



**Planning &  
Environment**

**MAJOR PROJECT ASSESSMENT:  
Concept Plan for a High-Tech Holistic  
Cancer and Medical Hospital Facility –  
Life City  
Warwick Street, Berkeley  
(MP10\_0147)**



Secretary's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

May 2014

## ABBREVIATIONS

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CIV	Capital Investment Value
Department	Planning and Environment
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PPR	Preferred Project Report
Proponent	Delbest Pty Ltd
RCF	Residential Care Facility
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment

Cover Photograph: Proposed Concept Plan overlaid onto an aerial photograph of the site (Source: Preferred Project Report).

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## EXECUTIVE SUMMARY

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This application seeks Concept Plan approval to develop and operate a High-Tech Holistic Cancer and Medical Hospital Facility in the suburb of Berkeley, in the Wollongong Local Government Area. The site is owned by Delbest Pty Ltd. The project as depicted in the PPR would be developed over six stages and includes:

- a medical centre, day surgery, respite care centre and specialist rooms;
- a child care centre for 70 children;
- accommodation for patients, visitors of patients, nurses, medical students and resident medical officers totalling 24 'Medi' hostel rooms and 18 apartments;
- a 320 bed hi-tech holistic cancer and medical hospital facility;
- construction of the proposed Nolan Street access road;
- independent seniors living accommodation;
- a residential aged care facility and hostel;
- a holistic health care course suitable for a range of healing therapies (yoga etc.);
- 580 car spaces; and
- landscaping and native bushland regeneration works.

The proposal has a capital investment value of \$287 million and would create an estimated 2,300 full-time operational jobs and 200 construction related jobs.

The proposal was declared a major project under the repealed Part 3A of the Environmental Planning and Assessment Act 1979, being a hospital development valued at more than \$15 million. The Secretary's Environmental Assessment Requirements were issued on 26 October 2010, prior to the repeal of Part 3A. Accordingly, the project is a transitional Part 3A project and has been assessed against the provisions of Part 3A, as if it were still in force.

The Environmental Assessment (EA) was publicly exhibited from 6 March 2013 until 12 April 2013. A total of 17 submissions were received comprising 12 public submissions (11 objections, including a petition with 61 signatures, and one letter of support), and five submissions from Local and State government authorities. Wollongong City Council (council) objects to the proposal.

Issues raised in the submissions included: traffic and access; amenity of the surrounding locality; overdevelopment of the site; inappropriate land use in the E3 Environmental Management zone; proximity of the proposal to electricity transmission towers/easement; clearing of vegetation, excessive cut and fill and landslip; flooding; noise and dust; visual impact; and ecological issues.

In response to the issues identified during the exhibition period, the proponent submitted a Preferred Project Report (PPR) in October 2013. Key amendments made in the PPR included:

- a 15,251.91 sqm reduction in gross floor area of the project (equivalent to 25 per cent of the original floor area proposed) from 61,889.54 sqm to 46,637.63 sqm;
- a reduction in the overall scale of the proposal, including a reduction in the number of development Stages from 8 to 6;
- clarification of the access arrangements, whereby Warwick Street would only provide access to the Stage 1, with the Nolan Street access being constructed prior to the operation of Stage 2 and servicing Stages 2-6;
- relocation of proposed building footprints and site layout to avoid a regenerating Endangered Ecological Community (Illawarra subtropical rainforest) and removal of all proposed buildings from the ridgelines so that the development is no longer visible from residential areas to the south and east;
- reconfiguration of the Concept Plan layout so that the footprints of all the proposed buildings are now contained within the R2 Zone, with only a small portion of the seniors housing and the residential care facility being located within the E3 Zone; and

- a reduction in excavation from 78,191 m<sup>3</sup> of cut to 14,000 m<sup>3</sup> of cut.

The PPR was publicly exhibited from 13 November 2013 until 12 December 2013. A total of seven submissions were received comprising two public submissions in the nature of objections and five submissions from local and State government agencies. Issues raised in the public submissions included traffic and access. The submissions from the State government agencies indicated that their concerns identified in submissions to the EA have been substantially addressed by the PPR. The submission from council acknowledges the significant changes outlined in the PPR in response to previous issues raised by council. However, council still objects to the proposal and has a number of concerns including:

- the suitability of the site for the proposed development;
- the height of the proposed hospital and the visibility of the proposed development from nearby residential areas; and
- issues relating to the main access road through the E3 Environmental Management zone.

In assessing the proposed Concept Plan (as amended in the PPR), the department has identified the following key issues:

- ecological issues;
- height, bulk and scale;
- site suitability;
- access car parking and traffic; and
- residential amenity.

The department has assessed the proposal on its merits and is satisfied that the identified impacts have been addressed in the EA, PPR, the Statement of Commitments and the department's recommended terms of approval. It is therefore recommended that the Concept Plan be approved subject to the recommended modifications specified in the Instrument of Approval pursuant to the transitional provisions of the repealed Part 3A of the *Environmental Planning and Assessment Act 1979*.

In accordance with the Minister's delegation of 14 September 2011, the application is forwarded to the Planning Assessment Commission for determination as Wollongong City Council has objected to the proposal.



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## 1. BACKGROUND

### 1.1 Site Description

The site is located in the suburb of Berkeley within the Wollongong Local Government Area and is located approximately 11 km south of Wollongong town centre. The site is irregular in shape and has an area of 16.9 hectares, comprising the following allotments:

- Lot 4 in DP 258635;
- Lot 2 in DP 534116; and
- Lots 2 in DP 249814.

The F6 Southern Freeway adjoins the north-western boundary of the site. The rear boundaries of dwelling houses fronting Hopman Crescent adjoin the north-eastern boundary of the site. Residential development fronting York Street and Nottingham Street is located to the south and east of the site. The eastern boundary of the site adjoins council community land fronting Nolan Street (Lot 21 DP 1008877 and Lot 2 DP 860917).

Access to the site is available from the western termination of Warwick Street, close to the intersection of Warwick Street and Hopman Crescent. The location of the site is shown in **Figure 1**.



**Figure 1:** Project Location (Source: Planning & infrastructure GIS).

### 1.2 Site Features & Existing Development

The topography of the site varies from steeply sloping (10 to 20 degrees) to gently sloping (3 to 8 degrees) with no naturally flat land. A dominant vegetated ridgeline runs across the southern and western portions of the site forming a roughly north-facing 'amphitheatre' to the F6 Freeway. The



dominant vegetated ridgeline of the site is a high point in the locality and the site is visually prominent in the surrounding landscape.

Distant western views to the Illawarra escarpment and south-eastern views towards Lake Illawarra and coastal waters can be obtained from the ridgeline and high points of the site.

To the south of the dominant ridgeline, the site is vegetated and falls steeply to the rear of residential properties fronting York Street and Nottingham Street. To the north and west of the ridgeline, the land falls towards the F6 Freeway. The south-eastern portion of the site, including the ridgeline and high points of the site is densely vegetated. The remainder of the site is covered by grassland.

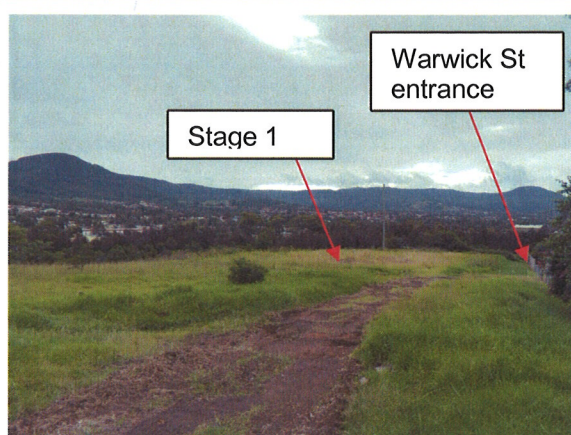
Electricity transmission towers are located on the ridgeline of the site and are contained within a 24 metres wide easement. With the exception of the electricity transmission towers, the site is undeveloped. There are no sealed roads on the site. There are a number of dirt tracks, including an informal unsealed access road linking the site with Nolan Street, in approximately the same location as the proposed access road. **Figures 2 to 5** below shows photographs taken across the subject site.



**Figure 2:** Looking south-west from the ridgeline over the central part of the site. The Unanderra Industrial Estate on the opposite side of the F6 is visible



**Figure 3:** Transmission towers on the site. Looking south-west along the main ridgeline.



**Figure 4:** Looking north-west towards the entrance of the site from Warwick Street and the site of the Stage 1 Buildings.



**Figure 5:** Looking south-west along the main ridgeline of the site, over the F6, towards the Illawarra Escarpment.

### 1.3 Surrounding Development

The site is located within the suburb of Berkeley and surrounding development is dominated by low density housing development. The Unanderra Industrial Estate is located to the west of the site on the opposite side of the F6 Freeway.

Nolan Street is classified as a sub arterial collector Road. Hopman Crescent and Warwick Street are local access roads. Berkeley West Public School is located on Nolan Street, approximately 1 km south-east of the site.

The Nan Tien Temple is located approximately 1 km to the north-east of the site. The northern shores of Lake Illawarra are approximately 2 km to the south-east of the site. A number of recreational areas, including the Berkeley netball courts and Macedonia Park are located within 2 km of the site.

### 1.4 Site History

The site has a history of rural land use prior to the construction of the F6 Freeway. In 1991 the site was purchased by Delbest from the then Roads and Traffic Authority. The site was rezoned R2 Low Density Residential and E3 Environmental Management as part of Wollongong Local Environmental Plan 2009.

## 2. PROPOSED PROJECT

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### 2.1. Project Description

Delbest Pty Ltd seeks Concept Plan approval to develop and operate the site for the purposes of a High-Tech Holistic Cancer and Medical Hospital Facility.

#### 2.1.1 Environmental Assessment (as exhibited)

The proposal as exhibited in the Environmental Assessment (EA) sought Concept Plan approval for a hospital development across 8 stages comprising the following:

- a medical centre, day surgery, respite care centre and specialist rooms;
- a child care centre for 70 children;
- ancillary on site accommodation for patients, nurses, medical students and resident medical officers;
- a library, lecture theatre, auditorium and conference facilities together with a 40 room hotel;
- a 320 bed hi-tech, tertiary teaching, referral, inpatient holistic cancer and medical hospital facility;
- construction of the proposed Nolan Street access road;
- independent senior's living accommodation in the form of 60 one, two and three bedroom apartments;
- a residential aged care facility and hostel with 167 beds to cater for dementia care, high care and low care;
- a 350 student healthcare technical high school; and
- an outdoor holistic health care course integrated into the broader landscaping of the site suitable for a range of healing therapies (yoga, meditation, reiki etc.), and containing outdoor structures for these activities.

The proposal had a gross floor area of 61,889.54 sqm and a total of 820 car spaces. The capital investment value was \$310 million.

Following the exhibition of the EA, the department advised the proponent that a number of issues required further consideration, and requested the submission of a Preferred Project Report (PPR). The main issues identified were in relation to: traffic and access; amenity of the surrounding locality; overdevelopment of the site; inappropriate land use/ development in the E3 Environmental Management zone; proximity of the proposal to electricity transmission



towers/easement; clearing of vegetation and development footprint within a regenerating Endangered Ecological Community (Illawarra Subtropical Rainforest); excessive cut and fill; landslide; flooding; construction phase noise and dust; and visual impact.

### 2.1.2 Preferred Project Report

The PPR was submitted on 28 October 2013 and responded to the issues identified by the department. The PPR also addressed community, council and public authority concerns identified in submissions on the EA. Key amendments made in the PPR included:

- a 15,251.91 sqm reduction in gross floor area of the project from 61,889.54 sqm to 46,637.63 sqm, equivalent to 25 per cent of the original floor area proposed;
- clarification of the access arrangements, whereby Warwick Street would only provide access to the Stage 1 medical centre, day surgery, respite care centre, and child care centre, with the Nolan Street access being constructed prior to the operation of Stage 2 and servicing Stages 2-6;
- a reduction in the overall scale of the proposal, including a reduction in the number of development stages from 8 to 6, achieved through deletion of the Stage 8 Healthcare Technical High School, removal of the convention centre, auditorium, library, and lecture theatre components from Stage 4 and combining the remainder of the original Stage 4 (i.e. ancillary accommodation) with the Stage 5 medi serviced apartments within one building known as the Stage 2 medi hostel and medi serviced apartments;
- relocation of proposed building footprints to avoid a regenerating Endangered Ecological Community (Illawarra subtropical rainforest);
- construction of the Nolan Street main access road in Stage 2;
- redesign of the site and building layout so that all proposed buildings are removed from the ridgeline and southern catchment of the site, and are now contained within the northern catchment, with buildings no longer being visible from residential areas to the south and east; and
- a reduction in excavation from 78,191 m<sup>3</sup> of cut to 14,000 m<sup>3</sup> of cut;

The project as outlined in the PPR would be developed over six stages and includes:

#### Stage 1

- A medical centre, day surgery, respite care centre and specialist rooms; and
- A child care centre for 70 children.

#### Stage 2

- 'Medi' Hostel and Serviced Apartments providing ancillary on site accommodation for patients, visitors of patients, nurses, medical students and resident medical officers totalling 24 hostel rooms and 18 apartments; and
- Construction of the Nolan Street access road.

#### Stage 3

- A 320 bed hi-tech, tertiary teaching, referral, inpatient holistic cancer and medical hospital; and
- Parking for 260 cars and six ambulances.

#### Stage 4

- Independent senior's living accommodation in the form of 60 x one, two and three bedroom apartments.

#### Stage 5

- A residential aged care facility and hostel with 139 beds to cater for dementia care, high care and low care.

#### Stage 6

- Use of the land for a holistic health care course suitable for a range of healing therapies (yoga etc.) and associated outdoor structures and parking.

The proposal would have a gross floor area of 46,637.63 sqm and a total of 580 car spaces would be provided. Landscaping works, including native bushland (Illawarra Subtropical Rainforest) regeneration would be undertaken across all stages.

When it is fully operational, the facility would employ approximately 2,300 full-time staff. It is anticipated that there would be a maximum of 200 people residing on the site at any one time. Additional staff would be employed to maintain the buildings and landscaping on the site. It is also expected that the project will generate 200 construction related jobs once development approvals are obtained for the various stages.

The various components of the Concept Plan are shown in **Figure 6**, on the next page.





**Figure 6:** The Concept Plan showing the location of the various components of the proposal, and vehicular access (Source: PPR).



## 2.2. Project Need and Justification

### **NSW 2021**

NSW 2021 is a 10 year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability, and strengthen local environments and communities.

The project is consistent with Goals 12, 19, and 28 of the Plan as it will:

- provide world class clinical health services;
- invest in critical infrastructure;
- protect the natural environment; and
- provide additional resources to assist the state of New South Wales to deal with major emergencies and natural disasters.

The aims of *NSW 2021* include improving urban environments and promoting sustainable development. In this regard, the proposal will contribute positively and strengthen the urban environment south of Wollongong through the provision of regionally significant health and education infrastructure. The development has been designed to be sustainable. A regenerating area of Illawarra Subtropical Rainforest Endangered Ecological Community is proposed to be avoided and enhanced. It is also proposed to remediate areas of the site which have been contaminated through previous uses and activities.

### **Illawarra Regional Strategy**

The Illawarra Regional Strategy sets the context for development in the Illawarra region towards 2031. The Strategy anticipates an additional 47,600 new residents and 30,000 new jobs by 2031.

The proposal will provide a world class hospital, together with a medical centre, and child-care centre. The facility will strengthen the role of Wollongong as a competitive regional city. The provision of self-care seniors housing will also provide additional housing choice and housing availability for the older demographic of the region's population, in close proximity to health-care services. The proposed concept is a unique private sector development, which will support job creation and address the need for increased local jobs. In this regard, the proposed Concept Plan is set to produce an estimated 2,300 full-time jobs.

The strategy indicates that the healthcare sector, including hospitals, medical centres, clinics, and aged care facilities, is a major employment generator in the region. The strategy anticipates that this sector will continue to grow to meet the changing needs of the region, such as the upgrade of Wollongong Hospital to a teaching hospital. The proposed hospital facility entails a medical education component and would be complementary to the existing and anticipated future role of Wollongong Hospital and the aims of the strategy.

Accordingly, the proposal is consistent with the Strategy and will assist in the provision of health infrastructure and the achievement of identified job targets.

## 3. STATUTORY CONTEXT

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### **3.1. Continuing operation of Part 3A**

Although Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) was repealed in October 2011, the project is classified as a "transitional Part 3A project" under Schedule 6A of the EP&A Act. This means the project will continue to be assessed and determined under the provisions of the former Part 3A of the EP&A Act.

### 3.2. Major Project

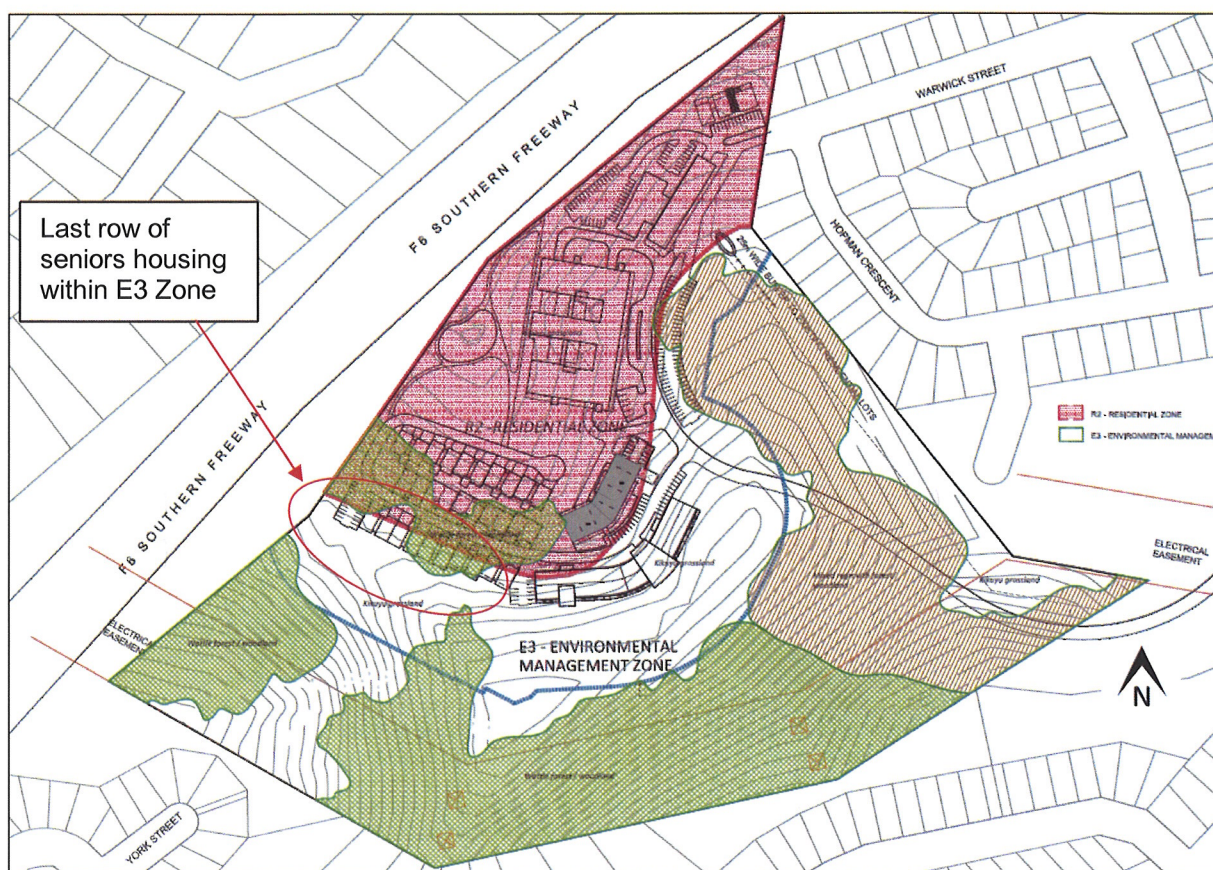
On 26 September 2010, the proposal was declared a Major Project under Part 3A of the EP&A Act, as it satisfied the nondiscretionary criteria applicable at the time, being a Hospital development with the capital investment value in excess of \$15 million. The Secretary's Environmental Assessment Requirements (SRs) were issued on 26 October 2010.

### 3.3. Delegations

In accordance with the Minister for Planning's delegation of 14 September 2011, the Planning Assessment Commission (PAC) may determine the application as council objects to the proposal.

### 3.4. Permissibility

The site is zoned R2 Low-Density Residential and E3 Environmental Management, under Wollongong Local Environmental Plan 2009 (WLEP 2009). Approximately 4.7 hectares of land within the site is zoned R2 Low Density Residential, while the remaining 12.2 hectares is zoned E3 Environmental Management. **Figure 7** overlays the existing land-use zones onto the proposed Concept Plan layout and indicates that the project layout is substantially contained within the R2 residential zone with the exception of the rear half of the last row of Stage 4 self-care seniors housing and the Stage 5 Residential Care Facility.



**Figure 7:** Existing land-use zones overlaid onto the proposed Concept Plan (Source: Boss Design).

The proposal could be broadly defined as a *hospital* in accordance with the definition contained within WLEP 2009, but contains a number of separately defined land uses, including *medical centre*, *child-care centre*, *respite day care centre*, *seniors housing*, *residential care facility*, *recreation area*, and *environmental protection works*. **Table 1** below indicates the location of these proposed uses within each of the two respective zones, together with an indication of the permissibility of the various uses.



**Table 1 – Land Uses and Permissibility**

Land Use	Use definition (WLEP 2009)	Land use zone	Permissible/prohibited
<b>Stage 1:</b> Medical Centre, day surgery, Child care centre, and Respite care centre.	<ul style="list-style-type: none"> <li>• <i>Medical Centre;</i></li> <li>• <i>Child-Care Centre; and</i></li> <li>• <i>Respite Day Care Centre</i></li> </ul>	R2 Low Density Residential	<i>Medical centre</i> prohibited. All other Stage 1 land uses permissible.
<b>Stage 2:</b> Medi Hostel and Medi Serviced Apartments	<ul style="list-style-type: none"> <li>• <i>Hostel</i></li> <li>• <i>Hospital</i> - "accommodation for nurses or other health care workers", and "accommodation for persons receiving health care or for their visitors".</li> </ul>	R2 Low Density Residential	Permissible
<b>Stage 3:</b> Hi-tech Holistic Cancer and Medical Hospital	<i>Hospital</i>	R2 Low Density Residential	Permissible
<b>Stage 4:</b> Self-Care Seniors Housing	<i>Seniors housing</i>	<ul style="list-style-type: none"> <li>• The lower 2 1/2 rows within R2 Low Density Residential</li> <li>• Rear half of the third row within E3 Environmental Management</li> </ul>	Permissible
<b>Stage 5:</b> Residential Care Facility	<i>Residential care facility</i>	E3 Environmental Management	Permissible under the provisions of the SEPP HSPD
<b>Stage 6:</b> Holistic Health Care Course	<i>Recreation facility (outdoor)</i>	E3 Environmental Management	Prohibited
Native Vegetation Regeneration	<i>Environmental protection works</i>	E3 Environmental Management	Permissible

Hospitals and land uses ancillary to hospitals are permissible in the R2 zone, as are seniors housing, the residential care facility and the medi hostel.

The proposed medical centre is separately defined in WLEP 2009. Medical centres are not listed in the R2 zoning table as either permitted with or without consent, and are therefore prohibited. The Concept Plan application provides scope for the assessment and approval of prohibited land uses. In this regard, hospitals, health consulting rooms and respite care centres are all listed as being permissible with consent within the R2 zone. Given that a hospital would reasonably be considered to have the potential for a similar or greater environmental impact than a medical centre, and that health consulting rooms and respite care centres have similar environmental characteristics to a medical centre, it is considered that the location of the medical centre within the R2 zone is acceptable on merit, notwithstanding the prohibition of the use.

Further, in the context of the Concept Plan, the proposed medical centre could reasonably be seen to be ancillary to the overall hospital facility use as a medical centre would sit comfortably within the WLEP 2009 definition of hospital, being an ancillary facility consisting of a day surgery, day procedures or health consulting rooms. Accordingly, while the proposed medical centre is prohibited in the context of Stage 1, in the context of the entire development the proposed use is considered complementary to the Life City concept as a whole.

The proposed Stage 6 holistic health care course satisfies the definition of recreation facility (outdoor) which is a prohibited use within the E3 zone. The holistic health care course would be integrated into the landscape planning for the site, and would contain outdoor areas and light weight ancillary structures to facilitate a range of outdoor healing therapies such as yoga, meditation and reiki. The use would not detract from the ability of the E3 to be landscaped and is considered to have merit.

The portion of the self-care seniors housing and residential care facility within the E3 Environmental Management zone are permissible under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, herein referred to as SEPP HSPD. The E3 Environmental Management Zone adjoins land zoned primarily for urban purposes, being the R2 zone. Dwelling houses are permissible within the E3 zone and therefore the proposed self-care seniors housing and the residential care facility (being uses defined by the SEPP HSPD) are permissible uses.

In summary, the hospital and other aspects of the proposal are either permissible under the provisions of either WLEP 2009 or the SEPP HSPD, or in the case of the medical centre and holistic health care course, acceptable on merit.

The Concept Plan provides for an internal road network, which includes an access road from Nolan Street to the site, through the E3 Environmental Management zone. 'Roads' are separately defined within WLEP 2009 and are permissible within the E3 zone. However, the access road is proposed to be constructed through council owned land, currently classified as 'Community Land'. For the road to be permissible, the council would have to undertake the reclassification of the land from community to operational.

### 3.5. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Secretary's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The department's consideration of the relevant SEPPs and other EPIs is at **Appendix D**. In this regard, the proposal is considered to be consistent with the intent of the relevant EPIs.

### 3.6. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5. The relevant objects are:

- (a) *to encourage:*
  - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
  - (iii) *the protection, provision and co-ordination of communication and utility services,*
  - (iv) *the provision of land for public purposes,*
  - (v) *the provision and co-ordination of community services and facilities, and*
  - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - (vii) *ecologically sustainable development, and*
  - (viii) *the provision and maintenance of affordable housing, and*

- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The objects under Section 5(a)(i), (ii), (v), (vi) and (vii) are relevant to the proposal. The Concept Plan provides a detailed level of planning for the development of the site. The development will provide social and economic benefits to the community and wider region.

The site sits within an urban context with residential areas located to the north, south and east. It has ready access to existing state infrastructure, including the F6 Freeway and its development will assist in maximising the benefits from this infrastructure.

The Concept Plan substantially avoids a regenerating area of Illawarra Subtropical Rainforest Endangered Ecological Community located in the north-eastern portion of the site, and provides for the restoration and ongoing environmental management of this community.

The public, and government authorities have been consulted on the proposal consistent with Section 5(c) of the EP&A Act, and submissions received have assisted in informing the department's assessment. The proposal is consistent with the relevant objects of the EP&A Act.

The proposal and the recommended Instrument of Approval include measures to mitigate any potential environmental impacts where not addressed by the PPR and Statement of Commitments. The proposal will provide wide-ranging local and regional community benefits and facilitate local employment, important community facilities and seniors housing opportunities. Accordingly, the department considers that the development is consistent with the principles of Ecologically Sustainable Development (ESD).

The department's consideration of relevant ESD principles is included at **Appendix D**. In this regard, the Concept Plan is considered to be consistent with the relevant ESD principles.

### **3.7. Statement of Compliance**

In accordance with section 75I of the EP&A Act, the department is satisfied that the Secretary's environmental assessment requirements have been complied with.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1 Exhibition of Environmental Assessment**

Under section 75H(3) of the EP&A Act, the Secretary is required to make the Environmental Assessment publicly available for at least 30 days. The EA was publicly exhibited from 6 March 2013 until 12 April 2013 (36 days). The documents were available on the department's website, and at the following locations:

- the department's Bridge Street Information Centre;
- the department's Wollongong offices; and
- Wollongong City Council's Customer Service Centre.

The department also advertised the public exhibition in the *Sydney Morning Herald*, the *Daily Telegraph* and the *Illawarra Mercury* on 6 March 2013 and notified landholders, and relevant State and local government authorities in writing.

A total of 17 submissions were received comprising 12 public submissions and five submissions from local and State government authorities. Wollongong City Council (council) objects to the proposal.



Of the public authorities only the Office of Environment and Heritage (OEH) and council raised concerns about the proposal detailed in the EA. The Roads and Maritime Services (RMS) indicated that it had no objection in principle. The Environment Protection Authority (EPA), the Rural Fire Service (RFS) and Sydney Water provided comments and recommended conditions of approval. Of the 12 public submissions to the EA, 11 objected (including a petition with 61 signatures) and one supported.

#### 4.2 Proponent's Preferred Project Report

On 28 October 2013, the proponent submitted a PPR in response to the issues raised by the department, public authorities and the community following the exhibition of the EA. The PPR presented a number of substantive amendments and was therefore publicly exhibited from 13 November 2013 until 12 December 2013 (30 days). Surrounding landowners were notified in writing. The PPR was also placed on the department's website. The various components of the PPR are detailed in **Table 1**.

A total of seven submissions were received comprising submissions from council and four State government agencies, together with two public submissions in the nature of objections. Issues raised in the public submissions included traffic and access. The submissions from the State government agencies indicated that the concerns identified in submissions to the EA have been substantially addressed by the PPR (Refer to **Appendix B** for copies of submissions).

#### 4.3 Public Authority Submissions

Of the four State government department submissions to the PPR, no objections were raised. The OEH supports the proponent's analysis and conclusions, but recommends that the proponent considers relocating the Nolan Street access road to a more highly disturbed location. The RFS and EPA recommend terms of approval.

Council acknowledges the significant changes that have been incorporated into the PPR in response to previous issues raised, including the reduction in scale and ancillary uses, improvements to the overall design and layout, reduced traffic volumes, reduced building heights, floor area, and excavation. Council acknowledges that these changes would generally lead to improved compatibility with adjoining land uses. Council also acknowledges that the PPR has reduced the disturbance of existing vegetated areas and that the development is now more aligned with the existing E3 Environmental Management and R2 Residential Zone boundaries. However, notwithstanding the acknowledged improvements, council raises a number of residual concerns and is unable to support the proposed Concept Plan.

The key residual issues expressed by council and the OEH are summarised, as follows, and detailed in **Table 2** below:

- The height and visual impact of the proposed buildings;
- The inappropriateness of the site, its isolation and limited access to transport services; and
- Concerns over the Nolan Street access road.

**Table 2 – Public authority submissions**

<b>Wollongong City Council</b> objects and raised the following residual issues
<ul style="list-style-type: none"><li>• The proposed 30 metres height of the hospital exceeds the applicable 9 metres height limit;</li><li>• The visual impact of the proposed buildings;</li><li>• The inappropriateness of the site, its isolation and limited access to transport services; and</li></ul>

<ul style="list-style-type: none"> <li>The Nolan Street access road has a steep grade and is in close proximity to dwellings and a high-voltage transmission corridor. The road will also require reclassification of community land together with an easement or purchase from council which is uncertain. If issues relating to the road design and acquisition remain unsolved, the proposal cannot proceed beyond Stage 2.</li> </ul>
<p><b>Office of Environment and Heritage</b> is supportive of the proponent's analysis and conclusions but recommends that the proponent consider relocating the Nolan Street access to a more highly disturbed location.</p>
<p>The following agencies did not object to the proposal subject to terms of approval (indicated in brackets):</p> <p><b>Rural Fire Service</b> (the bushfire protection measures recommended in the Bushfire Protection Assessment 12GOSBUS dated 29 November 2012 with regard to asset protection zones, access provisions, services, landscaping and emergencies/evacuation procedures shall apply to the amended building footprint).</p> <p><b>Environment Protection Authority</b> (contamination assessment, construction and operational environmental management plans, and construction dust and noise management).</p>
<p>The following agencies did not object to the proposal nor recommend terms of approval:</p> <p><b>Roads and Maritime Services</b></p>

#### 4.4 Public Submissions

A total of 12 submissions were received from the public to the exhibition of the EA, comprising 11 objections, including a petition with 61 signatures, and one letter of support.

Two public submissions were received in response to the exhibition of the PPR. Issues raised in the submissions to the PPR generally related to traffic volumes and vehicular access.

The key issues raised in public submissions are listed in **Table 3**.

**Table 3 - Summary of Issues Raised in Public Submissions**

Issue
Pedestrian safety and the loss of residential amenity resulting from increased traffic volumes in Warwick Street, Hopman Crescent and Nolan Street.
Traffic and access generally.
Construction/ excavation vibration, noise and dust, and heavy vehicle construction movements.
Visual impact of development on the existing vegetated ridgelines.
Site suitability/scale of the development out of character with the locality.
Loss of bushland/ vegetation and habitat destruction.
Insufficient on-site parking and inadequate public transport access.
Inappropriate development within the E3 Environmental Management zone

The department has considered all issues raised in the department and public submissions in its assessment of the proposal in **Section 5** of this report.

## 5. ASSESSMENT

The department considers the key environmental issues for the project to be:

- site suitability;
- ecological Issues;
- building height, urban design and the visual impact of the proposal;
- access, car parking and traffic; and

- residential amenity.

## 5.1 Site suitability

Council and public submissions on the EA objected on the basis of the site being unsuitable for the proposed development. Council's submission to the PPR reiterates this concern and indicates that the site is poorly located in terms of its isolation and limited access to transport and services, and indicates a preference for a more suitable location in the nearby centres of Berkeley, Unanderra and Warrawong.

However, the department considers that the site's proximity to and accessibility from the F6 Freeway is a key factor in the sites suitability for the proposed development. The local road network in the vicinity of the site can be accessed by both north and southbound traffic on the F6 via the on-off ramps at Northcliffe Drive (south of the site) and Five Islands Drive (north of the site). Public transport to the site is provided via bus route 34 which currently travels along Nolan Street at a frequency of 2-3 services per hour from 6.00 am to 8.30 pm, Monday to Friday. This service also operates on weekends and public holidays and provides access to and from Warrawong and Wollongong. Further, the statement of commitments indicate that the proponent will investigate the bus service provider (Premier Illawarra) the potential for the provision of a bus stop within the site and extension of existing bus route 34. The possibility of dedicating the Nolan Street access road as a public road to accommodate this bus route would also be investigated with Council. The proponent has also committed to the provision of a private minibus service for residents of the seniors housing development to provide increased accessibility for future occupants. This commitment has been reinforced by a future assessment requirement that would necessitate the implementation of the minibus service as part of any development application involving seniors housing. Accordingly, the department is satisfied that despite its out-of-centre location, access to the site is sufficient to facilitate and service the proposed development.

The relatively large size of the site (16.9 ha) and the fact that the land is not fragmented, but contained in a single ownership is also a factor in determining site suitability. The site is of sufficient size to accommodate the medical precinct, and there is no necessity for site amalgamation before this can occur.

Concerns in relation to the appropriateness of the scale of the development in the context of the surrounding low density residential environment and traffic volumes within Nolan Street and Warwick Street have been addressed by the amendments in the PPR. The reduction in scale and intensity of the project had the consequent effect of reducing traffic volumes so that they would be below the desirable environmental capacity for Nolan and Warwick Streets. This issue is discussed in detail under the heading of *Access, car parking and traffic*, in Section 5.4 of this report.

Council's submission on the PPR acknowledges the reduced scale and traffic volumes associated with the proposal and indicates that the revised master plan would generally lead to improved compatibility with adjoining land uses. The department therefore considers that the site is sufficiently accessible, compatible with adjoining land uses and is suitable for the proposed development as outlined in the PPR.

The department also notes that the presence of the regenerating Illawarra Subtropical Rainforest Endangered Ecological Community and the topography of the site provide general constraints to the development of the site, and the proposal provides a reasonable response to these constraints as discussed in Sections 5.2 and 5.6, below.

Accordingly, the department's consideration of issues relating to accessibility, traffic generation, relationship with adjoining residential users, and site topography indicate that the site is suitable for the proposed use.



## 5.2 Ecological Issues

### ***Illawarra Subtropical Rainforest Endangered Ecological Community***

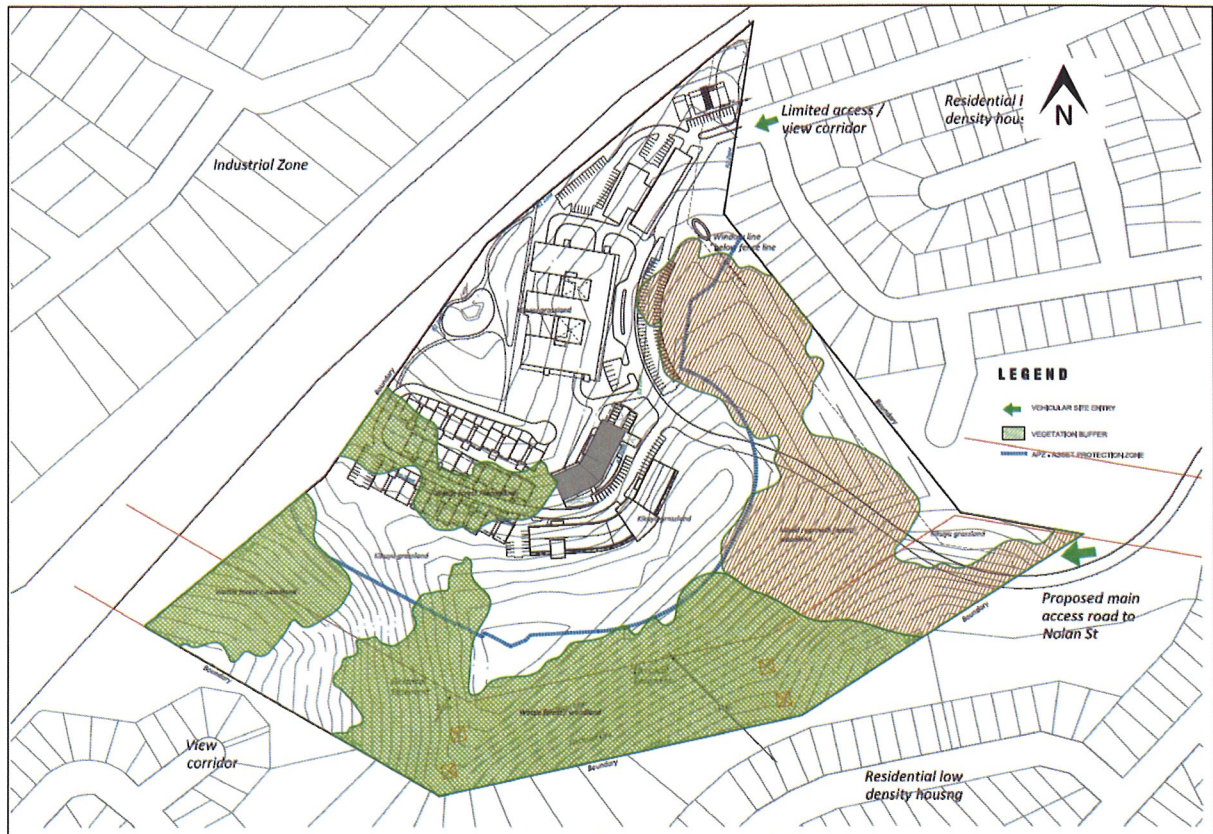
Submissions from council, the Office of Environment and Heritage (OEH) and the public objected to the original Concept Plan proposal on the basis of vegetation removal and habitat destruction. The submission from OEH to the EA identified a 9 hectare vegetation community in the north-eastern portion of the site as regenerating Illawarra Subtropical Rainforest (ISR) Endangered Ecological Community (EEC) and recommended that the layout of the Concept Plan be revised to avoid this area.

The department engaged an independent expert (Cumberland Ecology) to assist in its assessment of ecological issues arising from the proposal. Cumberland Ecology independently reviewed the proponent's flora and fauna study (the Cumberland ecology report is attached at **Appendix G**). Cumberland Ecology inspected the site and described the 9 ha vegetation community in the north-eastern portion of the site as a highly modified semi-natural vegetation community which contains rainforest elements and appears to be a low condition regenerating form of ISR EEC.

The PPR removed the building footprints from the EEC, with only the Nolan Street access road and part of the hospital building asset protection zone impacting on the EEC as shown in **Figure 8** below. It is proposed to offset the one hectare removal of vegetation with nine hectares of rehabilitated land. In its submission on the PPR, the OEH indicated that the proposed offset package is considered appropriate, but emphasised the importance of managing and permanently protecting the rehabilitated forest.

Despite accepting the proponent's offset package, the OEH has recommended that the proponent consider relocating the proposed Nolan Street access road so as to avoid impacts on the regenerating EEC area. However, it is not considered feasible to relocate the road to a more disturbed portion of the site further to the south, outside of the EEC area, due to the very steep topography of the land in this location. The proposed alignment of the Nolan Street access road also effectively balances the amenity impacts on the occupants of the dwelling at 25a Hopman Crescent (discussed in detail under the heading of *Residential amenity*, in section 5.5 of this report) and the impacts to the EEC that would result if the road alignment was moved further north outside of the regenerating ISR EEC.

Abandonment of the proposed Nolan Street access road and the use of Warwick Street as the sole ingress/egress to the site is also considered unacceptable given that the anticipated traffic volumes would be in excess of the environmental capacity of Warwick Street and Hopman Crescent. Nolan and Warwick Streets are the only feasible vehicular access connection points for the development given that the site is otherwise bounded by dwelling houses located on Hopman Crescent, York Street and Nottingham Street.



**Figure 8:** Existing vegetation communities on the site. The Mixed Regrowth Forest/Woodland, shaded brown is the regenerating ISR EEC. Approximately 1 ha of this 9 ha area is proposed to be removed to accommodate the access road from Nolan Street and the blue dotted asset protection zone.

The proponent has also committed to the preparation of a Vegetation Management Plan to guide the forest restoration, and is amenable to a bio banking agreement to ensure the management of the regenerating forest in perpetuity. In its review of the PPR, Cumberland Ecology also recommends the implementation of an appropriate conservation mechanism to ensure the permanent protection of the regenerating EEC together with the adoption of a management plan. Subject to the adoption of the recommended conservation mechanism and management plan, Cumberland Ecology indicates that the proponent's commitments would be adequate to offset the loss of areas of the EEC for the access road and asset protection zones.

Cumberland Ecology concludes that ISR is an EEC that is highly fragmented and poorly conserved in reserves. The improvement of a low condition ISR EEC will benefit the ecology of the site and the ecology of the wider locality by creating habitat for native species and fostering increased biodiversity. The implementation of a bio banking agreement to permanently conserve the EEC and the adoption of a vegetation management plan will ensure that the regenerating EEC is restored from a poor condition to a high quality example of this vegetation community.

The existing patch of low-grade ISR EEC is unlikely to naturally regenerate into a high quality example of this vegetation community without substantial intervention and ongoing management given the predominance of exotic species and noxious weeds such as Lantana. Accordingly, the proponent's commitments to restore and protect the regenerating EEC will deliver a public benefit to the community and the ecology of the locality, which would not have otherwise occurred in the absence of the proposed development.

Subject to the proponent's offset package and terms of approval ensuring the implementation of a bio banking agreement and the ongoing management and protection of the regenerating



forest, the department considers that the location of the access road within the area identified by the OEH as a regenerating ISR EEC is acceptable.

### **Habitat destruction**

Submissions from council and the public identified land clearing and habitat destruction as a concern. The site does not contain any fauna listed under the Threatened Species Conservation Act 1995. The vegetation community identified as regenerating ISR EEC has the highest native plant diversity and is proposed to be regenerated into a high quality example of this community. As such, the site will provide enhanced opportunities for native flora and fauna habitat.

### **5.3 Height, bulk and scale, and the visual impact of the proposal**

Submissions from council and the public identified the visual impact of the proposal as a key concern. The visual impact of the proposal was also identified by the department following its initial assessment of the proponent's EA.

The existing dominant vegetated ridgeline of the site is visually prominent in the landscape of the locality and is highly visible from residential areas located to the north, south and east of the site. The vegetated ridgeline, together with other vegetated hills and ridgelines in the vicinity of the site form a green backdrop to the Illawarra escarpment and are known as the 'Green Hills of Berkeley'. The department considered that location of buildings and roads on the dominant ridgeline as proposed in the EA would have resulted in an unreasonable impact on the visual amenity of the locality.

The amended proposal in the PPR removed all of the building footprints and roads from the ridgeline and is considered to have substantially addressed the concerns arising from clearing vegetation and the visibility of development located on the ridgeline. The PPR was accompanied by a revised visual impact analysis which demonstrated that the proposed development would no longer be visible in the distance from vantage points in residential areas located to the southwest and southeast of the site (refer to **Figure 10**).

The proponent's visual analysis and photomontages demonstrate that the proposed development would be visible primarily from the Unanderra industrial estate to the west, the Freeway and from the Warwick Street entrance.

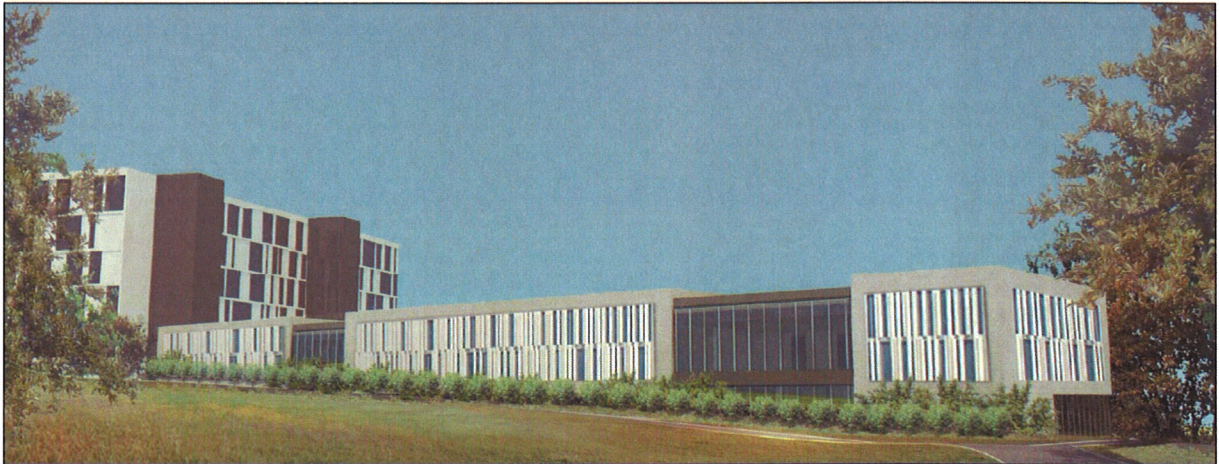
The PPR proposes a 15,251.91 sqm reduction in gross floor area of the project (equivalent to 25 per cent of the original floor area proposed) from 61,889.54 sqm to 46,637.63 sqm, compared to what was proposed in the EA. Notwithstanding this reduction in scale and reconfiguration of the master plan layout so that the footprints of all the proposed buildings are now below the dominant ridgeline, council's submission to the PPR reiterated its concern over the high visibility of buildings seen from Warwick Street and Hopman Crescent residential properties. The proposed 30.55 m high hospital building in a locality with maximum 9 m height limit was specifically identified as a concern.

The proposed single-storey child care centre and three-storey medical centre would be visible from some of the rear yards of properties on the southern side of Hopman Crescent together with properties close to the Warwick Street entrance of the site (refer to **Figure 9**). The proposed hospital building would also be obliquely visible from the Warwick Street entrance, together with the yards of the two residential properties on either side of the entrance. Council's submission to the PPR highlights that the proposal relies on vegetation to screen visual impacts and no emphasis has been given to ensuring suitable urban design/architectural outcomes.

The proposed regeneration of the Illawarra Subtropical Rainforest on the elevated land in the north-eastern portion of the site would screen all of the proposed buildings, with the exception of the Stage 1 buildings, from view from the rear yards of properties in Hopman



Crescent. The proposed Stage 1 medical centre and Stage 3 hospital would both be visible from two properties either side of the Warwick Street entrance of the site. With the exception of the single-storey (up to 7 m high) child care centre, all of the proposed Stage 1 buildings are in excess of 25 m from the nearest residential boundary on Hopman Crescent and Warwick Street. The child care centre is approximately 10 m from the closest residential property boundary on Warwick Street. Having regard to this separation distance and its single-storey residential scale, the proximity of the child care centre to residential properties on Warwick Street and Hopman Crescent is considered to be acceptable.



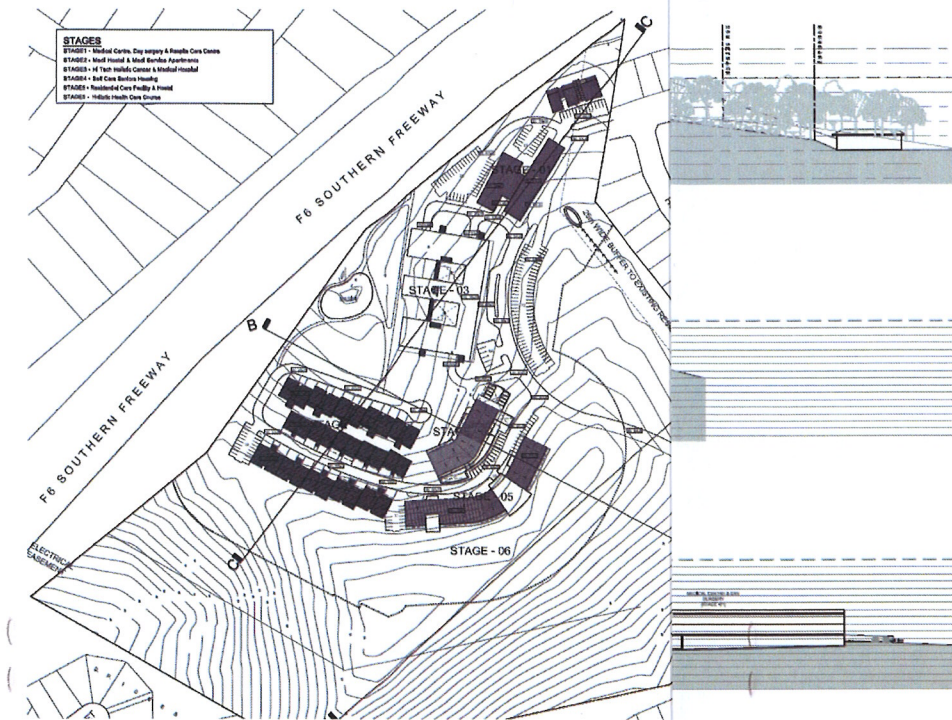
**Figure 9:** View of the Stage 1 Medical Centre, Day Surgery, Child Care Centre and Respite Care Centre from Warwick Street. The Stage 3 hospital building is partially visible on the left, behind the Stage 1 buildings.

The hospital building would be approximately 85 metres from the nearest Hopman Crescent residential boundary, at its closest point. The topography of this part of the site would also assist in mitigating the visual impact as the regenerated forest area would occupy the ridgeline separating the hospital from the rear yards of properties fronting Hopman Crescent. Having regard to the fact that this part of the site would form part of the 9 ha of managed forest land, subject to measures to ensure its continued protection and conservation, there is reasonable certainty that this vegetation will not be removed in the future. Accordingly, the department considers the proposed regenerated vegetation in this portion of the site to be a suitable screen to assist in the mitigation of any impact associated with the visibility of the proposal from residential properties on Hopman Crescent.

The 30.55 m high hospital building would only be obliquely visible from the Warwick Street entrance of the site, at a distance of more than 100 m. The proposed hospital and ancillary buildings would not be visible from residential areas to the south and the east of the site as they would sit below the dominant vegetated ridgeline of the site. The development would be highly visible from the freeway, where its conceptual architectural styling and urban design would readily identify it as a medical institution. The detailed design of buildings on the site will be articulated in future development applications for each stage, with due consideration given to the context of the building within the locality.

In summary, the visual impact of the proposal is considered to be satisfactorily addressed in the PPR. Where aspects of the proposed development would still be visible from residential areas, the degree of impact is not considered to warrant further modification of the proposed design and layout of the project.





View from Nottingham Street to the south of the subject site



View from the end of York Street to the southwest of the subject site

**Figure 10:** The Concept Plan and Sections and Photographs demonstrating that the proposed buildings would not be visible from residential areas to the southwest and the southeast.



## 5.4 Access, car parking and traffic

### Access from Warwick Street and Nolan Street

Access, insufficient on-site car parking and traffic volumes on the local street network (especially Warwick Street, Hopman Crescent and Nolan Street) were identified as issues in the two public submissions on the PPR. While it acknowledges the reduced traffic generation impacts, council's submission to the PPR reiterated vehicular access as an issue of concern. The department has considered these issues in detail below.

Two ingress/egress points are proposed – Warwick Street (**Figure 11**) and Nolan Street (**Figures 13** and **14**), together with a total of 580 car spaces within the subject development. Stage 1 will include the construction of the Warwick Street access and will serve the Stage 1 medical centre, child-care centre, respite centre and day surgery. It is proposed that the Nolan Street access will be constructed and implemented prior to the operation of Stage 2. Following the construction of Stage 2, the Warwick Street access will service only Stage 1, with no through access from Warwick Street to the remainder of the development, except emergency access. The proponent has indicated that this will be achieved through narrowing of the internal link road, varied road paving and restricted access signage. Stages 2-6 would be serviced by the main Nolan Street access.



**Figure 11:** Looking north-east along Warwick Street from the Warwick Street entrance. Hopman Crescent is on the left



**Figure 12:** Looking west towards along Hopman Crescent from the intersection of Hopman Crescent and Nolan Street. The vegetated high ground towards the end of the street is part of the site.



**Figure 13:** Looking south along Nolan Street from the intersection of Nolan Street and Hopman Crescent, towards the proposed entrance of the Nolan Street access road (indicated by the red arrow).



**Figure 14:** Looking north along Nolan Street towards the intersection of Nolan Street and Hopman Crescent (indicated by the red arrow).



### **Anticipated traffic volumes**

To assist the department in its assessment of this issue, ARUP independent traffic consultants were engaged to review the proponent's traffic impact assessments for both the EA and PPR. ARUP's review of the likely traffic impacts associated with the EA identified significant concerns in relation to anticipated traffic volumes exceeding the environmental capacities\* of both Warwick Street and Nolan Street. ARUP's final report is provided in **Appendix G**.

The PPR responded to this concern through a reduction in the number of stages and a significant reduction in the overall scale and footprint of the proposal. These amendments resulted in significant reductions in the anticipated volume of traffic generated by the proposal. ARUP's review of the PPR indicated that the traffic volumes associated with the revised Concept Plan were within the environmental capacities of both Warwick Street and Nolan Street, with the overall volume of traffic in Warwick Street (and adjoining Hopman Crescent) both below the 200 vehicles per peak hour/ 2000 vehicles per day maximum.

ARUP also concurred with the proponent's finding that the Nolan Street intersection will continue to operate satisfactorily in 2031 and that the construction of a roundabout at this intersection would not be required. ARUP's traffic review indicated Nolan Street had a capacity of 10,000 vehicles per day and that with the development of Life City, traffic volumes on Nolan Street would reach around 7400 -7800 vehicles per day in 2031. Accordingly, with the inclusion of the proposed development as outlined in the PPR, traffic volumes would still remain below 10,000 vehicles per day environmental capacity threshold in 2031. ARUP considers that the future (+18 years) traffic volumes generated by the development of the Life City proposal to be reasonable and acceptable for a road of the nature and function of Nolan Street. Similarly, ARUP's analysis of the SIDRA simulation models for the intersection of Nolan Street and the proposed Nolan Street access road show minimal queues (one vehicle or less) for vehicles turning right or left into the site from Nolan Street in peak hours. Queues for vehicles exiting the development onto Nolan Street are indicated to be no greater than around 23 m for 90 per cent of the time which is well within the storage length of the access road connecting the development to Nolan Street. ARUP indicates that these outcomes support the conclusion that a roundabout would not be required at the entrance of Nolan Street.

In summary, ARUP concluded that the revised proposal had appropriately addressed concerns arising from the development proposal outlined in the EA in relation to traffic generation, the environmental capacity of local streets, the site entrance at Nolan Street and on-site parking. ARUP considers that the traffic and transport planning arrangements for the revised proposal are sufficient and adequate and the traffic impact from the proposal can be accommodated by the existing and proposed transport infrastructure to acceptable standards.

The submission from the RMS on the PPR raised no objection in principle to the proposal and indicated that, given the reduced scale of the project, the overall impact of the development is reduced and that the proposal is unlikely to significantly impact on the classified road network. However, the submission indicated concerns regarding speeding in the vicinity of Berkeley West Public School on Nolan Street and indicated that the proponent should address the impacts of increased traffic along this section Nolan Street and consider upgrading the existing crossing facility at the school or southbound traffic calming facilities to help maintain safety during school times. Having regard to the findings of the ARUP review

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\* Roadway capacity is not solely measured in terms of vehicle throughput capacity. Traffic volume limits are necessary on minor roads as pedestrian safety is of primary concern, and noise is also an important factor. Traffic on any class of road has an impact on the amenity of an area, and the environmental capacity of local streets is an important consideration in planning for the range of uses, perceptions and attitudes to traffic impacts in a particular area. In this regard, ARUP considers that the desirable maximum (the environmental goal) for Warwick Street and Hopman Crescent would be 200 vehicles an hour for the peak periods or 2000 vehicles per day, and that the absolute maximum peak hour volume of traffic would be 300 veh/hr.

which concluded that the reduced traffic volumes associated with the amended Concept Plan were within the environmental capacities of Warwick and Nolan Streets, the department considers that RMS concerns regarding speeding on Nolan Street adjacent to Berkeley West public school would be more appropriately addressed by council as part of a strategic traffic management plan for the area, rather than a matter which is to be directly addressed by this development.

The traffic concerns identified in the two public submissions are considered to have been addressed by the PPR and the supporting Traffic and Transport Assessment Report prepared by GHD. With respect to the concerns raised in the public submissions regarding the traffic analysis placing too much emphasis on public transport usage and that without public transport usage traffic volumes would be much higher, it is noted within the GHD Traffic and Transport Assessment that the intersection analysis has been undertaken assuming no public transport to or from the development.

#### ***Uncertainty over the provision of the Nolan Street access road***

A portion of the access road from Nolan Street is required to be constructed over council owned land. The subject council land is legally described as Lot 21 DP 1008877 and Lot 2 DP 860917, and its location in relation to the subject site is indicated in **Figure 1**.

Construction of the road would require reclassification of council owned land from community land to operational land. This would also require acquisition from council or the attainment of an easement. The land reclassification process is uncertain and there is no guarantee that the reclassification would be supported by council, or that in the event of support being obtained that reclassification would be successful. Council's submission on the PPR identifies this uncertainty as a concern. If land reclassification and this access issue is not resolved, the proposal cannot proceed beyond Stage 2. Council has also indicated that utilising the Warwick Street access point for the entire five stages of the development in the event of the Nolan Street access road being unattainable would not be an acceptable outcome as it will result in unreasonable traffic volumes on the residential streets of Warwick Street and Hopman Crescent.

The department considers that this concern is capable of being resolved through the imposition of a future environmental assessment requirement in the recommended Terms of Approval. The proponent will be required to demonstrate that the council land required for the access road has been reclassified to operational, and that all of the required approvals have been obtained to enable the access road to be constructed. This will be required prior to the determination of the first development application for the construction of Stage 1 of the development.

In the event that the Nolan Street access remains unresolved, this future assessment requirement would prevent the entire development from proceeding. This is considered to be preferable to a scenario where the unresolved access would permit Stages 1 and 2 to proceed, but would prevent implementation of the main Stage 3 hospital building and subsequent stages. Having regard to the fact that the proposal was declared to be a Part 3A Major Project on the basis that it was a Hospital development with the capital investment value in excess of \$15 million, the department considers that the imposition of this future assessment requirement to be reasonable.

#### ***On-site car parking***

The public submissions identified inadequate on-site parking. However, the proposed total parking provision of 580 spaces would exceed the requirement of 558 spaces required by council's Development Control Plan. Parking is proposed to be provided for each stage. Bicycle, motorcycle and disabled parking are also provided in accordance with AS2890.6 and council's DCP. ARUP's review of the PPR considers the parking provision quantities and arrangements to be appropriate and the department concurs with this assessment.

## 5.5 Residential amenity

The amenity of the occupants of surrounding dwellings could be potentially impacted by construction phase noise and dust and vibration, and operational noise, including noise associated with vehicles using the Nolan Street access road. These potential impacts are addressed below.

### ***Construction phase noise and dust and vibration***

Public submissions on the EA identified construction phase impacts, including noise and vibration from excavation and heavy vehicle movements as issues of concern. The submission from the Environment Protection Authority (EPA) on the EA and the PPR indicated that the excavation and construction phases of the development have the potential to generate noise, vibration and dust emissions which could adversely impact on the amenity of nearby residential properties.

The EPA recommended that a detailed Construction Noise and Vibration Management Plan (CNVMP) be developed and completed prior to the commencement of any construction activities. In response to the EPA concern, the proponent has committed to the preparation of a CNVMP, which will be lodged with development applications for each respective stage of the development. The proponent also commits to the management of noise impacts in accordance with the EPA's Interim Construction Noise Guidelines. The preparation of an Air Quality Management Plan will address the excavation construction stages of the development to ensure that activities occurring in or on the premises are carried out in a manner that will minimise the generation of wind-blown or construction traffic generated dust from the site.

Despite the reduction in the level of excavation required for the project, the proposal will still generate significant truck movements as the proponent's geotechnical assessment indicates that much of the excavated material would need to be disposed off-site. To ensure that heavy vehicle movements associated with the construction and excavation phases of the project do not detract from the amenity of the locality, impacts associated with heavy vehicle movements will be required to be addressed by the proponent's CNVMP.

The proponent's geotechnical investigation identified proposed excavation in high to very high strength sandstone in Stage 4 and 5 areas as the main concern for potential impacts to adjoining residences. However, these areas are a significant distance away from existing residences (see **Figure 6**) and the impact of excavation would be minimal so long as the recommendations of the report are implemented. Where hard ripping or rock hammering would be required to remove high-strength rock in order to achieve required design footings, vibration, noise and dust pollution would occur and this would require appropriate management. In this regard, the recommended Terms of Approval require the proponent to develop a Bulk Earthworks Management Plan (BEMP) detailing excavation methods which minimise noise and vibration, together with the implementation of vibration and noise monitoring to be carried out during the excavation phase of each stage. The relevant future assessment requirement has been worded to enable the BEMP and the CNVMP to be subsets of the required Construction Environmental Management Plan.

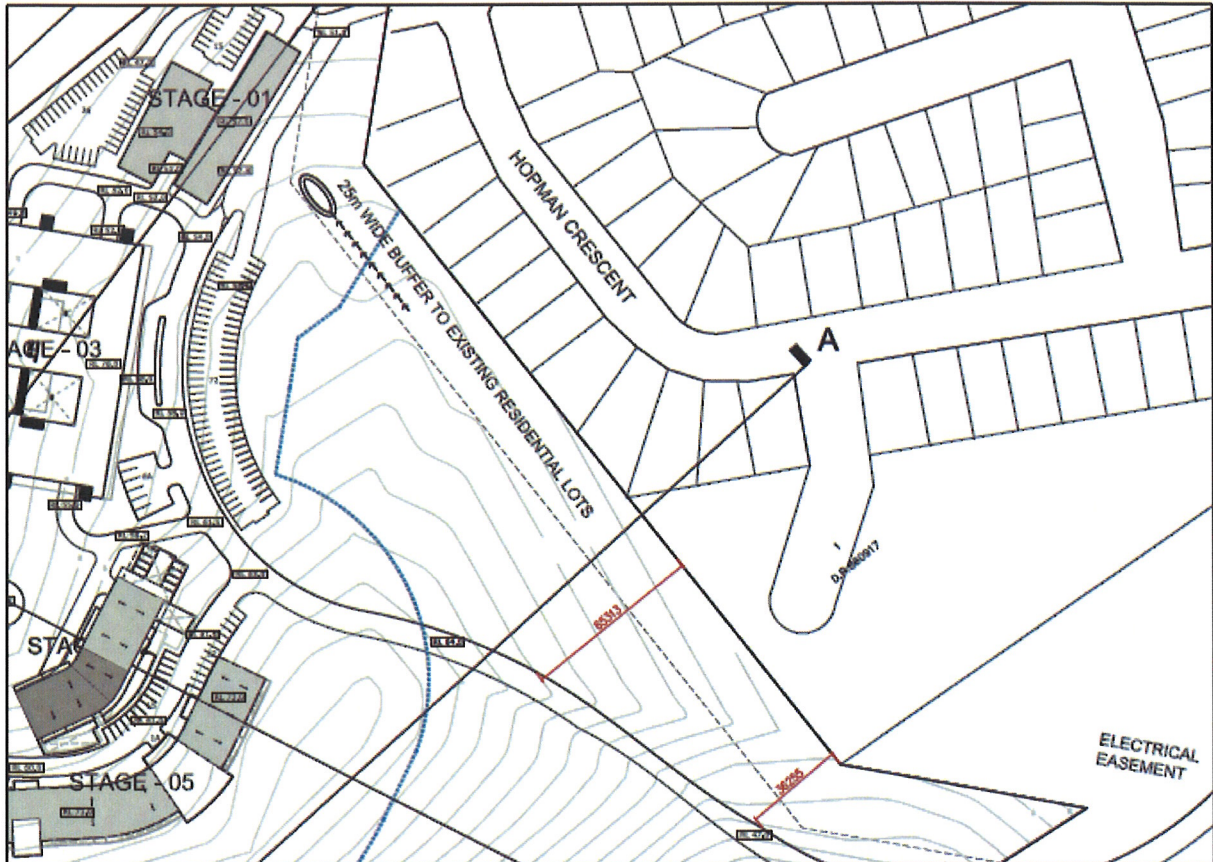
Subject to the adoption of the recommendations of the report by Network Geotechnics, and the adoption of the future assessment requirements recommended by SKM incorporated into the recommended Terms of Approval, the department is satisfied that the proposed excavation can be undertaken without any unreasonable impact on the amenity of surrounding residential dwellings.

### ***Operational Noise***

Council's submission on the PPR raised concern over the proximity of the proposed Nolan Street access road to residential dwellings. The closest dwelling to the proposed Nolan Street access Road is 25a Hopman Crescent (refer to **Figure 1**).



25a Hopman Crescent is a battle-axe block with the dwelling house located in close proximity to the rear boundary of the property which adjoins the subject site. The alignment of the proposed access road as depicted in the EA was approximately 10 metres from the rear wall of the dwelling house at 25a Hopman Crescent. In response to the department's concerns over the likely impact on the amenity of the occupants of 25a Hopman Crescent from noise emanating from vehicles using the access road, the PPR realigned the proposed access road so that it was a minimum of 36 metres from the rear boundary of 25a Hopman Crescent at its closest point, as indicated in **Figure 15**.



**Figure 15:** The proximity of the proposed access road to the rear boundary of 25a Hopman Crescent

The land either side of the access road is proposed to be regenerated into Illawarra Subtropical Rainforest, which would be the subject of a vegetation management plan and permanently protected. Further, the land between the access road is elevated and a ridgeline separates the proposed access road alignment from the dwelling house at 25a Hopman Crescent. Having regard to the likely traffic volumes of this access road, the topography of this part of the site, the minimum separation distance of 36 metres and the presence of managed and protected vegetation within the area of separation, the department is satisfied that the use of the access road would not give rise to any unreasonable noise impact on the amenity of the occupants of 25a Hopman Crescent.

Other aspects of operational noise relative to each stage of the Concept Plan would be addressed by the environmental assessment and conditions of consent of future Part 4 applications. The department is therefore satisfied that the proposal is unlikely to have an unreasonable impact on the residential amenity of the surrounding locality.

## 5.6 Other Issues

### 5.6.1 Contamination

The EA included a preliminary environmental assessment (phase 1) which indicated that asbestos material fragments were located in the area of the site where illegal dumping has occurred. These areas are mainly confined to that part of the site adjacent to the Warwick

Street entrance and throughout a previously filled area (1.5 metres in depth) south-west of the Warwick Street entrance, adjacent to the Freeway. The phase 1 investigation indicated that the site is assessed as having a low to moderate risk of potential contamination and that most of the potential contamination would be in the area of previous fill and upper layers of the site. The phase 1 assessment recommended that a phase 2 contamination assessment be conducted to further investigate potential contamination.

A limited phase 2 contamination investigation accompanied the PPR. A total of 22 borehole sampling locations were investigated for contamination. The bore holes were drilled in areas identified by the preliminary contaminated land assessment. Soil samples were collected from depths ranging from 0.05 m to 1.7 m. The soil samples were tested for a range of contaminants of concern (CoC's) including heavy metals, petroleum hydrocarbons asbestos and pesticides. Analysis of the collected samples indicated that no asbestos was detected and that the presence of other CoCs was below the National Environmental Protection Measure (NEPM) health-based investigation levels for residential use with garden/accessible soil.

The investigation notes that the proposed development includes excavation of previous fill and residual soils to expose rock over most of the area proposed for development, which would have the effect of removing any potential contaminants encountered. However, based on the analysis of the borehole samples, the potential for encountering contamination, including asbestos, is assessed to be low. Accordingly, the phase 2 investigation concludes that no further phase 2 contamination assessment is required, that the risk of site contamination is low, and that the site is suitable for the proposed development.

The EPA reviewed the proponent's phase 2 investigation and reiterated its recommendation that an accredited site auditor be engaged to verify the adequacy of the investigations and to ultimately issue a site audit statement certifying that the site is fit for its proposed use. This requirement is incorporated into the proponent's revised Statement of Commitments, dated 11 March 2014, together with the recommended Terms of Approval. Accordingly, the department is satisfied that the issue has been addressed satisfactorily.

#### **5.6.2 Geotechnical constraints and construction phase impacts**

Following the exhibition of the EA the department raised concern over the significant degree of cut and fill involved with the proposal. Concern was also raised over the feasibility of constructing the proposal in the context of a steeply sloping site with identified landslip issues and slope instability constraints.

The PPR responded to these concerns by reducing the proposed excavation and re-siting the proposed building footprints away from steeply sloping land. The net level of cut on the site was reduced from 78,191 m<sup>3</sup> previously proposed, to a net cut of 14,000 m<sup>3</sup>.

The PPR was accompanied by a detailed geotechnical investigation report involving analysis of 12 bore holes on the site, in the vicinity of the proposed building footprints and/or proposed deep excavation. The object of the investigation was to identify the underlying geotechnical conditions in the vicinity of proposed buildings to ensure that construction was feasible. The location of the 12 bore holes was identified in consultation with SKM, who were engaged by the department to undertake an independent review of the proponent's geotechnical reports.

The proponent's geotechnical investigation which accompanied the PPR concluded that, construction of the Concept Plan was feasible provided the recommendations of the report were carried out. The recommendations included requirements for further geotechnical investigation targeting footing design for proposed buildings, and where high retaining walls to support fill would be required. The SKM review supports the findings and recommendations of the proponent's revised geotechnical report. SKM's review concludes

that the current level of geotechnical information available for the site is now considered sufficient to enable adequate assessment to be made with regard to slope risk assessment, engineering design and environmental impact (noise and vibration) to nearby residences. Subject to future assessment requirements incorporated into the recommended terms of approval which adopt the conclusions and recommendations of the Network Geotechnics report, together with the recommended future assessment requirements provided by SKM, the department is satisfied that the proposal is feasible to construct.

## **6. CONCLUSION**

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The department has undertaken a comprehensive merit assessment of the proposal. The assessment has considered the proponent's Environmental Assessment and Preferred Project Report, together with submissions received from Wollongong City Council, State government agencies and the community.

The key issues raised in submissions relate to site suitability; ecological impacts; built form and visual impacts; access, traffic and parking; residential amenity; and construction phase noise and air quality. These issues have been addressed in the proponent's Preferred Project Report and evaluated by the department's assessment. Where these issues have not been satisfactorily addressed by the proponent, suitable modifications have been included within the recommended Terms of Approval to ensure that these issues can be mitigated to an acceptable standard.

The department has also considered the public benefits associated with the proposal. The proposal provides for various levels of health and aged care including a holistic cancer treatment hospital, self-care seniors housing, and a residential care facility. The department considers that these services are in the public interest and are consistent with NSW 2021 and the Illawarra Regional Strategy, which seek to promote the delivery of both critical health infrastructure and economic benefits for the region.

The department considers the site to be suitable for the proposed development and that the proposal is in the public interest. Consequently, the department recommends that the proposal be approved, subject to the recommended terms of approval.



## 7. RECOMMENDATION

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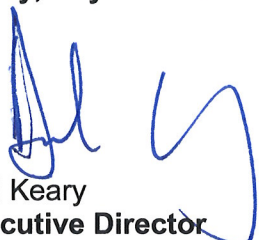
It is recommended that the Planning Assessment Commission, as delegate for the Minister for Planning:

- (a) consider the recommendations of this report;
- (b) **approve** the Concept Plan application under the repealed Section 75O of part 3A of the *Environmental Planning and Assessment Act, 1979*;
- (c) **sign** the attached Instrument of Approval (**Appendix E**).

Endorsed by:



David Gibson  
**Team Leader**  
**Industry, Key Sites and Social Projects**



7/5/14

Daniel Keary  
**A/Executive Director**  
**Development Assessment Systems & Approvals**