



New South Wales Government  
Independent Planning Commission

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# Greenwich Hospital Redevelopment – Detailed Design and Concept Proposal Modification

## SSD-13619238 and SSD-8699 MOD 1

### Statement of Reasons for Decision

Adrian Pilton (Chair)  
Wendy Lewin  
Elizabeth Taylor AO

28 March 2024

## Executive Summary

HammondCare (the Applicant) has sought consent for the construction and operation of the Greenwich Hospital and integrated healthcare campus at 95-115 River Road, Greenwich. The Project includes the detailed design, construction and operation (SSD-3619238) of the Project and modification of the existing concept approval for the redevelopment of Greenwich Hospital (SSD-8699 MOD 1). The Project represents an investment of over \$191 million and would support 174 operational and generate 300 construction jobs.

The NSW Independent Planning Commission is the consent authority for the Project because an objection was received from Lane Cove Council.

Commissioners Adrian Pilton (Chair), Wendy Lewin and Elizabeth Taylor AO were appointed to constitute the Commission Panel in making the final decision. The Commission undertook a site inspection and met with the Department of Planning, Housing and Infrastructure, Lane Cove Council and the Applicant.

Key issues which are the subject of findings in this Statement of Reasons for Decision relate to built form and urban design, sustainability, landscaping and the public domain, transport and traffic impacts, flooding and stormwater. After careful consideration the Commission has determined that consent should be granted to both the modification of the Concept Approval, and the State significant development application, subject to conditions.

The Commission has imposed conditions of consent to manage and mitigate impacts, including requiring appropriate consultation with adjoining landowners in regard to noise and stormwater impacts, short term noise monitoring, implementation of appropriate stormwater mitigation measures, and ensuring appropriate levels of flood protection for the development throughout each stage of construction.

The Commission finds that the Project is consistent with the existing strategic planning framework as it will provide healthcare for an ageing population and housing to support ageing in place. The Commission finds that the Project is in accordance with the Objects of the EP&A Act and is in the public interest.

The Commission's reasons for approval of the Project are set out in this Statement of Reasons for Decision.

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## Defined Terms

<b>ABBREVIATION</b>	<b>DEFINITION</b>
<b>AEP</b>	Annual Exceedance Probability
<b>AIP</b>	NSW Aquifer Interference Policy
<b>Applicant</b>	HammondCare
<b>Application</b>	SSD Application and Concept Plan SSD Modification Application for the construction and operation of the Greenwich Hospital and integrated healthcare campus at 95-115 River Road, Greenwich
<b>Approved Methods</b>	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)
<b>AR para</b>	Paragraph of the Department's Assessment Report
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Commission</b>	Independent Planning Commission of NSW
<b>Council</b>	Lane Cove Council
<b>Department</b>	Department of Planning, Housing and Infrastructure
<b>Department's AR</b>	Department's Assessment Report, dated December 2023
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FERP</b>	Flood Emergency Response Plan
<b>GFA</b>	Gross Floor Area, as defined in the Standard Instrument – Principal Local Environmental Plan
<b>ICNG</b>	Interim Construction Noise Guideline (Department of Environment and Climate Change NSW, 2009)
<b>LCLEP</b>	Lane Cove Local Environmental Plan 2009
<b>LCVIA</b>	Landscape Character Visual Impact Assessment
<b>LGA</b>	Local Government Area
<b>Mandatory Considerations</b>	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
<b>Material</b>	The material set out in section 3.1
<b>Minister</b>	Minister for Planning and Public Spaces
<b>NCC</b>	National Construction Code
<b>NPfi</b>	NSW Noise Policy for Industry
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>PMF</b>	Probable Maximum Flood
<b>Project</b>	Construction and operation of the Greenwich Hospital and integrated healthcare campus
<b>Regulations</b>	Environmental Planning and Assessment Regulation 2000
<b>RtS</b>	Response to Submissions
<b>SDRP</b>	State Design Review Panel
<b>Seniors SEPP</b>	State Environmental Planning Policy Housing for Seniors or People with a Disability) 2004
<b>Site</b>	Lots 3 and 4 DP 584287
<b>SSD</b>	State Significant Development

# 1. Introduction

1. On 15 December 2023, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred concurrent applications to the Commission for determination, being State significant development (**SSD**) application SSD-13619238 and SSD modification application SSD-8699 MOD 1 (**Application**). The Application was made by HammondCare (**Applicant**).
2. The Application seeks approval for the Greenwich Hospital Redevelopment – Detailed Design and Concept Plan Modification (the **Project**) under section 4.36 of the *Environmental Planning & Assessment Act 1979* (**EP&A Act**).
3. The Application constitutes SSD under section 4.36 of the EP&A Act and section 14 of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**) as it is a subsequent stage of the approved concept development application for the redevelopment of Greenwich Hospital (SSD-8699) and the Application is for the purpose of a hospital with a capital investment value greater than \$30 million.
4. The Project is located in the Lane Cove Local Government Area (**LGA**). In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the Planning Systems SEPP, the Commission is the consent authority as the Department has received an objection from Lane Cove Council.
5. Professor Mary O’Kane AC, Chair of the Commission, determined that Mr Adrian Pilton (Chair), Ms Wendy Lewin and Prof. Elizabeth Taylor AO would constitute the Commission for the purpose of exercising its functions with respect to the Application.
6. The Department provided its Assessment Report (**AR**) and recommended conditions of consent to the Commission on 15 December 2023. The Department concluded that the Project would help support the changing needs of an ageing population, is in the public interest and is approvable, subject to conditions.

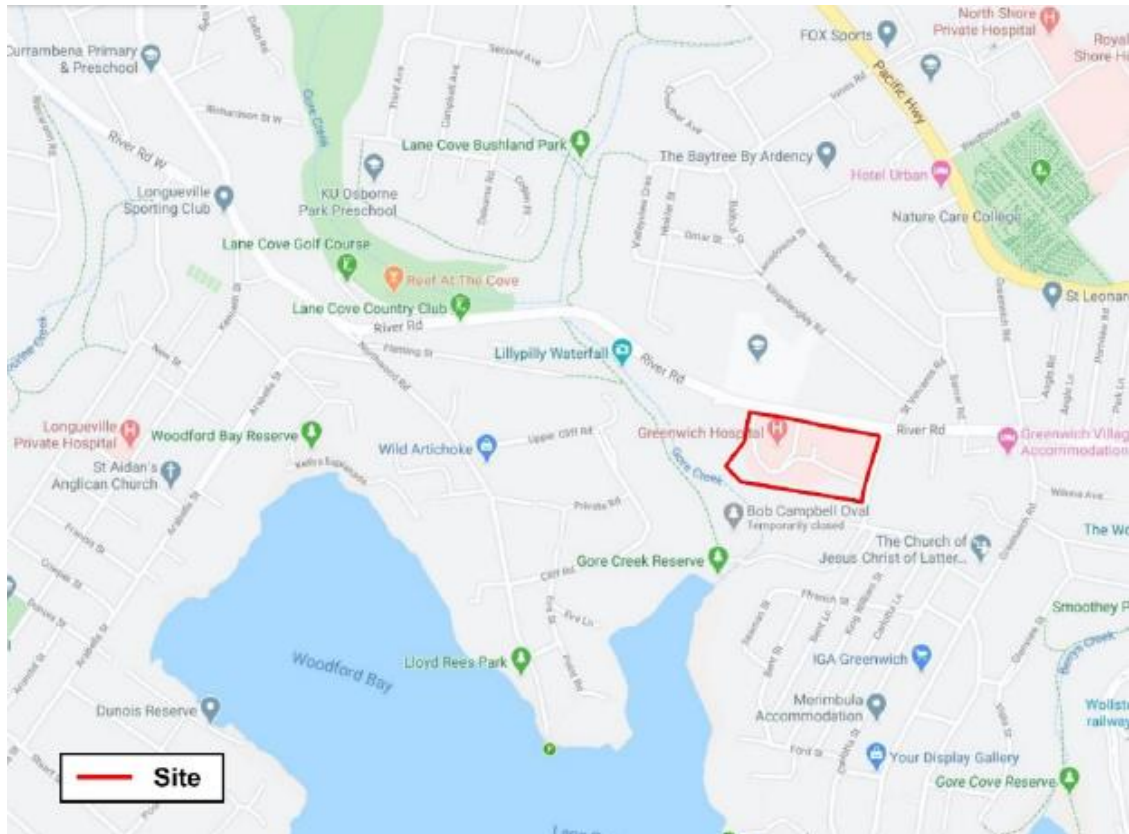
## 2. The Application

### 2.1 Site and Locality

7. The ‘site’ is located at 95-115 River Road, Greenwich (Lots 3 and 4 DP 584287) (**Site**). According to paragraph 4 of the Department’s Assessment Report (**AR para**), the Site is approximately 1 kilometre (km) southwest of the St Leonards Health and Education Precinct and approximately 4km from the Sydney central business district (CBD).
8. The Site is currently operated by HammondCare as Greenwich Hospital which provides palliative and other care services. The Site contains ‘Pallister’, a listed State heritage item incorporating a late Victorian house formally known as ‘Standish’. The remainder of the Site includes several hospital buildings varying in height between one and five storeys, including the Main Hospital Wing and Blue Gum building.
9. The surrounding development is primarily comprised of low density residential dwellings, with the exception of Greenwich Public School to the north and Bob Campbell Oval to the south west. Approximately 850m north east of the Site are the Royal North Shore Public and Private Hospitals, with Mater Hospital 1.5km to the east and Longueville Private Hospital 1.2km to the west of the Site. The Site’s location and local context is illustrated in Figure 1.



Figure 1 - Local Context Map (Source: Department's AR Figure 2)



## 2.2 Background

10. On 10 November 2020, the Commission approved the Concept Development Application for the redevelopment of Greenwich Hospital (SSD-8699) (**Concept Approval**), which provided concept approval for:
  - demolition, earthworks and remediation works;
  - new health care and allied health facilities and residential aged care and seniors housing within an integrated health care campus;
  - a main hospital building envelope with an integrated basement, two seniors living building envelopes with an integrated basement and a respite care building envelope;
  - car parking and site access arrangements; and
  - landscaping, including tree removal.
11. The Concept Approval has not previously been modified.

## 2.3 The Project

12. The Applicant is seeking approval for the detailed design, construction and operation of the hospital and integrated healthcare campus and associated and ancillary works at the Greenwich Hospital. The key components of the Project are set out in Table 1 and Table 2 below.

*Table 1 – Summary of works proposed in the Application  
(as identified in AR para 19 and Table 1 of the Department's AR)*

<b>Aspect</b>	<b>Proposal</b>
<b>Demolition and site preparation</b>	Demolition of all existing structures except Pallister. Site preparation works include remediation, excavation and stormwater management works.
<b>Built form</b>	Construction and operation of an integrated healthcare campus including: <ul style="list-style-type: none"> <li>• Main Hospital Building comprising of: <ul style="list-style-type: none"> <li>○ a four storey podium and seven storey tower (total 11 storeys); and</li> <li>○ 130 beds;</li> </ul> </li> <li>• Respite Care Building (part two and part three storeys); and</li> <li>• Seniors Living Buildings comprising of: <ul style="list-style-type: none"> <li>○ the northern building (part four and part five storeys) and the southern building (part five and part six storeys); and</li> <li>○ 89 units comprising of 10 one-bed units, 64 two-bed units and 15 three-bed units.</li> </ul> </li> </ul>
<b>Pallister</b>	Conservation works to Pallister to support the ongoing dementia care and administrative functions located in the building, including: <ul style="list-style-type: none"> <li>• removal of intrusive fabric and infill elements;</li> <li>• sandstone repairs;</li> <li>• ashlar render repairs;</li> <li>• original timber floorboards repairs;</li> <li>• stained glass and glass window repairs;</li> <li>• tile repairs; and</li> <li>• marble repairs.</li> </ul>
<b>Other works</b>	Other works include: <ul style="list-style-type: none"> <li>• 334 car spaces comprising of: <ul style="list-style-type: none"> <li>○ 189 basement spaces for the hospital;</li> <li>○ 89 basement spaces for the seniors living;</li> <li>○ 20 spaces for a drop off/pick up area;</li> <li>○ 4 spaces along the access road; and</li> <li>○ 23 at grade visitor spaces;</li> </ul> </li> <li>• a loading dock and two ambulance bays located in the hospital basement carpark; and</li> <li>• the removal of 85 existing trees and the planting of 98 new trees.</li> </ul>

*Table 2 – Summary of proposed modifications to SSD-8699  
(as identified in AR para 20 and 21 and Table 2 of the Department's AR)*

<b>Aspect</b>	<b>Proposed Modifications</b>
<b>GFA</b>	Total increase in GFA of 9.83% to 26,843m <sup>2</sup> (from 24,440m <sup>2</sup> )
<b>Hospital building envelope</b>	Proposed modifications to the hospital building envelope include: <ul style="list-style-type: none"> <li>• GFA increase to 13,900 m<sup>2</sup> (from 12,750 m<sup>2</sup>);</li> <li>• changes to building footprint and shape through: <ul style="list-style-type: none"> <li>○ lowering the basement level to allow a larger basement structure;</li> <li>○ converting the main podium level (Site Level 4) to a full hospital level with the parking on Site Levels 1 to 3 (basement);</li> <li>○ layout changes to Site Levels 5 and 6; and</li> <li>○ larger building footprint; and</li> </ul> </li> <li>• minor height modifications, remaining below the approved RL61.6 for the podium and lower tower.</li> </ul>
<b>Respite care building envelope</b>	Proposed modifications to the respite care building envelope include: <ul style="list-style-type: none"> <li>• no change in GFA (remaining as 700m<sup>2</sup>);</li> <li>• no changes to building footprint or shape; and</li> <li>• minor lowering of levels.</li> </ul>
<b>Seniors living building envelopes</b>	Proposed modifications to the seniors living building envelopes include: <ul style="list-style-type: none"> <li>• GFA increase to 12,243m<sup>2</sup> (from 10,990m<sup>2</sup>);</li> <li>• changes to building footprint and shape through minor increases at the corners to make them more regular and rectangular in shape; and</li> <li>• height modifications for both northern and southern seniors including the lowering of the envelopes by 0.2m and minor decreases in height of levels.</li> </ul>
<b>Public domain and landscaping</b>	200 m <sup>2</sup> increase of deep soil planting area to a total of 14,000m <sup>2</sup> (41.5% of the Site)
<b>Indicative capacity</b>	<ul style="list-style-type: none"> <li>• Hospital: 130 beds (reduction of 20 beds)</li> <li>• Seniors housing: <ul style="list-style-type: none"> <li>○ no change to yield (remains 89 units)</li> <li>○ composition change to 10 one-bed units, 64 two-bed units and 15 three-bed units (from all two-bed units)</li> </ul> </li> </ul>



## 3. The Commission's Consideration

### 3.1 Material Considered by the Commission

13. In this determination, the Commission has considered the following material (**Material**):
- the Secretary's Environmental Assessment Requirements (SEARs) issued by the Department for SSD-13619238, dated 24 February 2021;
  - the Applicant's EIS for SSD-13619238, the Applicant's Modification Report for SSD-8699 MOD 1 and supplementary information including the Applicant's Response to Submissions (**RtS**) and Request for Information (**RFI**) responses dated 14 August 2023, 28 July 2023, 12 October 2023 and 1 December 2023;
  - all public submissions on the EIS and Modification Report made to the Department during public exhibition;
  - all Government Agency advice to the Department;
  - the Department's AR, dated December 2023;
  - the Department's recommended conditions of consent, dated December 2023;
  - transcripts and presentation material from meetings with the Department, Applicant and Lane Cove Council, as referenced in Table 4 below;
  - the Applicant's submissions to the Commission, dated 2 February 2024, 19 February 2024, 8 March 2024 and additional information provided on 12 March 2024;
  - the Department's submission to the Commission, dated 5 February 2024;
  - all written comments received by the Commission before 5pm, 2 February 2024 and those accepted out of time;
  - the Department's comments (dated 21 March 2024 and 27 March 2024) on the feasibility and workability of proposed conditions.

### 3.2 Strategic Context

14. The Department, at section 3 of its AR, states that the Project is consistent with the priorities of relevant strategic plans, including the Greater Sydney Region Plan 2018, North District Plan, Future Transport Strategy 2056, Future Health: Guiding the next decade of health care in NSW 2022-2032, and Lane Cove Council's Local Strategic Planning Statement (**LSPS**).
15. The Commission has considered the strategic planning policies and guidelines relevant to the Site and the Project. The Commission agrees with the Department's view that the Project is consistent with the strategic planning framework as it will provide services and infrastructure to meet the needs of an ageing population and create opportunities for older community members to continue living in their community with established health and support networks.
16. The Commission notes that the Project represents an investment of over \$191 million and would generate 300 construction jobs and support 174 operational jobs.

## 3.3 Statutory Context

### 3.3.1 State significant development

17. The Application is SSD under section 4.36 of the EP&A Act as it is a subsequent stage of the approved concept development application SSD-8699, and under section 14 of Schedule 1 of the Planning Systems SEPP as the Project is for the purpose of a hospital with a capital investment value greater than \$30 million.

### 3.3.2 Permissibility

18. The Site is located within the SP2 Health Services Facilities zone under *Lane Cove Local Environmental Plan 2009 (LCLEP)*. Hospitals are permissible with consent in this zone.
19. Seniors housing is prohibited in this zone under the LCLEP, however seniors housing is permissible on the Site under clause 14 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP)* as it is on land zoned primarily for urban purposes. Therefore, the Project is permissible with consent.

### 3.3.3 Other approvals

20. The Commission notes and acknowledges that some SSD projects require approvals under other legislation in addition to development consent under the EP&A Act.
21. In AR para 34 the Department notes that under section 4.42 of the EP&A Act, if specified further approvals are required, they cannot be refused if they are substantially consistent with any development consent for the proposal.

## 3.4 Mandatory Considerations

22. In determining this Application, the Commission is required by section 4.15(1) of the EP&A Act to take into consideration such of the listed matters as are of relevance to the development the subject of the Application (**Mandatory Considerations**). The mandatory considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that any of the Material does not fall within the mandatory considerations, the Commission has considered that Material where it is permitted to do so, having regard to the subject matter, scope and purpose of the EP&A Act.

*Table 3 – Mandatory Considerations*

Mandatory Considerations	Commission's Comments
Relevant EPIs	<p>Appendix C of the Department's AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include:</p> <ul style="list-style-type: none"> <li>• Planning Systems SEPP;</li> <li>• Seniors SEPP;</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP);</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP);</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP);</li> </ul>

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	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65);</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP); and</li> <li>• LCLEP 2009.</li> </ul> <p>The Commission agrees with the Department’s assessment of EPIs set out in Appendix C of the AR. The Commission therefore adopts the Department’s assessment.</p>
<b>Relevant DCPs</b>	Section 2.10 of the Planning Systems SEPP states that development control plans do not apply to SSD. The Commission does not consider any development control plans to be relevant to the determination of the Application.
<b>Likely Impacts of the Development</b>	The likely impacts of the Application have been considered in section 5 of this Statement of Reasons.
<b>Suitability of the Site for Development</b>	<p>The Commission has considered the suitability of the Site and finds that the Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> <li>• the proposed use is permissible with consent;</li> <li>• the Project will help meet the changing needs of the community;</li> <li>• the Project meets the objectives of SP2 Health Services Facility zone;</li> <li>• the environmental impacts have been minimised as far as practicable and are capable of being further managed through the conditions of consent; and</li> <li>• impacts on surrounding land uses have been minimised where possible and are capable of being further mitigated through the conditions of consent.</li> </ul>
<b>Objects of the EP&amp;A Act</b>	In this determination, the Commission has carefully considered the Objects of the EP&A Act and is satisfied that the Application is consistent with the Objects of the EP&A Act.
<b>Ecologically Sustainable Development</b>	The Commission finds that the Project is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.
<b>The Public Interest</b>	<p>The Commission has considered whether the grant of consent to the Application is in the public interest. In doing so, the Commission has weighed the predicted benefits of the Application against its predicted negative impacts.</p> <p>The Project would economically serve the community by generating 300 construction jobs and supporting 174 operational jobs for the local area. The Commission’s consideration of the public interest has also been informed by consideration of the principles of ESD.</p> <p>The Commission finds that, on balance, the Application is consistent with ESD principles, and that the Project would achieve an appropriate balance between relevant environmental, economic and social considerations. The likely benefits of the Project warrant the conclusion that an appropriately conditioned approval is in the public interest.</p>

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### 3.5 Additional Considerations

23. In determining the Application, the Commission has also considered:
- NSW Noise Policy for Industry (NPfI);
  - Interim Construction Noise Guideline (ICNG);
  - NSW Road Noise Policy;
  - NSW Aquifer Interference Policy (AIP);
  - Social Impact Assessment Guideline for State Significant Projects (NSW Government, 2021) (SIA Guideline);
  - Greater Sydney Region Plan (GSRP);
  - North District Plan (NDP);
  - Future Transport Strategy;
  - Future Health: Guiding the next decade of health care in NSW 2022-2032; and
  - Lane Cove LSPS.

### 3.6 The Commission's Meetings

24. As part of the determination process, the Commission met with various persons as set out in Table 4. All meeting and site inspection notes were made available on the Commission's website.

*Table 4 – Commission's Meetings*

Meeting	Date	Transcript/Notes Available on
Department	22 January 2024	30 January 2024
Applicant	22 January 2024	30 January 2024
Council	22 January 2024	30 January 2024
Site Inspection	25 January 2024	30 January 2024

#### 3.6.1 Lane Cove Council Comments

25. During its meeting with the Commission, Council discussed a number of issues including the proposed increase in Gross Floor Area (**GFA**), seniors living use and permissibility, developer contributions, construction hours, damage to public assets and the provision of affordable housing.
26. On 29 January 2024 Council provided a submission to the Commission including the following:
- comments on the proposed GFA increase;
  - comments on the seniors living component and the objectives of the SP2 zone under the LCLEP; and
  - recommended conditions of consent relating to affordable housing, developer contributions, an infrastructure bond and construction hours.

#### 3.6.2 Department's Comments

27. On 5 February 2024, the Department provided a response to questions taken on notice during its meeting with the Commission including:

- detail regarding the intention of licensing or lease arrangements;
- confirmation of intended residents of the Site;
- clarification of applicable energy targets for each component of the Site; and
- further detail of the Department's assessment of the safety of staff travelling to and from the Site.

### 3.6.3 Applicant's Comments

28. On 2 February 2024, the Applicant provided a response to questions taken on notice during its meeting with the Commission including:
- confirmation of the soil profile of the Site;
  - further detail on calculation of deep soil and public domain area;
  - further detail regarding the insulation of planting and soil on the roof;
  - clarification of energy targets being sought for each component of the Site and the consideration of the projected impacts of climate change;
  - details of the targeted capacity of photovoltaic arrays;
  - outline of differences in requirements of the Seniors SEPP and Clause 9c buildings under the National Construction Code (**NCC**);
  - comments on recommended conditions regarding sustainability targets and the provision of affordable housing;
  - provision of plans including of end of trip facilities, deep soil areas and the proposed rainwater tank;
  - further assessment of the safety of staff travelling to and from the Site and the current timetable for the local bus route; and
  - confirmation of the affordable housing targets for the Project.

## 4. Community Participation & Public Submissions

### 4.1 Community Group Attendance at the Site Inspection

29. On 25 January 2024, the Commission conducted an inspection of the Site. Commissioners Wendy Lewin (Acting Chair) and Elizabeth Taylor AO attended the Site Inspection. The Commission invited representatives from community groups to attend and observe at the Site Inspection. The following groups were represented:
- Northwood Action Group;
  - Longueville Residents Association; and
  - Greenwich Community Association.

### 4.2 Public Meeting

30. The Commission determined that a Public Meeting was not necessary for this Application given that 7 objections on SSD-13619238 (including Council's) and 10 objections on SSD-8699 MOD 1 (including Council's) were received by the Department during public exhibition of the Project.

## 4.3 Public Submissions

31. Section 4.3 of this report sets out the matters raised in the submissions made to, and considered by, the Commission. Consideration has been given to these submissions in the Commission's assessment of the Project as set out in the Key Issues section of this report (see section 5 below).
32. As part of the Commission's consideration of the Project, all persons were offered the opportunity to make written submissions to the Commission until 5pm 2 February 2024.
33. The Commission received a total of 8 written submissions on the Application, comprising 3 submissions through its website and 5 emailed submissions. Submissions received comprised:
  - 5 objections; and
  - 3 comments.
34. For the reasons set out in this Statement of Reasons, the Commission considers that the matters raised in submissions do not preclude the grant of development consent and that the matters can be satisfactorily addressed by the conditions of consent imposed by the Commission.

### 4.3.1 Key Issues Raised

35. Submissions to the Commission raised a number of key issues, which are outlined below. The Commission notes that the submissions referred to below are not an exhaustive report of the submissions considered by the Commission, they are reflective and illustrative of what the Commission regards as the key issues that emerge from the submissions.

#### *Built Form and Urban Design*

36. Submissions objecting to the Project raised concerns regarding the bulk and scale of the proposed buildings, privacy, and the proposed GFA increase.
37. Some submissions raised specific issues with the assessment of visual impacts, overshadowing of homes in Gore Street and St Vincent's Road, and the height of the proposed southern seniors living building.

#### *Permissibility and Use*

38. Submissions objecting to the Project raised concerns regarding the seniors living use of the Site and its permissibility in the SP2 Health Services Facility zone of the LCLEP.
39. Some submissions raised specific concerns with the number of over 55s or aged care developments currently underway, the relation of the seniors living use to the hospital use, and the proposed 'age in place' concept.

#### *Biodiversity*

40. Submissions raised concerns with the impact of the development on the bushland to the south-west of the Site.
41. Some submissions raised specific concerns with the impacts of light spill, the lack of assessment of the impacts of the development on the bushland, on the remediation of the area by Council and 'Bush Care', and the impacts of stormwater runoff and sediment control.



## 5. Key Issues

### 5.1 Built Form and Design

#### 5.1.1 Gross Floor Area

42. Public submissions and Council raised concerns with the increase in GFA proposed in the modification application. The Application seeks to increase the total GFA to 26,843sqm from 24,440sqm (a 9.83% increase in total).
43. The proposed total GFA increase can be separated into the following:
- increase of the main hospital building envelope from 12,750sqm to 13,900sqm (an increase of 1,150sqm or 9.02%); and
  - increase of the seniors housing envelopes from 10,990sqm to 12,243sqm (an increase of 1,253sqm or 11.4%).
44. In its submission to the Commission on the modification to the concept design, Council raised objection to the proposed increase in the Gross Floor Area (GFA) of:
- the Hospital Building envelope, with the key reason provided being that the changes would add to the perceived 'bulk' of the northern wing when viewed from River Road; and
  - the seniors housing building envelope, with the key reason provided being that the 'prohibited' use would be intensified.
45. The Department in its AR (para 78) supports the increased GFA for the main hospital building as the reconfigured footprint and shape would not significantly increase the overall bulk and scale of the envelope, the revised footprint increases the setback to River Road, reduces visual impacts along River Road, and the increased width would be indiscernible in the context of the overall bulk of the building.
46. The Department in its AR (para 79) supports the increased GFA for the seniors housing buildings as the reconfigured footprint and shape has not increased the overall bulk and scale of the envelopes, with the exception of minor changes to the footprint, and the revised positioning and layout of the development can be partly attributed to increased circulation space, contributing to the future adaptability of the facilities.

#### *Commission's findings*

47. The Commission considers that the additional GFA proposed for the main hospital building and seniors housing buildings is acceptable given that the perceived overall bulk and scale of the development is maintained in that there is no proposed increase in development height or yield.

#### 5.1.2 Built Form

##### *Height and setbacks*

48. The Department notes in AR para 73 that the overall height of the envelopes would remain as modified by the conditions of the concept approval, and provided the following information on the proposed modifications to the hospital building built form in AR para 74:
- lowering of the basement level under the hospital building;
  - provision of car parking in levels 1-3 (below ground);
  - converting the main podium level (Level 4) to full hospital use; and

- larger footprint of Levels 5 and 6 which remain under the maximum height of RL61.6.
49. The Department noted that the modified design of the hospital towers generally maintains the minimum setbacks of the original concept approval, with an increase in setback provided for the lower levels of the southern hospital tower (from 10.5m to 20m).
50. The taller hospital tower is set back approximately 30m from the nearest street (being River Road), 60m from the boundaries of the properties on Gore Street and 61m from St Vincents Road – being consistent with the original approval (AR para 146).
51. Additionally, in AR para 75 and 76, the Department notes that the overall height of the respite care building is proposed to remain the same as approved in the original concept approval, however the levels have been lowered, and that the seniors housing building envelopes have been lowered by 0.2m.
52. The Department also notes that the modified design of the seniors housing buildings maintains the building setbacks as specified by the existing concept development approval. These setbacks (20.9m to the western boundary and 34.4m to the rear boundary) are greater than the 12m recommended by the Apartment Design Guide (ADG) (AR para 150).
53. Submissions received from the public expressed concerns with the overall height of the proposed development, stating that the proposal should have maintained the silhouette of the existing hospital buildings and that visual mitigation of impacts, such as light spill, through landscaping would not be suitable unless the species are suitably selected and managed in perpetuity. A number of submissions appreciated the reduction in height of the northern seniors housing building, however, these suggested the southern building should also be reduced in height for the same reasons.
54. The Applicant's architectural plans illustrate that the terraces of the northern seniors housing building are oriented to the north and south, towards River Road and the related southern building, providing increased setbacks to neighbouring properties. The Department noted in AR para 150 that the balconies and windows are further recessed for privacy, while angled blade walls and planter boxes contribute to privacy mitigation and minimise overlooking. The Department advises that these measures are sufficient to address visual privacy concerns.
55. Public submissions also raised concerns regarding the potential for light spill and overlooking from the balconies of the seniors housing buildings to neighbouring properties and the related bushland. A submission also noted that the mitigating treatments were proposed for the west-facing balconies, but not for all of the south-facing balconies of the seniors housing buildings.
56. The Applicant's architectural plans responded to the conditions of the original concept approval in that the loading dock is now located within the level 1 (below ground) car park, accessed via the western access road carpark entry. Additionally, the upper level of the hospital is proposed to be removed, with the exception of the plant, to reduce bulk and scale of the building.

### *Commission's findings*

57. The Commission is satisfied that the proposed minor modifications to built form, including the changes to levels, the proposed heights and setbacks and the design of the buildings is appropriate as:
- the proposed heights are consistent with the approved maximum heights of envelopes approved in the original concept approval;

- the proposed setbacks are consistent with the approved setbacks of the envelopes approved in the original concept approval, with the exception of the minor increases at the corners which the Commission is satisfied has no additional impacts and improves design outcomes;
- the revised footprint of the hospital building envelope increases the setback to River Road and reduces the visual impact from River Road;
- the revised envelopes would not have increased amenity impacts on adjoining properties;
- the provision of balconies, recessed windows, angled blade walls and planter boxes provide adequate privacy to residents and adjoining properties;
- the loading dock is located internally within the basement carpark providing improved separation, as well as noise and visual impact mitigation; and
- green edges and terraces are proposed on the northern seniors housing building and provide an appropriate transition to the landscaped setting.

## 5.2 Ecologically Sustainable Development

58. In AR Appendix C, the Department notes that the Applicant is committed to targeting the equivalent of a 4-star Green Star rating for the hospital building, but not certification due to operational efficiency and safety concerns. Additionally, the Applicant provided a BASIX certificate for the seniors housing component.
59. In AR Appendix C, the Department concluded that the proposed development is consistent with ESD principles.
60. The Department included recommended conditions of consent regarding ESD including:
- B3, requiring all conditions of the BASIX Certificate to be clearly shown on the Construction Certificate drawings;
  - C11, requiring demonstration, prior to the commencement of construction of Stage 2 and Stage 4, of either a minimum 4-star Green star rating or that the Applicant has sought approval from the Planning Secretary for an alternative certification process;
  - E5, requiring evidence of all commitments contained in the BASIX Certificate being implemented and the Applicant to obtain approval from the Certifier of compliance with this, prior to the issue of an Occupation Certificate for Stage 3; and
  - F16, requiring Green Star certification of a minimum 4 Star Green Star, or evidence of compliance of implementation of an alternative certification process, to be obtained within six months of commencement of operation of Stages 2 and 4 respectively.
61. In their meetings with the Commission, the Applicant and the Department discussed the ESD commitments of the Project:
- the Applicant requested the amendment of recommended conditions B3 and E5 to include clarification that Section J requirements prevail over the requirements of BASIX to the extent of any inconsistency.
  - the Department noted that this amendment could create ambiguity as the condition as recommended allows for the Applicant to deliver the better outcome if there is any inconsistency. 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.

- the Applicant also requested the Commission amend conditions C11 and F16 to remove the requirement for the Planning Secretary to approve an alternative certification process to the Green Star certification, noting that the ESD credentials of the Project have been assessed through the SSD process and are captured within the ESD Report, therefore it would be more efficiently addressed through certification by an ESD consultant.
62. The Commission also sought the Department's confirmation of the applicable ESD requirements for each component of the development. In its response to the Commission, the Department provided the following:
- identification that the Project is committed to achieving a 4 star equivalent Green Star rating, compliance with the BASIX certificate, achieving an 8 star NatHERS rating for the seniors housing buildings, and exceeding the deemed to satisfy requirements of Section J of the NCC for the main hospital building and seniors housing buildings;
  - identification that ESD targets do not appear to extend to the respite building or Pallister;
  - noted the Department's recommended conditions should be amended to clarify that the Green Star (or equivalent) rating conditions only apply to the main hospital building and respite building.
63. The Commission sought the Applicant's confirmation of the targeted ratings for each component of the development. In its response to the Commission, the Applicant provided the following:
- for the hospital building, 4 star equivalent Green Star and Section J compliance;
  - for the seniors housing buildings, 4 star equivalent Green Star and Section J compliance; and
  - for the respite care building, Section J compliance.
64. In its meeting with the Commission, the Applicant noted that HammondCare has a general target for their sites to achieve a 5 Star Green Star rating. The Commission sought the Applicant's comments on the conditions of consent potentially being amended to reflect this. In its response to the Commission, the Applicant stated:
- “Although the project is looking to design to a 5 Star Green star equivalent level of performance, the commitment remains at a 4 star equivalent Green Star (Design & As-built v1.3) in accordance with the ESD Report (Attachment E). It is requested that the 4 star equivalent Green Star (Design & As-built v1.2) be reflected in the conditions of consent. Notwithstanding, the Applicant is willing to commit to a 5-star NABERS for the project.”*

### *Commission's findings*

65. The Commission is satisfied that the imposition of a minimum 4 star Green Star or equivalent for the Project is appropriate as it is the applicable requirement for the Project.
66. The Commission notes that the Department did not include the seniors housing buildings in its recommended amendments to the Green Star (or equivalent) conditions as the BASIX Certificate is the appropriate ESD criteria for this use, however the Applicant stated that 4 star equivalent Green Star was being sought for the seniors housing component.

67. The Commission has imposed conditions C11 and F16 to require a minimum 4-star Green Star rating (or equivalent through an alternative certification process) for the main hospital building and respite building. The Department, in its response to the Commission dated 21 March 2024, advised that the seniors housing buildings are not subject to Green Star rating certification as BASIX applies and prevails. Therefore, the Commission is satisfied that the ESD requirements for the seniors housing buildings can be adequately managed through conditions B3 and E5.
68. The Commission also notes the Applicant's request to remove the requirement for the Planning Secretary to approve an alternative certification process. However, the Commission considers it appropriate to impose this requirement to ensure the alternative certification process is as robust and achieves similar outcomes to the Green Star certification process.

## 5.3 Landscaping and Public Domain

### 5.3.1 Landscaping

69. The Concept Approval SSD-8699 required the development to include the planting of 86 trees, an additional requirement for detailed landscape plans to demonstrate planting at 1:1 for any trees removed, and the retention of Tree 167.
70. The Application seeks to remove 85 trees and replant 239 in total (AR para 104), with 98 of these to be planted in deep soil areas, with the coverage of deep soil zones on the Site reducing from the existing 55% to 46.5% (AR para 106).
71. The Commission sought clarification of the calculation and definition of deep soil area from the Applicant. In its response to the Commission, the Applicant clarified that deep soil had been calculated in accordance with the criteria of the Apartment Design Guide (ADG) and that under this definition, the deep soil area of the Site is 14,300m<sup>2</sup>, or 43%. The Applicant also provided a Deep Soil Diagram demonstrating where the deep soil area is located on Site.
72. In its meeting with the Commission, the Applicant discussed the proposed planting underneath the photovoltaic (PV) solar panels, noting that they will contribute to maintaining the optimal operating temperature range for the panels, referencing a project in Barangaroo where this has been tested with positive results.
73. The Commission sought a copy of the report for the Barangaroo project, which the Applicant provided in its response to the Commission. The Applicant states that the proposed co-location of the PV solar panels with a green roof is similar to that installed at the Barangaroo project.
74. A study by the University of Technology, Sydney, compared a conventional PV solar system on a different building with the combined PV solar and integrated green roof system on Daramu House in Barangaroo and found that the integrated system improved solar energy output by 3.6% and surface temperatures were greatly reduced on the green roof.
75. A public submission noted that the proposed species for bushland regeneration of the Gore Creek Reserve should be consistent with the existing species in the adjoining bushland.
76. The Department recommended condition B10 requiring a revised Landscape Plan to be prepared prior to the commencement of construction which included identifying details of planting in bushland regeneration areas. The Department's recommended condition required the revised Landscape Plan to use species indigenous to the local area.

77. A public submission noted concerns regarding the stability of the western embankment during construction and the potential need for monitoring and maintenance throughout construction. In its response to the Commission dated 8 March 2024, the Applicant noted the following in response:
- the existing fill batter slope is marginally stable;
  - one of two options should be utilised to manage the impacts of potential batter slopes – re-profiling the batter slope or projection of a theoretical failure plane at a specific angle (details of both options are contained with the Additional Geotechnical Investigation prepared by JK Geotechnics dated 10 May 2022);
  - the Construction Management Plan prepared by Roberts Co dated 14 December 2022 notes that demolition and excavation would need to be carefully sequenced and completed by suitably experienced contractors to ensure stability of the embankment;
  - detailed methodology will be confirmed at Construction Certificate stage, as in industry standard practice, including assessing the need (and extent) of underpinning, propping and/or wall strengthening measures.

### *Commission's findings*

78. The Commission is satisfied that the proposed tree planting meets the requirements of Concept Approval SSD 8699 as more than 86 trees, and at a ratio of greater than 1:1, will be planted, including the retention of Tree 167.
79. Additionally, the Commission is satisfied with the Applicant's definition and calculation of deep soil area, noting that the definition does not exclude pre-existing deep soil areas on the Site and therefore the existing bushland contributes to the deep soil area for the Site.
80. The Commission notes that the co-location of the proposed PV solar panels and green roof as a sustainability measure is an emerging technique and the impacts on long term power are yet to be established. The Commission is satisfied that the conditions of consent requiring achievement of the applicable Green Star ratings and certification are adequate, and the Applicant can achieve this through measures such as the co-location of the proposed PV solar panels and green roof. However, if this measure is not effective in the long term, the Applicant will be required to achieve the sustainability targets through other means.
81. In regard to the bush regeneration planting, the Commission notes that the recommended conditions of consent did not specify that the revised Landscape Plan needed to include the specific species. The Commission has imposed a condition which requires the location, species, maturity at time of planting, and height of plants at maturity to be included in the revised Landscape Plan for the bushland regeneration areas. Further, the Commission imposed conditions requiring the use of endemic species in order to ensure consistency with the existing adjoining natural bushland.
82. The Commission is satisfied that the Construction Management Plan and proposed detailed methodology to be confirmed at Construction Certificate stage will be adequate to ensure the stability of the western embankment during construction.

### **5.3.2 Asset Protection Zones (APZ)**

83. The Commission raised concerns with the Department's recommended conditions of consent requiring the whole Site to be managed as an Inner Protection Area (IPA) and the potential conflicts of this with the proposed landscaping of the Site.



84. In its response to the Commission, the Department advised that the recommended condition of consent was drafted based off the Bushfire Protection Assessment (BPA) submitted with the EIS which is outdated, and the condition should instead be informed by the BPA submitted with the RtS and the further information provided by the Applicant dated 7 March 2024. This further information identifies that only sites for seniors housing which are wholly mapped as bushfire prone land are required to be managed entirely as an IPA and also provides a revised APZ. The subject site is only partially mapped and therefore the Applicant advised that only a 23m APZ to the south west is required. Further, the Department advised that the NSW Rural Fire Service raised no concerns with the proposed 23m APZ.
85. The revised APZ also seeks to extend to cover an area of cleared and managed land between the formerly proposed APZ and the adjoining property to the south.
86. The Department have concluded in their response to the Commission dated 21 March 2024 that the revised APZ is satisfactory and provided a recommended amendment to the APZ condition to reflect the revised APZ.
87. The Department also included a recommended condition of consent requiring an update to the Vegetation Management Plan to include planting details, APZ measures and vegetation protocols for the remainder of the Site.

#### *Commission's findings*

88. The Commission is satisfied that the revised APZ is satisfactory as:
- the canopy cover extent is limited to 15% of the IPA; and
  - the revised APZ area will be designed and constructed in accordance with Appendix 4 of Planning for Bushfire Protection 2019.
89. Therefore, the Commission has imposed a condition of consent pertaining to the IPA to reflect the revised APZ as identified in the advice letter prepared by Travers bushfire & ecology dated 7 March 2024.
90. Additionally, the Commission has imposed a condition of consent requiring an update to the Vegetation Management Plan to include planting details, APZ measures and vegetation protocols for the remainder of the Site.

## **5.4 Traffic and Transport**

### **5.4.1 Traffic**

91. Public submissions raised concerns with increased traffic causing pedestrian safety issues with the nearby Greenwich Public School, located on River Road.
92. In AR para 155, the Department states that the Transport and Parking Assessment accounted for ancillary facilities and activity such as school drop off use. Additionally, AR para 169 outlines that surplus parking has been provided as there is no convenient or appropriate on street parking spaces near the Site, and therefore the Site will be used for other parking purposes such as use by parents/carers for nearby schools.
93. The Department concludes in AR para 158 that the Project would have acceptable impacts on the existing road network, as the surrounding signalised intersections would maintain the same levels of service.

94. In AR para 122, the Department notes that the eastern River Road entrance was designed in consultation with Greenwich Public School and in AR para 183 notes that there are no proposed changes to the current restricted access arrangements or the driveway at St Vincents Road.
95. In AR para 165, the Department highlighted potential issues with vehicle access and pedestrian safety during the construction phase. The Department recommended a condition of consent which requires a Road Safety Audit (RSA) to assess the suitability of the St Vincents Road access during the construction phase given the steep and narrow access and potential issues with turn paths and sight lines.

### *Commission's findings*

96. The Commission is satisfied that the Project will not have unacceptable traffic impacts as:
- the Traffic and Parking Assessment accounted for the use of the Site for school drop off and pick up;
  - the Project will not have unacceptable impacts on the existing road network;
  - the eastern River Road entrance was designed in consultation with Greenwich Public School;
  - there are no changes to the existing access arrangements or the driveway at St Vincents Road; and
  - the Applicant will be required to undertake a RSA to assess the suitability of the St Vincents Road access during construction.

### **5.4.2 Public Transport**

97. The Seniors SEPP mandates a daily bus service must be available both to and from the Site to a local centre at least once between 8am and 12am each day and at least once between 12pm and 6pm each day.
98. In AR para 174, the Department determined that the existing public transport arrangements are satisfactory on Mondays-Saturdays, with route 261 which travels to local centres including Lane Cove, Crows Nest, North Sydney and the Sydney CBD.
99. The Department has however also recommended as a condition of consent the requirement for the Applicant to ensure that a bus service capable of carrying at least 10 passengers is available to transport residents to and from the Site, at the minimum required frequency and times outlined in the Seniors SEPP, to any such local centre on Sundays to cover the deficiency of transport arrangements on Sundays.
100. While the Department's assessment has considered the public transport access for residents of the site, the Commission has identified the lack of suitable public transport arrangements for the staff of the development.
101. In its meeting with the Commission, the consideration of travel to the Site for staff, specifically at night time shift changeover times, was discussed with the Applicant. The Applicant stated that a Green Travel Plan has been prepared which includes initiatives such as the encouragement of carpooling.
102. In its response to the Commission, the Applicant provided further information on the proposed travel arrangements for staff including:
- confirmation the Project does not seek to alter the existing staff travel arrangements;
  - the existing arrangements meet all access provisions of the Seniors SEPP;
  - a Green Travel Plan has been prepared and provided;

- adequate on-site parking is provided for staff to park on site, including during shift changeover periods; if staff do not wish to walk to the Site along the steep gradients from Wollstonecraft or St Leonards stations, there is the option to use the route 261 or route 265 bus services when operational or to drive; and
- the pathways to and from the Site from Wollstonecraft and St Leonards Stations are well illuminated and the Lane Cove LGA was identified in the Crime Prevention Through Design Report to have a low incidence of crime.

### *Commission's findings*

103. The Commission is satisfied that the requirement in imposed condition E17 for the Applicant to ensure adequate transport is available on Sundays to meet the requirements of the Seniors SEPP will adequately address the transport needs of the residents of the Site.
104. The Commission also notes that the existing Concept Approval includes condition B21(c) which requires a Green Travel Plan to accompany all future development applications for new built form. The Green Travel Plan is required to outline the measures to reduce private vehicle usage, including the provision of a free shuttle bus service to local retail centres and public transport nodes.
105. The Green Travel Plan submitted by the Applicant states that the Applicant may consider a free shuttle bus service operation from the Site to St Leonards Station. The Commission does not consider this to meet the intention of condition B21(c) of the Concept Approval and therefore has imposed condition E18(c) which requires the Green Travel Plan to detail measures to reduce private vehicle usage, including the provision of a free shuttle bus to local retail centres and public transport nodes. In particular, the plan should address the lack of public bus transport past the site on Sundays.
106. The Commission is satisfied that travel to and from the Site is adequately addressed for both staff and residents, subject to the conditions imposed by the Commission and the Applicant's provision of sufficient parking on site as an integral part of the Project, and that these arrangements meet the requirements of the Seniors SEPP.

## **5.5 Flooding and Stormwater**

### **5.5.1 Flooding**

107. AR para 185 states that the Site is subject to overland flooding. The Department notes that the Applicant's Flood Assessment (FA) suggests that the development will not result in any adverse flood impacts on areas adjoining the Site and measures such as a landscaping bund would improve overland flow impacts to the south (AR para 186).
108. Public submissions have raised concerns with the existing overland flow impacts of the Site. In its response to the Commission dated 8 March 2024, the Applicant advised that permanent measures are not required at the western boundary to prevent flood water from overflowing onto adjoining properties as overflow of water across the boundary is not anticipated. The Applicant advised that there is an existing overland flow path at the western boundary in a 1% AEP event and that the proposed development does not create any additional overland flow paths or change the hydraulic hazard in the PMF event.

109. The FA indicates varying hazard classifications across the site, being H1 classification in the 1% Annual Exceedance Probability (**AEP**) event and inundation of 0.15m in a PMF event for the majority of the site. This is with the exception of between a H2 classification in a 1% AEP event to a H4-H6 classification in a Probable Maximum Flood (PMF) event in the north-western corner of the Site. All proposed floor levels are above the PMF and generally positioned away from moderate to high-risk areas (AR para 186).
110. The Department has recommended conditions of consent in relation to the mitigation and management of flood impacts including, but not limited to:
- requiring evidence that all habitable floor levels are above the PMF and the development achieves the Flood Planning Levels;
  - requiring evidence that the buildings have been designed to ensure shelter in place of vulnerable persons;
  - requiring evidence the buildings would comply with the relevant requirements and guidance for structural adequacy during all flood events from 1% AEP to PMF;
  - implementation of flood warning and notification procedures for construction workers;
  - implementation of evacuation and refuge protocols during construction; and
  - submission of a detailed Flood Emergency Response Plan (FERP) for the operational phase of the development, prepared in consultation with relevant authorities, prior to the issue of each Occupation Certificate.

### *Commission's Findings*

111. The Commission is satisfied that flooding impacts for the Site are adequately mitigated and managed for the operational phase of the Site as:
- the required Flood Emergency Response Plan provides guidance on flood risks during the operation of the development, including predicted flood levels, flood warning time and notification, assembly points, evacuation routes and intended evacuation and refuge protocols;
  - the Project has been designed so that all entrances to the buildings and habitable levels are located above the 1% AEP level;
  - the proposed shelter in place strategy is acceptable given the short duration of a PMF event (maximum 1 hour); and
  - the buildings have been designed to withstand the impact of floods up to and including the PMF event.
112. As the Site is flood affected, the Commission has imposed requirements to adequately address the mitigation and management of flood impacts during construction to ensure safety for construction staff and existing residents. The Commission therefore is satisfied that flood impacts during construction will be adequately mitigated and managed, subject to the following conditions imposed by the Commission:
- the requirement for a Construction Flood Emergency Response Sub-Plan that includes details of:
    - the flood emergency responses for the construction phases of the development;
    - predicted flood levels;
    - flood warning time and notification;
    - assembly points and evacuation routes;
    - evacuation and refuge protocols; and
    - awareness training for employees and contractors;
  - the requirement for a copy of the CFERSP to be kept and made available on site during construction at all times; and

- temporary emergency exits, and signage, in the event of a flood emergency.
113. Additionally, the Commission notes the community concerns with overland flow impacts onto adjoining properties. The Commission has imposed Condition C18 requiring the Construction Soil and Water Management Sub-Plan to include consultation with adjoining landowners, and mechanisms to facilitate communication between the Applicant and adjoining affected landowners during construction to ensure no overland flow impacts are experienced on adjoining sites.
114. In its response to the Commission dated 8 March 2024 the Applicant noted that there is an existing overland flow path at the western boundary in a 1% AEP event, that there would be minor reduction in flood levels along the western boundary in a 1% AEP event, and that overflow of water across the western boundary is not anticipated. However, the Commission is not satisfied that the concerns raised by the community of existing stormwater runoff and potential overland flow impacts increasing on adjoining properties have been addressed.
115. The Commission therefore has imposed a condition of consent requiring a Water Management Plan to be prepared which includes mechanisms for neighbouring landowners to communicate with the Applicant on stormwater and overland flow matters during operation of the development, as well as requiring the Applicant to implement permanent measures if stormwater runoff or overland flow impacts are identified on adjoining properties.

### 5.5.2 Stormwater

116. The Application was accompanied by a Stormwater Management Report which includes details of the proposed stormwater drainage system, designed in accordance with Council's DCP. The Department in AR Table 13 notes that this Stormwater Management Report identifies that peak discharge may increase given the additional impervious areas, however the drainage has been designed to ensure downstream properties are not impacted.
117. A number of public submissions to the Commission raised concerns with the potential impact of stormwater runoff onto adjoining properties, expressing that stormwater runoff impacts from the Site are an existing issue. Several public submissions noted that their properties have been affected by runoff from the Site into their properties, with one noting the damage to the interior of their dwelling and sewerage overflowing into their garden and back walkway. Another public submission noted that their property has lost soil and therefore lost access to the underside of their pool deck due to the Site diverting flows into neighbouring properties.
118. These submissions also raised concerns of the runoff contributing to erosion effects and exacerbating existing runoff issues on neighbouring properties. A property on the adjoining southern boundary has reported existing issues including flood damage within the dwelling from runoff from carparks and rocky landscaped areas. This is seemingly due to blockages of the existing stormwater drain grates. One submission understands that the stormwater pipe will discharge directly to Gore Creek, creating issues with sediment and weeds.
119. The Department's AR did not address any existing stormwater management issues and concluded in AR Table 13 that the Department is satisfied by the proposed stormwater drainage design, recommending a condition of consent which requires the implementation of the detailed stormwater management system and the provision of a Stormwater Operation Maintenance Plan.

### *Commission's Findings*

120. The Commission notes the concerns raised by the adjoining landowners regarding stormwater impacts of the proposed development.
121. The Commission has imposed Condition C18 requiring the Construction Soil and Water Management Sub-Plan to include consultation with adjoining landowners and mechanisms to facilitate communication between the Applicant and adjoining affected landowners during construction to ensure stormwater impacts are not experienced on adjoining sites. Additionally, the Commission has imposed a condition of consent requiring a Water Management Plan described above in para 115.

## **5.6 Other Issues**

### **5.6.1 Permissibility and Use**

122. In its submission to the Commission, Council raised concerns regarding the permissibility of the development, noting that development for the purpose of seniors housing is prohibited in the SP2 Health Services Facilities zone under the LCLEP.
123. The Department notes in AR Table 5 that the Seniors SEPP permits seniors housing on land zoned primarily for urban purposes where a hospital is permissible.
124. The Commission notes that the issue of the permissibility of the development has been previously addressed in the Statement of Reasons (**SoR**) for SSD-8699, being the original Concept Approval for the development. Para 66 of the SoR for SSD-8699 outlines the Department's assessment of permissibility of the seniors housing use for the Concept Plan, noting that the seniors housing use is not required to be consistent with the underlying objectives of the zone but is required to demonstrate that it meets site and design requirements as set out in the Seniors SEPP.
125. Para 70 of the SoR for SSD-8699 outlines the Commission's finding that:  
*"the Project, subject to the recommended conditions, is acceptable with regard to site suitability."*
126. In its meeting with the Commission, the Applicant requested removal of recommended condition A37, which required separate approval be obtained for the seniors housing to be used for hospital purposes. The Applicant noted that the seniors housing buildings have been built to Class 9c standards and not Class 9a (hospital) and as hospitals cannot be delivered under Class 9c standards, the condition is obsolete and may inadvertently limit the effectiveness of the continuum of care model where health care may be provided within the seniors housing component.
127. Public submissions raised concerns that the seniors housing component should be assessed separately to the hospital component as the seniors housing use is not permissible on the Site, noting that any changes to the relation between the two uses due to the modifications should be assessed.
128. In the Commission's SoR for SSD-8699, the Commission noted the Department's argument for the project being SSD in its totality, stating that the seniors housing component was sufficiently related given the shared basement facilities for the two components and the broader integrated delivery model across the development. The Commission in SoR para 48 concluded that the proposed seniors housing was sufficiently related to the hospital use and agreed that the project was SSD in its totality.



129. The Commission notes that the Department in AR Table 5 has not assessed the relation between the two uses and concludes that the Project is SSD as it is a subsequent stage of the approved concept approval and is for the purpose of a hospital with a capital investment value greater than \$30 million.
130. Public submissions raised concerns with the proposed age in place care model of the Project, noting that some licensees (residents) may not require specialist care for some time as seniors housing can be provided to any persons over the age of 55.
131. In its response to the Commission dated 5 February 2024, the Department noted that it was their understanding that:
- “under Aged Care Act 1997 (Commonwealth) accommodation is provided through residential agreement and housing under the Retirement Villages Act 1999 (NSW) and standard tenancy agreements would be in the form of leases”.*
132. The Commission notes that the Applicant’s EIS notes that the units would provide age in place care due to the access to hospital-quality care whilst maintaining a degree of independence. Further, in the Applicant’s response to the Commission dated 2 February 2024, the Applicant noted that the seniors housing buildings have been built to a Class 9c standard (residential care buildings that may contain residents who have various care level needs) and the seniors housing units are intended for older residents (75+ years) with chronic health needs.

### *Commission’s Findings*

133. The Commission is satisfied that the proposed uses are permissible on the Site, under SP2 Health Services Facilities zone of LCLEP (for the hospital use) and under the Seniors SEPP (for the seniors housing use).
134. The Commission notes the Applicant’s concerns regarding recommended condition A37 potentially inadvertently limiting the provision of health care in seniors housing dwellings by the misinterpretation of ‘hospital purposes’.
135. The Commission finds the condition appropriate to ensure that other impacts, such as operation traffic as mentioned in Section 5.4.1 above, will be considered if the use were to change in the future. The imposed condition includes clarification that ‘hospital purposes’ refers to the definition of hospital under the Standard Instrument to remove the risk of misinterpretation and disruption to the continuum of care model.
136. The Commission is also satisfied that the Project constitutes a single SSD, under section 4.37 of the EP&A Act, as it is a subsequent stage of the approved concept approval where the consent authority has not determined the relevant council to be the consent authority for the subsequent stage.
137. The Commission is satisfied with the leasing arrangements of the seniors housing buildings, the design of the building as a Class 9c building and the Site being required to register a public positive covenant restricting the seniors housing buildings to ensure that they are only occupied by persons as defined in the Seniors SEPP. Therefore, the Commission does not consider any additional conditions of consent are required to ensure the age in place model is provided.

## **5.6.2 Development Contributions**

138. In its meeting with the Commission, Council discussed the imposition of development contributions for the seniors housing component of the development. Council did note that development contributions would not be applicable to the hospital components of the Project.

139. In its submission to the Commission, Council stated that section 7.11 contributions are required for the seniors housing component, consistent with the Council's imposition of section 7.11 contributions to all seniors housing developments across the Lane Cove LGA. Council noted that despite the Applicant being classified as a social housing provider, the proposal would significantly increase the land use intensity of the Site and therefore put greater pressure on existing infrastructure.
140. In AR Table 13, the Department concludes that no development contributions should be imposed as there is a Ministerial Direction, dated 14 September 2007, in force which requires the exemption of any development for the purposes of seniors housing from development contributions if provided by a social housing provider.
141. In its submission to the Commission, Council requested the imposition of a condition requiring an infrastructure and trees damage bond to protect and maintain public infrastructure. Council's recommended condition required the lodgement of a \$190,000 cash bond or bank guarantee to cover the repair of damage to Council's assets due to the development.
142. The Department did not recommend a condition of consent requiring any infrastructure bonds, however, did include recommended conditions of consent requiring the following:
- all street trees immediately adjacent to the approved disturbance area and property boundary must be protected and any street tree which is damaged or removed during construction due to an emergency must be replaced to the satisfaction of Council;
  - a post construction dilapidation report which ascertains whether the construction works created any structural damage to public infrastructure;
  - that the Applicant must repair or pay the full costs associated with repairing any public infrastructure that is damaged by carrying out of construction and/or pay compensation for the damage as agreed with the owner of the public infrastructure; and
  - the cost of any damaged caused to Council's or another Public Authority's assets in the vicinity of the Site as a result of construction works must be met in full by the Applicant prior to the issue of any relevant Construction Certificate.

### *Commission's Findings*

143. The Commission is satisfied that the seniors housing component of the Project is exempt from development contributions as the Applicant is classified as a social housing provider, and the delivery of the proposed seniors housing is exempt under the Ministerial Direction dated 14 September 2007. Therefore, the Commission has not imposed any conditions of consent requiring the payment of development contributions.
144. The Commission is satisfied that the conditions listed above in para 142 adequately mitigate the impacts to any of Council's assets as a result of the development and therefore does not consider the imposition of a condition requiring an infrastructure and tree damage bond to be necessary.

### **5.6.3 Affordable Housing Provision**

145. In its submission to the Commission, Council stated that the Project should encompass a 10% proportion of Affordable Housing units within the seniors housing component as required by the Seniors SEPP.

146. Council also stated that the Project should be required to provide a minimum of 50% of the seniors housing as affordable housing for 15 years under clause 84 of the Environmental Planning and Assessment Regulation 2021 (**EP&A Reg**), due to HammondCare being a social housing provider and the Project delivering a residential flat building.
147. Council therefore recommended that at least 10% of the dwellings for the accommodation of residents should be provided as affordable places.

### *Commission's Findings*

148. The Commission notes that the Seniors SEPP only requires the provision of affordable housing if the development exceeds the floor space ratio applicable to the Site. The Site does not have an applicable FSR under an EPI and therefore, the Project does not propose an exceedance of FSR. Therefore, the Commission is satisfied that there is no requirement for the Project to include the provision of affordable housing under the Seniors SEPP.
149. The Commission also notes that Council's reference to the requirement for a minimum of 50% affordable housing to be provided for 15 years under the EP&A Reg does not apply to the Project. This is due to clause 84 of the EP&A Reg only applying to development permitted under the Housing SEPP. As this Project is permitted under the Seniors SEPP, the Commission is satisfied that there is no requirement to provide affordable housing for this Project under the EP&A Reg.
150. Therefore, the Commission has not imposed a condition of consent requiring the provision of any affordable housing.

### **5.6.4 Biodiversity**

151. The original concept approval assessed the potential for loss of biodiversity values on the Site. The Department determined that the loss of biodiversity values on the Site could be adequately compensated and the conditions of consent of the original concept approval reflected the intent that the subsequent detailed design application would incorporate the measures provided in the Biodiversity Development Assessment Report (**BDAR**) (AR para 194), and that the BDAR be updated as necessary.
152. The Department considers that the BDAR provided with the subject application addresses concerns raised by the Department's Environment and Heritage Group (**EHG**) through the previous conditions of consent, EIS and RtS processes, and has consequently been supported by EHG (AR para 198).
153. The Department concluded that the Project would result in the loss of biodiversity values on the Site but that the impacts would be adequately compensated. The Department recommended conditions of consent which require biodiversity offsets to be in place prior to the removal of any vegetation, and that biodiversity protection measures be implemented during construction and operation of the development (AR para 208).
154. The Department provided comment on the Project's merit against chapter 6 of the *Biodiversity and Conservation State Environmental Planning Policy – Bushland in Urban Areas* (Biodiversity SEPP) in reference to the impacts and regeneration of Gore Creek Valley bushland. The Department has determined that the BDAR provided with the application addresses the requirements of the Biodiversity SEPP and also recommended conditions B12 to B14 and E43 of the consent which require details of plantings and management of, the bushland regeneration area, which provides a protection buffer between the development and the Gore Creek Valley bushland (AR table C9).

155. Concerns were raised in public submissions with regard to the potential impacts of light spill on the related bushland. In particular, the submissions identified the Brush Turkey, possums and arboreal species as fauna species which utilise these areas for nesting and foraging. One public submission suggested amending lighting conditions to include compliance with the *National Light Pollution Guidelines for Wildlife* (DCCEEW, 2023).

### *Commission's Findings*

156. The Commission is satisfied that the biodiversity impacts of the development will be adequately managed through conditions imposed by the Commission including requirements for biodiversity offsets, protection of the bushland regeneration area between the development and Gore Creek Valley, and the preparation of a Vegetation Management Plan.
157. The Commission notes that concerns were raised regarding the impacts of lighting on wildlife. The Commission agrees that this impact needs to be mitigated through appropriate lighting as to minimise impacts on wildlife in close proximity to the development. In response, the Commission has amended recommended condition C13 to require external lighting to be in compliance with all relevant Australian Standards, codes and guidelines, which includes any relevant guidelines regarding wildlife and outdoor lighting. Additionally, the Commission has amended condition D38 to require external lighting (where relevant) to address best practice lighting design identified in the *National Light Pollution Guidelines for Wildlife* (DCCEEW, 2023).

### **5.6.5 Visual Amenity and Privacy**

158. The Department identified the primary views from the public domain impacted by the Project are those from Lane Cove River. A subsequent Landscape Character and Visual Impact Analysis (**LCVIA**) was provided, and the impacts were considered to be largely similar to those of the original concept application (AR para 132).
159. Public submissions raised concerns with the impact of views from Northwood located to the west of the development site.
160. The Department noted that the original concept approval accepted that a development of this nature would inevitably present privacy issues with mitigation measures able to be provided by architectural solutions, such as vegetation, planter boxes, fixed louvres, high sills and south/east orientation of terraces incorporated into the detailed design (AR para 145).
161. The Department has recommended a condition of consent for the Applicant to engage with the owners of the adjoining properties at 117, 117A and 117B River Road and 24 and 55 Gore Street to offer to install fencing to improve screening and minimise visual privacy impacts.
162. In its meeting with the Commission, the Applicant requested the Commission to delete the recommended conditions of consent requiring this fencing, stating that appropriate design interventions have already been made in the way of the larger setbacks, façade treatments and landscaping.
163. Additionally, the Commission sought clarification on the proposed landscaping to be relied on as screening on the western boundary. In its response to the Commission dated 12 March 2024, the Applicant provided the following details of the planting density:
- 1 tree every 50m<sup>2</sup>;
  - 1 sub-canopy every 30m<sup>2</sup>;
  - 1 shrub per 10m<sup>2</sup>; and
  - 3 groundcovers per 1m<sup>2</sup>.

164. Additionally, in the Department's response to the Commission dated 21 March 2024, the Applicant advised that the proposed height of the canopy trees is 15m.

### *Commission's Findings*

165. The Commission is satisfied that the provision of the fencing to the properties outlined in para 161 above is appropriate as it will improve the visual privacy of the adjoining properties if the owners are not satisfied with the already provided mitigation measures. Therefore, the Commission has imposed condition E12.
166. Additionally, the Commission has considered the use of vegetation and landscape screening to aid in the mitigation of privacy and amenity impacts, as discussed in section 5.3 of this report, and is satisfied that the 15m height of canopy trees is adequate for screening, and has imposed conditions (B12 and B13) requiring a revised Landscape Plan to be prepared in consultation with adjoining property owners to the west to ensure the tree planting will optimise visual privacy to the greatest extent possible, subject to APZ requirements.

### **5.6.6 Construction Noise**

167. In AR Table 13, the Department notes that the proposed construction hours are:
- 7:30am to 5:30pm Monday to Friday, compliant with the EPA's Interim Construction Noise Guideline (ICNG) standard construction hours of 7am, to 6pm Monday to Friday; and
  - 7:30am to 3:30pm on Saturday, non-compliant with the standard ICNG construction hours of 8am to 1pm on Saturdays.
168. AR Table 13 outlines the Applicant's justification for the extended construction hours, being that the additional hours on Saturdays are proposed to account for the reduced construction hours proposed on Mondays to Fridays.
169. The provided Noise and Vibration Impact Assessment (NVIA) details that the expected noise levels for the closest residential receivers would exceed the noise management levels between 7:30am and 8am on Saturday. The NVIA also provided recommended mitigations to reduce the impacts of construction noise as part of a Construction Noise Management Plan (CNMP), which includes excluding noisy construction activities outside of standard construction hours and near receiver boundaries.
170. The Department has therefore recommended the following hours of construction as recommended conditions of consent:
- 7:30am to 5:30pm Monday to Friday;
  - 8am to 1pm Saturday;
  - 1pm to 3:30pm Saturday if construction works achieve construction noise management levels for 'Outside recommended standard hours' detailed in the ICNG;
  - for high noise generating activities of rock breaking, rock hammering, sheet piling, pile driving and other similar activities, 9am to 12pm and 2pm to 5pm Monday to Friday and 9am to 12pm Saturday.
171. In its submission to the Commission, Council raised concerns with the proposed construction hours, in addition to public submissions to the Commission also raising this as an issue.



172. Council requested that the Commission impose Council's standard construction hours of 7am to 5:30pm Monday to Friday. The Commission notes that Council's submission did not include Council's standard hours of construction on Saturdays, however in its meeting with the Commission, Council stated that construction hours on Saturdays are from 8am to 12pm. Council also noted that Council require a respite period on Mondays to Fridays between 12pm and 1:30pm.
173. Public submissions raised concerns with the potential noise impacts on adjoining and close properties. The Department recommended a condition of consent requiring a Construction Noise and Vibration Management Sub Plan which would include:
- the description of procedures for achieving the noise management levels in the ICNG;
  - the description of measures to be implemented to manage high noise generating works in close proximity to residential receivers;
  - the description of community consultation undertaken where construction noise impacts exceed the highly noise and vibration affected level;
  - a complaints management system; and
  - a program to monitor and report on the impacts and environmental performance of the development.
174. At its Site inspection, the Commission and community group representatives sought clarification of the proposed construction methodology for excavation to ensure adequate noise impact mitigation measures were in place. The Applicant noted that rock breaking would not occur and that sawing would be the proposed methodology. The Commission noted that the Construction Management Plan includes the use of rock breakers and therefore sought further clarification from the Applicant on the proposed methodology.
175. In its response to the Commission dated 8 March 2024, the Applicant advised that rock breaking may require small to medium size rock breakers for excavation of low and higher strength bedrock, however it also noted that alternative techniques including a rock grinder on the excavator, excavator mounted rock saw and/or drill and split techniques would be explored and utilised where practicable. The Applicant noted that the final methodology would be confirmed, as is industry standard practice, at the Construction Certificate stage.

### *Commission's Findings*

176. The Commission notes that the recommended construction hours for Mondays to Fridays are consistent with Council's standard hours. Additionally, the Commission notes that the Department has included as a recommended condition of consent requiring limited construction hours for rock breaking, rock hammering, sheet piling, pile driving and similar activities which includes a respite period of these activities between 12pm and 2pm on Mondays to Fridays.
177. The Commission notes the concerns raised by Council and in public submissions and therefore has imposed a condition of consent requiring a CNVMSP which includes the items recommended by the Department above in para 173, and also the following to ensure adequate engagement with adjoining sensitive receivers and adequate monitoring of noise impacts for each stage of development:
- incorporation of the recommendations made in the NVIA;
  - the description of procedures and mitigation measures that would be implemented to manage residential properties that would be highly noise affected during construction activities;



- details of implementation of reasonable and feasible measures including, but not limited to those contained in the NVIA to mitigate construction noise impacts on residents of the Site and nearby residential properties in the circumstances where construction activities are predicted to exceed the highly noise affected level; and
  - a proactive construction noise and vibration management program which includes short term monitoring following the commencement of each stage of works and the implementation of noise attenuation measures if monitoring identifies exceedance of noise and vibration criteria.
178. The Commission is satisfied that the proposed construction hours are appropriate and would not result in unacceptable noise impacts as:
- the extended hours will account for the reduced hours on Mondays to Fridays, and therefore not extend the construction timeframe;
  - the works outside of the standard construction hours in the ICNG on Saturdays will be required to meet the construction noise management levels for 'Outside recommended standard hours' detailed in the ICNG;
  - the Applicant will be required to undertake consultation with sensitive receivers where construction exceeds the highly noise and vibration affected level;
  - the Applicant will be required to undertake short term noise monitoring following commencement of each stage of works to ensure the construction noise and vibration criteria is being complied with; and
  - the Applicant will be required to, without unavoidable delay, implement noise attenuation measures if monitoring identifies exceedances of noise and vibration criteria.
179. The Commission notes that although the exact construction methodology for excavation has not been determined, the proposed excavation would be required to comply with the following imposed conditions of consent:
- meet the noise management levels in EPA's Interim Construction Noise Guideline;
  - implement measures to manage high noise generating works;
  - implement measures to mitigate construction noise impacts on residents of the Site and nearby residential properties in circumstances where construction activities are predicted to exceed the highly noise affected level;
  - undertake community consultation where construction noise impacts exceed the highly noise and vibration affected level;
  - undertake short term noise monitoring; and
  - not locate vibratory compactors closer than 30m to residential buildings unless vibration monitoring confirms compliance with the applicable vibration criteria.
180. The Commission is satisfied that the above conditions of consent, in conjunction with the exploration and utilisation of alternative techniques where practicable will adequately mitigate and manage noise and vibration impacts from excavation.

### **5.6.7 Operational Noise**

181. The Commission raised concerns with the potential noise impacts of operational waste collection and requested the Department to confirm if the timing of waste collection had been considered in the assessment of noise impacts.
182. In its response to the Commission dated 21 March 2024, the Department advised that after further noise assessment undertaken by the Applicant, the Applicant has advised it intends to restrict waste collection activities to between 7am and 7pm and provided a revised Combined Operational, Demolition and Construction Waste Management Plan.

183. The Department concluded that the proposed waste collection activities would not result in adverse noise impacts due to the limited hours (compared to the existing 24 hours / 7 days per week) and the improved amenity outcomes will be achieved through the relocation of the waste collection to the basement loading dock, compared to the existing at-grade location.

*Commission's findings*

184. The Commission is satisfied that the revised Combined Operational, Demolition and Construction Waste Management Plan, with the restricted hours of between 7am to 7pm for waste collection activities will adequately assess and mitigate the potential noise impacts of waste collection.
185. The Commission has imposed a condition of consent requiring the Operational Waste Management Plan to include the waste management measures outlined in the Combined Operational, Demolition, and Construction Waste Management Plan.

### **5.6.8 Archaeological Heritage**

186. In its meeting with the Commission, the Applicant requested that recommended conditions C27 and C30 be amended to require the appointment of an Excavation Director and archaeological monitoring and salvage to be done prior to the commencement of construction for Stage 4. The Applicant noted that this was requested to facilitate staging and that it was their understanding that the Department had agreed to this but that it was not amended in the recommended conditions as an oversight.
187. In its response to the Commission dated 21 March 2024, the Department advised that this request from the Applicant was not agreed to. The Department advised that this amendment was a recommendation from the Greenwich Hospital Historical Archaeology Updated Impact Assessment, which applies to the whole site and not just Stage 4 where impacts on Aboriginal archaeology are required to be managed and therefore the Department did not recommend the Applicant's proposed amendment to specify Stage 4 timing.

*Commission's findings*

188. The Commission is satisfied that the Department's recommended conditions of consent requiring the appointment of an Excavation Director and archaeological monitoring and salvage prior to the commencement of construction are appropriate as the whole Site requires management of impacts on Aboriginal archaeology. The Commission has therefore imposed conditions C28 to C31.

### **5.6.9 Deletion of Condition A4 of SSD-8699**

189. The Department recommended the deletion of Condition A4 of the original concept approval. Condition A4 required the building envelopes to be modified to reduce the heights of the seniors housing buildings and to relocate the northern seniors housing envelope to increase the front setback.
190. The proposed development complies with this condition, with the seniors housing building envelopes complying with the reduced maximum heights and the required setback of the northern seniors housing building.

191. In its response to the Commission dated 21 March 2024, the Department advised that condition A4 requires changes to building envelopes which are now incorporated into the revised building envelopes and therefore are superfluous. The Department provided a recommended amended condition in place of the deletion if the Commission sought to retain the requirement to apply to future buildings within the envelopes.

*Commission's findings*

192. The Commission notes that a condition of consent should not be deleted once it is complied with, as this removes the effect of the condition on future development applications on the Site if there were to be any. The Commission notes that the subject SSD application may not be acted upon, could be surrendered or could be modified in the future and in any of these event, new or modified applications for the Site could be lodged and therefore the condition is not superfluous and does not warrant amendment.
193. Therefore, the Commission has not deleted or amended Condition A4 of SSD-8699.

## 6. The Commission's Findings and Determination

194. The views of the community were expressed through public submissions and comments received (as part of exhibition and as part of the Commission's determination process). The Commission carefully considered all of these views in making its decision.
195. The Commission has carefully considered the Material before it as set out in section 3.1 of this report. Based on its consideration of the Material, the Commission finds that both the Modification and SSD applications should be approved subject to conditions of consent for the following reasons:
- the Project is consistent with the existing strategic framework as it will provide services and infrastructure to meet the needs of an ageing population and create opportunities for older community members to continue living in their community with established health and support networks;
  - the Project is consistent with SSD-8699 (as modified by this approval);
  - the Project is permissible in the SP2 Health Facilities zone (hospital use) of the LCLEP and under clause 14 of the Seniors SEPP (seniors housing use);
  - the potential impacts on nearby residents during construction and operation are capable of being managed and mitigated through conditions of consent;
  - the Project is an orderly and economic use of the Site; and
  - the Project is in accordance with the Objects of the EP&A Act.
196. For the reasons set out in paragraph 195 above, the Commission has determined that the consent should be approved subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse impacts;
  - set standards and performance measures for acceptable environmental performance;
  - require regular and timely monitoring and reporting; and
  - provide for the on-going environmental management of the development.
197. The reasons for the Decision are given in the Statement of Reasons for Decision dated 28 March 2024.



Adrian Pilton (Chair)  
Member of the Commission



Wendy Lewin  
Member of the Commission



Prof Elizabeth Taylor AO  
Member of the Commission



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