

***Extension of Kareena Private Hospital
86 Kareena Road, Caringbah
Proposed by Ramsay Health Care
MP08_0169***

Director-General's Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

May 2009



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EXECUTIVE SUMMARY

This is a report on an application by Ramsay Health Care Ltd (the Proponent) seeking approval for a concurrent Concept Plan and Project Application pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act) for the expansion of the Kareena Private Hospital. The expansion is proposed to meet the ongoing demand for specialist hospital facilities in the Sutherland Shire and the broader Sydney Region.

The Project Application includes the following works:

- the extension of the existing hospital to increase accommodation by 67 beds;
- the upgrade of the rehabilitation department to accommodate a gymnasium and hydrotherapy pool facility;
- a new part underground and ground level car park providing an additional 29 car parking spaces increasing the total car parking on site to 127 car parking spaces;
- the upgrade to air conditioning system and building plant;
- improved pedestrian access and circulation throughout the hospital including new pedestrian access from the Kingsway in the south-eastern corner of the site;
- new building identification signage; and
- associated works including landscaping, fencing and services augmentation (including a new substation).

The capital investment value of the proposal is estimated at \$24.7 million.

The proposed works will be constructed in one development stage. The Proponent has estimated that the development will generate approximately 175 construction jobs.

The proposed car park expansion is located in part on Lot 26 DP 21004 which is currently zoned *Zone 4- Local Housing* under Sutherland Shire LEP 2006. Medical facilities are prohibited in this zone under LEP 2006.

The Concept Plan application seeks to expand the hospital uses onto Lot 26 DP 21004. As the site is not "environmentally sensitive land of State significance" or in a "sensitive coastal location", Section 75O(3) of the Act enables the Minister to approve this application despite the prohibition under the Council LEP.

The Proposal was exhibited for a period of 30 days from 28 January 2009 to 27 February 2009. During the exhibition period, The Department received a total of 15 submissions comprising 12 public submissions and 3 submissions from government agencies, being Sutherland Shire Council, NSW Roads and Traffic Authority and the Ministry of Transport.

The key issues raised in submissions relate to traffic and parking, building bulk and scale, operational noise and construction impacts.

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed via the Proponents Statement of Commitments and the Departments recommended conditions, which include:

- the preparation of detailed Construction Management Plan which includes a specific requirement to maximise the availability of on-site parking for patients, visitors and staff during all construction stages to minimise impacts on the surrounding street network;
- the preparation of a Carpark Management Plan to maximise the availability of on-site parking for the visitors and patients to the Hospital and restrict on-site parking unrelated to hospital use;

- the restricted use of the southern and eastern sections of the carpark during evening hours to ameliorate potential noise and light nuisance to neighbouring residential development;
- the resolution of façade material colour for the new southern building extension to ensure better integration with the existing hospital and to reduce it's visual prominence in the streetscape; and

On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide social and economic benefits to the regional. All statutory requirements have been met.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	iii
TABLE OF CONTENTS	v
1 BACKGROUND.....	1
1.1 Site Location	1
1.2 Surrounding Development.....	3
1.3 Other Applications.....	3
2 PROPOSED DEVELOPMENT	4
2.1 The Proposal.....	4
2.2 Statement of Commitments.....	5
3 STATUTORY CONTEXT.....	6
3.1 State Environmental Planning Policy (Major Projects) 2005	6
3.2 Permissibility	6
3.3 Environmental Planning Instruments (EPIs).....	6
3.4 Objects of the Environmental Planning and Assessment Act 1979	6
3.6 Director-General's Report.....	7
4 CONSULTATION AND ISSUES RAISED	8
4.1 Public Exhibition	8
4.2 Submissions.....	8
4.3 Public Submissions.....	8
4.4 Government Agency Submissions.....	8
5 ASSESSMENT	10
5.1 Car parking and traffic impacts	10
5.5 Building Design	11
5.6 Amenity impacts	12
5.7 Construction Impacts	14
5.8 ESD Principles	14
6 CONCLUSION.....	16
APPENDIX A. INSTRUMENT OF APPROVAL.....	17
APPENDIX B. ENVIRONMENTAL ASSESSMENT	18
APPENDIX C. PUBLIC AUTHORITY SUBMISSIONS.....	19
APPENDIX D. SUBMISSION SUMMARY	20
APPENDIX E. ENVIRONMENTAL PLANNING INSTRUMENTS	21

1 BACKGROUND

1.1 Site Location

Kareena Private Hospital is located at 86 Kareena Road, Caringbah on the north-eastern corner of the junction with The Kingways. Caringbah is located in the Sutherland Shire local government area. The site has an area of approximately 9,600sqm and is the ownership of the Proponent, Ramsay Health Care Ltd.

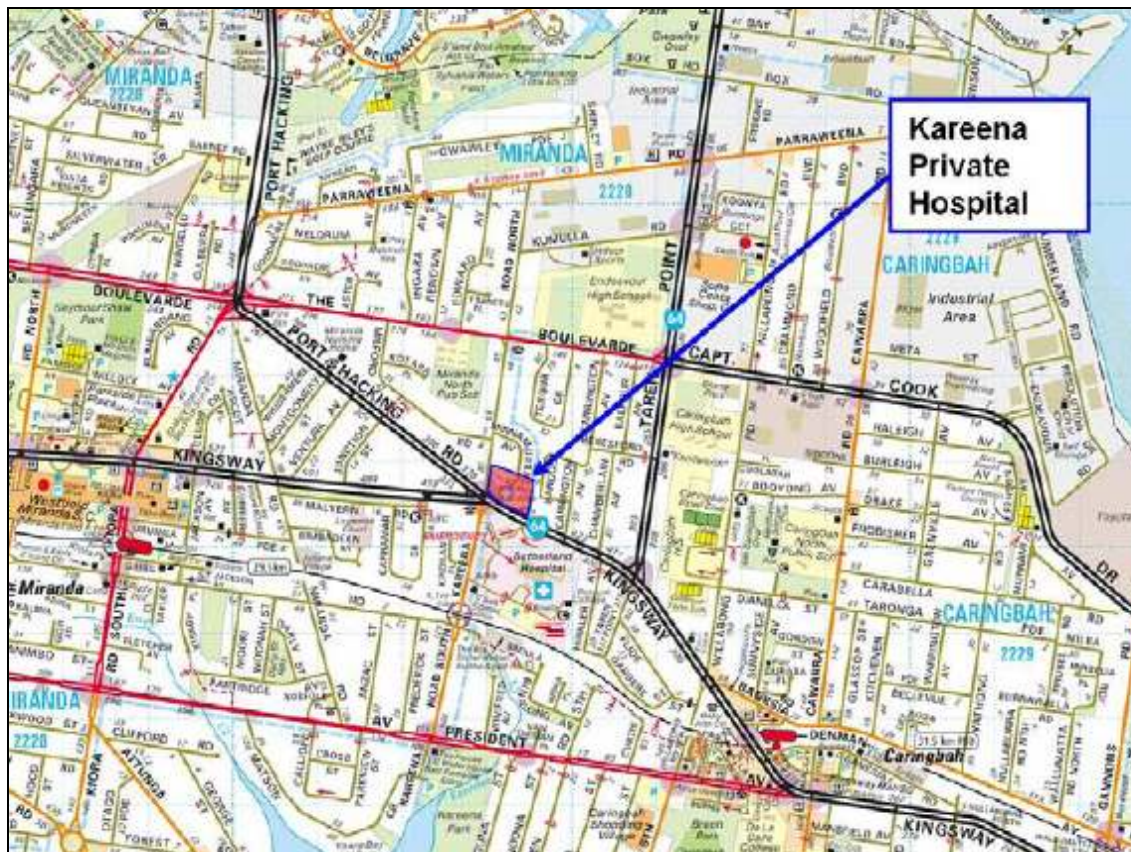


Figure 1: Site Location

The site is currently used for medical purposes comprising a main hospital building containing 109 hospital beds which caters for medical, surgical, maternity and coronal patients, day surgery and the provision of associated rehabilitation services. The building also includes an integrated emergency department with associated radiology and pathology services.

Vehicular access to the site is directly off Kareena Road (a local access road) to an existing outdoor car parking areas in the south and the north-western corner of the site which currently accommodates 98 parking spaces. The Kingsway, to the south of the site, is a major arterial road which carries in the order of 35,000 vehicles per day. A signalised intersection at the junction of The Kingsway and Kareena Road provides efficient and controlled access to the site.

Figure 2 below illustrates the current layout of the site in the context of the neighbouring development. As illustrated in **Figure 2**, the site is largely developed with significant screen planting around the perimeter of the site. The site includes a vacant lot and two separate buildings on the eastern portion of the site (located on Lot 26 in DP 21004) which are used in conjunction with the Hospital. Lot 26 in DP 21004 is currently zoned 'Zone 4- Local

Housing' under the *Sutherland Shire LEP 2006*. The remainder of the site is zoned 'Zone 12- Special Uses (Medical Facility)', which is consistent with its current use.



Figure 2: Existing site layout

The topography of the site has been largely modified to accommodate the existing development. As illustrated in **Figure 3** below, the site has been benched for the current development and sits approximately 1.0 to 3.2 metres lower than the surrounding public domain level adjacent to The Kingsway. As a result, the bulk and scale of the southern end of the Hospital building is not visually apparent from the Kingsway and neighbouring areas. At the northern end of the site, the levels of the land remain relatively consistent with that of the neighbouring land (refer **Figure 4**).



Figure 3: View of southern portion of the site adjacent to The Kingsway



Figure 4: View of Hospital from entrance off Kareena Road looking towards The Kingsway.

1.2 Surrounding Development

Development surrounding the site generally comprises residential development in the form of single and two storey dwelling houses. A number of complementary private medical practices and commercial uses are also located on neighbouring land. Immediately to the south of the site is Sutherland Public Hospital.

The surrounding area is well serviced by public transport. Both Miranda and Caringbah railway stations are within walking distance of the Kareena Private Hospital. A number of Sydney bus routes also service the immediate area.

1.3 Other Applications

Development Application

In 2006, Ramsay Health Care Ltd lodged a Development Application with Sutherland Shire Council seeking approval to extend and upgrade the Kareena Private Hospital. The DA was refused by Council on 6 November 2007. The reasons for refusal included non-compliance with the 2 storey height limit in Council's LEP and potential conflicts between car parking, servicing and pedestrians.

Rezoning Application

The Proponent lodged a rezoning application with Sutherland Shire Council in July 2007 to extend the Special Uses (Medical Facility) zoning to Lot 26 in DP 21004. Whilst Council has advised that the rezoning is supported and will provide for the logical extension of the Kareena Private Hospital, the rezoning application was still being processed at the time this report was prepared. It is anticipated that the rezoning of the site will not be finalised in the short term as it is being considered as part of Council's comprehensive review of its LEP.

2 PROPOSED DEVELOPMENT

2.1 The Proposal

The Proponent seeks both Concept Plan and Project Application approval pursuant to *Part 3A of the Environmental Planning and Assessment Act, 1979* (the Act) for extensions to the existing Kareena Private Hospital. The expansion of the Hospital is required to meet the ongoing demand for specialist hospital facilities in the Sutherland Shire and the broader Sydney Region.

The Concept Plan application seeks to extend the hospital use onto the neighbouring lot to east (Lot 26 DP 21004), which is currently zoned '*4 Local Housing*' under Sutherland Shire LEP 2006 and prohibits hospital uses.

The works associated with the Project Application include:

- the extension of the existing hospital to the north, south and east to increase accommodation by 67 beds;
- the upgrade of the rehabilitation department to accommodate a gymnasium and hydrotherapy pool facility;
- a new part underground and ground level carpark in the south-eastern portion of the site providing an additional 29 car parking spaces or a total of 127 car parking spaces on site;
- the upgrade to air conditioning system and building plant;
- improved pedestrian access and circulation throughout the hospital including new pedestrian access from the Kingsway in the south-eastern corner of the site;
- new building identification signage; and
- associated works including landscaping, fencing and services augmentation (including a new substation).

The capital investment value of the proposal is estimated at \$24.7 million. The proposed works will be constructed in one development stage. The Proponent has estimated that the development will generate approximately 175 construction jobs.

The building extensions have been designed to be contemporary in form and to upgrade the existing appearance of the building when viewed from the Kingsway. The key façade of the building is proposed to be constructed in a terracotta colour Vitrapanel. The proposed southern extension, as viewed from the Kingsway, is illustrated below in **Figure 5**.



Figure 5: Photomontage of proposed southern extension to Kareena Hospital- viewed from Kingsway

The new southern extension will also incorporate a new secure entry to the hospital for staff, patients and visitors. This entrance will be restricted to staff access only during the evening.

Landscape improvements form a significant component of the site works. The Proponent has advised that the design intention of the landscaping is to provide landscape amenity for users of the site and to maximise the amenity of residential neighbours located to the north and east of the hospital by providing landscaped screening to the site boundaries.

2.2 Statement of Commitments

The Proponent's Statement of Commitments includes undertakings in respect of the following:

- To commit to the principles of sustainability as defined in the Act;
- The management of construction impacts in accordance with Construction Management Plan and Construction Management Traffic Plan to be prepared for the development;
- The management of operational noise in accordance with the Industrial Noise Policy (DECC) and the Protection of the Environment Operations Act.
- The installation of signage to inform the visitors and staff that parking in designated areas adjacent to the eastern boundary of the site is not permitted after 10pm daily.
- The preparation of an Energy Management Plan focusing on the containment and/or reduction in greenhouse gas emissions, energy conservation and use of alternative energy sources.
- The provision of suitable on-site bicycle parking and storage areas.
- The preparation of wayfinding signage and final details for the building identification signage prior to the issue of a construction certificate.

As appropriate, further consideration is given to these commitments in **Section 5.0** of this report.

3 STATUTORY CONTEXT

3.1 State Environmental Planning Policy (Major Projects) 2005

On 4 September 2008, the former Minister for Planning authorised the submission of a Concept Plan under section 75M of the Act and formed the opinion that the development is of a kind that is described in Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 – namely Group 7 (Health and Public Services Facilities), Clause 18- Hospitals, being development that has a capital investment value of more than \$15 million for the purpose of providing professional health care services to people admitted as in-patients.

3.2 Permissibility

The site is predominantly zoned Zone 12- Special Uses (Medical Facility) under SSLEP 2006 with the exception Lot 26 in DP 21004 in the south-eastern corner of the site where the car park extension is proposed. Lot 26 DP 21004 is zoned Zone 4- Local Housing and the proposal is prohibited in that zone.

Despite the zoning of this land and pursuant to Clause 75O(3) of the Act, the Minister may (but is not required) to take into account the provisions of an LEP (or other EPI) in determining a Concept Plan. As the site is not “environmentally sensitive land of State significance” or in a “sensitive coastal location” (as defined in Clause 8M of the Regulations), the Minister has the power to determine this application irrespective of the proposal being contrary to the zoning.

3.3 Environmental Planning Instruments (EPIs)

A summary of the relevant legislation, environmental planning instruments and planning strategies required to be taken into consideration under Part 3A of the Act is provided at **Appendix E**.

3.4 Objects of the Environmental Planning and Assessment Act 1979

The Minister’s consideration and determination of a project application under Part 3A of the Act must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act. The Objects of the Act are as follows:

- (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.*

Of particular relevance to the assessment of the subject applications is consideration of the Objects under section 5(a) of the Act. Relevantly, the Objects stipulated under section 5(a) (i), (vi), and (vii) of the Act are significant factors in the assessment and the determination of the Concept Plan and the Project Application. The proposal does not raise significant issues with regards to the objectives of the Act.

The Department has considered the Objects of the Act in the assessment of the Concept Plan. These are given further consideration in **section 5.0** of this report, as relevant.

3.6 Director-General's Report

The Director-General's report to the Minister for the proposed Concept Plan and Project Application satisfies the relevant criteria under Section 75I of the Act and clause 8B of the *Environmental Planning and Assessment Regulation* as detailed in **Table 2**.

Table 2 – Response to Section 75I(2) and Clause 8B Criteria

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA is included as Appendix B to this report.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix C of this report. A response to submission is provided at Appendix D .
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the project is identified and assessed. Refer to Appendix E .
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to all environmental planning instruments is provided in section 5 of this report and in Appendix E .
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	This report represents the environmental assessment undertaken by the Director-General.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The Environmental Assessment addresses the Director-General's requirements.
Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in section 5 of this report.
The suitability of the site for the project	This report assesses the suitability of the site for the project in discussion of the key issues in section 5 .
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in section 5 and Appendices C and D of this report.

4 CONSULTATION AND ISSUES RAISED

4.1 Public Exhibition

The EA was exhibited from 28 January 2009 to 27 February 2009 for a period of **33 days** and a notice was published in the Sydney Morning Herald and the St George and Sutherland Leader. Relevant government agencies were notified of the development on 22 January 2009. Neighbouring residents/landowners were also notified of the exhibition by mail.

The EA was made available to the public in the Department's Information Centre and at the office of Sutherland Shire Council and the Miranda Library.

The Environmental Assessment was placed on the Department's website (www.planning.nsw.gov.au) during the course of the exhibition period.

The Department has met all its legal obligations in respect to the administration of the Concept Plan and Project Application pursuant to Section 75H(3) of Part 3A of the Act. Accordingly, the Minister can now determine this Major Project application.

4.2 Submissions

In response to the exhibition period, the Department received the following submissions:

- A total of **12 public submissions**, all of which objected to the Concept Plan proposal; and
- A total of **3 submissions** from Government agencies, namely the Ministry of Transport, the NSW Roads and Traffic Authority and Sutherland Shire Council.

A summary of submissions is included in **Appendix D**.

4.3 Public Submissions

The key issues identified in the **12 public submissions** are summarised below:

- Inadequate parking facilities resulting in adverse traffic impacts on neighbouring streets;
- the proposal is an over-development of the site and an alternative site should be considered;
- impact on the amenity of the neighbouring residential development;
- no child care facilities are proposed;
- question the need for cyclist facilities on the site given the surrounding road network is not conducive to cycling; and
- Construction management impacts including availability of on-site parking during construction.

4.4 Government Agency Submissions

The **submissions** received from the government agencies are summarised below. A copy of the Government agency submissions is included at **Appendix C**.

NSW Roads and Traffic Authority

- no objection to the development as the proposal will not have a significant impact on the classified state road network.

Ministry of Transport

- The traffic Impact Assessment does not comply with the DGR's as it does not represent a minimalist approach to car parking.
- The proposed car parking is excessive given:

- There is ample on-street parking and off-street parking in the adjacent site at Sutherland Hospital; and
- The proposed 127 spaces exceed the amount of car parking permissible in Sutherland Council's DCP.
- A Parking Management Strategy should be prepared for the existing 98 bays.
- Supports the inclusion of a Travel Access Guide for the Hospital.
- The following Travel Demand Management measures should be conditioned:
 - Provision of car-share only spaces;
 - Provision of incentives to take-up public transport; and
- Provision of personally tailored information and support to individuals seeking to travel to work by public or active transport.
- Construction management impacts including availability of on-site parking during construction.

Sutherland Shire Council

- The proposal exceeds the maximum permissible height of 2 storeys or 9 metres stipulated in Clause 33(4) of SSLEP 2006.
- This will create a precedent for other development in the Zone 12- Special Uses (Medical Facilities).
- The development will have a significant visual impact and will dominate the streetscape.
- 127 car parking spaces is the minimum requirement in SSDCP 2006 and is considered adequate.
- A bus stop bay on the Kingsway should be constructed.
- Pedestrian access should be revised to improve safety.
- Consider providing:
 - Two motor cycle parking space;
 - Truck parking bay; and
 - The realignment of vehicle access adjacent to the south western corner of the building to enable safe passage of truck and cars.
- Additional tree planting is recommended to the property boundary.
- The rezoning of the lot is supported and will give the hospital greater flexibility to manage its growth.
- Council can only support the proposal if it is amended to reduce the building height and subject to the amendments to the car parking and access suggested.

5 ASSESSMENT

5.1 Car parking and traffic impacts

Car park design

The proposal seeks to reconfigure some of the existing on-site parking in the southern portion of the site (adjacent to The Kingsway) and to extend the carparking to the east to provide an additional 29 car parking spaces. This will result in a total of 127 on-site car parking spaces being provided on-site. All car parking areas will be accessed via the existing entry and exit driveway on Kareena Road. To improve circulation within the carpark, there is a planned reduction in the number of parking spaces in the south-western corner of the site adjacent to the loading dock area. Cars will need to circulate past this area to access the new parking in the south-east of the site (at-grade and underground carparking).

All public objections to the proposal raised concerns in relation to the current lack of on-site parking and the consequential impact to on-street parking in the streets neighbouring the hospital. In their submission, Sutherland Shire Council advised that 127 car parking spaces is the minimum requirement specified in Sutherland Shire Councils DCP 2006. The proposal complies with this requirement and therefore is considered to provide sufficient off street car parking.

However, the Ministry of Transport considers that the proposed car parking is excessive and claims there is adequate alternative parking available to the site in the surrounding streets and in the adjacent Sutherland Hospital site to satisfy demand.

In order to reduce car dependency by Hospital staff, it is recommended that the Proponent prepare an Operational Transport Management Plan. This Plan will include strategies which provide incentives for the take-up of public transport and improve the availability of information and support to encourage non-car based travel. It is considered that such a Plan will also assist in reducing the parking demand on the site and the neighbouring streets.

Car park management

The Proponent intends to prepare and implement a Carpark Management Plan aimed at better managing and controlling access to the Kareena Private Hospital carpark. The Plan will be developed and implemented following the completion of construction to maximise the availability of on-site parking to staff and patients and visitors of the Hospital. A condition to this effect is incorporated into the Instrument of Approval.

The Proponent has also agreed to incorporate motorbike parking on-site and an appropriate condition is recommended to ensure this parking is implemented on-site. It is noted that the Proponent's Statement of Commitments includes an undertaking to provide on-site parking and storage areas for bicycles in accordance with the requirements of the relevant Australian Standard.

Pedestrian circulation

The Proponent proposes to construct a pathway around the perimeter of the southern building extension (lower ground floor level) through the carpark linking to the new secondary access to the Hospital. The Proponent has confirmed that the minimum width of this pathway will be 1100mm and that all access arrangement will comply with the AS 1428 (Access for persons with a disability). Signage will be installed to assist with wayfinding throughout the development.

Whilst the Department submits that the circulation path through the carpark is somewhat circuitous, the legibility and safety of pedestrian access can be suitably resolved through the provision of wayfinding signage and traffic management measures proposed by the Proponent. Whilst the secondary access to the building will not be available to the public

during evening hours, this period will coincide with the proposed restricted use of the carpark (southern and eastern sections) by the public after 10pm at night (refer to discussion in **Section 5.6** below). During this period, the public will be required to use the main entrance to the Hospital and to park in the existing carpark (north-western corner of the site) and therefore, issues associated with public access and safety will be suitably resolved.

5.5 Building Design

Bulk and Scale

Both the public and Council submissions have raised objection to the proposed bulk and scale of the southern building extension being incompatible with surrounding development. Specifically, Council's submission objects to the height of the new southern building extension which will be 6.2 metres above the maximum height of 9 metres specified in the SSLEP 2006.

The established level of the Kingsway is up to 3.2 metres higher than the benched level of the site. This will result in the perceived height of the new southern extension above the established level of the Kingsway being reduced to 12 metres (i.e. a 3 metre height departure) with the lower ground floor level and part of the ground floor level typically being below the established level of the Kingsway.

In order to reduce the visual impact of the upper levels of the building, the Proponent proposes to setback the second floor level (upper level- new administration floor) between 4 to 10 metres from the southern building elevation and to architecturally detailed this level as a lightweight and recessive element. This is in contrast to the main façade (lower ground floor level to first floor level) which will be clad in a terracotta coloured vitra panel, which will be perceived as the main building element (refer to **Figure 6** below).

Having regard to the building design, the Department is satisfied that the southern building extension will result in a satisfactory urban design outcome. The building will essentially be viewed as a 2 storey building from the Kingsway, despite the departure from Council's height standard, and is considered to be acceptable in the context of the neighbouring development. The existing street trees and proposed supplementary planting will also assist in reducing the visual bulk of the building.

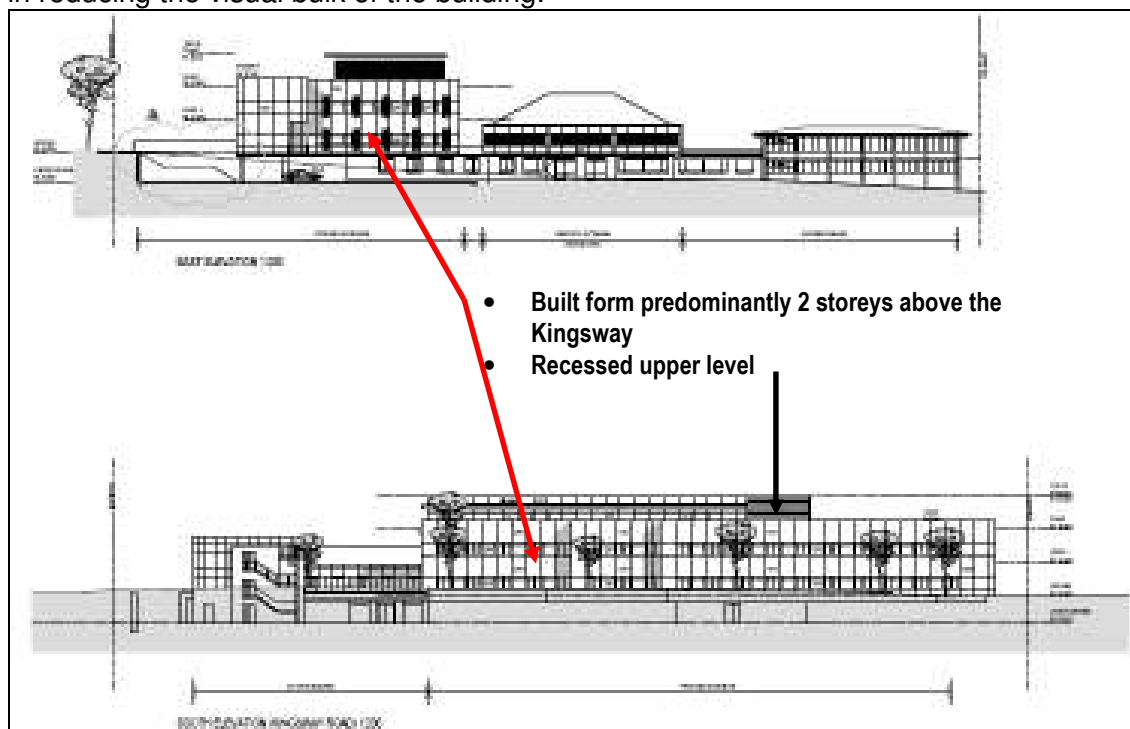


Figure 6: Eastern and Southern Building elevations

Materials and Finishes

As detailed above, the principle material for the southern extension of the hospital is proposed to comprise terracotta coloured vitra panel, which will present as a bold and dominant element to the street in contrast to the finish of the existing hospital building and the neighbouring development.

The Department has recommended that the colour selected for the southern elevation be revised to reduce the visual impact and prominence of the building in the streetscape and in order to better integrate with the colour scheme of the existing building. The Proponent has raised no objection to the reviewing the materials selection prior to the commencement of construction. An appropriate condition is included in the Instrument of Approval to address this matter.

Signage

The proposal includes the installation of building identification signage on the southern elevation. The Department has assessed the signage against the requirements of *State Environmental Planning Policy 64- Advertising and Signage*- refer **Appendix E**. The proposal is consistent with the provisions of SEPP 64 and will appropriately integrate with the building design and existing site signage. As the signage is non-illuminated, the Department is satisfied that there will be no adverse amenity impacts arising from its installation.

The Proponent has committed to provide final details of the building identification signage prior to the issue of a construction certificate. A condition is included in the Instrument of Approval to require the final signage design to be submitted for the approval of the Director of Strategic Assessments prior to the issue of a construction certificate.

5.6 Amenity impacts

Carpark noise and lighting

The extension of the Hospital carparking onto Lot 26 in DP 21004 will result in the new carpark being located adjacent to neighbouring residential development fronting Karoola Crescent and The Kingsway immediately to the east of the site. Under the current proposal, the new car parking will be available 24 hours a day on an unrestricted basis. A number of public submissions objected to this aspect of the proposal on amenity grounds largely associated with the noise and light spillage likely to be generated for the use of the carpark.

The Proponent has submitted both a Noise Assessment Report and an Obtrusive Light Spill Report with the application. These reports have had particular regard to the potential impact of the proposal resulting from the southern building extension and the use of the new carpark.

The Noise Assessment Report concludes that a 1.8 metre high fence along the eastern boundary of the site in conjunction with restricted access to the carpark after 10pm will be required to minimise noise impacts to neighbouring residences. The Report also concludes that the use of the outdoor carpark during night time hours (10pm to 7am) may result in the 'sleep disturbance criteria' specified in the DECC's Industrial Noise Policy being exceeded for the neighbouring residential premises and therefore, recommends the closure of the eastern carpark (new carpark) after 10pm at night.

The Proponent's Obtrusive Light Spillage Report concludes that proposed development including the illumination of the carpark is able to comply with the AS 4282: 1997 and AS 1168 and will not result in obtrusive light impacts to neighbouring residential properties. The Report models the impact of the illumination of the carpark and concludes that the average illuminance level on residential properties neighbouring the site does not exceed 2 lux and therefore, results in compliance with AS4282:1997.

The Department concurs with the recommended restrictions on the use of the eastern carpark after 10pm. This is considered to be a practical measure to mitigate potential

The Department is satisfied that the impacts on the adjoining properties will be suitably mitigated. The Department has recommended a condition to address this matter including to require that the 1.8 metre height of the fence is constructed above the existing ground level (measured on the boundary) to ensure that the where the established level for the carpark is excavated or elevated above the existing ground level (as measured on the boundary), that the full benefits of the 1.8 metres fence to neighbouring properties is realised.

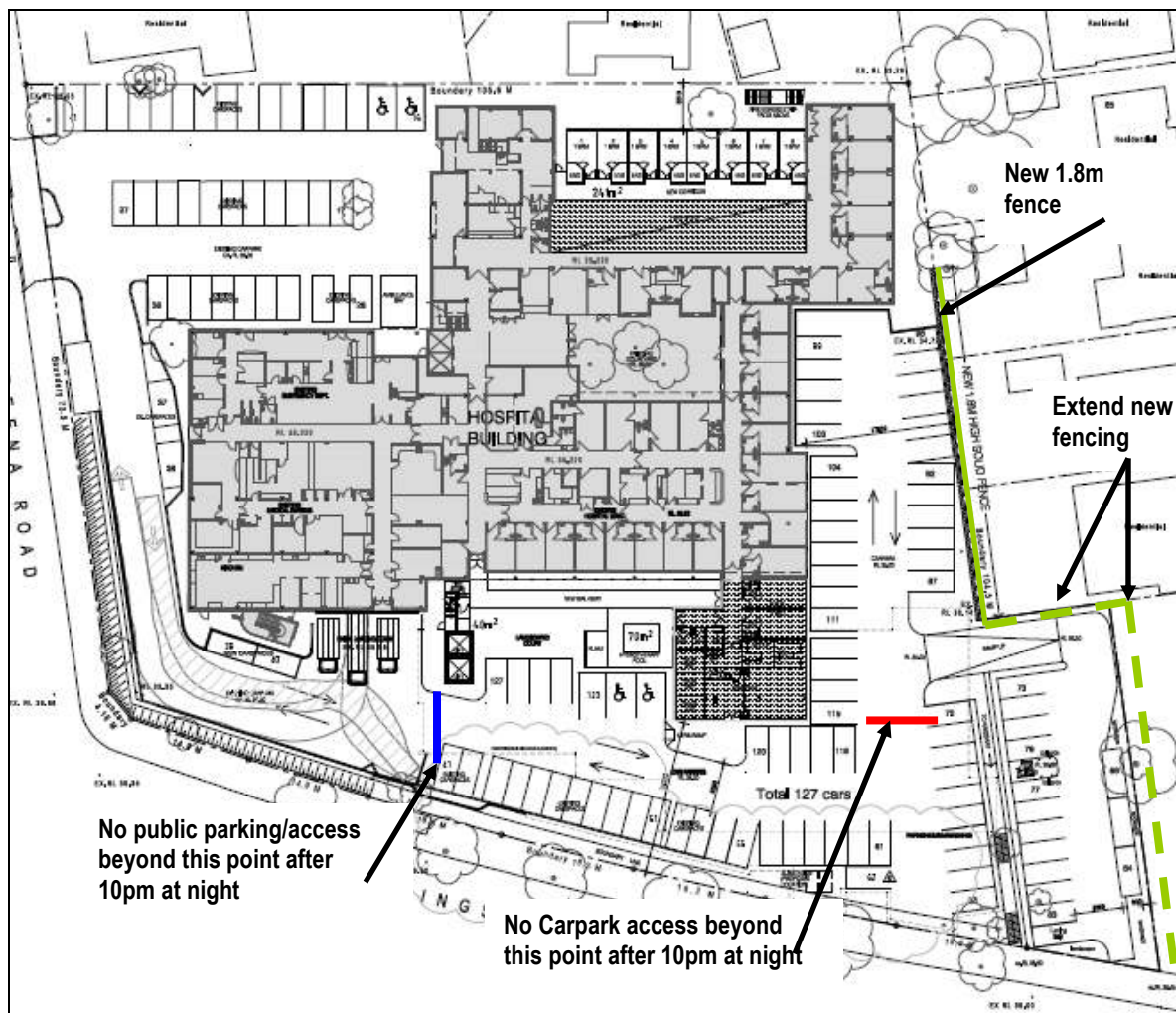


Figure 7: Recommended amendments to the car parking layout.

The locations for new building plant proposed to be installed as part of a comprehensive upgrade of the mechanical services within the hospital. The new plant is proposed to be installed at the roof top level of the southern building extension (adjacent to the administration area). This plant room will be open to the sky. A new plantroom is also

proposed on the roof level of the existing hospital building (western end). This plantroom will be surrounded by a louvre enclosure and will also be open to the sky.

The Proponent's Acoustic consultant has made an assessment of the planned location and potential acoustic impacts to neighbouring properties resulting from the building plant including carpark exhaust fans. It has been concluded that noise emitting from the building plant is able to comply with the intrusive noise and amenity criteria specified in DECC's Industrial Noise Policy. The Proponent has committed to conduct further plant noise emission tests once the plant type and its final location is confirmed.

Subject to compliance with the Industrial Noise Code, the Department is satisfied that the plant rooms are sufficiently distanced from the property boundary to mitigate noise impacts. The design of the plant rooms is appropriately integrated with the building form by way of materials and detailing. On this basis, the Department is satisfied with this aspect of the design.

5.7 Construction Impacts

The Proponent has submitted a preliminary Construction Management Plan for the site which outlines standard management procedures to be implemented to mitigate adverse construction impacts including committing to the preparation of an Erosion and Sediment Control Plan and a Traffic Management Plan.

The Department has recommended a condition to address the required scope of the Construction Management Plan and to ensure that the Plan incorporates appropriate management measure to mitigate construction noise and impacts to neighbouring properties.

An important component of the Traffic Management Plan will be to maximise the number of on-site parking spaces available during the construction period in order to mitigate the additional demand for parking on neighbouring street. The Department has recommended a condition to specifically address this matter. The Department has also recommended that a Complaints Strategy be developed for the construction phase of the development.

5.8 ESD Principles

The *Protection of the Environment Administration Act 1991* provides five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (**the integration principle**);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (**the precautionary principle**);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (**the inter-generational principle**);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (**the biodiversity principle**); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (**the valuation principle**).

The Department has considered the Concept Plan in relation to the ESD principles and has made the following conclusions.

- **Precautionary Principle**

Following an assessment of the Proponent's EA, it is considered that there will be no threat of serious or irreversible environmental damage as a result of the proposal. The EA has not revealed any uncertainty regarding potential impacts. Impacts identified can be appropriately managed and have not been found to result in serious or irreversible environmental damage as a consequence of this proposal.

The findings and recommendations of the range of specialist studies have not revealed the need to adopt the precautionary principle from an ecological point of view to either delay or prevent the Concept Plan or the Project Application from proceeding.

In addition, the site is in a non-coastal area and is not within an area deemed to be bushfire prone. Subsequently, the Department is satisfied that the proposal is appropriate and unlikely to experience adverse impacts as a result of climate change.

- **Integration Principle**

The social and economic benefits of the proposal are well documented. The environmental impacts are and will be addressed through the proponent's Statement of Commitments.

The Department's assessment has duly considered all issues raised by the community and public authorities. The proposal, as recommended for approval, does not compromise nor hinder the opportunities of a particular stakeholder.

- **Inter-Generational Principle**

It is considered that the development of this site will have positive social, economic and environmental impacts and as a result will maintain and improve the environment for the benefit of future generations. The proposal has been designed to ensure that it does not impose a burden on future generations whilst realising the benefits associated with improved and expanded health services.

- **Biodiversity Principle**

The conservation of the biological diversity and ecological integrity of the site was a consideration in the Proponent's preparation of the application. The proposal will not have an adverse impact on biodiversity, ecology or threatened species.

- **Valuation Principle**

It is difficult to assign a monetary value to the environment of a locality, or environmental resources not exploited for commercial use. A monetary value could not be placed against the greatest proportion of environmental attributes of the site which may be affected. The more appropriate approach adopted for this project is to manage environmental impacts by identifying appropriate safeguards to mitigate adverse environmental impacts particularly during construction. This cost of implementing these safeguards is included in the total project cost as a means of pricing the protection of the environmental attributes of the site.

The Department is satisfied that the development will meet the principles of ESD.

6 CONCLUSION

The Department has reviewed the EA and duly considered advice from public agencies as well as issues raised in general submissions in accordance with Section 75I(2) of the Act. All the relevant environmental issues associated with the proposal have been extensively assessed.

Accordingly, the Department is satisfied that the proposal can proceed without adverse environmental impacts. In assessing the proposal, the Department has recommended a number of conditions to ensure the impacts of construction and the ongoing use and management of the site are appropriately minimised. Conditions are also recommended to require the review of the main façade material and the extension of the boundary fence along the eastern boundary of the site.

The Department considers the site to be suitable for the proposed development and that both the Concept Plan and Project Application is in the public interest and will deliver improved health services and strengthen the existing cluster of medical service, therefore supporting the state and regional objectives for the area.

Consequently, the Department recommends that the concurrent Concept Plan and Project Application for the expansion of the Kareena Private Hospital be approved, subject to the condition provided in **Appendix A**. The reason for the imposition of these conditions is to encourage good urban design, to maintain the amenity of the local area and to adequately mitigate environmental impacts arising from the ongoing operation and use of the facility.

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APPENDIX A. INSTRUMENT OF APPROVAL

APPENDIX B. ENVIRONMENTAL ASSESSMENT

APPENDIX C. PUBLIC AUTHORITY SUBMISSIONS

APPENDIX D. SUBMISSION SUMMARY

APPENDIX E. ENVIRONMENTAL PLANNING INSTRUMENTS

The table below provides the Department's assessment of compliance against Environmental Planning Instruments, including State Environmental Planning Policies that substantially govern the carrying out of the development.

State Environmental Planning Policy (Major Projects) 2005	
State Environmental Planning Policy (Major Projects) 2005 outlines the types of development declared a major project for the purposes of Part 3A of the EP&A Act. For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.	On 4 September 2008, the former Minister for Planning formed the opinion pursuant to Clause 6 of <i>State Environmental Planning Policy (Major Projects) 2005</i> that the proposal is a Major Project and is subject to part 3A of the Act, having satisfied himself that the proposal met the criteria for development described in Schedule 1, Group 7 (Health and Public Service Facilities) Clause 18, (Hospitals) - being Development for a medical facility which has a capital investment value of more than \$15 million.
State Environmental Planning Policy No. 55 – Remediation of Land	
SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.	The Proponent has not conducted any specific site investigations relevant to the proposal. In the event that contaminated material is found during demolition or construction, the Proponent will be required to remediate the site to ensure compliance with SEPP 55 and <i>the Contaminated Land Management Act 1977</i> . An appropriate condition is included in the Instrument of Approval to address this matter.
State Environmental Planning Policy (Infrastructure) 2007	
The main objectives of the SEPP for Infrastructure are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities.	Noted.
Schedule 3 of the SEPP lists traffic generating development that is required to be referred to the Roads and Traffic Authority (RTA).	<p>The Kingsway is classified as an arterial road. Schedule 3 of the SEPP requires hospital proposal with more than 100 beds on sites with access within 90 metres of a classified road to be referred to the RTA for consideration.</p> <p>The Roads and Traffic Authority (RTA) have been consulted accordingly. The RTA has raised no objection to the development as the proposal will not have a significant impact on the classified state road network. Accordingly, their comments have been duly considered.</p>

State Environmental Planning Policy No. 64- Advertising and Signage	
<p>The main aims and objectives of the SEPP, as stated at Clause 3, are to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.</p> <p>Additional aims of the Policy seek to regulate the signage, time limit consents, regulate display and ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p>	<p>The Proponent's signage proposal is consistent with the main aims and objectives of the SEPP in that the signage:</p> <ul style="list-style-type: none"> • is compatible with the existing building signage (as currently displayed on the southern building elevation); • is of an appropriate design and quality which will not detract from the design of the building; and • will effectively display information relevant to the identification of the business in a suitably location which will be visible from the surrounding public domain.
<p>Clause 8 of the SEPP states that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</p> <ol style="list-style-type: none"> a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1. 	<p>Noted.</p>
<p>Clause 13 of the SEPP stipulates the 'matters for consideration' in the determination of an application, as follows (as relevant to this matter):</p> <ol style="list-style-type: none"> 1) A consent authority (other than in a case to which subclause (2) applies) must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires: <ol style="list-style-type: none"> a) is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and c) satisfies any other relevant requirements of this Policy. 	<ul style="list-style-type: none"> • The proposed signage is consistent with Clause 3(1)(a) of the SEPP as detailed above. • There are no provisions in Schedule 1 relevant to the proposal. • There are no other provisions in the SEPP relevant to the proposal.