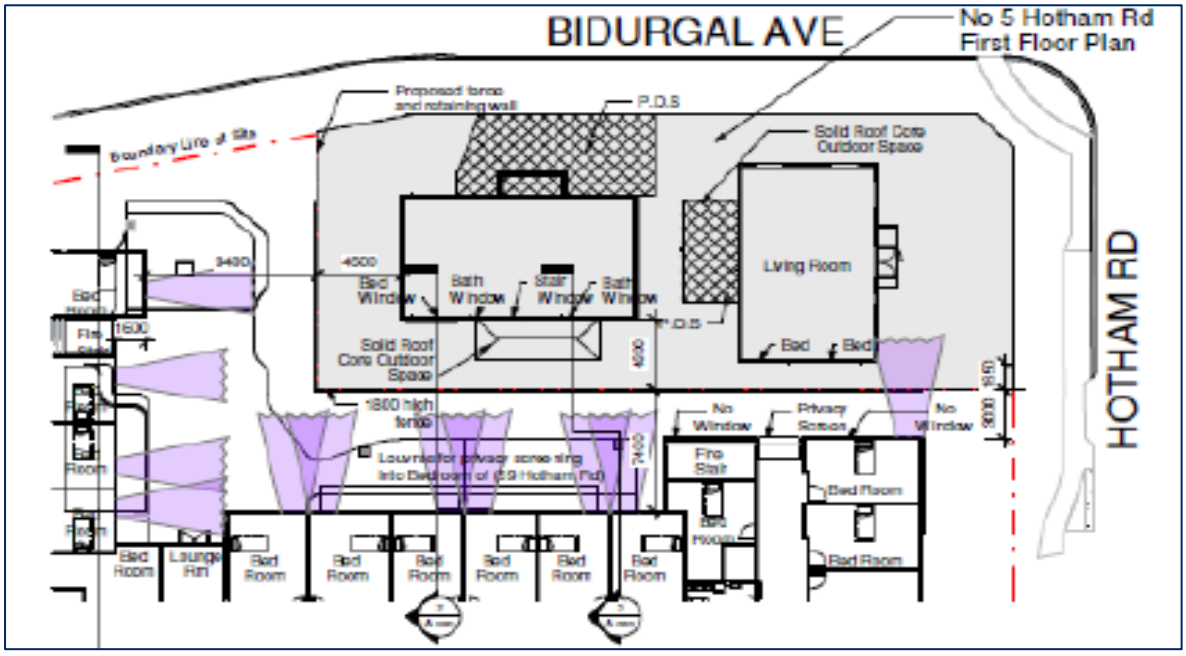


Figure 24 | Light spill diagram on 59 Hotham Road (Source: EIS, 2020)

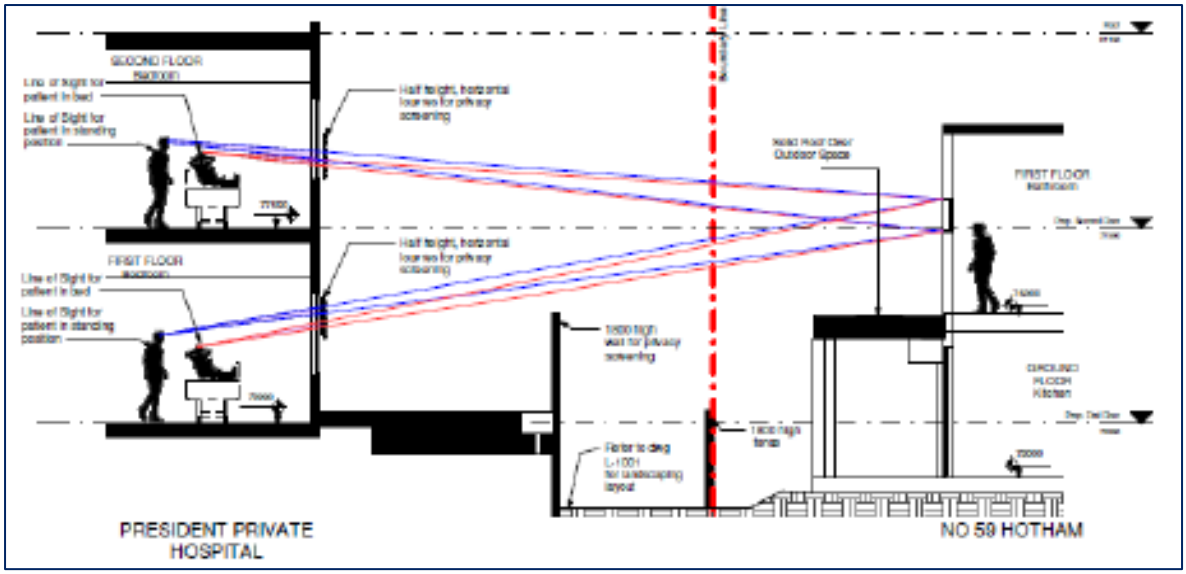


Figure 25 | Overlooking Diagram on 5 Hotham Road (Source: EIS, 2020)

6.3.5 A similar arrangement is shown with 6 Bidurgal Avenue (see **Figure 26**). The dwelling has a one side window along the shared boundary with the hospital building. The hospital has been oriented away to provide a larger setback.

6.3.6 The RtS describes mitigation measures to ensure the hospital achieves reasonable levels of privacy to adjacent properties, and compliance with the DCP. Proposed measures include trapezoidal shaped louvers, off centre windows, and privacy film fitted to windows where there are direct views to neighbouring dwellings being 59 Hotham Road, 2A Bidurgal Avenue and 6 Bidurgal Avenue.

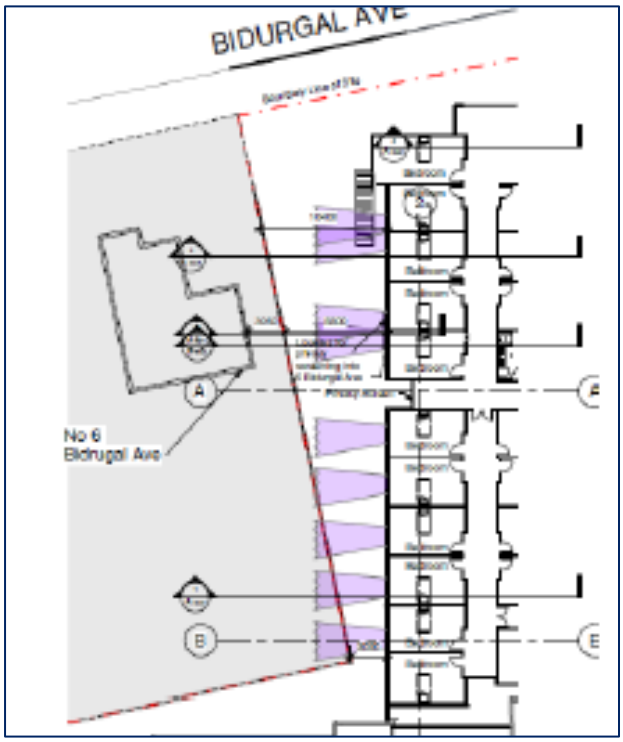


Figure 26 | Overlooking 6 Bidurgal Avenue (Source: EIS 2020)

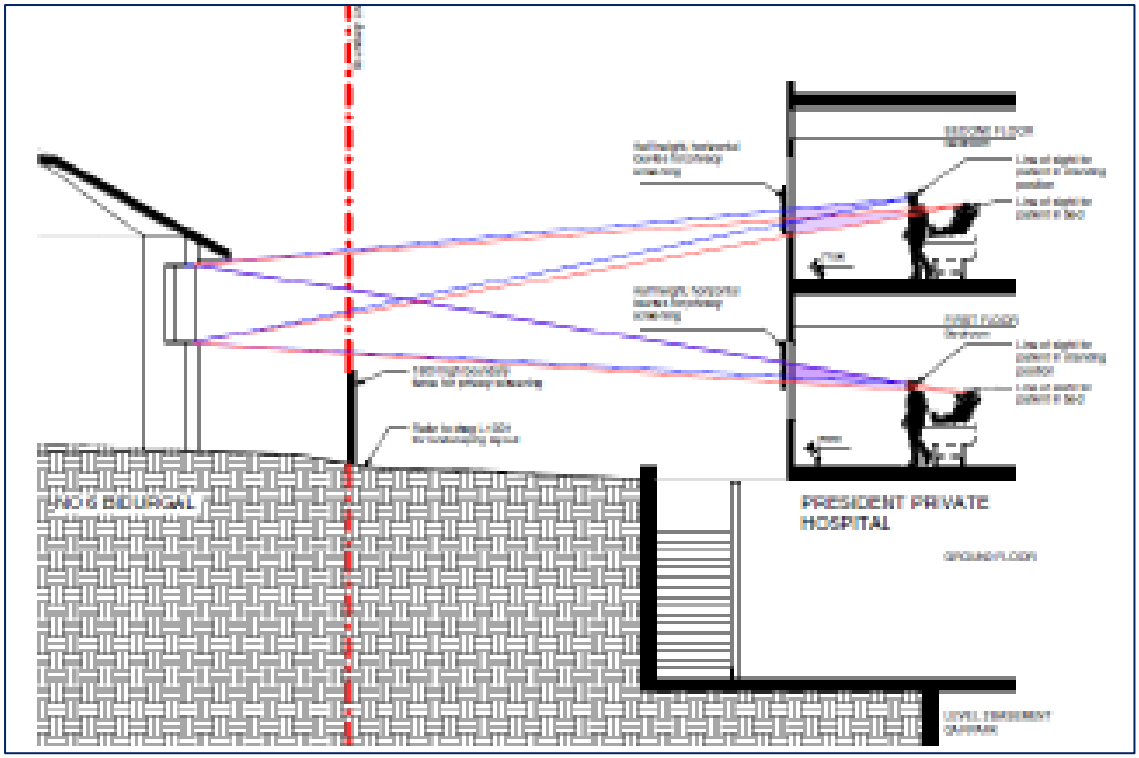


Figure 27 | Overlooking Diagram 6 Bidurgal Ave (Source: Applicant EIS, 2020)

6.3.7 The Department is satisfied that the proposed mitigation measures would adequately address the visual privacy on adjoining landowners. The Department has recommended a condition requiring the above measures to be implemented prior to the commencement of operation to mitigate visual privacy loss from the project to adjoining residential properties.

Lighting impacts

6.3.8 The Applicant has provided lighting design drawings that show the neighbouring properties would be slightly affected by light spill from the development. The Applicant has identified appropriate louvers and light shielding treatment to mitigate the impact from hospital rooms.

6.3.9 The drawings are accompanied by a compliance certificate issued in accordance with section 6.4 of the EP&A Act confirming the design intent complies with AS 4282-2019 Control of Obtrusive Effects of Lighting. The Department has recommended a condition requiring all outdoor lighting be installed in accordance with this standard.

6.3.10 Overall, the Department is satisfied that subject to the above condition lighting impacts would be appropriately minimised.

6.4 Heritage

6.4.1 The project includes the demolition of Hotham House, which is a heritage item of local significance. The Applicant argues that demolition of the cottage is required to provide the necessary health services for local residents, prevent fragmentation of the site, and notes the unsuitability of integrating Hotham House into the main hospital development.

Demolition of Hotham House

6.4.2 The project seeks to demolish Hotham House as part of the development. “Hotham House” (house and garden) is a heritage item of local significance, listed as item 1510 under Schedule 5 of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).

6.4.3 The Department sought an independent heritage review of the project to demolish Hotham House following receipt of the Applicant’s RtS. A full copy of the peer review is in **Appendix A**.

6.4.4 The peer review concluded that the:

- building requires structural maintenance work as outlined in the EIS. However, the nature and extent of these works alone would not warrant the need for demolition. The potential refurbishment costs are also not considered unreasonable in the context of the total capital investment value of the hospital redevelopment or for ongoing maintenance of a heritage item of its age.
- building would require substantial modifications to achieve compliance with the Building Code of Australia and provide non-discriminatory access for people with a disability. The Applicant considered that the building was unsuitable for reuse as a hospital inpatient unit or equivalent uses. However, the specialist review considered that, compliance with relevant building codes may reasonably be achieved for a less prescriptive use (such as a medical suite), under the guidance of a heritage specialist.
- options report submitted by the Applicant on design options for the retention of Hotham House analysed the two scenarios of retention and demolition, and concluded that if Hotham House were retained, the hospital would be unable to operate as an efficient modern hospital. The peer review concluded that while the preferred redevelopment may not support retention, retention and adaptation of the building are possible.
- local heritage listing does not preclude the demolition of the building, if the opinion of the consent authority is that the health benefits provided by the hospital outweigh the value of the retention of this locally listed heritage building.

Local heritage significance

6.4.5 Substantial modifications have been made to Hotham House over time, including additions on the western side and north-western corner to accommodate a rear lean-to and storage areas. The lean-to is adjoined by a covered walkway connecting Hotham House to the hospital (see **Figure 30**). A landscaped garden and forecourt located directly east of Hotham House contains a Cook Pine. The pine is considered significant due to its maturity, and it has become an important component of the site setting (see **Figure 31**).

6.4.6 A driveway is located on the northern side of the house and additional buildings to the south, where the original farmlands used to be. Hotham House was previously converted to a sports rehabilitation clinic and incorporates accessibility alterations including a ramp, handrails and a balustrade on the northern side of the veranda, connected to a walkway. Previous remedial building works include use of uncharacteristic brickwork materials (see **Figure 28** and **Figure 29**).

6.4.7 Despite these modifications, the heritage review outlined:

6.4.8 "*Hotham House is a relic of Hotham Farm, one of the larger poultry farms located within Sutherland area, where poultry farming was a significant local industry in the early twentieth century. The building was, for a time, one of the grander residences in the locality and was notable for its role in local social events and as a symbol of middle-class values in a working-class area. It is a fine and relatively intact example of a Federation Bungalow style residence, a relatively rare surviving building type in its locality."*

6.4.9 Hotham House and garden is not the only item of its type identified in the SSLEP 2015. While Hotham House is a relatively rare federation home of its type, it is not rare within Sutherland Shire itself. Other locally listed heritage items of similar characteristics are located throughout the Sutherland LGA including 94 Acacia Road Kirrawee and 104 Toronto Parade Sutherland.

Figure 28 | House and veranda (Source: GBA Heritage 2020)

Figure 29 | Ballroom brickwork addition (Source: GBA Heritage 2020)

Figure 30 | Rear view (Source: GBA Heritage 2020)

Figure 31 | Garden fronting Hotham Road (Source: GBA Heritage 2020)

6.4.10 The significance of Hotham House was assessed against the framework by Heritage NSW's '*criteria for listing on the state heritage register'*. The framework provides criteria for an item to be assessed against to determine if the item is of local or state significance or both.

6.4.11 The peer review confirmed that the item holds local significance only (i.e., significance within the local government area). Hotham House does not hold significance at a state or national level. A full assessment against the criteria has been informed by the independent heritage review and confirms that the item is of local significance only (see **Table 9**).

Table 9 | Consideration of Heritage NSW State Heritage Register Criteria

Heritage NSW's 'criteria for listing on the State Heritage Register'	
Criterion (a) – an item is important in the course, or pattern, of NSW's cultural or natural history	Hotham House has historic significance at a local level as evidence of an early poultry farm in the Sutherland Shire. Hotham House was built as the homestead for Hotham Farm, one of the largest poultry farms in the Sutherland area. As Hotham House is important in the course and pattern of the Sutherland area, it holds local significance only.

Criterion (b) – an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history	Hotham House (and Hotham Farm) is associated with Arthur Tildesley, who was prominent locally. Later owners, Frederick Turner and Joe King, were not persons of particularly great significance to NSW's cultural or natural history, however they were also not insignificant members of the local community. As Hotham House has association with people important to the local community, it holds local significance only.
Criterion (c) – an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW	Hotham House and gardens have aesthetic local significance as a substantial local example of a late Federation period house constructed in the Federation Bungalow style. The circle path contributes to this setting. As Hotham House is a local example of a late Federation Bungalow, it holds local significance only.
Criterion (d) – an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons	Local community groups have demonstrated interest in the building and its history, which has been recorded in historical society publications. Local groups have also protested its proposed demolition. As Hotham House has social significance at a local level, it holds local significance only.
Criterion (e) – an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history	There are no values identified here as relevant to Hotham House and garden.
Criterion (f) – an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history	Hotham House is relatively rare in its vicinity as an example of both a period house constructed in the Federation Bungalow style and as a surviving homestead from a historically important local industry. As Hotham House is a relatively rare surviving building type in its locality, it holds local significance.
Criterion (g) – an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places, or cultural or natural environments	As Hotham House is a fine and relatively intact example of a Federation Bungalow style house and demonstrates characteristics of a significant local industry in the early twentieth century, it holds local significance only.

6.4.12 Consideration of each criterion identified that Hotham House does not meet more than one criterion for significance at a state level and that Hotham House holds local significance only.

Options analysis

6.4.13 At the Department's request, the Applicant provided an options analysis to detail the design narrative for the project, demonstrating that there was no viable option available to retain Hotham House (either fully or partially) within the context of the project.

6.4.14 Heritage NSW was further consulted by the Department following the Applicant's RtS, including the options analysis. On 24 March 2022 Heritage NSW outlined the demolition of a listed item must only be undertaken after significant consideration and that consultation with Council was recommended. Council was consulted following the Applicant's RtS however did not provide any comments.

6.4.15 The Applicant's options analysis explores the current design layout and an alternative design layout with the retention of Hotham House, and the impact this would have on the project.

6.4.16 The current design layout facilitates vehicle movements from Hotham Road to access the eastern basement areas and separate patient drop-off area. The driveway for this access is proposed on the area of the site currently occupied by Hotham House. To retain Hotham House, the proposed driveway would need to be repositioned further south and further west on the site, as shown in **Figure 32** and **Figure 33**.

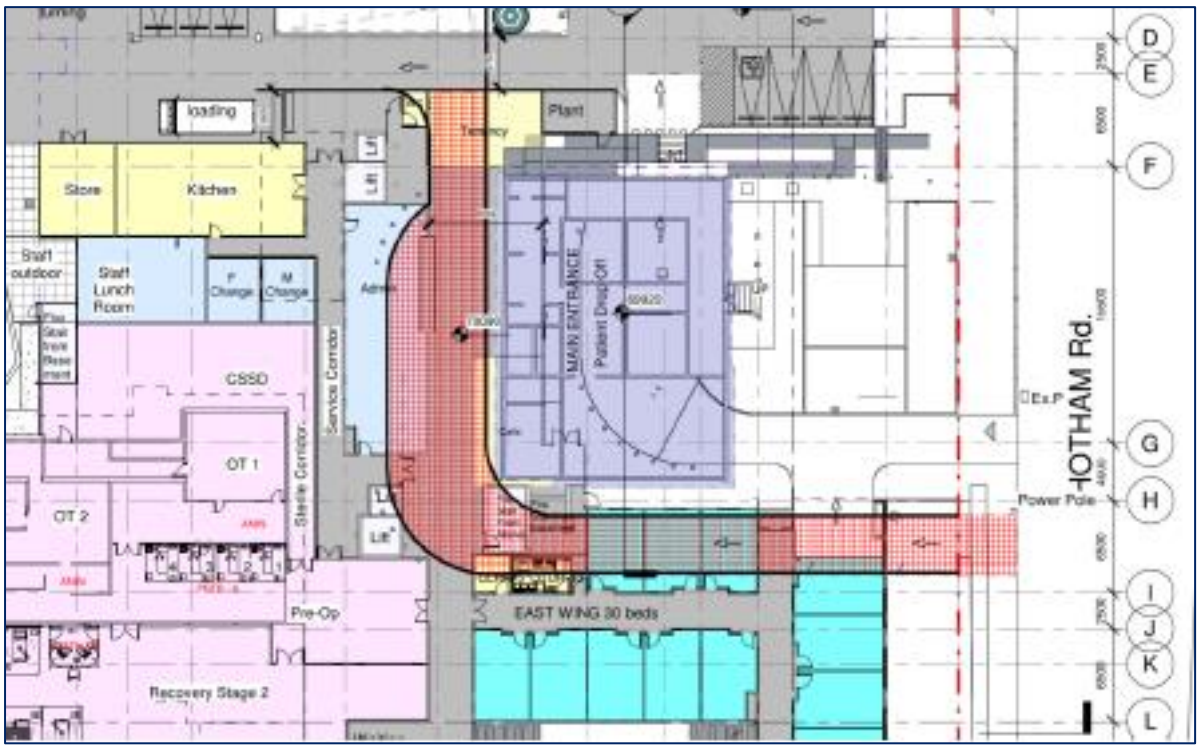


Figure 32 | Current ground floor access arrangements (Hotham House shown in purple) and impacts of repositioned driveway shown hatched red (Source: Applicant's RtS 2022)

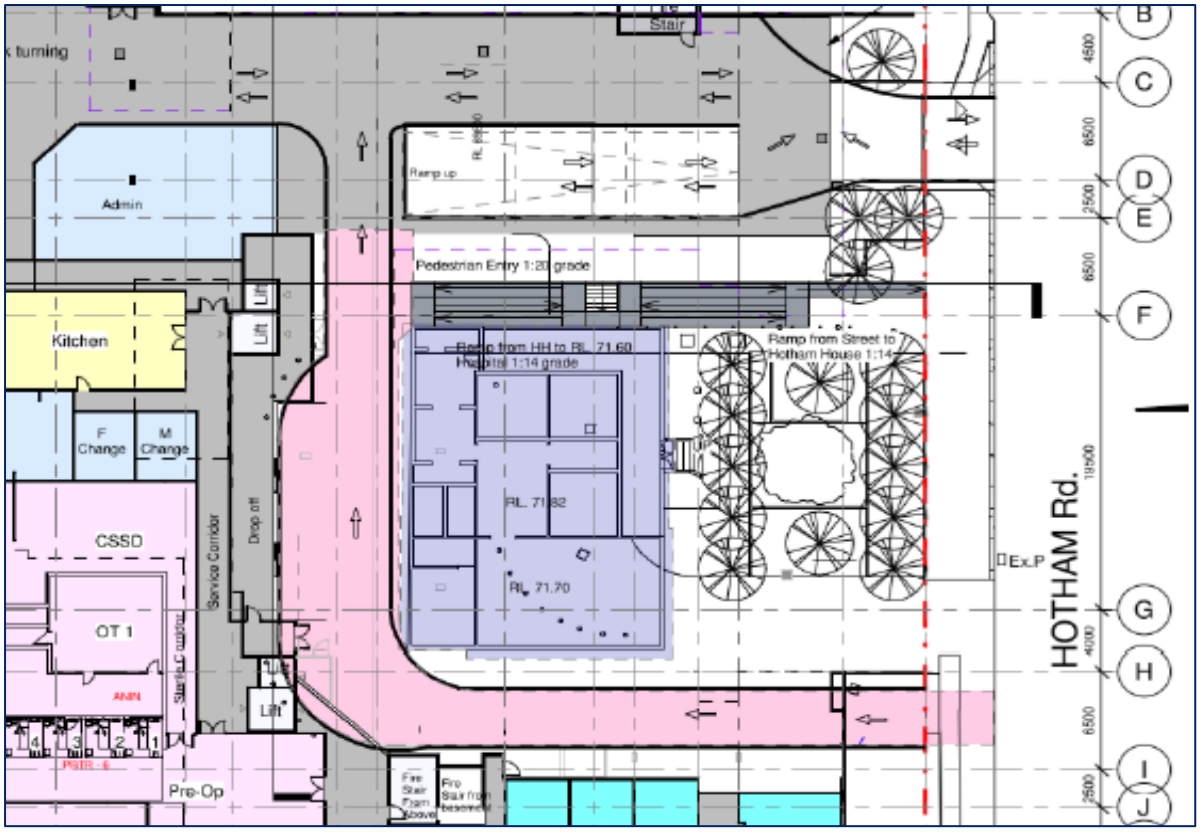


Figure 33 | Alternative design ground floor access arrangements (Hotham House shown in purple) and repositioned driveway shown in pink (Source: Applicant's RtS 2022)

6.4.17 The Applicant identified that the retention of Hotham House is not possible without compromising the efficient layout and operation of the hospital. The location of Hotham House coincides with the planned entry point to the hospital and consequently, its retention would impact on the central core of the proposed layout. The Applicant considers that proposed hospital and health services it plans to deliver would be affected in the following ways:

- the available floor area of the hospital would be significantly reduced, resulting in a decrease in the number of beds and services
- ground floor access would need to be provided within the boundaries of the proposed in-patient rooms on the first and second floor of the north wings. Fifteen beds would be removed as well as support and utility rooms. The hospital lobby and reception would be entirely displaced and administration area reduced
- the change in levels across the site restricts opportunities to incorporate Hotham House into the design of the hospital while accommodating the access and circulation requirements of the development. The change in levels between the hospital core, Hotham House and Hotham Road would require substantial changes to either Hotham House or result in an inefficient access requiring a combination of stairs, ramps or lifts
- the main hospital entrance would not be easily accessible as it would have to be located to the rear of Hotham House, which would make wayfinding difficult
- the patient lounge and dining room on the first and second floor would not comply with the Australian Health Facility Guidelines, and therefore these amenity spaces (which are required to support the development) could not be provided due to the reduction in the floor area of the hospital

- the parking arrangement would be compromised by a constrained layout and access configuration, resulting in loss of parking and potential reduction in vehicle safety
- built form and design outcomes would be compromised as the retention of Hotham House would result in unsatisfactory setbacks or further reductions in patient capacity and services. Some patient suite windows would be obscured by the roof of Hotham House and some rooms would have reduced amenity due to the lack of separation and the restrictions of openings
- the central site circulation would be restricted and connectivity between the wings reduced. Wayfinding would be made more difficult due to Hotham House being in the centre of the hospital development, separating services. Wayfinding throughout the hospital grounds would be restricted resulting in a poor outcome for a health facility
- some solutions to retain Hotham House would result in increasing the height of the hospital development, while reducing the width of courtyards
- to be retained, Hotham House would need to be upgraded to meet the Building Code of Australia and other maintenance would need to occur which may compromise the heritage value of the item.

6.4.18 The demolition of Hotham House for the hospital redevelopment resolves the difference in floor levels between Hotham House, Hotham Road and the redevelopment of President Private Hospital. The demolition would also improve wayfinding on site, with clearer access and destination points. Retention of Hotham House would result in an undesirable hospital entrance arrangement with the driveway being located behind Hotham House. In addition, the retention of Hotham House would impact the upper floors of the hospital due to a reduced floor area for health services.

6.4.19 Hotham House is of local heritage significance only and is not of state or national significance. The development would provide benefits to the broader health district and region while supporting the delivery of significant infrastructure in NSW. Considering the detailed assessment of the heritage item and upon review of all heritage assessments completed, the Department concludes that the substantial health and community benefits that the hospital would provide are significant and outweigh the local heritage values of Hotham House.

6.4.20 The Department acknowledges that the industry standard for hospital design typically adopts development around a central core, with wards expanding outwards, maximising efficiency and operation. The project is constrained by the irregular shape of the site, layout of existing facilities and operating theatres to be retained, and the location of Hotham House itself. Level changes present further challenges in terms of enabling efficient site access from Hotham Road, which is desirable.

6.4.21 The Department considers that the Applicant has sufficiently demonstrated that redevelopment of the site at the proposed scale, and with the proposed additional mental health services may only reasonably be achieved with the demolition of Hotham House.

6.4.22 Several conditions are recommended to address heritage including photographic archiving records, implementation of a heritage interpretation plan and that both heritage management processes should be in accordance with the best practice measures described within the Australian ICOMOS Burra Charter and relevant NSW heritage guidelines. The recommended conditions require that the heritage interpretation plan be prepared and submitted to the

Planning Secretary to record the history of the site and the heritage item itself, including the house and garden. The Cook Pine will be retained as it is a significant element of the forecourt and would contribute to the interpretation.

Strategic merit for hospital upgrade

6.4.23 President Private Hospital currently contains 47 wards, two operating theatres and one procedure room, and was originally constructed in 1973.

6.4.24 Since 1973, the population of the Sutherland LGA has grown to approximately 230,000 (according to 2021 Census data) placing increased demand on health care and related services. For example, there are no current private overnight mental health facilities in the LGA. There is also demand for additional rehabilitation services, evidenced by the fact President Private Hospital is currently operating at full capacity.

6.4.25 As a result of this, residents of the LGA are required to travel outside of the area to access health services, wait for services to become available, or go untreated.

6.4.26 The project would:

- provide for an increase in total patient capacity with the number of beds increasing from 47 to 182
- provide a private, overnight, voluntary mental health service offering multiple patient programs
- expand the provision of rehabilitation services and the existing surgical units
- update the hospital in line with current health design, other relevant standards and practices

6.4.27 The Department considers that, in this context, the strategic merit of the project, and the health benefits it will deliver, is essential for the following reasons:

- the project would deliver a variety of health services to the local community being a mental health service, rehabilitation services and inpatient and outpatient clinics
- the proposed private overnight voluntary mental health service would provide 72 beds in a purpose-designed facility that would provide programs for patients with mental health concerns
- there is currently only one overnight mental health facility in the Sutherland LGA, being the mental health unit at Sutherland Hospital located approximately 3.8km away. This facility contains 28 beds, with 18 of these used for sub-acute patients and 10 used for acute patients. This facility is often at capacity with ongoing pressure to minimise stays to accommodate new admissions.
- there are no private overnight mental health facilities in the Sutherland LGA. The closest private facilities are located at Waratah Private Hospital (Hurstville), or St John of God Hospital (Burwood)
- the project would provide critical overnight mental health services that address demand for these services, not just within the Sutherland LGA but potentially for the larger catchment area including the South Eastern Sydney Local Health District

- the proposed mental health services would offer both inpatient and outpatient support. Overall, the development would address a gap in mental health services and offer the community access to quality mental health care

Justification for the expansion of rehabilitation services

6.4.28 The project includes an increase for rehabilitation services, with capacity more than doubling from 47 to 110 beds. These beds are also capable of accommodating medical and surgical patients.

6.4.29 The Applicant claims the expansion of rehabilitation services is essential as:

- since September 2021, President Private Hospital has an operational contract with the Sutherland Hospital where public rehabilitation patients are accepted at the private hospital to assist with bed availability at the public hospital.
- The Covid-19 pandemic led to a growth in rehabilitation patients, both directly and indirectly
- President Private Hospital consistently operates at near capacity for rehabilitation services.

6.4.30 The expansion of rehabilitation services will meet unmet demand, service health backlogs and ensure easy access to services within the local area.

Justification for redeveloping the hospital

6.4.31 The development proposes general upgrades to modernise the appearance and functionality of the private hospital.

6.4.32 President Private Hospital was originally constructed in 1973. The expectations and needs of users have changed considerably over time and the population of the Sutherland LGA has increased significantly. The Applicant considers that upgrading the hospital is essential to provide improved care options for the local community.

6.4.33 The Department considers that the project will deliver a range of health services including a mental health unit, to service the local community and responds to a clear demand for health services in the Sutherland LGA. The hospital would increase patient care both in terms of an increase in available beds within the community and additional health services.

6.5 Drainage and Flooding

6.5.1 The site is identified by Sutherland Shire Council as being an area which is potentially flood prone and as such, the Applicant was required to undertake further flood studies to determine flood characteristics of the site and associated risks.

6.5.2 The Applicant's flood studies determined that the site is subject to flooding, and the adjacent Hotham Road and President Avenue are also subject to flooding during significant rain events.

6.5.3 The Department commissioned a peer review of the Applicant's flood assessment as the site would be impacted during major flood events, would be used by vulnerable members of the community, and represents a substantial intensification of the use of the site. A copy of the peer review is attached in **Appendix A.**

6.5.4 The project was referred to both Council and the SES and comments received from both agencies have been considered by the Department.

6.5.5 Prior to its development, the site had a minor tributary that ran across the south west corner following the tree line (**Figure 34**). An easement is registered which generally followed the tributary path, containing underground stormwater pipes that remain to this day

Figure 34 | Historical Image (Source: RTS 2022)

6.5.6 The Applicant completed a preliminary flood assessment which modelled flood behaviour and risk across the site. The study recommends habitable floor levels be located no lower than the Probable Maximum Flood (PMF) level, or the 1% Annual Exceedance Probability (AEP) level plus 500 mm freeboard, whichever is higher. The submitted flood study notes that hospitals are an essential community facility, and that the strictest flood level planning applies. The Department agrees with this approach.

6.5.7 The flood study identifies the existing overland flow path which dissects the site on the south west corner as the primary flow path directing flows towards President Avenue in an easterly direction (**Figure 35**). During a 1% AEP event, flood hazard is generally assessed as high within the existing flow path and low across the remainder of the site.

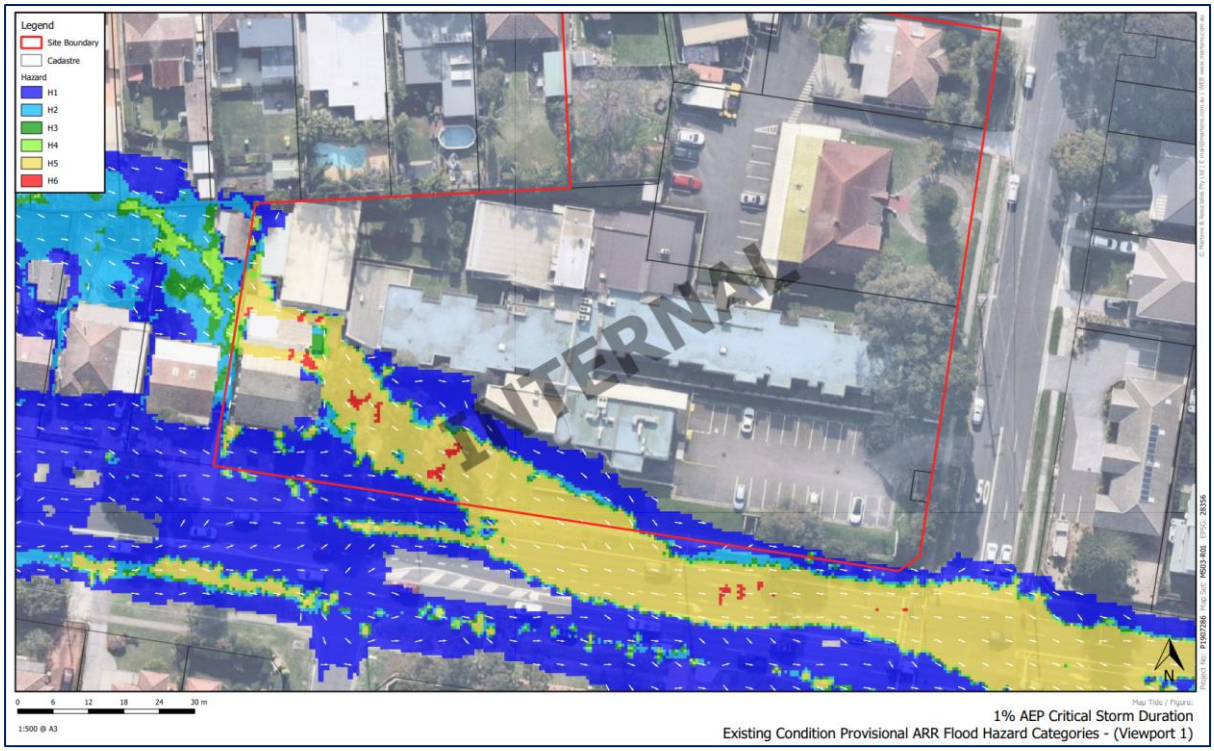


Figure 35 | 1% AEP existing modelled conditions (Source: RTS 2022)

6.5.8 PMF model results show a similar distribution of flood waters but include additional flows from Bidurgal Avenue intersecting the centre of the site, before flowing onto Hotham Road (**Figure 36**). PMF flood depths are modelled to range from 0.55 m to 2.2 m across the site while flood velocities reach over 4 m/s within flood affected portion of the site. The flood hazard is considered to be high within flood affected areas during PMF events.

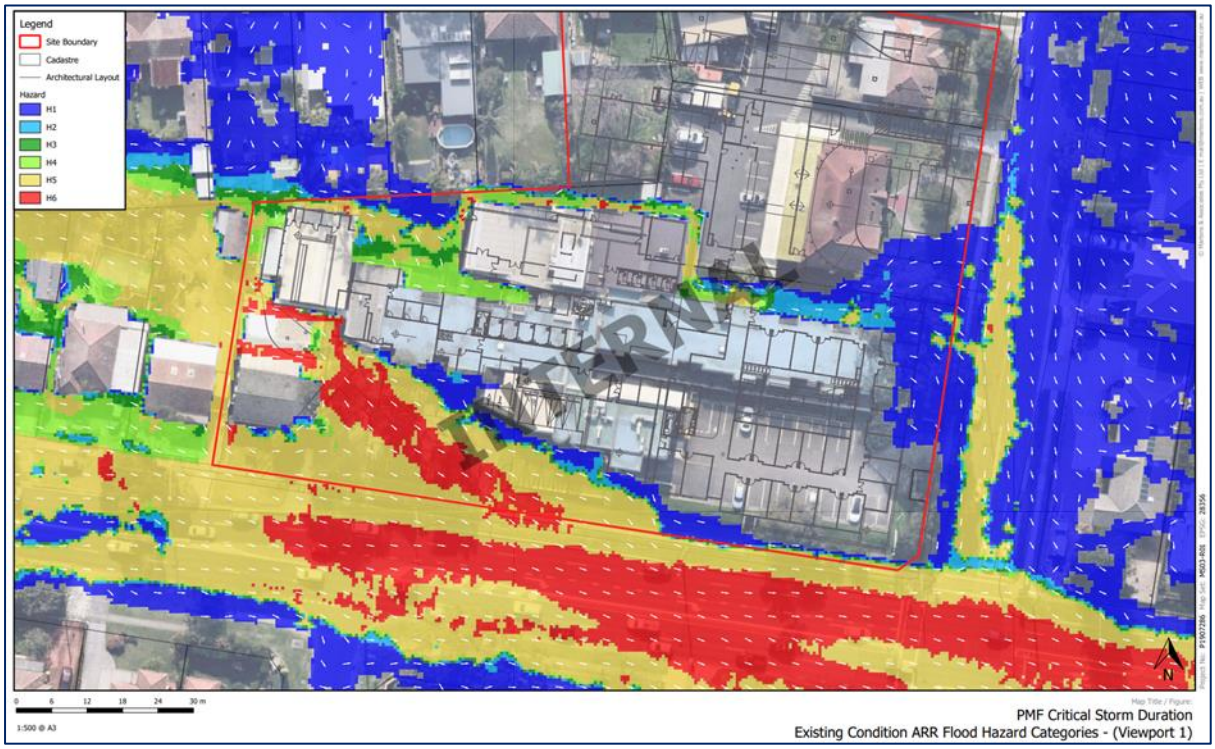


Figure 36 | PMF – existing modelled conditions (Source: RTS 2022)

6.5.9 Without mitigation, the flood conditions present the following potential impacts:

- flooding of the proposed President Avenue access point
- flooding of existing built structures proposed for retention (operating theatres)
- flooding of underground parking areas.

6.5.10 The Applicant has proposed the following controls to mitigate some of these impacts:

- a proposed formalised swale redirecting overland flows in the south west of the site to prevent inundation of the proposed south-western car park, with a discharge location east of the proposed driveway crossing onto President Avenue. The swale would incorporate a flood protection wall constructed to a minimum height of 71 m AHD providing flood immunity during the modelled PMF event
- construction of the President Avenue Road access at a height of 70.2 m AHD providing flood immunity during the modelled PMF event
- a proposed overland flow path to provide conveyance of overland flood water flows from Bidurgal Avenue through and safely off site during a PMF event
- floodproofing treatment of the existing operating theatre and any existing buildings to be retained where required to ensure safety and flood immunity during a PMF event.

6.5.11 The Applicant has provided details about how the built form satisfies the identified flood constraints, including finished floor levels to assess compliance against flood planning levels described in the Sutherland Shire DCP (see **Table 10**). The below table does not consider the required building AHD for the existing operating theatre, which is being retained.

Table 10 | Proposed building finished flood levels AHD (EIS, 2020)

Building component	1% AEP	1% AEP (Climate Change)	PMF	Flood Planning Level (mAHD)	Flood Planning Level (Climate Change)	Ground Floor Level (mAHD)	Complies
West wing	69.62	69.66	69.85	70.12	70.16	70.30	Yes
Foyer	71.03	71.07	71.87	71.87	71.87	71.91	Yes
Existing Hydrotherapy Pool	71.03	71.07	71.87	71.87	71.87	71.91	Yes
East Wing	N/A	N/A	N/A	N/A	N/A	70.09	Yes

6.5.12 The Department has considered the proposed controls and considers that the overland flow path will allow for the 1% AEP and PMF flood events to be managed in a manner which adequately responds to the flood risk to all new habitable floor areas of the development (this excludes the operating theatres, which form existing floor area). A comparison of proposed floor levels relative to the modelled 1% AEP flood event is shown in **Figure 37**.

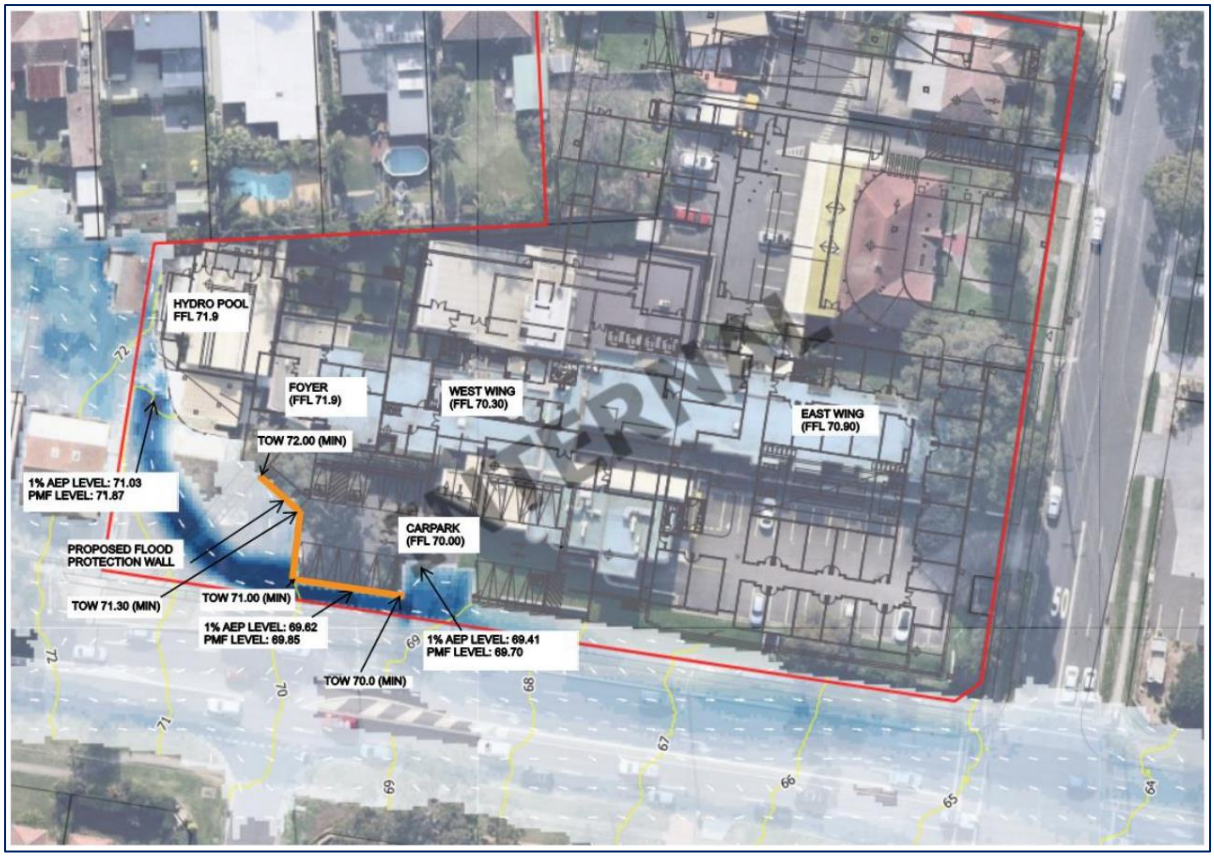


Figure 37 | Comparison of flood levels within proposed swale and proposed building floor levels (Source: EIS)

6.5.13 The Department is satisfied that all proposed alterations and additions to the hospital would provide floor levels that comply with relevant flood planning levels.

6.5.14 Notwithstanding, the floor levels of existing operating theatres which are being retained (**Figure 38**) are below the PMF. Without mitigation, they could be subject to flooding during a PMF event which has the potential to impact on hospital operations and human safety.

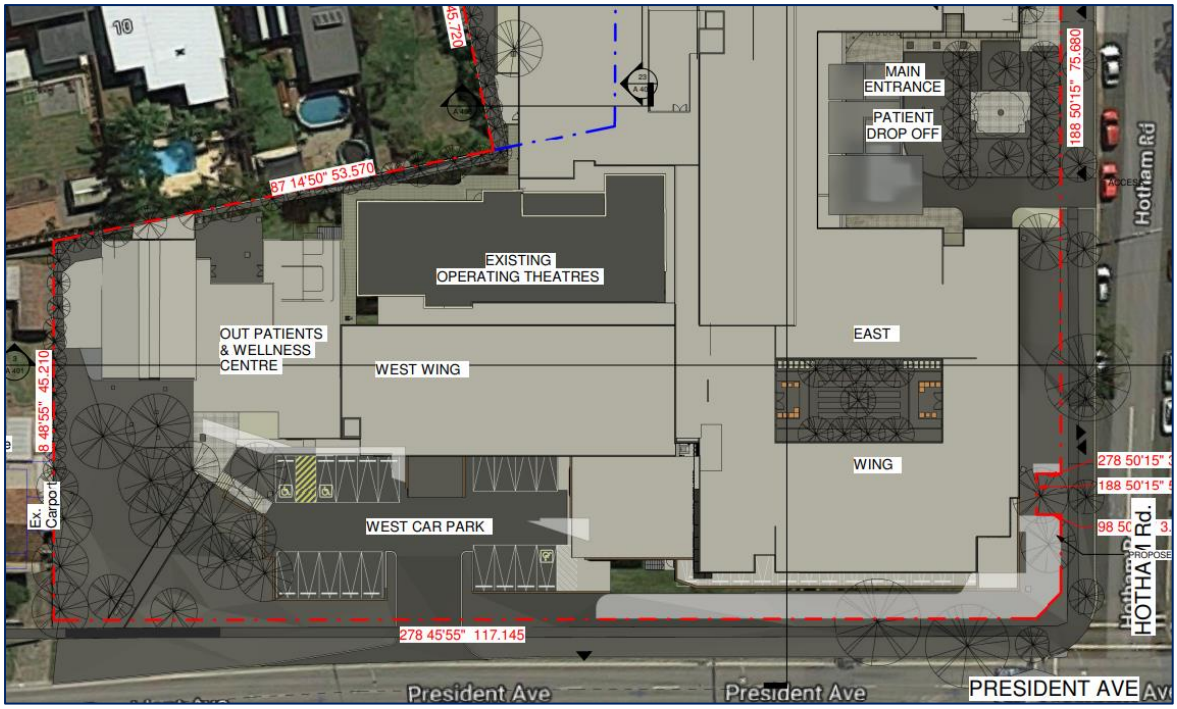


Figure 38 | Project (Source: RTS, 2022)

6.5.15 The PMF modelling indicates that water may pool against the operating theatres at levels of 0.9 m and above. The water level contours show a height level of 71.87 m AHD whereas plans indicate that operating theatre floor is at 70.09 m AHD. The Applicant notes that flooding in this area is not part of the primary overland flow path and is the result of water diverted from Bidurgal Avenue and ponding at shallower depths and lower velocities, presenting a reduced hazard.

6.5.16 While the Applicant has suggested that these identified impacts may be the result of conservative flood modelling, they have committed to constructing an overland flow path, conveying these overland flood water flows from Bidurgal Avenue through and safely off site to Hotham Road during a PMF event.

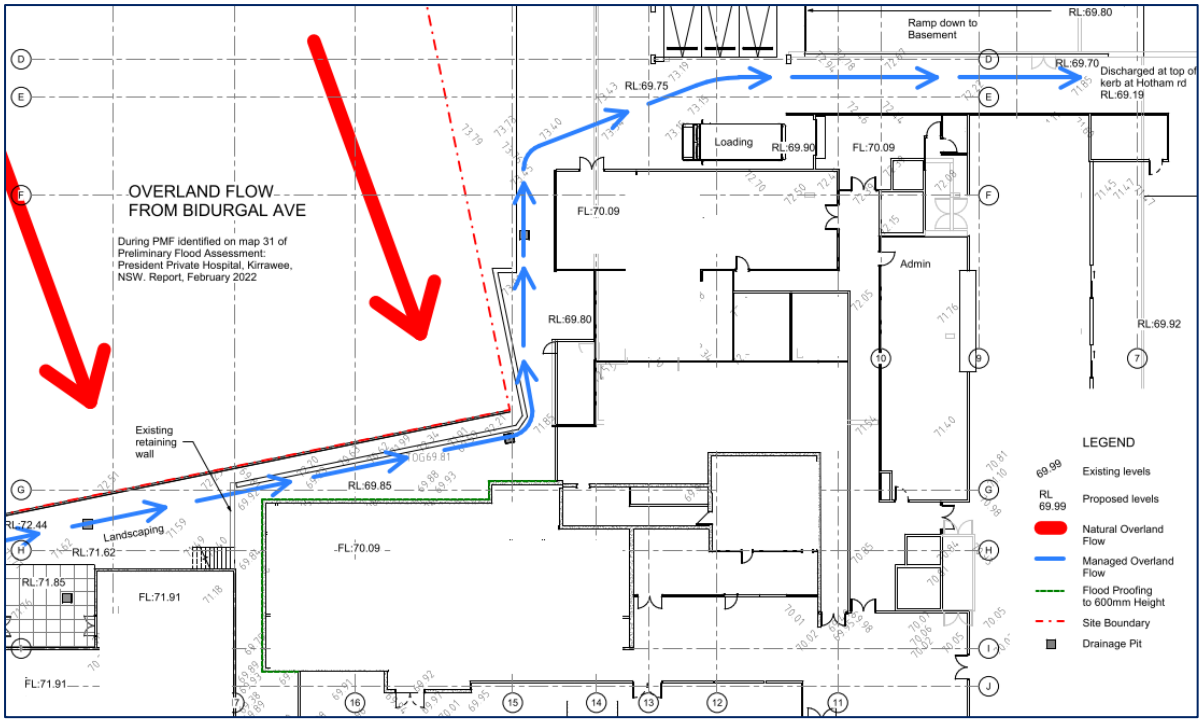


Figure 39 | Overland flow away from operating theatre (Source: RFI, 2022)

6.5.17 The Department considers that these design measures are necessary to address the safety of future staff and patients, considering that medical operations would be carried out in the operating theatres and it is possible that some patients may be subject to sedation and anaesthetic, presenting unique safety risks.

6.5.18 The Department has recommended conditions of consent to mitigate potential flood impacts to the operating theatre, including requiring a more detailed flood model which includes the overland flow path design (as identified in Figure 39).

6.5.19 In addition to further study, the Department recommends imposing a condition of consent requiring the Operating Theatre to be floodproofed to a minimum of 600 mm above the existing finished floor level.

Car Parking Area

6.5.20 The southern basement car park and west car park have been designed to be protected against the PMF flood event by a flood protection wall running along the south-western edge of the west car park. The flood protection wall is designed with a top of wall height of 72 m AHD at the highest point and 70 m AHD toward the President Avenue access, as the topography and modelled PMF level falls. The Applicant identifies that the entry to the west car park basement on the southern portion of the site is designed above the PMF level, with a crest of 70.2 m AHD. This level is designed to prevent the basement from flooding during all modelled flooding events including PMF.

6.5.21 The west car park surface is proposed at 70 m AHD. The flood study indicates that with the flood protection wall, the water levels adjacent to the car park would reach 69.41 m AHD during the 1% AEP event and 69.70 m AHD during the PMF, both lower than the finished levels of the west car park.

6.5.22 The Department is satisfied that PMF and 1% AEP flood events may be suitably managed through further design of the proposed basement car park and has provided recommended conditions which require basement flooding to be prevented by the stormwater design and management system adopted for the site.

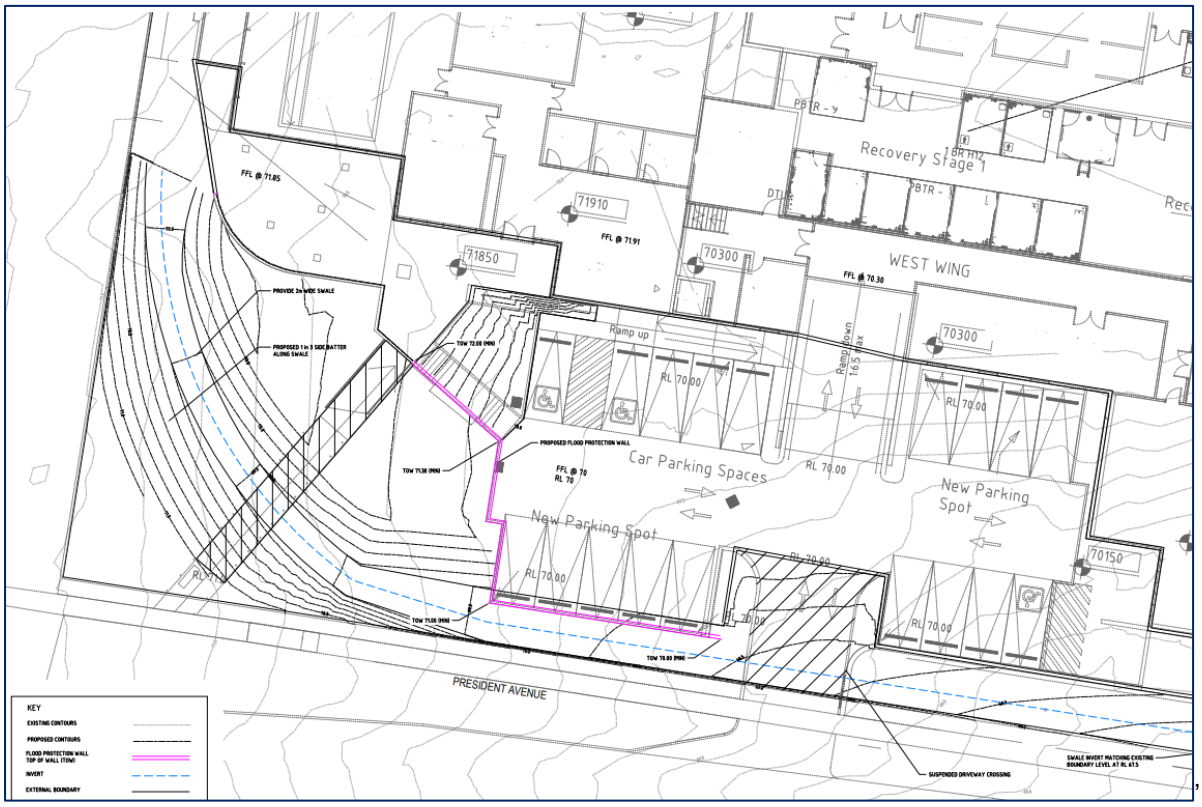


Figure 40 | Main overland flow path (Source: EIS, 2020)

6.5.23 Modelling indicates that access from President Avenue is potentially unsafe for vehicles and people during both the 1% AEP flood level and PMF, as President Avenue is flood affected under existing conditions. However, the proposed President Avenue driveway design level of 70 m AHD is intended to convey flood waters below the deck during a 1% AEP flood event. The primary access on Hotham Road is maintained as flood free during a 1% AEP flood event. The Applicant describes that during a PMF flood event, evacuation from the site would be possible to the north and then via Avery Avenue and Bath Road returning back on President Avenue.

Flood Emergency Response Plan

6.5.24 The Applicant's flood management strategy includes a FERP for managing the site in times of flooding. The FERP describes both evacuation and shelter in place options. The Applicant has identified the following preliminary emergency response measures in **Table 11**.

Table 11 | Flood emergency response (Source: EIS, 2020)

Event	Comment

5% AEP	Shelter in place option
1% AEP	South western car park inundated. Evacuation route provided from the northern car park connecting to Hotham Road. Hotham Road trafficable to light vehicles and emergency vehicles
PMF event	South western car park inundated. Evacuation route provided from the northern car park connecting to Hotham Road. Hotham Road trafficable to light vehicles and emergency vehicles. A small area near the intersection with Avery Avenue would be cut off for light vehicle access for no longer than 15 minutes. This route would allow for possible evacuation from the site to the north and then via Avery Avenue and Bath Road returning back on President Avenue to higher ground to the west that is outside the PMF extents.

6.5.25 The Biodiversity Conservation Division (BCD) of the Department commented on the potential flood impacts and identified that the understanding of the on-site flood risk is critical. BCD considered that it is essential that occupiers, owners, visitors, and emergency personnel at the hospital are educated on the potential flood risk within and outside the vicinity of the hospital. BCD recommended that the proposed 'Preliminary Flood Emergency Response Plan' included community education and awareness and should be discussed with the NSW State Emergency Service (SES).

6.5.26 The SES identified that further consideration should be given to building design to ensure that any impacted building is capable of withstanding PMF forces. The Department has incorporated advice received from the SES into the recommended conditions of consent.

6.5.27 As the flood impacts are identified as existing, it is imperative that any proposed emergency management plan does not adversely impact the existing community and any existing arrangements within the locality.

6.5.28 Noting the above, the Department recommends that further consideration of the emergency management plan is required and should be informed by consultation with SES and Council. Recommended conditions of consent are provided that require consultation with Sutherland Shire Council and SES during preparation of a FERP, prepared to the satisfaction of the Planning Secretary.

Off-site Impacts

6.5.29 The flood modelling submitted by the Applicant indicates that there will be some localised increases in water levels in the range of 0.1 – 0.2 m on President Avenue, as well as localised increases in flood hazard category from H5 to H6 hazard (the difference between H5 and H6 is more relevant to structures as both hazard levels indicate flood hazards are unsafe for vehicles and people). Modelled flood impacts are localised to the road corridor and no substantial increases in flood depth or velocity are predicted to occur on neighbouring residential lots.

6.5.30 The Department is satisfied that off site impacts are generally acceptable in nature. However, recommended conditions are proposed which require further development of the proposed stormwater design and may include:

- widening and increasing the length of the swale
- spreading discharge from the swale along its length to manage and reduce off site impacts.

6.5.31 In March 2022, the NSW Government commissioned an independent expert inquiry into the preparation for, causes of, response to and recovery from the 2022 catastrophic flood event across the state of NSW. The inquiry makes 28 recommendations. The government response to recommendation 28 states "*Supported in principle – further work required on implementation. The NSW Government will ensure future essential services infrastructure development occurs above the flood planning level, where appropriate. Consideration will be given to how to encourage private sector essential infrastructure developers to take the same approach".*

6.5.32 The site is affected by the PMF and the application was lodged prior to the policy being adopted by the NSW Government. The risks to President Private have been assessed and conditions are imposed which require flood protection measures to be further developed prior to construction. President Private is an existing hospital and the development is expected to result in a net improvement with respect to the current flood risk on site. Therefore, the project adequately addresses the policy.

6.6 Traffic Access and Parking

6.6.1 The site is bound by President Avenue to the south, Hotham Road to the east, and Bidurgal Avenue to the north (see **Figure 41**).

6.6.2 President Avenue is identified as classified road number 2074 which is a secondary road under the *Roads Act 1993*. Council is the appropriate roads authority as TfNSW have delegated responsibility under the *Roads Act 1993.*

6.6.3 Hotham Road, and Bidurgal Avenue are local roads which are unclassified under the *Roads Act 1993* and Council is the relevant roads authority.

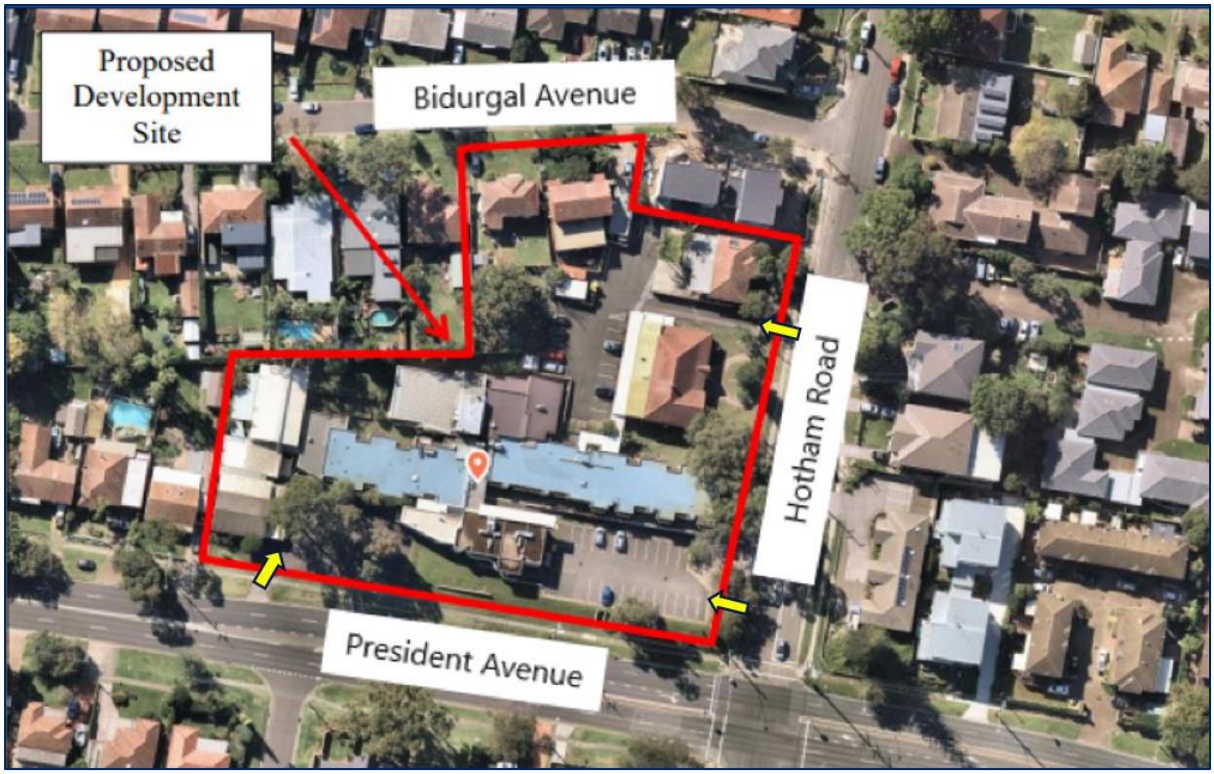


Figure 41 | Local road network (Source: Nearmap, 2022)

6.6.4 The site is currently accessed by three separate vehicle access points. Two driveways along Hotham Road provide access to on-site car parking to service the main foyer and the operating theatres. A single driveway access along President Avenue provides access to services on the western portion of the site, including the rehabilitation centre and hydrotherapy pool. Access for an ambulance (for patient drop off and pick up) is provided within the basement car park. Access for loading and servicing is currently provided off Hotham Road and pedestrian and bicycle access is provided adjacent to the vehicle access points along President Avenue and Hotham Road.

6.6.5 The application is accompanied by a Traffic and Parking Impact Assessment (TPIA), a Construction Traffic Management Plan (CTMP), and Green Travel Plan (GTP) which consider the existing traffic and pedestrian connections, predicted construction and operational impacts, provision of parking for vehicles and bicycles, and sustainable transport measures.

6.6.6 A number of submissions from the public were received raising concerns with the impact of increased traffic along Hotham Road and the impact of hospital visitors and workers parking along the neighbouring streets, including Bidurgal Avenue and Gorada Avenue.

6.6.7 Council, TfNSW and the Department raised concerns with the operational access arrangements, parking arrangements including end of trip facilities and sustainable transport initiatives.

Construction traffic

6.6.8 The EIS includes a Construction Traffic Management Plan (CTMP) which describes construction vehicle movements, routes of travel, parking and access arrangements,

pedestrian management and measures to address potential impacts. In accordance with the phasing in **Section 2.4**, the estimated construction timeframe will be broken up into the demolition, excavation and construction. The CTMP provides a breakdown of the total workers onsite and truck movements per stage (see **Table 12**).

Table 12 | Construction Plan (Source: CTMP, 2021)

Phase	Workers Onsite	Loading/Unloading Location	Truck Movements
Demolition	10	Onsite	6 per day
Excavation	10	Onsite	6 per day
Construction	50	Hotham Road Work Zone	4 per day

Figure 42 | Demolition truck area (Source: EIS, 2020)

Figure 43 | Excavation truck area (Source: EIS, 2020)

6.6.9 Access to the site for demolition and excavation would occur via Hotham Road. The demolition phase would require trucks to enter the southern car park (**Figure 42**) off Hotham Road. Truck movements for the excavation (**Figure 43**) would occur via the northern car park on Hotham Road. The Applicant has identified that a maximum of six truck movements per day would be required for the demolition and excavation. All construction vehicles would enter and exit along Hotham Road until the new site access along President Avenue is constructed and operational and could be utilised to reduce the usage of Hotham Road.

6.6.10 The construction of the hospital would require a work zone along Hotham Road to facilitate the truck loading and unloading. The Applicant estimates that during construction there will be a maximum of four truck movements per day and will be managed in accordance with the CTMP and traffic control plans.

6.6.11 Construction worker parking will be provided onsite or on the surrounding local road network. During the demolition and excavation stages there will be 10 workers onsite. The CTMP identifies all construction parking would occur onsite and directly adjacent to the site. The number of construction workers required for the construction phase would increase to 50. The increase in construction workers would therefore increase the demand for construction worker parking. In accordance with the EIS and CTMP, the Applicant identified that parking would be provided onsite in the basement car park and on the local road network.

6.6.12 The Department has reviewed the EIS and CTMP. Although the number of predicted truck movements is considered conservative, the Department is satisfied the construction truck movements would not have a significant impact on the surrounding road network. However, the EIS did not clearly detail the construction worker parking and how onsite parking would be achieved given it will be an active construction site. The basement car park was identified as the appropriate location for parking although it will not be operational at the beginning of construction activities. Therefore, the Department has recommended a condition requiring all construction worker parking to be contained wholly within the site to ensure surrounding streets are not used by construction vehicles.

6.6.13 The Department notes that Hotham Road and President Avenue would be used by construction vehicles entering the site. Access onto the site from President Avenue would only be available once the final access has been constructed, in accordance with the plans included in the EIS. The Department has recommended a condition to detail specific measures to ensure vehicles entering the site do not cause additional queuing on President Avenue, and measures to prohibit vehicular access along President Avenue, until the final access is operational.

6.6.14 Based on the above assessment, the Department considers that traffic generated for the construction of the project is unlikely to have a significant impact on the surrounding road network. To manage residual impacts, the Department has recommended a condition requiring the implementation of a revised Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) prior to the commencement of construction, to establish management measures including designated parking locations for construction workers and construction route access.

Operational traffic

6.6.15 The Applicant surveyed the existing traffic conditions surrounding the site and predicted operational vehicle trip generations based on TfNSW's *Guide to Traffic Generating Developments 2002*. The traffic analysis focused on the intersection of President Avenue with Hotham Road and North West Arm Road which is to the south east of the site as shown in **Figure 44.**

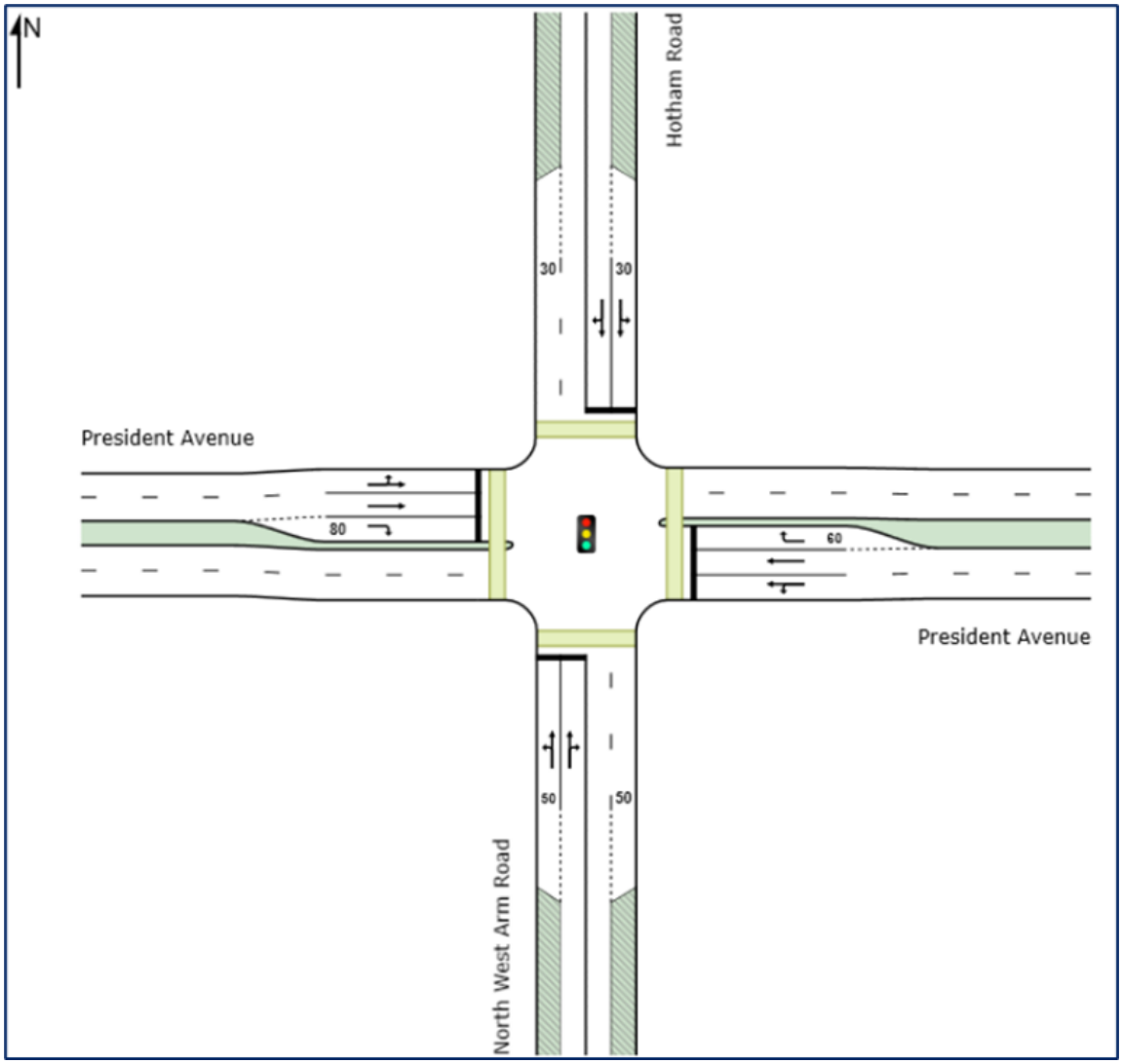


Figure 44 | President Avenue intersection (Source: EIS, 2020)

6.6.16 The predicted operational vehicle trip generations (**Table 13**) were calculated using SIDRA network modelling.

Table 13 | Predicted vehicle trips (Source: EIS, 2020)

	Number of Beds	Number of Weekday Staff	Morning Peak	Evening Peak
Existing	50	55	17	32

Proposed	182	102	81	83
		Net trips	65	52

6.6.17 **Figure 45 a**nd **Figure 46** show the traffic flows in the AM peak and PM peak as estimated in 10 years. Origin trips shown in red, destination trips show in blue and the additional traffic shown in orange.

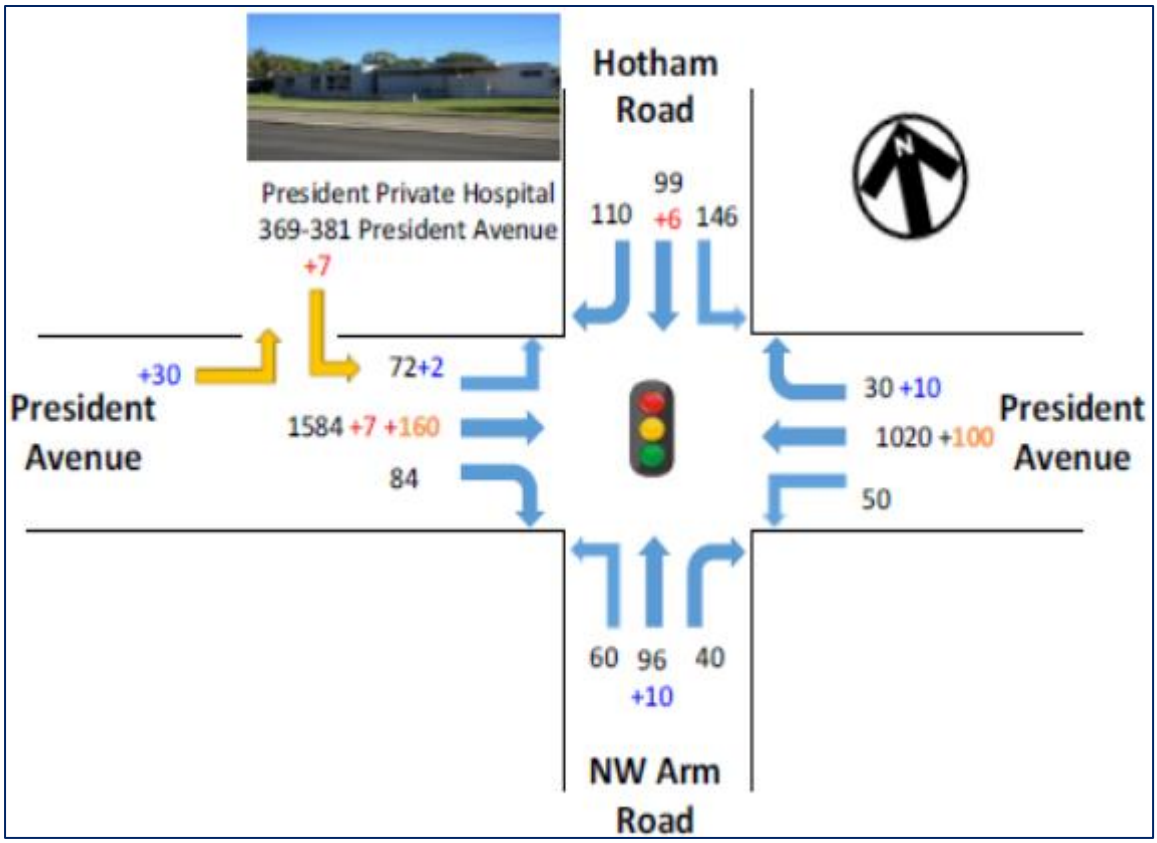


Figure 45 | President Avenue 10 year forecast with development AM (Source: EIS, 2020)

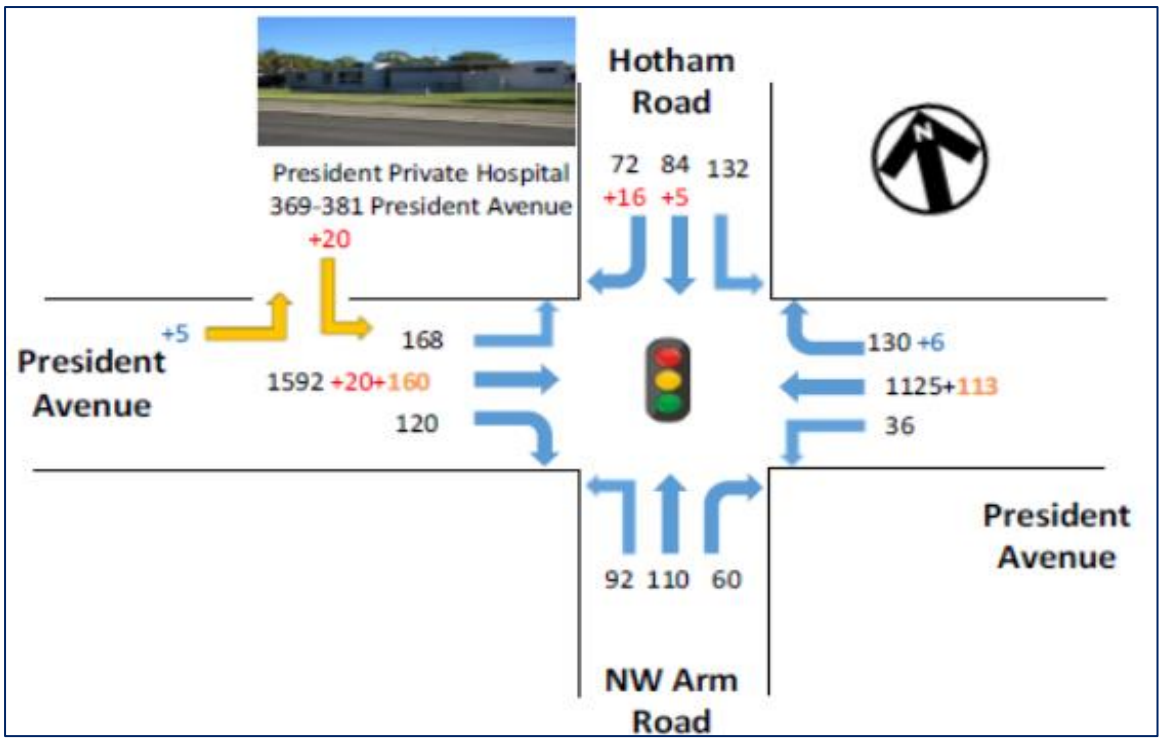


Figure 46 | President Avenue 10 year forecast with development PM (Source: EIS, 2020)

6.6.18 The traffic assessment identified that the development would not reduce the level of service (LoS) for the intersection when compared to the existing conditions. Minor additional queueing or delays would be expected from the operational traffic from the development although the volume of vehicles would not impact the LoS. Modelling for 10 years post development indicated the intersection would drop its LoS in the 10 year scenario in both the AM and PM peaks to C and D as shown in **Table 14**.

Table 14 | LoS analysis for intersection (Source: EIS, 2020)

President Avenue/Hotham Road/NW Arm Road Intersection	Existing Conditions	With Development	With Development + 10 years
AM Peak	B	B	C
PM Peak	C	C	D

6.6.19 A GTP forms part of the application and includes measures to encourage ride sharing, using public transport, and active transport, and thereby reducing the traffic impacts on the road network. TfNSW provided comments on the GTP and requested further measures to reduce single occupant vehicles and more sustainable methods.

6.6.20 The Department considered the independent traffic review, TPIA and GTP and concluded that the project and associated traffic generation would not significantly impact the intersection between President Avenue, Hotham Road and North West Arm Road. The Department notes

that there is a LoS impact predicted for the 10 year scenario. However the assessment identified that the majority of the increase would not be as a direct result of the development.

6.6.21 The Department concludes that the operational traffic generated from the development is acceptable, subject to the conditions of consent and the implementation of a GTP in consultation with TfNSW and Council.

President Avenue access

6.6.22 The project includes access to a basement car park along President Avenue which is a classified "Regional" road (Road No. 2075) pursuant to the *Roads Act 1993*. As such, works on a classified road consent from the relevant road authority is required.

6.6.23 Transport for NSW (TfNSW) has provided concurrence to the site and delegated consent authority to Sutherland Shire Council with regard to works within President Avenue at the site. The concurrence has been granted on the following basis;

6.6.24 "TfNSW has reviewed the development application and provides concurrence to the proposed driveway on President Avenue under section 138 of the Roads Act, subject to the driveway being designed and constructed to Council's satisfaction as the relevant Roads Authority (President Avenue is a classified Regional Road under the care and control of Council)."

6.6.25 The Applicant's project includes a combined left in left out driveway arrangement off President Avenue to provide an additional vehicular access point to the hospital.

6.6.26 Sutherland Shire Council raised concerns with the proposed access and requested that a slip lane be provided if secondary access is proposed off President Avenue.

6.6.27 The Department sought independent advice on the proposed access along President Avenue. The review raised safety concerns with proposed access along President Avenue, as it is a classified road that is a main thoroughfare in the Sutherland Shire.

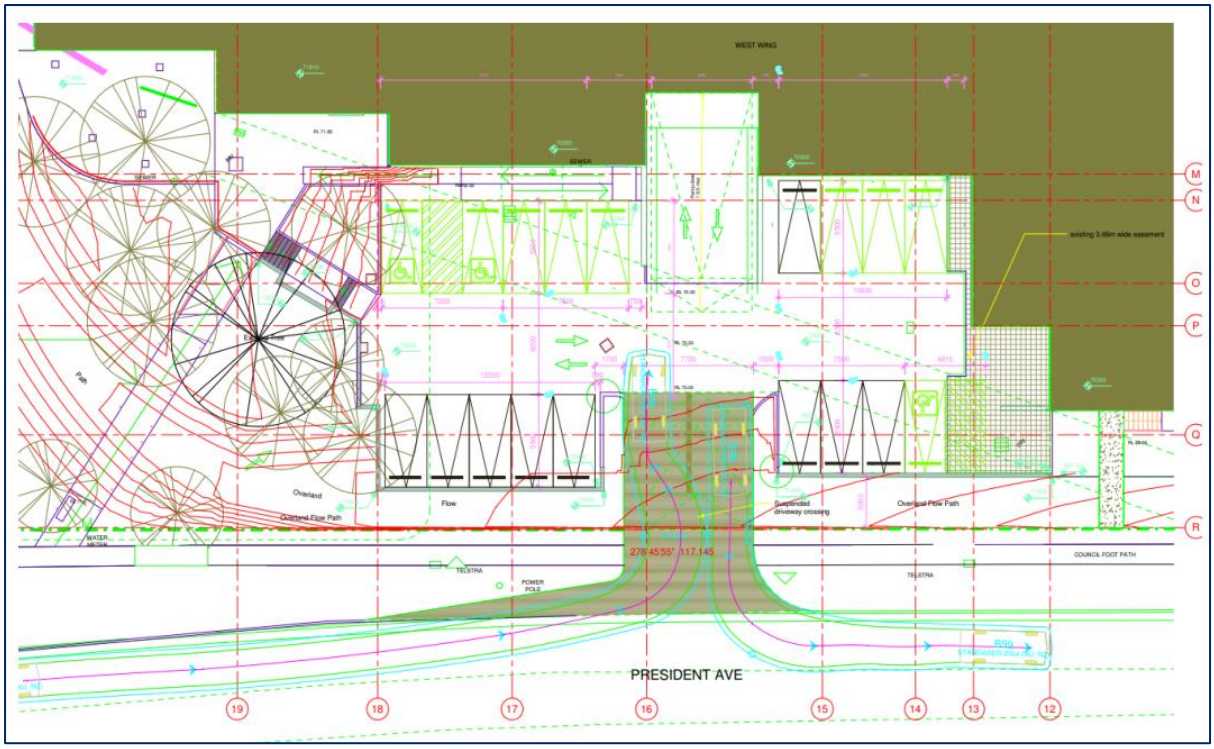


Figure 47 | Swept path of President Avenue Access (Source: RtS, 2022)

6.6.28 In response to the independent traffic specialist comments and submission from Sutherland Council, the Applicant updated the design to include a splayed driveway shown above in **Figure 47**. The access was widened to allow extra space for cars decelerating into the site, to satisfy the safety concerns raised by Council.

6.6.29 Once operational, it is anticipated that the secondary access would be used by a maximum of 30 vehicles per hour in the peak AM period. The TPIA concluded that the speed of vehicles around the site would be relatively low due to queuing at the intersection in the peak AM period and that a splayed driveway would provide similar benefits to a slip lane.

6.6.30 A background crash assessment was undertaken by the Applicant and identified that no rear end crash pattern exists at the eastbound approach of President Avenue to the nearby signalised intersection between 2015 and 2019. Although no rear end accidents had occurred in the study period, there was a significant incident at the intersection. The introduction of another access point within a close proximity to the intersection therefore poses a potential safety concern.

6.6.31 The Department has recommended a condition that requires a Road Safety Audit of the detailed design to be undertaken and any recommendations incorporated into the design. This will enable any residual safety concerns to be addressed prior to the operation of the hospital. The detailed design of the access will be submitted to the satisfaction of Sutherland Shire Council as the relevant road authority.

6.6.32 The Department concludes that access from President Avenue would be beneficial for the operation of the hospital as it provides a secondary access to the site and would subsequently reduce the impact on the intersection to the east of the access point.

Car parking

6.6.33 The site currently provides a total of 65 car spaces, dispersed across three locations:

- northern car park along Hotham Road provides 20 car spaces allocated for staff parking only
- southern car park on Hotham Road provides 25 car spaces, noting that this is a shared car park for staff and patients/visitors. Five of the car spaces are reserved for doctors and surgeons. The ambulance bay is also located within this car park.
- car park off President Avenue has provision for 20 car spaces, used predominately for patients seeking occupational therapy and rehabilitation.

6.6.34 The Applicant undertook a survey in February 2020 detailing the existing car parking usage during a weekday. Over the course of a day there were a minimum of 12 car parking spaces available. **Table 15** shows there are vacancies across all the car parking areas during the peak parking hours (daytime). The survey stated that further on-street car parking capacity exists along Hotham Road and Bidurgal Lane.

6.6.35 During the EIS exhibition, TfNSW requested the Applicant to provide information on the off-street bicycle parking provided and end of trip facilities as per the Sutherland Shire Development Control Plan (DCP) 2015.

6.6.36 In the RtS, the Applicant revised the amount of onsite car parking to provide a total of 168 car park spaces. The number of standard car spaces increased by 10 spaces while the number of accessible car spaces reduced by 4 spaces to a total of 8 spaces. The updated parking also reduced the number of ambulance spaces to one. The allocation of spaces is provided in **Table 15**.

Table 15 | Car parking proposed (Source: EIS 2020)

	Standard	Accessible	Drop Off	Ambulance	Truck
Ground Floor	29	3	3		1
Basement 1 & 2	77	5		1	
Basement 3 & 4	51				
Total Parking	157	8	3	1	1
Total Combined		168			

6.6.37 The Applicant compared the number of proposed parking spaces with Kareena Private Hospital (a broadly equivalent private hospital) to consider whether the proposed number of parking spaces was adequate (**Table 16**).

Table 16 | Comparison parking levels for nearby private hospital (Source: RtS)

	Number of Beds	Average number of staff per weekday shift	Number of car parking spaces
President Private Hospital (Current Project)	182	102	168
Kareena Private Hospital	176	138	127

6.6.38 The proposed number of on-site parking spaces will exceed the number of spaces Kareena Private Hospital currently provides. The average number of proposed staff at President Private is also substantially lower, while an additional 41 car spaces are proposed. The project would also exceed TfNSW's *Guide to Traffic Generating Development* by five car spaces.

6.6.39 Therefore, the Department is satisfied that the project would provide for adequate car parking and would sufficiently address the demand for on-site parking. As discussed above, the Department notes the application is accompanied by a GTP, which is expected to reduce private vehicle usage and parking demand and therefore providing a net increase in available car parking spaces than detailed in the TPIA.

6.6.40 The Department therefore concludes the project would provide adequate car parking spaces and would not have a detrimental impact on the locality in terms of demand for on-street car parking spaces.

6.7 Noise and Vibration

6.7.1 The key noise emission and vibration sources of the proposed development are construction activities and noise generated by mechanical plant and equipment during operation.

6.7.2 In order to establish background noise levels within the locality, attended and unattended noise monitoring was undertaken at the locations shown in **Figure 48**.

6.7.3 The site adjoins residential properties to the north and west. The project requires construction and operations near these properties, with the nearest residential dwellings located approximately 4m (receiver R2) and 5m (receiver R10) from the site boundary.

6.7.4 One commercial premise is located opposite the hospital.

6.7.5 Properties to the south and east (including the commercial premises) are separated by President Avenue and Hotham Road respectively.

Figure 48 | Receiver and noise monitoring locations (Source: Noise and Vibration Assessment 2020)

6.7.6 The results of the noise monitoring have been used to determine the following rating background levels (RBLs) for receivers surrounding the site (see **Table 17)**.

Table 17 | Receiver and noise monitoring levels (Source: Noise and Vibration Assessment 2020)

Location	Applicable receivers	Day	Evening	Night
Bidurgal Avenue	R1, R10	39 dB	39 dB	37 dB
Hotham Road (northern end)	R2, R3, R4, C1	43 dB	43 dB	41 dB
NW Arm Road (southern end)	R6	40 dB	40 dB	38 dB
President Avenue	R5, R7, R8, R9	46 dB	46 dB	44 dB

Construction Noise and Vibration Impacts

6.7.7 The Interim Construction Noise Guideline 2009 (ICNG) outlines the process of establishing construction noise affected level for surrounding sensitive receivers, and sets standard construction hours of 7 am to 6 pm Mondays to Fridays and 8 am to 1 pm on Saturdays. The works are proposed to be undertaken in the standard construction hours set out in the ICNG.

6.7.8 An assessment of construction works occurring outside of standard hours has not been provided as part of this assessment as works are only proposed to take place during standard construction hours.

6.7.9 The EIS establishes a noise affected level for residential receivers of between 49 dB to 56 dB for daytime construction, which considers the location of the residential receivers and the corresponding RBL.

6.7.10 Noise affected receivers are those which will be impacted more than the projects identified noise level, which is determined by assessing background noise prior to the project construction and operation and adding an additional 10dB. ICNG identifies that 10 dB higher than background noise represents the point above which there may be some community reaction to noise.

6.7.11 Highly noise affected receivers are any receivers which is assessed to have a noise affected level of 75 dB(A) or more.

6.7.12 One commercial site located adjacent to the hospital has an identified noise affected level of 70 dB.

6.7.13 In determining the construction noise impacts, residential receivers have been grouped together as seen in **Figure 48**.

6.7.14 When determining noise affected levels, the Applicant adopted a 2.4m high noise barrier around each phase of the project's construction. This was considered within the Applicant's modelling of anticipated noise levels.

6.7.15 Noise levels are predicted to exceed the noise affected level at all residential receivers during all stages of construction by up to 39 dB.

6.7.16 The exceedances identified within stage 1 of construction are likely to be greater than 10dB across all residential receivers. Stages 2 and 3 are identified as exceeding the project noise level, by 10 dB or less.

6.7.17 Noise levels at some receivers are predicted to exceed the highly affected noise level of 75 dB(A) (see **Table 18**).

Table 18 | Summary of highly affected noise receivers

Phase	Receiver	Predicted Noise Level	Noise Affected Level	Exceedance (dB)
Phase 1	R2	88 dB	75 dB	13 dB
	R10	88 dB	75 dB	**39 dB**

	Hospital	86 dB	75 dB	**31 dB**
Phase 2	R4	75 dB	75 dB	**22 dB**
	Hospital	82 dB	75 dB	**27 dB**
Phase 3	R9	87 dB	75 dB	**31 dB**
	R10	86 dB	75 dB	**37 dB**
	Hospital	86 dB	75 dB	**31 dB**

6.7.18 The EIS proposes the following mitigation measures to manage construction noise impacts:

- erection of 2.4 m high sound attenuating barriers around construction areas and buildings during all stages of work
- potential respite periods when most intensive periods of hammering and rock breaking occur, to be determined through communication strategy
- communication with neighbouring properties, staff and patients to accommodate schedules
- providing safe working distances to residential receivers where possible
- noise and vibration monitoring program
- control of truck movements.

6.7.19 Highly noise affected level represents the point above which there may be strong community reaction to noise. The Department considers that surrounding receivers would be substantially impacted by noise during construction and that further mitigation measures are required to reduce and minimise potential impacts.

6.7.20 The Department recommends that a Construction Noise and Vibration Management Sub-Plan be prepared as part of a Construction Environmental Management Plan (CEMP), by a suitably qualified person, and that this plan should include a consultation strategy for engaging with the community.

6.7.21 Noting that the potential exceedances at residential receivers are substantial, the Department recommends that the CEMP describe procedures to achieve the noise management levels in line with the Interim Construction Noise Guideline and that strategies are developed with the community to manage high noise generating works.

6.7.22 The Department further recommends that the CEMP includes specific consideration of the ongoing use of the hospital during all stages of construction, and that the appropriate NMLs are identified and complied with throughout construction.

6.7.23 Subject to recommended conditions, and the implementation of the proposed mitigation measures, the Department is satisfied that construction noise and vibration impacts can be appropriately managed.

Noise and vibration impacts during operation

6.7.24 Operational noise generated by the development is likely to include:

- fixed mechanical plant such as VRV condensers, air conditioning units, car park exhaust fans and energy recovery ventilators
- intermittent traffic noise from trucks using the loading dock
- intermittent noise from car movements entering and exiting the car park

6.7.25 The Applicant states that fixed mechanical plant would be contained in a plant room constructed by masonry or concrete thereby mitigating operational noise.

6.7.26 The Applicant assessed noise levels from the fixed mechanical plant and concluded that the proposed location and mitigation measures would result in the mechanical plant complying with the relevant noise criteria in the EPA's Noise Policy for Industry 2017 (NPfI).

6.7.27 While the EIS demonstrates compliant noise levels can be achieved, the exact equipment to be used at the site will be selected during detailed design. Therefore, the Department has recommended a condition requiring monitoring to be undertaken prior to operation, to ensure that the fixed plant installed remains consistent with noise predictions, and that noise levels at sensitive receptors remain below the relevant noise level.

6.7.28 The Department also recommends short-term monitoring of operational noise within two months of operation.

6.7.29 Noise generated by vehicle movements within the hospital has the potential to cause disturbance to surrounding receivers. Noise generated on roads within the hospital is typically from cars from visitors and patients, ambulances, and delivery truck movements. The EIS has assessed these various movements and associated noise impacts on the receivers.

6.7.30 The EIS indicates that traffic noise generated by the development complies with NSW Road Noise Policy during the day and evening periods, but exceedances are likely at night at two receptors (see **Table 19**).

Table 19 | Summary of traffic noise level exceedances (Source: Noise and Vibration Assessment 2020)

Scenario	Receiver	Predicted Noise Level	EPA Noise Level	Compliance
Vehicles accessing Hotham Road	R2	41 dB	44 dB - Day	Yes
			43 dB - Evening	Yes
			38 dB - Night	No
Ambulance accessing Hotham Road – no siren (Northern entry)	R2	43 dB	48 dB – Day	Yes
			43 dB – Evening	Yes
			38 dB – Night	No

Loading Dock Noise (truck parked and idling)	R10	41 dB	44 dB - Day	Yes
			43 dB - Evening	Yes
			38 dB - Night	No

6.7.31 Noise predictions at R2 are estimated to exceed night-time levels by 3 dB from cars entering from Hotham Road and by 5 dB for an ambulance entering the northern driveway on Hotham Road. Similarly, impacts to R10 are identified when truck deliveries occur at the loading dock at night, which would result in a 3 dB exceedance. In accordance with the NPfI, noise impacts estimated at these levels (between 3 dB and 5 dB) are considered to have a marginal impact.

6.7.32 The Applicants noise and vibration assessment report identifies that these noise impacts could be managed by limiting non-emergency ambulance movements to the southern access from Hotham Road, reducing traffic flow by regulating visiting hours, and not receiving deliveries at night.

6.7.33 The Department has recommended conditions including:

- noise mitigation measures to be developed prior to operation, including consultation with all neighbouring properties, including all properties identified as receivers within the Applicant's Noise and Vibration Assessment
- restricting usage of the loading dock to between:
    - 7am and 6pm on Monday to Saturday, and
    - 8am and 6pm Sunday and Public Holidays

6.7.34 Community submissions received by the Department suggest that there is concern about noise among surrounding residents.

6.7.35 The Department has considered the community concerns and determined that noise can be suitably managed during both construction and operation of the hospital, and that noise impacts of the development may be appropriately managed in accordance with the recommended conditions.

6.8 Other issues

The Department's consideration of other issues is provided below in **Table 20**

Table 20 | Summary of other issues

Issue	Findings	Recommended Conditions
Ecologically Sustainable Development	The EIS provides details of design initiatives that enable the development to achieve a minimum 4-Green Star rating in accordance with the rating system of the Green Building Council Australia.	Requirement that prior to construction the Applicant demonstrates ESD is being achieved by registering for a minimum 4-star Green Star rating with the Green Building Council Australia. The Applicant will be

		required to submit evidence of registration to the Certifier within 12 months or seek an alternative certification process to the satisfaction of the Planning Secretary.
Aboriginal Cultural Heritage	An Aboriginal Cultural Heritage assessment has been completed and has found that no Aboriginal objects and/or features of cultural and archaeological significance were located during test excavation. Following the RtS, the Applicant was requested to complete consultation with registered aboriginal parties (RAP) in accordance with relevant guidelines.	The Department recommends an unexpected find protocol to be included in the CEMP that includes a methodology and describes consultation required in the event of a find.
Contamination and Remediation	The Detailed Site Investigation describes that asbestos impacted soils are present on site and that these may be remediated insitu or classified, removed and disposed offsite at a licensed facility. Remaining excavation would be validated. Several residential dwellings are required to be demolished as a result of the project. The contamination is contained only within the existing hospital grounds.	The Remediation Action Plan submitted with this application provides the methods of remediating the site. The Department has recommended conditions to address contamination and hazardous material including the submission of a Site Audit Statement and an Environmental Management Plan. Conditions also require a site auditor for the site to manage the contamination and remediation on the site.
Hazards and Risks	The quantity of dangerous goods was listed in section 8.2.11 of the EIS. These quantities fell below the risk screening thresholds in the DPE Guideline "*Applying SEPP33* " and, as such, a preliminary Hazard Analysis is not required.	Conditions are recommended that the quantities of dangerous goods stored, handled and transported at the site be below the threshold quantities listed in the Department of Planning's January 2011 "*Hazardous and Offensive Development Application Guidelines – Applying SEPP 33*" at all times.

		A further condition is recommended that dangerous goods, as defined by the Australian Dangerous Goods Code, be stored and handled strictly in accordance with all relevant Australian Standards.
Utility requirements	The EIS identifies new infrastructure for the site to enable new connections including electrical, sewer, domestic water, fire, water and stormwater.	The Department recommends conditions that utility works for the development must obtain relevant approvals from service providers, and dilapidation reports are required pre-construction, to protect public infrastructure.
Bicycle Parking and End of Trip (EOT) facilities	The project includes 20 secure bicycle parking spaces within the basement car park. End of trip facilities are provided in two separate locations (basement and ground floor) which include two unisex change rooms and showers and a further four male and four female showers on the ground floor. The Department notes the SDCP 2015 requires the provision of 1 bicycle parking space per 10 car parking spaces for the first 200 car spaces, then 1 space per 20 parking spaces thereafter. TfNSW raised no concerns regarding the proposed bicycle parking or EOT facilities, however did recommend that the Applicant further develops the GTP to encourage visitors and staff to utilise active transport.	The Department supports the proposed bicycle parking and EOT facilities, noting: • The Green Travel Plan will provide measurable outcomes to facilitate the shift away from private car use to active and public transport. • The project provides 20 bicycle parking spaces which is above the Sutherland Development Control Plan 2015 requirement of 17. • End of trip facilities are adequate and conveniently located to the bicycle parking. The Department has included a condition requiring the provision of the bicycle parking and EOT facilities and an updated GTP.
Landscaping	The project provides several landscaped areas including: • mental health courtyards on the first floor of the northern wing. • an internal courtyard enclosed by the eastern wing of the hospital. • other landscaped areas in the southwestern corner of the site.	The Department considers the proposed landscaped areas are well designed throughout the hospital and provides a high level of amenity to patients, staff and visitors. Landscaping conditions have been recommended to ensure ongoing

	A courtyard located outside the main entrance off President Avenue which retains the Cook Pine is proposed and provides soft landscaping to the site. The landscaping throughout the site will contain trees for screening, feature trees, garden beds, soft landscaping including turf and hard landscaping including timber boardwalks and decks. 8 trees are to be retained on the site with 26 trees to be removed. A total of 153 trees are proposed to be planted to replenish the canopy loss and provide additional tree canopy for the site.	monitoring and maintenance measures to manage revegetation and landscaping of the site.
Contributions	The EIS states that the relevant contribution will be paid to Council. The Applicant has stated they wish to negotiate with Council about the making of payments at the end of each phase of works.	A condition has been recommended to require the Applicant to pay a levy of 1% of the proposed cost of carrying out the development to Council prior to the commencement of construction.
Biodiversity	The requirement to prepare a Biodiversity Development Assessment Report (BDAR) has been waived. A copy of the BDAR wavier correspondence can be found in **Appendix A** of this report.	153 trees are proposed to be planted to replenish the tree canopy and retain biodiversity values.
Sediment, Erosion and Dust	The EIS states that erosion and sediment control and dust control before and during construction will be managed through the Construction Soil and Water Management Sub-Plan.	The Department recommends that the Applicant prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) using a suitably qualified specialist in consultation with Council. Recommended conditions also include measures that must be implemented to manage stormwater and flood flows.
Waste Management	The EIS states that there will be clinical waste, however quantities are not expected to increase from the current clinical waste levels. The EIS also	The Department recommends a Waste Management Plan be submitted to the Department to describe management measures

	identifies the various waste streams. In addition, the EIS states a private contractor will be engaged to collect the waste and recycle material on a twice per week schedule.	addressing storage, handling and disposal of waste. In addition, it is recommended a Construction Waste Management Sub-Plan is required to be submitted to the Planning Secretary.

7 Evaluation

7.1.1 The Department has reviewed the Environmental Impact Statement (EIS), Response to Submissions (RtS), Request for additional information (RFI), and assessed the merits of the project, taking into consideration advice from Government agencies, Sutherland Shire Council (Council) and concerns raised in the public submissions.

7.1.2 The proposed President Private redevelopment would provide improved health and wellbeing outcomes through the future development of new, purpose-built and modern hospital facilities, and upgrade existing ageing assets to meet contemporary and evolving medical standards.

7.1.3 The Department considers the project is acceptable as:

- it is consistent with the strategic planning framework for the Greater Sydney Region Plan and South District Plan which seeks to support the growth of health precincts and matches grow and infrastructure including social infrastructure.
- It delivers clear community benefits including new health infrastructure to meet the demands of the community, including providing a private overnight voluntary mental health service, expansion of rehabilitation services and updating of operating theatre rooms.
- the proposed built form, while being higher than the adjoining low-density dwellings, has been effectively screened by landscaping, is appropriately setback from the boundaries and is well-articulated.
- buildings would not have an unreasonable impact on visual privacy or solar access of adjoining dwellings, considering both internal and external areas.
- appropriate mitigation measures are recommended to ensure the visual and acoustic amenity of the neighbourhood is retained.
- the strategic merit and community benefits provided by the hospital outweigh the value of retention of a locally listed heritage item and redevelopment of the site at the proposed scale and with the proposed benefits, may only reasonably be achieved with the demolition of the item.
- potential flooding impacts are capable of being managed and suitably mitigated to avoid significant risk to life, the hospital and its function.
- potential traffic impacts are manageable and the development would provide safe and efficient access to the hospital. The available parking on site would also be increased to respond to the requirements of the development.
- operational and construction noise emissions from the site would not have a significant impact on amenity, subject to the implementation of appropriate mitigation and management measures.

7.1.4 On balance, the Department concludes the impacts of the project are acceptable and can be appropriately mitigated through implementation of the recommended conditions of consent.

7.1.5 The application is hereby referred to the Independent Planning Commission to determine the application as 50 unique public objections were submitted during the exhibition period.

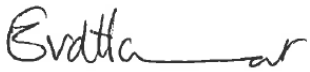
Prepared by:

Gabriel Wardenburg (Team Leader – State Significant Acceleration), Suzannah Byers (Senior Planning Officer – State Significant Acceleration)

Endorsed by:

Alan Bright
Director
State Significant Acceleration

Recommended by:



Erica Van Den Honert
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 of Planning and Environment's website as follows:

1. **Environmental Impact Statement**
   https://pp.planningportal.nsw.gov.au/major-projects/projects/alterations-and-additions-president-private-hospital

2. **Submissions**
   https://pp.planningportal.nsw.gov.au/major-projects/projects/alterations-and-additions-president-private-hospital

3. **Applicant's Response to Submissions**
   https://pp.planningportal.nsw.gov.au/major-projects/projects/alterations-and-additions-president-private-hospital

4. **Applicant's Supplementary Information**
   https://pp.planningportal.nsw.gov.au/major-projects/projects/alterations-and-additions-president-private-hospital

5. **BDAR Waiver**
   https://pp.planningportal.nsw.gov.au/major-projects/projects/alterations-and-additions-president-private-hospital

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS

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 project are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Sutherland Shire Local Environment Plan 2011 (SSLEP) 2015

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (Planning Systems) 2021

Table B 1| Planning Systems SEPP compliance table

Relevant sections	Consideration and comments	Complies
2.1 Aims of Chapter The aims of this policy are as follows: (a) to identify development that is State significant development	The project is identified as SSD.	Yes
2.6 Declaration of State significant development: Section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (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 (b) the development is specified in Schedule 1 or 2.	The project is permissible with development consent. The development is a type specified in Schedule 1.	Yes
Schedule 1 State significant development —general 14 Hospitals, medical centres and health research facilities (1) Development that has a capital investment value of more than $30 million for any of the following purposes:	The project comprises development for the purpose of a hospital and has a CIV in excess of $30 million.	Yes

- Hospitals,
- Medical centres,
- 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).

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and 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.

An assessment of the development against the relevant considerations of the Transport and Infrastructure SEPP is provided in **Table B 2.**

Table B 2 | Transport and Infrastructure SEPP assessment

Clause(s)	Consideration and comments
2.60 Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.	R2 Zone (Low Density Residential) is identified under clause 2.60 as a prescribed zone where health services including hospitals are permissible with consent. The Department has considered compatibility of the development with surrounding land uses and has concluded that the development for the purposes of a hospital is suitable given the existing use of the site.
2.119 Development in or adjacent to road corridors and road reservations	The site has a frontage to a classified road. In accordance with clause 2.119 of the Transport and Infrastructure SEPP the consent authority must be satisfied that, where practicable and safe, vehicular access is to be provided by a road other than the classified road and that the development would not impact on the safety, efficiency and ongoing operation of the classified road. The Department has considered potential traffic impacts at **Section 6** and is satisfied the project would not adversely affect the surrounding road network. The project provides for appropriate vehicle access arrangements and there would be no adverse impact on the ongoing safety and efficient operation of the adjoining classified roads.
2.122 Traffic-generating development	The development constitutes traffic generating development in accordance with clause 2.122 of the Transport and Infrastructure SEPP as it increases the hospital to 182 beds. This meets the

definition of ‘traffic generating development’ as it includes ‘100 or more beds’ and the site has access to a classified road.

The Department consulted with TfNSW and Council as the relevant roads authority for the classified road network. TfNSW did not raise any concerns in relation to the project (**Section 5**).

State Environmental Planning Policy (Resilience and Hazards) 2021

The Resilience and Hazards SEPP aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes an Environmental Site Investigation Report and a Remedial Action Plan. The reports conclude that there are two areas of concern which require works to make the site suitable for the proposed use.

The Department is satisfied that the site can be made suitable for the proposed use subject to the recommendations of the Detailed Environmental Site Investigation Report and the Remedial Action Plan being actioned under clause 4.6(1)[c] of Resilience and Hazards SEPP. The Department has recommended conditions that require an unexpected finds protocol be developed for any unanticipated contamination found during future works.

State Environmental Planning Policy (Industry and Employment) 2021

The Industry and Employment SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The Department has assessed the proposed signage against the relevant requirements in **Table B 3** and the specific assessment criteria of Schedule 5 of Industry and Employment SEPP in **Table B 4**.

Table B 3 | Industry and Employment SEPP compliance table

Clause	Assessment Criteria	Comments	Compliance
Part 3.2 Signage generally			
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this Policy.	The project is consistent with the objectives of Industry and Employment SEPP, including being compatible with the desired amenity and visual character of the area, and providing effective communication and public benefit.	Yes
	The signage is to satisfy the assessment criteria in Schedule 1.	See **Table B 4**	Yes

Table B 4 | Industry and Employment SEPP Schedule 5 assessment criteria table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are contemporary in design, would be compatible with the existing / future character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular themes exist for outdoor advertising in the area.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any special areas.	Yes
3 Views and vistas		
Does the proposal: • obscure or compromise important views? • dominate the skyline and reduce the quality of vistas? • respect the viewing rights of other advertisers?	The signage does not obscure the viewing rights of other signage or dominate the skyline and reduce vistas.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs would complement the hospital design and contribute to the visual interest of the streetscape. The main sign is proposed to be located on the roof parapet of the top floor addressing vehicular approach to the corner of Hotham Road and President Avenue. A number of small way finder signs are proposed to be located at entrances and outbuildings.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the signs are appropriate for the streetscape and setting within which it is proposed.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The sign/s is simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign would sit well below the height of proposed buildings.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed signs.	Yes

Assessment Criteria	Comments	Compliance
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The sign is of appropriate scale and proportion and is considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The sign is appropriately located at the site entrance and would not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the sign is to denote the entrance of the hospital and identify the hospital to the street.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Lighting is designed as an integral part of both signs. The Applicant stated all electrical connections will be designed for outdoor conditions and hardwired separately to internal components to ensure that the circuitry to signage can be monitored in isolation.	Yes
7 Illumination		
Would illumination result in unacceptable glare?	The proposed sign would be internally illuminated. The lighting would be directed to ensure there will be no adverse impacts on the nearby residential area.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	No.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	No.	Yes
Can the intensity of the illumination be adjusted, if necessary?	Yes. The Department has recommended a condition that all signage be capable of having the intensity adjusted, if necessary.	Yes

Assessment Criteria	Comments	Compliance
Is the illumination subject to a curfew?	The Department does not consider a curfew is necessary given the lighting of all signs would not have adverse amenity impacts and will be capable of being adjusted if necessary.	Yes
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, extensive views of the footpath and entrance area would still be available.	Yes
Would the proposal reduce safety for any public road?	The design and location of the proposed signage would not impact on safety of any public road.	Yes

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Biodiversity and Conservation 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. Biodiversity and Conservation SEPP replaced seven SEPPs. The project is consistent with the applicable provisions of the Biodiversity and Conservation SEPP.

Sutherland Shire Local Environmental Plan (SSLEP) 2015

The SSLEP 2015 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Sutherland Shire LGA. The SSLEP 2015 also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the SSLEP 2015 and those matters raised by Council in its assessment of the development The Department concludes the development is consistent with the relevant provisions of the SSLEP 2015. Consideration of the relevant clauses of the SSLEP 2015 is provided in **Table B 5**.

Table B 5 | Consideration of the SSLEP 2021

PLEP 2011	Department Comment/Assessment
Land Use Table – Zone SP1 (Special Activities) and R2 Low Density Residential	Hospitals are permissible with consent in the SP1 zone. While the SSLEP does not nominate hospitals as a permissible use within the R2 zone, the Transport and Infrastructure SEPP makes this use permissible and allows medical services facilities to be located within R2 low density residential zoned land.

Clause 4.3 Building height	Building height provisions vary across the site in each zone as follows: • SP1 Zone - unspecified • R2 Zone - 8.5m. The project maintains a maximum height of 13.470m within the SP1 Zone. The Applicant has submitted a clause 4.6 variation to development standards for project within the R2 zoned. The submission seeks the vary the height limit on the R2 zoned areas by 1.24m with a maximum building height within the R2 zoned area of 9.74m. See **Appendix C** for the full assessment and discussion of this aspect.
Clause 4.4 Floor space ration (FSR)	Floor Space Ratio provisions variation of vary across the site in each of the zones as follows; • SP1 Zone – Unspecified • R2 Zone – 0.55:1 For the development located in the R2 the Applicant has requested a variation to the development standard, the Applicant has identified an FSR of 1.16:1, a variation of 110% on the R2 zoned land. See **Appendix C** for the full assessment and discussion of this aspect.
Clause 4.6 Exceptions to development standards	As per **Section 6.2** of this report the Applicant has sought flexibility to vary the building height development standard and the Floor space ratio development standard. These requests have been supported on the basis that the project satisfactorily addresses Clause 4.6. See **Appendix C** for the full assessment and discussion of this aspect
Clause 5.10 Heritage conservation	As per **Section 6.2** of this report the Applicant has sought flexibility to vary the building height development standard and the Floor space ratio development standard. These requests have been supported on the basis that the project satisfactorily addresses Clause 4.6. See **Appendix C** for the full assessment and discussion of this aspect.
Clause 6.14 Landscaped areas in certain zones	The Department has considered the Applicant's project including the Heritage Impact Statement and other supporting material. The demolition of Hotham house has been carefully considered including seeking comments from Heritage NSW and Council. The Department also sought independent advice in relation to the proposed demolition of Hotham House. Demolition of the local heritage item is providing for a modern medical facility which will further assist the community. See **Section 6.4** for the full assessment.

Clause 6.16 Urban design - general	The department notes that the SSLEP landscaping requirements are only relevant to the R2 zone component of the project. Trees in this area of the site proposed to be removed are exotic and supported by the relevant arborist report. Perimeter landscaping around the site contributes to mitigating visual impact and improving amenity for workers and patients.
Clause 6.18 Urban design - non-residential development in residential areas	The Department has considered the Applicant's project and consider the application to be appropriate with regard to Clause 6.16 of SSLEP 2015. The SDRP considered the urban design of the project to be suitable (see **Section 6.2**).

Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)

In accordance with the EP&A Regulation, the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1) have been complied with.

Appendix C – Clause 4.6 Variation Request

Built form and Clause 4.6 variation request

The development seeks to provide a modern health care facility in order to help deliver a high standard of health care to patients. The topography of the site is characterised by a cross fall across the site, from north to south and east to west. The design of the buildings responds to the topography in relation to height and mass. The majority of the development is located in the southern part of the site away from neighbouring properties.

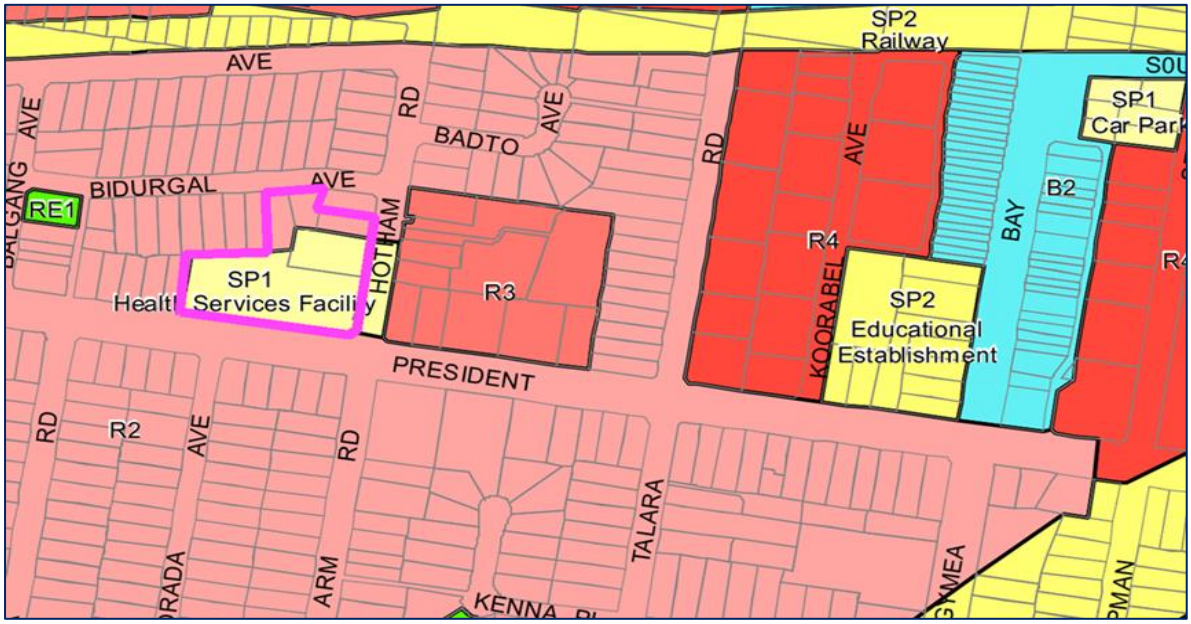


Figure C 1 | Land zoning map (Source: SSLEP 2015)

Figure C 2 | Maximum building height map (Source: SSLEP 2015)

Figure C 3 | Maximum FSR map (Source: SSLEP 2015)

Zoning and current development standards

The site is 9,520m^2 in size, and comprised of land in both the Low-Density Residential Zone (R2) and Special Activities (Health Services Facility) Zone (SP1). Of the total site area, 8,164m^2 is zoned SP1 and 1,356m^2 (or 17%) is zoned R2. The southern portion of the site is zoned SP1 whereas parts of the northern portion of the site is zoned R2 (see **Figure C 1**). Planning controls within the SP1 zone land are unrestricted in terms of height and floor space ratio (FSR) controls, unlike the adjoining R2 zone land.

Under the SSLEP, the portion of the site zoned R2 has a maximum height of buildings control of 8.5m, and a maximum floor space ratio (FSR) control of 0.55:1. Pursuant to clause 4.6 of the SSLEP, the Applicant has requested variations to both of these development standards.

Height

The project seeks a variation to the 8.5m height limit in relation to the proposed hospital alterations and additions, which would exceed the height limit by up to 1.7m. The Applicant identifies that the non-compliance is largely confined to the Hotham Road frontage. The proposed height exceedance is shown on **Figure C 5** and the location of the cross section in relation to the project is shown on **Figure C 6**.

The extent of the non-compliance is visually illustrated by the yellow shaded sections in **Figure C 5**. The height exceedances would be most prominent for the northern section facing Hotham Road.

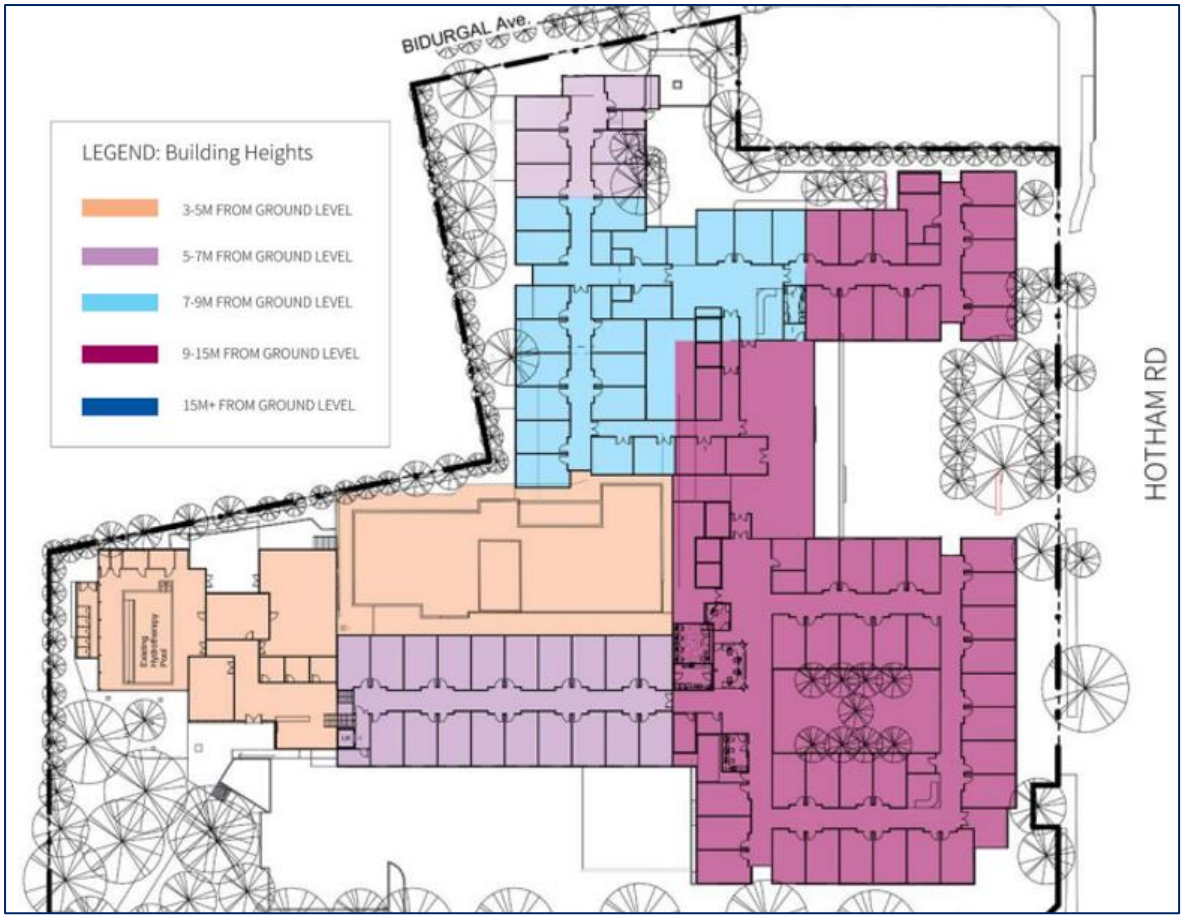


Figure C 4 | Proposed building heights (Source: EIS 2020)

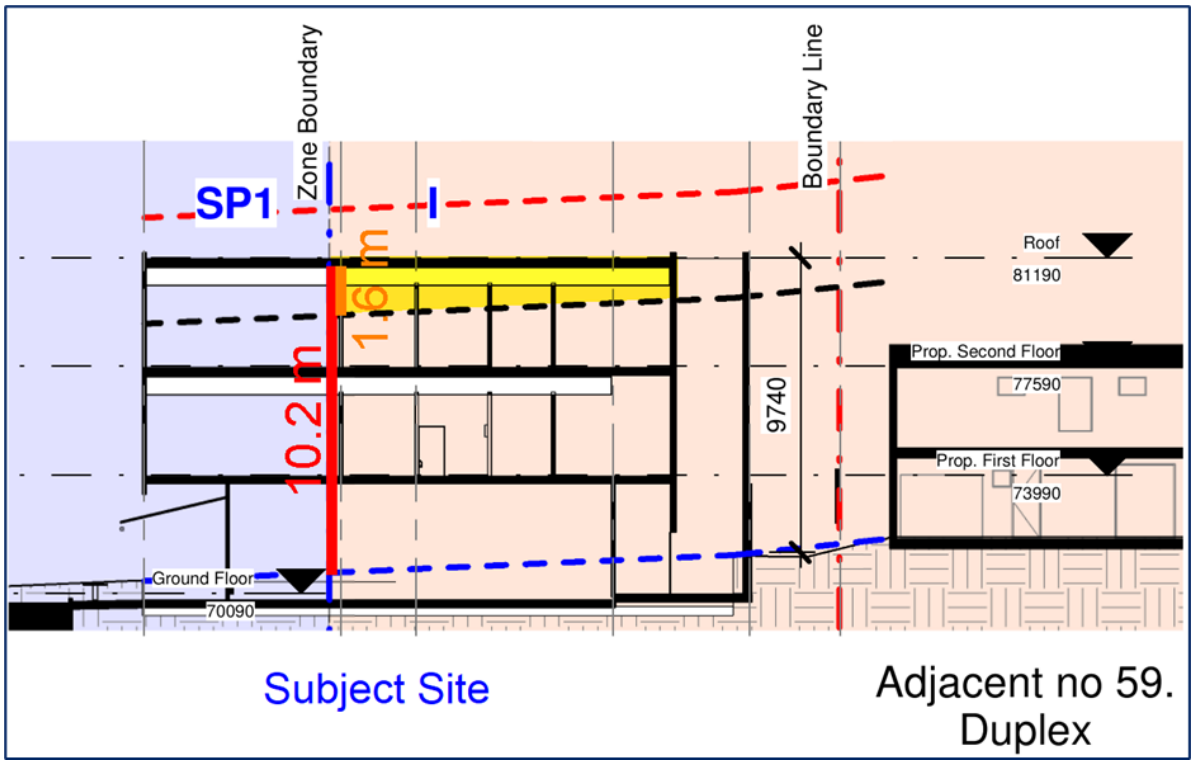


Figure C 5 | Proposed noncompliance in building height (Source: EIS(RFI) 2022)

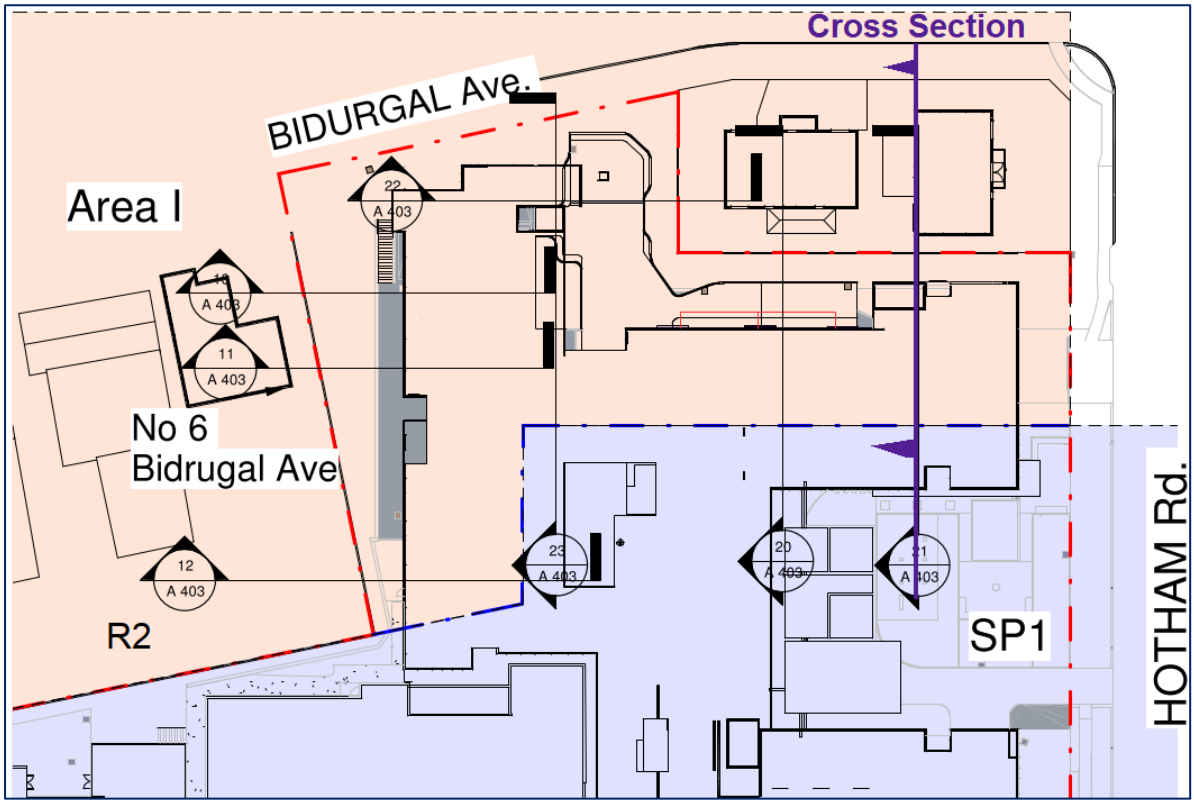


Figure C 6 | Location of proposed noncompliant building height (Source: EIS(RFI) 2022)

LEGEND - LEP & SEPP Height Limits

Area I - 8.5 m height Limit

Area J1 - 9.0 m height Limit

SP1- No height limit specified

12m Height above Ground - Existing

8.5m Height above Ground - Existing

Ground Level - Existing

The Department has reviewed the clause 4.6 variation request to the height control on part of the site and assessed the variation sought in accordance with SSLEP. The Department is satisfied that the Applicant has demonstrated that compliance with the development standard is unnecessary and that there are sufficient environmental planning grounds to justify contravening the development standard.

The objectives of clause 4.3 (height standard) in SSLEP are addressed and discussed below:

a) to ensure that the scale of buildings-

(i) is compatible with adjoining development, and

(ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and

(iii) complements any natural landscape setting of the buildings

In addition to the functional requirements of the hospital, the design of the project has been guided by the State Design Review Panel. The Department considers that the development, including the location, orientation and scale of proposed buildings is acceptable and would improve the quality of health facilities and amenity for staff, patients, and visitors.

The materiality, colour schedules, and materials compliment typical residential dwellings of the locality, this enables the buildings to complement the local surroundings. The Department is therefore satisfied that the proposed built form is acceptable for the site.

b) to allow reasonable daylight access to all buildings and the public domain

The additional shadows cast from the non-compliant building height between 9am and 3pm on the winter solstice would not significantly impact access to daylight for surrounding residential buildings and the public domain.

The Applicant's shadow diagram depicts minimal shadow encroachment which would result in a minor shadow impact on adjoining dwellings located at 2A Bidurgal Avenue, 59 Hotham Road and two lots opposite the hospital on Hotham Road.

The dwellings located on the corner of Hotham Road and Bidurgal Avenue (2A Bidurgal Avenue and 59 Hotham Road) overshadow each of their own rear open space and the impact from the project is not modelled to restrict reasonable sunlight access to these dwellings.

c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion

The project would introduce residential patient accommodation adjacent to the north and western site boundary. The future occupation of these buildings would not result in any direct line of sight into adjacent windows as the development would include privacy measures such as half height windows, and horizontal louvres for privacy screening. It is anticipated that the project would not cause unacceptable harm to the level of privacy experienced by neighbouring occupants.

d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves

The Department is satisfied that the proposed setbacks and varying heights of the hospital have appropriate height transitions that are sympathetic to the adjoining properties.

The identified non-compliances to the height controls are located central or towards the north of the Hotham Road frontage. A noncompliance of 740 mm is located approximately 4 m from the dual occupancy dwelling to the north. The noncompliance extends to 1.7m further south on the proposed Hospital.

The non-compliance is not anticipated to increase the visual impacts on Hotham Road, and the design and massing of the project has considered the streetscape and adjoining properties throughout. No waterways or public reserves are located near the project.

e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones

The Department acknowledges that the site is surrounded by residential dwellings. The slope of the subject allotment towards President Avenue has allowed development mass to be located further

from the residential dwellings on both Hotham Road and Bidurgal Avenue. **Figure C 7** and **Figure C 8** show that suitable transitions have been designed to limit the impacts to residential buildings within the zone.

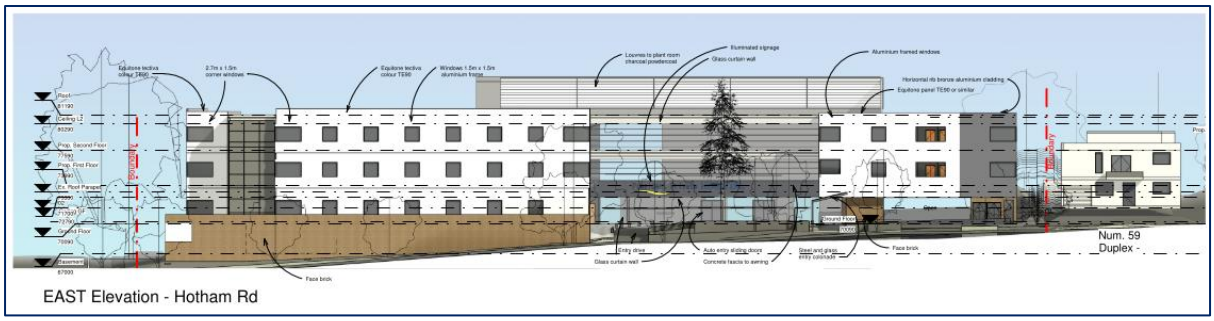


Figure C 7 | Proposed building elevation Hotham Road (Source: EIS(RFI) 2022)

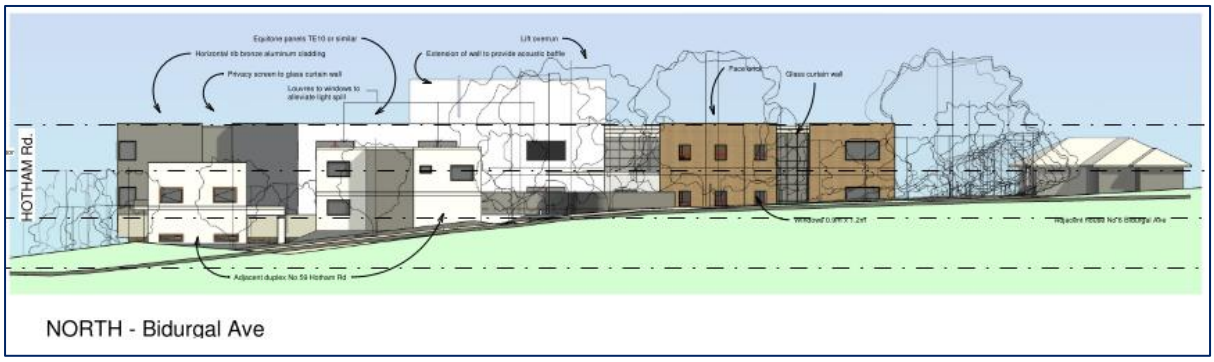


Figure C 8 | Proposed building elevation Bidurgal Avenue (Source: EIS(RFI) 2022)

f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential area

The Department is satisfied that the proposed height exceedances associated with the development would not result in an unacceptable intensification of the site. The proposed intensity of the built form would represent a more efficient use of space within the confines of the undulating site.

The Department considers that, on balance, the project would be sympathetic in both scale and character of the surrounding area, is respectful of the setting and scale of the locality whilst being compatible with the desired character in built form and materiality. The Applicant has sufficiently demonstrated that the proposed built form would not adversely impact the amenity currently enjoyed by the occupants of adjoining residential properties in terms of overshadowing, privacy or view impacts.

The Department considers that the Applicant's written request sufficiently demonstrates that compliance with the maximum height of buildings development standard is unnecessary and unreasonable in this particular instance, and that there are sufficient environmental planning grounds to justify the variation to the height control.

Floor Space Ratio and visual/amenity impacts

In addition to the request to vary the SSLEP height limit standard, the Applicant has submitted a clause 4.6 request to vary the maximum permitted FSR. A maximum permitted FSR of 0.55:1 applies

to the R2 zone area of the site. The proposed FSR in the R2 portion of the site is 1.16:1 which exceeds the development standard by 110%. Approximately 17% or 1572.5 sqm of the total GFA (9519 sqm) of the project is located on the R2 zoned land.

The objectives of the maximum FSR development standard (clause 4.4) in SSLEP are listed in the paragraphs below and a discussion is provided on each:

(a)to ensure that development is in keeping with the characteristics of the site and the local area,

The proposed alterations and additions to an existing hospital are not inconsistent with the current characteristics of the site and local area. The two lots subjected to the 0.55:1 FSR control are located to the north of the project. The Department considers the non-compliance in FSR to not impact the projects consistency with the local characteristics of the site or local area as the design of the development includes a transition to lower height and density towards the residential dwellings located on Bidurgal Avenue. As such, the department is satisfied that the non-compliance is not adversely impacting the characteristics of the site or locality.

(b) to ensure that the bulk and scale of new buildings is compatible with the context of the locality,

A combination of topography change, height and bulk transitions, sufficient setbacks and proposed landscaping will assist the proposed hospital alterations in limiting the impact on adjoining neighbours and complimenting the local context (see **Figure C 9** and **Figure C 10**). The application demonstrates that the project on the R2 zoned land is compatible with both the immediate and wider context.

Figure C 9 | Proposed building height in Bidurgal Avenue context (Source: EIS(RFI) 2022)

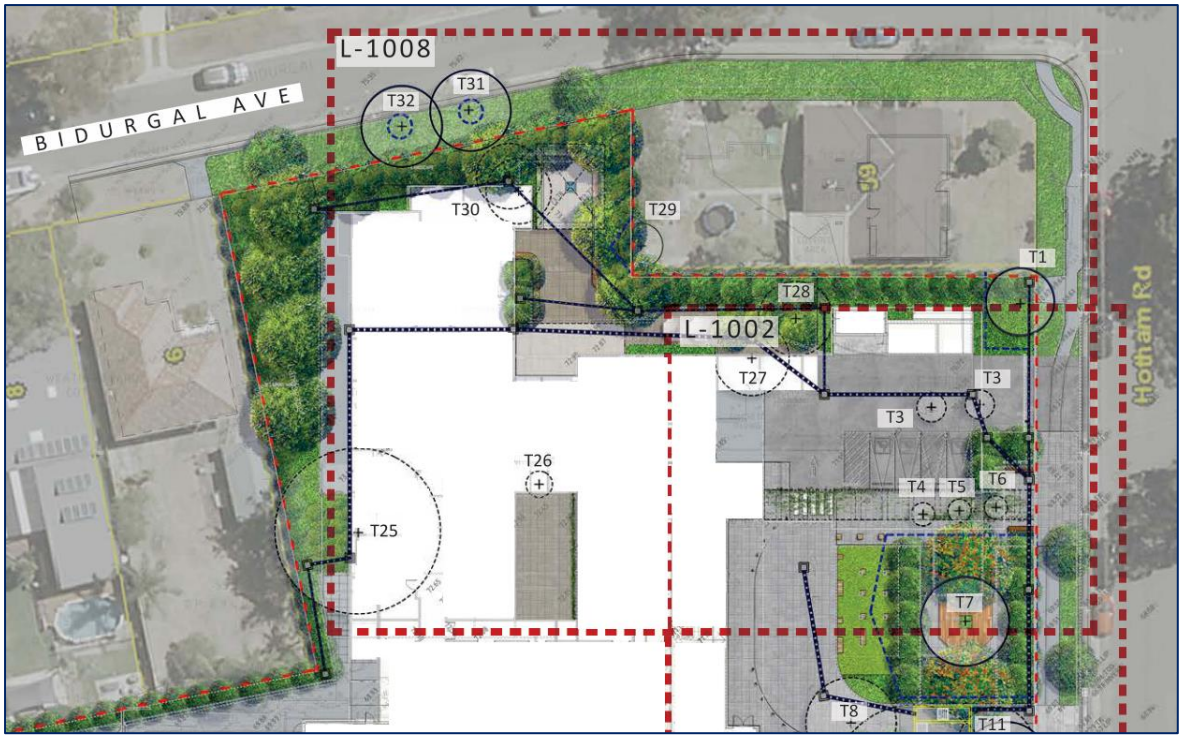


Figure C 10 | Proposed landscaping (Source: EIS 2020)

(c) to control development density and intensity of land use, taking into account—

- *the environmental constraints and values of the site, and*

The environmental constraints of the R2 zoned land have been assessed within the EIS and subsequent information submitted by the Applicant. Two relevant constraints are light spill and privacy. Both constraints have had specific design detail included to mitigate any significant impacts. The windows of the patient areas would be suitably screened for both privacy and light spill, as shown in **Figure C 11.** The Department is satisfied that the environmental constraints of the site are managed through design.

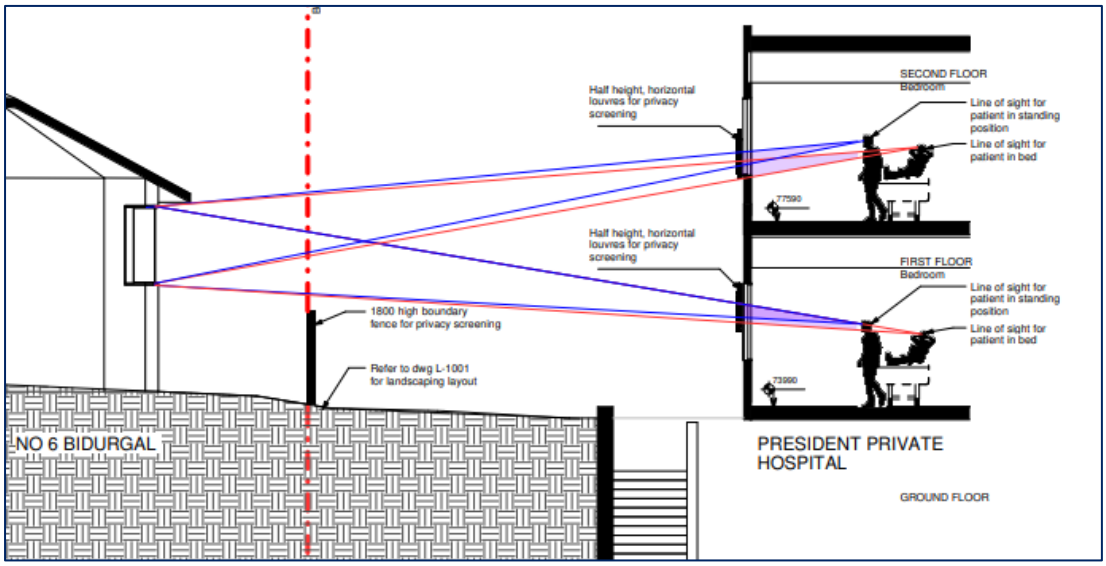


Figure C 11 | Sightlines from proposed building (Source: EIS(RFI) 2022)

- *the amenity of adjoining land and the public domain, and*

The project identifies suitable design elements, including low bollard and wall mounted lighting for security in addition to the above privacy and light spill louvers.

- *the availability of infrastructure to service the site, and*

The subject site, including the R2 zoned portion subject to the clause 4.6 variation request has sufficient access to infrastructure to service the project. The development would not reduce the availability of infrastructure within the R2 land.

- *the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate, and*

The Applicant has submitted a traffic assessment with the EIS and further information during additional information request and response to submissions. The Department is satisfied that the road network has sufficient capacity to accommodate the proposed vehicular and pedestrian movements.

- *the desirability of retaining the scenic, visual, and landscape qualities of the area.*

The Department is satisfied that the project would not significantly impact on the scenic, visual, and landscape qualities of the area as sufficient planting and design elements are included in the design.

The Department considers that, on balance, the Applicant's written request sufficiently demonstrates that compliance with the maximum FSR development standard is unnecessary and unreasonable in this particular instance, and that there are sufficient environmental planning grounds to justify the variation to the height control.

Summary

The identified variations to clause 4.3 and 4.4 of SLEP are both located on the R2 zoned portion of the subject allotment. The application, along with the clause 4.6 request, demonstrates that the development, including the variations sought are in the public interest because it is consistent with the objectives of the particular standard, and the objectives for development within the zone in which the development is proposed to be carried out.

The Department is satisfied the project is consistent with the R2 zone objectives within the SSLEP, as the development would provide improved services and facilities that meet the needs of the surrounding population.

As per clause 4.6(3)(a) and clause 4.6(3)(b) of the SSLEP, the Applicant's clause 4.6 variation has demonstrated that compliance against the identified FSR and height controls are unreasonable and unnecessary and there is sufficient environmental planning grounds to justify contravening both development standards.

As per clause 4.6(4)(a), the Department is satisfied that the development would be in the public interest as it consistent with the objectives of the height of buildings and maximum FSR controls, as well as the objectives of the development zone.

The project is sympathetic within its context, noting clause 2.60 of Transport and Infrastructure SEPP 2021 previously Clause 57 (1) of the State Environmental Planning Policy Infrastructure 2007 (ISEPP) makes the use of R2 land as Health Services Facility a permissible use, subject to the determining authority's assessment of the compatibility of the development with the surrounding land uses.

Both variations from development standard are supported by the Department for the reasons listed above, the design and impacts are appropriate within the immediate and wider context. The project implements numerous solutions to mitigated impacts on immediately adjoining neighbours, including privacy and light spill louvers and appropriate landscaping.

Appendix D – Recommended Instrument of Consent

The recommended conditions of consent can be found on the NSW Planning Portal as follows:

https://www.planningportal.nsw.gov.au/major-projects/projects/alterations-and-additions-president-private-hospital