

Department of Planning, Housing and Infrastructure

Our ref: Greenwich Hospital Redevelopment Detailed Design (SSD 13619238) and
Redevelopment of Greenwich Hospital (Concept) Modification 1 (SSD 8699 Mod 1)

Mr Stephen Barry
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Sydney NSW 2000

21 March 2024

Subject: Response to Greenwich Hospital Redevelopment Stage 2 (SSD-13619238 and SSD-8699-Mod-1) Request for Comment – Recommended Conditions of Consent


Dear Stephen

I refer to your correspondence, dated 20 February 2024, and the Commission's request for comment on the Commission's recommended conditions of consent. The Commission sought the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

The Department has provided information in response in **Attachment A** and a revised version of the draft conditions for SSD 13619238 (**Attachment B**) where all the minor changes to the conditions have been accepted and recommended changes tracked. All recommended changes to the draft conditions for SSD 8699 Mod 1 are supported. This response also takes into consideration additional information provided by the Applicant dated 8 March, 15 March and 19 March 2024, which is available at **Attachments C, D, E and F**.

Please do not hesitate to contact Megan Fu, Principal Planning Officer on 9274 6531 if you have any further queries or require any clarification regarding the response.

Yours sincerely



Madeline Thomas
Acting Director
Social and Infrastructure Assessments

21 March 2024

Attachment A

SSD-13619238

a) *Approval function for post approval documents*

Question to Department: please confirm these amendments maintain the intent of the originally recommended condition the Commission is of the view that this information (and others below with a comment stating "for approver review") need to be submitted to the satisfaction of someone (i.e. Certifier or PS) in order to ensure high quality of the documents and/or information being submitted.

The Department notes that the Commission has requested that several conditions require information to be submitted to the satisfaction of a relevant party (Certifier or Planning Secretary). The Department originally included requirements for the approval of the Certifier or Planning Secretary in the recommended conditions where it is critical for the Planning Secretary or the Certifier to review and approve the documentation. In other instances, the conditions establish the prescriptive requirements that the Applicant must adhere to.

In those instances, the prescriptive requirements are identified in the conditions and any non compliances could be investigated by the Department's compliance team and action taken where necessary, but issues may arise with the proposed amendments if the documentation required to be submitted has already been "approved" by a Certifier. In drafting the recommended conditions, the Department has included criteria that must be complied with (e.g. a technical report that has been reviewed by a suitably qualified person during assessment), and are of the view this is sufficient to enable the documents meet the required standard.

In a number of the identified instances where an approver is required, it would not be appropriate to make the Planning Secretary the approver, as officer of the Department as nominees of the Planning Secretary, may not have the necessary expertise and capabilities to review building certification matters and building certification documentation.

If the Commission chooses to designate an approver, we concur with the recommended designations for approval except for conditions B5, E4, E14, E33, E40 and E46 where we request that the Planning Secretary be made the approver instead of Certifier.

b) *Ecologically Sustainable Development conditions*

Condition B3 and E5 – Note to Department: this amendment has been included to ensure the applicable requirements are captured.

The Department considers that this note would create additional ambiguity. If there was an inconsistency between the requirements of BASIX and Section J, where Section J requirements exceed that of BASIX, the condition would not impede the Applicant from delivering the better outcome. Where Section J requirements are less than that of BASIX, the BASIX requirements would still need to be met to be able to obtain a BASIX compliance certificate. Therefore, the additional note would provide more ambiguity than clarity.

The Department considers that if there were any significant issues from any inconsistency, it would require formal modification of the development and the submitted BASIX certificate to allow for a BASIX compliance certificate to be issued later on. Accordingly, the Department considers the amendment should be removed for clarity.

Condition C11 – Question to Department: if Pallister is being used as an office premise, is there an applicable ESD criteria?

The conditions of the concept proposal regarding future assessment requirements for ESD only apply to new development. The Department also considers that, as the only works being undertaken for Pallister are conservation works and it is an existing use that is not changing, it would not be reasonable to apply an ESD criteria to this component of the site. Further, any upgrades required for ESD could potentially require building and fire safety upgrades, which in turn may require further heritage assessment.

Condition C11 Question to Department: the Applicant have advised that they are willing to commit to a 5 Star NABERS rating for this Project is this an equivalent certification process and if the Commission were to condition that the project must meet 5 Star NABERS ratings would this apply to all components of the Site?

The Department considers NABERS could be part of an acceptable alternate process but, as it generally measures the sustainability of the operational output, it is not a wholistic scheme that on its own could be used an alternate to the Green Star scheme, which measures and determines the sustainability of the design of the buildings. NABERS could potentially be used as part of an alternate process for the hospital components of the development, inclusive of the respite building.

As insufficient information was submitted in the EIS, Submissions Report or subsequent additional information demonstrating or committing to compliance with the NABERS scheme and a scheme to measure the design of the building, the Applicant would need to rely on condition C11(b) to obtain approval for an alternate scheme.

Condition C11 – Question to Department: the seniors housing buildings are included in Stage 3 of works please confirm if it is appropriate to amend to Stage 2, 3 and 4?

A Green Star rating for the seniors housing buildings would not be appropriate as BASIX applies to these buildings and prevails. Whilst not specifically conditioned, the Applicant is able to continue to pursue the Green Star equivalent rating provided it does not affect BASIX compliance.

Condition C11 – Question to the Department: the Commission would like your advice on if applying a 5 Star equivalent requirement on the seniors housing component is a workable condition?

As stated above, as BASIX applies to the seniors housing buildings, a 5 Green Star equivalency rating for the seniors housing buildings would not be appropriate and the Applicant has advised that it is capable of achieving a 4 Star (best practice) equivalent only.

Condition C11 – Question to Department: the Applicant has advised that they are seeking 4 star equivalent for the main hospital building and seniors housing buildings but only Section J compliance for the respite building. Can you please confirm if the respite building should be kept in this condition?

As the respite building is a new building, the Department considers it appropriate that the ESD initiatives and requirements for the hospital component also apply to the respite building.

c) *Waste collection*

Condition B8 – Question to the Department: has the timing of waste collection been assessed in regard to noise impacts?

The Department notes that the hospital is an existing hospital that operates 24/7. The Department also considered the overall impacts from waste collection and were satisfied that while there would be additional waste collection activities, impacts would be minimised and mitigated by relocating waste servicing to the basement loading dock.

In regard to the timing of waste collection, the Applicant has advised that waste collection operations would continue to operate 24/7 and provided an updated Operational Waste Management Plan to confirm this.

The Applicant has also provided a Noise Assessment (**Attachment D**) in support of 24/7 operations, which concludes that the noise impacts would be mitigated as the:

- external travel distance for waste collection vehicles would be reduced as the access to the loading dock is in the vicinity of the western signalised access.
- noisiest activity of emptying of the bins would be undertaken in the enclosed loading dock.

The Applicant subsequently advised that it intends to restrict waste collection activities to 7am and 7pm and provided an updated Operational Waste Management Plan to confirm this.

The Department considers that waste collection activities would not result in adverse noise impacts given the restricted hours and the overall improved amenity outcomes from relocation of waste collection activities from at grade to the basement loading dock. The Department recommends condition E40(d) be updated to reference the revised Operational Waste Management Plan.

d) *Vegetation*

Condition B12 – Question to Department: will all planting to be used as screening in the North West area be within the bushland regeneration area? And what are the minimum planting heights?

The Vegetation Management Plan (VMP) identifies the planting of 12 trees. Due to canopy cover restrictions in the north west, which is to be managed as an Outer Protection Areas (OPA), it would be unlikely that all planting will be located in the north west area. All tree planting to be undertaken in the north west area would ideally be used as screening given the vegetation that has historically been removed from this location.

The Applicant has advised that the height of the trees would be approximately 15m. A revised vegetation management plan has not been provided or details regarding pot size. The Commission could require a revised VMP be submitted prior to implementation of the VMP if it requires specific height and pot size requirements.

e) *Bush fire asset protection zone*

Condition E45 – Question to Department: the provided landscape plans indicate that there would be trees touching/overhanging the buildings and canopies would not be separated by 2.5m. Has the Department assessed the proposed landscaping against the IPA requirements, including confirmation of the 15% canopy cover (noting the whole site is 30.9%) and the 10% ground cover?

The recommended condition requiring the entire property be managed as an inner protection area was drafted due to hazard management measures identified in the Bushfire Protection Assessment (BPA) submitted with the EIS. The Department acknowledges that this was not the identified asset protection zone (APZ) in the mapping in the BPA or the recommendations, which identified a 23m APZ to the south west generally adjacent to the retained bushland in the south west. This hazard management measure was also not included in the subsequent bush fire assessment submitted with the Response to Request for Information (RFI).

The Applicant submitted a further bush fire response dated 7 March 2024 (**Appendix C**) clarifying that the requirement for the whole site to be managed as an IPA relates to sites to be used for seniors housing that are wholly mapped as bush fire prone land. However, as this site is only partially mapped as bushfire prone land, only a 23m APZ to the south west is required to mitigate the bush fire risk. The Department notes that this was included in the originally BPA and Response to RFI and NSW Rural Fire Service raised no issues with the extent of the APZ.

The bush fire response (**Appendix C**) also seeks to extend the APZ to cover an area of cleared and managed land between the formerly proposed APZ and the adjoining resident to the south (see **Figures 1 and 2**), which was not previously noted due to dense vegetation screening. The revised APZ seeks to manage impacts on the adjoining dwelling to the south to ensure that the bush fire risk was no closer to that dwelling than it was previously. The bush fire consultant also recommends that vegetation management protocols be established for the site that ensures ongoing mowing, thinning, pruning and excess fuels removed as per fuel controlling measures outlined in *NSW Rural Fire Service Standards for asset protection zones*.

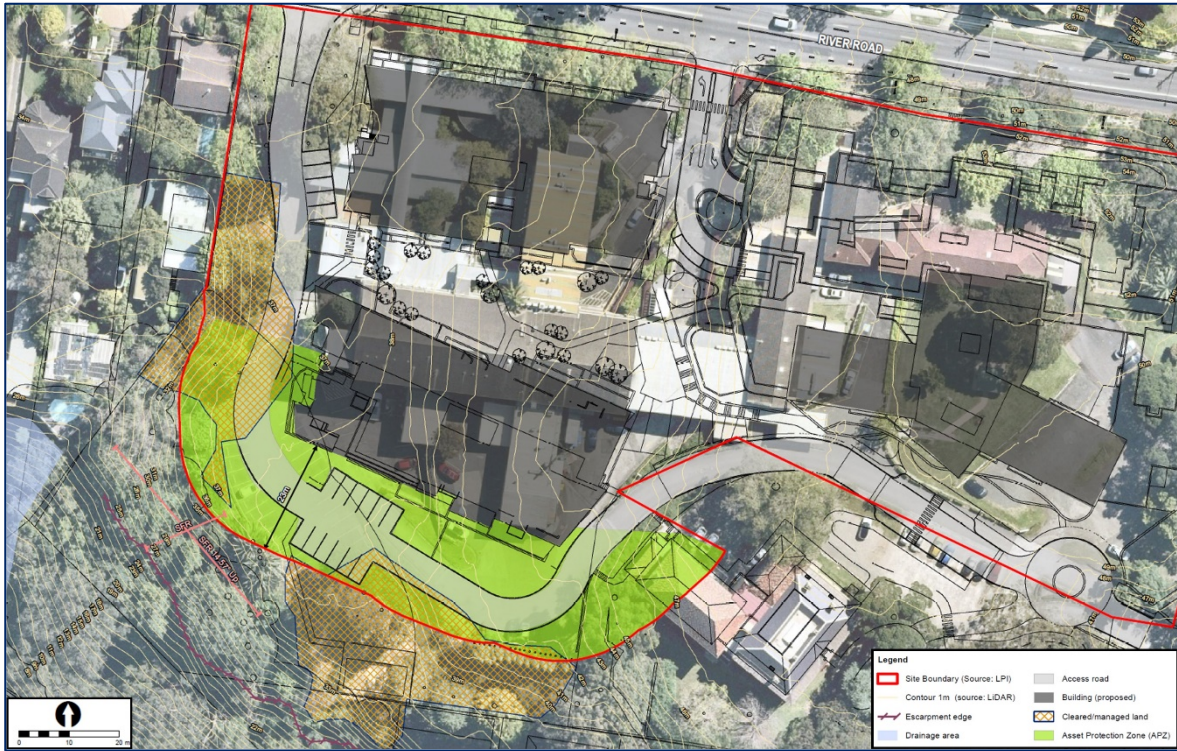


Figure 1: APZ in EIS and RtS (base source: Response to RFI)

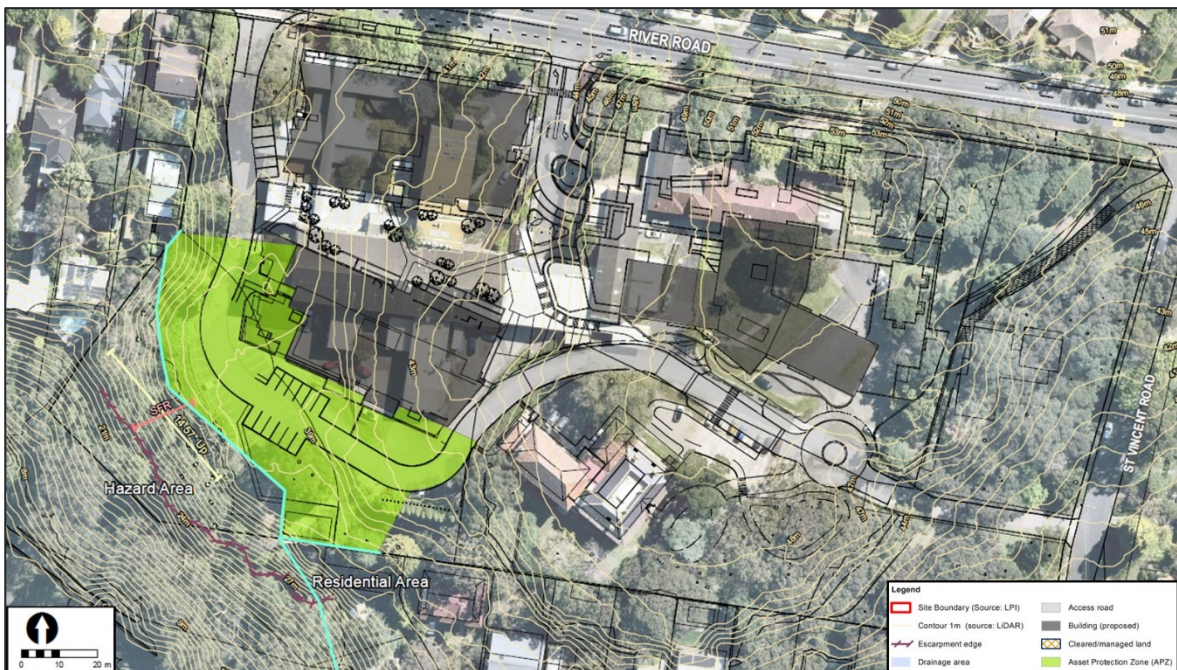


Figure 2: Revised APZ (base source: travers bushfire & ecology)

The bushfire consultant also reviewed the latest landscaping plans and confirms that the proposed landscaping within the APZ should not exceed the maximum 15% canopy cover permitted for inner protection areas.

The Department is satisfied that the landscaping is capable of meeting canopy and ground cover requirements within the APZ. Changes to conditions in **Attachment B** have been included to clarify that only the APZ identified in the latest bushfire response be managed in perpetuity as an IPA and not the entire site. An additional condition has been included to update the VMP with planting details, APZ measures and vegetation protocols for the remainder of the site.

SSD-8699-Mod-1

- f) *Question to Department: please provide detail on why this condition is being deleted. It is being satisfied by this consent but the Commission is considering whether it should be retained for the purposes of any future SSDs or Modifications on the Site.*

Condition A4, which is recommended for deletion, requires changes to the building envelopes which are now incorporated into the revised building envelopes and therefore are superfluous. If the Commission seeks to retain this condition to limit the extent of future modifications, the Department recommends that the condition be redrafted to set the heights and setbacks as limits as follows:

A4. Future buildings within:

- (a) the northern seniors living building envelope must not exceed a maximum height of RL56.36 and the front setback of the building must be equal to, or greater than, the front setback of the dwelling on the adjoining 117 River Road.
- (b) the southern seniors living building envelope must not exceed a maximum height of RL60.65.