



Strategic Sites and Urban Renewal, Strategic Assessment

## Planning Assessment Report

### Application to Modify the Minister's Approval for the Royal North Shore Hospital Concept Plan

#### Major Project 06\_0051 MOD 1

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## 1 BACKGROUND

The Minister for Planning approved the Royal North Shore Concept Plan (MP 06\_0051) on 13 April 2007

The Concept approval (subject to modifications) allowed for:

- Subdivision of the site into hospital precincts and other development precincts.
- Consolidated hospital redevelopment within Precincts 1, 2 and 8.
- A maximum GFA of 178,370m<sup>2</sup> spread across the development precincts (Precincts 3, 4, 5, 6 and 7).
- A maximum GFA per precinct.
- Minimum and maximum GFA for residential and employment generating land uses.
- Broad land use distribution across the development precincts including provision of permanent and temporary accommodation.
- Conceptual road design, urban design, landscape, open space and heritage design concepts.
- Maximum height of building envelopes.
- Provision of car parking in accordance with relevant Council policies and standards.
- Improved amenities and services including financial contributions and works in kind towards open space and community facilities and dedication of certain public open space and road infrastructure.
- Staged reopening of Westbourne Street to through vehicular traffic.

Royal North Shore Hospital (RNSH) is an irregular shaped site of approximately 12 hectares, located at St Leonards approximately 4 kms north west of the Sydney CBD.

Its legal description is Lots 21 and 22 DP 863329 and Lot 102 DP 1075748.

It comprises two distinct components, being a private hospital to the north of Westbourne Avenue and a public hospital south of Westbourne Avenue.

The concept plan approval only relates to the public hospital component of RNSH.

The illustrative master plan and precinct identification are shown on the diagrams at **Tag A** and **Tag B**.

## 2 THE PROPOSED MODIFICATIONS

On 5 November 2007, Urban Planning Outcomes P/L, on behalf of NSW Health (the proponent) submitted a request for modification to the Royal North Shore Hospital Concept Plan seeking modification to conditions of the Concept Plan approval relating to public transport provision and the transport and accessibility plan. Both proposed Modifications arise from the PPP selection process currently underway to rebuild the hospital.

Three potential private sector proponents have submitted tenders for the redevelopment of the hospital and health related buildings (proposed on precincts 1 and 2 in the concept plan) via a PPP arrangement. These tenders are not dealing with redevelopment of the non hospital or non health related parts of the site, known as the "divestment lands". This land is located in Precincts 3, 4, 5, 6 and 7.

Each of the three proponents have submitted tenders which involve the hospital being rebuilt to the east of its current location. As such the hospital traverses the area shown on the approved concept plan and is located partially on Precinct 5. If approved this would unintentionally trigger existing conditions M9.1 and M10.1.

In addition each proponent proposes to rebuild the existing community health facility in its current location rather than incorporate it into the new hospital. Again this would, if approved, unintentionally trigger existing conditions M9.1 and M10.1.

Detailed transport, traffic and accessibility analyses will accompany the project applications and will reflect changes to the approved concept plan and the likely amendments to the approved concept plan once the preferred PPP partner is known.

This arrangement enables the project application for the hospital to proceed without delay while ensuring the final TMAP is based on this application and the broad land use, land types and GFA contained in any amended concept plan.

The Public Transport Provision condition proposed to be modified currently reads:

*M9 Public Transport Provision*

*M9.1 The proponent for development within Precincts 3,4,5,6 and 7 to enter into an agreement with the RTA, STA and MoT to facilitate provision of additional bus services and other public transport improvements within and surrounding the site. The final outcome shall accompany the first subsequent application for development within Precincts 3, 4, 5, 6 or 7".*

Under the approved Concept Plan, Precincts 3, 4, 5, 6 and 7 are intended to be used for non hospital uses such as employment, residential or temporary accommodation developed by the private sector. It is now intended that the community health component, presently located at the corner of Herbert and Eileen Streets (in Precinct 5) will be retained in this position and not located in the hospital precincts (Precincts 1 and 2).

As such the current requirements under Condition M9.1 could be unintentionally triggered. Therefore the proposal seeks to modify the condition as follows:

*M9 Public Transport Provision*

*M9.1 The proponent for **non hospital or non health related** development within Precincts 3,4,5,6 and 7 to enter into an agreement with the RTA, STA and MoT to facilitate provision of additional bus services and other public transport improvements within and surrounding the site. The final outcome shall accompany the first subsequent application for **non hospital or non health related** development within Precincts 3,4,5,6 or 7".*

The Transport and Accessibility Plan condition proposed to be modified currently reads:

*M10 Transport and Accessibility Plan (TMAP)*

*M10.1 A TMAP shall be submitted to and approved by the Director –General prior to or concurrent with lodgement of any subsequent application for development (excluding the approved demolition and preparatory site works to ground level).*

The existing condition unintentionally precludes the efficient delivery of the hospital and community health facility in the manner now proposed. The time required to prepare the TMAP and the revised delivery proposal for the hospital [ie retaining the existing building while rebuilding a new facility further east] warrants refinement of the current wording to allow this to occur.

Therefore the proposal seeks to modify the condition as follows:

*M10 Transport and Accessibility Plan (TMAP)*

***Modification M10.1: A detailed transport, traffic and accessibility study shall be submitted to and approved by the Director-General prior to or concurrent with the lodgement of any project application for development of the acute hospital and/or community health building. This study shall contain sufficient detail to allow it to be used as part of the TMAP for the site.***

***Modification M10.1a: A TMAP shall be submitted to and approved by the Director – General prior to or concurrent with lodgement of any subsequent project application for development (excluding the approved demolition and preparatory site works to ground level, the development referred to in 10.1 above and minor work ancillary to the development in 10.1 above).***

A copy of the submissions from Urban Planning Outcomes P/L is attached at **Tag C**.

### **3 ASSESSMENT PROCESS**

The approval for Major Project 06\_0051 was granted in accordance with Part 3A of the Act Section 75J Clause (2).

Section 75W(2) of the Act provides that a proponent may request the Minister modify his approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval.

The proposed modifications (as listed above) seek to change the terms of the Minister's determination through amendments to the approved conditions and the Minister's approval is required.

Section 75W (3) of the Act provides the Director-General with scope to issue environmental assessment requirements (DGRs) that must be addressed before the consideration by the Minister. DGRs have not been issued for the modification due to the minor scale of the proposed modifications.

Section 75W(4) of the Act gives the Minister the authority to modify the approval (with or without conditions) or disapprove the modification. On 7 June 2007 the Minister's powers and functions under Section 75W of the Act were delegated to the Executive Director, Strategic Sites and Urban Renewal Division of the Department of Planning.

However the delegation may only be used where:

- the CIV of the development the subject of the modification request is less than 50% of the CIV of the project as originally approved;
- there are fewer than 10 submissions from the general public in respect of the request to modify; and
- the modification does not increase the approved combined GFA of all buildings or the approved maximum height of any of the buildings.

Following consideration of the proposed modification (see below), the Department recommends the modification be approved under the delegation of the Executive Director, Strategic Sites and Urban Renewal.

#### 4 CONSULTATION AND EXHIBITION

Modifications are not required to be publicly exhibited, although pursuant to Section 75X(2)(f) of the Act the Director-General is required to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

The following authorities and agencies were also notified of the proposed modification – Ministry of Transport (MoT), RTA, Railcorp, Sydney Buses and North Sydney Council.

Submissions were received from MoT, Sydney Buses and RTA.

The RTA raised no objection to the modifications provided a Traffic and Transport Plan is required as part of the Director-Generals requirements for the Project Applications for the hospital.

Sydney Buses (SB) objected to the modifications. SB considered that "any proposed facilities should have input from all traffic and transport agencies prior to any construction work".

MoT also objected to the modifications. MoT strongly indicated that any delay to aspects of transport planning for the site "would jeopardise positive environmental and social outcomes. Moreover, transport planning must be undertaken to *inform* development for the *whole* site before project applications are submitted"

#### 5 CONSIDERATION OF PROPOSED MODIFICATIONS

Both proposed Modifications seek to deal with matters arising out of the PPP selection process outlined above in Section 2.

The modifications allow the delivery of the hospital redevelopment to proceed in a commercially acceptable manner by removing the need for a full TMAP to be prepared and approved before the hospital and/or community health building project application is lodged (and revised concept for the divestment lands prepared and submitted for approval).

Detailed traffic and accessibility analyses will still be done and submitted prior to or concurrently with the project applications for the hospital and /or community health building. These analyses will form part of the subsequent TMAP for the entire site to be submitted with future project applications.

While it is reasonable to not require "agreement" to public transport provision as currently set out in the current Condition M9.1, means to facilitate public transport use in any hospital redevelopment is important. Therefore an addition sentence should be added to the end of the proposed modification of Condition M9.1 to read:

"Any application for health related development shall detail arrangements to facilitate public transport use".

## 6 CONCLUSION

It is considered that the proposal, as modified, still achieves the same objectives as the originally approved Major Project 06\_0051 and does not alter the overall nature, need or justification of the Concept Plan.

## 7 RECOMMENDATION

It is recommended that the Executive Director, Strategic Sites and Urban Renewal (as delegate of the Minister for Planning), under Section 75W of the Act, approve the modifications as detailed in Section 5 of this Report and in doing so sign the attached Modification Approval identifying the revised modifications (**Tag D**).

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Endorsed:



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Approved:



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31/1/08



