



New South Wales Government  
Independent Planning Commission

ipcn.nsw.gov.au

# Lake Macquarie Private Hospital Extension – nine (9) storeys

## SSD-38025700

### Statement of Reasons for Decision

Terry Bailey (Chair)  
Duncan Marshall  
Alex O'Mara

29 May 2025

# Contents

<b>1. Introduction</b>	<b>2</b>
<b>2. The Application</b>	<b>2</b>
2.1 Related applications	3
<b>3. Material Considered by the Commission</b>	<b>3</b>
<b>4. Reasons for the Decision</b>	<b>3</b>
4.1 Amenity impacts	4
4.2 Social impact	6
4.3 Community engagement	6
4.4 Traffic and transport	7
4.5 Aboriginal heritage	8
4.6 Other issues	9
4.7 The Commission's determination	9
<b>Appendix A – Instrument of Consent</b>	<b>10</b>
<b>Appendix B – Material Considered by the Commission</b>	<b>11</b>
<b>Appendix C – Planning Framework</b>	<b>12</b>
<b>Appendix D – Community Consultation</b>	<b>14</b>
<b>Appendix E – Department's Assessment Report</b>	<b>18</b>

# 1. Introduction

1. On 24 April 2025, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred State significant development (**SSD**) application SSD-38025700 (**Application**) from Ramsay Health Care Australia Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the Lake Macquarie Private Hospital Extension (the **Project**) located in the City of Lake Macquarie Local Government Area (**LGA**) under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7(1)(c) of the *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**), the Commission is the consent authority as the Applicant has disclosed a reportable political donation.
4. Andrew Mills, Chair of the Commission, determined that Terry Bailey (Chair), Alex O'Mara and Duncan Marshall would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**) that the site is suitable for the proposed development, the impacts of the Project are acceptable, and that the Application is in the public interest and is approvable, subject to its recommended conditions of consent.

# 2. The Application

6. The Application seeks approval to expand the existing Lake Macquarie Private Hospital, including:
  - the construction of a nine (9) storey hospital building (including basement and plant levels);
  - part-basement car park;
  - new and renovated hospital entry/drop-off areas;
  - internal floor plan alterations;
  - ambulance drop-off and emergency bay reconfiguration;
  - the provision of signage;
  - the provision of landscaping on site and within adjoining road reserves; and
  - site preparation works including demolition, earthworks and tree removal.
7. The Project is located at 3 Sydney Street, 10 O'Brien Street, 2 and 4 Casey Street, and 36 and 38 Pacific Highway in Gateshead (**Site**). The characteristics of the Site and local context are described in section 1.2 of the Department's AR.
8. The Project has a capital investment value of \$144,642,000 and is expected to generate 75 full-time equivalent construction jobs and 189 operational jobs.

## 2.1 Related applications

### 2.1.1 Planning Proposal (PP-2021-6648)

9. Planning Proposal PP-2021-6648 was finalised by Lake Macquarie City Council (**Council**) on 28 June 2023. The Planning Proposal rezoned the Site from *R3 Medium Density Residential* to *SP2 Infrastructure (Health Services Facility)* and amended the Height of Buildings development standard in the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* from 10 metres to 37 metres at the northern end of the Site.

### 2.1.2 Six-storey tower (SSD-71941462)

10. To provide itself with options to support the delivery of the hospital expansion, the Applicant lodged an alternative SSD application (SSD-71941462) for the Site. SSD-71941462 seeks consent for a smaller scale expansion of the hospital comprising the construction of a six (6) storey hospital building with at-grade car parking.
11. As the circumstances of this Application are materially similar to those of SSD-71941462, the same Commission Panel was appointed to make a simultaneous determination in respect of each Application. Given the overlap of the principal issues and the basis for decision making associated with both Applications, the Commission's reasons in respect of each determination are materially similar.

## 3. Material Considered by the Commission

12. In determining this Application, the Commission has given consideration to the:
- material set out in Appendix B;
  - strategic and statutory context set out in Appendix C;
  - mandatory considerations required by section 4.15(1) of the EP&A Act set out in Appendix C; and
  - one (1) public submission received by the Commission, summarised in Appendix D.

## 4. Reasons for the Decision

13. The proposed nine (9) storey expansion to the existing Lake Macquarie Private Hospital:
- is an orderly use of the Site, within an area already designated for such purposes and occupied by an existing health services facility;
  - meets the objectives of the SP2 zone under the LMLEP 2014;
  - would deliver a hospital consistent with the strategic policies for the locality;
  - would be of economic benefit through job creation and infrastructure investment; and
  - would not result in any unacceptable impacts, with any potential impacts appropriately mitigated through the imposition of conditions.
14. The following provides an overview of the key matters considered by the Commission in reaching its decision.

## 4.1 Amenity impacts

### 4.1.1 Privacy

15. As part of the Applicant's Response to Submissions (**RtS**) (AR para 169), additional line-of-sight diagrams, 3D perspectives, and written justifications were provided to the Department to address visual impacts from the proposed nine-storey building. These materials indicated that:
- views to 37 and 39 O'Brien Street would be screened by proposed landscaping, including additional planting along the western edge of the seating area, which the Applicant considers would mitigate visual privacy impacts when seated behind it; and
  - views to O'Brien and Casey Streets would be largely obscured by plantation shutters, with visibility only occurring when standing directly at the window, which the Applicant considers to be an infrequent scenario given the intended use of those rooms.
16. The Department notes the findings of the Applicant and raised no concerns with regard to visual privacy (AR para 170).
17. Submissions received during the Department's exhibition period, as well as the one submission received directly by the Commission, raised concerns about privacy impacts on nearby residential properties, particularly to living areas, bedrooms, and private open spaces.
18. Although the proposed landscaping and shutters will go some way to addressing the impacts of the Project on privacy, due to the proposed building's height and the sensitivity of the surrounding residential context, some privacy impacts remain. To address these residual impacts, the Commission has imposed conditions:
- requiring the Applicant to contact the landowners of 37, 39, and 41 O'Brien Street, Gateshead, to offer privacy mitigation measures (such as landscaping or screening) on the landowners' respective property, prior to the development's operation. The Commission considers these properties to be most directly affected due to their proximity to the proposed nine-storey building; and
  - providing the option for any landowner of a property located opposite the Site and fronting O'Brien Street or Casey Street to submit a written request to the Applicant for privacy mitigation on their properties.
19. If a relevant landowner accepts the offer, the Applicant must implement appropriate mitigation measures, such as landscaping or other type of screening, on the landowner's property in consultation with that landowner.

### 4.1.2 Operational noise

20. The Department notes that operational noise from the development would primarily result from loading dock activities, vehicle movements in the car park and drop-off zones along Casey Street, ambulance manoeuvres in the designated bays, patrons at the café's outdoor seating area and mechanical plant equipment (AR para 188).

21. The Department's AR states that cumulative noise emissions from the development comply with the operational acoustic requirements of the NSW Noise Policy for Industry 2017 (**NPfI**) at all residential receivers and commercial receiver C7 (AR para 189). However, noise levels at St Mary's Catholic College, located east of the Site, are predicted to exceed the external criteria by 2dBA. The Applicant's Noise and Vibration Impact Assessment (**NVIA**) considers this exceedance to be acoustically insignificant and indistinguishable from compliant levels (AR para 189).
22. Although the operation of the Project will generate noise, the impacts of the noise generated can be limited through noise attenuation measures that will be verified during the detailed design stage and again upon commencement of operations (AR para 194). Accordingly, the Commission has imposed conditions requiring the Applicant to:
  - ensure that operational noise does not exceed the limits specified in the NVIA;
  - conduct short-term operational noise monitoring:
    - within four months of the commencement of use of the approved buildings and open spaces;
    - by a suitably qualified professional, in accordance with the NPfI or its latest version; and
    - publish results of the short-term operational noise monitoring on its website for 12 months after the commencement of operations of each of the respective stages (where relevant).
23. If the noise monitoring identifies any exceedance of the recommended noise levels, the Applicant must implement appropriate attenuation measures to ensure compliance. This may include reducing noise at the source or providing mitigation at affected noise-sensitive receivers.

#### 4.1.3 Overshadowing

24. The Commission notes that a submission was concerned by overshadowing of a property (O'Brien Street resident) and neighbours, particularly in the morning.
25. The Department (AR para 171) notes that there would be an increase of overshadowing to:
  - frontages of four low density residential properties to the western side of O'Brien Street at 9am during the winter solstice, namely 41, 43, 45 and 47 O'Brien Street; and
  - internal areas of 47 O'Brien Street at 9am during the winter solstice, representing a shadow increase of 23 per cent on this property at 9am.
26. The Department states that by 10am during the winter solstice any additional shadow cast by the proposed hospital additions will have moved off all residential properties, and that the Department is satisfied the Project would avoid unacceptable overshadowing impacts (AR para 171).
27. The Commission agrees with the Department's assessment that the proposal would not result in unacceptable overshadowing impacts as:
  - the proposal is consistent with the NSW Land and Environment Court planning principles established in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082, particularly in relation to solar access; and
  - all adjoining residential properties would continue to receive a minimum of three hours of sunlight between 9am and 3pm during the winter solstice to their habitable rooms and private open space (AR para 171).



28. Accordingly, the Commission considers that the proposal would not result in any unacceptable overshadowing impacts on the surrounding residential context.

## 4.2 Social impact

29. The Commission notes that the Application was supported by a Social Impact Assessment (**SIA**), amended as part of the RtS. The SIA concludes that potential negative social impacts can be effectively managed or mitigated through appropriate measures.
30. To address these impacts, the SIA recommends:
- developing and implementing a traffic management plan for both construction and operational phases;
  - introducing a park-and-ride service for construction workers to reduce local parking demand;
  - communicating road closures and changes to the community in line with a Communication and Engagement Plan;
  - engaging further with the community and key stakeholders, including Council, to identify and address traffic-related concerns as they arise;
  - providing feedback to the community on how their input has influenced project design and mitigation measures;
  - implementing relevant measures from the Noise and Vibration Management Plan and other applicable plans; and
  - establishing a community engagement strategy, including grievance mechanisms, to support ongoing dialogue between the Applicant and the community throughout construction and operation.
31. The Commission agrees with the Department that the Project is likely to deliver a net positive social impact and that the SIA's recommendations will appropriately mitigate adverse effects. Although the Department in the AR recommended requiring the recommendations of the SIA be implemented (AR Table 16), this requirement was not reflected in the Department's recommended conditions of consent. As such, the Commission has imposed a condition requiring the Applicant to implement all recommendations outlined in the Applicant's SIA.
32. Additionally, the Commission notes that the Applicant must pay a development contribution levy of 1% of the Project cost (including GST) to Council under section 7.12 of the EP&A Act. The Commission encourages Council to prioritise spending these funds within the local area to ensure direct benefits to the local community.

## 4.3 Community engagement

### 4.3.1 Community Consultative Committee

33. The Commission considers the operation of a Community Consultative Committee (**CCC**) will be important for maintaining effective communication and resolving potential conflicts, in line with the recommendations of the Applicant's SIA. The CCC should include representatives from Council, nearby businesses, schools and residents living close to the Site.
34. To this end, the Commission has imposed a condition requiring the Applicant to operate a CCC from the commencement of construction to 12 months after its completion, in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2023), or the most current version.

35. In its letter dated 14 May 2025, the Applicant outlined the role and composition of its existing Community Council which provides a framework for active consumer participation with Lake Macquarie Private Hospital. The Commission notes that this existing body may be adapted as the CCC, provided it meets the requirements of the imposed condition and aligns with the Department's guidelines.

#### **4.3.2 Community Engagement Strategy**

36. As discussed above and recommended in the Applicant's SIA, a Community Engagement Strategy is to be developed and implemented to support ongoing dialogue with community members and key stakeholders throughout the construction and operational phases of the Project. This strategy is intended to help manage potential social impacts on the local community and provide clear grievance mechanisms.
37. In line with this recommendation, the Commission has imposed a condition requiring the Applicant to implement the Community Engagement Strategy from the commencement of construction through to 12 months after its completion. The strategy must be prepared in consultation with the CCC and include:
- mechanisms for regular communication with local residents, businesses, and stakeholders;
  - procedures for managing complaints, feedback, and community concerns; and
  - a schedule of engagement activities and reporting obligations.
38. With an agreed Community Engagement Strategy in place, the community will be appropriately informed and continuous, meaningful dialogue between the Applicant and the community will be maintained throughout the key phases of the project.

### **4.4 Traffic and transport**

#### **4.4.1 Car parking during operation**

39. The Department notes that the car parking provision proposed at each construction stage exceeds the requirements of the Lake Macquarie Development Control Plan 2014 (LMDCP), with the completed hospital expected to operate with a surplus of 29 spaces (AR para 97). The Commission generally agrees with the Department's assessment on car parking and is satisfied that the proposed development will provide adequate parking, avoiding adverse impacts on local on-street parking (AR para 99).
40. However, the Commission notes that future changes, such as the introduction of paid on-site parking while on-street parking remains unrestricted, could alter parking behaviour among staff and visitors. During its stakeholder meeting with the Commission, the Applicant acknowledged that although parking is currently free, it anticipates introducing boom gates and potentially paid parking once the development is complete (Applicant Stakeholder Meeting transcript, p.9).
41. Given that submissions received by the Department noted concerns about potential parking displacement and impacts on residential amenity, the Commission has imposed a condition requiring a post-occupation parking monitoring study which is to be conducted within 6 months of the development's operation. This study must assess the impact of on-site parking arrangements on surrounding residential streets, particularly if paid parking is introduced. The findings must be provided to Council and the CCC. The Commission notes that the findings of this monitoring study may assist Council in future reviews of on-street parking in the area and could inform potential changes to parking restrictions on adjoining streets.



#### 4.4.2 Pedestrian safety

42. At the request of Transport for NSW (**TfNSW**), the Applicant prepared a Road Safety Audit (**RSA**) to assess risks and identify mitigation measures for the surrounding road and pedestrian networks (AR para 118). The RSA evaluated both existing and proposed development scenarios, assigning safety risk scores to each item (as summarised in Table 13 of the Department's AR).
43. The Commission agrees with the findings of the RSA and with the assessments by the Department, TfNSW, and Council. The Commission notes that Council expressed its support for the implementation of the RSA recommendations, including the clear delineation of responsibilities for the associated works, in its response to the Commission's Questions on Notice, dated 15 May 2025. The Commission has imposed a condition requiring the Applicant to implement the RSA recommendations, except where measures are not supported by TfNSW or Council or fall outside the Applicant's responsibility.
44. The Commission notes that further road upgrades recommended by Council (AR para 121) and TfNSW (AR para 122), which have been imposed as conditions by the Commission, include:
- establishing a High Pedestrian Activity Area on Hughes, O'Brien, Casey, and Sydney Streets between the Pacific Highway and Jamieson Street;
  - constructing a raised pedestrian crossing on Hughes Street, east of the car park driveway;
  - building a 2.5m-wide pathway between the Hughes Street car park and the new crossing;
  - signalling the pedestrian crossing on the northbound slip lane to operate on amber/red only;
  - extending the Sydney Street median beyond the hospital drop-off exit; and
  - installing 'no entry'/'entry' signage and pavement arrows to reinforce correct traffic flow.
45. The Commission is satisfied that, with these conditions in place, pedestrian safety will be appropriately managed during the operation of the development.

#### 4.5 Aboriginal heritage

46. The Commission notes that the Applicant's Aboriginal Cultural Heritage Assessment Report (**ACHAR**), as referenced in the Department's Assessment Report (AR Table 16), concludes that the Site has low to negligible potential for containing Aboriginal archaeological objects or sites in a subsurface context, and no potential for surface-level findings. The ACHAR further states that the proposed development is not expected to impact Aboriginal objects, provided the recommendations in Section 9 of the report are implemented.
47. These recommendations include the preparation of an induction program and an unexpected finds procedure. Heritage NSW Aboriginal Cultural Heritage (ACH) raised no concerns with the ACHAR's findings or recommendations. In response, the Commission has imposed a condition requiring the Applicant to undertake construction in accordance with the ACHAR's recommendations.

48. Additionally, Heritage NSW ACH recommended the preparation and implementation of an Aboriginal Cultural Heritage Management Plan (**ACHMP**). While the Department supported the ACHAR's conclusions and Heritage NSW ACH's advice, it did not include a requirement for an ACHMP in the draft conditions of consent. The Commission agrees with Heritage NSW ACH and has therefore imposed a condition requiring the Applicant to prepare and implement an ACHMP.

## 4.6 Other issues

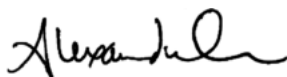
49. The Commission agrees with the Department's assessment of the remaining issues not addressed above and considers that these matters can be appropriately managed through conditions of consent.

## 4.7 The Commission's determination

50. The Commission finds that approval of the Application is consistent with the statutory framework, is in accordance with the Objects of the EP&A Act and is in the public interest.
51. For the reasons set out above, the Commission has imposed conditions of consent requiring the Applicant to:
- prevent, minimise and/or offset adverse environmental impacts;
  - set standards and performance measures for acceptable environmental performance
  - require regular monitoring and reporting; and
  - provide for the on-going environmental management of the development.
52. The reasons for the decision are given in the Statement of Reasons for Decision dated 29 May 2025.



Terry Bailey (Chair)  
Member of the Commission



Alex O'Mara  
Member of the Commission



Duncan Marshall  
Member of the Commission

## **Appendix A – Instrument of Consent**

# Development Consent

## ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

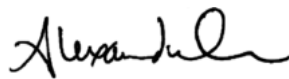
The Independent Planning Commission (the Commission), as the declared consent authority under section 2.7 of the State Environmental Planning Policy (Planning Systems) 2021 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting;
- providing a process to inform and consult with the public; and
- provide for the ongoing environmental management of the development.



Terry Bailey (Chair)  
**Member of the Commission**



Alex O'Mara  
**Member of the Commission**



Duncan Marshall  
**Member of the Commission**

Sydney

29 May 2025

### **SCHEDULE 1**

<b>Application Number:</b>	SSD-38025700
<b>Applicant:</b>	Ramsay Health Care Australia Pty Limited
<b>Consent Authority:</b>	Independent Planning Commission of NSW
<b>Site:</b>	Lake Macquarie Private Hospital 3 Sydney Street, 10 O'Brien Street, 2 and 4 Casey Street, 36 and 38 Pacific Highway, Gateshead (Lot 90 DP 1233497, Lot 7 DP 24268, Lot 6 DP 24268, Lot 2 DP 1223084 and Lot 8 DP 24268)
<b>Development:</b>	<b>Lake Macquarie Private Hospital Extension</b> Extension of the Lake Macquarie Private Hospital (LMPH), comprising: demolition; earthworks; tree removal; and construction of a nine-storey hospital building including part-basement carpark, new and renovated hospital entry/drop-off areas, internal floor plan alterations, ambulance drop-off and emergency bay reconfiguration and the provision of signage and landscaping.

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report, prepared by Umwelt and dated February 2023
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Ramsay Health Care Limited or any other person carrying out any development to which this consent applies
<b>BCD</b>	Biodiversity and Conservation Division of the NSW Department of Climate Change, Energy, the Environment and Water
<b>CCC</b>	Community Consultative Committee
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with relevant NSW government agencies</p>
<b>Council</b>	Lake Macquarie City Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising demolition, construction and operation, as modified by the conditions of this consent

<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement, prepared by Willowtree Planning dated 20 October 2023 (version 11), submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage NSW, the NSW Department of Climate Change, Energy, the Environment and Water
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Landscaping</b>	Includes, but is not limited to, all soft and hard landscape elements (such as planting, paving, retaining walls, fencing, and street furniture) as well as all associated works, encompassing public domain areas and Connecting with Country elements outlined in the landscape plans listed in condition A2.
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Appendix C of the Response to Submissions Report (RtS Report)
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> <i>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act



<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>NVIA</b>	Noise and Vibration Impact Assessment prepared by Wilkinson Murray, dated 22 February 2024
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>RAP</b>	Remediation Action Plan, prepared by Douglas Partners and dated May 2024
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions in document titled Response to Submissions Report prepared by Willowtree Planning dated 9 September 2024 received in relation to the application for consent for the development under the EP&A Act.
<b>SA NSW</b>	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>SIA</b>	Social Impact Assessment, prepared by Umwelt and dated September 2024
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

#### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS and Response to Submissions;
  - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by Health Projects International			
Dwg No.	Rev	Name of Plan	Date
LMPH19-DA-100	8	SITE PLAN	20/02/25
LMPH19-DA-102	6	SITE DEMOLITION	27/06/24
LMPH19-DA-103	3	SITE DEMOLITION	30/03/23
LMPH19-DA-104	4	OVERALL PLAN – EX. HOSPITAL LG	30/03/23
LMPH19-DA-105	5	OVERALL PLAN – EX. HOSPITAL G	20/02/25
LMPH19-DA-106	8	OVERALL PLAN – LOWER GROUND 2	27/06/24
LMPH19-DA-107	8	OVERALL PLAN – LOWER GROUND 1	27/06/24
LMPH19-DA-108	8	OVERALL PLAN – GROUND FLOOR	27/06/24
LMPH19-DA-109	8	OVERALL PLAN – LEVEL 1	27/06/24
LMPH19-DA-110	8	OVERALL PLAN – LEVEL 2	27/06/24
LMPH19-DA-111	8	OVERALL PLAN – LEVEL 3	27/06/24
LMPH19-DA-112	7	OVERALL PLAN – LEVEL 4	27/06/24
LMPH19-DA-113	7	OVERALL PLAN – LEVEL 5	27/06/24
LMPH19-DA-114	7	OVERALL PLAN – LEVEL 6	27/06/24
LMPH19-DA-115	7	OVERALL PLAN – ROOF	27/06/24
LMPH19-DA-116	6	SITE ELEVATION 1	27/06/24
LMPH19-DA-117	6	SITE ELEVATION 2	27/06/24
LMPH19-DA-120	18	STAGE 3 TOWER – LOWER GROUND 2	20/02/25
LMPH19-DA-121	15	STAGE 3 TOWER – LOWER GROUND 1	27/06/24
LMPH19-DA-122	17	STAGE 3 TOWER – GROUND FLOOR	27/06/24
LMPH19-DA-123	13	STAGE 3 TOWER – LEVEL 1	27/06/24
LMPH19-DA-124	14	STAGE 3 TOWER – LEVEL 2	27/06/24
LMPH19-DA-125	14	STAGE 3 TOWER – LEVEL 3	27/06/24
LMPH19-DA-126	14	STAGE 3 TOWER – LEVEL 4	27/06/24
LMPH19-DA-127	13	STAGE 3 TOWER – LEVEL 5	27/06/24
LMPH19-DA-128	13	STAGE 3 TOWER – LEVEL 6	27/06/24
LMPH19-DA-129	9	STAGE 3 TOWER – ROOF	27/06/24
LMPH19-DA-130	8	STAGE 3 TOWER – ELEVATION 1	27/06/24

LMPH19-DA-131	8	STAGE 3 TOWER – ELEVATION 2	27/06/24
LMPH19-DA-132	9	STAGE 3 TOWER – SECTIONS	27/06/24
LMPH19-DA-133	1	STAGE 3 TOWER – SECTIONS	28/02/24
LMPH19-DA-135	4	SYDNEY STREET DROP OFF	20/07/23
LMPH19-DA-136	9	LOADING DOCK – OXYGEN VESSEL ENCLOSURE	4/12/24
LMPH19-DA-145	4	WAYFINDING AND SIGNAGE	27/06/24
<b>Landscape Report prepared by Tetras Landscape Architects</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L02	K	THEMES, MATERIALS AND PATTERNS	19/02/24
L03	K	LANDSCAPE CONCEPT: CONNECTING TO COUNTRY	19/02/24
L04	K	CONNECTING TO COUNTRY	19/02/24
L05	K	REFERENCE IMAGE	19/02/24
L06	K	LANDSCAPE AREAS: EXTENT OF WORKS	19/02/24
L07	K	NORTH ENTRY & COURTYARD AREA	19/02/24
L08	K	EXISTING COURTYARD	19/02/24
L09	K	COURTYARD AREA	19/02/24
L10	K	INTERNAL COURTYARD	19/02/24
L11	K	CONCEPT DESIGN	19/02/24
L12	K	EXISTING TREES	19/02/24
L13	K	TREE CANOPY MASTERPLAN	19/02/24
L14	K	TREE CANOPY AREA	19/02/24
L15	K	LANDSCAPE AREA: O'BRIEN STREET	19/02/24
L16	K	LANDSCAPE AREA: SYDNEY ST & PACIFIC HIGHWAY CORNER	19/02/24
L17	K	TREE CANOPY STRATEGY – PUBLIC DOMAIN	19/02/24
L18	K	TREE CANOPY STRATEGY – PUBLIC DOMAIN	19/02/24
L19	K	PLANT PALETTE	19/02/24
L20	K	PLANT SCHEDULE	19/02/24

- A3. The Applicant must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the approved development;
  - (b) any document or correspondence in relation to the approved development;
  - (c) any notification given to the Planning Secretary under the terms of this approval;
  - (d) any audit of the construction or operation of the approved development;
  - (e) the terms of this approval and compliance with the terms of the approval (including anything required to be done under the approval);
  - (f) the carrying out of any additional monitoring and management measures; and
  - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.

- A4. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A5. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### **Limits of Consent**

- A6. This consent lapses five years after the date of consent unless work is physically commenced.

### **Prescribed Conditions**

- A7. The Applicant must comply with all relevant conditions of development consent under Part 4, Division 2, Subdivision 1 of the EP&A Regulation.

### **Planning Secretary as Moderator**

- A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

### **Evidence of Consultation**

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **Staging**

- A10. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A11. A Staging Report prepared in accordance with condition A10 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);

- (c) specify how compliance with conditions will be achieved across and between each of the stages of the project;
  - (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
  - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A12. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A13. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report including independent auditing requirements.

### **Staging, Combining and Updating Strategies, Plans or Programs**

- A14. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A16. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A17. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Structural Adequacy**

- A18. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC and any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

#### *Notes:*

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

## **External Walls and Cladding**

A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

## **Applicability of Guidelines**

A20. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A21. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **Monitoring and Environmental Audits**

A22. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

*Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

## **Community Consultative Committee**

A23. The Applicant must operate a Community Consultative Committee (CCC) for the development in accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects (2023), or its latest version. The CCC should comprise of representatives of Council, local businesses, nearby schools and residents residing in proximity to the project, and operate for 12 months after the commencement of operation.

## **SIA recommendations**

A24. The Applicant must implement the recommendations of the Social Impact Assessment (SIA) dated September 2024 and prepared by Umwelt.

## **Access to Information**

A25. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
  - (i) the documents referred to in condition A2 of this consent;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
  - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vi) a summary of the current stage and progress of the development;
  - (vii) contact details to enquire about the development or to make a complaint;
  - (viii) a complaints register, updated monthly;
  - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
  - (x) any other matter required by the Planning Secretary; and



- (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations of each of the respective stages (where relevant).

### **Compliance**

- A26. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### **Incident Notification, Reporting and Response**

- A27. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

### **Non-Compliance Notification**

- A28. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance.
- A29. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A30. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Revision of Strategies, Plans and Programs**

- A31. Within three months of:
- (a) the submission of an incident report;
  - (b) the submission of an Independent Audit under condition D38;
  - (c) the approval of any modification of the conditions of this consent; or
  - (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- A32. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

*Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

## **PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **External Walls and Cladding**

- B1. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the NCC. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Stormwater Management System**

- B2. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the Stormwater Management Plan dated 7 June 2024 prepared by ACOR Consultants;
  - (c) be in accordance with applicable Australian Standards; and
  - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

### **Operational Noise – Design of Mechanical Plant and Equipment**

- B3. Prior to the issue of any construction certificate for the mechanical plant and equipment, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise and Vibration Impact Assessment dated 22 February 2024 and prepared by RWDI have been incorporated into the design to ensure the development will not exceed the recommended project noise trigger levels identified in the Noise and Vibration Impact Assessment.

### **Operational Waste Storage and Processing**

- B4. Prior to the issue of a construction certificate for waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
  - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
  - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
  - (d) is naturally ventilated or an air handling exhaust system must be in place; and
  - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

### **Car Parking and Service Vehicle Layout**

- B5. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to and approval obtained from the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) a minimum of 409 car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
  - (b) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

## Geotechnical Report

- B6. Prior to the issue of the relevant construction certificate, evidence must be provided and be approved by the Certifier, demonstrating that the construction certificate plans include the design recommendations of the Geotechnical Investigation prepared by Douglas Partners dated 14 December 2022.

## Public Domain Works

- B7. Prior to the issue of a construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

*Note: Separate approvals under section 138 of the Roads Act 1993 are required to be obtained from the relevant road authority for roadworks or works within the public domain.*

## Roadworks/Intersection works and Access

- B8. Prior to the issue of a construction certificate for roadworks and access, the Applicant must submit design plans to, and obtain approval from, the relevant roads authority, which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of:
- (a) a 7.02m Bariatric Ambulance within the ambulance drop-off along the Pacific Highway service road; and
  - (b) a 12.43m oxygen tanker and a 12.5m rigid vehicle within the relevant loading docks along the Pacific Highway service road.

*Note:*

- Approval must be obtained for roadworks under section 138 of the Roads Act 1993.
- All costs associated with road upgrade works must be borne by the Applicant.
- In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under section 138 of the Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.

- B9. Prior to the issue of a construction certificate for roadworks the subject of conditions E31, E32, E33, E35, E36 and E37 the Applicant must submit design plans to, and obtain approval from, the relevant road authority.

*Note:*

- Approval must be obtained for roadworks under section 138 of the Roads Act 1993.
- All costs associated with road upgrade works must be borne by the Applicant.
- In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section of the 138 Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.

## Development Contributions

- B10. Prior to the issue of any construction certificate, a payment of a levy of 1% of the proposed cost of carrying out the development including GST must be paid to Council under section 7.12 of the EP&A Act.

*Note: There are approval requirements for imposing a condition under section 7.12 in respect of land within a special contributions area.*

## **PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Certified Drawings**

- C3. Prior to the commencement of construction, the Applicant must submit and obtain approval from the Certifier for structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **Pre-Construction Dilapidation Report – Protection of Public Infrastructure**

- C4. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

### **Pre-Construction Survey – Adjoining Properties**

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential/commercial buildings that are likely to be impacted by the development.
- C6. Where the offer for a pre-construction survey is accepted (as required by condition C5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C5, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
  - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

### **Community Engagement Strategy**

- C8. The Applicant must prepare a Community Engagement Strategy in consultation with the CCC and must include:
  - (a) mechanisms for regular communication with the local community, including residents, businesses, and other stakeholders;
  - (b) procedures for managing complaints, feedback, and community concerns; and
  - (c) a schedule of engagement activities and reporting obligations.
- C9. The Community Engagement Strategy is to be implemented from the commencement of construction to 12 months following the completion of construction.

## **Demolition**

- C10. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

## **Ecologically Sustainable Development**

- C11. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

## **Outdoor Lighting**

- C12. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

## **Construction Environmental Management Plan**

- C13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge during construction;
    - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
    - (vi) groundwater management plan including measures to prevent groundwater contamination;
    - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (viii) community consultation and complaints handling as set out in the Community Engagement Strategy;
    - (ix) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C15);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition C16);
  - (d) Construction Soil and Water Management Sub-Plan (see condition C17);
  - (e) an unexpected finds protocol for contamination and associated communications procedure;
  - (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
  - (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and
  - (h) details of site remediation which are to be carried out in accordance with the Remediation Action Plan (RAP) prepared by Douglas Partners.
- C14. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.

- C15. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
  - (d) detail heavy vehicle routes, access and parking arrangements.
- C16. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise and vibration generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise and vibration generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition C16(d), including those matters agreed or not agreed by community members;
  - (f) include a complaints management system that would be implemented for the duration of the construction;
  - (g) include a program to monitor and report on the impacts and environmental performance of the construction of the development and the effectiveness of the management measures; and
  - (h) include construction noise and vibration mitigation measures recommended in the Noise and Vibration Impact Assessment (NVIA) prepared by Wilkinson Murray.
- C17. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site); and
  - (d) detail all off-Site flows from the Site.
- C18. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.
- C19. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'.

### **Construction Worker Transportation Strategy**

- C20. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient



parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

- C21. The Construction Worker Transportation Strategy must not impact upon the availability of parking during weekend sporting events at the Ernie Calland Fields within the adjoining Willow Road carpark.

### **Aboriginal Heritage**

- C22. The Registered Aboriginal Parties must be kept informed about the SSD. The Registered Aboriginal Parties must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
- C23. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Umwelt.

### **Aboriginal Cultural Heritage Management Plan**

- C24. Prior to carrying out any development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. This plan must:
- (a) be prepared by a suitably qualified and experienced person;
  - (b) be prepared in consultation with Aboriginal Stakeholders and reviewed by Heritage NSW;
  - (c) include a description of the measures that would be implemented for:
    - (i) ongoing consultation with Registered Aboriginal Parties, including consultation regarding changes to the Heritage Management Plan;
    - (ii) a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the Registered Aboriginal Parties and in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010). The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
    - (iii) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.

## **PART D DURING CONSTRUCTION**

### **Site Notice**

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
  - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
  - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice(s); and
  - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

### **Operation of Plant and Equipment**

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Demolition**

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C10.

### **Construction Hours**

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or their nominee if appropriate justification is provided for the works.
- D6. Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### **Implementation of Management Plans**

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

### **Construction Traffic**

- D9. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

### **Hoarding Requirements**

- D10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **No Obstruction of Public Way**

- D11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### **Construction Noise Limits**

- D12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D4.
- D14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' and other noise reducing methods to ensure noise impacts on surrounding noise sensitive receivers are minimised.

### **Vibration Criteria**

- D15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D15.
- D17. The limits in conditions D15 and D16 apply unless otherwise outlined in a CNVMSP required by condition C16.

### **Tree Protection**

- D18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all street trees immediately adjacent to the approved disturbance area / property boundary must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;

- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment Report; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

### **Air Quality**

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D20. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### **Erosion and Sediment Control**

- D21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP required by condition C16.

### **Imported Fill**

- D22. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Certifier upon request.

### **Disposal of Seepage and Stormwater**

- D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

### **Emergency Management**

- D24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

### **Unexpected Finds Protocol – Aboriginal Heritage**

- D25. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
  - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
  - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;

- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- (e) works may only recommence with the written approval of the Planning Secretary.

#### **Unexpected Finds Protocol – Historic Heritage**

D26. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
- (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

#### **Unexpected Finds Protocol – Burials**

D27. In the event that a burial or skeletal remains are uncovered during work, then:

- (a) all works must cease immediately in that area and the NSW Police and Heritage NSW contacted;
- (b) a suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains;
- (c) the Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains; and
- (d) works may only recommence with the written approval of Heritage NSW.

#### **Waste Storage and Processing**

- D28. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D29. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D30. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D31. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D32. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

#### **Outdoor Lighting**

- D33. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

#### **Site Contamination**

- D34. Remediation of the site must be carried out in accordance with the Remediation Action Plan prepared by Douglas Partners and dated May 2024 and any variations to the Remediation Action Plan approved by an NSW EPA-accredited Site Auditor.
- D35. If work is to be carried out / completed in stages, an NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D36. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

### **Independent Environmental Audit**

- D37. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D38. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D39. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 week's notice (or timing) to the Applicant of the date or timing upon which the audit must be commenced.
- D40. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D37 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- D41. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- D42. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

### **Construction Worker Shuttle Bus**

- D43. A minimum 12-seat shuttle bus is to be provided for construction workers for the entirety of the construction period on a continuous circuit between the Willow Road carpark and Lake Macquarie Private Hospital between 6am and 4pm Monday to Friday.



## **PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- E1. At least one month before the issue of the occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **External Walls and Cladding**

- E2. Prior to the issue of the occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.
- E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Post-Construction Dilapidation Report – Protection of Public Infrastructure**

- E4. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition C4 of this consent;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary when requested.

### **Repair of Public Infrastructure**

- E5. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.*

### **Road Damage**

- E6. Prior to the issue of an occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### **Post-Construction Survey – Adjoining Properties**

- E7. Where a pre-construction survey has been undertaken in accordance with condition C6, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition C6;

- (b) be provided to the owner of the relevant buildings surveyed;
  - (c) be provided to the Certifier; and
  - (d) be provided to the Planning Secretary when requested.
- E8. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

### **Utilities and Services**

- E9. Prior to the issue of the occupation certificate, a compliance certificate under the section 50 of the Hunter Water Act 1991 must be obtained from Hunter Water and submitted to the Certifier.

### **Works as Executed Plans**

- E10. Prior to the issue of the occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

### **Green Travel Plan**

- E11. Prior to the commencement of operation, a Green Travel Plan (GTP) must be prepared to support the use of active and sustainable transport modes by hospital employees. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council;
  - (b) include objectives and mode share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include measures to implement the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

### **Mechanical Ventilation**

- E12. Prior to the issue of an occupation certificate, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

### **Operational Noise – Design of Mechanical Plant and Equipment**

- E13. Prior to the issue of an occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise and Vibration Impact Assessment dated 22 February 2024 and prepared by RWDI have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the project noise trigger levels identified in the Noise and Vibration Impact Assessment.

### **Car Parking, Service Vehicles and Bicycle parking Arrangements**

- E14. Prior to the issue of an occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Certifier, which demonstrates that:
- (a) the car parking, service vehicle areas, bicycle parking facilities comply with condition B5.
  - (b) appropriate pedestrian and cyclist advisory signs are to be provided;

- (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
- (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
- (e) end-of-trip facilities for staff are provided.

### **Fire Safety Certification**

E15. Prior to the issue of an occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

E16. Prior to the issue of an occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier for approval. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Compliance with Food Code**

E17. Prior to the issue of an occupation certificate, the Applicant must obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the latter certificate to the Certifier.

### **Stormwater Quality Management Plan**

E18. Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP) is to be submitted to and approval obtained from the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

### **Warm Water Systems and Cooling Systems**

E19. Prior to the issue of an occupation certificate the Applicant must demonstrate that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Outdoor Lighting**

E20. Prior to the issue of an occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## Signage

- E21. Prior to the issue of an occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E22. Prior to the issue of an occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## Operational Waste Management Plan

- E23. Prior to the issue of an occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include the Management and Mitigation Measures included in the RtS.

## Site Contamination

- E24. Prior to issue of an occupation certificate, the Applicant must submit a Validation Report for the development to the Certifier. The Validation Report must:
- (a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
  - (b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
  - (c) include, but not be limited to:
    - (i) comment on the extent and nature of the remediation undertaken;
    - (ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
    - (iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
    - (iv) if treated material is to remain on the subject site, results of sampling of treated material, compared with the treatment criteria in the most updated Remediation Action Plan (RAP);
    - (v) results of any validation sampling, compared to relevant guidelines/criteria;
    - (vi) comment on the suitability of the area for the intended land use; and
  - (d) be submitted to the Planning Secretary for information.
- E25. Prior to issue of an occupation certificate, the Applicant must obtain confirmation from the Certifier in writing that the requirements of condition E24 have been met.
- E26. Where changes are made to the Remediation Action Plan, prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

## Landscaping

- E27. Prior to the issue of the final occupation certificate, landscaping must be completed generally in accordance with the landscape plans listed in condition A2.

- E28. Prior to the issue of the final occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the landscaping. The plan must:
- (a) describe the ongoing monitoring and maintenance measures and responsibilities to manage the landscaping onsite;
  - (b) describe the ongoing monitoring and maintenance measures and responsibilities to manage the landscaping off site (unless the Council agrees otherwise); and
  - (c) be consistent with the Applicant's Management and Mitigation Measures in the RtS.

The Plan must be prepared in consultation with the Council.

- E29. The Applicant must not commence final operation until the Operational Landscape Management Plan is submitted to the Certifier.

### **Privacy impact mitigation**

- E30. Prior to occupation, the Applicant must contact the landowners of 37, 39 and 41 O'Brien Street, Gateshead, to offer privacy impact mitigation measures on their properties (as at the date of this determination) with the aim to minimise the privacy impacts of the development on their residence.

In addition, any landowner of a property located opposite the site and fronting O'Brien Street or Casey Street may submit a written request to the Applicant for such mitigation.

If the landowner accepts the offer, the Applicant must implement appropriate mitigation measures (such as landscaping or other type of screening) in consultation with the landowner.

These mitigation measures must:

- (a) be reasonable and feasible;
- (b) be aimed at mitigating the privacy impacts to the property from the development's 9 storey tower; and
- (c) be implemented within 12 months of receiving the written acceptance unless the Planning Secretary agrees otherwise.

If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

### **Road Safety Audit Works**

- E31. Prior to the issue of any occupation certificate, or other timeframe agreed in writing by the Planning Secretary, works identified under Section 4 of the Road Safety Audit prepared by Positive Traffic dated February 2025 are to be completed to the satisfaction of the relevant road authority (where applicable), excluding works where the Applicant obtains and provides the Certifier with written confirmation from Council or TfNSW that those works are not required or the Applicant's responsibility to deliver.

### **Roadworks and Public Domain Works**

- E32. Prior to the issue of any occupation certificate, or other timeframe agreed in writing by the Planning Secretary, the pedestrian crossing on the northbound slip lane is to be signalled to operate as amber/red only, with works undertaken to the satisfaction of the relevant road authority.
- E33. Prior to the issue of any occupation certificate, or other timeframe agreed in writing by the Planning Secretary, the existing median in Sydney Street is to be upgraded to meet current Australian Standards and the median extended beyond the point of egress from the hospital drop-off area, with works undertaken to the satisfaction of the relevant road authority.
- E34. Prior to the issue of any occupation certificate, or other timeframe agreed in writing by the Planning Secretary, 'no entry' / 'entry' signs are to be installed with associated pavement arrows (within the hospital site) to reinforce the correct entry and exit points to the hospital drop-off area.
- E35. Prior to the issue of any occupation certificate, or other timeframe agreed in writing by the Planning Secretary, a High Pedestrian Activity Area on Hughes Street, O'Brien Street, Casey

Street and Sydney Street between the Pacific Highway and Jamieson Street is to be developed and implemented, with works undertaken to the satisfaction of the relevant road authority.

- E36. Prior to the issue of any occupation certificate, or other timeframe agreed in writing by the Planning Secretary, a raised pedestrian crossing on Hughes Street on the eastern side of the carpark driveway is to be constructed, with works undertaken to the satisfaction of the relevant road authority.
- E37. Prior to the issue of any occupation certificate, or other timeframe agreed in writing by the Planning Secretary, a 2.5m wide pathway between the Hughes Street carpark and the new raised pedestrian crossing required by condition E36 is to be constructed, with works undertaken to the satisfaction of the relevant road authority.

## **PART F POST OCCUPATION**

### **Operation of Plant and Equipment**

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Warm Water Systems and Cooling Systems**

- F2. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Community Engagement Strategy**

- F3. The Community Engagement Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### **Operational Noise Limits**

- F4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise and Vibration Impact Assessment dated 22 February 2024 prepared by RWDI.
- F5. Short term operational noise monitoring must be:
- (a) carried out within 4 months of commencement of use of the proposed buildings and associated open spaces approved by this development consent; and
  - (b) undertaken by an appropriately qualified person in accordance with the Noise Policy for Industry (EPA, 2017) or any latest version where valid data is collected.
- F6. The resultant monitoring report prepared by the appropriately qualified person must be submitted to the Planning Secretary within 5 months of commencement of use of the proposed buildings and the associated open spaces to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Noise and Vibration Impact Assessment dated 22 February 2024 prepared by RWDI.
- F7. Should the noise monitoring program required by condition F5 identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels when measured at the affected noise sensitive receivers, or provide attenuation measures at the affected noise sensitive receivers so the exceedance is mitigated.
- F8. The café outdoor seating area must only be used during the daytime period (7am-6pm) and a maximum of 50 patrons are permitted in the outdoor seating area.

### **Unobstructed Driveways and Parking Areas**

- F9. All driveways, roads, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### **Green Travel Plan**

- F10. The Green Travel Plan required by condition E11 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

- F11. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition C11, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

## **Outdoor Lighting**

- F12. Notwithstanding condition D33, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

## **Landscaping**

- F13. Landscaping must be maintained generally in accordance with the approved Operational Landscape Management Plan required by condition E28 for the duration of occupation of the development.

## **Hazards and Risk**

- F14. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
  - (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- F15. In the event of an inconsistency between the requirements of condition F14(a) and F14(b), the most stringent requirement must prevail to the extent of the inconsistency.

## **Dangerous Goods**

- F16. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

## **Discharge Limits**

- F17. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

## **Signage**

- F18. The lighting to be used in connection with approved signage including LED screens must comply with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting*.

## **Management of Hospital Car Parking**

- F19. Within 6 months of the commencement of full operation, car parking monitoring must be undertaken by an appropriately qualified person to assess the impact of on-site parking arrangements on parking within the surrounding residential streets. The following requirements are to be met by the monitoring activity:
- (a) Monitoring must include parking within the surrounding streets and within all on-site carparks over different days and during different time periods;
  - (b) Monitoring of parking behaviour must include hospital staff, patients and visitors to ensure that the existing hospital carparks are being fully utilised;
  - (c) Within 3 months of the monitoring being completed, a summary of the monitoring observations is to be provided to Council and the CCC for information, including any recommendations resulting from the appropriately qualified person's observations; and
  - (d) Within 3 months of the monitoring being completed, the Applicant must have regard to any recommendations that relate to the management of any on-site car parking areas and/or provisions of the hospital's Green Travel Plan (required by condition E11) to ensure all measures are being undertaken to discourage hospital users from parking on the surrounding streets.



## **APPENDIX 1 ADVISORY NOTES**

### **General**

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### **Long Service Levy**

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

### **Legal Notices**

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### **Access for People with Disabilities**

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the NCC. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### **Utilities and Services**

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **Road Design and Traffic Facilities**

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### **Road Occupancy Licence**

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### **SafeWork Requirements**

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### **Hoarding Requirements**

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### **Handling of Asbestos**

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Fire Safety Certificate**

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## **APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A27 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.

## Appendix B – Material Considered by the Commission

Document	Date
Secretary's Environmental Assessment Requirements ( <b>SEARs</b> )	4 March 2022
Applicant's EIS and its accompanying appendices	28 September 2023
Government agency advice to the Department	Various, as published on the Department's Major Projects website
Public submissions made to the Department during exhibition	10 November 2023 to 7 December 2023
Applicant's Response to Submissions Report	24 June 2024
Referral letter from the Department	24 April 2025
Department's Assessment Report and recommended conditions of consent	Received by the Commission on 24 April 2025
Observations made at the Site Inspection	6 May 2025
Comments and presentation material from meetings with: <ul style="list-style-type: none"> <li>• Department</li> <li>• Council</li> <li>• Applicant</li> </ul>	12 May 2025 12 May 2025 12 May 2025
All written comments received by the Commission	12 May 2025
Council's response to the Commission	15 May 2025
Applicant's response to the Commission	16 May 2025
Correspondence from the Department regarding conditions	20 May 2025
Department's advice to the Commission regarding the imposition of conditions	27 May 2025

## Appendix C – Planning Framework

Strategic context	Commission's consideration
<ul style="list-style-type: none"> <li>• NSW State and Premier's Priorities</li> <li>• Hunter Regional Plan 2041</li> <li>• Greater Newcastle Metropolitan Plan 2036</li> <li>• Transport for NSW's Future Transport Strategy 2056</li> <li>• Infrastructure NSW's State Infrastructure Strategy 2022-2042</li> <li>• Lake Macquarie Local Strategic Planning Statement (<b>LSPS</b>)</li> <li>• Lake Macquarie Community Strategic Plan 2022-2032</li> </ul>	<p>The Commission agrees with the Department that the Project is consistent with the strategies, plans and policies outlined in Table 2 of the Department's AR.</p>
Statutory context	Commission's consideration
<ul style="list-style-type: none"> <li>• State significant development</li> <li>• Consent authority</li> <li>• Permissibility</li> <li>• Multiple development applications</li> </ul>	<p>The Commission agrees with the Department's findings in Table 3 of the AR regarding the Project's permissibility and assessment pathway.</p>
Other approvals and authorisations	<p>The Commission agrees with the Department's findings in sections 4.2 and 4.3 of the AR regarding other approvals and authorisations and the SEARs requirements.</p>
SEARs	
Objects of the EP&A Act and Ecologically Sustainable Development	<p>The Commission has considered the Objects of the EP&amp;A Act and is satisfied that the Application is consistent with those Objects. The Commission finds that the Project is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.</p>
BDAR	<p>The Commission notes that a BDAR waiver was granted on 7 November 2022 by the Environment Agency Head and the Director Social and Infrastructure Assessments (as delegate of the Planning Secretary).</p>
Mandatory considerations	Commission's consideration
Relevant environmental planning instruments ( <b>EPIs</b> )	<p>Appendix B of the AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) comprise:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul>

	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>Lake Macquarie Local Environmental Plan 2014 (LMLEP)</li> </ul> <p>The Commission has considered these EPIs as part of its determination.</p>
Relevant development control plans ( <b>DCPs</b> )	Pursuant to section 2.10 of the SEPP Planning Systems, DCPs do not apply to SSD. However, it is noted that the Application's proposed on-site car parking provision is consistent with the requirements of Lake Macquarie DCP 2014.
Any planning agreement or draft planning agreement	The Applicant has not entered into a planning agreement with Council. However, it is noted the Applicant will be required to provide a payment of a levy of 1% of the proposed cost of carrying out the development including GST to Council under section 7.12 of the EP&A Act.
Likely impacts of the development	The likely impacts of the Application have been considered in section <b>Error! Reference source not found.</b> of the Statement of Reasons.
Suitability of the site for development	<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 development is an extension to an existing hospital;</li> <li>the proposed building height is under the Site's maximum building height control under the Lake Macquarie LEP 2014; and</li> <li>environmental and social impacts have been minimised as far as practicable and would be further managed and mitigated by the imposed conditions of consent.</li> </ul>
The public interest	The Commission has considered the public interest in deciding to grant conditional consent to the Application. In doing so, the Commission has evaluated the likely impacts of the Application and considered the relevant ESD principles. The Commission has concluded that approval of the Project merits the grant of consent, subject to conditions.

## Appendix D – Community Consultation

### Public engagement overview

A summary of the Project timeline and key engagement milestones is provided in the below table.

*Appendix D – Table 1: Project and engagement timeline*

Project stage	Date	Number of submissions
Application submitted	27 September 2023	N/A
Application exhibited by Department	10 November 2023 to 7 December 2023	5
Application referred to the Commission	24 April 2025	N/A
Written submissions to the Commission	28 April 2025 to 12 May 2025	1

### Department's engagement for the Project

The Department consulted with Council, government agencies and members of the community during its assessment of the Project. The Department received advice from six government agencies and comment from Council. Of the five public submissions received, three were objections, one was in support, and one provided comment.

Public submissions received by the department raised four key matters: traffic and safety; parking; noise; and privacy.

*Appendix D -Table 2: key matters raised in Department submissions*

<b>Traffic and safety</b> <ul style="list-style-type: none"> <li>the local roads will not be able to accommodate the increase in traffic</li> </ul>	<b>Noise</b> <ul style="list-style-type: none"> <li>the increase in people and vehicles will lead to an increase in noise, both day and night</li> </ul>
<b>Parking</b> <ul style="list-style-type: none"> <li>the Project would exacerbate the lack of on-street parking in the vicinity of the hospital, impacting local residents, who already will find it difficult to park close to their residence</li> <li>if the Project does not provide enough parking, this will impact patients, including the elderly, who will have to walk a distance from their car to the hospital</li> </ul>	<b>Privacy</b> <ul style="list-style-type: none"> <li>the Project would overlook bathroom and bedroom windows of neighbouring properties</li> </ul>

Further consideration of these submissions by the Department is provided at section 5 of the Department's AR.

### The Commission's public consultation

As the circumstances of this Application are materially similar to those of SSD-71941462, the same Commission Panel was appointed to determine both Applications. As such, the Commission undertook its consultation, including stakeholder meetings, site inspection, and written submissions for both SSD-71941462 and SSD-38025700 as a single process.

### ***The Commission's meetings***

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

*Appendix D – Table 3: The Commission's meetings*

<b>Meeting</b>	<b>Date</b>	<b>Transcript/notes published</b>
<b>Department</b>	12 May 2025	15 May 2025
<b>Applicant</b>	12 May 2025	15 May 2025
<b>Council</b>	12 May 2025	15 May 2025
<b>Site inspection</b>	6 May 2025	8 May 2025

### ***Consideration of submissions***

The Commission received one written submission that commented on both SSD-71941462 and SSD-38025700 simultaneously. As such, the key matters raised in this submission, and the Commission's consideration of these key matters (as per Appendix D Table 4 over page) have been outlined by the Commission in the Statement of Reasons (Appendix D) for both applications.

Appendix D - Table 4: Commission's consideration of key matters raised in submissions

Key matter	Summary of submissions	Commission's consideration	References and links
Privacy  <i>"It will invite hundreds, if not thousands, of people to look directly into our home, backyard, and those of our neighbours, every day."</i>	<ul style="list-style-type: none"> <li>Current impacts to privacy, including overlooking of resident's house and backyard, will be made worse by the extension</li> <li>The tree planting proposed to reduce the visual impact will provide minimal improvement, particularly for the nine-storey building option</li> <li>Privacy measures such as frosted or angled windows, increased setbacks, and screens could improve some privacy outcomes</li> </ul>	<p>The Site is surrounded by residential homes and the Applicant has proposed landscaping and shutters to address the privacy concerns of nearby residences.</p> <p>Due to the building's height, the Commission considers that even after the Applicant's proposed measures, privacy risks remain to the surrounding residential homes.</p> <p>To address this, the Commission has included conditions of consent that require the Applicant to:</p> <ul style="list-style-type: none"> <li>offer privacy mitigation measures (e.g. landscaping or screening) to the owners of 37, 39, and 41 O'Brien Street, Gateshead—properties considered most directly affected due to their proximity to the nine-storey building.</li> <li>allow any landowner opposite the site on O'Brien or Casey Street to request similar mitigation in writing.</li> </ul>	<p>See section 4.1 of the Statement of Reasons</p> <p>See conditions of consent E30</p>
Overshadowing	<ul style="list-style-type: none"> <li>The tower will cast substantial shadow over our property (O'Brien Street resident) and neighbours, particularly in the morning</li> </ul>	<p>Shadow cast by the Project is measured at mid-winter which provides for the 'worst-case-scenario', meaning that the impact would be even less in summer.</p> <p>Shadow measurements show that additional shadow cast by the Project would have moved away from residential properties by 10am.</p> <p>The Commission acknowledges that this would still have an impact to nearby residents, but that this impact does not outweigh the public benefit in the Project proceeding.</p>	<p>See section 4.1 of the Statement of Reasons</p>
Traffic  <i>"I am nearly hit by a vehicle performing one of these turns on a daily basis."</i>	<ul style="list-style-type: none"> <li>Unsafe driving condition putting residents at risk</li> <li>Drivers will often undertake dangerous U-turns at both the Casey Street-O'Brien Street intersection and the Sydney Street-O'Brien Street intersection</li> </ul>	<p>The Commission has included conditions of consent that the Applicant is required to comply with in order to manage traffic impacts.</p>	<p>See section 4.4 of the Statement of Reasons</p> <p>See conditions of consent E31 – E37</p>



		<p>These include conditions requiring the Applicant to carry out the recommendations of the Road Safety Audit (except where recommendations are not supported by TfNSW or Council, or fall outside the Applicant's responsibility) which was prepared at the request of Transport for NSW and looked at both existing and proposed scenarios.</p> <p>To address the concerns of pedestrian safety, conditions of consent have been included that require the Applicant to undertake additional pedestrian safety upgrades recommended by Council and TfNSW, including establishing a 'high pedestrian area', a new raised pedestrian crossing on Hughes Street, a new 2.5m wide footpath on Hughes Street, signalising the pedestrian crossing on the northbound slip lane, Sydney Street median extension, and new 'no entry'/'entry' signs and pavement arrows. This will ensure that pedestrian safety is appropriately managed during the development's operation.</p>	
Parking	<ul style="list-style-type: none"> <li>Hospital staff and visitors parking on-street reduces parking access for residents</li> <li>On-street parking spaces are not line marked and people will often block driveways meaning residents are unable to leave their property.</li> </ul>	<p>The proposed car parking provision exceeds the minimum required under the Lake Macquarie DCP 2014.</p> <p>The number of car parking spaces proposed is sufficient and will minimise on-street car parking impacts.</p> <p>A parking monitoring study will be required to be conducted within 6 months of the development's operation. This study will be provided to Council and the Community Consultative Committee and must assess the impact of on-site parking arrangements on nearby residential streets, particularly if paid parking is introduced.</p>	<p>See section 4.4 of the Statement of Reasons</p> <p>See conditions of consent F19</p>

## **Appendix E – Department's Assessment Report**

Department of Planning, Housing and Infrastructure

[dphi.nsw.gov.au](http://dphi.nsw.gov.au)



# Lake Macquarie Private Hospital Extension

State Significant Development Assessment Report (SSD-38025700)

April 2025





# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

---

Published by NSW Department of Planning, Housing and Infrastructure

<http://dphi.nsw.gov.au>

Lake Macquarie Private Hospital Extension (SSD-38025700) Assessment Report

Published: April 2025

## Copyright and disclaimer

© State of New South Wales through Department of Planning, Housing and Infrastructure 2025. Information contained in this publication is based on knowledge and understanding at the time of writing, April 2025, and is subject to change. For more information, please visit [nsw.gov.au/copyright](https://nsw.gov.au/copyright).

# Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the State significant development (SSD) application for the Lake Macquarie Private Hospital Extension located at Gateshead, lodged by Ramsay Health Care Australia Pty Ltd. The report includes:

- an explanation of why the project is considered SSD and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- an opinion on whether the project is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether development consent for the project can be granted and any conditions that should be imposed.

# Executive Summary

This report details the Department's assessment of the State significant development application SSD-38025700 for the Lake Macquarie Private Hospital Extension.

This report will be provided to the Independent Planning Commission (IPC) for their consideration when deciding whether to grant consent to the SSD.

## Project

Ramsay Health Care Australia Pty Ltd (the Applicant) proposes to construct an extension to the existing Lake Macquarie Private Hospital (LMPH). The project is located at 3 Sydney Street, 10 O'Brien Street, 2 and 4 Casey Street, as well as 36 and 38 Pacific Highway in the City of Lake Macquarie local government area (LGA).

The project has a capital investment value of \$144,642,000 and is expected to generate 75 full-time equivalent construction jobs and 189 operational jobs.

## Strategic context

The Department considers the development is consistent with the aims of relevant strategies including NSW Premier's State Priorities, the Hunter Regional Plan 2041, Greater Newcastle Metropolitan Plan 2036, Transport for NSW's Future Transport Strategy 2056, Infrastructure NSW's State Infrastructure Strategy 2022-2042, Lake Macquarie Local Strategic Planning Statement, Lake Macquarie Community Strategic Plan 2022-2032 and Government's response to the 2022 NSW Flood Inquiry.

## Statutory context

The project is classified as State significant development (SSD) under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is for the purposes of a hospital and has a CIV greater than \$30 million, pursuant to clause 14 of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021.

The development application was made by an Applicant (and landowner) who has disclosed a reportable political donation under section 10.4 of the EP&A Act in connection with the development application. Consequently, the Independent Planning Commission (IPC) is the consent authority for the project under section 2.7(1)(c) of the Planning Systems SEPP.

The application is permissible with consent.

## Engagement

The Department exhibited the environmental impact statement (EIS) from 10 November until 7 December 2023. During the exhibition period, the Department received:

- five submissions from the public (all from individuals) raising concerns with traffic and safety, parking, noise and privacy impacts.
- a submission from Lake Macquarie City Council (Council) commenting on the project.
- advice from six government agencies/utility providers:
  - Ausgrid
  - Biodiversity and Conservation Division of the former Department of Planning and Environment (BCD)
  - Heritage NSW Aboriginal Cultural Heritage (ACH)
  - Hunter Water Corporation
  - Subsidence Advisory NSW
  - Transport for NSW (TfNSW).

Key concerns raised in Council and government agency comments related to vehicular access, traffic, traffic modelling, and pedestrian safety.

The Applicant submitted a response to submissions report (RtS) on 25 September 2024, to address the issues raised in submissions and agency advice. The Department referred the RtS to TfNSW and Council for comment on 26 September 2024.

On 25 October 2024, the Department requested the Applicant to provide further information to address the issues raised in the Council and TfNSW advice on the RtS.

The Applicant provided further information on 26 February 2025, to address concerns raised by Council and TfNSW, comprising amended architectural plans and an amended Traffic and Parking Assessment (TPA) relating to road safety and parking.

## Assessment

### Traffic, parking and pedestrian safety

The TPA shows the proposed development will have minimal impact on existing traffic flow. During peak periods, the development will add 95 vehicles in and 20 out during the AM peak, and three vehicles in and 74 out during the PM peak. Total vehicle trips will be 351 in the AM, and 279 in the PM peak. The provided SIDRA analysis indicates the surrounding intersections will continue to operate similarly to the 'without development' scenario.

Construction traffic will generate an average of six heavy vehicle movements per day, peaking at 12 during excavation, with measures recommended to minimise disruption.

The development exceeds the car parking requirements established by the Lake Macquarie Development Control Plan 2014 (LMDCP), providing a surplus of 29 spaces upon completion. Department concerns about a construction worker off-street parking shortfall have been addressed with the proposed use of the Council owned Willow Road carpark and a shuttle service to the development site.



Pedestrian safety improvements, based on recommendations from a Road Safety Audit (RSA), include better crossings, sight lines, and lighting along Sydney Street. These will be implemented to ensure safety and efficiency during both construction and operation.

### **Built form**

The proposed development incorporates a design concept rooted in the NSW Government Architect's 'Connecting with Country' framework, integrating Indigenous Awabakal culture, art, and landscapes. Key features include the creation of the "Turool Walk" through-site link, and incorporation of cultural elements such as artworks and plants with healing properties.

The development provides activation to the corner of Casey and O'Brien Streets, enhancing the streetscape with additional greenery, and ensures legible access zones for pedestrians, emergency vehicles, and visitors.

The building massing consists of a nine level tower, with a height of 33.15m, compliant with the Lake Macquarie Local Environmental Plan 2014 (LMLEP) 37m building height control. It is designed to minimise disruption to existing hospital operations while achieving appropriate transitions in scale. The tower is largely separated from nearby residential land uses by significant distances, ensuring compatibility with the surrounding context. The design prioritises pedestrian engagement, with public domain upgrades including new footpaths, seating, and landscaping, focusing on O'Brien and Casey Streets.

Overall, the design promotes cultural connection, functional efficiency, and public amenity, ensuring the building integrates well with its surroundings, while maintaining a contemporary, health-focused aesthetic.

### **Amenity impacts**

The site is not visually sensitive and the proposed development would not result in any significant loss of views. The Department has assessed that, while larger in scale than surrounding buildings, the scale of the development is reasonable given its zoning, and the permissible height limit applicable to the site.

The Department had concerns with the EIS regarding potential visual privacy impacts on adjacent residential properties. However, following the submission of additional information including diagrams, written justification, and additional landscaping, the Department concluded that privacy impacts would be minimal and raised no concerns.

The proposal causes minimal overshadowing of existing hospital buildings and adjoining properties during the winter solstice (worst case scenario). Any increase in overshadowing to residential properties would be to the frontages of four low density residential properties to the western side of O'Brien Street at 9am during the winter solstice, and internal areas of the residential dwelling at 47 O'Brien Street in the period up to 9am during the winter solstice. However, by 10am shadows have moved off all residential properties.



## Noise and vibration impacts

The Noise and Vibration Impact Assessment (NVIA) predicts that construction noise will exceed the noise management levels (NMLs) at all receivers during demolition, excavation, and construction phases, with the worst impacts at receiver R1. Mitigation measures, such as portable screens and mufflers, are recommended to minimise disruption. The Department has recommended conditions requiring standard construction hours, with a Construction Noise and Vibration Management Plan (CNVMP) required to be prepared to manage impacts.

Vibration impacts from demolition and construction activities are expected but can be mitigated through vibration surveys and the use of low-vibration equipment. The CNVMP will address these impacts.

Operational noise from the development, including vehicle movements, loading dock activity, and mechanical plant, is predicted to comply with the noise criteria at most receivers. However, noise at the nearby school (S6) would exceed the external criteria by 2dBA, which is considered negligible. Sleep disturbance levels at nearby residential properties are unlikely to be a concern.

To further mitigate noise, recommendations include limiting operational hours for certain activities and reviewing mechanical plant design. The Department recommends post-occupation monitoring to ensure compliance with noise limits and verify the effectiveness of mitigation measures.

## Conclusion

Overall, the Department's assessment concludes the project would:

- provide benefit for the community by delivering improved and expanded health facilities.
- be consistent with government strategy.
- provide economic benefits, generating approximately 75 construction jobs and 189 operational jobs through investment in health infrastructure.

As such, the Department considers the benefits outweigh the costs, the project is in the public interest, and is recommended for approval, subject to conditions.

# Contents

<b>Preface.....</b>	<b>i</b>
<b>Executive Summary .....</b>	<b>ii</b>
<b>1 Introduction.....</b>	<b>8</b>
1.1 The proposal.....	8
1.2 Project location.....	8
1.3 Project background .....	15
1.4 Related applications.....	16
<b>2 Project.....</b>	<b>19</b>
2.1 Project overview.....	19
2.2 Physical layout and design.....	21
2.3 Uses and activities.....	22
2.4 Timing and sequencing .....	23
<b>3 Strategic context .....</b>	<b>24</b>
3.1 Key strategic issues .....	24
<b>4 Statutory context.....</b>	<b>26</b>
4.1 Permissibility and assessment pathway .....	26
4.2 Other approvals and authorisations.....	27
4.3 Planning Secretary’s environmental assessment requirements.....	27
4.4 Mandatory matters for consideration .....	28
<b>5 Engagement.....</b>	<b>30</b>
5.1 Exhibition of the EIS .....	30
5.2 Response to submissions.....	35
5.3 Request for further information.....	37
<b>6 Assessment.....</b>	<b>39</b>
6.1 Traffic, parking and access.....	39
6.2 Built form and urban design .....	50
6.3 Amenity Impacts .....	56
6.4 Noise and vibration .....	59
6.5 Other issues.....	65
<b>7 Evaluation.....</b>	<b>78</b>

<b>Glossary.....</b>	<b>80</b>
<b>Appendices.....</b>	<b>81</b>
Appendix A – List of referenced documents .....	81
Appendix B – Statutory considerations.....	82
Appendix C – Recommended instrument of consent.....	95

# 1 Introduction

## 1.1 The proposal

1. Ramsay Health Care Australia Pty Ltd (the Applicant) proposes to construct and operate an extension for the Lake Macquarie Private Hospital (LMPH), known as the Lake Macquarie Private Hospital Extension.
2. The project description provided in Part 3 of the Environmental Impact Statement (EIS), and the mitigation measures provided in Appendix C of the Response to Submissions report (RtS), are the subject of this report and will form part of the development consent if the project is approved.
3. An overview of the proposed development is provided in **Section 2**.

## 1.2 Project location

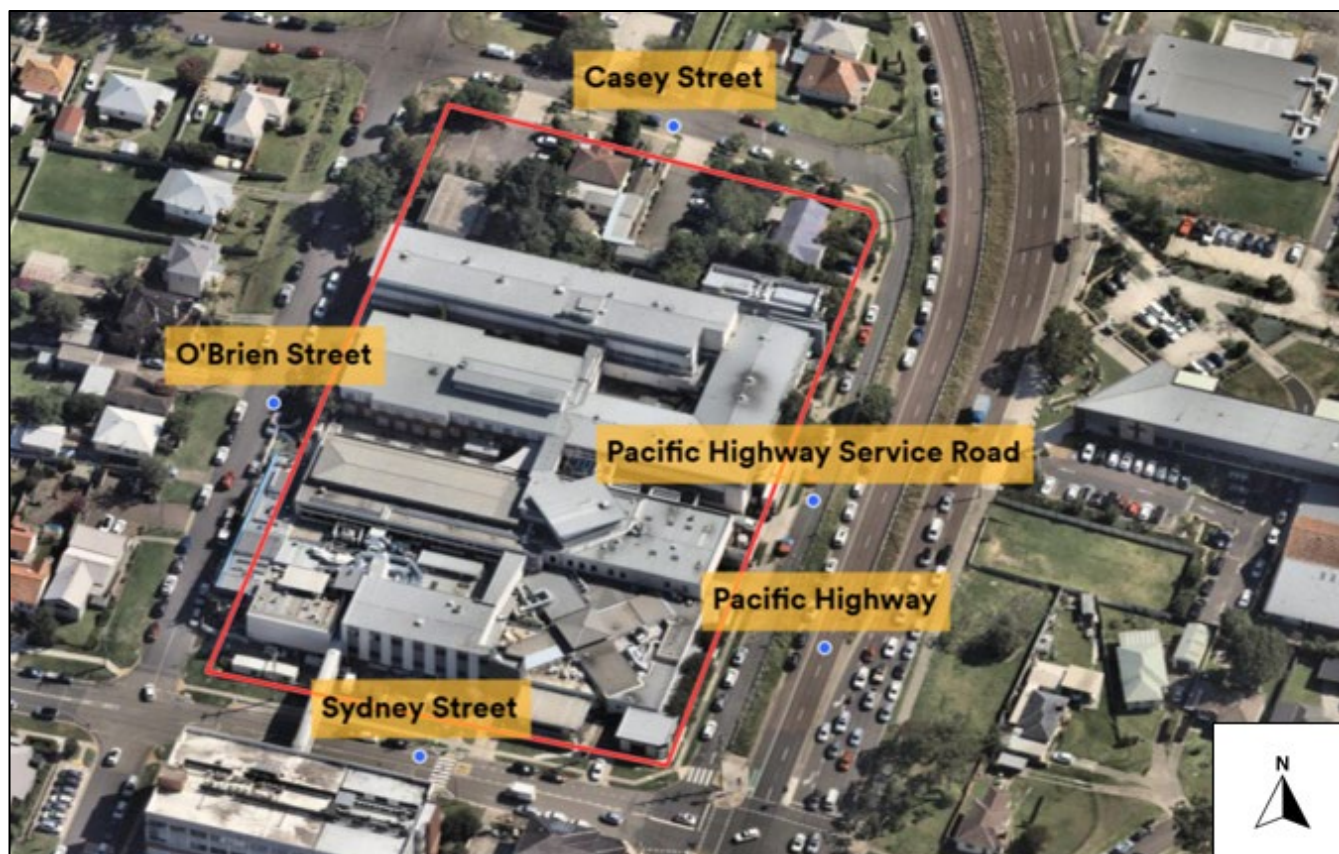
### 1.2.1 The Site

4. The site is located at 3 Sydney Street, 10 O'Brien Street, 2 and 4 Casey Street, and 36 and 38 Pacific Highway, Gateshead. It is legally described as Lot 90 DP 1233497, Lot 7 DP 24268, Lot 6 DP 24268, Lot 2 DP 1223084, and Lot 8 DP 24268 (see **Figure 1** and **2**). The current hospital functions are supported by the operation of the Hughes Street carpark shown in **Figure 1**.
5. The site is regular in shape and has a total area of approximately 14,041sqm. The site has four street frontages, with a frontage of approximately 94m along Sydney Street to the south, 152m along the Pacific Highway (service road) to the east, 87m along Casey Street to the north, and 152m along O'Brien Street to the west.
6. The topography of the site is generally level, with the high point located at the north-western corner (approximate RL45 AHD) and the low point located to the south-western corner (approximate RL31 AHD), representing an average gradient of nine per cent to the south-western corner.





**Figure 1** | The site and its immediate surrounds (source: Nearmap)



**Figure 2** | Oblique aerial view of the site (source: Nearmap)



7. The site does not contain any local or state heritage listed items and is not located within a Heritage Conservation Area (HCA).
8. The site is not identified as being located on land that is bush fire prone.
9. The site and its surrounds are located outside the flooding extent during 1% AEP and Probable Maximum Flood events and therefore not identified as flood prone.
10. The site is within the Lake Macquarie Mine Subsidence District and is impacted by abandoned workings in the Victoria Tunnel seam.

### 1.2.2 Site improvements

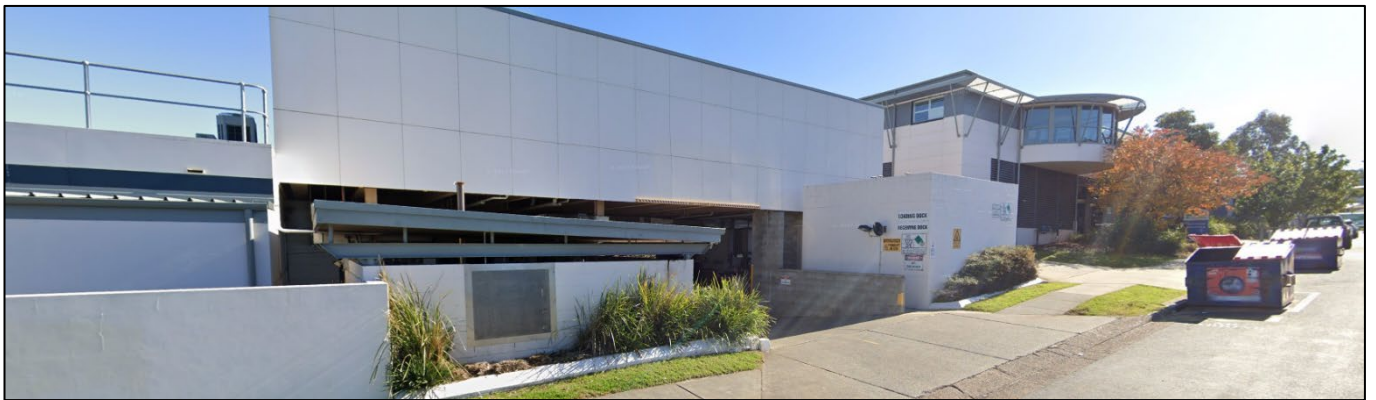
11. The southern portion of the site (within Lot 90 DP 1233497 / 3 Sydney Street) contains the existing Lake Macquarie Private Hospital (LMPH) building. The existing LMPH is a two storey 187-bed acute medical and advanced surgical hospital, which is owned and operated by Ramsay Health Care. The existing hospital is linked by an overhead walkway to the Lake Macquarie Specialist Centre located across Sydney Street, providing on-site radiology and pathology services and specialist medical consulting suites. The existing hospital is also home to the Hunter Cancer Centre, providing medical oncology, radiation oncology, research, support services and education.
12. The Emergency Department is open 24 hours a day, seven days a week.
13. The northern portion of the site contains an arrangement of buildings and structures used for residential purposes and uses ancillary to the hospital, namely:
  - 4 Casey Street (Lot 6 DP 24268):
    - a single storey weatherboard and tile building with a detached single garage. The building has historically been used as a residential dwelling but is now being used as office space for the hospital's building services team.
    - several site sheds are installed in the rear yard.
  - 2 Casey Street (Lot 7 DP 24268):
    - asphalt-sealed at-grade carpark with approximately eight parking spaces.
    - a fire service pump room building is located in the southern part of the lot.
  - 38 Pacific Highway (Lot 8 DP 24268):
    - currently developed with a one and two storey brick and tile building, with a single integrated / undercroft garage. The building has historically been used as a residential dwelling but is currently being used as office space and equipment storage.
  - 3 Sydney Street (part Lot 90 DP 1233497):
    - asphalt sealed at-grade carpark with garden beds around the perimeter areas.
  - 10 O'Brien Street (Lot 4 DP 24268):

- a single storey weatherboard house with an attached undercroft garage. The house is currently used as a residential dwelling.

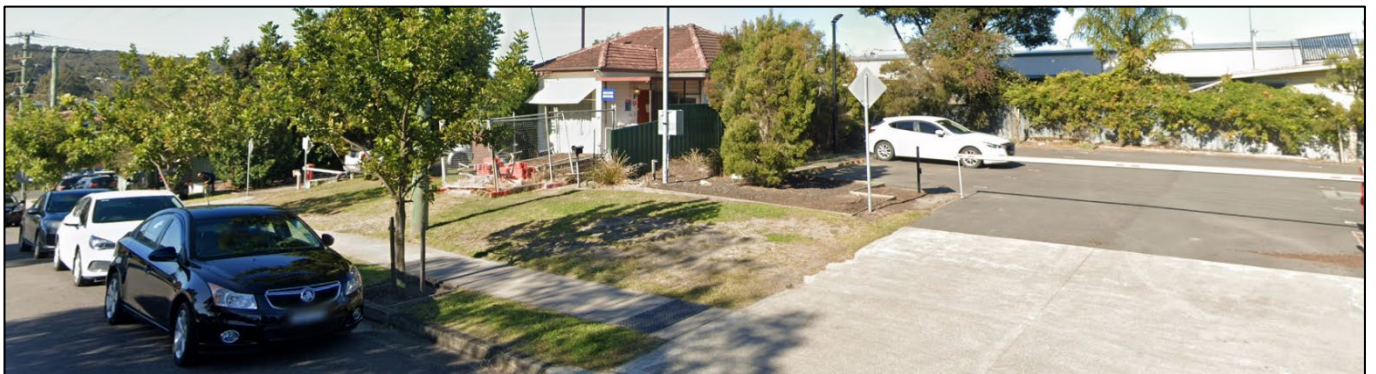
14. The immediate context and streetscape surrounding the site is shown in **Figures 3 to 6**.



**Figure 3** | Sydney Street – southern boundary (source: Google Streetview)



**Figure 4** | Pacific Highway Service Road – eastern boundary (source: Google Streetview)



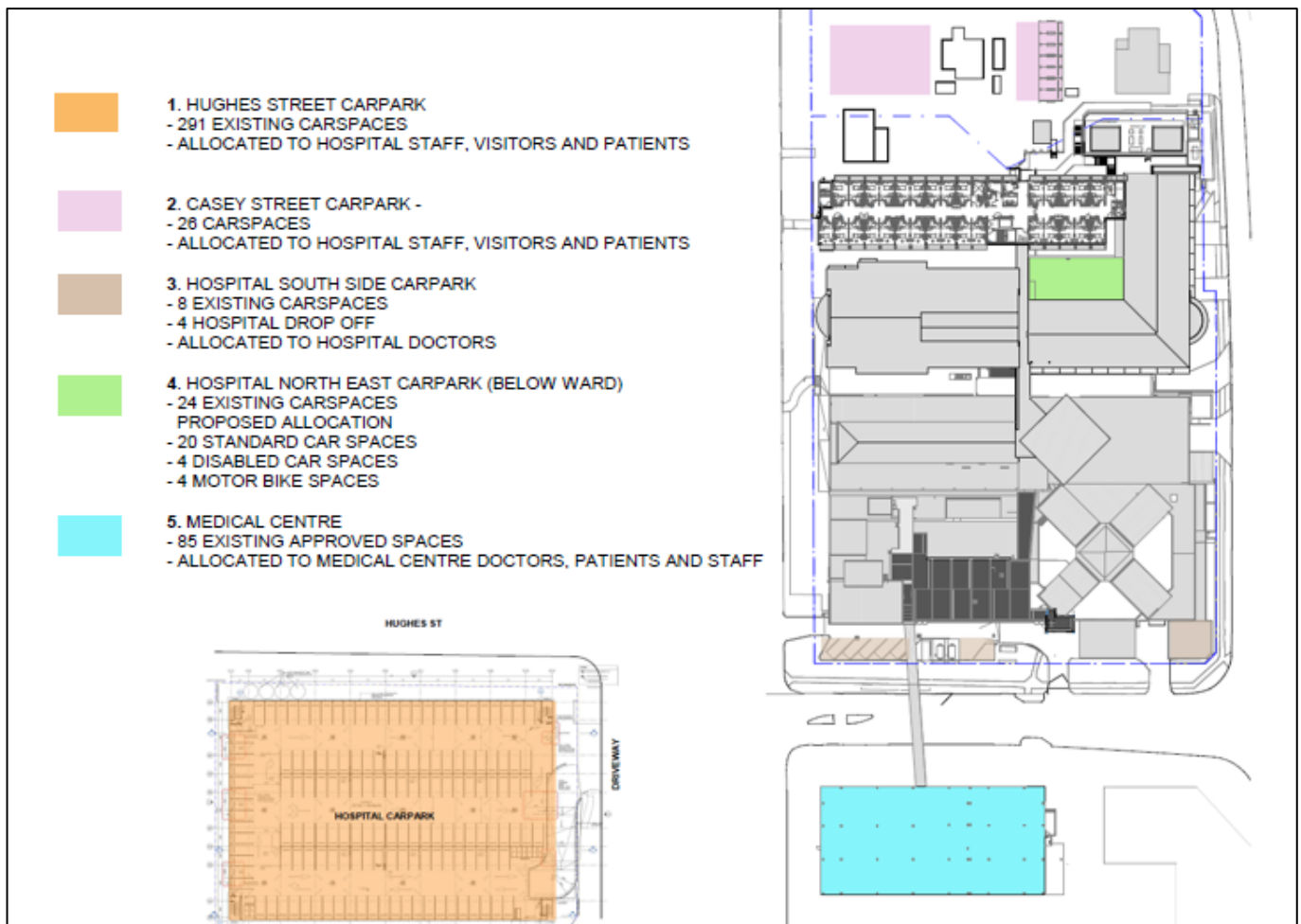
**Figure 5** | Casey Street – northern boundary (source: Google Streetview)



**Figure 6** | O'Brien Street – western boundary (source: Google Streetview)

### 1.2.3 Vehicle access and parking

15. Existing vehicular access is provided via Sydney Street to the south (drop-off and emergency vehicle access), the Pacific Highway service road to the east (loading dock and carpark access), and Casey Street to the north (carpark access).
16. The existing LMPH campus contains 353 car parking spaces (including a dedicated off-site multi-level carpark, known as the Hughes Street carpark) (see **Figure 7**).



**Figure 7** | Existing parking location map (source: amended Traffic and Parking Assessment)

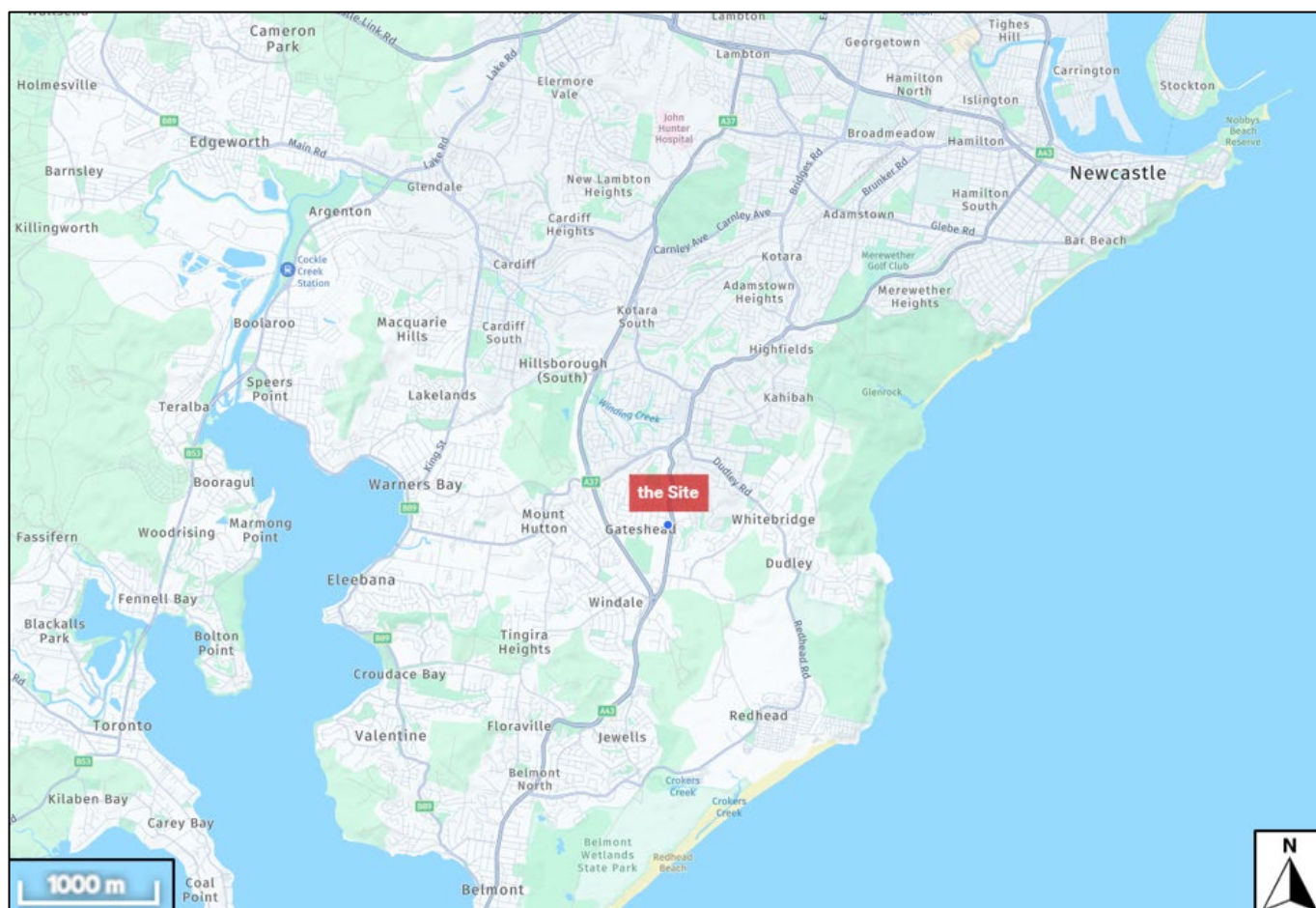


## 1.2.4 Vegetation and biodiversity

17. The site comprises managed native and exotic ornamental trees gardens, predominately located on the perimeter of the site and within the front and rear setbacks of the repurposed residential properties to the north of the site.
18. The Biodiversity Values Map (DPE 2023) indicates no areas of biodiversity value are present within the study area. The site does not contain any native threatened species (flora or fauna), and there are no historical records of threatened species within the site.

## 1.2.5 Site and Regional Context

19. The site is located in Gateshead within the Lake Macquarie City local government area (LGA) and within the Central Coast and Hunter region of NSW, approximately 15km southwest of Newcastle Central Business District (CBD) (shown in **Figure 8**).



**Figure 8** | Regional context (subject site located at blue dot) (source: Nearmap)

20. Surrounding development typologies and land uses in the immediate vicinity shown in **Figure 9** include:
  - north: properties adjoining to the north of the site are zoned 'R2 Low Density Residential' under the Lake Macquarie Local Environmental Plan 2014 (LMLEP), predominantly comprising single storey dwelling houses and a medical land use at 8 O'Brien Street. Approximately 1.8km north of the site is the Charlestown Commercial Core.



- east: to the east across the Pacific Highway is land zoned 'R2 Low Density Residential' and 'R3 Medium Density Residential' under the LMLEP. Development includes various low density residential typologies, St Mary's High School, St Pauls Primary School, Felton Street Community Preschool and Hope Unlimited Church Newcastle.
- south: to the south of Sydney Street are neighbourhood shops zoned 'E1 Local Centre' under the LMLEP and land owned by the hospital, in the form of the Lake Macquarie Specialist Medical Centre. Further south is the Wiripaang Public School and the Hughes Street carpark (to provide parking for the LMPH).
- west: to the west of O'Brien Street is land zoned 'R3 Medium Density Residential' under the LMLEP and comprises a predominate composition of single storey dwellings houses. The Mount Hutton Commercial Core is located 1.5km to the south-west of the site.

21. **Figure 9** provides a spatial view of the site and its surrounding context.



**Figure 9** | Local context (source: Nearmap)

## 1.2.6 Transport and accessibility

22. The existing road network serving the site and its surrounds comprises:

- Pacific Highway: a State Road and arterial route which connects between Sydney and Newcastle.
- Newcastle Inner City Bypass: a State Road and arterial route which links between Windale and Kotara.

- Sydney Street, Willow Road and Tennent Road: a collector route connecting between the Pacific Highway and Warners Bay Road.
23. The site is surrounded by local roads in the form of O'Brien Street to the west, Casey Street to the north, Sydney Street to the south and the Pacific Highway service road to the east.
  24. Public transport services for the LMPH are provided by Bus Route 14, providing frequent daily services along the Pacific Highway between Newcastle and Belmont, and Bus Route 41, which operates along Oxford Street (and the Pacific Highway). There is also an 'on-demand' daily bus service operated by Newcastle Transport provided for the Lake Macquarie area.
  25. Existing pedestrian facilities in the vicinity of the site include:
    - Sydney Street over-bridge connection to the Lake Macquarie Specialist Medical Centre to the south.
    - marked foot-crossing across Sydney Street.
    - footpaths along the Pacific Highway, Sydney Street and Casey Street.
    - traffic signal-controlled crossings at the Pacific Highway/Sydney Street intersection.
  26. Provision for cyclists is provided with a shared path along the highway connecting to the Newcastle Cycle Network.

### 1.2.7 Contamination

27. Several contaminants have been identified on-site, including asbestos and heavy metals. **Section 6.5** of this report discusses remediation of the site.

## 1.3 Project background

28. The LMPH redevelopment has the potential to improve patient health and wellbeing through increased capacity in inpatient theatres, day theatres, inpatient beds, consulting suites, and oncology chairs. Inpatient and day patient admissions are expected to grow to 30,970 and emergency department attendances are expected to grow to 19,245. In the absence of redevelopment at the LMPH, the Applicant has indicated that the projected activity would not be able to be met in the existing facility.
29. In particular, the Applicant advises the redevelopment would:
  - support the growth and transformation of the healthcare sector.
  - generate employment during construction and once the development is operational.
  - improve access to jobs for the immediate community and wider locality.
  - supplement, support, and compliment the health precinct and its strategic intent.
  - demonstrate architectural excellence, through siting and design compatibility, with minimal visual impact.



- provide suitable mitigation measures where required, to minimise any unforeseen impacts arising in the future.

## 1.4 Related applications

### 1.4.1 Planning Proposal

30. Planning Proposal PP-2021-6648 was finalised on 28 June 2023, to rezone the site from R3 Medium Density Residential to SP2 Infrastructure (Health Services Facility) and amend the Height of Buildings development standard in the LMLEP from 10m to 37m at the northern end of the site (shown in **Figures 10 and 11**). The Planning Proposal facilitated the proposed development of the subject SSDA.



**Figure 10** | Zoning comparison – original (left), amended (right) (source: NSW Planning Portal)



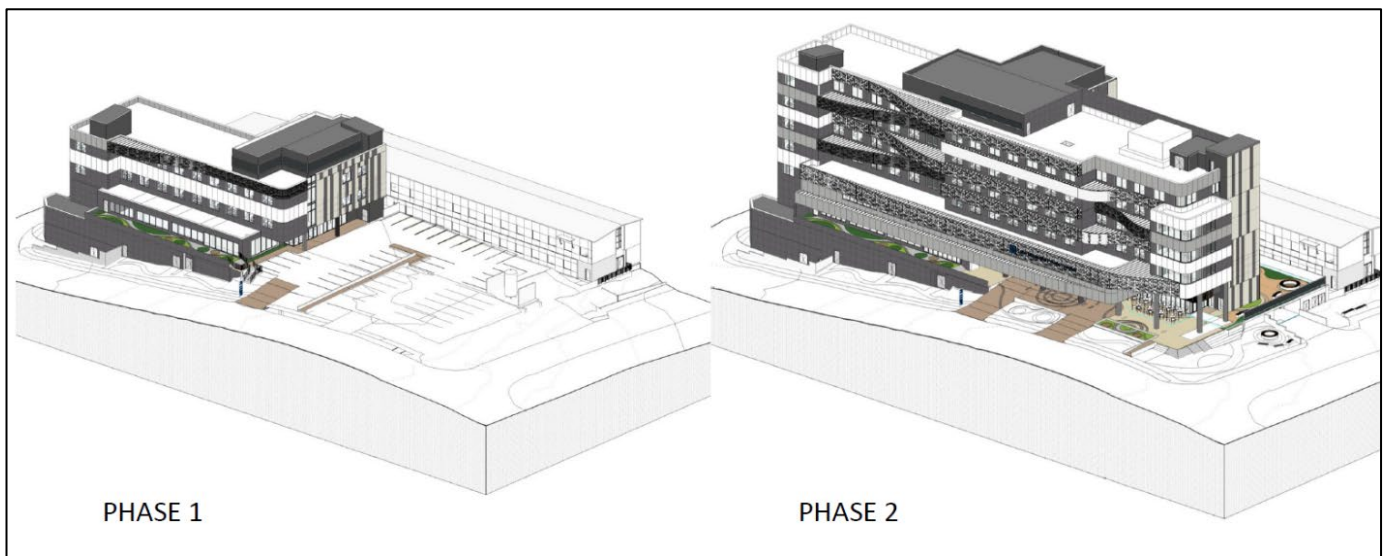
**Figure 11** | Height of Buildings Map comparison – original (left), amended (right) (source: Planning Portal)

31. Several locations for the hospital expansion and additional building height were investigated by the Applicant, including additional height across the entire site, or only the southern section or middle sections of the site. The option of developing the northern section of the site was chosen as the only viable option that would meet the projected

demands, without causing a critical disruption to the ongoing operation of the existing hospital.

#### 1.4.2 State Significant Development Application (SSD-71941462)

32. Post exhibition, the Applicant sought to amend the subject SSDA (SSD-38025700) to split the project into two sub-stages – i.e. Levels 1-5 in sub-stage 1/Phase 1, and the remaining levels in the subsequent sub-stage 2/Phase 2 – as shown in **Figure 12**. The Applicant stated that it was their intent to only construct Phase 1 at this time, while the full redevelopment will be completed at some point in the future.



**Figure 12** | Intended introduction of staging to the subject SSDA (SSD-38025700)

33. The Department subsequently determined that the proposed staging was effectively requesting approval for two proposals over the same building footprint, rather than the staged delivery of the one project across the site.
34. The Department further determined that the delivery of the second stage would require demolition works to various components of the original tower, including to rooftop plant and other building elements. The necessity to demolish a portion of the building to facilitate the second stage was considered by the Department to be contrary to the intent and envisaged use of staging within an SSDA.
35. Accordingly, the Department did not agree to the proposed amendment of the application as it considered that the amendment was seeking approval for two proposals over the same building footprint, rather than the staged delivery of the one project across the site.
36. Seeking an alternate means of staging the delivery of the full hospital expansion, the Applicant lodged a concurrent SSDA (SSD-71941462) on the site. The concurrent SSDA proposes a smaller scale expansion of the hospital comprising the construction of a six level hospital tower with at-grade car parking (see **Figure 13**).



**Figure 13** | Smaller scale expansion SSDA (SSD-71941462) compared to the Subject SSDA (SSD-38025700)

37. The Applicant again detailed that, dependent on consent being granted for both applications, the smaller built form will be constructed and occupied first, with the greater expansion potentially realised at a later date (similar to staged development, albeit over two separate development applications).
38. Prior to commencement of construction of the broader works (SSD-38025700), the Applicant has outlined an intention to submit to the Department a section 4.55 modification application to modify the building design and layout under the subject SSDA (SSD-38025700), to provide for a building that would integrate with the built form already constructed under the smaller scale SSDA (SSD-71941462). The intent of this modification would be to remove any inconsistencies between the two SSDAs on the site, noting that the Applicant would need to demonstrate that the modified project is substantially the same as the original development, as approved.

## 2 Project

### 2.1 Project overview

39. Key aspects of the project are detailed in the Chapter 3 of the EIS and outlined in **Table 1**.

**Table 1 | Key aspects of the project**

Aspect	Description
<b>Project summary</b>	Expansion of the Lake Macquarie Private Hospital (LMPH), comprising: demolition; earthworks; tree removal; and construction of a nine level hospital building including part-basement carpark, new and renovated hospital entry/drop-off areas, internal floor plan alterations, ambulance drop-off and emergency bay reconfiguration, and the provision of signage and landscaping.
<b>Demolition</b>	Demolition of three dwelling houses, two at-grade car parking areas, and associated outbuildings to the north of the site and the demolition of internal and external walls to facilitate the proposed ambulance and visitor drop-off areas and the reconfiguration of the floor plan.
<b>Built form and design</b>	<p>The scope of works can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• earthworks involving cut and fill.</li> <li>• tree removal within the northern portion of the site.</li> <li>• augmentation of existing services and infrastructure such as water, power, and sewer.</li> <li>• construction of basement car parking, resulting in 56 additional spaces across the campus.</li> <li>• construction of a nine level hospital expansion (including basement and plant levels), including: <ul style="list-style-type: none"> <li>– 114 inpatient beds.</li> <li>– three additional day surgery theatres.</li> <li>– two additional inpatient theatres.</li> <li>– 11 additional consulting suites.</li> <li>– new hospital entry/drop-off on Casey Street.</li> </ul> </li> <li>• provision of six new emergency bays.</li> <li>• alterations to the existing hospital entry on Sydney Street.</li> <li>• construction of proposed driveway on Pacific Highway Laneway for ambulance drop-off.</li> <li>• internal alterations to the existing hospital to reconfigure the existing layout.</li> <li>• landscaping.</li> </ul>
<b>Site area</b>	14,041sqm

Aspect	Description
<b>Maximum height</b>	33.15m (RL 71.90 AHD)
<b>Floor Space Ratio</b>	1.68:1
<b>Gross Floor Area (GFA)</b>	<ul style="list-style-type: none"> <li>existing GFA: 14,288sqm</li> <li>additional proposed GFA: 9,359sqm</li> <li>total GFA: 23,647sqm (across the entire hospital site).</li> </ul>
<b>Canopy cover and landscaping</b>	202sqm canopy cover / 780sqm landscaping.
<b>Tree removal/planting</b>	59 trees removed / 66 new trees planted
<b>Earthworks</b>	<p>Excavation: 14,000 cubic metres of soil and/or rock would be excavated from the site.</p> <p>Fill: 800 cubic metres of clean coarse granular fill would be imported into the site.</p>
<b>Car spaces</b>	56 additional parking spaces (total of 409 spaces across the campus).
<b>Bicycle spaces</b>	A total of seven additional bicycle spaces within the basement carpark and adjoining the café outdoor seating area.
<b>Signage</b>	<p>Nine building/business identification signs have been proposed, comprising:</p> <ul style="list-style-type: none"> <li>1 x painted main entry identification sign along Casey Street.</li> <li>1 x illuminated emergency entry identification sign within the Sydney St frontage.</li> <li>1 x illuminated main building identification sign to the northern side of the Pacific Highway service road frontage.</li> <li>3 x painted carpark entry identification signs to the northern side of the O'Brien St frontage.</li> <li>1 x painted ambulance entry identification sign along the Pacific Highway service road.</li> <li>2 x directional entry pylon signs, with one located on the Casey Street verge and the other along the Sydney St verge.</li> </ul>
<b>Operational hours</b>	24 hours a day, seven days a week.
<b>Construction hours</b>	Monday to Friday 7am to 6pm; Saturday 8am to 1pm; and no work on Sundays or Public Holidays.



Aspect	Description
<b>Capital Investment Value (CIV)</b>	\$144,642,000.
<b>Construction and operational jobs</b>	75 construction jobs and 189 operational jobs.

## 2.2 Physical layout and design

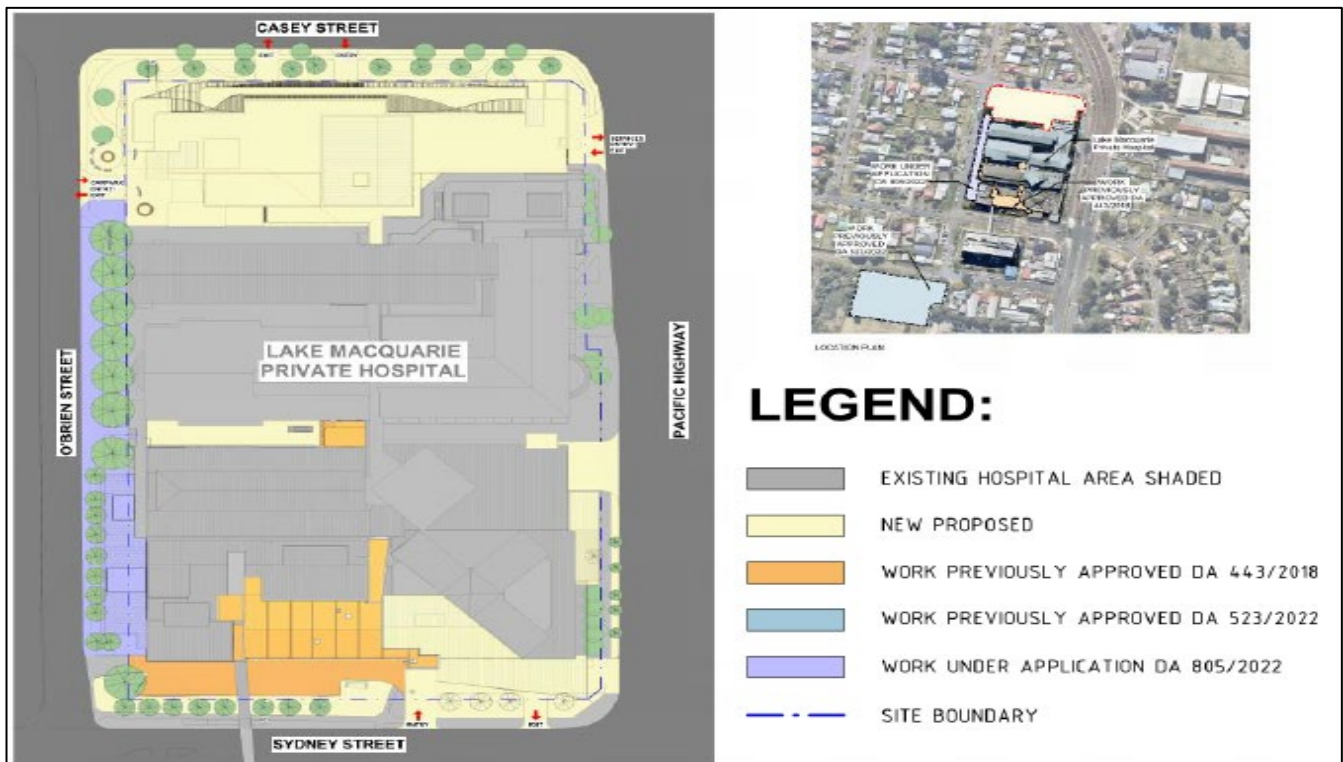
40. The proposed hospital expansion would be located to the northern end of the site, with the alterations and additions to the existing LMPH building located to the southern portion of the site at ground level.
41. The podium floor would stretch across the site and would accommodate the main entrance on the ground floor and operating theatres complex on Level 1.
42. Three levels of inpatient wards (Levels 2 to 4) sit above the podium floor with opportunities for overlooking the nature reserves around the site. Corridors have been provided with natural light at the ends with views to outside. The staff station is centrally located with direct supervision to all bedrooms as well as the lift core.
43. Above the inpatient ward floors is the tenancy floor for medical suites, at Level 5.
44. On the lower ground floors, half of the floorplate accommodates the services and supporting departments such as back of house facilities, kitchen and plantrooms, with the remaining floorplate accommodating car parking spaces. The loading dock is located at the lowest level of the hospital tower.
45. LMPH building façade is a composite of three main materials, namely insulated glass, fibre cement cladding and metal cladding.
46. **Figure 14** and **Figure 15** provide a visual representation of the proposed development. **Figure 16** shows the location of the proposed works.



**Figure 14** | Casey Street (left) and Pacific Highway (right) (source: Architectural Design Report)



**Figure 15** | O'Brien Street (left) and Sydney Street entrance (right) (source: Architectural Design Report)



**Figure 16** | Location of proposed works (source: Architectural Plans)

## 2.3 Uses and activities

47. The proposed development would be used for the purpose of a hospital and related ancillary activities, which would include the following activities throughout the life of the project (construction through to operation):
- demolition of some existing buildings and infrastructure
  - removal of trees
  - excavation and fill earthworks
  - augmentation of servicing infrastructure
  - construction works

- hospital operation and ancillary activities, including café within the foyer of the hospital tower.
48. LMPH has a current workforce of 792 nursing, allied health, medical specialist, and support staff. The proposed development is expected to provide 169 new operational staff roles and 20 new visiting medical officer (VMO), anaesthetist and assistant surgeon roles.
49. The proposed hours of operation are 24 hours a day, seven days a week.

## 2.4 Timing and sequencing

50. The hospital's masterplan for the entire campus redevelopment details five stages, with Stages 1 and 2 being the approved 18 bed ward (DA/2320/2017), alterations and additions to the hospital including new operating theatres, patient recovery, day surgery and ancillary facilities (DA/443/2018), and the expansion of the Hughes Street carpark (DA/523/2022). The development consents were issued by Lake Macquarie City Council.
51. The parking facilities provided under these consents is now operational.
52. Stages 3 to 5 are the subject of this SSDA and comprise:

### **Stage 3:**

- hospital ward tower
- emergency department expansion
- construction of basement carpark

### **Stage 4:**

- refurbished hospital entrance
- hybrid theatre/cath lab
- CCU beds
- private room conversion

### **Stage 5:**

- surgery fitout
- additional beds fitout
- medical imaging.

## 3 Strategic context

### 3.1 Key strategic issues

53. The project is consistent with the strategies, plans and policies outlined in **Table 2** below, and therefore the Department considers it appropriate for the site.

**Table 2** | Summary of government strategies, plans and policies

Strategy, plan or policy	Consistency	Comments
<b>NSW State and Premier's Priorities</b>	Consistent	<p>The proposal would deliver on key state priorities, including:</p> <ul style="list-style-type: none"><li>• building infrastructure.</li><li>• improving service levels in hospitals.</li><li>• better access to community mental health services.</li><li>• providing community health and public health services.</li><li>• jobs closer to home.</li><li>• improving outpatient and community care.</li></ul> <p>The proposal would deliver health infrastructure that will reduce waiting times by improving capacity, allowing for greater integration of services, and creating greater efficiencies by incorporating state of the art facilities and equipment. The proposal would create job opportunities in manufacturing, construction, and construction management during the project's construction phase of works, and job opportunities in health and administration at the project's completion.</p>
<b>Hunter Regional Plan 2041</b>	Consistent	<p>The proposal is consistent with the Hunter Regional Plan 2041 as it would:</p> <ul style="list-style-type: none"><li>• deliver health services in the right location to support the growth of the local communities and provide further employment.</li><li>• accommodate typical urban development strategies and practices, manage risks of climate change and improve resilience to erosion, mine subsidence and land contamination.</li><li>• enable the delivery of additional health facilities and emergency services to the region to support the growth and the community.</li></ul>

Strategy, plan or policy	Consistency	Comments
<b>Greater Newcastle Metropolitan Plan 2036</b>	Consistent	In accordance with the Plan's vision, the redevelopment of the LMPH would provide jobs and services close to established housing, providing convenient connections, improving the level of amenity offered in the area, and reducing the need to travel for health services.
<b>Transport for NSW's Future Transport Strategy 2056</b>	Consistent	The development would provide expanded facilities in a highly accessible location and provide access to new employment opportunities close to public transport.
<b>Infrastructure NSW's State Infrastructure Strategy 2022-2042</b>	Consistent	The development would provide investment in health infrastructure and would enable more complex and higher volumes of services to be delivered.
<b>Lake Macquarie Local Strategic Planning Statement (LSPS)</b>	Consistent	<p>The proposal is consistent with and supports the Lake Macquarie LSPS, its planning priorities and actions for the city. Specifically, the proposal supports the principles of the LSPS that aim to "respond to and encourage development of new education, health and innovation clusters especially Action 3.10 prepare a Gateshead Medical Precinct concept plan to facilitate the orderly development of this medical precinct including allied health and other supporting businesses."</p> <p>This proposal intends to increase the density of the LMPH encouraging more employment opportunities in the Gateshead Health Precinct. Therefore, it is considered that this proposal aligns with the broad directions of the Lake Macquarie LSPS.</p>
<b>Lake Macquarie Community Strategic Plan 2022-2032</b>	Consistent	The proposal is consistent with the vision for a diverse economy as well as lifestyle and wellbeing. The proposal would support a sustainable and diverse economy whilst providing the community with access to adaptable and inclusive community and health services.

## 4 Statutory context

### 4.1 Permissibility and assessment pathway

54. Details of the legal pathway under which consent is sought and the permissibility of the project are provided in **Table 3**.

**Table 3** | Permissibility and assessment pathway

Consideration	Description
<b>Assessment pathway</b>	<p><b>State significant development</b></p> <p>The project is declared SSD under section 4.36 of the EP&amp;A Act as it satisfies the criteria under section 2.6(1) of the Planning Systems SEPP, pursuant to clause 14 of Schedule 1, as the development is for the purposes of a hospital with a CIV greater than \$30 million. The proposed development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the EP&amp;A Act, and the proposed development is specified in section clause 14 of Schedule 1 of the Planning Systems SEPP.</p>
<b>Consent authority</b>	<p><b>Independent Planning Commission (IPC)</b></p> <ul style="list-style-type: none"><li>• The development application was made by an Applicant (and landowner) who has disclosed a reportable political donation under section 10.4 of the EP&amp;A Act in connection with the development application.</li><li>• Accordingly, the IPC is the declared consent authority under section 4.5(a) of the EP&amp;A Act and section 2.7(1)(c) of the Planning Systems SEPP.</li></ul>
<b>Permissibility</b>	<p><b>Permissible with consent</b></p> <ul style="list-style-type: none"><li>• Lake Macquarie Local Environmental Plan 2014 (LMLEP) identifies the site as being located within the SP2 Infrastructure (Health Services Facility) zone. Development for the purpose shown on the SP2 Infrastructure Land Zoning Map (such as a health services facility – which includes hospitals) is permitted with consent under the LMLEP.</li><li>• The proposed development is therefore permissible with consent under the LMLEP.</li></ul>



Consideration	Description
<b>Multiple Development Applications</b>	<p>The applicant has lodged two SSD applications over the same site, SSD-38025700 (subject of this assessment) lodged on 6 November 2023 and SSD-71941462 lodged on 21 October 2024. The Applicant seeks approval of both SSD applications as it would allow it to decide in the future which development consent to act upon.</p> <p>There is no statutory or other legal constraint upon the number of development applications that a person can make in respect of the same land.</p> <p>The Department has had regard to there being two SSDAs on the same site. The two developments are over the same footprint. If the Applicant acted upon any one SSD consent, it would not be able to act upon the other SSD consent as there is no longer a practical possibility due to the development already having been commenced and undertaken pursuant to the first consent, unless the other SSD consent was subsequently modified to remove any inconsistency between the SSDs.</p>

## 4.2 Other approvals and authorisations

55. The project will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.
56. Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
57. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD (e.g. approvals for any road works under the *Roads Act 1993*). These authorisations must be substantially consistent with any SSD development consent for the project.
58. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (see **Section 5** and **Section 6**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix C**).

## 4.3 Planning Secretary's environmental assessment requirements

59. The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 4 March 2022 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

## 4.4 Mandatory matters for consideration

### 4.4.1 Matters of consideration required by the EP&A Act

60. Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in **Table 4**.

**Table 4** | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans and planning agreements	Appendix B
EP&A Regulation	Appendix B
Likely impacts	Section 6 - Assessment
Suitability of the site	Section 1.3 - Project background, Section 3 - Strategic context and Section 6 - Assessment
Public submissions	Section 5 - Engagement and Section 6 - Assessment
Public interest	Section 5 - Engagement, Section 6 - Assessment and Section 7 - Evaluation

### 4.4.2 Objects of the EP&A Act

61. In determining the application, the consent authority should consider whether the project is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix B**.
62. As a result of the analyses in **Appendix B**, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

### 4.4.3 Biodiversity development assessment report

63. Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR), unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).



64. A BDAR waiver request was submitted to the Department on 21 October 2022. The Environment Agency Head and the Director Social and Infrastructure Assessments (as delegate of the Planning Secretary), determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 7 November 2022.

## 5 Engagement

### 5.1 Exhibition of the EIS

#### 5.1.1 Public exhibition of the EIS

65. After accepting the EIS, the Department:
- publicly exhibited the project from 10 November until 7 December 2023 on the NSW Planning Portal.
  - notified occupiers and landowners in the vicinity of the site about the public exhibition.
  - notified and invited comment from relevant government agencies and Lake Macquarie City Council.
66. During the public exhibition period, the Department undertook a site visit.

#### 5.1.2 Summary of advice received from government agencies

67. The Department received advice from six government agencies on the EIS.
68. A summary of the agency advice is provided in **Table 5**. A link to the full copy of the advice is provided in **Appendix A**.

**Table 5 | Summary of agency advice**

Agency	Advice summary
<b>Transport for NSW (TfNSW)</b>	<p>TfNSW provided comment on the application and requested additional information from the Applicant prior to further assessment, summarised as:</p> <ul style="list-style-type: none"><li>• consideration of how ambulances and service vehicles on the Pacific Highway will access the service road from Sydney Street, noting a right turn into the service road from the Pacific Highway is not supported.</li><li>• Sydney Street shows a marked foot crossing near an existing pedestrian refuge. Consideration of removing one of these facilities to improve traffic flow and reduce the amount of at-grade pedestrian crossing points was recommended.</li><li>• in order to improve pedestrian safety, the existing marked foot crossing across the laneway should be reconstructed as a raised pedestrian crossing.</li><li>• the swept path for a 13.3m articulated vehicle shows entry to the loading bay front first. As most articulated vehicles unload from the rear, TfNSW recommended the submission of an updated swept path analysis.</li><li>• that consideration be given by the Applicant in proposing:<ul style="list-style-type: none"><li>– a reduction in the speed limit along the Pacific Highway Service road, due to the one-way travel lane and vehicles moving in and out of ambulance bays and loading dock.</li></ul></li></ul>

Agency	Advice summary
	<ul style="list-style-type: none"> <li>– installing a footpath along the Pacific Highway between Sydney Street and Casey Street, due to motorists using the roadside shoulder to traverse and park due to the embankment. A connection at the northern end linking Casey Street to the footpath has been recommended.</li> <li>• the SIDRA model contains erroneous data and assumptions, including pedestrian volumes, future network performance modelling and signal phasing.</li> </ul>
<b>Ausgrid</b>	Ausgrid raised no concerns regarding the proposal, subject to the imposition of recommended conditions relating to supply of electricity, proximity to existing network assets, safety and landscaping.
<b>Biodiversity and Conservation Division of the former Department of Planning and Environment (BCD)</b>	<p>BCD raised no concerns with the proposed development, having determined that:</p> <ul style="list-style-type: none"> <li>• the proposal is unlikely to have an impact on biodiversity values.</li> <li>• the site and its surrounds are located outside the flooding extent during 1% AEP and Probable Maximum Flood events and is therefore not identified as flood prone.</li> </ul>
<b>Heritage NSW Aboriginal Cultural Heritage (ACH)</b>	<p>Heritage NSW ACH raised no concerns to the proposed development and concurred with the proposed mitigation measures and recommendations under Section 9 of the Aboriginal Cultural Heritage Assessment Report (ACHAR).</p> <p>Heritage NSW has recommended conditions of consent requiring the avoidance of harm to Aboriginal objects and the preparation and implementation of an Aboriginal Cultural Heritage Management Plan.</p>
<b>Hunter Water Corporation</b>	Hunter Water Corporation raised no concerns regarding the proposal.
<b>Subsidence Advisory NSW</b>	Subsidence Advisory NSW raises no concerns with the proposal, subject to the implementation of the requirements of the conditional approvals previously provided to the Applicant being adhered to.

### 5.1.3 Summary of Council submission

69. Lake Macquarie City Council (Council) provided comments on the project.
70. A summary of the comments provided by Council is provided in **Table 6** and a link to all Council and community submissions in full is provided in **Appendix A**.

**Table 6 | Summary of issues raised by Council**

Issues	Submission summary
<b>DCP controls</b>	<ul style="list-style-type: none"> <li>• Council notes that the Lake Macquarie Development Control Plan 2014 (LMDCP) review table in the EIS is based on the old residential zoning (Part 3 Development in Residential Zones, instead of Part 5 Development in Productivity Support, Industrial and Infrastructure Zones).</li> </ul>
<b>Geotechnical</b>	<ul style="list-style-type: none"> <li>• Council notes that the encounter of groundwater is a risk during excavation and during operation and the plans lack details of the pump system in the basement carpark area.</li> </ul>
<b>Cut and fill</b>	<ul style="list-style-type: none"> <li>• the Traffic Impact Assessment does not address traffic impacts resulting from trucks leaving and entering the site to dispose excavated material.</li> <li>• the proposed service driveway within the road reserve of Casey Street requires retaining wall details. The retaining wall clashes with the proposed internal landscape path.</li> </ul>
<b>Stormwater management</b>	<ul style="list-style-type: none"> <li>• the existing stormwater pit on Pacific Highway does not appear to currently receive runoff from the undeveloped northern portion of the site, and it is not known whether this system has capacity to receive the managed runoff from the development.</li> <li>• the implications of the proposed conversion of existing pits to v-grate lids along the Pacific Highway service road has not been comprehensively analysed in the Stormwater Management Plan.</li> <li>• the development should include rainwater harvesting for re-use in accordance with Council's site discharge index requirements specified in the LMDCP.</li> </ul>
<b>Flood management</b>	<ul style="list-style-type: none"> <li>• the development site is not impacted by catchment flooding.</li> </ul>
<b>Parking and service areas</b>	<ul style="list-style-type: none"> <li>• the access driveway off O'Brien Street is required to have minimum width of six metres.</li> <li>• long sections of the proposed access driveways are to be provided to confirm the grades are satisfactory, while also accommodating suitable crossfall for the footpaths.</li> <li>• lack of motorbike parking shown in the proposed carpark. Eight spaces are required.</li> <li>• the bicycle parking location is difficult to find and should be located on the entry level.</li> </ul>
<b>Traffic and pedestrian safety</b>	<ul style="list-style-type: none"> <li>• Council has reviewed the comments from TfNSW and agree these are reasonable.</li> <li>• no stopping signage is to be provided to the north of the carpark access off O'Brien Street on the eastern side.</li> <li>• pedestrian fencing along the footpath on O'Brien Street is required.</li> </ul>

Issues	Submission summary
	<ul style="list-style-type: none"> <li>• no stopping between drop-off driveways on O'Brien Street is required to assist with sight distances due the expected frequency of use.</li> <li>• consideration should be given to a pedestrian refuge or pedestrian crossing across Hughes Street or O' Brien Street to access the Hughes Street multi-level carpark.</li> <li>• the Swept Path Diagrams show the swept paths of 8.8m and 13.3m rigid vehicles using a wider path than is available. There is a safety barrier on the eastern side of the Pacific Highway service road which restricts vehicle turning movements.</li> <li>• the proposed drop-off area on Casey Street needs clarification, including number of drop-off spaces and whether a taxi zone is required. Council has suggested that additional spaces may be required.</li> <li>• directional signage to drop-off/car parking should be considered to direct drivers.</li> <li>• a footpath connection to the existing bus stops along the Pacific Highway is recommended.</li> <li>• the construction worker parking at the Hughes Street carpark is unacceptable as this is needed for normal hospital operation by staff and visitors.</li> </ul>
<b>Landscape and visual impact</b>	<ul style="list-style-type: none"> <li>• support for proposed endemic species, Connection with Country integration and street tree and verge treatment.</li> <li>• areas for further consideration include integrating landscape design around substation access, additional architectural articulation on the eastern façade from Lower Ground 2 up to Level 1, and additional seating near pick-up areas.</li> </ul>
<b>Trees</b>	<ul style="list-style-type: none"> <li>• the most prominent trees on-site are considered to be trees Nos. 15 and 61 (both different species of lilly pilly).</li> </ul>
<b>Accessibility</b>	<ul style="list-style-type: none"> <li>• Council recommends signage in the carpark to assist in wayfinding to accessible parking.</li> <li>• seating near the drop-off area will need to consider circulation space and path of travel for wheelchair access.</li> </ul>
<b>Development contributions</b>	<ul style="list-style-type: none"> <li>• Council has advised that the Lake Macquarie City Council Section 7.12 Development Contributions Plan applies to the development and calculates a levy of \$1,591,062, inclusive of GST.</li> </ul>

#### 5.1.4 Summary of public submissions

71. The Department received five submissions<sup>1</sup> during the public exhibition period of the EIS, with all from individuals. Three submissions objected to the project, one submission supported the project, and one provided comments. Further detail is provided in **Table 7** and a link to all submissions in full is provided in **Appendix A**.
72. The key issues raised by the public relate to traffic, parking, noise, and privacy impacts.

**Table 7 | Key issues raised in submissions on the EIS**

Issue	Number of Submissions
<b>Traffic and safety</b> <ul style="list-style-type: none"><li>the local residential roads adjoining the site were not designed for the existing and proposed volume of traffic.</li><li>residents reversing out of their driveways often have their vision obstructed by vehicles parked too close to the edge of driveways, which is unsafe, dangerous and stressful.</li><li>on-street parking supply shortages can lead to safety issues and have negative impacts on local businesses.</li></ul>	Two
<b>Parking</b> <ul style="list-style-type: none"><li>the existing and proposed carpark would not accommodate the increased volume of staff and visitors to the hospital.</li><li>the proposed development would exacerbate the lack of on-street parking in the vicinity, particularly for residents seeking convenient parking near their residences.</li></ul>	Four
<b>Noise</b> <ul style="list-style-type: none"><li>the increase in traffic and on-street parking of vehicles would exacerbate noise generated to nearby residents at all hours of the day and night, which will cause stress, related illnesses and mental health impacts.</li></ul>	Two
<b>Privacy</b> <ul style="list-style-type: none"><li>the proposed hospital tower would facilitate overlooking into adjoining residential properties.</li></ul>	One

---

<sup>1</sup> Each petition or submission that contains the same or substantially the same text is counted as one submission, in accordance with section 2.7(6) of the Planning System SEPP.

## 5.2 Response to submissions

73. Following the public exhibition period, the Department asked the Applicant to respond to the issues raised in submissions and advice received from government agencies. The Department also requested the Applicant to:
- assess potential visual privacy impacts from the proposed outdoor café and hospital tower to adjoining residential properties.
  - provide additional detail on the architectural plans to clarify the building height, privacy impacts and proposed landscaping.
  - provide additional detail on the landscape plans including pot sizes, the spatial location of plantings and to rectify inconsistencies.
  - incorporate the mitigation measures recommended in the Pedestrian Wind Assessment into the plans.
  - address whether there would be adequate visitor and construction worker parking on-site and/or in the vicinity of the site.
  - clarify nearby road intersections Level of Service (LoS) in the before and after development scenarios within the Traffic and Parking Assessment.
  - provide a plan identifying the location of all existing parking spaces within the hospital campus.
  - provide additional justification/mitigation measures for construction works proposed outside of standard Saturday hours or propose standard Saturday construction hours.
  - amend the Noise and Vibration Impact Assessment to ensure that the property at No. 8 O'Brien Street is assessed as a commercial use rather than residential.
  - provide interim audit advice from an EPA-accredited Site Auditor certifying the Remediation Action Plan as appropriate.
  - rectify inconsistencies between the architectural drawings and the quantities/layouts presented in the Preliminary Hazard Analysis, including oxygen quantities and the layout of the oxygen tank storage area.
74. The Applicant provided a response to submissions (RtS) report to the Department on 25 September 2024 (see **Appendix A**). The Department published the RtS on the NSW planning portal and forwarded the submissions report to TfNSW and Council for comment on 26 September 2024.

### 5.2.1 Council and agency advice on RtS

75. Council and TfNSW commented on the RtS, and a summary of their advice is provided in **Table 8**.

**Table 8 | Summary of Council and TfNSW advice on the RtS**

Council	Summary of advice
<b>Groundwater</b>	<ul style="list-style-type: none"> <li>Council notes that groundwater infiltration is a risk during excavation and operation, and no details of any pump out system in the basement carpark have been provided. Any additional outlet to the street to release pumped out water will require a s138 approval under the <i>Roads Act</i>.</li> <li>previous earthworks concerns have been addressed.</li> </ul>
<b>Stormwater</b>	<ul style="list-style-type: none"> <li>the stormwater strategy now directs flows to an existing pit, possibly adding more flows to the stormwater line. Further analysis is needed during detailed design, and s138 approval should be conditioned before the Construction Certificate.</li> </ul>
<b>Driveway design</b>	<ul style="list-style-type: none"> <li>the proposed long section for the access off O'Brien Street is satisfactory.</li> </ul>
<b>Vehicle manoeuvring</b>	<ul style="list-style-type: none"> <li>the swept paths are too tight, requiring kerb mounting and removal of hospital staff parking. There's not enough space for the loading dock without widening, and potential conflicts between service vehicles and ambulances. Swept paths for the largest service vehicle turning onto the service lane are also needed.</li> </ul>
<b>Traffic and safety</b>	<p><u>Sydney Street access</u></p> <ul style="list-style-type: none"> <li>plans are unclear about entry/exit driveways, access management, and ambulance routes. A detailed plan for ambulance routes is required.</li> </ul> <p><u>Sydney Street pedestrian safety</u></p> <ul style="list-style-type: none"> <li>the removal of the pedestrian refuge due to increased traffic from the Hughes Street car park is recommended. Installation of fencing to direct pedestrians to crossings and upgrading the pedestrian crossing for accessibility is also recommended. Consideration should be given to using the existing ramp on the northern side of Sydney Street for disabled parking.</li> </ul> <p><u>Highway Service Road</u></p> <ul style="list-style-type: none"> <li>the 300mm turning path clearance for heavy vehicles is unsafe. Additional design is needed to improve clearance. It is recommended that trucks are fully regressed into the loading dock with sufficient space (28.6m for a 13.3m truck). The ambulance drop-off area is to be reviewed to ensure three ambulances can be accommodated at once.</li> </ul> <p><u>Pedestrian management</u></p> <ul style="list-style-type: none"> <li>Council supports the TfNSW requirement to implement a high pedestrian activity area on Hughes, O'Brien, Casey and Sydney Streets.</li> </ul> <p><u>Hughes Street</u></p> <ul style="list-style-type: none"> <li>recommended to upgrade the footpath to 2.5m for safe pedestrian access from the car park.</li> </ul>



Council	Summary of advice
	<u>Road safety</u> <ul style="list-style-type: none"> <li>• Council supports the TfNSW requirement for a road safety audit.</li> </ul>
TfNSW	Summary of Advice
	<u>Road safety risks</u> <ul style="list-style-type: none"> <li>• TfNSW identified road safety concerns related to the development on Sydney Street, including vehicle turning conflicts, pedestrian safety, and potential queuing onto the Pacific Highway. The updated Traffic Impact Assessment (TIA) does not adequately address these issues. TfNSW recommends an independent Road Safety Audit (RSA) to assess the: <ul style="list-style-type: none"> <li>– ambulance circulation and access.</li> <li>– service vehicle circulation, including restrictions on right turns.</li> <li>– pedestrian facilities and safety, especially for hospital access from on-street parking.</li> <li>– conflict points, including illegal right turns from Sydney Street.</li> <li>– sight lines for entry/exit driveways.</li> </ul> </li> </ul> <u>Traffic Impact Assessment (TIA) and SIDRA modelling</u> <ul style="list-style-type: none"> <li>• the TIA is to be amended to follow Austroads and TfNSW guidelines. Key issues include: <ul style="list-style-type: none"> <li>– future scenarios: the current modelling does not include a ten-year design horizon, as required.</li> <li>– background growth: justification for the applied growth rate in the TIA is needed.</li> <li>– signal timing: the SIDRA model lacks signal coordination between intersections.</li> <li>– pedestrian counts: counts at the Sydney Street/Pacific Highway intersection are needed to assess safety, especially for vulnerable road users.</li> <li>– design vehicle clarification: clarification of the largest vehicle size accessing the loading dock is required, as the current 13.3m tanker is non-standard. Swept paths need to show the largest vehicle turning from Sydney Street into the laneway.</li> </ul> </li> </ul>

### 5.3 Request for further information

76. On 25 October 2024, the Department requested the Applicant to provide further information to address the issues raised in the Council and TfNSW advice on the RtS.
77. On 26 February 2025, the Applicant submitted a response (RFI response) to the Department, comprising amended architectural plans and an amended Traffic and Parking

Assessment, including a Road Safety Audit, to address comments provided by TfNSW and Council relating to road safety and parking.

## 6 Assessment

78. The Department has considered the Applicant's EIS, issues raised in submissions, agency advice, Council advice, the RtS, and supplementary information, in its assessment of the proposal. The Department considers the key issues associated with the proposal are:
- traffic, parking and pedestrian safety
  - built form and urban design
  - amenity impacts
  - noise and vibration.

### 6.1 Traffic, parking and access

79. The application was accompanied by a Traffic and Parking Assessment (TPA), a Preliminary Construction Traffic Management Plan (PCTMP), and a Green Travel Plan (GTP), which considers potential traffic, transport and accessibility impacts throughout construction and operation phases of the development.

#### 6.1.1 Operational traffic

##### Traffic generation rates

80. The submitted TPA has calculated traffic generation rates for the proposed development.
81. The projected additional traffic movements resulting from the development would be:
- 95 additional vehicles in and 20 additional vehicles out during the AM peak.
  - three additional vehicles in and 74 additional vehicles out during the PM peak.
82. The TPA estimates that the total staff and visitor vehicle movements to and from the hospital would be:
- 351 vehicle trips in the AM peak period.
  - 279 vehicle trips in the PM peak period.

##### Traffic impacts

83. Based on the predicted traffic generation, the TPA includes a SIDRA analysis of key intersections comparing 'with' and 'without' development scenarios, along with a 10 year projection scenario to 2034. The intersections are shown in **Figure 17**, and SIDRA modelling results in **Table 9**.



**Figure 17** | Intersections assessed in the SIDRA analysis (base source: Nearmap)

**Table 9** | Intersection performance, Level of Service (LoS) (source: TPA)

		Without development			With development		10 year projection (2034)	
Intersection No.	Intersection	Peak	Average delay (sec)	Level of service (LoS)	Average delay (sec)	Level of service (LoS)	Average delay (sec)	Level of service (LoS)
1	Pacific Highway & Sydney Street	AM	15.4	B	14	A	16.2	B
		PM	13.1	A	14.8	B	14.1	A
2	Pacific Highway & Oxford Street	AM	43.2	D	43.1	D	44.1	D
		PM	33.1	C	28.1	B	28.5	C
3	Pacific Highway & Hughes Street	AM	6.2	A	6.2	A	6.5	A
		PM	6.4	A	6.5	A	5.9	A

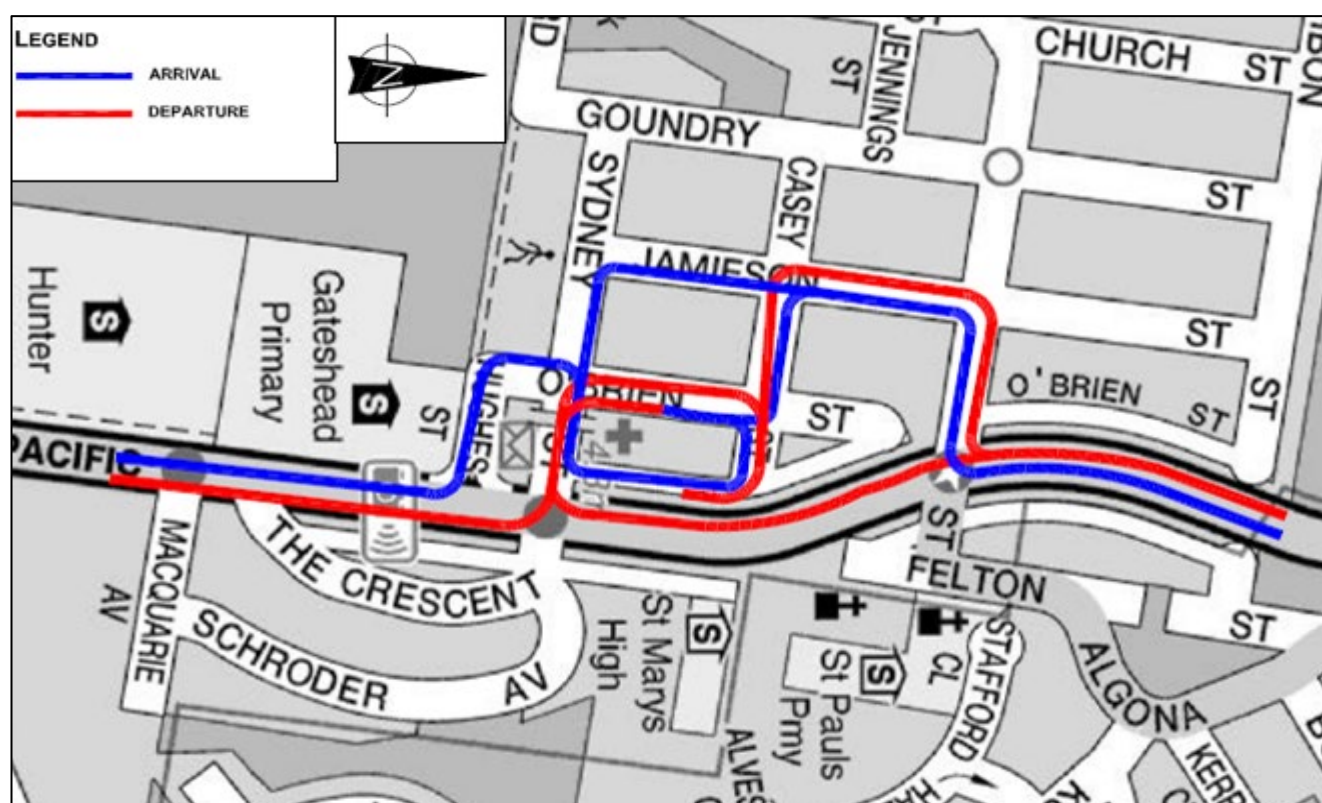
84. **Table 9** indicates that following development of the hospital, the surrounding intersections are expected to continue operating with a similar level of service to that expected under the without development scenario, with an average improvement of half a second in the AM peak period and an average improvement of one second in the PM peak period.

85. Further, between the 'with development' scenario and the '10 year projection' scenario, an average delay of one second would occur in the AM peak period and a half second improvement in the PM peak period.
86. The submitted TPA forecast that the development is expected to have a minor impact to intersection performance in the surrounding road network (in some cases positive) and has not recommended any intersection traffic improvements or other traffic mitigation measures. Council and TfNSW did not raise concerns with the traffic generated by the proposed development and impacts to intersection performance in the vicinity, subject to conditions.
87. The Department concurs with the findings of the TPA and considers the proposed development would not result in unacceptable traffic impacts on the local road network.

#### 6.1.2 Construction traffic

88. The preliminary Construction Traffic Management Plan (CTMP) indicates that traffic generated by the proposed development would comprise light vehicles (e.g. vans, utility vehicles) associated with construction workers and smaller deliveries, together with heavy vehicles for the delivery and removal of materials, including plant and equipment (up to 12.5m Heavy Rigid Vehicles).
89. Throughout construction an average of six trucks per day is expected, with a maximum of 12 trucks per day during excavation (24 movements per day). The heavy vehicle movements are likely to be spread throughout the day. The CTMP notes that in the worst-case scenario, 12 two-way vehicle movements would occur during the peak hour.
90. The proposed construction vehicle access routes are shown in **Figure 18**.





**Figure 18** | Construction vehicle routes (source: CTMP)

91. Based on the above information, the Department is satisfied that the construction traffic expected from the proposal poses minimal impacts and will be managed through recommended conditions, requiring appropriate construction worker modes of transport and the implementation of a final CTMP during construction.

### 6.1.3 Parking

#### On-site parking

92. Existing car parking facilities are provided across the hospital campus for staff, visitors and patients, as shown in **Figure 7**, with the total number of available spaces amounting to 353 (excluding the medical centre located opposite the hospital).
93. The car parking rates of the Lake Macquarie City Development Control Plan 2014 (LMDCP) have been applied to the proposed development:

**Table 10** | DCP parking rates (source: LMDCP)

Hospital	Day Surgery	Health Consulting Rooms
1 space per 2 beds	1 space per practitioner	1 space per on-duty practitioner
+ 1 space per 2 staff	1 space per 2 staff	1 space per 2 full-time staff
+ ambulance spaces	1 space per 2 operating theatres	2 spaces per consulting room

94. In accordance with these parking rates, the existing hospital has a parking requirement as follows:

**Table 11** | Existing hospital parking requirements (source: TPA)

Parking component	Parking required
187 beds	93.5 spaces
251 staff	125.5 spaces
9 doctors	9 spaces
33 VMO's	16.5 spaces
<b>Total</b>	<b>244.5 spaces (245 spaces)</b>

95. The proposed progressive provision of parking relative to the development stages is as follows:

**Table 12** | Car parking provision (noting that Stages 3 to 5 are the subject of this SSDA) (source: TPA)

	Required parking (LMDCP)	Cumulative stages parking required	Total parking provided
<b>Existing Hospital Campus Car Parking</b>			
<b>Stages 1 and 2</b>	11 spaces	256 spaces (i.e. 245 existing demand +11)	353 spaces (surplus 97 spaces)
<b>Proposed on-site parking</b>			
<b>Stages 3 and 4</b>	80 spaces	336 spaces	409 spaces (56 net additional spaces; surplus 72 spaces)
<b>Stage 5</b>	44 spaces	380 spaces	409 spaces (surplus 29 spaces)
<b>Total</b>	135 spaces	380 spaces	409 spaces (surplus 29 spaces)

96. As part of Stages 3 and 4, two at-grade car parking areas comprising 26 spaces would be demolished on the northern portion of the existing hospital site (off Casey Street). However, 82 spaces (38 spaces within Lower Ground 1 and 44 spaces in Lower Ground 2) will be delivered in the two hospital tower basement levels. As shown in **Table 12**, this equates to a net gain of 56 parking spaces under this SSDA.
97. The car parking proposed at each construction stage would exceed the car parking requirements of the LMDCP. The hospital is expected to operate with a surplus of 29 parking spaces upon completion of Stage 5.
98. The Department notes that the public submissions raising concerns with the lack of on-street parking were submitted prior to the completion of the 291-space multi-level Hughes

Street carpark (approved under Stages 1 and 2), an off-site facility that services the hospital. Since the completion of the Hughes Street carpark, the existing hospital campus has been operating with a surplus of 97 spaces.

99. Given the above, the Department is satisfied that adequate parking would be available to accommodate the proposed fully developed campus, and the subject proposal would not have a detrimental impact on the locality in terms of any additional demand for on-street car parking spaces.

#### Parking for construction workers

100. The Traffic and Parking Assessment (TPA) states that a maximum of 120 construction workers are anticipated on the site at any one time and would be encouraged to use the Hughes Street carpark where spaces are available. While the recently constructed Hughes Street carpark will have capacity of 291 spaces, the 26-space Casey Street carpark will be demolished as part of the new work and new basement parking will not be available for hospital users until completion of the works. This effectively means that the surplus in parking spaces for the hospital during construction of Stages 3-5 drops from 97 to 71 spaces, resulting in a 49-space shortfall in off-street parking that would need to be provided elsewhere for construction workers.
101. The Applicant has identified that a Council owned 97 space off-street public carpark in Willow Road will be made available for construction workers, to accommodate the anticipated shortfall in the Hughes Street carpark (see **Figure 19**).



**Figure 19** | Hughes Street and Willow Road carparks (base source: Nearmap)

102. Council has raised no concerns to the use of the Willow Road public carpark for construction vehicle parking, subject to the arrangement not impacting upon the availability of parking during sporting events at the adjoining sports fields (primarily on weekends). A condition has been recommended in this regard.



103. Notwithstanding, the Willow Road carpark is located approximately 12 minutes and a 900m walk from the hospital site, which may discourage its use.
104. The Department raised concerns with the Applicant that the Willow Road carpark cannot be reasonably relied upon for construction worker parking, and that construction workers unable to park in the Hughes Street carpark would instead seek to locate the closest on-street parking spaces to the development site, impacting upon the availability of street parking for nearby residents, hospital visitors and businesses.
105. As part of the RtS, the amended TPA has proposed the provision of a free shuttle service for construction workers seeking to travel between the main hospital buildings and the Willow Road carpark. The Department notes that the construction worker shuttle service has also been recommended under Table 5.1 of the Social Impact Assessment.
106. The Department agrees that the shuttle service would be effective at alleviating on-street parking during construction. Appropriate conditions of consent have been recommended requiring the establishment of the shuttle service between 6am and 4pm Monday to Friday, noting that the shuttle service will not run on the weekend, so as to not interfere with Willow Road carpark users during weekend sports events.

#### **Parking design and layout**

107. The TPA assessed the design of the proposed car parking areas. The assessment considered ramps, grades, bays, aisle widths, turning/manoeuvring and head room. The TPA identifies that the design of the abovementioned elements is expected to operate satisfactorily and is generally in accordance with the relevant standards and guidelines, namely the Australian Standard AS2890.1:2004 for Off-street car parking.
108. The Department has recommended appropriate conditions requiring the design of the proposed carpark, loading dock, access and pick-up / drop-off bays are in keeping with the above Australian Standard.

### **6.1.4 Access and servicing**

#### **Vehicle access**

109. Existing vehicle access to the site is provided via Sydney Street to the south (drop-off and emergency vehicle access), the Pacific Highway service road to the east (loading dock and carpark access), and Casey Street to the north (carpark access).
110. The application proposes to alter the existing vehicle access arrangements as follows:
- the existing porte cochere access to Sydney Street is proposed to be renovated.
  - a driveway is proposed along the Pacific Highway service road to enable access for two ambulances.
  - a combined ingress/egress driveway is proposed along O'Brien Street providing access to the proposed carpark.
  - a services driveway is proposed on the Council owned verge to the eastern side of Casey Street.

- separate ingress and egress driveways have been proposed along Casey Street to a proposed porte cochere entrance.
- a driveway is proposed along to the northern end of the Pacific Highway service road, enabling access for two trucks into the proposed loading dock.

111. The Department raised no concerns to the proposed access arrangements and recommends a condition requiring that operational and service vehicle access complies with Australian Standard AS 2890.

### Servicing and loading

112. Delivery and service vehicles would utilise the proposed dual-bay loading dock along the Pacific Highway service road frontage. It is proposed that Small Rigid Vehicles (SRV), such as pathology pick-up and urgent blood delivery vehicles, would use the proposed on-site short term parking spaces adjoining Sydney Street.

113. Ambulance service vehicles would be serviced via the proposed dual-ambulance drop-off bay along the Pacific Highway service road. An additional ambulance overflow bay is proposed along the kerbside of the service road.

114. In its submission on the EIS, Council detailed that the submitted swept paths demonstrated limited manoeuvrability from Sydney Street turning left onto the Pacific Highway service road, along with the loading dock and ambulance drop-off. In the RtS, the Applicant provided additional swept path diagrams benefiting from an extension of the existing site survey, demonstrating the turning of all trucks (up to a 12.5m rigid vehicle) is satisfactory.

115. The Department acknowledges that servicing would be located a significant distance from nearby sensitive land users, and the proposed servicing and loading arrangements would be appropriate for the hospital operator to achieve operational needs.

### 6.1.5 Pedestrian safety

116. Existing pedestrian facilities at the site include a footbridge connection over Sydney Street to the existing medical centre, marked foot-crossing across Sydney Street, footpaths along the highway, Sydney Street and Casey Street, and traffic signal-controlled crossings at the Pacific Highway / Sydney Street intersection.

117. In its comments on the EIS, TfNSW raised concerns that the proposal resulted in several road safety risks on Sydney Street (conflict points in vehicle turning paths, pedestrian safety and potential vehicle queuing back onto the Pacific Highway traffic signals), directly related to the increase in traffic and pedestrian activity associated with the development.

118. To address these risks, TfNSW requested the submission of a Road Safety Audit (RSA), to determine the level of road safety risk and identify reasonable mitigation measures on the surrounding road and pedestrian networks.

119. An RSA was subsequently undertaken and includes findings and recommendations pertaining to the existing and proposed development scenarios, providing a safety 'risk' score for each item. **Table 13** provides a summary of the RSA findings.

**Table 13 | RSA findings and recommendations**

Item	Description	Risk	RSA comment	Applicant comment
<b>Existing conditions</b>				
<b>Hughes St Multi-deck Carpark Pedestrian Access</b>	Lack of provision of crossing facilities	Medium	Consideration of most appropriate crossing facility to allow for safe crossing of pedestrians.	Council advised it is their intention to provide a marked foot-crossing across Hughes Street, immediately on the eastern side of O'Brien Street, as part of the treatments for the implementation of the High Pedestrian Activity Area scheme.
<b>Hughes St Multi-deck Carpark Driveway</b>	Vehicles cutting corner when entering / exiting	Low	Prevention of vehicles cutting corner on entry and exit would improve safety.	The provision of a marked foot-crossing with kerb extension (as above) will alter the circumstances, but it is agreed that the situation will benefit from the provision of painted centre line marking.
<b>Hughes St Western Footpath South of Sydney St</b>	Provision of all-weather missing link pathway	Low	Consideration of provision of all-weather pathway to provide additional link to multi-deck carpark.	It is not apparent why staff or visitors associated with the hospital (the only users of the carpark) would walk along the western footpath. The need to provide a paved footpath is therefore considered a matter for Council.
<b>Sydney St Pedestrian Refuge</b>	Delineation to comply with relevant standards	Medium	Delineation of the pedestrian refuge in terms of line-marking and signage should be considered (as required by applicable standards).	It is agreed that the arrangement and treatment of the pedestrian refuge island should be compliant with the relevant standards.
<b>Sydney St Accessible Parking Space</b>	Non-compliant parallel accessible parking space blocks ramp access	High	Consideration should be given to the relocation of parking signage and provision of a compliant parallel accessible parking space as per the	It is agreed that compliance with AS2890.6 cannot be achieved at this location. If acceptable to Council, a treatment compliant with AS2890.5 could be provided, or the

Item	Description	Risk	RSA comment	Applicant comment
			requirements of AS2890.6 and to ensure clear access to pram ramp serving space.	existing marking removed and accessible parking for hospital staff and visitors be reliant on the existing spaces in the multi-deck carpark, or the proposed spaces in the new Casey Street carpark.
<b>Porte Cochere Shrubbery / Sight Lines</b>	Existing hedge blocking sight lines to crossing pedestrians	Medium	<p>Consideration should be given to the cutting back or removal of the hedge adjacent to the porte cochere pedestrian access pathway.</p> <p>Removal of on-street car parking would achieve AS2890.1 sight line requirements for exiting vehicles.</p>	It is agreed that the hedge should be cut back, and the two on-street parking spaces between the driveways could be removed subject to Council agreement.
<b>Sydney St Marked Foot-crossing</b>	Zig Zag line-marking provision	Low	During low level sun periods consideration could be given for the installation of Zig Zag line-marking, in particular for westbound traffic in Sydney Street, to forewarn drivers of existing marked foot-crossing.	This proposed provision is agreed.
<b>Northbound Parking Pacific Highway</b>	Safety of pedestrians parking northbound within the Pacific Highway wide parking lane	High	Consideration should be given to the installation of parking restrictions within the northbound parking / cycle lane of the Pacific Highway between Sydney Street and Casey Street as no suitable safe pedestrian access can be achieved to link with the existing pedestrian network.	It is agreed that the parking along the western side of the highway should be removed.

Item	Description	Risk	RSA comment	Applicant comment
<b>One Way Laneway Footpath</b>	Trip hazards due to level difference between concrete pathway and adjacent grassed areas	Low	Consideration should be given to the maintenance of the grassed areas to minimise existing level differences.	It is considered that this is a maintenance matter for Council.
<b>Porte Cochere / Sydney St Access Arrangements</b>	Ambulance Only Entry Signage / Line-marking	Low	Provision of 'No Entry Ambulance Vehicles Excepted' signage and directional arrows would improve safety at the exit driveway.	This provision is supported, with the directional egress arrow painted on the eastern side of the driveway.
<b>Casey Street / One Way Laneway Interface</b>	Lack of understood priority and U-turn provision	High	Provision of line-marking, Give Way signage and cul-de-sac pavement facilities would all improve safety at this intersection	These provisions are agreed.
<b>O'Brien St Lighting</b>	Blank wall and poor lighting for pedestrians / staff	Medium	Consideration should be given to improved lighting along blank wall in O'Brien Street north of Sydney Street.	This provision is agreed.
<b>Future / proposed conditions</b>				
<b>Sydney St Footpath Connection to Pedestrian Refuge</b>	Footpath connection to pram ramp serving pedestrian refuge	High	Consideration should be given for a direct footpath connection to pram ramp on northern side of Sydney Street to accommodate future increased use of footpath in O'Brien Street	This provision is agreed, subject to the ability to achieve satisfactory grading of the new ramp.
<b>Service routes</b>	Safety impacts on service routes following redevelopment of the site	Low	There appears to be little to no impact on safety with the proposed works on service routes and ambulance access as service routes would not change. However,	It is agreed that the proposal will essentially maintain the existing access arrangements for service vehicles and ambulances, which do not present any operational

Item	Description	Risk	RSA comment	Applicant comment
			ambulance travel time to the relocate ambulance bays would increase marginally in the future.	difficulties, particularly as drivers are familiar with the site access requirements.
120.	TfNSW and Council assessed the RSA and determined that the findings are appropriate and largely supported. The Department agrees and has recommended a condition that requires the works identified in the RSA to be carried out, except where the measures are not supported by Council or TfNSW or not the responsibility of the Applicant to implement.			
121.	Due to the projected increase in pedestrian traffic from the development and to ensure pedestrian safety, Council has also recommended conditions requiring: the implementation of a High Pedestrian Activity Area on Hughes Street, O'Brien Street, Casey Street and Sydney Street between the Pacific Highway and Jamieson Street; the construction of a raised pedestrian crossing on Hughes Street on the eastern side of the carpark driveway; and the construction of 2.5m wide pathway between the Hughes Street carpark and new raised pedestrian crossing.			
122.	Further, TfNSW have recommended conditions requiring that: the pedestrian crossing on the northbound slip lane be signalised to operate as amber/red only, the existing median in Sydney Street be extended beyond the point of egress from the hospital drop-off area and that 'no entry' / 'entry' signs be installed with associated pavement arrows to reinforce the correct entry and exit points to the hospital drop-off area.			
123.	The Applicant has not raised any concerns with the imposition of these conditions.			
124.	The Department agrees with the position of TfNSW and Council and raises no road safety concerns, subject to the implementation of appropriate conditions as outlined above.			

## 6.2 Built form and urban design

### Architectural design concept

125. The submitted EIS and Architectural Design Report (ADR) states that the development concept has been designed with the following underlying objectives:
- promote the Connecting with Country framework and incorporate indigenous landscapes and local Awabakal culture, artwork and stories into the design.
  - create a sense of place at the corner of Casey and O'Brien Streets, promoting street activation and engagement.
  - provide a through-site link connecting Casey Street to Sydney Street, named the 'Turool Walk'. 'Turool' means 'heal' in Awabakal.
  - create legible and distinctive access zones for pedestrians, emergency vehicles and visitors.

- enhance the streetscape with additional street trees, vertical greenery and connecting footpaths.
  - tailor building scale to achieve appropriate height transitions from the southern end towards north of the site.
  - incorporate fine-grain articulation and massing to create a human scale experience.
  - provide a setback between the podium and tower to mitigate wind impacts on the pedestrian environment and streetscape.
  - maximise the extent of active and friendly street frontages.
  - orientate to minimise overshadowing to public spaces and adjoining areas.
126. The proposed building massing has been designed to coincide with the functional grouping of clinical services.
127. The podium floor stretches across the site and accommodates the main entrance on the ground floor and operating theatres complex on Level 1.
128. Three levels of inpatient wards sit above the podium floor with opportunities for overlooking the nature reserves around the site. Where possible, corridors have been provided with natural light access and views to outside. The design of the circulation in the ward would be a single corridor system, and the staff station would be centrally located with direct supervision to all bedrooms and the lift core. Above the inpatient ward floors is the tenancy floor for medical suites.
129. On the lower ground floors, half of the floor plate houses the services and supporting departments such as back of house facilities, kitchen and plantrooms. The loading dock is strategically located at the lowest level of the hospital tower.
130. The remaining floor plates are dedicated to two levels of on-site car parking. The lift core is placed to the centre of the proposed tower, aiming to enhance efficiency for service delivery, staff work-flow and visitor flows.

### Connecting with Country

131. The RtS has been supported by a Connecting with Country Statement.
132. During the early consultation phase of the development, the Applicant consulted with key members of the Awabakal community.
133. The Applicant shared the emerging design with community representatives and discussed initiatives including indoor and outdoor landscaping / planting opportunities, internal spaces featuring artworks, and external spaces where visual and tactile Connection with Country opportunities could be provided.
134. The Awabakal community representatives supported the proposal. The Connecting with Country Statement notes the:
- proposed design ensures that art, planting, and other cultural incorporations are integral parts of the building's structure, not merely superficial additions.

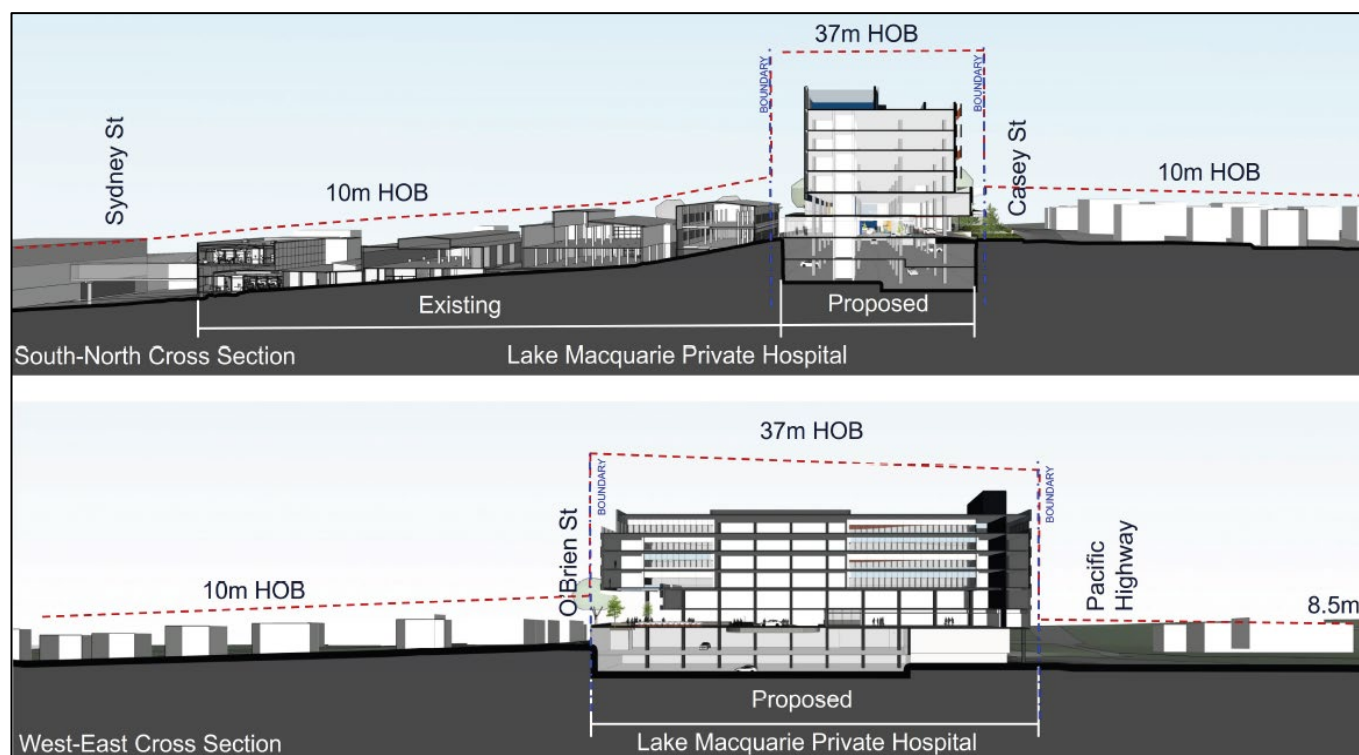


- landscape design, includes gathering areas of various scales, with a seamless integration of Aboriginal art-inspired elements, such as the flooring in the main entry lobby, which extends the landscape design indoors. Potted plants included for wind and privacy protection are integrated in a way that they cannot be easily removed.
- interior design concept has been carefully crafted to reflect and honour Awabakal culture, with artworks selected from local Aboriginal artists, including pieces from Mandalong Gallery. These artworks are visually integrated and also guide the thematic and colour palette of different areas within the building.
- proposal to name specific areas within the development using Awabakal names. This process requires collaboration with the hospital during the detailed design phase.
- proposal includes a healing garden, specifically designed to incorporate plants with known healing properties, further integrating the cultural and therapeutic aspects of the development.
- development would not block or disrupt any existing views of significant cultural landscapes, such as the Awabakal Nature Reserve, Lake Macquarie, or nearby beaches.

135. The Department acknowledges the findings of the Connecting with Country Statement.

#### **Bulk and scale**

136. The proposal comprises a nine level building (including basement and plant levels) and alterations to the existing hospital that would have a maximum height of 33.15m (RL71.90 AHD) when measured from existing natural ground (including plant). As prescribed under the 'Height of Buildings' map in the LMLEP, the southern portion of the site is subject to a maximum height limit of 10m, with the northern portion subject to a 37m height limit. The proposal complies with the 'Height of Buildings' development standard under Clause 4.3 of the LMLEP (see **Figure 20**).



**Figure 20 | Building height in the context of adjoining development (source: ADR)**

137. As shown in **Figure 20**, the proposed 33.15m building height of the hospital tower is well under the prescribed 37m height limit (red dotted line). As the proposal complies with the development standard, the Department is satisfied that the height of the development is in keeping with the height anticipated for the northern portion of the site, and the existing low scale residential context in which the development would be situated.
138. The building would have a total GFA of 23,657sqm. The site is not subject to a Floor Space Ratio (FSR) development standard under the LMLEP. In the absence of any FSR controls, the Department has undertaken a merit assessment of the floor area, site coverage and massing of the proposal.
139. The ADR notes that the hospital tower design was selected instead of a 'spread out' campus design to enable the tower to be constructed with minor disruption to existing hospital operations.
140. Having regard to massing of the hospital tower, the development would be located approximately 23m from the nearest adjoining residential and commercial properties across Casey Street to the north and 34m to the nearest adjoining properties residential dwellings to the west. The Department considers the building separation between the development and the adjoining properties to be considerable, and the built form and massing to be generally sympathetic to the surrounding site context.
141. The Department notes that no public submissions were received objecting to the development on bulk and scale grounds.
142. The proposal has been the subject of a robust review process by the NSW State Design Review Panel (SDRP) throughout the development of the proposed design. That process guided the resulting built form, and its interaction with the adjoining buildings and public

domain. The Department notes that the SDRP did not raise concerns with the bulk and scale of the latest iteration of the proposal, nor did the Government Architect NSW (GANSW) or Council raise concerns with the built form, height or massing of the proposal.

143. On balance, the Department considers the bulk and scale of the proposal acceptable.

### Façade design

144. The building façade would be comprised of a composite of three main materials: Low-E insulated glass unit, fibre cement cladding and metal cladding. Façade types are:
- full height curtain wall at main lobby
  - fibre cement / metal cladding and window wall at bedrooms
  - curtain wall with spandrel.
145. **Figures 14 and 15** illustrate the indicative facades of the proposed development.
146. The ADR states all building finishes materials are considered in relation to their environmental character with high recycled content or recyclable at disposal, with low embodied energy, rapidly renewable, durable, easy maintenance, durability, low-emission and manufactured locally when possible. Green building products which are labelled by internationally recognised and independent certification bodies are preferred.
147. The GANSW reviewed the proposal and noted that the facade/materials strategy presented has generally been refined into a more cohesive response during the SDRP process, including several improvements such as the rounding of corners. In addition, the GANSW support the performance/efficiency of the curved sun shading elements.
148. Regarding the lower levels of the eastern elevation, the architectural plans submitted with the EIS demonstrated a lack of articulation due to the blank façade. The GANSW argued that this portion of the building presented as opaque and non-engaging with the street and neighbourhood, and recommended mitigation measures including the provision of windows to the Medical Imaging area and providing windows to the stairs at the northeast corner.
149. As part of the RtS, the Applicant submitted amended architectural plans indicating further articulation of the eastern façade through the provision of additional windows at the ground floor level. The Department has determined that the design amendments have adequately addressed the recommendations of GANSW.
150. The Department considers the facades to be generally consistent with the existing hospital materials and finishes whilst being of a contemporary design appropriate for a medical facility. On balance, the proposed materials, finishes and façade treatments are considered acceptable by the Department.

### Public domain

151. The application proposes public domain upgrades, focusing on O'Brien and Casey Streets with upgrades to footpaths and the addition of seating areas and trees. Minor public domain works are also proposed along Sydney Street and the Pacific Highway service road, comprising footpaths and landscaping.

152. Broadly, the submitted ADR states that the O'Brien and Casey Street corner has been designed with the intention of softening the public/private interface and providing additional landscaping, pedestrian steps, and bleachers. The Applicant maintains that the proposed public domain design would maximise street engagement by opening up the street intersection, providing direct sightlines from surrounding areas and through the provision of informal seating along edge of the public space, which promotes outdoor gatherings.
153. More specifically, the application proposes the following public domain works:
- new 1,500mm wide oxide coloured pedestrian path extending from the proposed hospital tower to Sydney Street.
  - the Casey Street/O'Brien Street corner is proposed to be landscaped including access steps to O'Brien Street from the proposed forecourt.
  - proposed linkage of the on-site landscaping to the O'Brien Street reserve at the north-eastern corner, with a landscaped garden proposed on Council's road reserve land.
  - the road reserve along O'Brien Street is proposed to incorporate inset paved seating areas with native and endemic canopy tree plantings and landscaping.
154. **Figure 21** and **Figure 22** provide a visual representation of the proposed public domain at the corner of O'Brien and Casey Streets.



**Figure 21** | Public domain at corner of Casey and O'Brien Streets (source: ADR)





**Figure 22** | Outdoor seating at corner of Casey and O'Brien Streets (source: ADR)

155. The Department considers that the proposed public domain spaces would provide a series of high amenity gathering spaces for the public, and improve the streetscape, site accessibility, and pedestrian safety. Although the public domain works would interface with residential zoned land across Casey and O'Brien Streets, the Department has determined that the distance and anticipated passive usage of these spaces would effectively mitigate against any potential amenity issues.

## 6.3 Amenity Impacts

### Visual impact

156. The application has been supported by a Visual Impact Assessment Report (VIA).
157. The site is not identified within Council's Lake Macquarie Scenic Management Guidelines 2013 as containing any lake/coastal landscapes, conservation values, indigenous landscapes, or other heritage significance, and is not considered to be a visually sensitive landscape.
158. No submissions or Council concerns were received in regard to visual impacts or view loss.
159. The VIA identifies land to the immediate east (Pacific Highway, St Mary's Catholic College and low-density residential) and north (predominantly low-density residential) as having the greatest potential for visual exposure of the proposal.
160. The VIA has undertaken a view impact assessment from six key public domain viewpoints towards the proposed development, comprising viewpoints from public open space along Johnsons Creek (View 1), Pacific Highway (View 2), Casey Street (View 3), O'Brien Street (View 4), Oxford Street (View 5), and St' Pauls Primary School (View 6). The spatial locations of the six viewpoints are provided in **Figure 23**.

161. The VIA concluded that although the proposal would have a significant visual impact on the character of the existing visual environment (being predominantly low density residential), particularly from View 3 and 4, the visual impact is unavoidable and reasonable considering the needs of a contemporary private hospital and the scale potential of development in the vicinity of the hospital site (under the assumption that it is redeveloped to the applicable LEP building height and FSR limits).
162. The Department has considered the assessment in the Applicant's VIA and undertaken its own assessment of the visual impacts of the proposal from the surrounding public domain.



**Figure 23** | Spatial location of public domain viewpoints (source: VIA)

163. The Department's assessment concludes that the proposal does not result in any significant view loss impacts from outside the site, as there are no existing material views over the site and limited encroachment into some existing views of the sky. The subject site is not located in a low-density residential zone, but rather is zoned for provision of health services infrastructure, with height or density controls that have been amended by Council to facilitate the proposed development (noting that the height of the proposed northern hospital expansion is still lower than that allowed by LMLEP).
164. The overall scale of the proposal is consistent with contemporary expectations for hospitals, and therefore associated visual impacts are a reasonable expectation for the site.
165. The Department concludes the visual impacts of the proposed development are considered acceptable.

### Wind impacts

166. The application is supported by a Pedestrian Wind Assessment (PWA). The PWA recommends additional wind control measures to ensure comfortable amenity is achieved around the site, including planting and screening adjacent to the seating areas at the corner of Casey and O'Brien Street.
167. The application as amended incorporates the PWA recommendations into the Architectural and Landscape Plans submitted as part of the RtS. The Department raises no concerns with regard to wind impacts.

### Visual privacy

168. In its assessment of the EIS, the Department determined that insufficient information was provided to determine whether there would be any visual privacy impacts from the proposed outdoor café and hospital tower to the adjoining residential properties along O'Brien and Casey Street.
169. As part of the RtS, the Applicant provided additional line-of-sight diagrams and 3D perspectives along with accompanying written justification, summarised as follows:
- views to 8 O'Brien Street and 35 O'Brien Street from the outdoor café are minimal, given the physical separation from the seating areas which would be provided with substantial planting. Those using this area would generally be seated, reducing any visual privacy impact to these properties.
  - views to 37 and 39 O'Brien Street would be similarly minimised by proposed landscaping. However, the physical separation is less than other properties. As such, additional planting has been provided along the western side of the proposed seating area, which when seated behind, would mitigate and visual privacy impacts.
  - views to O'Brien Street and Casey Street are heavily obscured by the proposed plantation shutters. The view diagrams show an open shutter, which represents the maximum views available. These views would only be present when standing directly at the window. Given the nature of those using these rooms, this is unlikely to occur frequently. Any views to these properties would generally not be visible when standing elsewhere in the rooms. Any further increase to the density of these shutters would result in minimal sunlight being available to these rooms.
170. The Department notes the findings of the Applicant and raises no concerns with regard to visual privacy.

### Solar access and overshadowing

171. The Department is satisfied the proposal would avoid unacceptable overshadowing impacts:
- whilst the proposal would result in some internal overshadowing of the existing hospital buildings between 12pm and 3pm during the winter solstice, these hospital buildings are already impacted by 'self-shadowing' during these hours.



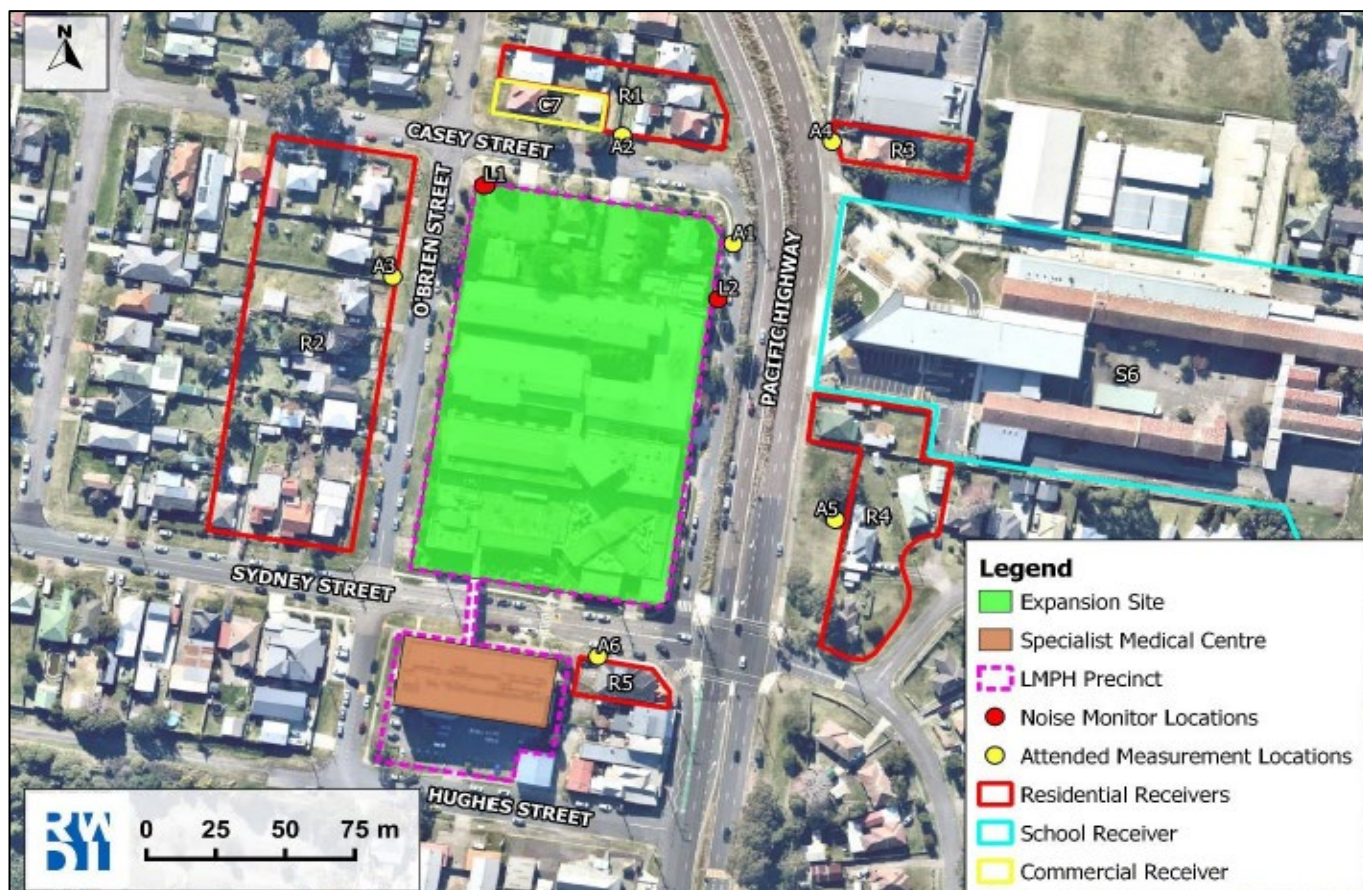
- any increase in overshadowing would be to:
  - existing hospital buildings within the site.
  - the adjoining roads (O'Brien Street and the Pacific Highway service lane).
  - frontages of four low density residential properties to the western side of O'Brien Street at 9am during the winter solstice, namely 41, 43, 45 and 47 O'Brien Street.
  - internal areas of 47 O'Brien Street at 9am during the winter solstice, representing a shadow increase of 23 per cent on this property at 9am.
  - a vacant lot across Pacific Highway (No. 45 Pacific Highway) owned by St. Marys Catholic College.
  - the proposal is consistent with the NSW LEC planning principles outlined in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082 having regard to sunlight access, noting that a minimum of three hours of sunlight access between 9am and 3pm on June 21 would be received in habitable rooms and the private open space of all adjoining residential properties.
  - the proposed northern drop-off and landscaped courtyards, and upper-level impatient units and medical suites are located to the northern side of the site and hospital tower and would receive ample sunlight.
- by 10am any additional shadow cast by the proposed hospital additions has moved off all residential properties.

### Lighting impacts

172. Due to the 24-hour nature of the hospital use, external lighting would be required throughout the night.
173. The proposed external lighting would not impact surrounding receivers, subject to compliance with Australian Standard AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
174. Conditions have been recommended requiring the implementation of the light emission requirements in Australian Standard AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

## 6.4 Noise and vibration

175. The application was accompanied by a Noise and Vibration Impact Assessment (NVIA) that assessed the operational and construction noise and vibration impacts associated with the development at nearby sensitive receivers, residential properties to the west (R2), south (R5), east (R4) and north (R1 and R3), a commercial receiver to the north (C7), and education receiver to the east (S6) (see **Figure 24**).



**Figure 24** | Aerial photo of nearby sensitive receivers (source: NVIA)

176. Following concerns raised by the Department, the Applicant's NVIA was amended as part of the RtS to ensure that the property at 8 O'Brien Street is assessed as a commercial use rather than residential. In preparing the NVIA, the Applicant undertook an unattended noise survey to establish the ambient and background noise levels of the site and surrounds in accordance with the EPA's NSW Noise Policy for Industry 2017 (NPfI). The survey was conducted at:

- the corner of Casey Street and O'Brien Street to measure background noise levels for neighbouring residences to the north and west of the site.
- along the eastern façade of the existing hospital facing Pacific Highway, to measure traffic noise levels as well as the ambient noise conditions for receivers to the east of the site across Pacific Highway, and to the south of the site across Sydney Street.

177. The NVIA also included short-term attended noise measurements around the site to supplement the unattended noise monitoring, shown in **Figure 24**.

### Construction noise

178. As part of the RtS request, the Department raised concerns with the proposed 8am to 5pm construction hours on Saturdays, being outside the standard 8am to 1pm construction hours. Table 7-1 within the NVIA states that "a strong justification would typically be required for works outside the recommended standard hours. The proponent should apply all feasible and reasonable work practices to meet the noise affected level. (RBL+5 dBA)". Given that

"construction stage works are expected to result in exceedances of the NMLs at all identified receivers, with exceedances of up to 24dBA of the noise affected NML predicted at receiver R1", the Department requested additional justification/mitigation measures be provided, or amendments to the application proposing standard construction hours only. The Applicant's RtS now proposes standard construction hours during weekdays and weekend and has adequately addressed the Department's concerns.

179. The NVIA has categorised construction noise generating activities into three distinct classes, namely demolition / clearing, excavation / piling and construction. Noise impacts from these construction activities on the amenity of the surrounding sensitive receivers have been outlined in the NVIA and are provided in **Table 14**.

**Table 14 | Construction noise levels at receivers (source: NVIA)**

Stage	Receiver	Noise Level – LAeq, 15 min dBA		
		Predicted Noise Level	Noise Affected Noise Management Levels (NMLs)	Highly Noise Affected NML
<b>Demolition / Clearing</b>	R1	56-72	51	75
	R2	49-70	51	
	R3	60-66	57	
	R4	61-66	57	
	R5	65-70	57	
	S6	56-63	55	N/A
	C7	56-72	70	N/A
<b>Excavation and Piling</b>	R1	70-77	51	75
	R2	61-75	51	
	R3	68-73	57	
	R4	53-65	57	
	R5	46-51	57	
	S6	66-70	55	N/A
	C7	70-77	70	N/A
<b>Construction</b>	R1	70-75	51	75
	R2	65-70	51	
	R3	67-69	57	
	R4	64-69	57	
	R5	68-75	57	
	S6	63-66	55	N/A
	C7	70-75	70	N/A

**Note 1.** Noise Affected NML (shown in orange): The point above which there may be some community reaction to noise.

**Note 2.** Highly Noise Affected ( $\geq 75$  dBA) (shown in red): The point above which there may be strong community reaction to noise.

180. During construction, noise from demolition and clearing works are:
- generally expected to exceed the noise affected NML at all receivers when demolition works are occurring at the site boundary closest to each respective receiver.
  - the noise affected NML at R1 is expected to be exceeded by up to 19dBA when demolition works are occurring near the northern boundary of the site.
  - noise from demolition works is expected to comply with the NMLs at the R2 receiver when the works are taking place towards the eastern boundary.
  - noise from demolition and clearing works is predicted to generally be below the NML at C7 except when works are taking place along the northern boundary nearest this receiver, where a 2dBA exceedance of the NML is predicted.
181. Excavation and piling works are:
- generally expected to result in exceedances of the NMLs at receivers R1-R3, S6 and C7.
  - expected to be a 2dBA exceedance of the highly noise affected NML (75dBA) at R1 when excavation/piling works are occurring along the northern boundary.
  - excavation and piling works are expected to comply with the NMLs at R4 when these receivers do not have line of sight to the construction activities (i.e. when the works are taking place towards the western boundary of the site).
  - expected to be compliant with the NMLs at R5 as this receiver would generally be completely shielded from excavation/piling works.
182. Construction stage works are expected to result in exceedances of the NMLs at all identified receivers, with exceedances of up to 24dBA of the noise affected NML predicted at receiver R1. There are no expected exceedances of the highly noise affected NML.
183. These represent a worst-case scenario, and noise mitigation measures could be undertaken to further mitigate the acoustic impacts outlined above. The preliminary feasible and reasonable mitigation measures recommended in the NVIA include:
- usage of portable temporary screens.
  - provision of screens or enclosures for stationary equipment.
  - maximising the offset distance between noisy plant items and sensitive receivers.
  - using noise source controls, such as the use of residential class mufflers.
  - orienting equipment away from sensitive receivers.
184. During standard construction hours, no further action is required where all feasible and reasonable work practices are applied and predicted noise is still above the highly noise-affected level. The Department notes that even with the above mitigation measures in place, noise levels are unlikely to be reduced below the NMLs in all cases. However, some

noise disruption is unavoidable, and all feasible and reasonable mitigation measures would be implemented during standard construction hours.

185. To this end, the Department recommends a condition requiring the preparation of a Construction Noise and Vibration Management Plan (CNVMP) to ensure that the acoustic impacts of construction works are managed in accordance with the EPA's Interim construction noise guideline (2009). The CVNMP is required to outline management and mitigation measures generally in accordance with the Applicant's NVIA.

### Construction vibration

186. The nearest neighbouring buildings to the site are approximately 27m north of the site, across Casey Street.
187. Vibration impacts are expected during demolition and construction at both neighbouring receivers and the existing hospital. The NVIA recommends management and mitigation methods including vibration surveying, minimum working distances for vibration intensive plant from sensitive receivers and the use of alternative lower vibration construction methods and equipment. The Department is satisfied that construction vibration impacts can be managed and mitigated, with measures to be set out in the Applicant's CNVMP.

### Operational noise

188. The noise generating activities associated with the operation of the development would predominantly comprise loading dock noise, vehicle movements within the carpark and the drop-off areas along Casey Street, ambulances manoeuvring within the proposed ambulance bays, patron noise from the café outdoor seating area and mechanical plant noise. The NVIA identified the operational noise criteria under the relevant provisions of the NPfI and has identified project specific noise levels (PSNLs) at nearby sensitive receivers, to determine the operational noise limits for operation of the development. The project specific noise levels are outlined in **Table 15**.

**Table 15** | Project specific noise levels at nearby sensitive receivers during operation (source: NVIA)

Receiver Location	Time of Day	Project Intrusiveness Noise Levels (LAeq. 15min)	Project Amenity Noise Level (LAeq. 15 min)	Sleep Disturbance (LAmax)	Noise Criteria (External) (LAeq. 15min)
<b>R1</b>	Day	46	53	52	46
	Evening	43	43		43
	Night	38	38		38
	Early Morning	45	38		38
<b>R2</b>	Day	46	53	52	46
	Evening	43	43		43



Receiver Location	Time of Day	Project Intrusiveness Noise Levels (LAeq. 15min)	Project Amenity Noise Level (LAeq. 15 min)	Sleep Disturbance (LAmax)	Noise Criteria (External) (LAeq. 15min)
<b>R3</b>	Night	38	38		38
	Early Morning	45	38		38
	Day	52	58	52	52
	Evening	47	48		47
	Night	39	43		39
	Early Morning	45	43		43
<b>R4</b>	Day	52	58	52	52
	Evening	47	48		47
	Night	39	43		39
	Early Morning	45	43		43
<b>R5</b>	Day	52	58	52	52
	Evening	47	48		47
	Night	39	43		39
	Early Morning	45	43		43
<b>S6</b>	Day	N/A	43 – External	N/A	Day - 43
	Evening				
	Night				
	Early Morning				
<b>C7</b>	Day	N/A	63	N/A	Day - 63
	Evening				
	Night				
	Early Morning				

189. **Table 15** above demonstrates that cumulative noise emissions at all residential receivers and commercial receiver C7 complies with the operational acoustic requirements of the NPfI. Noise impacts at the school receiver (S6) are predicted to exceed the nominated external criteria by 2dBA. The NVIA states that a 2dBA exceedance is considered indistinguishable from a compliant noise level.

190. The NVIA notes that traffic noise impacts at the school receiver (S6) are expected to be approximately 55 to 56 LA<sub>eq</sub> externally outside the classrooms during school hours. This traffic noise level is 10 to 11dBA above the predicted noise impact from the proposed development. Noise impacts from the site are expected to be barely audible to inaudible at the school receiver during the most intense periods of use from the site. Closing classroom windows is expected to result in at least a 20dBA outdoor-to-indoor noise reduction to the classroom. This would result in an internal noise level of approximately 25dBA within the classrooms, which is compliant with the 33 LA<sub>eq, 15min</sub> internal noise criteria of the NPfI. Considering the above, there are no adverse noise impacts expected at the school receiver.
191. The NPfI's sleep disturbance screening criteria would be exceeded by 1dBA at receiver R1. The NVIA states that given the typical outdoor-to-indoor noise reduction through an open window is 10dBA, an external noise level at the facade of 60 to 65dBA is unlikely to cause sleep disturbance. The predicted LA<sub>Max</sub> noise level outside the window of the potentially most-affected residence (R1) is expected to be 53dBA and is unlikely to cause sleep disturbance to this receiver. At all remaining identified residential receivers (R2-R5), LA<sub>Max</sub> noise impacts comply with the screening level criteria of the NPfI.
192. Traffic generation is not predicted to result in any noticeable change in traffic noise levels and is expected to meet the EPA's NSW Road Noise Policy (2011) requirements.
193. To minimise noise emissions from the development during operation, the NVIA recommends noise mitigation measures including limitations on the operational hours of the loading dock (7am to 6pm), carpark floor materials and finishes, café outdoor seating time restrictions (7am to 6pm), patron number restrictions (maximum 50 patrons) and a detailed review of mechanical plant design and locations.
194. The Department is satisfied that operational noise impacts generated by the development can be adequately managed and mitigated, subject to the verification of noise attenuation measures during the detailed design stage, and verification of operating conditions upon commencement of operations. The Department has recommended conditions requiring the proposals comply with the project specific noise levels (PSNLs) set out in the NVIA and that post-occupation monitoring be conducted.

## 6.5 Other issues

195. The Department's consideration of other issues is summarised in **Table 16**.

**Table 16** | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
<b>Crime prevention</b>	<p>The ADR outlined that the project has been designed in accordance with the Crime Prevention Through Environmental Design (CPTED) principles.</p> <p>The Department is satisfied that the design solutions and operational measures proposed provide opportunities for passive surveillance,</p>	<p>The Department is satisfied that CPTED principles have been suitably applied to the project. No recommended</p>



Issue	Findings and conclusions	Recommended conditions
	<p>delineation/ownership of spaces, pedestrian circulation/activation, and maintenance of physical elements.</p> <p>The Department is satisfied that these design solutions and operational measures are consistent with CPTED guidelines and would provide a safe and secure environment for staff, patients and visitors.</p>	<p>conditions or mitigation measures are required.</p>
<b>Tree removal</b>	<p>The application has been accompanied by an Arboricultural Impact Assessment (AIA).</p> <p>The AIA proposes the removal of 59 trees to facilitate the construction of the hospital development, footpaths, driveways and landscaping works, comprising tree Nos. 4-27, 28(x7), 29-33, 33B(x4), 34, 41, 41A, 41B, 42-48 and 56-63.</p> <p>Of the 59 trees proposed to be removed, the AIA has determined that nine trees would be of a 'medium' retention value (tree Nos. 18, 41A, 41B, 43, 48, 56, 57, 61 and 62) and one tree has been assessed as comprising a 'high' retention value (tree No. 15 – Brush Cherry). The remaining 49 trees have been assessed as having a 'very low' to 'low' retention value.</p> <p>Tree No. 15 is located to the north-eastern portion of the site and its removal is necessary to facilitate construction of the service road, landscaping works and building footprint. The Department considers tree No. 15 cannot be reasonably retained without significant design amendments, due to its positioning and expansive root zone.</p> <p>The Department notes that the proposal would offset the required tree removal. The existing canopy cover within the site is 425sqm (3 per cent). Upon completion of the landscaping works, the total on-site canopy cover would be 202sqm (1.45 per cent), with an additional 600sqm planted along the streetscape (totalling 800sqm).</p> <p>Overall, the Department considers that retention of the trees would not outweigh the substantial health and community benefits that the expanded hospital facility would provide. On balance, the Department is satisfied that the proposed tree removal and impact on retained trees is acceptable, subject to recommended conditions.</p>	<p>The Department has recommended conditions requiring mitigation and management measures, including implementation of tree sensitive design and construction methods when building within Tree Protection Zones (TPZs) and Structure Root Zones (SRZs) of trees proposed for retention.</p>

Issue	Findings and conclusions	Recommended conditions
<b>Landscaping</b>	<p>The application has been supported by Landscape Report, amended as part of the RtS to detail pot sizes and address various inconsistencies.</p> <p>The application proposes the planting of 66 canopy trees on the site and nature strip surrounding the site, including Lemon Myrtle and Brush Box, with mature heights ranging between five to 20 metres.</p> <p>The proposed on-site landscape coverage would be 780sqm (5.6 per cent).</p> <p>The landscape design concentrates its focus to the corner of Casey and O'Brien Streets, incorporated into the public domain entry and outdoor seating areas. Along with providing shade and amenity benefits, the Applicant has advised that the foliage would obscure the line of sight from the outdoor seating area and provide visual privacy to the adjoining residential properties along Casey and O'Brien Streets (see <b>Section 6.3</b>).</p> <p>Council reviewed the proposed landscaping scheme and raised no concerns to the proposal as amended. The Department considers the proposed landscaping to be an improvement over the existing scheme and is supported.</p>	<p>The Department has recommended conditions requiring that landscaping be completed prior to the issue of the final occupation certificate.</p>
<b>Geotechnical investigations</b>	<p>The application has been accompanied by a geotechnical investigation and mine subsidence investigation.</p> <p><u>Subsurface conditions and structural design</u></p> <p>The site is underlain by a Permian aged Tickhole Formation, typically including conglomerate, sandstone and shale.</p> <p>The geotechnical investigation fieldwork included the drilling of four boreholes into bedrock to depths ranging between 17.36m and 29.45m. The investigation determined the bedrock to be 'competent', however seams of completely weathered rock / residual clay and bands of very low strength rock were also identified. A lower coal seam, generally about 3.5m to 4m thick, was also present within the competent rock mass.</p> <p>Based on the results of the site investigations, the geotechnical investigation provides</p>	<p>Conditions are recommended by the Department requiring that the:</p> <ul style="list-style-type: none"> <li>• development is constructed in accordance with the BCA and any additional requirements of SA NSW</li> <li>• findings and recommendations of the geotechnical investigation are imposed during construction.</li> </ul>

Issue	Findings and conclusions	Recommended conditions
	<p>recommendations on excavation, retention, footings, anchors, pavements and drainage.</p> <p>The assessment confirmed that based on the subsurface conditions, the proposal can be successfully constructed on the site.</p> <p><u>Groundwater</u></p> <p>Groundwater was measured at approximately RL36.0 in wells installed in Bores 701 and 703, and at about RL37.5 during the drilling of Bore 704. The proposed bulk excavation levels range from RL37.0 (lower car park) to RL38.5 (upper car park), with locally deeper excavation to about RL35.6 for the lift shaft. This suggests that groundwater could potentially be within 1m of the bulk excavation level of the lower car park, and possibly above the locally deeper excavation level for the lift shaft.</p> <p>To ensure groundwater does not impact the basement levels, the geotechnical investigation includes recommendations that:</p> <ul style="list-style-type: none"> <li>• the basement design includes a 300mm thick gravel drainage blanket beneath the floor slab.</li> <li>• the lift shaft be fully tanked to withstand hydrostatic pressure below the floor lobby.</li> <li>• pressure relief valves be installed for groundwater rise, and careful waterproofing and drainage should be applied to basement walls to reduce hydrostatic pressure.</li> </ul> <p>The Department notes these recommendations.</p> <p><u>Mine subsidence</u></p> <p>As the site is within the Lake Macquarie Mine Subsidence District and impacted by abandoned workings in the Victoria Tunnel seam, the application included a mine subsidence investigation.</p> <p>The investigation included the drilling of two boreholes to the base of the Victoria Tunnel (VT) Seam (Bores 705 and 706 to depths of 124.42 m and 128.64 m, respectively), geophysical logging, CCTV inspection, sonar imaging and engineering analysis.</p> <p>Subsidence Advisory NSW (SA NSW) raised no concerns with the proposal, subject to the imposition of standard conditions to ensure that the proposed development is designed and constructed to be safe,</p>	

Issue	Findings and conclusions	Recommended conditions
	<p>serviceable and readily repairable should subsidence occur.</p> <p>The Department notes the findings of the mine subsidence investigation and relevant conditions are recommended.</p>	
<b>Stormwater management</b>	<p>The application, as amended, has been accompanied by an amended Stormwater Management Plan.</p> <p>The stormwater strategy proposes to direct all runoff to an onsite detention system before directing flows along the Pacific Highway Laneway to an existing pit.</p> <p>Council raised no concerns with the proposed method of stormwater disposal, subject to a condition requiring an s138 <i>Roads Act 1993</i> approval, prior to the issue of the construction certificate.</p> <p>The Department raises no concerns with the proposed method of stormwater disposal.</p>	<p>Conditions are recommended requiring that:</p> <ul style="list-style-type: none"> <li>adequate provisions be made to collect and discharge stormwater drainage during construction</li> <li>the stormwater system be designed generally in accordance with the Stormwater Management Plan</li> <li>a s38 approval be granted prior to the issue of the relevant construction certificate.</li> </ul>
<b>Flooding</b>	<p>The application has been accompanied by a Flood Compliance Letter which outlines that the site:</p> <ul style="list-style-type: none"> <li>is outside the flooding extent during the 1% AEP and the Probable Maximum Flood (PMF) flood events.</li> <li>does not require any flood risk management controls and the proposed development within the property would not pose any impact on existing flood behaviour.</li> </ul> <p>Council and EHG reviewed the EIS and Flood Compliance Letter and concur that the site is not subject to flooding during 1% AEP and PMF flood events.</p> <p>The Department has no concerns regarding flooding.</p>	No conditions are recommended.
<b>Hazards and risks</b>	The application has been accompanied by a Preliminary Hazard Analysis (PHA), amended as part of the RtS.	The Department recommends conditions requiring that dangerous goods be stored and

Issue	Findings and conclusions	Recommended conditions
	<p>The proposed quantity of liquid oxygen storage is above the thresholds set out in the Department's Applying SEPP 33 guideline (2011). There are two proposed liquid oxygen tanks, with one being 15,000L (or 17,115 kg) and the other being 3,000L (3,423kg), located adjacent to the site-boundary. Based on the updated PHA, both tanks are to be surrounded by a fire-rated wall.</p> <p>The Department has assessed the liquid oxygen storage, fire rated wall, and separation distances and has deemed the proposal as capable of complying with Australian Standard AS 1894-1997 – <i>Storage and Handling of Non-Flammable Cryogenic and Refrigerated Liquids</i>, subject to recommended conditions.</p>	<p>handled in accordance with all relevant Australian Standards and the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Manual.</p>
<b>Contamination and remediation</b>	<p>The application has been accompanied by a Preliminary Site Investigation (PSI), Detailed Site Investigation (DSI) and a Remediation Action Plan (RAP).</p> <p>The DSI was undertaken to further assess potential contaminant sources and data gaps identified in the PSI, confirm additional investigation requirements (if any), and inform potential remediation options for the site.</p> <p>The DSI concluded:</p> <ul style="list-style-type: none"> <li>• two exceedances of the adopted soil health investigation levels (HILs) and health screening levels (HSLs) were detected in fill samples and comprised of lead and Benzo[a]pyrene (B(a)P).</li> <li>• several exceedances of the adopted soil ecological investigation levels (EILs) and ecological screening levels (ESLs) were detected in fill samples and comprised of zinc, copper and B(a)P.</li> <li>• asbestos fines (AF) and/or friable asbestos (FA) was detected in fill samples collected and analysed from several test locations.</li> <li>• bonded asbestos containing material (ACM) fragments were observed in fill and positively identified at several test locations.</li> <li>• based on the recorded soil exceedances and presence of asbestos, remediation of the site</li> </ul>	<p>The Department concurs with the recommendations of the DSI and RAP. Accordingly, conditions are recommended requiring:</p> <ul style="list-style-type: none"> <li>• implementation of the remediation measures outlined in the RAP.</li> <li>• preparation of a Validation Report.</li> <li>• engagement of an accredited Site Auditor to provide advice throughout the duration of works.</li> </ul>

Issue	Findings and conclusions	Recommended conditions
	<p>would be required to render the site suitable for the proposed development.</p> <ul style="list-style-type: none"> <li>while minor heavy metal, nutrient and physical parameters exceedances were identified in groundwater, the results are not considered to be significant and groundwater remediation is not considered to be warranted.</li> <li>groundwater may be intercepted during the excavation of the proposed lift pit. It is recommended that groundwater level gauging is conducted periodically prior to construction to assess fluctuation in groundwater levels over time and its implications on dewatering and basement design.</li> <li>due to the current groundwater quality, treatment would be required prior to discharge to sewer under a Hunter Water Corporation trade waste agreement or stormwater subject to regulatory approval. Alternatively, the groundwater could be disposed off-site via a licensed contractor.</li> </ul> <p>The DSI considers that the site can be made suitable for the proposed development, subject to the implementation of RAP. The RAP determined that the preferred remediation strategy is for the excavation and off-site disposal of all general / contaminated fill and has recommended processes to ensure the risks and impacts during remediation works are controlled in an appropriate manner.</p> <p>The Department reviewed the RAP and is satisfied that the recommendations are consistent with guidelines endorsed by NSW EPA. Subject to the implementation of the measures described in the RAP, the site can be made suitable for the proposed development.</p>	
<b>Waste management</b>	<p>An Operational and Construction Waste Management Plan (OCWMP) accompanied the application to assess the volumes and management of waste during construction and operation.</p> <p><u>Construction waste</u></p> <p>The OCWMP estimates 14,105 cubic metres of waste would be generated during construction, of which approximately 4,029 cubic metres (or 28.6 per cent) would be diverted from landfill and recovered for</p>	<p>The Department recommends a condition of consent requiring the preparation of a final Operational Waste Management Plan and Construction Waste Management Sub-Plan.</p>



Issue	Findings and conclusions	Recommended conditions
	<p>beneficial on-site and off-site reuse and/or reprocessing. Ordered from highest volume to least, the most common types of construction waste would be soil, rock, timber, steel, concrete, packaging, pallets, general waste, plasterboard, floor coverings, paper and glass. The OCWMP states that material reuse would be significantly higher if not for the abundant presence of coal in the soil to be excavated.</p> <p>The Department raises no concerns regarding construction waste management, noting the conclusions and recommendations of the OCWMP.</p> <p><u>Operational waste</u></p> <p>The OCWMP estimates that the existing LMPH generates 178.9 cubic metres of operational waste per week. The proposed LMPH redevelopment is estimated to generate 357.3 cubic metres of operational waste per week, equating to an increase of 99.7 per cent a week compared to existing. All operational waste collections would take place from the loading dock proposed to the north-eastern corner of the LMPH building.</p> <p>The Department has assessed the operational waste generated by the development to be minimal and accepts that it can be appropriately managed.</p> <p><u>Removal of hazardous materials</u></p> <p>The submitted Hazardous Materials Surveys (HMS) relating to existing structures proposed to be demolished to the north of the site (within the 10 O'Brien Street and 3 Sydney Street allotments) identified the presence of hazardous materials in the form of Bonded Asbestos (ACM), Synthetic Mineral Fibre (SMF), Lead and Ozone Depleting Substance (ODS). The HMS include recommendations for the safe removal of hazardous materials from the site.</p> <p>The Department has assessed that the hazardous materials would be safely removed from the site, subject to the imposition of recommended conditions.</p>	
<b>Aboriginal cultural heritage</b>	An Aboriginal Cultural Heritage Assessment Report (ACHAR) accompanied the application, including a field survey.	The Department recommends conditions requiring:

Issue	Findings and conclusions	Recommended conditions
	<p>The ACHAR includes a search of the Aboriginal Heritage Information Management System (AHIMS). AHIMS did not identify any Aboriginal sites within the study area, with the nearest registered site located approximately 325m to the south.</p> <p>The most common Aboriginal archaeological evidence identified in proximity to the study area are stone artefacts (isolated or scattered), grinding grooves or combined shell and artefact sites. The ACHAR concludes that the study area has low to negligible potential to contain Aboriginal archaeological objects or sites within a subsurface context, and no potential for the identification of objects or sites in a surface context.</p> <p>The field survey identified the subject site has been subject to extensive prior disturbance during the construction of the existing hospital complex and residential dwellings. Minimal topsoil was observed across the project area. Due to the nature of the project area and extent of existing disturbance, no areas of archaeological potential were identified during the field survey.</p> <p>The ACHAR has determined that the proposed development is not expected to have any impact on Aboriginal objects, subject to the implementation of the recommendations specified under Section 9 of the ACHAR. The recommendations include the preparation of an induction and unexpected finds procedure.</p> <p>Heritage NSW ACH raised no concerns regarding the ACHAR's recommendations. In addition, Heritage NSW ACH recommends the preparation and implementation of an Aboriginal Cultural Heritage Management Plan (ACHMP).</p> <p>The Department agrees with the conclusions of the ACHAR and the advice provided by Heritage NSW ACH.</p>	<ul style="list-style-type: none"> <li>• that recommendations within Section 9 of the ACHAR be implemented.</li> <li>• the preparation and implementation of an Aboriginal Cultural Heritage Management Plan (ACHMP).</li> </ul>
<b>Social impact</b>	<p>The application was supported by a Social Impact Assessment (SIA), amended as part of the RtS.</p> <p>The SIA found that positive impacts of the proposed development include:</p>	<p>Conditions are recommended requiring that the recommendations of the SIA be implemented.</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> <li>• improved and expanded medical services and facilities to service the region.</li> <li>• improved LMPH site accessibility facilitated by improvements to existing site access, pedestrian infrastructure, and public-private interfaces.</li> <li>• provision of new and attractive public spaces resulting in improved social amenity.</li> <li>• ongoing community investment as a result of the LMPH, resulting in positive community development and improvements in the social locality.</li> <li>• improved health and wellbeing for the broader community and hospital users.</li> <li>• improved understanding of the project and its potential impacts through engagement with key stakeholders.</li> </ul> <p>However, the SIA also found that the proposal would have negative impacts, including:</p> <ul style="list-style-type: none"> <li>• disruptions to LMPH site accessibility, and accessibility for neighbouring residents and businesses given lack of car parking in the area.</li> <li>• disruptions to road infrastructure and traffic affecting LMPH site accessibility and property accessibility for neighbouring residents and businesses.</li> <li>• privacy impacts for neighbouring residences, businesses, and services given the proposed height of the new hospital tower affecting social amenity and way of life.</li> <li>• project noise and vibration impacting on surrounding social amenity.</li> <li>• changing urban form impacting on local character in the precinct.</li> <li>• changes in community cohesion due to construction workforce influx and presence in the locality.</li> <li>• potential physical health impacts, and psychological stress associated with project development and experience of impacts.</li> </ul> <p>To manage potential impacts, the SIA recommends:</p>	

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> <li>• development and implementation of a construction and operational traffic management plan, for construction and operational phase activities.</li> <li>• implementation of a park-and ride service, from a suitable location for the construction workforce, to reduce intensity of car parking demand in the local area.</li> <li>• communication of road closures and changes to local community members in line with the implementation of a Communication and Engagement Plan.</li> <li>• pursuing further engagement with community members, and key stakeholders such as Council, to identify strategies, mechanisms, and solutions to address traffic-related impacts should they arise in project development.</li> <li>• providing feedback to the community on how community issues have been incorporated in project design and management measures identified to address key impacts.</li> <li>• implementation of relevant mitigation measures in the Noise and Vibration Management Plan and other relevant management plans.</li> <li>• development and implementation of a community engagement strategy, with project grievance mechanisms, to support ongoing dialogue between Ramsay Health, and community members and key stakeholders during construction and operational phase activities.</li> </ul> <p>The SIA concludes that the identified negative social impacts of the project can be mitigated or managed to reduce their significance if the appropriate mitigations are put in place.</p> <p>The Department is satisfied the revised SIA accords with the Department's Social Impact Assessment Guideline (2023).</p> <p>The Department considers the proposal would represent a net overall positive social impact.</p> <p>The Department is satisfied that the recommendations of the SIA can mitigate any potential negative impacts of the development.</p>	

Issue	Findings and conclusions	Recommended conditions
<b>Building Code of Australia (BCA)</b>	<p>A Regulatory Compliance Report (BCA Report) accompanied the application reviewing the capability of the proposed design to meet the requirements of the BCA. Overall, it is considered that the development is capable of complying with the BCA requirements, either via Deemed to Satisfy Provisions or through the preparation of Performance Solutions.</p> <p>The Department concurs with the findings of the BCA Report.</p>	<p>The Department recommends a condition requiring that the proposed development be constructed in accordance with the relevant requirements of the BCA.</p>
<b>Signage</b>	<p>Nine signs are proposed to be installed to the perimeter of the site and building, comprising:</p> <ul style="list-style-type: none"> <li>• one painted main entry identification sign along Casey Street (1,280mm(w) x 13,600mm(h)).</li> <li>• one illuminated emergency entry identification sign within the Sydney St frontage (780mm(w) x 8,940mm(h)).</li> <li>• one illuminated main building identification sign to the northern side of the Pacific Highway service road frontage (1,280mm(h) x 5,450mm(w)).</li> <li>• three painted carpark entry identification signs to the northern side of the O'Brien St frontage (1200mm(h) x 250mm(w) and (1815mm(h) x 250mm(w)).</li> <li>• one painted ambulance entry identification sign along the Pacific Highway service road (5,400mm(h) x 800mm(w)).</li> <li>• two directional entry pylon signs, with one located on the Casey Street verge and the other along the Sydney St verge (2,700mm(h) x 900mm(w)).</li> </ul> <p>The signage has been assessed against the requirements of State Environmental Planning Policy (Industry and Employment) 2021 at <b>Appendix B</b>.</p> <p>The Department is satisfied that the proposed signage zones would be consistent with the guidelines set out in the Industry and Employment SEPP.</p>	<p>Illumination of the signage would be managed through a condition of consent requiring that lighting/illumination comply with the latest version of Australian Standard AS 4282-2019 - Control of the obtrusive effects of outdoor lighting.</p>
<b>Access</b>	<p>An Access Capability Statement (ACS) has been submitted as part of this application.</p>	<p>The Department recommends a condition requiring the proposed</p>

Issue	Findings and conclusions	Recommended conditions
	<p>The ACS reviews the capability of the proposed design to meet the requirements of the BCA, <i>Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards)</i> and relevant Australian Standards relating to access.</p> <p>The ACS concludes that the design is generally capable of meeting the relevant requirements, subject to standard design development.</p> <p>The Department notes the findings of the ACS and raises no concerns in this regard.</p>	<p>development be designed and constructed to provide access and facilities for people with a disability, in accordance with the BCA.</p>
<b>Development contributions</b>	<p>The development is subject to the requirements of the 'Lake Macquarie City Council Section 7.12 Development Contributions Plan – Citywide 2019'.</p> <p>Council has requested the payment of a \$1,591,062 development contribution for the proposed development. As part of the RtS, the Applicant noted the amount of the applicable levy and raised no concerns with its application.</p> <p>The Department has considered the Section 7.12 Development Contributions Plan and agrees that a contribution should be paid by the Applicant for the proposed development.</p>	<p>The Department has recommended a condition requiring payment of a development contribution.</p>



## 7 Evaluation

196. The Department's assessment has considered the relevant matters and objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including the principles of ecologically sustainable development (**Section 3** and **6**), advice from government agencies, Council and public submissions (**Section 5**), and strategic government policies and plans (**Section 4**). Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed, with conditions recommended to address any outstanding issues.
197. The proposed development is consistent with the objects of the EP&A Act (including ecologically sustainable development) and with the NSW State and Premier's Priorities, Hunter Regional Plan 2041, Greater Newcastle Metropolitan Plan 2036, Transport for NSW's Future Transport Strategy 2056, Infrastructure NSW's State Infrastructure Strategy 2022-2042, Lake Macquarie Local Strategic Planning Statement (LSPS) and the Lake Macquarie Community Strategic Plan 2022-2032.
198. The proposed development has minimal impact on the flow of traffic in the surrounding street network. On-site car parking requirements are exceeded, and construction worker parking is addressed through nearby carparks and a bus shuttle service to the hospital site.
199. The design incorporates Connecting with Country elements, enhances the streetscape, and meets environmental sustainability standards. The building massing complies with height limits and integrates well with the surrounding area.
200. Amenity impacts are minimal, with no significant visual, overshadowing, or privacy issues. Noise and vibration during construction will be managed, and operational noise is mostly compliant, with minor exceedances at a nearby school. Mitigation measures are in place, and post-occupation monitoring will ensure compliance.
201. Overall, the development addresses potential impacts and integrates well with its surroundings. Consequently, the Department has formed the opinion that the:
- proposal is in the public interest as it would deliver public benefits to meet the demands of the growing population.
  - impacts of the proposed development is acceptable and can be appropriately mitigated through the implementation of consent conditions.
  - development would provide economic benefits, generating approximately 75 construction jobs and 189 operational jobs through investment in health infrastructure.
  - project should be approved, subject to conditions.

Prepared by:

**Thomas Dales**

Senior Development Assessment Officer

Recommended by:



**Karen Harragon**  
Director  
Social Infrastructure Assessments

Recommended by:



**Douglas Walther**  
Executive Director  
Infrastructure Assessments

# Glossary

Abbreviation	Definition
<b>AHD</b>	Australian height datum
<b>CIV</b>	Capital investment value
<b>Council</b>	Lake Macquarie City Council
<b>Department</b>	Department of Planning, Housing and Infrastructure
<b>EIS</b>	Environmental impact statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPI</b>	Environmental planning instrument
<b>ESD</b>	Ecologically sustainable development
<b>GANSW</b>	NSW Government Architect
<b>LMLEP</b>	Lake Macquarie Local Environmental Plan 2014
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>SDRP</b>	State Design Review Panel
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Secretary</b>	Secretary of the Department of Planning, Housing and Infrastructure
<b>SEPP</b>	State environmental planning policy
<b>SSD</b>	State significant development
<b>TfNSW</b>	Transport for NSW

# Appendices

## Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/projects/lake-macquarie-private-hospital-extension>

2. Submissions and agency advice

<https://www.planningportal.nsw.gov.au/major-projects/projects/lake-macquarie-private-hospital-extension>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/lake-macquarie-private-hospital-extension>

4. Additional information

<https://www.planningportal.nsw.gov.au/major-projects/projects/lake-macquarie-private-hospital-extension>

## Appendix B – Statutory considerations

### Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (section 1.3 of the EP&A Act) are provided in **Table 17**.

**Table 17** | Objects of the EP&A Act and how they have been considered

Object	Consideration
<b>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</b>	The development would ensure the proper management and development the State's natural and other resources.
<b>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</b>	The proposal includes measures to deliver ecologically sustainable development (ESD) as described below.
<b>(c) to promote the orderly and economic use and development of land,</b>	<p>The proposal meets the objectives of the SP2 zone of the Lake Macquarie Local Environmental Plan 2014 and would deliver a hospital consistent with the objectives of State Environmental Planning Policy (Transport and Infrastructure) 2021 and overarching strategic policies for the locality. The expansion would also be of economic benefit through job creation and infrastructure investment.</p> <p>The site's economic development is both logical and orderly as it:</p> <ul style="list-style-type: none"><li>• delivers employment-generating opportunities in both the construction and operational phases in an area already earmarked by both State and Regional policies for employment and health advancement.</li><li>• provides both a new economically and ecologically sustainable development, delivering new industry-best-practice in hospital construction.</li><li>• provides a genuine and obvious development of existing hospital land, further reinforcing the notion of orderly development, within an area already designated for such purposes.</li><li>• includes increased provisions for landscaping, helping to revitalise and naturally landscape a</li></ul>

Object	Consideration
	<p>substantial canopy cover across the site, further minimising the potential impacts of the urban heat island effect.</p> <ul style="list-style-type: none"> <li>it improves water-quality for stormwater in accordance with the requirements of Council's engineering guidelines.</li> </ul>
<b>(d) to promote the delivery and maintenance of affordable housing,</b>	Not applicable.
<b>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</b>	A BDAR waiver has been granted for the proposed development as it would not result in any adverse impacts to threatened and other species of native animals and plants, ecological communities and their habitats.
<b>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</b>	The proposed development has been designed and would be managed to promote the sustainable management of built and cultural heritage (see <b>Section 6</b> ).
<b>(g) to promote good design and amenity of the built environment,</b>	The proposal has been reviewed by the SDRP throughout the development of the proposed design and by the Government Architect (GANSW) during the assessment of this SSDA. The Department considers the overall built form of the development to be complementary to existing development within the hospital campus and surrounding locality (see <b>Section 6</b> ).
<b>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</b>	The Department has considered the proposed development and has recommended conditions of consent to ensure construction and maintenance is undertaken in accordance with legislation, guidelines, policies and procedures ( <b>Appendix C</b> ).
<b>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</b>	The Department publicly exhibited the proposal ( <b>Section 5.1</b> ) and consulted with Council and other public authorities and considered their responses ( <b>Section 4</b> and <b>5</b> ).
<b>(j) to provide increased opportunity for community participation in environmental planning and assessment.</b>	The Department publicly exhibited the proposal as outlined in <b>Section 5.1</b> , which included notifying adjoining landowners and displaying the proposal on the Department's website.



## Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Department required the Applicant to demonstrate how the principles of ESD have been incorporated into the project, including how it addresses:

- national best practice sustainable building principles to improve environmental performance and reduce ecological impact; and
- projected climate change impacts.

The application proposes ESD initiatives and sustainability measures, including:

- provision of solar PV.
- installation of roof insulation.
- use of efficient building fabric and glazing.
- use of efficient ventilation design, pump systems, lighting design, water fixtures and features.
- conducting a Life Cycle Assessment during the design and construction stages.
- alignment of Sustainability Strategy to the Green Star Building rating tool to achieve equivalent to a 4 Star outcome.

The proposal seeks to minimise greenhouse gas emissions (reflecting the Government's goal of net zero emissions by 2050) and consumption of energy, water (including water sensitive urban design) and material resources. In addition, the Applicant has committed to the implementation of the Ramsay Health Care sustainability strategy, which targets a 42 per cent reduction of greenhouse gases by 2030 and net zero by 2040 across Ramsay's operations, including the proposed development. These targets have been set using the Science Based Targets Initiative (SBTi) which is the global standard for effective climate action.

Overall, through the implementation of the initiatives noted within the ESD Report the project demonstrates the developments commitment to ESD principles throughout the design, construction, and operation. Additionally, the Applicant advises that the development has been designed to optimise the sites energy performance, address key climate related risks posed to the site, align the project to the NSW Government's commitment to carbon neutrality by 2050, and has benchmarked the project to industry best practice sustainability.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making

process via a thorough and rigorous assessment of the environmental impacts. The proposed development is consistent with ESD principles as described in **Appendix 10** of the Applicant's EIS, which has been prepared in accordance with the requirements of clause 192 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

## EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the Department's State Significant Development Guidelines (2024) when preparing their application. The Department considers the submitted EIS and development application to be prepared generally in accordance with the SSD Guidelines.

The EIS has addressed the EIS form and content criteria within clauses 190 and 192 of the EP&A Regulation. Similarly, the EIS has addressed the principles of ecologically sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious or irreversible environmental damage.

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 8, Division 2) and Fees (Part 13, Division 1 to 4) have been complied with.

## Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been considered in the Department's assessment.

EPIs considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Lake Macquarie Local Environmental Plan 2014 (LMLEP).

### State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 of the Planning Systems SEPP identifies State significant development (SSD). An assessment of the development against the relevant provisions of the Planning Systems SEPP is provided in **Table 18**.

**Table 18 | Planning Systems SEPP compliance table**

Relevant Sections	Consideration and Comments	Complies
<b>2.1 Aims of Policy</b> The aims of this Policy are as follows: <ul style="list-style-type: none"> <li>a) to identify development that is State significant development</li> </ul>	The proposed development is identified as SSD.	Yes
<b>2.6 Declaration of State significant development: section 4.36</b> (1) Development is declared to be State significant development for the purposes of the Act if: <ul style="list-style-type: none"> <li>a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</li> <li>b) the development is specified in Schedule 1 or 2.</li> </ul>	The proposed development is permissible with development consent.	Yes
<b>Schedule 1 State significant development – general</b> <b>14 Hospitals, medical centres and health research facilities</b> Development that has a capital investment value of more than \$30 million for any of the following purposes: <ul style="list-style-type: none"> <li>(a) hospitals,</li> <li>(b) medical centres,</li> <li>(c) health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).</li> </ul>	The proposal is for a hospital with a capital investment value (CIV) in excess of \$30 million.	Yes

## State Environmental Planning Policy (Resilience and Hazards) 2021

### Remediation of land

The State Environmental Planning (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Section 4.6 stipulates that a consent authority must not consent to the carrying out development unless:

- it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land would be remediated before the land is used for that purpose.

The submitted PSI, DSI and RAP confirm that the site can be made suitable for the proposed development, subject to the successful implementation of the recommendations (see **Section 6.5**).

### Potentially hazardous or potentially offensive development

Chapter 3 of the Resilience and Hazards SEPP establishes a protocol for planning for development that can be categorised as Potentially Hazardous or Potentially Offensive Development. The Department's SEPP 33 Guidelines (2011) establish screening thresholds for Dangerous Goods stored on-site.

The redeveloped hospital will store up to 18,000L of liquid oxygen which would exceed the applicable screening threshold in the guidelines. A Preliminary Hazard Analysis (PHA) was submitted with the application. The PHA concludes that the risks at the site boundary and surrounding area would be below the acceptable criteria and the proposed development would be suitable for the land use. The following recommendations have been made within the PHA:

- ensure all hazardous chemical storage facilities onsite comply with the relevant Australian Standards.
- undertake a Hazardous Area Classification (HAC) for the hospital precinct where flammable liquids (Class 3) are stored.
- prepare the documentation required for the hospital precinct per Part 7.1 of the Work Health and Safety Regulation 2017.

The Department notes that the PHA has incorrectly identified the fire-rated wall specification, whereby the fire-rated wall should be at least of 240/240/240 rating for liquid oxygen or liquid nitrous oxide. The Department has recommended conditions requiring the upgrading of the fire rating of the wall and meeting the separation requirement in accordance with the relevant Australian Standard.

Given the above, the Department raises no concerns having regard to the storage of dangerous goods on-site.

### **State Environmental Planning Policy (Industry and Employment) 2021**

The State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP) applies to all signage that can be displayed under an EPI with or without development consent and is visible from any public place or public reserve.

Section 3.6 states a consent authority must not grant development consent to an application to display signage, unless the consent authority is satisfied that the signage:

- satisfies the assessment criteria specified in Schedule 5 of the SEPP.
- is consistent with the objectives of the SEPP.

Nine signs are proposed to be installed to the perimeter of the site and building, comprising:

- one painted main entry identification sign along Casey Street (1,280mm(w) x 13,600mm(h)).
- one illuminated emergency entry identification sign within the Sydney St frontage (780mm(w) x 8,940mm(h)).
- one illuminated main building identification sign to the northern side of the Pacific Highway service road frontage (1,280mm(h) x 5,450mm(w)).

- three painted carpark entry identification signs to the northern side of the O'Brien St frontage (1200mm(h) x 250mm(w) and (1815mm(h) x 250mm(w)).
- one painted ambulance entry identification sign along the Pacific Highway service road (5,400mm(h) x 800mm(w)).
- two directional entry pylon signs, with one located on the Casey Street verge and the other along the Sydney St verge (2,700mm(h) x 900mm(w)).

The proposed signage is considered to be building/business identification signage for the purpose of assessment under the Industry and Employment SEPP. Accordingly, the objectives of the Industry and Employment SEPP and the criteria in Schedule 5 – Assessment Criteria of the Industry and Employment SEPP require consideration.

The table below provides an assessment of the proposed signage against the criteria in Schedule 5 of the SEPP.

**Table 19 Industry and Employment SEPP - Signage Assessment Criteria**

Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the existing and desired future character of the site and other development within the immediate area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the locality. No third-party advertising is proposed.	Yes
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage is considered consistent with the proposed built form and would not detract from the amenity or visual quality of the surrounding area. The site is not near any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways or rural landscapes. The signage has been designed so as to minimise views from and impacts on the surrounding residential areas.	Yes
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	The proposed signage would be of a height and scale consistent with the built form on the site and would not disrupt any views or dominate views toward or through the site.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is considered to be of a reasonable scale and location on the building and would not dominate the skyline.	Yes
Does the proposal respect the viewing rights of other advertisers?	The signs do not obstruct the views of any existing signage on or in the vicinity of the site.	Yes
<b>4 Streetscape, setting or landscape</b>		

Criteria	Comments	Compliance
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage has been designed in respect of the proposed built form on the site to effectively identify the operations of the site. The proposed signage is compatible with the character of the site and its surrounds.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage would visually define the operations of the site and create a visually coherent built form.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage has carefully considered the location and design of existing signage within the hospital campus and would not contribute to any visual clutter. It does not comprise any advertising.	Yes
Does the proposal screen unsightliness?	The proposed signage is not used as a visual screen or filter.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs do not protrude above the proposed roof/canopy height.	Yes
Does the proposal require ongoing vegetation management?	The proposed signs do not require ongoing vegetation management.	Yes
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is of a suitable scale and design for its intended purpose to effectively identify future operations of the Subject site and would integrate with the existing built form and façade design to achieve visual coherence.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signs are respectful in their design and are appropriately integrated with the features of the buildings. The proposed signage is located at key areas of the site, including at the site and building entrances.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage has been integrated with the layout of the site so as not to obstruct any vehicle movements and achieve a positive visual outcome.	Yes
<b>6 Associated Devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable.	Yes
<b>7 Illumination</b>		
Would illumination result in unacceptable glare?	Illumination would be minor and the proposed illuminated signs have been suitably located so as to not result in any unacceptable glare.	Yes



Criteria	Comments	Compliance
Would illumination affect safety for pedestrians, vehicles or aircraft?	No. Given the nature of the use, illumination of the signage is required to provide safe and effective wayfinding particularly in times of emergency.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	No	Yes
Can the intensity of the illumination be adjusted, if necessary?	No. Given the nature of the use, illumination of the signage is required to provide safe and effective wayfinding particularly in times of emergency. The two illuminated signs would not face residential properties.	Yes
Is the illumination subject to a curfew?	No. Illumination of the signage is required to provide safe and effective wayfinding.	Yes
<b>8 Safety</b>		
Would the proposal reduce safety for any public road?	The proposed signage does not contain images, flashing lights, moveable parts and the like which would impact upon road safety.	Yes
Would the proposal reduce safety for pedestrians/cyclists?	No. Given the nature of the use, illumination of the signage is required to provide safe and effective wayfinding particularly in times of emergency. The proposed signage would not obstruct any pedestrian or cycle routes or infrastructure and therefore would not negate the safety of pedestrians or cyclists.	Yes
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage would not obscure sightlines from public areas.	Yes

As demonstrated above, the proposal complies with the aims and objectives of this SEPP. The signage is considered compatible with the proposed development, provides effective communication, is suitably located and is of a high-quality design and finish.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Section 2.122 of the TI SEPP requires the consent authority to provide TfNSW with written notice of the development application for developments considered a 'traffic generating activity'.

The proposal involves a hospital with greater than 100 beds with access to a classified road which constitutes a 'traffic generating activity' and accordingly was referred to TfNSW for comment. As detailed in **Section 6**, the Department is satisfied that the proposed development would not pose adverse traffic impacts, subject to conditions.

### State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings, including minimise energy consumption, minimise use of potable water, optimise thermal performance and reduce greenhouse gas emissions. It aims to ensure assessment is undertaken consistently, sustainability of buildings data is recorded and embodied emissions is monitored.

The consent authority must consider whether the development is designed to minimise waste; reduce peak demand for electricity; reduce reliance on artificial lighting and mechanical heating and cooling through passive design; generate and store renewable energy; monitor energy consumption; and minimise the consumption of potable water.

The consent authority must also be satisfied the embodied emissions attributable to the development have been quantified and whether the development will minimise the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.

The Department has assessed the project against the relevant requirements in the Sustainable Buildings SEPP and considers the project has provided the appropriate data regarding embodied emissions, will be fossil fuel-free, and has been designed to meet the design considerations stipulated in the Sustainable Buildings SEPP as it will achieve a 4 Star Green Star rating.


### Lake Macquarie Local Environmental Plan 2014 (LMLEP)

The LMLEP aims to promote the efficient and equitable provision of public services, infrastructure and amenities; to apply the principles of ecologically sustainable development; and to facilitate development and public facilities in appropriate areas, which are accessible to a range of population groups and to accommodate Lake Macquarie City's social and economic needs.

The Department consulted Council throughout the assessment process and considered all relevant provisions of the LMLEP and matters raised by Council. The Department concludes the development is consistent with the requirements of the LMLEP. Consideration of the relevant clauses of the LMLEP is provided in **Table 20**.

**Table 20** Consideration of the LMLEP

LMLEP	Department Consideration
Land Use Table – SP2 Infrastructure	<p>The Lake Macquarie Local Environmental Plan 2014 (LMLEP) identifies the site as being located within the SP2 Infrastructure (Health Services Facility) zone. Development for the purpose shown on the SP2 Infrastructure Land Zoning Map (such as a health services facility – which includes hospitals) is permitted with consent under the LMLEP.</p> <p>The proposed development is permissible with consent under LMLEP and consistent with the SP2 objectives as it:</p> <ul style="list-style-type: none"> <li>• would provide health related infrastructure consistent with the zone objectives.</li> <li>• prevents development that is not compatible with or that may detract from the provision of infrastructure.</li> <li>• would provide additional land for the development and expansion of major health, education and community facilities.</li> </ul>

LMLEP	Department Consideration
<p>Clause 4.3 Height of buildings</p>	<p>Clause 4.3 of the LMLEP stipulates maximum building height controls for the site, with a 37m limit to the northern portion of the site and a 10m height limit to the southern portion (shown in <b>Figure 25</b>).</p>  <p><b>Figure 25   LMLEP Height of buildings map</b></p> <p>The proposed development has a maximum building height of 33.15m within the 37m limit portion of the site; and 10m in the area mapped as having a maximum building height of 10m, which complies with the prescribed maximum building height limits.</p>
<p>Clause 4.4 Floor space ratio</p>	<p>The site is not subject to a floor space ratio control.</p>
<p>Clause 5.10 Heritage conservation</p>	<p>There are no heritage items located on or near the site. The site is not in a heritage conservation area.</p>
<p>Clause 5.21 Flood planning</p>	<p>Clause 5.21 of the LMLEP provides that consent must not be granted to development on land within the flood planning area unless the consent authority is satisfied the development:</p> <ul style="list-style-type: none"> <li>a. is compatible with the flood function and behaviour on the land, and</li> <li>b. will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>c. will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</li> <li>d. incorporates appropriate measures to manage risk to life in the event of a flood, and</li> </ul>

LMLEP	Department Consideration
	<p>e. will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.</p> <p>The proposed development is not identified as being within a 'flood planning area' as defined in the Floodplain Development Manual (NSW Government, April 2005) (see <b>Section 6.5</b>).</p> <p>The Department is satisfied that the development would meet the objectives of Clause 5.21(1) and mandatory considerations under Clauses 5.21(2) and 5.21(3) of the LMLEP (see <b>Section 6.5</b>).</p>
<p>Clause 7.1 Acid sulfate soils</p>	<p>Clause 7.1 of the LMLEP seeks to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>The site is located at an approximate height between RL39 to RL45 AHD. Acid sulfate soils occur in low-lying alluvial soils below RL10, but more generally below RL5. The submitted Geotechnical Report includes geotechnical investigations which confirm that the site is located in an area mapped as having no known occurrence of acid sulfate soils.</p> <p>Accordingly, the Geotechnical Report did not require the preparation of an Acid Sulfate Soils Management Plan.</p>
<p>Clause 7.2 Earthworks</p>	<p>Clause 7.2 requires the consent authority consider the potential impact of the development on matters including drainage patterns, soil stability, flooding in the locality, likely future use of the land, quality of the fill or the soil to be excavated, the effect of the development on amenity of adjoining properties, the source of fill material and the destination of excavated material, the likelihood of disturbing relics and impacts on waterways.</p> <p>Earthworks are proposed to be undertaken across the site to achieve the desired building design levels, resulting in a total cut volume of 14,000m<sup>3</sup> and a total fill volume of 800m<sup>3</sup>.</p> <p>The proposed extent of earthworks is considered acceptable as the:</p> <ul style="list-style-type: none"> <li>• works would not adversely impact on the existing drainage patterns and soil stability of the locality.</li> <li>• proposed works would not impact on the capacity for any future redevelopment of the land.</li> <li>• excavated fill exported off site will be conditioned to be suitably validated prior to its removal and would be subject to a separate approval.</li> <li>• extent of earthworks proposed would not detrimentally impact on the amenity of adjoining land uses and would be managed on site.</li> <li>• likelihood of discovering and impacting on any relics has been assessed as low and conditions for unexpected finds have been recommended.</li> </ul>

LMLEP	Department Consideration
	<ul style="list-style-type: none"> <li>• sediment and erosion control measures proposed to be implemented on-site by the Applicant during site works will minimise any potential for off-site impacts.</li> </ul>

### Other policies

In accordance with clause 2.10 of the Planning Systems SEPP, Development Control Plans do not apply to SSD. Objectives of relevant controls under the Lake Macquarie Development Control Plan 2014, where relevant, were considered in **Section 6**.

## Appendix C – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/lake-macquarie-private-hospital-extension>



**New South Wales Government**  
Independent Planning Commission

**For more information, please contact  
the Office of the Independent Planning  
Commission NSW.**

**[ipcn.nsw.gov.au](http://ipcn.nsw.gov.au)**

Phone (02) 9383 2100

Email [ipcn@ipcn.nsw.gov.au](mailto:ipcn@ipcn.nsw.gov.au)

Mail Level 15 135 King Street Sydney NSW 2001

#### **Disclaimer**

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The Independent Planning Commission NSW advises that the maps included in the report are intended to give visual support to the discussion presented within the report. Hence information presented on the maps should be seen as indicative, rather than definite or accurate. The State of New South Wales will not accept responsibility for anything, or the consequences of anything, done or omitted to be done in reliance upon the mapped information.

ABN 38 755 709 681