

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD 9113 Prince of Wales Hospital Expansion Stage 1
Applicant	Health Administration Corporation
Consent Authority	Minister for Planning

Decision

The Executive Director under delegation from the Minister for Planning under has, under s.4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9113

A copy of the Department of Planning and Environment's assessment report is available at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9113

Date of decision

27/2/19.

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted with the development application and during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including \$358 million of capital investment and creation of 1,213 construction jobs and 260 operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Eastern City District Plan*;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions of consent are recommended to address key impacts, including built form design and its relationship to adjacent land uses, stormwater disposal, traffic and transport and construction impacts;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the recommended conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 30 August 2018 until 26 September 2018 (28 days) and received two submissions expressing community views, including one submission from the general public and a submission from Randwick City Council.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include built form, traffic, parking and noise. The one submission received from a member of the public raised objection to the compulsory acquisition of the site, however this is not a material planning consideration for the purposes of this assessment. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Built form and scale</i></p> <ul style="list-style-type: none"> ● Concerns regarding the built form and scale of the proposal and amenity impacts on Magill Street residents. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> ● Council raised concerns in relation to the bulk and scale of the development and its relationship with the low density, residential uses to the south. The Government Architect of NSW (GANSW) raised similar concerns and identified issues in relation to building orientation, façade composition, circulation and internal amenity of the emergency department, and overshadowing of Magill Street residences. The Department requested the Applicant reconsider the layout and orientation of the development, particularly due to the impacts on the Magill Street residents. ● As part of the RtS, the Applicant provided a response to the concerns raised. No design changes were made to the development, however additional justification and supporting documentation was provided. The Applicant advised that the building design including its siting, orientation and massing was largely defined by the need to maintain important clinical connections with the existing buildings on the eastern side of Hospital Road, and for this reason no amendments were made. ● Concerns were also raised by Council and GANSW that the proposed ASB would have a significant overshadowing impact on the residential properties to the south. The Department, in its consideration of the application has undertaken a detailed, hour by hour analysis of solar access to these properties. ● As a result of the location of the ASB being directly to the north of the Magill Street residences, overshadowing of the north facing windows and associated living rooms is inevitable. Due to the height and siting of the building, the overshadowing of the living spaces would be significant. ● The Department notes that at 13 storeys, the proposed ASB would be one of the taller and more prominent buildings in the immediate locality. However, the Department also recognises the changing nature of the area with the establishment of the Randwick Health and Education precinct and accepts the increased scale and density of the proposal to be reflective of modern institutional development in a metropolitan context. ● The Department considers that the built form of the development including its location on the site and orientation could be better resolved. However, it is accepted that the design of the development was driven by the need to locate the core of the ASB adjacent to the western boundary in order to provide essential connections to the existing buildings located on the Randwick Health Campus. ● The impact of the proposal on the dwellings along Magill Street is acknowledged. The overshadowing impacts on the living spaces would be significant and the overall height, bulk and scale of the development when viewed from the front of these properties would be visually dominant. Even so, the Department again notes that the establishment of the Randwick Health and Education Precinct, as supported by the NSW Government, Greater Sydney Commission and the Eastern City District Plan, requires development of an institutional form and density to service the growing needs of the community. Further, the Department recognises the development is constrained by the location of existing clinical facilities and the need to provide connections across Hospital Road, and the subsequent limitations in applying flexibility to the building design to mitigate the impacts on the Magill Street dwellings. On this basis, the Department considers that the public benefit of the proposal to deliver much needed hospital beds to meet increased demand for quality healthcare would offset any negative outcomes of the development on the Magill Street dwellings. ● The design of the building as it would present to Botany Street is supported, with the 'U' shaped footprint providing an articulated façade and welcoming central courtyard. The north, west and southern elevations comprise expansive, unarticulated facades driven by the building form which conforms to the clinical model adopted by NSW Health for the design of inpatient units. The Applicant provides that variations in the location of

glazed and solid elements can be varied from floor to floor to avoid an 'institutional' appearance and that the composition of the façade is grouped into bands of two or three storeys to improve the perceived scale of the building. The Department, noting that the materiality of solid elements is also limited to one colour, is concerned that the variation in glazed and solid elements is insufficient to break down the scale of the building and minimise visual bulk. As such, the Department, in consultation with GANSW, has recommended a condition of consent requiring the façade be further articulated and refined, and where possible shade glazing and reduce thermal gain.

Conditions

- Recommended conditions of consent include the requirement for façade amendments to alleviate the perceived bulk and scale of the development, and modifications to the loading dock wall to provide improved pedestrian amenity and minimise visual impacts on the Magill Street residents located opposite.

Noise impacts

- Construction and operational noise impacts on nearby residential dwellings.

Assessment

- Council raised concerns with construction and operational noise impacts on adjacent properties.
- Council does not support the proposed extended construction hours commencing at 6am.
- As a consequence of its detailed assessment of construction noise impacts, the Department agrees with Council's concerns and imposed a condition requiring that works start no earlier than 7am on weekdays and 8am on Saturdays.
- In terms of operational noise impacts, concerns were raised over the location of the proposed new emergency department and loading dock off Magill Street and the proposed opening of Magill Street to traffic. Helicopter noise was also raised as a concern.
- The Applicant responded by amending the proposal, whereby Magill Street will remain closed (except where access is required in emergencies) and limiting the use of the loading dock to between 7am and 6pm.
- The Department supports Magill Street remaining closed to through traffic at the eastern end as this will significantly reduce vehicle movements and therefore minimise noise impacts on the residential properties. Even so, it is evident that the worst case noise scenario arises from vehicles entering Magill Street from Botany Road and accelerating out of the ED driveway. As these movements will still occur, there remains potential for exceedance of the sleep disturbance criteria and sleep awakening levels to occur. Consequently, the Department recommends a condition of consent requiring additional modelling of traffic noise impacts on residential properties along Magill Street, and where sleep disturbance criteria is likely to be exceeded, acoustic attenuation measures are to be offered to the affected residents and installed at the cost of the Applicant. Following installation of acoustic attenuation, it is recommended that further monitoring be undertaken to test the adequacy of the measures.
- The Department accepts that the ambulance bay and the ED entrance and parking area would not exceed noise criteria. It is also acknowledged that the reduction in loading dock hours would also ensure its use would not exceed noise levels.
- In relation to helicopter noise, the Department notes that as advised by the EPA, it is not controlled by NSW legislation. It is recognised that the noise impacts on Catchment A and also on the existing hospital buildings would increase as a result of the proposed HLS by an estimated 10 to 15 dB(A). However, based on the number of existing movements and the expected increase in activity, there would be less than one movement every two days spread across three separate flight paths. On this basis, the Department considers the impact to be acceptable.

Conditions

- Recommended conditions of consent include: the requirement for the implementation of the submitted Construction Noise and Vibration Management Plan for the duration of construction activities; requiring operational noise monitoring of the ASB be undertaken to verify the predicted noise levels do not exceed the noise criteria; a limitation on the hours of construction to between 7am and 6pm Mondays to Fridays and between 8am to 5pm Saturdays. A condition of consent is also recommended providing for a respite period from all rock breaking, rock hammering, sheet piling, pile driving and similar activities.
- Noise monitoring of traffic on Magill Street is also recommended, as detailed above.

Traffic

- Management of construction traffic impacts
- Cumulative operational traffic impacts.

Assessment

- The Applicant submitted a preliminary Construction Management Plan (CMP) with the EIS which also included a preliminary Construction Pedestrian and Traffic Management Plan (CPTMP). The preliminary CMP anticipates the primary travel routes for construction vehicles will be along Avoca Street, High Street, Botany Street and Barker Street, with some vehicles also using Hospital Road. Access routes and the number of vehicles will vary throughout the various stages of construction.
- The preliminary CMP encourages construction workers to use public transport to access the site and therefore minimise traffic and parking impacts. However, it also provides options for construction worker parking including provision for approximately 100 parking spaces on the adjoining land to the north of the ASB site, and the establishment of a 'park and ride' strategy based out of Royal Randwick Racecourse to the northwest with a shuttle bus service provided to and from the site.
- TfNSW advised that a CPTMP and a Construction Worker Transportation Strategy (CWTS) should be developed in consultation with the Sydney Coordination Office and RMS, to ensure that construction traffic impacts are minimised and appropriately managed, including any cumulative construction impacts, and access arrangements. RMS also requested a CPTMP be provided and advised that construction vehicles should not use High Street without prior approval of the Sydney Coordination Office of TfNSW and RMS. Council requested that all construction trucks entering the site turn left into the site from Botany Street and all trucks exiting the site turn right into Botany Street and travel north to Alison Road, unless prior approval is provided in writing by Council.
- The Department has recommended conditions of consent requiring the Applicant to prepare and implement a CPTMP and CWTS, in consultation with Council, RMS and TfNSW (Sydney Coordination Office). Subject to approval and implementation of the CPTMP and CWTS, the Department is satisfied that construction traffic impacts will be appropriately managed.
- Council raised concerns in relation to the opening of Magill Street and the associated increase in traffic movements. Council noted that the SIDRA analysis indicated that the proposed opening of Magill Street would not result in any significant benefits on intersection performance and that its closure may negate the need to upgrade the Magill Street / Botany Street intersection.
- Following an assessment of the EIS and consideration of agencies and Council comments, the Department also raised concerns in relation to the opening of Magill Street. The Department noted that the SIDRA analysis provided in the TA included a comparison of the future LOS at the Botany Street / Barker Street intersection with Magill Street opened and closed, and the intersection would achieve a LOS C in both scenarios. On this basis, the Department requested the design be reconsidered.
- The Applicant in its RfS and supplementary information addressed comments provided by agencies and Council, and provided information directly to RMS to demonstrate the general warrants for the traffic control light were met. RMS responded in support of the intersection and provided recommended conditions of consent. RMS also noted that consideration should be given to implementing a 'no stopping' zone on Botany Street between High Street and Magill Street, with the exception of a bus stop, to support the proposed intersection.
- The Applicant also agreed to leave Magill Street as a closed road. The Applicant did however, request that the eastern end be fitted with removable bollards to provide emergency ambulance access should access not be available via Botany Street. A supporting letter was provided which advised that the closure of Magill Street would result in an additional 1,400 daily two-way vehicles re-routing via the Barker Street / Botany street intersection, however this intersection would continue to operate satisfactorily.
- The Department is satisfied that as assessed in the TA, the proposed ASB would not result in a significant traffic impact on the surrounding road network and all intersections would continue to operate satisfactorily. The most affected intersection at Botany Street / Barker Street would continue to operate at a LOS C, indicating capacity for future expansion of the precinct. The Department is also satisfied that Magill Street is to remain closed, which will reduce impacts on residents. The Department accepts the installation of removable bollards at the eastern end of Magill Street to allow for emergency ambulance access in the event that access from the west is unavailable.

Conditions

- Recommended conditions of consent include the requirement for the submission of details of the Magill Street bollards for the approval of the Planning Secretary including how they would be implemented operationally.

	<p>Conditions of consent are also recommended in line with agency and Council comments relating to the delivery of the intersection upgrades, preparation of a final GTP and a Travel Demand Strategy.</p>
<p>Parking</p> <ul style="list-style-type: none"> • Construction and operational parking requirements. 	<p>Assessment</p> <ul style="list-style-type: none"> • Council noted that no parking is proposed on the basis that parking demand would be accommodated by a modal shift to public transport (including the CSELR) and the implementation of a Green Travel Plan (GTP). Additional information was requested including details of the GTP to justify if the predicted increase in public and active transport would be sufficient to offset the forecast parking demand and if any additional parking demand could be managed without additional pressure on the existing road network. Further information was also requested to identify the need for on-site parking and a parking strategy for management of the existing parking on campus is to be investigated. The GTP should also include incentives to promote public and active transport, monitoring of performance and ongoing methods for improvement. • The Department has considered the Applicant's Traffic Assessment and supplementary information, and the submissions provided by Council. The Department recognises that the site benefits from good public transport connections and that further improvements to public transport are currently under construction in the vicinity of the site. The Department also acknowledges comments received from RMS and TfNSW did not raise concerns in relation to car parking and encouraged the implementation of a GTP. • Even so, the reliance on an 8 per cent travel mode shift to offset the additional parking demand for 406 parking spaces is significant. The Department is not convinced that the implementation of a GTP and the operation of the CSELR would be sufficient to achieve this offset. It is acknowledged that by limiting the availability of car parking on site, particularly for staff, there would be a natural shift to alternative means of transport. However, the Department considers that additional facilities should be provided to further encourage change. At a minimum, end of trip facilities and bicycle parking should be provided within the ASB site and as such, a condition is recommended requiring the inclusion of these facilities within the development. • The Department also supports the provision of bicycle paths around the site but notes the Applicant's comments in relation to connectivity and that bicycle routes should be developed on a precinct wide basis. The Department considers that as the main entrance to the hospital is located along Botany Street, the delivery of a shared path along this site frontage would be beneficial unless a precinct wide strategy is developed prior to operation that demonstrates alternative paths. On this basis, the Department has recommended a condition of consent requiring that prior to operation, the Applicant construct a shared path along the Botany Street frontage, unless a precinct wide strategy for bicycle routes is developed in collaboration with the RCA partners, in which case those pathways on, or adjoining the site, are to be delivered in accordance with the strategy. • As the effectiveness of the GTP, improved public transport, and provision of bicycle facilities to achieve the required travel mode shift across the entire hospital campus cannot be definitively determined at this time, the Department considers that some additional parking would be required to meet the demand of the ASB. In discussions with Council and the Applicant, it is evident that a precinct wide strategy for the delivery of car parking would be preferred, however the RCA partners are only in the early stages of preparing a masterplan for the area. <p>Conditions</p> <p>The Department has recommended a condition of consent requiring that prior to operation:</p> <ol style="list-style-type: none"> a) a parking strategy for the entire Randwick Health and Education Precinct be developed in collaboration with the RCA partners which includes measures to meet the parking demand for the ASB. b) if a precinct wide strategy as set out above is not delivered, the Applicant may demonstrate that parking demand has reduced following the opening of the CSELR and implementation of a GTP across the existing campus, thus negating the need for on-site car parking. c) should the requirements of neither a) or b) be delivered, temporary car parking is to be provided in the vicinity of the site for 216 vehicles to satisfy the parking demand of the ASB as calculated for 83 additional beds in 2022. The temporary car parking would be required to operate until such time as a permanent provision of car parking to meet the parking demand can be provided across the precinct in accordance with a precinct wide strategy.

	<p>The Department has also recommended conditions of consent requiring:</p> <ul style="list-style-type: none"> ○ the preparation of a final GTP with the objective to achieve a travel mode shift of 8 per cent across the campus in consultation with RMS, TfNSW and Council and inclusion of provision for regular updating and monitoring. ○ the preparation of a parking strategy to manage the existing car park on campus to increase efficiency particularly during shift changeover. ○ allocation 134 existing staff parking spaces to visitor parking.
<p><i>Bicycle infrastructure</i></p> <ul style="list-style-type: none"> ● Provision of cycling network and pathways. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> ● Council detailed that the proposal should incorporate a network of cycling routes throughout the hospital campus and recommended the inclusion of a separated cycleway along the north edge of the ASB site, construction of a bicycle lane and wider footpath along hospital road, a separated cycleway on Magill Street and Francis Martin Drive, and the provision of parking facilities in multiple locations along the ASB site. ● The Department considers that as the main entrance to the hospital is located along Botany Street, the delivery of a shared path along this site frontage would be beneficial unless a precinct wide strategy is developed prior to operation that demonstrates alternative paths. <p><i>Conditions</i></p> <ul style="list-style-type: none"> ● The Department has included a condition of consent requiring that prior to operation, the Applicant construct a shared path along the Botany Street frontage, unless a precinct wide strategy for bicycle routes is developed in collaboration with the RCA partners, in which case those pathways on, or adjoining the site, are to be delivered in accordance with the strategy.
<p><i>Stormwater and drainage</i></p> <ul style="list-style-type: none"> ● Management of stormwater impacts. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> ● The development requires the closure of Eurimbla Avenue and as a consequence, the diversion of the existing drainage system and overland flow path around the site. ● The drainage works associated with the diversion of the existing drainage system and overland flow path form part of a separate approval obtained under Part 5 of the EP&A Act. ● The application does seek approval for the internal drainage works associated with the construction of the ASB, including the construction of on-site detention and associated drainage lines to connect to the public system. ● In response to the EIS and the RtS, Council raised a number of concerns about the diversion of the existing drainage system and overland flow path, and requested conditions of consent in relation to those works. ● The Department understands that all drainage works associated with the diversion of the existing system and overland flow path that currently runs through the site, were approved under a separate planning pathway. Accordingly, outstanding issues in relation to the design of the system are to be resolved with Council under that approval. ● The Department must be satisfied, however, that overland flow will be managed during construction, and that the drainage diversion works are completed prior to the operation of the development to ensure the proposed system would operate satisfactorily. <p><i>Conditions</i></p> <p>The Department has recommended conditions requiring the following:</p> <ul style="list-style-type: none"> ○ prior to the commencement of above ground works, a strategy for the management of drainage and overland flow through and/or around the site during construction, is to be prepared in consultation with Council. ○ prior to operation, all drainage works associated with the diversion of the existing system and overland flow path be completed to the satisfaction of Council.

<p><i>Landscaping</i></p> <ul style="list-style-type: none"> • The landscape design should incorporate an interpretive use of an old culvert. • A planting plan and plant schedule is required. • Location of existing street trees to be retained to be provided. • Lighting strategy should be provided. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant provided greater detail Landscape Plans with a planting schedule as part of the supplementary information to the RtS. • The Department considers that overall, having regard to the constraints of the site, the proposed landscaping and public domain works would deliver a satisfactory outcome within the constraints of the site, subject to conditions. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • A condition is imposed requiring the tree species to be indigenous to the area. Also, a condition is imposed requiring the preparation of a street tree strategy in consultation with Council for the planting and initial maintenance of street trees around the site.
<p><i>Heritage</i></p> <ul style="list-style-type: none"> • The recommendations of the historic and aboriginal archaeological assessments should be incorporated as conditions of consent. • Photographic cataloguing of residences for demolition is requested. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • A Historical Archaeology Assessment (HAA) and Heritage Impact Statement (HIS) were submitted with the application. • The demolition of the residences on-site does not form part of the subject application. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions are imposed which require adherence to the recommendations of the HAA and HIS.
<p><i>Airport height restriction</i></p> <ul style="list-style-type: none"> • The proposal exceeds the Obstacle Limitation Surface. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • An aviation report was submitted with the application and the Commonwealth Department of Infrastructure, Regional Development and Cities issued a controlled activity approval for the penetration of the prescribed airspace. • CASA advises that they have no concerns. • The Department is satisfied that the height of the building would not obstruct flight paths associated with Sydney Airport. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department has included conditions requiring the existing and future helicopter operations to be reviewed and revised during construction works, and following completion of the proposed building. • The Department has also included a condition requiring the Applicant to provide details of the proposed helicopter flight paths to Council. This would allow Council to consider the need for appropriate airspace protections to facilitate ongoing helicopter operations at the site.
<p><i>Sustainability</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Council requested a number of additional measures be included in the development including photovoltaic systems, openable windows/louvres, and increased permeable areas. • The Department recommends a standard condition of consent in relation to the achievement of Ecologically Sustainable Development (ESD) measures. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • To ensure a 4 Star Green Star Rating is achieved, a condition is imposed requiring the development be designed and certified to this standard. • A condition is imposed for rainwater harvesting to be incorporated into the development for the irrigation of landscaped areas.