

Department of Planning, Housing and Infrastructure

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New Shellharbour Hospital

State Significant Development Assessment Report (SSD-57064458)

August 2024





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.

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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 New Shellharbour Hospital located at 86 Dunmore Road, Dunmore, lodged by Health Infrastructure on behalf of Health Administration Corporation (the Applicant). 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.
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the project should 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-57064458 for the New Shellharbour Hospital.

This report will be provided to the Director, Social Infrastructure Assessments, as delegate for the Minister for Planning and Public Spaces (the Minister), for their consideration when deciding whether to grant consent to the SSD.

Project

Health Infrastructure, on behalf of Health Administration Corporation (the Applicant) proposes to construct and operate a new hospital. The project is located at 86 Dunmore Road, Dunmore in the Shellharbour local government area (LGA).

The project is expected to generate 1,300 construction jobs and 1,168 operational jobs. If approved, construction of the project is proposed to commence in Q3 2024 and be completed by Q4 2027.

Strategic context

The Department considers the development is consistent with the principal aims of key relevant strategies including the NSW Premier's State Priorities, the Illawarra Shoalhaven Regional Plan 2041, Transport for NSW's Future Transport Strategy 2056, Infrastructure NSW's State Infrastructure Strategy 2022-2042 and the Shellharbour Local Strategic Planning Statement.

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. Consequently, the Minister is the consent authority for the project under section 4.5A of the EP&A Act.

The application is permissible with consent.

Engagement

The Department exhibited the environmental impact statement (EIS) from Friday 15 September 2023 until Thursday 12 October 2023. During the exhibition period, the Department received:

- 14 submissions from the public (12 submissions from individuals, one from The Anglican Schools Corporation and one from Boral Limited). Five community submissions objected to the proposal, three submissions supported the proposal and four provided comments.
- a submission from Shellharbour City Council (Council).
- advice from the following ten government agencies: Transport for NSW; Transport for NSW – Sydney Trains; Biodiversity Conservation and Science Group; Heritage NSW Aboriginal Cultural Heritage; Heritage NSW; NSW State Emergency Service (SES); NSW Department of Primary Industries – Agriculture; NSW Fire and Rescue; NSW Rural Fire Service; and the Civil Aviation Safety Authority.
- advice from two utility providers: Sydney Water and Endeavour Energy.

Key concerns raised related to vehicular access, traffic and parking, public domain improvements, future pedestrian connections and site suitability.

The Applicant submitted a submissions report on 18 March 2024 to address the issues raised in submissions and agency advice.

The Applicant provided further information on 13 May 2024 to address comments raised by Transport for NSW and Council following review of the RtS.

Assessment

Built form and urban design

The Department is satisfied that the proposed built form and urban design outcomes are acceptable. The height and bulk of the proposed development responds to the site context and surrounding features and would not result in any unreasonable visual or amenity impacts. The building design incorporates large setbacks from the allotment boundaries and extensive new landscaping that would provide a positive contribution to the streetscape and wider area.

Traffic, transport and parking

Subject to the completion of required upgrade works, the proposal would have an acceptable impact on the local traffic network and surrounding key intersections, and parking demand generated by the hospital can be accommodated at the site. The Department notes that a shift away from private car use, subject to implementation of a Green Travel Plan, have potential to further reduce private vehicle use and parking demand in the future. Further, the delivery of a shared pedestrian link from the hospital to Shellharbour Junction Railway Station has the potential to promote the use of active and public transport.

Flooding

Flood risk is minimised by locating the hospital buildings, on-grade car parking, external loading dock, plant and equipment out of the 1% AEP flood extents. Some parts of the proposed hospital building are within areas of the site identified as being affected by the Probable Maximum Flood (PMF); however, the impact of a PMF event is limited in extent to the edge of the proposed buildings with the hazard classification being H3 or lower. The Department is satisfied that the ongoing safety of staff and visitors would be ensured by the implementation of a final Flood Emergency Management Plan prepared in consultation with SES. Overall, the proposal meets the primary objective of the Flood Risk Management Manual 2023, as it would not result in any adverse impact on adjacent structures or properties.

Landscaping and public domain

The proposed development will result in a significantly higher percentage of tree canopy cover the site. The proposed 22 per cent tree canopy, is an acceptable outcome considering the building and carpark footprints, bush fire requirements and the tree canopy separation required to slow the spread of fire and allow for grassland and shrub layers to develop. The new tree canopy extent has been achieved within the parking and open landscape zones to provide amenity, rehabilitation of flora and fauna across the site, integration with the surrounding rural background and to reduce the urban heat island effect. New and upgraded public domain will provide quality outdoor spaces for patients and staff and assist with wayfinding across the hospital campus.

Conclusion

Overall, the Department's assessment concludes the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department has formed the opinion the development:

- would provide benefit for the community by delivering improved and additional health facilities within the region.
- is consistent with government strategy.
- would provide 1,300 construction jobs and 1,168 additional full-time equivalent jobs during operation.

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

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1 Introduction

1.1 The proposal

Health Infrastructure, on behalf of Health Administration Corporation (the Applicant), proposes the construction and operation of the New Shellharbour Hospital.

The project description and mitigation measures provided in Section 3 of the environmental impact statement (EIS), as amended in Section 1 of the Response to Submissions Report (RtS), and the mitigation measures provided in Appendix B of the RtS are the subject of this report and will form part of the development consent if the project is approved. An overview of the proposed development as amended is provided in Section Error! Reference source not found..

A summary of the key amendments made to the project since it was initially lodged with the Department is provided in Error! Reference source not found..

1.2 Project location

The subject site is located at 86 Dunmore Road, Dunmore in the Shellharbour local government area (LGA). Dunmore is a suburb located on the NSW south coast, approximately six kilometres south of Shellharbour. Shellharbour is a regional city located in the Illawarra Shoalhaven Region of NSW, approximately 85km south of Sydney and 20km south of Wollongong (see Figures 1 and 2).

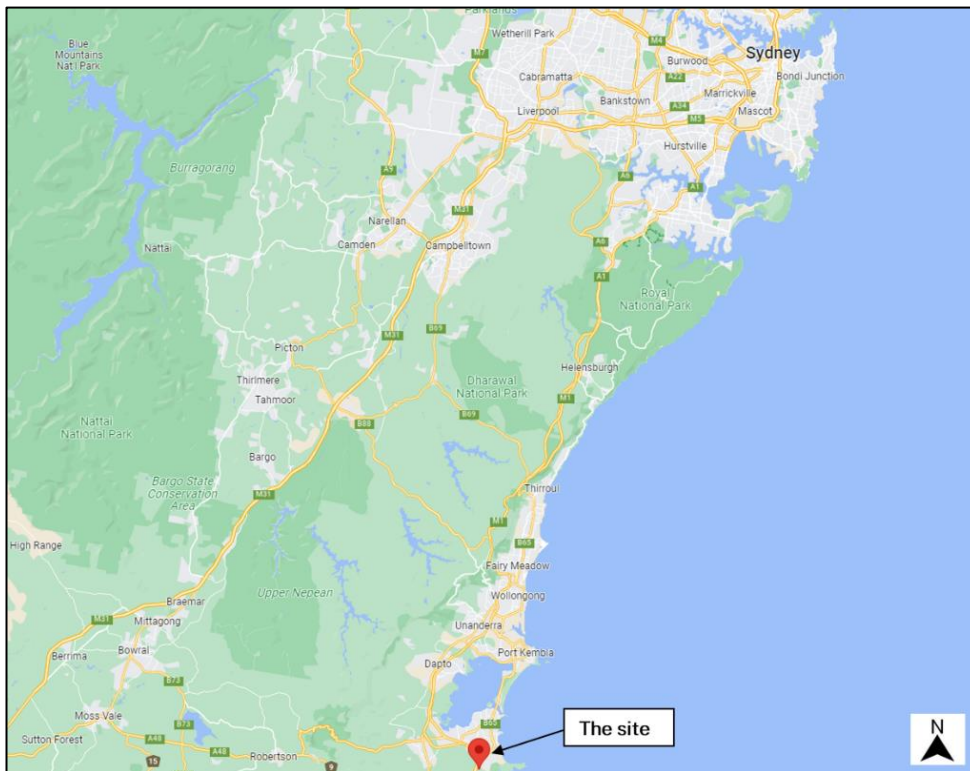


Figure 1 | Regional context map (Source: Google Maps)

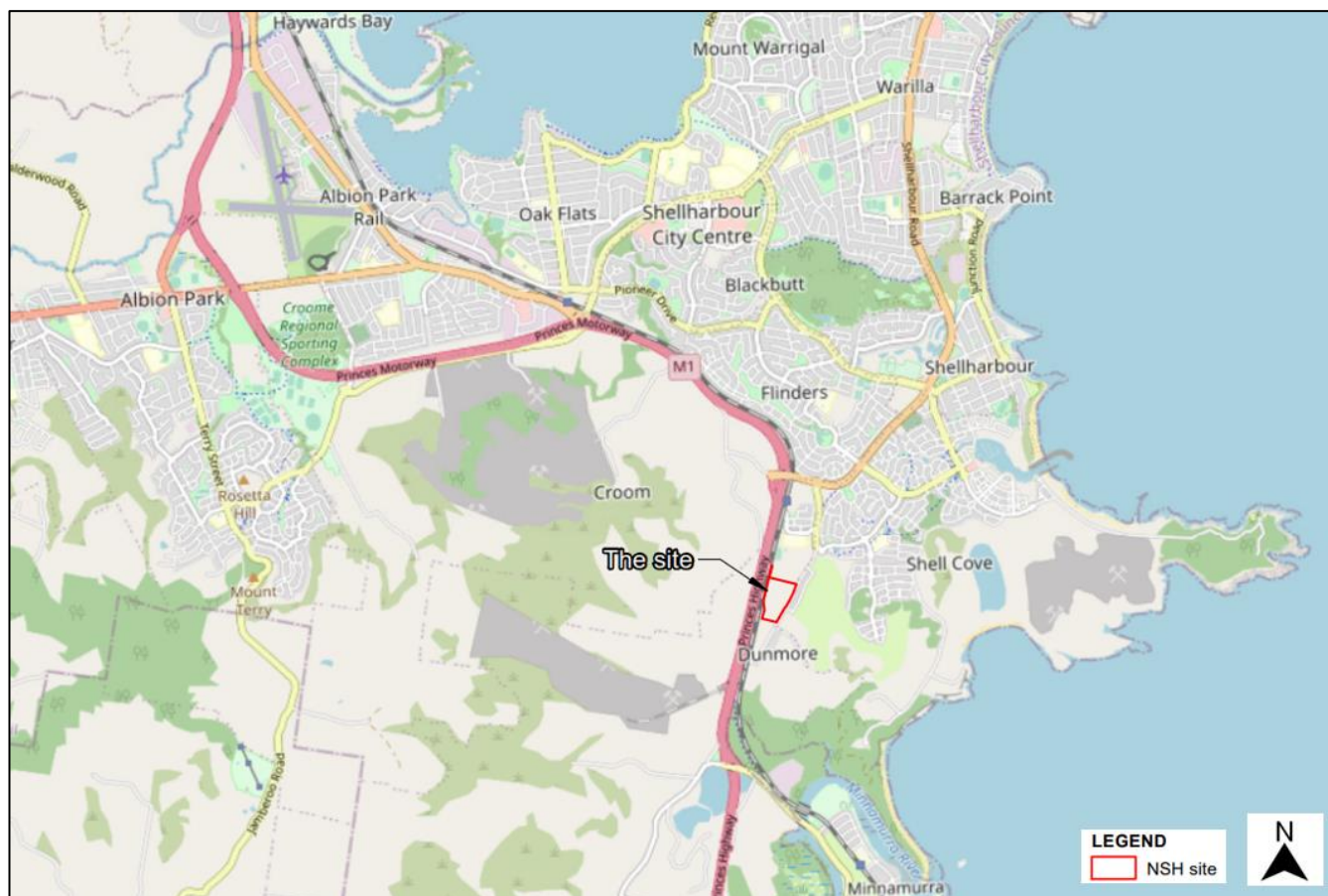


Figure 2 | Local context map (Source: EIS)

The site is legally described as Lot 10 in DP 1281639 and is located north-east of Dunmore, immediately east of the Princes Highway and the railway line, and south of Shellharbour. The site has an area of 10.56ha. The site generally slopes from the north-east corner with an elevation of approximately 32m Australian Height Datum (AHD) (or RL 32) to the south-west with the lower elevation being approximately 3m AHD (RL 3).

The indicative boundaries of the development site are identified in Figures 3 and 4. The site is largely cleared of vegetation and primarily supports grass cover (see Figures 5 and 6). Early works for demolition, site preparation, earthworks and the like have commenced on the site in accordance with the development consent (DA0606/2022) issued by Council for early works associated with this development (see Section 1.4).



Figure 3 | Subject site identified in red (Source: Nearmap)



Figure 4 | Aerial view of the site from the west (pre-early works) (Source: EIS)



Figure 5 | Existing site conditions (Source: DPHI)



Figure 6 | Existing site conditions (Source: DPHI)

Development surrounding the site includes:

- to the west: the site adjoins the Princes Highway and south coast railway line. Further to the west and south-west, on the opposite side of the Princes Highway, there is mineral resource land and extractive industries including Boral Hard Rock quarry, Boral Sand and Gravel extraction quarry and Hanson Quarry.
- to the south: adjoins a vacant site that is legally described as Lot 1 DP 302910 and owned by NSW Health. The development consent issued by Council under DA0606/2022 permits stockpiling of excavated material (see **Figure 7**) from the subject site.
- to the east: residential land containing predominately single dwellings (see **Figure 8**). Further to the east is The Links Shell Cove golf course.
- to the north: immediately adjoining the site to the north is vacant land. Further to the north is the Shellharbour Anglican College school and single dwellings beyond as part of a recent residential subdivision.

Dunmore waste/recycling facility is south-east of the site at the eastern end of Buckleys Road and Shellharbour Junction Railway station is approximately 800m to the north.

The hospital site is mapped as bush fire prone land and is wholly classified as Category 3 Vegetation, with a surrounding Bush fire Prone Land Buffer. The low-lying portion of the site, along the western boundary, is identified as being subject to flooding resulting from overland flow of stormwater and is also mapped as potential acid sulfate soils.

A State listed heritage item 1023 – Shellharbour Railway Station Group is located approximately 300m south-west of the site (see **Figure 9**). Items of Aboriginal cultural heritage has been previously recorded on discrete parts of the site. Salvage and management of this material has already occurred under a separate scope of works and an Aboriginal Heritage Impact Permit (AHIP).



Figure 7 | Stockpiling on vacant site that is directly south of the subject site (Source: DPHI)



Figure 8 | Residential dwellings to the east, on the opposite side of Dunmore Road (Source: DPHI)



Figure 9 | State listed heritage item 1023 – Shellharbour Railway Station Group (Source: DPHI)

1.3 Project background

In September 2020, the NSW announced a funding package to build a new state-of-the-art greenfield hospital for the Shellharbour region to deliver new and improved health facilities for the Illawarra Shoalhaven Local Health District (ISLHD) to meet the needs of the growing community. Following due diligence, site investigation and negotiation with relevant parties, NSW Health completed acquisition of the subject site (and the adjoining southern lot) in June 2022.

The Applicant has advised that the broader New Shellharbour Hospital and Integrated Services project involves a series of service relocations and construction of a new hospital on a greenfield site to achieve the following overall project objectives:

- enhance the safety and quality of health care services for the entire ISLHD.
- improve access to health services for the Southern Illawarra community.
- enhance the patient continuum of care to achieve better health and well-being outcomes.
- enhance the sustainability of health care services across the ISLHD.

- provide accessible and fit-for-purpose facilities, where people need them, to meet the requirements for the practice of contemporary models of care.

1.4 Related projects and works

Site preparation early works – DA0606/2022

On 24 March 2023, Council approved DA0606/2022 for demolition of existing buildings, removal of 14 trees, construction of temporary access road, remediation of contaminated land, and bulk earthworks including ancillary works such as rock crushing. This approval relates to both Lot 10 DP 1281639 (subject site) and Lot 1 DP 302910 (adjoining vacant lot to the south). The approved scope of works specifically incorporates:

- demolition of existing buildings/ structures and redundant powerlines.
- removal of the limited trees/ vegetation from within the site.
- localised remediation in accordance with a Remediation Action Plan (RAP).
- establishment and use of an internal construction access road, connecting to Dunmore Road.
- bulk earthworks.

DA0606/2022 was modified by Council on 10 August 2023, to allow for the stockpiling of the excavated spoil material on Lot 1 DP 302910.

An Aboriginal Heritage Impact Permit (AHIP) has also been received from NSW Heritage to facilitate the above works on Lot 1 DP 302910.

2 Project

2.1 Project overview

The key aspects of the project are provided in detail in Chapter 3 of the EIS and are outlined in Error! Reference source not found..

Table 1 | Key aspects of the project

Aspect	Description
Project summary	Construction and operation of a new hospital, including landscaping, internal roads and access, at-grade and multi-deck car parking, signage, utility/service connections and supporting infrastructure.
Demolition	The application does not seek consent to undertake any demolition works on the site, noting that site preparation works required to facilitate the new hospital (the subject of this application) have been approved by Council under DA0606/2022 (as amended) and have been commenced.
Built form and design	<ul style="list-style-type: none">• Construction of a new seven storey hospital building with rooftop plant, with a maximum height extending to RL38.63. The proposed hospital is an irregular shaped building and would incorporate:<ul style="list-style-type: none">○ an emergency department, medical imaging, pathology, ambulatory care, retail facilities including pharmacy, workspace, conference space, IPU, rehabilitation, renal, plant and front/back of house facilities.○ a two storey component at its southern end containing mental health facilities.• Construction of a multi-deck carpark at the northern end of the site that would incorporate:<ul style="list-style-type: none">○ a total of 500 car parking spaces○ up to six storeys with both visitor parking and a designated allocation for staff only.○ rooftop solar panels.○ at-grade car parking section on its western side.○ varied external materials and finishes including lightweight metal cladding and louvres, fibre cement, concrete, angled façade panels and painted finishes.• Construction of at-grade car parking areas that would incorporate:<ul style="list-style-type: none">○ a total of 500 car parking spaces

Aspect	Description
	<ul style="list-style-type: none"> ○ a tiered at-grade visitor carpark north-east of the hospital building. The carpark would be built to respond to the slope of the land, comprising landscape batters. ○ at-grade overflow and staff carpark south of the main hospital building and adjacent to emergency.
Site area	10.56ha
Gross floor area (GFA)	39,452sqm
Access	<ul style="list-style-type: none"> • The primary public access point from Dunmore Road would incorporate a new roundabout entry serving the main entry drop-off, open parking and multi-deck parking access. • A service access road is proposed aligned with the northern boundary, connecting to the loading dock to the west. • A third access point providing emergency ambulance and police access, together with public emergency access is provided at the southern end of the site, off Dunmore Road. • A main pick-up and drop-off loop is provided at the hospital's main entry, catering for six car spaces. Additional drop-off locations are also provided to the emergency department and mental health unit.
Car and bicycle parking	<p>A total car parking supply of 1,000 on-site spaces is proposed via a combination of multi-deck and at-grade parking facilities. This comprises 639 staff spaces, one Visiting Medical Officer (VMO) space, 21 fleet car spaces and 339 public spaces. A range of other public set-down/pick-up and logistics parking spaces are also provided at strategic locations within the site. The on-site vehicle parking provision also includes 30 accessible spaces, 20 spaces fitted with electric vehicle (EV) charging facilities and 39 motorcycle parking spaces.</p>
Public domain and landscaping	<ul style="list-style-type: none"> • The proposal includes external road and public domain works. The proposed upgrade works to Dunmore Road and construction of connections/intersections incorporate: <ul style="list-style-type: none"> ○ the existing intersection (roundabout) at Shellharbour Road/Dunmore Road upgraded to signals (traffic lights). ○ upgrade of Dunmore Road and associated works, including widening/alignment adjustments, turning lane additions, service relocations (as required), pathway connections, and incorporation of a bus bay. ○ creation of an intersection and turning lanes for the northern service access road. ○ a primary public access point from Dunmore Road with a new roundabout entry intersecting Dunmore Road and Birun Lane.

Aspect	Description
	<ul style="list-style-type: none"> ○ a third access point intersection providing emergency access further south along Dunmore Road. • New site landscaping throughout, including a 22 per cent tree canopy concentrated within the proposed parking and open landscape areas of the site in recognition of the need to manage bushfire measures on site.
Hours of operation	24 hours per day, seven days a week.
Signage	A number of illuminated and non-illuminated signs are proposed of various sizes. These signs are predominately for building identification and wayfinding purposes.
Jobs	<ul style="list-style-type: none"> • 1,300 construction jobs. • 1,168 full-time equivalent (FTE) operational jobs.



Figure 10 | Aerial 3D depiction of the proposed development (Source: EIS)



Figure 11 | 3D depiction of proposed emergency entry (Source: EIS)

2.2 Physical layout and design

The external envelope of the hospital building is an irregular shape with an arrangement of ‘wings’ jointed with a common service and access spine to minimise the apparent building length. The design responds to the natural topography of the site by incorporating a change of levels to step down towards the south and sit within a landscaped setting. The hospital building is setback 51m from the eastern (Dunmore Road) boundary, with the mental health wing setback approximately 44.7m. The proposed project layout is shown in Figure 12 below.

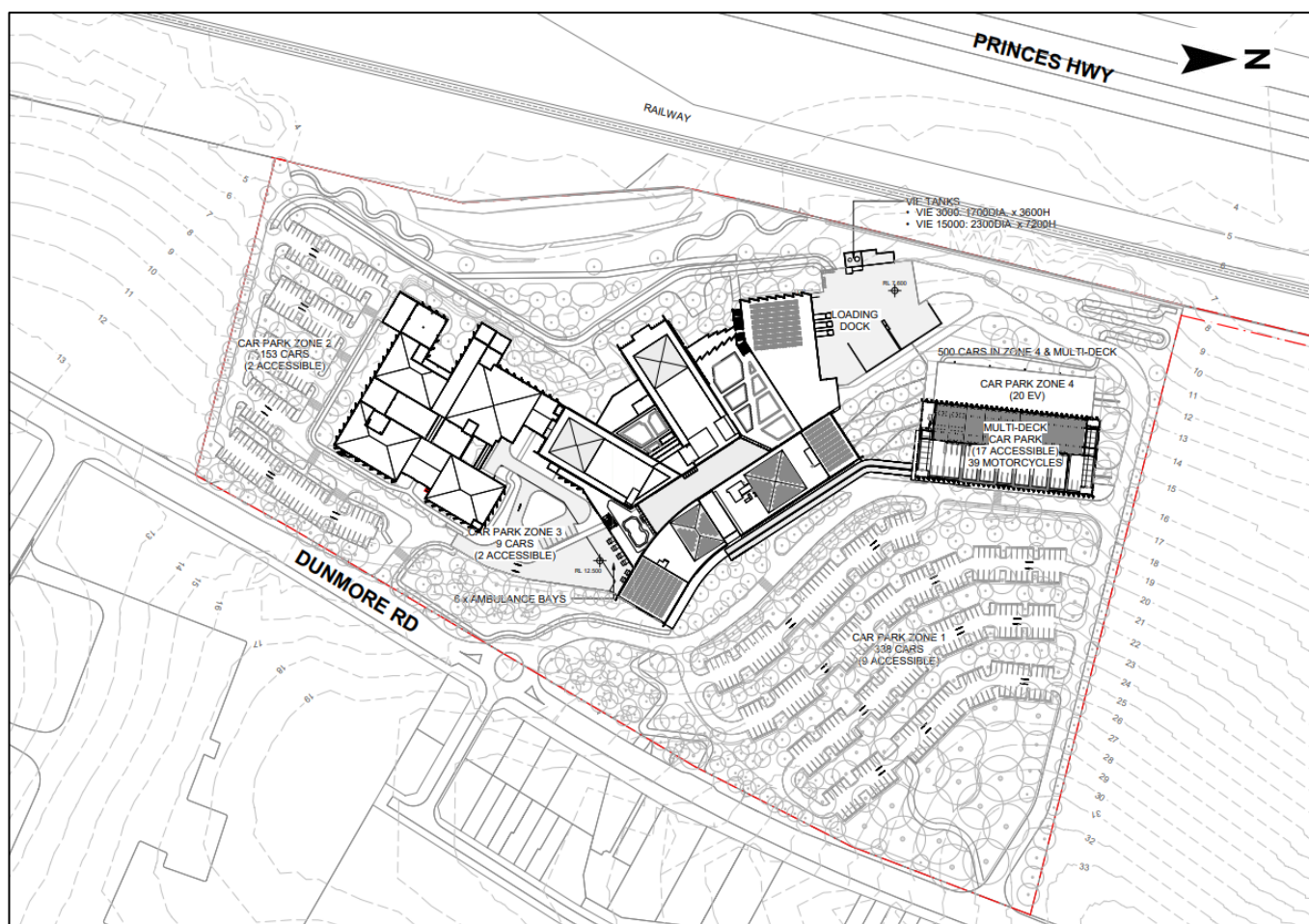


Figure 12 | Site layout plan (Source: EIS)

2.3 Uses and activities

The proposed New Shellharbour Hospital would provide new health services facilities including emergency department, rehabilitation, renal dialysis, medical imaging, pathology, ambulatory care, retail facilities, pharmacy, workspace, conference space, In Patient Unit (IPU), front/back of house facilities and plant. The facilities would accommodate 1,168 FTE jobs during operation. The proposed operating hours are 24 hours per day, seven days a week.

2.4 Timing and sequencing

The proposed development is expected to commence construction in Q3 2024 and be completed by Q4 2027. Construction would be delivered in a single stage but over a number of phases. The indicative phases are identified as follows:

- Early works (completed separately under different scopes and approvals) including underground high-voltage dual feeder cable, pad-mount substation kiosk and bulk earthworks (5-7 month duration). (Not the subject of this application)

- Structure and foundations (7-9 month duration).
- Façade (5-8 month duration).
- Internal fit-out and finishes (7-9 month duration).
- External landscaping works (5-7 month duration).
- Commissioning and handover (4-5 month duration).

3 Strategic context

3.1 Key strategic issues

The project is largely consistent with the strategies, plans and policies outlined in Error! Reference source not found. 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
NSW Premier's State Priorities	Consistent	The development would provide new and improved health facilities.
Illawarra Shoalhaven Regional Plan 2041	Consistent	The development would deliver new health infrastructure to plan for growth and change, create jobs and reinforce Shellharbour as a Regional Centre.
Transport for NSW's Future Transport Strategy 2056	Consistent	The development would provide a new facility in an accessible location and provide access to new employment opportunities close to public transport.
Infrastructure NSW's State Infrastructure Strategy 2022-2042	Consistent	The development would provide investment in health infrastructure and would enable more complex and higher volumes of services to be delivered.
Council's Local Strategic Planning Statement	Consistent	The proposal would align with development and growth with supporting health infrastructure (Planning Priority 5) and support community wellbeing with social infrastructure (Planning Priority 4).

The existing Shellharbour Hospital was opened in 1986 and is situated in the suburb of Mt Warrigal, approximately 25km south of Wollongong Hospital. The EIS details that the existing hospital has significant functionality issues and is no longer able to expand and adapt to meet the future health care needs of the community. In addition, the misalignment of sub-acute beds across the local health district has contributed to inequitable access to health services, limits the delivery of optimal service models and contemporary models of care, placing unsustainable service delivery demands at Wollongong Hospital.

Given the identified capacity and development constraints at the existing Shellharbour Hospital and health care needs within the local health district, the NSW Government announced in late 2020

more than \$700 million funding commitment to the New Shellharbour Hospital and Integrated Services (NSH&IS) Project, including a new greenfield site for a new Shellharbour Hospital. A public Site Identification process followed, seeking submissions from local landowners, and after detailed assessment, in May 2021 the NSW Health Minister announced the site at 86 Dunmore Road, Dunmore as the preferred location for the new hospital.

The Department also had regard to the findings of the NSW Flood Inquiry, which was commissioned by the NSW Government in March 2022 to examine and report on the causes of, planning and preparedness for, response to and recovery from the 2022 catastrophic flood events. The Inquiry was handed down on 29 July 2022 and recognised that urgent action is required to enable immediate improvements in the way NSW prepares for, responds to and recovers from events of the magnitude of the 2022 floods.

The Inquiry made 28 recommendations for change. The Government response supports all 28 recommendations, either in full (six recommendations) or in principle, with further work required on implementation (22 recommendations).

The Government's response to Recommendation 28 is relevant to essential services such as health facilities. Government's response to Recommendation 28 states in part that to minimise disruption to essential services that Government ensure hospitals are situated above the probable maximum flood (PMF) level.

The Department has had regard to the Inquiry and Government response in its assessment of the suitability of the site and matters of public interest with respect to flooding in **Section 6.4**.

4 Statutory context

4.1 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought and the permissibility of the project are provided in Error! Reference source not found. below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	<p>State significant development</p> <ul style="list-style-type: none">The project is declared SSD under section 4.36 of the EP&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 a 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 Act, and the proposed development is specified under clause 14 of Schedule 1 of the Planning Systems SEPP.
Consent authority	<p>Minister for Planning and Public Spaces</p> <ul style="list-style-type: none">The Minister is the consent authority under section 4.5(a) of the EP&A Act.
Decision-maker	<p>Director, Social Infrastructure Assessments</p> <ul style="list-style-type: none">In accordance with the Minister for Planning and Public Spaces' delegation to determine applications, dated 9 March 2022, the Director, Social Infrastructure Assessments may determine the application as:<ul style="list-style-type: none">Council has not made an objection to the application.there are less than 15 public submissions objecting to the application.a political disclosure statement has not been made for the application.
Permissibility	<p>Permissible with consent</p> <ul style="list-style-type: none">The site is located within the R2 – Low Density Residential zone under Shellharbour Local Environmental Plan 2013 (SLEP). Health services facilities are a prohibited form of development in the R2 – Low Density Residential zone under SLEP 2013. However, health services facilities are permissible with consent in the R2 – Low Density Residential Zone under Division 10 of State Environmental Planning Policy (Transport and Infrastructure) 2021, which prevails over any

Consideration	Description
	inconsistency with SLEP 2013). Therefore, the Minister for Planning and Public Spaces (or a delegate) may determine the carrying out of the development.

4.2 Other approvals and authorisations

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*.

Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD and SSI. This is because all relevant issues are considered during the assessment of the SSD application.

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.

The Department has consulted with and considered the advice of relevant government agencies responsible for these other authorisations in its assessment of the project (see **Section Error! Reference source not found.** and **Section Error! Reference source not found.**). Suitable conditions have been included in the recommended conditions of consent (see **Error! Reference source not found.**).

4.3 Planning Secretary's environmental assessment requirements

The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 6 April 2023 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

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 **Error! Reference source not found.** below.

Table 4 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix C & Appendix D
EP&A Regulation	Appendix C
Likely impacts	Section Error! Reference source not found. - Assessment
Suitability of the site	Section Error! Reference source not found. - Project background, Section Error! Reference source not found. - Strategic Context and Section Error! Reference source not found. - Assessment
Public submissions	Section Error! Reference source not found. - Engagement & Section Error! Reference source not found. - Assessment
Public interest	Section Error! Reference source not found. - Engagement, Section Error! Reference source not found. - Assessment & Section Error! Reference source not found. - Evaluation

4.4.2 Objects of the EP&A Act

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 C**.

As a result of the analyses in **Appendix C**, 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

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*).

The EIS included a BDAR (see Error! Reference source not found.). The BDAR and the overall impact of the project on biodiversity values is assessed in Section Error! Reference source not found..

5 Engagement

5.1 Exhibition of the EIS

5.1.1 Public exhibition of the EIS

After accepting the EIS, the Department:

- publicly exhibited the project from Friday 15 September 2023 until Thursday 12 October 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 Council.

5.1.2 Summary of advice received from government agencies

The Department received advice from 10 government agencies and two utility providers on the EIS. A summary of the agency advice is provided in Table 5 below. A link to the full copy of the advice is provided in Appendix B.

Table 5 | Summary of agency advice

Agency	Advice summary
Transport for NSW (TfNSW)	<p>TfNSW advised that:</p> <ul style="list-style-type: none">shared pedestrian and cycling links to and from the hospital site should be implemented.clarification is required regarding the location of the bike storage facilities. Electric vehicle (EV) charging stations should be incorporated into the development rather than be retrofitted.the proposed bus stop at the front of the site along Dunmore Road is too far removed from the main entrance to the hospital, resulting in a disincentive to utilise the service. It is suggested that the bus shelter be located adjacent to the foyer of the hospital in proximity to the vehicle drop off area.a final Green Travel Plan (GTP) needs to be further developed and finalised prior to occupation of the new hospital.

Agency	Advice summary
	<ul style="list-style-type: none"> the current roundabout at Shellharbour Road and Dunmore Road is required to be upgraded to signalised traffic lights to assist in mitigating the traffic impacts of the development. an Emergency Management Plan is required to demonstrate how emergency vehicles will safely access the hospital. appropriate directional signage for the new hospital would be required to be installed within the surrounding road network and is required to be approved by TfNSW.
Biodiversity Conservation and Science Group	<p>The Department's then Biodiversity and Conservation Division (BCD) advised that:</p> <ul style="list-style-type: none"> there is limited potential for the development to affect flood behaviour and the proposed floor levels and supporting infrastructure are approximately two metres above the Probable Maximum Flood (PMF) level. Nevertheless, further advice from the NSW State Emergency Service (SES) should be sought regarding any issues associated with flood emergency management and access to the hospital in the event of a major flood. the proposal may have an adverse impact on water quality in the Minnamurra Catchment, mainly on Rocklow Creek. Accordingly, the Minnamurra Coastal Zone Management Plan objectives and action 5.4.2 of the Illawarra Regional Plan 2041 should be considered. Further, more stringent pollution reduction targets should be incorporated to ensure adverse water impacts are adequately managed. the Biodiversity Development Assessment Report (BDAR) should: <ul style="list-style-type: none"> clarify why PCT 3962 (Coastal Floodplain Phragmites Reedland) needs to be cleared and explain why the development could not be designed to avoid the vegetation. adopt the ecological aspects of the landscape strategy (as described in Appendix H of the EIS – New Shellharbour Hospital Landscape Design Report) as mitigation measures. investigate options for improving habitat connectivity within and adjacent to the site to enhance connectivity within the local area, in particular the Dunmore-Minnamurra Regional Biodiversity Corridor. the conditions of consent should require that one biodiversity credit be offset for the development in accordance with the Biodiversity Credit report provided in Appendix D of the BDAR.
Sydney Trains	<p>Sydney Trains did not object to the proposal and recommended various conditions of consent to protect rail land, assets, operations and to ensure a safe and reliable rail service.</p>

Agency	Advice summary
Civil Aviation Safety Authority (CASA)	CASA advised that they did not object to the proposal noting that the site is approximately six kilometres from the Shellharbour Airport.
NSW Department of Primary Industries – Agriculture (NSW DPI)	<p>NSW DPI advised that they did not object to the proposed hospital on R2 – Low Density Residential zoned land. The following suggestions were made in order to assist in reducing any potential land use conflicts with surrounding RU2 Rural Landscape zoned land in the future:</p> <ul style="list-style-type: none"> managing traffic in the construction and operation phases of the hospital to ensure that access to the RU2 zoned land adjacent is maintained and suitable for any primary production activity that occurs on that land. ensuring that the parking proposed is sufficient for all vehicles generated by the hospital, to avoid any spill over onto surrounding RU2 zoned land. ensuring hospital patrons do not trespass onto the adjacent RU2 zoned lands potentially used for primary production purposes.
NSW Rural Fire Service	NSW Rural Fire Service did not object to the proposal and advised that the Bush Fire Assessment Report adequately addresses the requirements of Planning for Bush Fire Protection 2019.
NSW SES	<p>The NSW SES did not object to the proposal and noted the following:</p> <ul style="list-style-type: none"> there are no significant concerns regarding the proposed development. The proposal has considered the main principles from the Flood Risk Management Manual and supporting tool kit as well as the recommendations of the NSW Independent Flood Inquiry 2022, with the critical infrastructure above the PMF level and access and egress maintained up to and including a PMF.
NSW Fire and Rescue (FRNSW)	<p>NSW Fire and Rescue stated that, given the size and complexity of the proposed development, and to ensure that first responders have information readily available, three recommendations are made as follows:</p> <ul style="list-style-type: none"> that safe, efficient, and effective access is provided in accordance with FRNSW fire safety guideline – Access for fire brigade vehicles and firefighters. that an Emergency Plan is developed for the site in accordance with Hazardous Industry Planning Advisory Paper (HIPAP) No 1.

Agency	Advice summary
	<ul style="list-style-type: none"> that an Emergency Services Information Package (EISP) be prepared in accordance with FRNSW fire safety guideline – Emergency services information package and tactical fire plans.
Heritage NSW	<p>Heritage NSW, as delegate of the Heritage Council, did not object to the proposal, however made the following comments:</p> <ul style="list-style-type: none"> the site is located near the State Heritage Register (SHR) item Shellharbour Railway Station Group (SHR no. 01245), Illawarra Railway in Dunmore. The Shellharbour Railway Station is of historical significance for its rare awningless 1887 platform building and other early surviving structures of the Illawarra line. It is of aesthetic significance for its open setting affording views to the Illawarra escarpment, and for its collection of early weatherboard buildings and platforms. the Statement of Heritage Impact (SoHI) should be accompanied by additional photomontages to clearly illustrate the visual impacts of the proposed development. the management measures (as set out in the SoHI) to avoid and minimise impacts are generally supported but should be expanded to include a landscaped buffer around the development in keeping with the setting of the area.
Heritage NSW – Aboriginal Cultural Heritage (Heritage ACH)	<p>Heritage NSW (ACH) did not object to the proposal, however made the following comments:</p> <ul style="list-style-type: none"> site preparation and bulk earthworks do not form part of the SSD application but form part of DA0606/2022, approved by Council on 24 March 2023 (modified 10 August 2023). Aboriginal Heritage Impact Permit (AHIP) #4660 was issued over Lot 10 DP1271639 in relation to a previously approved residential development. Under agreement with the AHIP holder, early works approved under DA0606/2022 are to be conducted under the provisions of AHIP #4660. This includes archaeological salvage excavations, which were completed in December 2022. the EIS and the project ACHAR include a recommendation that an Aboriginal Cultural Heritage Management Plan (ACHMP) be prepared. The recommendations specify that (amongst other matters), the ACHMP should include a requirement to review the approved early works impacts against project design to identify whether disturbance of previously unimpacted soil profiles is required and to provide mitigation and management requirements should this be the case. This comparison must be completed prior to determination of the subject SSD to inform the assessment of harm to Aboriginal objects from the project. evidence of the provisions of the draft ACHAR to all Registered Aboriginal Parties is required.

Agency	Advice summary
	<ul style="list-style-type: none"> the AHIMS search supplied in Appendix E.1 of the ACHAR was completed in March 2023 and therefore does not satisfy the requirement to have completed an AHIMS search no more than 12 months prior to report finalisation.
Sydney Water	Sydney Water advised that they do not object to the proposed development and recommended conditions of consent.
Endeavour Energy	Endeavour Energy raised no concerns regarding the proposed development.

5.1.3 Summary of council submission

Council did not object, however provided comment on the proposal. A summary of the issues raised by Council is provided in Table 6 below and a link to all submissions in full is provided in **Appendix B**.

Table 6 | Summary of issues raised by Council

Shellharbour City Council	
Pedestrian access	<ul style="list-style-type: none"> considered that pedestrian access to and from the hospital should be enhanced, including the future pedestrian link to Shellharbour Junction Railway Station, pedestrian refuge areas and provision of a shared pathway along the western side of Dunmore Road along the site's frontage.
Traffic and Vehicular access	<ul style="list-style-type: none"> queried whether the primary access point would be the most used access point, given the northern access point will be the first encountered driving to the site southbound along Dunmore Road from the main population. noted the intersection upgrade of Dunmore Road and Shellharbour Road would form a condition of consent requiring the intersection to be completed before the opening of the hospital. noted that Council's preferred option to access the site would be via a grade separated interchange from the Princes Motorway, across the railway line into the hospital. identified a lack of commentary in the SSD application, in particular the Traffic Impact Assessment and Construction Management Plan in relation to impacts on Shellharbour Anglican College during construction and operation.

**Shellharbour City
Council**

	<ul style="list-style-type: none"> sought the provision of increased on and off-street parking, including angled parking (45-degree) along the Dunmore Road frontage for its entire length as well as the remedy of existing failed/failing section of Dunmore Road to enable the anticipated increase in traffic movements.
Amenity	<ul style="list-style-type: none"> the Noise and Vibration Assessment does not include any mitigation measures for operation beyond building material recommendations for the hospital.
Bulk earthworks – current development consent on the subject site	<ul style="list-style-type: none"> noted that Council has approved bulk earthworks on the subject site which also involves the stock piling of material on the adjoining site to the south. The conditions of consent in the relevant DA approval requires the stock piling on the adjacent site to be removed prior to the operation of any future health services facility. Council recommended that similar conditions are imposed.
Water Quality – Sediment and Erosion Control and Water Sensitive Urban Design (WSUD)	<ul style="list-style-type: none"> advised that water quality measures must be built in to ensure there is no impact from run off generating by the development through the treatment of suspended solids, phosphorus and nitrogen in accordance with industry standards. The use of oil water separators or SPEL puraceptors (or similar) devices should also be considered for the stormwater catchments containing the large areas of car parking.
Nearby residential subdivisions	<ul style="list-style-type: none"> noted that Council has received Development Applications for the residential subdivision of the adjoining land to the north of the subject site, as well as the land on the south-eastern side of the intersection of Dunmore Road and Shellharbour Road. Council considered that these subdivision proposals should be included in the traffic modelling and acoustic assessments for the proposed development.
Social impacts	<ul style="list-style-type: none"> noted that the proposed new hospital will have an array of positive impacts for the community including service provision, employment and proximity to public transport. recommended consideration of other factors including safe pedestrian connections, increased traffic and visual impacts, provision of key worker housing and design of landscaped areas for overall wellbeing,
Community Protection through Environmental Design (CPTED),	<ul style="list-style-type: none"> noted that the landscaping design across the site should conform to the principles of CPTED.

Shellharbour City Council

Lighting, access control and environmental maintenance	<ul style="list-style-type: none"> noted that a lighting strategy should be provided which considers relevant factors to optimise crime prevention. recommended that wayfinding signage and building identification signage be provided where appropriate to reinforce perceptions of safety and legibility in the development. recommended that anti-graffiti measures be implemented.
Accessibility	<ul style="list-style-type: none"> noted that the recommendations within the submitted BCA and DDA should be addressed.

5.1.4 Summary of public submissions

The Department received 14 submissions¹ during the public exhibition period of the EIS, including 12 submissions from individuals, one from The Anglican Schools Corporation and one from Boral Limited. Five submissions objected to the project, three submissions supported the project and six provided comment. Further detail is provided in Error! Reference source not found. below and a link to all submissions in full is provided in Appendix B.

Table 8 | Key issues raised in submissions on the EIS

Issue	Number of Submissions
Impact on Boral Quarry and Sand extraction industries operation <ul style="list-style-type: none"> A submission was received from Boral who broadly supported the proposal however some concerns are raised over the impact the hospital may have on the operations of the existing Dunmore Hard Rock Quarry Dunmore and Lakes Sand Extraction Project. Compatibility of the proposed development with mining, petroleum production or extractive industry - it was noted that the proposed development should be assessed in light of Section 2.19 of State Environmental Planning Policy (Resources and Energy) 2021 having particular regard to: 	One

¹ 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.

Issue	Number of Submissions
<ul style="list-style-type: none"> ○ potential noise and vibration impacts of blasting and other lawfully permitted activities on operation of the proposed hospital. ○ measures required to ensure that the ongoing operations at Dunmore Quarry and the Dunmore Lakes Sand Extraction Project will not negatively impact the proposed hospital's operations in such a way as to necessitate measures to curtail the quarry and project's operations. ○ surface water management to ensure post-development flows from the proposed development site through the Dunmore Lakes Sand Extraction Project site will not exceed pre-development flows. <p>These matters are discussed in further detail in Appendix C.</p>	
<p>Traffic impacts</p> <ul style="list-style-type: none"> • Concerns with the increase in traffic that would be generated by the proposed development and the capacity of the existing road network to cater with this increase. • Potential traffic conflicts and safety issues with existing land uses in the vicinity of the site. • The traffic modelling should include Shellharbour Anglican Catholic College student population growth and surrounding residential/planned subdivisions to be constructed. 	Six
<p>Adequacy of public transport</p> <ul style="list-style-type: none"> • Insufficient public transport options servicing the site. 	Three
<p>Design – vehicular access</p> <ul style="list-style-type: none"> • Suggestion that vehicular access to the hospital should be via a new access road from the Princes Motorway, across the railway line into the hospital at the southern end of the site, as an alternative to the proposed access off Dunmore Road. • Concerns with respect to the ability for emergency services vehicles to safely access the site from the M1 Princes Highway via Dunmore Road. • Concern that Dunmore Road already provides access to: Bass Point Quarry, The Links Shell Cove golf course, Shellharbour Anglican College 	Four

Issue	Number of Submissions
(with 40km/h school zone), Dunmore Waste and Resource Recovery Depot and Shell Cove and Shell Heights residential areas.	
Design – pedestrian access and pathways <ul style="list-style-type: none"> • A direct pedestrian link from the hospital to Shellharbour Junction Train Station should be provided as part of the proposal to encourage use of public transport and improve pedestrian permeability. • Access to the proposed development will be an issue for people with poor mobility and low resources. 	Three
Location and site selection <ul style="list-style-type: none"> • The existing Shellharbour Hospital site will be used for high value housing development. • The existing hospital should be updated and expanded. • The existing site of the current hospital is more practical. 	Four
Hazard/risk screening <ul style="list-style-type: none"> • The Risk Screening report is inadequate and there are concerns as follows: <ul style="list-style-type: none"> ○ Proximity of VIE tank storage to the rail corridor and increased risk of fire and explosion from freight trains. ○ Risk of derailment of a freight train as a result of suicide attempts from patients leaving the inpatient facility. ○ Risk of freight trains carrying ethanol and risk of storing flammable gases within VIE tanks adjacent to the rail line. 	One
Biodiversity and water quality <ul style="list-style-type: none"> • The proposed development would cause impacts on water quality, in particular the Minnamurra River and estuary. 	Two

Issue	Number of Submissions
<ul style="list-style-type: none"> • Pollution of Minnamurra River estuary from groundwater and stormwater runoff. • Increased sedimentation and runoff into Rocklow Creek. • Proximity to coastal ecosystems containing mangrove forests, protected plant species and wildlife. • Proposed mitigation measures to reduce and minimise adverse environmental risks to the river and surrounding ecosystem are insufficient. • The proposed development will have a significant impact under the EPBC Act and should be referred to the Commonwealth Department of Climate Change, Energy, the Environment and Water. 	
Climate change <ul style="list-style-type: none"> • The proposed development will contribute to, if not accelerate, climate change. • Risks upon the coastal ecosystem with mangrove forests. 	One
Level and type of health care services proposed <ul style="list-style-type: none"> • Inadequate level of health care services in regional areas. • State of the art equipment and facilities should be provided. • Cardiology, paediatric, maternity and children's wards should be provided. 	Five
Provision of staff facilities <ul style="list-style-type: none"> • The hospital needs to provide adequate seating, outdoor staff areas and break-away spaces from the emergency department for the welfare of staff. 	Four
Internal road naming <ul style="list-style-type: none"> • Access roads should be named as per AS/NZS 4819-2011 Section 4.2.1(b). 	One
Need for a helipad <ul style="list-style-type: none"> • The hospital should include a helipad in the design. • Lack of a helipad will impact upon service delivery and emergency response capabilities for regional areas. 	Four

Issue	Number of Submissions
Inadequate ambulance bays <ul style="list-style-type: none"> The provision of six ambulance bays is insufficient. 	One
Concern over expenditure of tax payer money for this development in the location <ul style="list-style-type: none"> The location does not serve the ageing population of Shellharbour which is located 20 minutes north of the site. 	One

5.2 Response to submissions

Following the public exhibition period, the Department asked the Applicant to respond to the issues raised in submissions and the advice received from government agencies. The Applicant provided a submissions report to the Department on 18 March 2024 (see Error! Reference source not found.). The changes made to the project as part of the RtS are summarised as follows:

- the pedestrian pathway was increased to extend along the full length of the western boundary within the site, adjacent to the rail corridor.
- the length of the pedestrian pathway was increased further south for the full extent of the site frontage along Dunmore Road to provide improved pedestrian infrastructure.
- the architectural plans were updated to show the recommended acoustic screening treatments to the plant room and cooling towers.

The Department published the submissions report on the NSW planning portal and forwarded the submissions report to relevant government agencies and Council for comment on 18 March 2024.

5.2.1 Council and agency advise on the RtS

Council and four government agencies commented on the RtS. A summary of their advice is provided in Table 10 below.

Table 10 | Summary of Council and agency advice on the RtS

Council/agency	Summary of advice
Council	<ul style="list-style-type: none"> Considers that the provision of a shared pedestrian pathway connecting Shellharbour Junction Railway Station to the proposed hospital should be delivered as part of the proposal to encourage staff, patients and visitors to use public transport to access the site.

Council/agency	Summary of advice
	<ul style="list-style-type: none"> • Considers that the shared pathway along the western side of Dunmore Road should be extended to the southern part of the site frontage. • Noted that Dunmore Road should be reviewed for capacity and upgrade requirements given that it is the single access point for the proposed hospital. • Raised concerns with the current road configuration and the ability for emergency vehicles to safely access and egress the hospital. • Identified concerns with the traffic modelling assumptions. • Reiterated various matters raised in their initial submission and acknowledged that many of these have been addressed by the Applicant and/or form the basis of recommended conditions of consent.
TfNSW	<ul style="list-style-type: none"> • Considers that the provision of a shared pedestrian pathway connecting Shellharbour Junction Railway Station to the proposed hospital should be delivered as part of the proposal to encourage staff, patients and visitors to use public transport to access the site. • Raises concerns that the mitigation measure to upgrade the existing roundabout at the intersection of Shellharbour Road and Dunmore Road is identified as being the responsibility of TfNSW. • Considers that the SIDRA modelling does not properly illustrate how the proposed development is likely to impact on the existing roundabout at Shellharbour Road/Dunmore Road. • Identified concerns with emergency vehicle access and delays travelling to and from the hospital.
Heritage ACH	Stated that the additional information provided in the RtS has adequately addressed the previous concerns raised. Recommended conditions of consent were provided.
Heritage NSW	Stated that the proposed development would have an acceptable level of impact on views from the Shellharbour Railway Station Group (SHR ID#01245), provided there is appropriate landscaping and vegetation screening around the proposed development.
Biodiversity Conservation and Science Group	Stated that they were pleased with the proposed use of plant species from local native plant community types and confirmed that this should result in improvements to local habitat connectivity. No further concerns were raised.

5.3 Request for further information

On 8 April 2024 the Department asked the Applicant to provide further information to address comments raised in relation to the RtS from TfNSW and Council. The Applicant provided additional information in the form of a Supplementary Response to Submissions (SRtS). The following additional information was provided:

- a response to the issues raised by TfNSW and Council (as summarised in **Table 10**).
- a revised Acoustic Report, providing further assessment of the impact of the proposed development on the adjoining site to the north where a future residential subdivision is proposed.
- additional traffic assessment, primarily with respect to ambulance access to the hospital and the impacts of the development on the existing roundabout at Dunmore Road/Shellharbour Road.
- updated mitigation measures table, which states that the upgrading of the Shellharbour Road/Dunmore Road roundabout to a signalised intersection is beyond the scope of works covered by the hospital redevelopment and is the joint responsibility of NSW Health and TfNSW.

6 Assessment

6.1 Built form and urban design

Building siting, height and bulk

The site is zoned R2 – Low Density Residential and is subject to a maximum allowable floor space ratio (FSR) of 0.5:1 or 52,800sqm under the provisions of SLEP 2013. The proposed development has an FSR of approximately 0.37:1 or 39,452sqm and therefore complies.

Clause 4.3(2) – Height of buildings within SLEP 2014 applies to the site and states the following:

- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The Height of Buildings Map accompanying SLEP 2013 indicates a building height development standard of nine metres for the site. However, the above clause is put aside by the operation of clause 5.12 of the SLEP 2013 – Infrastructure development and use of existing buildings of the Crown, which states:

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2.*
- (2) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.*

The nine metre height control would restrict the carrying out of development by a public authority that is permitted to be carried out with development consent on the subject site. Accordingly, the height limit control does not apply in accordance with clause 5.12(1) of SLEP 2013. The proposed new hospital is a maximum of seven storeys and has a maximum height of approximately 33.6m (RL 38.63).

Whilst the development is not subject to a maximum height control, the Department acknowledges that the proposed hospital building and carpark would be taller than other existing buildings in the vicinity of the site, but considers the proposed scale of the proposed buildings would be acceptable as:

- the site is a large allotment and the design of the proposed hospital building and carpark is provided with significant curtilage with integrated landscaped. Accordingly, the hospital building is setback:
 - a minimum of 51m from the eastern (Dunmore Road) boundary and 44.7m for the mental health wing which is two storeys in scale.
 - 63.2m from the southern boundary (to the mental health wing).
 - over 100m from the northern boundary, with the multi-deck carpark setback approximately 20.4m.
 - 35.6m from the western boundary.
- the setbacks provide for a substantial separation from more sensitive residential interfaces and result in a suitably recessed and scaled development. Taller elements are generally located deeper within the site toward the centre and rear (southwest and west), being further away from the more sensitive interfaces to the north and east. The lower-scaled forms and presentation interface with Dunmore Road and the main site entry point, however, are still set back well within the site.
- a substantial landscaped setback is provided to the street (Dunmore Road) to contribute to an appropriate softening of the built form and provide a pleasant interface along the street frontage. Whilst the hospital building extends to seven storeys in height, it will read as being three to five storeys from the main frontage along Dunmore Road due to the changing topography of the land. Furthermore, the more pronounced and taller building elements are well setback from the Dunmore Road frontage and have an interface with the less sensitive rail and Princes Highway corridor (see Figures 13 and 14).



Figure 13 | 3D aerial depiction of proposed hospital looking west (Source: EIS)



Figure 14 | Landscaped interface at the hospital entry (Source: EIS)

Built form and design

Prior to the lodgement of the SSD application, the design of the building was guided by NSW Government Architect (GANSW) as part of the State Design Review Panel (SDRP) process. As part of its review of the proposal, the SDRP made the following key recommendations:

- the spatial layout and landscape design should be better integrated to ensure an emphasis of principles associated with Connecting with Country. The principles of healing the site and nourishing Country should be integrated meaningfully into the design.
- the design and presentation of the carpark structure at the northern end of the site should be expressed as “landscape” rather than built form.
- adjust internal room layouts (bed locations and orientation) wherever possible to facilitate views out to the landscape/escarpment.
- maximise the use of PV panels across the roof.
- reduce the length of the public atrium to create a pleasant space, reducing artificial lighting requirements and enhancing the arrival point.

Seeking to address the SDRP comments, at EIS stage the Applicant refined the design to:

- modify the atrium ends with a clear glass link, allowing the landscape to be better read from within the building.
- develop the landscape design through place creation and planting types to represent Connecting with Country interpretations.
- reconfigured the building entry to create a more substantial arrival garden immediately accessible from the welcome lounge and building entry.
- modify room layouts to maximise view availability and general outlook.
- increase the extent of PV cells.
- reduce the east-west dimension of the atrium and increase the overall extent of glazing.

During the assessment of the application, GANSW raised concerns with the lack of consistent footpath along Dunmore Road and the layout of the pedestrian path adjacent to the rail corridor on the western boundary. At RtS and SRtS stage, the Applicant addressed these concerns by extending the footpath for the full extent of the frontage along Dunmore Road and adjusting and extending the pedestrian path on the western side of the site.

The design of the development incorporates varied building scales, articulation and materials and finishes, which complement the landscape setting. The arrangement of the proposed hospital building in 'wings' effectively minimises the length of the building, restricting visual bulk and scale impacts for surrounding residential properties. The selection of external materials and finishes expresses the design intent and is considered to be responsive to the landscape setting of the site and surrounds. A range of external materials are sought to be used, comprising:

- coloured compressed fibre cement sheets with a dispersed colour pattern.
- high performance glazing, generally double glazed with external shading where appropriate.
- aluminium sections to window frames, louvres and plant openings.
- profiled prefinished metal sheeting to rooftop areas.
- stone elements to lower facades and within landscape features.

Overall, the Department is satisfied that the Applicant has provided an appropriate response to the issues outlined during the SDRP process as well as the additional comments provided by GANSW during the assessment of the SSD. As a result, the built form and design outcomes are appropriate and are supported.

Visual impacts

The EIS was accompanied by a Visual Impact Assessment (VIA) to assess the visual impacts of the proposed within the existing landscape character and surrounding residential context. A total of 17 regional, public domain, highway and representative private views were identified to be analysed as part of the VIA. Those locations in closest proximity to the site as shown in **Figure 15**. Only one representative view (that being dwellings opposite the site on Dunmore Road) was rated as experiencing a high impact, with all others ranging from negligible to low and moderate impacts.

The proposal's greatest impact is on views from locations representative of dwellings along Dunmore Road (V17). Most of these dwellings have first floor balconies and living spaces that take advantage of rural landscape outlook across the subject site. The proposed development would obstruct this existing landscape outlook to some extent; however, it will provide a generous landscaped setback which will provide a landscaped outlook itself. In these circumstances, it is difficult to expect or require retention of this outlook given that the subject site is currently void of any development and a typical compliant residential development would similarly result in an obstruct to the outlook.

The Department has considered the visual impacts of the proposed development and considers them to be acceptable. Overall, the proposal has been appropriately designed on the site to manage and mitigate visual impacts, which includes:

- taking advantage of the topography and using the change of levels to step the development down towards the south and appear to be sitting within the landscape.

- providing a substantial landscaped setback where, despite the building being up to seven storeys high, it reads as five storeys, with the highest forms well setback from Dunmore Road given the integration with the sloping topography.
- maximising the landscape and vegetation character to screen the development, increasing the tree canopy to 22 per cent.
- arrangement of the proposal in 'wings', which minimises the apparent length of buildings, particularly when viewed from the west and south.

incorporating varied building scales and articulation plus materials and finishes that complement the landscape setting.



Figure 15 | Extract of VIA analysis points (Source: EIS)

Amenity impacts

The Department has considered potential amenity impacts caused by the proposed Development, which are acceptable as detailed below:

Overshadowing – the EIS was accompanied by shadow diagrams which demonstrate that, due to the siting of the building and the orientation of north, the proposed development does not cast shadow beyond the site boundaries at any time of year between 9am and 3pm during the winter and summer solstice. Accordingly, there would be no solar access impacts to surrounding residential properties as a result of the proposed development.

Visual privacy – the proposed hospital building is concentrated at the western end of the site, well setback from the street frontage along Dunmore Road where impacts upon the surrounding area are minimised. The majority of views out of the building are long distance and are not anticipated to generate any adverse amenity impacts with respect to visual privacy.

Generally, the design of the hospital affords a high level of amenity within the building itself for future users and staff. In this regard, public circulation and waiting areas have large amounts of glazing. Inpatient bedrooms, patient lounges and staff rooms have access to daylight, many with extensive views over the region. Balconies are provided in various parts of the building for access to natural ventilation and relief from the clinical environment.

6.2 Landscaping and public domain

Landscaping

There is no tree removal sought under the subject application. Removal of 15 trees from the site was approved by Council under DA0606/2022, that being an early works application for site preparation and bulk earthworks. The proposed landscape design for the site incorporates:

- rehabilitation of flora and fauna across the site.
- a significantly higher percentage of tree canopy cover. The tree canopy proposed is 22 per cent, which is influenced by the building and carpark footprints, bush fire requirements and tree canopy separation to slow the spread of fire and allow for grassland and shrub layers to develop. The new tree canopy extent has been achieved within the parking and open landscape zones to provide amenity, integration with the surrounding rural background, and to reduce the urban heat island effect and maintain comfort.
- formal garden areas, courtyards and rooftop plantings/gardens.
- incorporated pedestrian pathways constructed from a mixture of concrete, turf and stabilised gravel.
- buffer plantings along the site boundaries. This includes a landscaped buffer along the southern boundary, consistent with the agency advice from Heritage NSW to include screen planting to mitigate impacts on view lines to and from the Shellharbour Railway Station Group which is a State heritage item.

- a deep landscaped interface immediately adjacent to the frontage along Dunmore Road. This creates an appropriate softening of the built form and contributes to the local character of the area.
- tree planting throughout the car parking areas for shade and cooling.

Overall, the proposed landscaping serves a variety of functions including an outlook for the hospital buildings, clinical spaces for the use of clients and staff and ground level open space that is open to the broader community and health precinct. The landscaping design will aid in creating a more welcoming and less institutionalized feel, encouraging engagement with the hospital and its services. A quality, locally appropriate, attractive, green and accessible public domain and landscape design would be achieved. During the SDRP reviews, the Panel generally supported the proposed landscape scheme subject to minor refinements which have generally been undertaken by the Applicant as noted in Section 6.1 of this report.

An extract of the Landscape Plan is shown in Figure 16 below.



Figure 16 | Landscape Plan (Source: EIS)

Public domain works

The proposal incorporates a new footpath at the front of the site on the western side of Dunmore Road, which will connect to internal footpaths within the site to provide ease of access for pedestrians. As discussed in Section 6.2, a new bus stop is proposed north of the main access road along Dunmore Road.

As part of the SRtS, the Applicant has agreed to undertake some of the requested public domain work identified by Council, including:

- removal of the pedestrian refuge at the northern end of the site on Dunmore Road and replacement with appropriate line-marking.
- extension of the shared pathway along the western side of Dunmore Road to the southern part of the site.

The public domain works outlined above would improve pedestrian movement, connectivity and legibility within the hospital and are supported by the Department.

The information provided with the EIS outlines the potential for the creation of a shared pedestrian path to facilitate direct access from Shellharbour Junction Railway Station to the hospital. The indicative pedestrian path is shown in Figure 17 below.

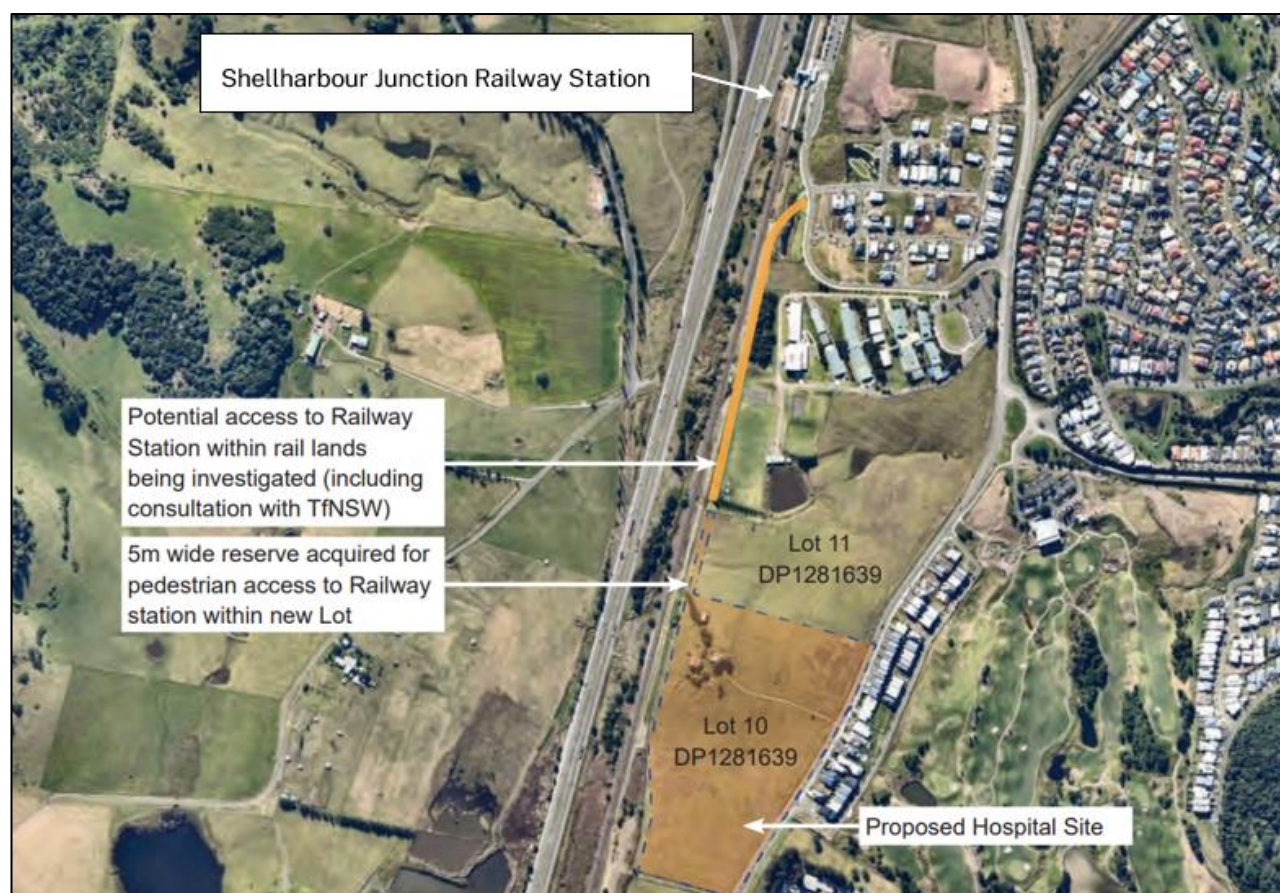


Figure 17 | Indicative pedestrian pathway (Source: EIS)

In their EIS submissions, TfNSW, Council and some public submissions expressed that a shared path connection to the train station should be in place prior to the opening of the hospital.

The landscape plans provided show pathway connections (see Figure 18), within the subject site, in the north-western corner, which has the ability to create a logical connection to a future path outside of the subject site.

The Department considers that the opening of a shared path from the hospital all the way through to Shellharbour Junction Train Station at the time of opening of the hospital is a desirable link that would promote the use of active and public transport, influence both staff and visitor behaviour by supporting mode shift away from private vehicles and ultimately reduce congestion on the surrounding road network. Accordingly, a condition of consent has been recommended that restricts the hospital from commencing operation until a shared pathway from the hospital to Shellharbour Junction Train Station is constructed and available for use.



Figure 18 | Site plan extract showing extent of pathway proposed within the subject site (within red clouded area) (Source: EIS)

6.3 Traffic, transport and parking

A Transport and Accessibility Impact Assessment (TAIA) was submitted as part of the EIS, incorporating a Preliminary Construction Traffic Management Plan (CTMP) and draft Green Travel Plan (GTP), which considers the existing road and pedestrian connections, predicted construction and operational impacts, transport mode share and sustainable transport measures.

Access

The site has a single frontage to Dunmore Road to the east, which is a collector road. Dunmore Road has one travel lane in each direction set within a 12m wide carriageway connecting to Shellharbour Road to the north and terminating at the rail corridor to the south. The proposed development incorporates three vehicular access points off Dunmore Road (see Figure 19) which would provide for both separate and shared access arrangements for all user groups (staff, visitors, emergency and service vehicles).

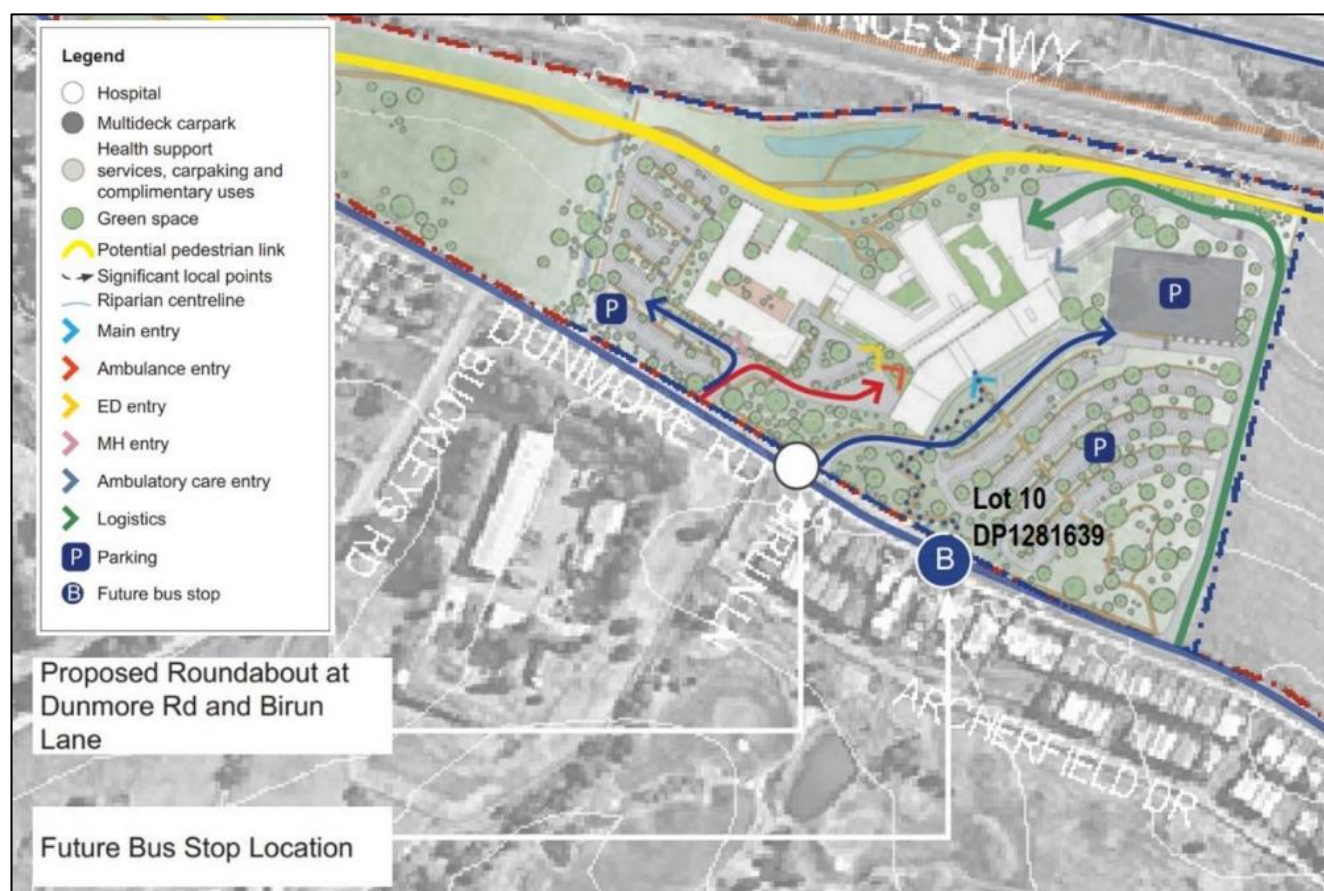


Figure 19 | Proposed access layout (Source: EIS)

The main vehicular access point is proposed opposite Archerfield Drive and at the southern end of the existing residential dwellings and include the provision of a roundabout. The roundabout is proposed to ensure that the public bus servicing the hospital can do a U-turn and access the future bus stop on the western side of Dunmore Road. The main internal road has been designed to accommodate all vehicles up to a standard minibus. Vehicles are able to circulate to access the tiered at-grade carpark or enter the multi-deck carpark. Internal connections also ensure appropriate recirculation avoiding the need for circuitous travel paths across the site, or along Dunmore Road. The multi-deck carpark and tiered at-grade carpark have been designed to ensure accessible paths of travel where necessary. Accessible parking will be located close to the main entrance on the lowest tier of the at-grade carpark and in the multi-deck carpark with accessible paths of travel to the main entrance.

The secondary access is further to the south of the main entrance and provides emergency vehicle access and access to the Emergency Department (ED) via a shared access road, with ambulance afforded priority and access to six reverse-in ambulance bays. Additional capacity for security access needs and police vehicles is also provided. The adjacent ED allows for set-down/pick-up and use of select adjacent parking spaces. This access also connects to the staff/visitor overflow at-grade carpark south of the hospital.

The northern site access is intended to be used by service vehicles which provides direct access to the loading dock to the rear of the main structure and behind the multi-deck carpark. This access will also allow staff direct access to the multi-deck carpark avoiding the need to circulate unnecessarily through the site. Each entry point is intended to be signposted in accordance with NSW Health standards to clearly demarcate each entry and destination.

All internal roads and gradients have been considered given the natural fall across the site, with ramps and transitions designed appropriately considering all relevant design vehicles. A range of internal footpaths provide for all users both internal to the site and interface with Dunmore Road and the proposed bus stop north of the main access road.

The Department notes that TfNSW have proposed relocating the Dunmore Road bus stop to the main entrance of the hospital. The Applicant considers this to be problematic from a traffic and operational perspective, citing the following reasons:

- the separation of user groups will not be achieved if buses are running through the hospital site given that it would likely loop around the internal road network, accessing from the southern site access, which is the main visitor access, and leaving the site via the northern site access, which is the main staff and service vehicle access.

- there would be a likely impact upon general bus timetable arrangements, noting that running through the site would likely take longer than if the bus stop was maintained on Dunmore Road, where buses continue straight north along Dunmore Road after stopping.
- a new or modified existing bus route along Dunmore Road would also seek to service the adjacent residential catchment. A bus stop within the hospital would necessitate a second bus stop nearby on Dunmore Road to service the local residential catchment appropriately, increasing overall bus journey times.
- layover arrangements for buses may also be impacted with the route running through the hospital site.

As part of the RtS, the Applicant has re-located the bus stop on Dunmore Road slightly further south and re-designed the associated accessible pathway to locate the bus stop as close as practical to the main hospital entrance.

The proposed bus stop is positioned such that it is connected to the hospital via an accessible path (see Figure 20), noting the topography of the site and Dunmore Road limits options in this regard. The main hospital entrance is located about 160m from the proposed bus stop, being about 95m along a switchback path (at a 1:20 or greater accessible gradient) used to negotiate the level difference between Dunmore Road and the main hospital entrance, and about 65m from the bottom of the path along the internal road and building line.

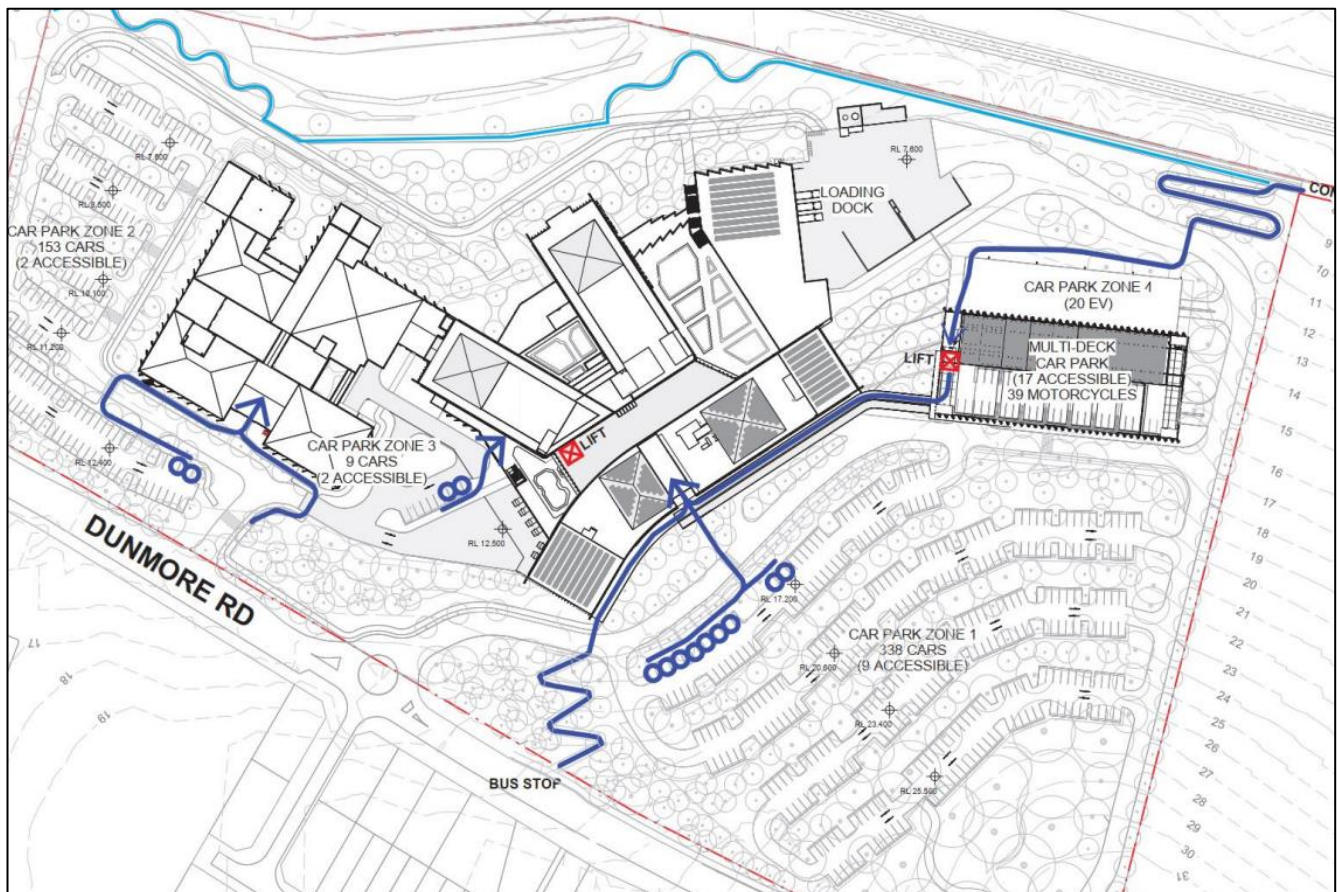


Figure 20 | Proposed pathway network (Source: EIS)

Council noted that its preferred option to access the site would be via a grade separated interchange from the Princes Motorway, across the railway line into the hospital. Similar views were also expressed within the submissions. In the RtS and SRtS, the Applicant has addressed these concerns and noted the following:

- grade separation of a major State highway is an expensive infrastructure solution which would reduce funding to other key health services including equipment, infrastructure and staff facilities. which are imperative to deliver an advanced medical facility capable of servicing the region. Peak period traffic generation of 300-400 vehicles per hour would not allow a sufficient economic justification for the significant cost of a grade-separated interchange.

Overall, the Department considers the proposed vehicular and pedestrian access arrangements to be acceptable as it presents a site layout which considers all access needs for various user groups and responds satisfactorily to the site constraints.

Car parking

The Applicant has completed a Parking Demand Study for the new hospital. The study relied on a collation of attributes involving separate parking for staff, public/ visitors, and Visiting Medical Officers (VMOs) has been used to model parking demand. The model seeks to analyse the total number of staff, patients and visitors which utilise the site against the parking demand through weighting factors such as rates of attendance, vehicle occupancy and parking space turnover. A summary of the adopted hospital activity and workforce data is shown in Figure 21 below.

User	Description	2031-32 Input	Note/ Source
Staff	Staff FTE	1,168	As provided by HI/ ISLHD
	VMO/Senior Medical Staffing	15 (4 attending per weekday)	As provided by HI/ ISLHD
Public	Inpatient Beds	268	Total planned Day Only and Overnight beds to 2031/32, based on Value Management Study (June 2022)
	ED Presentations per annum	52,895	As provided by ISLHD
	Outpatients service events per annum	186,124	

Figure 21 | Parking demand study – activity and workforce data (Source: TAIA)

The Parking Demand Study Report identifies the requirements for NSH for the five-year design horizon to 2031-32, which is summarised in Figure 21 and has been informed by existing travel behaviour (Journey to Work data) and a car parking demand analysis undertaken for the existing

Shellharbour Hospital. It is noted that neither Council nor TfNSW raised concerns with the calculation method(s) adopted in the TAIA.

Figure 22 indicates that the development needs to provide 1,000 on-site parking spaces, including 639 staff spaces, one VMO space, 21 fleet spaces and 339 public spaces. The 1,000 parking spaces have been provided within the proposed at-grade and multi storey car parking facilities. The results have been developed under the assumption that some travel demand management initiatives and mode share targets would be introduced. The 1,000 parking spaces consider existing travel behaviour in the area whilst anticipating mode share targets would be achieved through implementation of a Green Travel Plan (GTP).

Type	New hospital (2031-32)
Staff	639 [1]
VMO	1
Public (general access)	339 [2]
Fleet	21
Other	0
Total Parking Demand	1,000

Figure 22 | Anticipated future car parking requirements (Source: TAIA)

To reduce the total number of vehicles visiting the hospital, the TAIA includes a GTP to provide a package of measures which aims to reduce the reliance on private vehicles for users of the hospital. The TAIA recommends implementing the following key strategies and transport initiatives:

- improved active transport infrastructure including new footpaths, bicycle storage and end-of-trip facilities.
- limiting on-site parking allocation to staff.
- promoting car-pooling.
- development of a Travel Access Guide (TAG) to include details on the surrounding public transport services and active transport initiatives.
- improved public transport services.

Council has requested that increased off-street parking and provision of on-street parking (45-degree) along the Dunmore Road frontage for its entire length. Within the submissions, concerns were also raised with the extent of ambulance parking provided. In the RtS and SRtS, the Applicant has addressed these concerns and noted the following:

- the proposed on-site car parking supply have been determined as a result of a detailed parking demand study.
- the provision of on-site parking requires a suitable balance. Adequate parking should be provided for staff and visitors, however, should also recognise the importance of encouraging

a mode shift towards sustainable modes of travel in order to manage the traffic effects on the surrounding road network and environment. The parking demand analysis prepared for the project indicates that the proposed parking provision would be satisfactory in accommodating future demand.

- the hospital will also have practical use of the Dunmore Street frontage (circa 50 to 75 spaces). It is not considered necessary to provide additional on-site car parking and/or alter current on-street arrangements to provide 45-degree parking.
- the provision of ambulance bays (six proposed) is informed by expert advice, has been endorsed by NSW Ambulance and is adequate.

In general, the Department supports the preparation and implementation of the GTP as a tool to guide mode share targets and encourage sustainable modes of transport. This outcome would not be assisted by the provision of additional on-site car parking, noting that there are already 1000 on-site car parking spaces provided. Suitable conditions of consent are included in this respect as well as conditions requiring the GTP to be reviewed and updated annually.

Operational traffic generation

The TAIA includes traffic modelling surrounding the proposed development to inform the likely impacts of the hospital on the surrounding road network and intersections. The model network includes all interchanges/ intersections (signalised or unsignalised) that have an impact on or are connected to the arterial road (i.e. Princes Highway, New Lake Entrance Road and Shellharbour Road). The model network includes four signalised intersections as follows:

- Shellharbour Road / Wattle Road / Harbour Boulevard (TCS 2455)
- Harbour Boulevard / Addison Street (TCS 2455)
- Dunmore Road / Piper Drive (TCS 3905)
- Princes Highway / New Lake Entrance Road / East West Link signalised roundabout (TCS 4948).

Traffic generation has been based on information provided by the Illawarra Shoalhaven Local Health District (ISLHD) which indicates that 268 beds would be provided with 1,168 FTE staff by 2031. On this basis, the proposed development could generate 274 and 396 vehicle trips respectively in the 2031 AM and PM peak hours.

The modelling and assessment concluded that, overall, the proposed development is unlikely to materially impacts the surrounding road network, with the following noted:

- the TAIA recommends that the Shellharbour Road/ Dunmore Road roundabout be upgraded to traffic signals as the intersection is anticipated to operate at level of service E in the 2027 base modelling scenario and level of service F in the 2037 base modelling scenario. The introduction of traffic signals in this location would improve the road network performance,

facilitate background traffic growth, and alleviate both existing and future congestion and delay through the existing roundabout. The TAIA states that the upgrade would result in a level of service of B/C at this intersection. The Department has recommended a condition of consent for this upgrade to be undertaken prior to the opening of the hospital, and to the satisfaction of TfNSW noting that Shellharbour Road is a State classified road.

- the Princes Motorway/ Princes Highway/ East West Link/ New Lake Entrance Road signalised roundabout shows signs of notable congestion (at LoS E/F) on most approaches during all future year scenarios. This major interchange is on the periphery of the model extent, with the NSH development scenarios showing slight operational improvement at this location due to the proposed signals at the Shellharbour Road/ Dunmore Road intersection and general redistribution of traffic in the network.
- the New Lake Entrance Road/ Pioneer Drive roundabout is similarly on the periphery of the model extent with congestion evident (LoS F) under all base modelling scenarios. The future with NSH development scenario also shows some operational improvement noting that overall, the proposal does not materially affect the overall operation of the intersection operation and is considered acceptable.

Overall, the traffic modelling presented in the TAIA indicates that all intersections would continue to operate as per existing conditions with minor improvements to certain study intersections due to traffic redistribution and platooning impacts.

At RtS stage, the Applicant removed the upgrading of the existing Shellharbour/Dunmore Road roundabout from the proposal. The Applicant indicated that they supported the upgrade but considered that its funding required a Whole of Government solution.

However, the Department, TfNSW and Council considers it essential that the hospital does not commence operation until the existing Shellharbour Road/Dunmore Road upgrade is complete. Accordingly, the Department has recommended a condition to this effect.

Construction traffic and parking

The TAIA includes a preliminary Construction Traffic and Pedestrian Management Plan (CTPMP), which details construction vehicle movements, routes of travel, parking and access arrangements, pedestrian management, traffic control measures and measures to address potential impacts. The information contained within the EIS states that a detailed CTPMP will be required prior to the commencement of construction activities as the final CTPMP cannot be developed until a contractor has been appointed. The preliminary CTPMP is intended to provide a framework within which a future CTPMP can be developed and implemented.

The Department has recommended a condition of consent requiring the formulation of a final CTPMP prior to the commencement of works and is satisfied that impacts on local roads can be managed.

Ambulance access/Dunmore Road widening

The Department acknowledges that Council has raised concerns with the ability for emergency vehicles to access the site. Council has suggested that Dunmore Road between Shellharbour Road and Piper Drive be widened, as well as the widening of the existing roundabout at Universal Avenue. The Department notes that this suggestion was made by Council at RtS stage, rather than EIS stage. Nevertheless, in the SRtS the Applicant has addressed this matter and noted the following:

- there is adequate width (approximately five metres) through the roundabout and the presence of adjacent breakdown lanes on Dunmore Road currently that would allow for vehicles to pull over or ambulances to bypass traffic, if necessary.
- SIDRA modelling of the Shellharbour Road/ Dunmore Road upgraded signalised intersection layout indicates 95th percentile queues of 110m on the Dunmore Road approach, which would not extend through the Universal Drive intersection. Under both scenarios, ambulances travelling to/ departing from the hospital at worst case would be forced to temporarily slow to the flow of traffic through the roundabout.
- a draft Emergency Management Plan has been prepared and provided to TfNSW at its request. The draft Emergency Management Plan indicates that ambulances would not be required to travel on the incorrect side of Dunmore Road through the Universal Drive roundabout given adequate width exists to allow for concurrent passing, as well as limited delays expected at this intersection.
- the existing width of the road between Shellharbour Road and Piper Drive is sufficient to allow vehicles to pull over to enable an ambulance to pass as there is space either side of sealed carriageway.

In view of the above, the Department is satisfied that the ambulance access arrangements to the hospital are satisfactory.

The Department notes that after the submission of the SRtS, Council requested that a condition of consent is imposed to require various upgrades to Dunmore Road, including: two southbound and northbound lanes for the full length between Shellharbour Road and Birun Lane; additional roundabouts at Dunmore Road/Birun Lane and Dunmore Road/Archerfield Drive; the junction of Southern Cross Boulevard with Dunmore Road upgraded to a roundabout with four lanes of through traffic; and expand the Universal Avenue/Dunmore Road roundabout to permit two lanes in north/south directions. The Applicant has addressed this request and noted the following:

- duplication of Dunmore Road (southbound and northbound): The Austroads Guide to Traffic Management – Part 3: Traffic Studies and Analysis provides a typical mid-block capacity for urban roads, which is 900 vehicles per lane per hour. The TAIA prepared an Aimsun microsimulation model of the broader road network. The results demonstrate that under the 2037 scenario, the mid-block volumes on Dunmore Road would remain below the theoretical capacity of 900 vehicles per lane per hour and therefore would not warrant duplication.
- upgrade to roundabout – Dunmore Road/Birun Lane and Dunmore Road/Archerfield Drive: The proposed development already includes upgrading the intersection of Dunmore Road/Birun Lane to a roundabout, functioning as the hospital's primary access point. The Dunmore Road/Archerfield Drive intersection would not require upgrading given that it only services a small number of residential dwelling (approximately 40), with a secondary access point via Birun Lane and only moderate traffic volumes along that section of Dunmore Road.
- upgrade to roundabout – Dunmore Road/Southern Cross Boulevard: The SIDRA modelling undertaken indicates that in the 2037 scenario, the Dunmore Road/Southern Cross Boulevard intersection would operate at a LoS of B in the AM peak and A in the PM peak. Accordingly, the current Dunmore Road/Southern Cross Boulevard intersection layout is expected to adequately cater for future hospital traffic, as well as background growth in the region and does not require upgrade to a roundabout.
- expanded roundabout – Dunmore Road/Universal Drive: based on the modelling undertaken, the existing single lane roundabout is expected to adequately cater for future traffic volumes. As noted in the RtS (see discussion above), a review of ambulance travel to/from the proposed hospital has been completed, concluding that potential delays to emergency vehicles through the existing roundabout would be minimal.

The Department considers that the Applicant has demonstrated that the existing road infrastructure along Dunmore Road (with the exception of the existing Dunmore Road/Shellharbour Road intersection) is adequate to cater for the anticipated future hospital traffic.

6.4 Flooding

There is no Council publicly available flood mapping or modelling for the site. However, based on a Flood Impact Assessment (FIA) undertaken by Applicant, the lower south-western section of the site is affected by the Probable Maximum Flood (PMF) and 1% Annual Exceed Probability (AEP) extents. A tributary of Rocklow Creek runs adjacent to the Princes Highway, and between the Princes Highway and the railway line. The flood modelling has been carried out to determine the extent, depth and velocity of the 1% AEP flood and PMF events.

The Applicant's FIA indicates that flood water from the Rocklow Creek tributary inundates the lower south-western section of the site of up to 700mm during the 1% AEP flood event and up to 1.2m during the PMF storm event (see Figures 24 and 25). The majority of the site is unaffected by flooding.

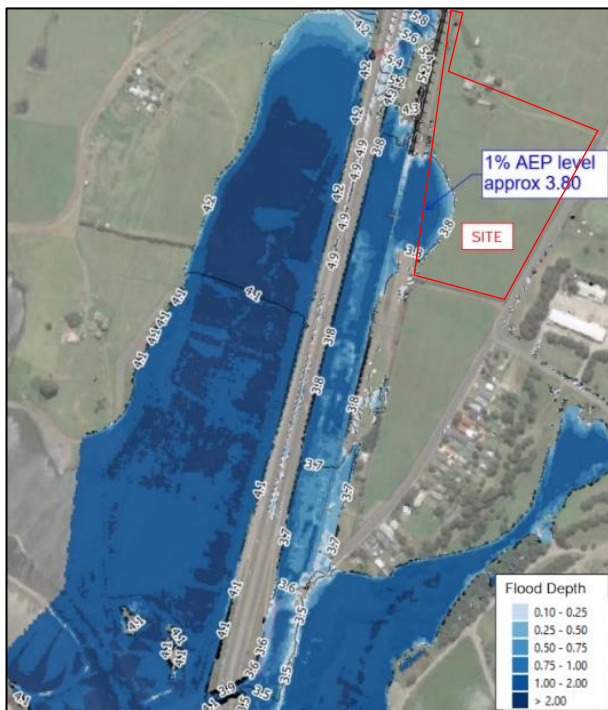


Figure 24 | 1% AEP flood extent (Source: EIS)

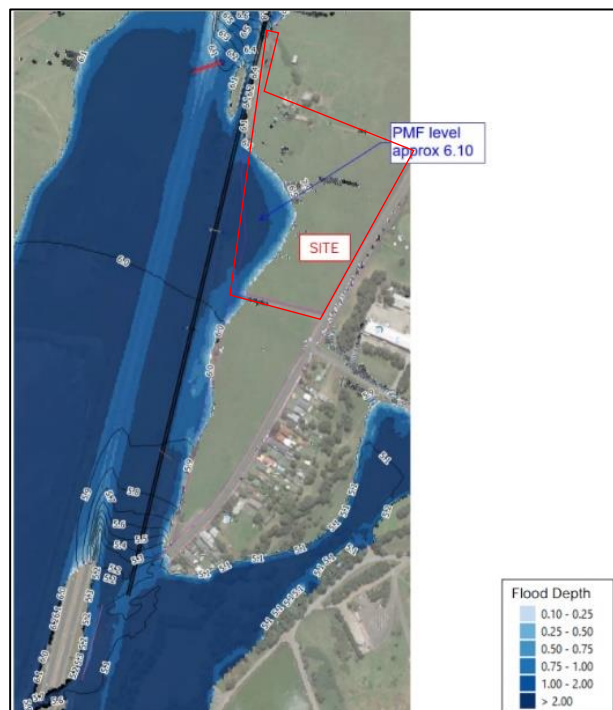


Figure 25 | PMF flood extent (Source: EIS)

The FIA states that under the Shellharbour DCP, and consistent with the NSW Flood Risk Manual 2023, the flood planning level for a hospital is the PMF level. Based on the results of the modelling, the PMF level at the site is identified as 6.1m AHD (i.e. RL 6.1). The resultant flood planning level for hospital buildings is 6.6m AHD (RL 6.6), incorporating a 500mm freeboard.

The 1% AEP flood level at the site is approximately 3.8m AHD. The FIA notes that ancillary structures such as at grade car parking may be installed below the PMF level, but above the 1% AEP

flood level with 500mm of freeboard. The resultant flood planning level for those parts of the site is a minimum of 4.3m AHD.

The post development flood conditions at 1% AEP and PMF are illustrated in Figures 26 and 27, which demonstrate similar levels of inundation for the site for both events. Figures 28 and 29 show the Flood Hazard categories for the flooding scenarios for the 1% AEP and PMF flood events.

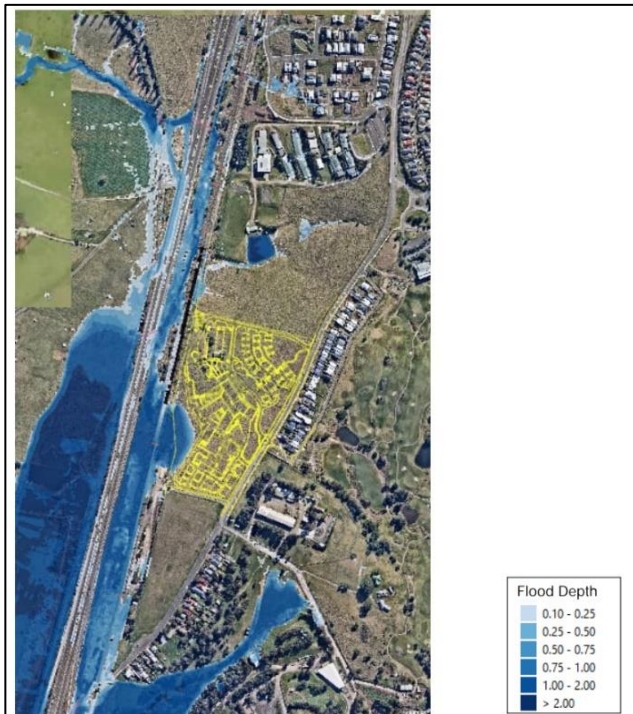


Figure 26 | 1% AEP flood model results
(Source: EIS)

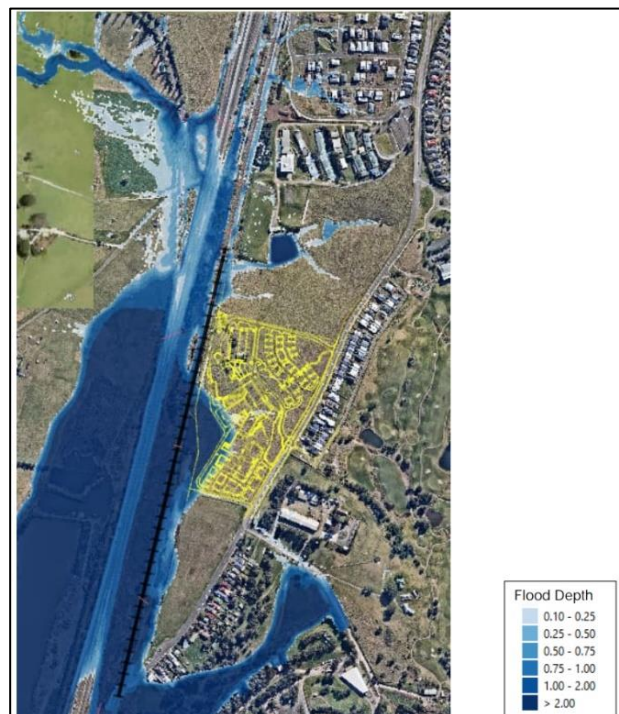


Figure 27 | PMF flood model results (Source: EIS)



Figure 28 | 1% AEP hazard plot with proposed Building footprint (Source: EIS)



Figure 29 | PMF hazard plot with proposed footprint (Source: EIS)

Having regard to Figures 28 and 29 above, it is noted that:

- the 1% AEP flood event does not overlap the building footprint.
- there is some overlap of the PMF flood with the building footprint and on-grade carpark. However, the lowest floor level of the hospital building is RL 8.2 and the portion of on-grade carpark within the PMF area is proposed to be finished at RL 7.6, well above the flood planning level of 6.6m AHD.
- in addition to flood water depths, consideration of the relationship between water velocities and depth has been undertaken to adequately assess the degree of risk associated with flooding. Noting the 1% AEP flood event does not overlap with the proposed building footprint, assessment of the PMF using the ARR hazard classifications (see Figure 30) shows the overlap areas lie well below the risk thresholds for building and are generally classified H1 to H3.

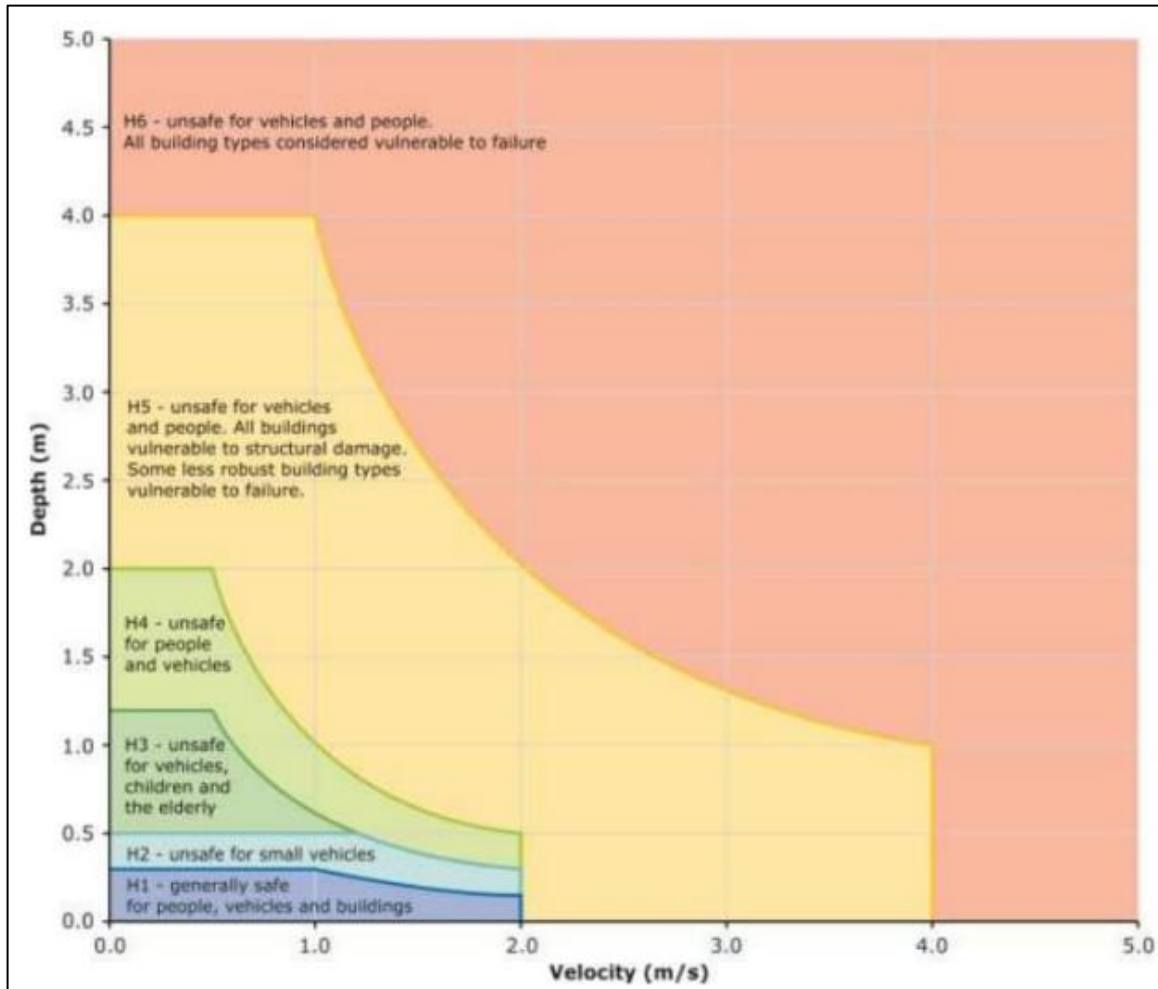


Figure 30 | ARR flood hazard curves (Source: EIS)

Department's assessment

The Department notes that Recommendation 28 of the NSW Flood Inquiry 2022 recommends hospitals and medical centres be situated above the PMF to minimise disruption and essential services infrastructure be located above the flood planning level. The Department also notes that Government's response was that it would ensure future essential services infrastructure development occurs above the flood planning level, where appropriate.

Whilst a portion of the proposed hospital building and on-grade carpark would be located within part of the site impacted by the PMF, the Department considers the proposal is acceptable as:

- Dunmore Road adjacent the site and in an easterly direction is not flood affected. Accordingly, ingress and egress from the site will remain flood free during all flood events. Accordingly, it is expected that there will be no significant impacts on the operation of the hospital because of flooding.
- flood risk is minimised by locating the hospital buildings, on-grade car parking, external loading dock, plant and equipment out of the 1% AEP flood extents. The parts of the site within the 1% AEP flood event are proposed to be vegetated water sensitive urban design features such as vegetated swales, bioretention basins and buffer strips integrated with landscaping.
- some parts of the proposed hospital building are within areas of the site identified as being affected by the PMF. The PMF level on the site is 6.6m AHD (with 500mm freeboard), whereas the lowest floor level of the hospital building is RL 8.2 (1.6m higher than PMF level) and the portion of on-grade carpark within the PMF area is proposed to be finished at RL 7.6 (one metre higher than PMF level). Furthermore, the impact of a PMF event is limited in extent to the edge of proposed buildings with the hazard classification being H3 or better.
- it is proposed that in case of a flood emergency or occurrence of a PMF flood event, personnel and patients on the site are to seek refuge within the site and shelter-in place within the hospital. The Department has considered the draft shelter-in-place guideline which were on exhibition from 17 January to 28 February 2023. The provision of shelter-in-place is acceptable in the circumstances of the case and satisfies the draft guideline noting that:
 - the critical duration storm event is between one and two hours, so any flood impact on staff and patients will be restricted to a few hours until flood waters recede.
 - the proposed habitable floor levels of the hospital enable refuge above the PMF level.
 - the parts of the building affected by the PMF are not areas of high risk (i.e. H5 or H6).
 - critical infrastructure services such as power and water will be accessible during a flood event.

- the building would be structurally designed to withstand the impact of floods up to and including the PMF event. At RtS stage, the Applicant provided a flooding structural assessment from Certified engineers which confirms that: the building will be able to withstand flood waters during the PMF event and the structural design incorporates favourable features which mitigate flood risk to the hospital, i.e. – piled foundations and a suspended slab on grade.
- the proposed development incorporates backup generators to supply electricity in the event the local distribution network is not operating due to flooding, with substation and backup generators located above the PMF.
- there would be no significant impacts from the climate change sensitivity analysis.
- the proposal meets the primary objective of the Flood Risk Management Manual 2023 in that it would not result in a significant increased flood risk as the hospital building is outside of the 1%AEP flood extent and the lowest habitable floor of the building has been designed to be above the PMF level.
- the Department has recommended a condition requiring the preparation and implementation of a detailed operational flood emergency management plan to ensure the safety of staff, patients and visitors.
- the Department has also recommended a condition requiring evidence be submitted that the building has been designed and constructed to a standard of structural integrity to support the intended flood response strategy of sheltering in place of vulnerable people during flood events.

6.5 Other issues

The Department's consideration of other issues is summarised in Error! Reference source not found. below.

Table 6 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Biodiversity	<p>The application is accompanied by a BDAR, which demonstrates the proposal is not likely to significantly impact biodiversity values.</p> <p>The impacts of the project are limited to removal of 0.01 ha of reedland wetland conforming to the Endangered Ecological Community (ECC) Freshwater Wetlands on Coastal Floodplain. The indirect impacts of the project are expected to be associated primarily with potential local downstream impacts on reedland occurring offsite in the rail corridor. The mitigation actions recommended within the BDAR have been prepared to address management of potential run-off into adjacent wetland habitats.</p> <p>The following offset requirements have been determined for the project:</p> <ul style="list-style-type: none"> one ecosystem credit, to compensate for impacts on 0.01ha of PCT 3962 – Coastal Floodplain Phragmites Reedland. <p>The BDAR has concluded that there are no candidate entities for Serious and Irreversible Impact (SAIL) within the subject land, and therefore the project is unlikely to cause any SAIL to any threatened species or threatened ecological communities (TECs). To avoid, minimise, mitigate and manage impacts of the development, the BDAR proposes:</p> <ul style="list-style-type: none"> preparation of a construction environmental management plan (CEMP). sediment controls. weed control protocol. 	<p>The Department is satisfied that the proposal will not result in significant impacts to the biodiversity values at the site, subject to the implementation of the management and mitigation measures outlined in the BDAR.</p> <p>The Department has recommended a condition of consent requiring the preparation of a Biodiversity Management Sub-Plan as part of the CEMP, and a condition of consent addressing the offset requirements.</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> • hygiene measures to minimise risk of pathogen and diseases. • revegetation strategy to improve local biodiversity values. 	
Matters of National Environmental Significance (MNES)	<p>The BDAR has also considered impacts on threatened species and TECs listed under the EPBC Act. It concluded that the proposed development will not result in a significant impact to the Matters of National Environmental Significance (MNES) occurring or considered to have potential to occur within the subject land or surrounds.</p> <p>As this assessment is not being undertaken as a bilateral assessment, the responsibility regarding referral to the Commonwealth Department of Climate Change, Energy, the Environment and Water (noting that this matter was raised within a public submission) rests with the Applicant.</p>	No further conditions necessary.
Impacts on Minnamurra River Estuary	<p>Minnamurra River Estuary (NSW084) is located south of the subject site and is listed on the Directory of Important Wetlands in Australia (DIWA). The BDAR notes that construction and operation of the project may lead to sedimentation and runoff, which may affect water quality in downstream receiving waterbodies and habitats. Rocklow Creek is a catchment area to the west of the project that feeds into the Minnamurra River.</p> <p>The Department acknowledges that concerns were raised in the submissions regarding potential impacts to the Minnamurra River. Accordingly, as part of the RtS, the Applicant has provided specialist aquatic ecology advice regarding project impacts on the Minnamurra River. This advice establishes that:</p> <ul style="list-style-type: none"> • appropriate erosion and sediment controls must be implemented. 	The Department has recommended a condition of consent requiring the erosion and sediment controls set out in the aquatic ecology advice letter provided with the RtS to be implemented during construction.

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> • with the proposed stormwater controls in place the development will have a negligible influence on the Minnamurra wetland system. • the proposed landscaping will improve overall biodiversity in this location. • the inclusion of WSUD design through the bioretention provides added habitat through essentially an artificial wetland, with native planting and the retained water will be a resource for native fauna including frogs, insects and birds. 	
Noise and Vibration	<p>The EIS was accompanied by an Acoustic Assessment (AA) that assessed the operational noise and construction noise and vibration impacts associated with the proposal.</p> <p>The major acoustic considerations with the potential to impact on the proposal, as set out in the AA, are as follows:</p> <ul style="list-style-type: none"> • noise and vibration impact of blasting activities conducted in association with the Dunmore Quarry site. • noise and vibration impact from rail movements within the adjacent rail corridor. • noise impact from traffic movements along Princes Highway. <p><u>Construction noise</u></p> <p>The AA details that noise and vibration associated with the construction work is expected to exceed the relevant criteria (75 dB(A)) at nearby residential receivers (receivers along Dunmore Road, north of Archerfield Drive). The predicated worse noise level would be 94 dB(A). This exceedance is specifically attributed to truck movements associated with stockpiling activities which is anticipated to be relatively short-term exposure. Nevertheless, the AA recommends that a detailed Construction Noise and Vibration</p>	<p>The Department is satisfied that noise impacts generated by the development can be adequately managed and mitigated, subject to a condition requiring compliance with the recommendations contained within the AA.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>Management Plan is prepared prior to construction commencing to further detail any required mitigation measures based on the project specific construction stages and equipment. The AA also details various project specific and general mitigation measures to be implemented.</p> <p><u>Operation noise</u></p> <p>The major acoustic considerations regarding noise emissions from the proposal to the environment and surrounding noise sensitive receivers are as follows:</p> <ul style="list-style-type: none"> • noise impact associated with the operation of the proposed development on surrounding noise sensitive receivers, including residential properties and the anticipated residential subdivision on the adjoining northern lot. • noise impact from the mechanical plant and equipment serving the proposed development on surrounding noise sensitive receivers. • noise impacts of additional traffic on surrounding local road generated by the proposed development. <p>The AA details that noise associated with emissions from the operation of the carpark (i.e. – car doors closing and car movements) at the northern end of the site are expected to exceed both the LAeq 15min (48 dB (A)) and LAmax criteria (58 dB (A)) for the night time at the proposed residential subdivision located to the north (R3). The typical sound power level for car doors closing is 98 dB(A) and car movements is 82 dB(A). As a result of the exceedance, the AA has recommended the following noise mitigation measures:</p> <ul style="list-style-type: none"> • install signage to the carparking spaces adjacent to the northern boundary which 	

Issue	Findings and conclusions	Recommended conditions
	<p>prohibits the use of the spaces closest to the boundary during the night time period (10:00pm – 7:00am) to minimise noise impacts.</p> <ul style="list-style-type: none"> • Install signage to make staff and visitors aware of the surrounding local environment and to reduce noise where possible. <p>Implementation of the above mitigation measures would achieve compliance with the project specific criteria established in line with the NSW EPA NPI for the night-time period (10:00pm – 7:00pm, including the sleep disturbance criteria.</p>	
Contamination	<p>A number of contamination investigations have been undertaken for the site as part of the separate but related early works development application approved by Council . This includes both a Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI), culminating in preparation of a Remediation Action Plan (RAP).</p> <p>These investigations and the remediation works are associated with a separate scope of works to be carried out in accordance with development consent issued by Council under DA0606/2022. However, it is noted that the remediation qualifies as category 2 remediation works and therefore does not require specific development consent, although it is referenced in the consent.</p> <p>The land therefore would be remediated in accordance with a RAP and made suitable for the hospital development prior to commencement of the hospital's construction associated with this SSDA. As part of the separate remediation works, an EPA-accredited Site Auditor would certify the remediation as appropriate and that the site is suitable for the future hospital development.</p>	<p>The Department has recommended a condition of consent which requires a Validation Report to be prepared prior to the commencement of construction.</p>

Issue	Findings and conclusions	Recommended conditions
Aboriginal cultural heritage	<p>The EIS was accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR). Site preparation and bulk earthworks do not form part of the subject SSD application and are part of DA0606/2022, as approved by Council on 24 March 2023. Aboriginal Heritage Impact Permit (AHIP) #4660 was issued over Lot 10 DP1271639 in relation to a previously approved residential development. Under agreement with the AHIP holder, early works approved under DA0606/2022 will be conducted under the provisions of AHIP #4660. This includes the required archaeological salvage excavations, which were completed in December 2022.</p> <p>The ACHAR was updated at RtS stage to address comments made by Heritage NSW (ACH) (see Section 5.1.2) The ACHAR makes various recommendations to guide post-approval requirements for Aboriginal heritage. These include the preparation of: an Aboriginal Cultural Heritage Management Plan (ACHMP) to provide a framework for such activities, as well as direction on its content; and an Interpretation Strategy and Plan to provide acknowledgement and other visual/ educational opportunities for the Aboriginal and broader local community.</p> <p>Heritage NSW (ACH) raised no concerns regarding the ACHAR's recommendations.</p>	<p>Heritage NSW (ACH) recommended several conditions for the protection of Aboriginal heritage and the implementation of an Aboriginal Cultural Heritage Management Plan, which have been incorporated into the recommendation.</p>
Heritage	<p>A Statement of Heritage Impact (SoHI) was submitted with the EIS to assess potential heritage impacts of the proposal. The proposed development is located near the State Heritage Register (SHR) item Shellharbour Railway Station Group (SHR No.01245), Illawarra Railway in Dunmore. The Shellharbour Railway Station is of historical significance for its rare awningless 1887 platform building and other early surviving</p>	<p>The Department has recommended conditions that require the management measures recommended in the SoHI to be implemented.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>structures on the Illawarra line. It is of aesthetic significance for its open setting affording views to the Illawarra escarpment, and for its collection of early weatherboard buildings and platforms. The heritage item is some 290m south-west of the subject site. The SoHI considers the likely heritage impacts to be low and recommends management measures to avoid and minimise impacts. These include preparation and execution of a historical heritage management plan and a cultural interpretation plan.</p> <p>Heritage NSW supported the proposed development and recommended that the proposed landscaping should feature appropriate planting buffers around the new development in keeping with the setting of the area to mitigate impacts on significant view lines to and from the Shellharbour Railway Station Group. The Department generally concurs with the findings of the SoHI and considers that the Landscape Plan provides for a landscaped buffer for the full length of the southern boundary as well as further additional trees within the at-grade car parking area at the southern end of the site, some of which can grow up to 50m in height.</p>	
Hazardous materials	<p>As part of the RtS, the Applicant provided a Preliminary Hazard Analysis (PHA). The PHA undertook a Level 2 risk assessment examining the risks associated with the storage of liquid oxygen and other hazardous material. The PHA found that the consequences of the liquid oxygen release did not impact on residential or sensitive land use, but the consequences may extend beyond the site boundary to the railway easement. The liquid oxygen tank will comply with AS 1894 minimising potential offsite risks. Furthermore, the hazard identification highlighted that there would be small quantities of Class 6.2 associated</p>	<p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> • storage of all chemicals, fuels and oils used on-site in accordance with relevant standards. • the quantities of dangerous goods (except for liquid Oxygen, UN 1073) stored and handled below the applicable threshold quantities.

Issue	Findings and conclusions	Recommended conditions
	<p>with the hospital operations and the risk associated with Class 6.2 could controlled by the adherence to AS 3816 and good work practices.</p> <p>The PHA found that the proposed development met the qualitative risk analysis criteria in the Departments <i>Hazardous Industry Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'</i>. (HIPAP No.4), noting:</p> <ul style="list-style-type: none"> • avoidable risks have been avoided. • the risks from a major hazard have been reduced by separation to residents. • the consequences of the more likely events are contained within the site boundaries. • there is no existing high-risk installation nearby. <p>The Department's Hazards branch reviewed the PHA and are satisfied that is has demonstrated that the proposed development meets the qualitative risk criteria Department's HIPAP No.4.</p>	<ul style="list-style-type: none"> • the quantity of liquid oxygen (UN 1073) stored and handled must not exceed 38,000 litres.
Loading and waste collection facilities	<p>Service vehicles will access the site via the northern access road. A consolidated loading dock is located at the rear of the hospital with capacity for at least five service vehicles. The TAIA confirms that all relevant manoeuvring requirements have been tested with vehicle swept paths. The largest design vehicle is a 20m semi-trailer for the purposes of bulk oxygen deliveries. All other vehicles will be rigid trucks up to 12.5m long.</p>	No conditions necessary.
Social impacts	<p>A Social Impact Assessment (SIA) accompanied the EIS, prepared in accordance with the Department's Social Impact Assessment Guideline for State Significant Projects (2021). The SIA also has regard to Council's 'Social Impact Assessment Policy' (2019).</p>	No conditions necessary.

Issue	Findings and conclusions	Recommended conditions
	<p>The SIA found that positive impacts of the proposed development include the delivery of new health facilities and the creation of future hospital communities (patients, workers, suppliers and visitors). However, the SIA also found that the proposal would have negative impacts, including:</p> <ul style="list-style-type: none"> • temporary construction traffic impacts. • increased pressure on existing road infrastructure and public transport networks. • changes to the size and composition of the local community. <p>The Department is satisfied the revised SIA accords with the Department’s Social Impact Assessment Guideline 2023. The Department considers the proposal would represent a net overall positive social impact. The Department is satisfied that the recommendations of the SIA can mitigate the potential negative impacts of the development. These recommendations include:</p> <ul style="list-style-type: none"> • preparation of a communications and engagement plan. • preparation of a Construction Traffic Management Plan (CTMP) and a Construction Noise and Vibration Management Plan. • development of an operational plan of management to monitor the impact of the hospital operations on staff and other stakeholders, including community. • development of an operation works accommodation plan. 	
Signage	The application seeks approval for various signage as part of the wayfinding strategy, including identification, directional and operational signs. The signage has been assessed against the requirements of State Environmental	The Department has recommended conditions requiring the operation, way-finding and car parking signage

Issue	Findings and conclusions	Recommended conditions
	Planning Policy (Industry and Employment) 2021 at Appendix C.	to be installed prior to the commencement of operation.
Bush fire protection	A Bush fire Assessment Report was provided with the application. The site is shown on Council's Bush fire Prone Land Map as containing designated Category 3 Vegetation and is therefore considered bush fire prone. The vegetation identified as posing a potential hazard was found to be located to the north and south within neighbouring vacant allotments and west within the Illawarra Railway and Princes Highway corridors. Various recommendations were made to ensure that compliance with Planning for Bush Fire Protection – 2019 is achieved. NSW Rural Fire Service and NSW Fire and Rescue have reviewed the application and support the findings within the report.	The Department agrees with the findings within the Bush fire Assessment Report. A condition has been included to require compliance with the recommendations of that report.
Stormwater infrastructure	The stormwater design proposes on-site detention (OSD) to manage the stormwater discharge rate from the site and water sensitive urban design (WSUD) features to achieve the specific stormwater targets. The OSD will be provided in a series of open basins at the downstream end of the site, where stormwater from the building and carparks will be directed. Vegetated water sensitive urban design features such as vegetated swales, bioretention basins and buffer strips are proposed to be integrated into landscaped areas. A permanent water body is proposed at the downstream end of the site which has been designed to function as a wetland to help achieve WSUD outcomes. The site ultimately discharges to the rail corridor west of the site. The discharge is via a level spreader to reduce the impact of a concentrated discharge point and mimic the existing flow condition.	The Department has recommended conditions requiring the development to comply with the stormwater design, relevant Australian Standards and industry best practice guidance.

Issue	Findings and conclusions	Recommended conditions
Services and utilities	An infrastructure management plan was submitted with the EIS. It concluded that essential services are available at the site for connection and augmentation.	The Department recommends conditions requiring approvals be obtained from the relevant authorities.
Development contributions	<p>The Shellharbour City Council Local Infrastructure Contributions Plan 2019 applies to the proposal. Health services facilities are listed in Section 2.4.2 (Non-residential development) of the Plan as requiring a contribution levy based on gross floor area unless an exemption is provided in accordance with Section 2.4.3 of the Plan. The Applicant sought, and was granted, an exemption from Council, which was confirmed in writing in a letter dated 21 June 2023.</p> <p>The Department is therefore satisfied that due to the overwhelming public benefit provided by the new hospital, it is not necessary to levy development contributions and recommends the exemption be applied to this determination.</p>	No conditions necessary.
Helipad and extent of hospital services proposed	<p>Within the public submissions, concerns were raised with respect to:</p> <ul style="list-style-type: none"> the level and type of health service proposed. It was noted that cardiology, paediatric, maternity and children's wards should be provided. the need for a helipad to be provided. <p>In the RtS, the Applicant has addressed these concerns and noted the following:</p> <ul style="list-style-type: none"> all NSW Local Health Districts work within a 'district-wide service network' which means that hospitals do not act in isolation, rather within the Local Health District network of hospitals they sit in. The services provided in each hospital are based on current and projected demographics and clinical activity 	No conditions necessary.

Issue	Findings and conclusions	Recommended conditions
	<p>for the region, including a Clinical Services Plan. Whilst the proposed hospital will provide for paediatric emergency it does not include birthing services, paediatric inpatient and no specialist cardio which is reflected in the Illawarra Shoalhaven Health Care Services Plan 2020-2030.</p> <ul style="list-style-type: none"> • when considering the anticipated patient movements by air, the proximity of Shellharbour Airport, the mobilisation time required for aircraft and travel times by road between the airport and the proposed hospital, it considered that patients would be transferred by road to/ from Shellharbour Airport, as opposed to constructing a helipad on-site. Nevertheless, the design as proposed does not preclude consideration in relation to the construction of a helipad in the future. <p>The Department considers the response to the concerns raised to be acceptable.</p>	

7 Evaluation

The Department has reviewed the EIS, RtS, SRtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, Council and public submissions.

The Department considers that the proposal should be approved as it would provide benefit for the community by delivering additional health facilities and is also predicted to generate 1,300 construction jobs and 1,168 additional full-time equivalent jobs during operation.

The Department considers the key issues raised to be: built form and urban design; traffic, transport and parking; flooding and landscaping and public domain.

The height and bulk of the proposed development responds to the site context and surrounding features and would not result in any unreasonable visual or amenity impacts. The design of building includes large setbacks from the allotment boundaries and extensive new landscaping to ensure that it would make a positive contribution to the streetscape and wider area.

Subject to the completion of required upgrade works, the proposal would have an acceptable impact on the local traffic network and surrounding key intersections. Parking demand generated by the proposal can be accommodated on-site at the hospital, and the Department notes that the mode shift away from private car use, subject to the successful implementation of an updated Green Travel Plan and the delivery of a shared pathway to the Shellharbour Junction Railway Station, has potential to further reduce private vehicle usage and parking demand in the future.

Flood risk is minimised by locating the hospital buildings, on-grade car parking, external loading dock, plant and equipment outside the 1% AEP flood extents. Some parts of the proposed hospital building are within areas of the site identified as being affected by the PMF; however, the impact of a PMF event is limited in extent to the edge of proposed buildings with the hazard classification being H3 or better. The PMF level within the site is RL 6.6, whereas the lowest floor level of the hospital building is RL 8.2 (1.6m higher than PMF level). The portion of on-grade carpark within the PMF area is proposed to be finished at RL 7.6 (one metre higher than PMF level).

The Department is satisfied that the ongoing safety of staff and visitors would be ensured by the preparation and implementation of a Flood Emergency Management Plan. Overall, the proposal meets the primary objective of the Flood Risk Management Manual 2023, as it would not result in any adverse impact on adjacent structures or properties.

The proposed development will result in a significantly higher percentage of tree canopy cover. The tree canopy proposed is 22 per cent which is an acceptable outcome considering the building and carpark footprints, bush fire requirements and tree canopy separation to slow the spread of fire and allow for grassland and shrub layers to develop. The new tree canopy extent has been achieved

within the parking and open landscape zones to provide amenity, rehabilitation of flora and fauna across the site, integration with the surrounding rural background and to reduce the urban heat island effect. New and upgraded public domain will provide quality outdoor spaces for patients and staff and assist with wayfinding across the hospital campus.

Overall, the Department concludes that impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department has formed the opinion:

- the development is in the public interest.
- the project should be approved subject to conditions.

8 Recommendation

It is recommended that the Director, Social Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report.
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- agrees with the key reasons for approval listed in the notice of decision.
- grants consent for the application in respect of the New Shellharbour Hospital (SSD-57064458), subject to the conditions in the attached development consent.
- signs the attached development consent (Appendix D).

Recommended by:



Patrick Nash
Senior Planning Officer
Social Infrastructure

Recommended by:



David Gibson
Team Leader
Social Infrastructure

9 Determination

The recommendation is adopted by:



12 August 2024

Karen Harragon

Director

Social Infrastructure Assessments

Glossary

Abbreviation	Definition
AHD	Australian height datum
Biodiversity and Conservation Science	BCS
CIV	Capital investment value
Council	Shellharbour City Council
DCCEEW	Department of Climate Change, Energy, the Environment and Water (Commonwealth)
Department	Department of Planning, Housing and Infrastructure
EIS	Environmental impact statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
FRNSW	Fire and Rescue NSW
Heritage ACH	Heritage NSW – Aboriginal Cultural Heritage
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Resilience and Hazards SEPP	State Environmental Planning Policy (Resilience and Hazards) 2021

Abbreviation	Definition
RtS	Response to Submissions Report
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SRtS	Supplementary Response to Submissions Report
SSD	State significant development
TfNSW	Transport for NSW
Transport and Infrastructure SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021

Appendices

Appendix A – Summary of key amendments to the project

Since lodgement, some key aspects of the project have been amended as part of the Applicant's RtS. A summary of the key amendments is provided in Table A1 below.

Table A1 | Key amendments

Aspect	Original project in EIS	Amended project
Pedestrian pathway – within the site	The pedestrian pathway within the subject site did not extend the full length of the western boundary, adjacent to the rail corridor.	The extent of the pedestrian pathway was increased along the western boundary.
Pedestrian pathway – external to the site within the public domain	The pedestrian pathway along the frontage adjacent to Dunmore Road did not extend across the entire site frontage.	The length of the pedestrian pathway was increased further south for the full extent of the site frontage along Dunmore Road to provide improved pedestrian infrastructure.
Bus stop and associated accessible pathway	The bus stop at the front of the site was located further north of the main entry.	The bus stop at the front of the site was slightly re-located (further to the south) closer to the main entry and the associated accessible pathway reconfigured to suit.
Acoustic screening	The acoustic screening/louvres to the plant rooms and cooling towers as recommended in the acoustic assessment were not shown on the architectural drawings.	The architectural plans were updated to show the recommended acoustic treatments.

Appendix B – 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/new-shellharbour-hospital>

2. Submissions and agency advice

<https://www.planningportal.nsw.gov.au/major-projects/projects/new-shellharbour-hospital>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/new-shellharbour-hospital>

4. Additional information

<https://www.planningportal.nsw.gov.au/major-projects/projects/new-shellharbour-hospital>

Appendix C – Statutory considerations

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table C1 below.

Table C1 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(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,	<p>The proposal seeks to construct new health services facilities close to services and public transport. The proposal would not adversely impact on any natural or artificial resources or natural areas.</p> <p>The proposal seeks to maximise the use of the site and provide public benefits including increased staff and patient capacity, improved healthcare facilities, and construction and operational jobs.</p> <p>The public benefits would contribute to the social and economic welfare of the community. The Department considers the proposal is in the public interest, subject to recommended conditions.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal includes measures to deliver ecologically sustainable development (ESD), as detailed below.</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposal is considered an orderly and economic use of the land. The development would deliver improved health services and facilities for the local area, within a setting that minimises impacts on the surrounding environment. The redevelopment would provide economic benefit through job creation and infrastructure investment.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable.</p>

Object	Consideration
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The Department is satisfied that the proposal will not result in significant impacts to the biodiversity values at the site, subject to the implementation of the management and mitigation measures outlined in the BDAR.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal is unlikely to cause any adverse impacts to built or cultural heritage, as discussed in Section 6.5. The Department notes that Heritage NSW (ACH) recommended several conditions for the protection of Aboriginal heritage and the implementation of an Aboriginal Cultural Heritage Management Plan, which have been incorporated into the recommendation.
(g) to promote good design and amenity of the built environment,	The Department considers the overall built form of the development to be an acceptable outcome for the site and surroundings (see Section 6.1).
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The application includes a Building Code of Australia (BCA) Report, which concludes that the development can comply with BCA requirements, either via Deemed to Satisfy Provisions or through the preparation of Performance Solutions to demonstrate compliance. The Department has considered the proposed development and has recommended a number of conditions of consent to ensure construction and maintenance is undertaken in accordance with relevant legislation, guidelines, policies and procedures (Appendix C).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal, consulted Council and other public authorities, and considered the responses received (see Sections 5 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal, notifying adjoining and surrounding landowners. The EIS and subsequently the RtS, was made available 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.

projected climate change impacts.

The application proposes ESD initiatives and sustainability measures, including:

- establishment of documented environmental targets, including Net Zero by 2030, zero organic waste by 2030, best practice outside air rates to habitable spaces, and water efficiency targets.
- removal of fossil fuel consumption and full electrification of the site.
- energy efficient LED lighting, zoning, controls and site co-ordination. High efficiency HVAC and energy recovery through both air and water-based systems.
- selection of sustainable building products.
- water efficient fixtures and fittings, sensors, rainwater reuse and drip and demand-controlled irrigation.
- occupant comfort strategies to promote indoor environmental quality and health and wellbeing including increased levels of fresh outdoor air, access to natural light, external views, thermal comfort and controlled building noise.
- stormwater reduction, Water Sensitive Urban Design (WSUD) features and provision of a Construction Environmental Management Plan.

The abovementioned sustainability measures will be implemented to ensure the development achieves the required rating under the Health Infrastructure Engineering Services Guidelines (incorporating Design Guidance Note 058). The Applicant has developed the Health Infrastructure

ESD Evaluation Tool (ESD tool), which includes a list of nine sustainable initiative categories. The ESD tool has been previously endorsed by the Planning Secretary and outlines a self-certification approach to achieve 'Australian best practice' level, which is equivalent to 60 points out of 110 points available (based on the nine sustainable initiative categories). This approach has been designed to demonstrate an equivalency against the Green Building Council of Australia (GBCA) Green Star rating system. A condition of consent is recommended to certify that each of these measures has been delivered and that the targeted rating has been attained by the proposed development.

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 section 6.9 and Appendix I 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 will 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 *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the Applicant/proponent to have regard to the following:

Social Impact Assessment Guideline for State Significant Projects

Undertaking Engagement Guidelines for State Significant Projects

The Department is satisfied the Applicant has demonstrated the application has been prepared having had regard to the guidelines outlined above.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979 (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's assessment. Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).

- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP).
- State Environmental Planning Policy (Resources and Energy) 2021
- Shellharbour Local Environmental Plan 2013 (SLEP)

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 C2.

Table C2 | Planning Systems SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
2.1 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
2.6 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: 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 b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent.	Yes
Schedule 1 State significant development – general 14 Hospitals, medical centres and health research facilities Development that has a capital investment value of more than \$30 million for any of the following purposes: (a) hospitals, (b) medical centres, (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	The proposal is for a hospital with a capital investment value (CIV) in excess of \$30 million.	Yes

Relevant Sections	Consideration and Comments	Complies
University or an independent medical research institute).		

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP facilitates 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.

An assessment of the development against the relevant considerations of the Transport and Infrastructure SEPP is provided below in **Table C3**.

Table C3 | Consideration of the relevant provisions of Transport and Infrastructure SEPP

Clause(s)	Consideration and comment
Division 10 Health services facilities 2.60 – Development permitted with consent	A health services facility (hospital) is permissible with consent in the R2 Low Density Residential zone in accordance with Division 10.
2.98 – Development adjacent to rail corridors	The development was referred to TfNSW (Sydney Trains) for comment. TfNSW (Sydney Trains) did not object to the proposal and provided recommended conditions of consent. The Department's consideration of TfNSW (Sydney Trains) comments can be found in Section 5 .
2.100 – Impact of rail noise or vibration on non-rail development	The proposal is on land that is adjacent to a rail corridor. Accordingly, the Department has taken the <i>Development near rail corridors and busy roads: interim guideline</i> into consideration. The Acoustic Assessment (AA) provided demonstrates that the proposed development is capable of being constructed to comply with the relevant noise criteria.

Clause(s)	Consideration and comment
2.122 – Traffic generating development	<p>The proposal comprises development for the purpose of a hospital with size or capacity of 200 or more beds with access to a road. In accordance with the Transport and Infrastructure SEPP, the development was referred to TfNSW for comment.</p> <p>TfNSW did not object to the proposal, however provided comment and recommended conditions of consent. The Department's consideration of TfNSW comments can be found in Sections 5 and 6.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site does not contain any areas of mapped Coastal Wetland or Littoral Rainforest, nor is it within a mapped proximity buffer to such environments. The site is not within the Coastal Environment Area or the Coastal Use Area. As such, no further assessment is required.

Chapter 4 – Remediation of land

Contamination investigations have been undertaken for the site as part of the separate early works DA, including a Preliminary Site Investigation (PSI), Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) which determined that remediation and implementation of the RAP would result in the site being suitable for the proposed development.

These investigations and remediation works are being undertaken in association with the separate scope of works being carried out in accordance with development consent DA0606/2022, approved by Council. As a consequence, the land would be remediated in accordance with a RAP and made suitable for the hospital development prior to commencement of the hospital's construction associated with this application.

State Environmental Planning Policy (Industry and Employment) 2021

The Industry and Employment SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The Department has assessed the proposed signage against the relevant requirements in **Table C4** and the specific assessment criteria of Schedule 5 of the Industry and Employment SEPP in **Table C5**.

Table C4 | Industry and Employment SEPP compliance table - signage

Clause(s)	Assessment Criteria	Comments	Complies
Part 3.2 Signage generally			
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this policy.	The proposal is consistent with the objectives of the Industry and Employment SEPP, is compatible with the desired amenity and visual character of the area and provides effective communication and public benefit.	Yes
	The signage is to satisfy the assessment criteria in Schedule 5.	See Table D5.	Yes

Table C5 | Industry and Employment SEPP Schedule 5 assessment criteria table - signage

Assessment Criteria	Consideration and Comments	Complies
1 Character of the area		
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 proposal is compatible with the existing character of the area, which itself is slowly transitioning to urban land uses, and is not expected to have any adverse impacts.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Not applicable.	Yes
2 Special areas		
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 signs will not detract from any sensitive areas.	Yes

Assessment Criteria	Consideration and Comments	Complies
3 Views and vistas		
Does the proposal obscure or compromise important views?	The signs are either attached to buildings or free-standing and set within the public domain. The Department is satisfied the proposal would not obscure or compromise any important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The signs would not dominate the skyline or reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisements?	The signs are not proposed in proximity to any advertisements and would therefore not impact on the viewing rights of advertisers.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs are modest for the size of the site and the scale of existing and proposed buildings. The signs would not detract from the character of the streetscape or setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signs would be of a high quality and would complement the built form.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs are simple in design and would not result in visual clutter.	
Does the proposal screen unsightliness?	Not applicable.	Not applicable
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs would not protrude above any buildings, structures or tree canopies.	Yes
Does the proposal require ongoing vegetation management?	No ongoing vegetation management is required in relation to signage.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the	The proposed signs are compatible with the scale and proportion of the existing and proposed buildings.	Yes

Assessment Criteria	Consideration and Comments	Complies
site or building, or both, on which the proposed signage is to be located?	Wayfinding pylons are not proposed to be attached to any existing or proposed buildings.	
Does the proposal respect important features of the site or building, or both?	The proposed signs are modest in scale and respect the design of the buildings and the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the signs is to identify site/building and assist with wayfinding.	Yes
6 Associated devices and logos with advertisements and advertising structures		
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?	Signage plans were provided with the EIS which shows that there would not be any safety devices, platforms, lighting devices or logos designed as integral parts of the proposed signage.	Yes
7 Illumination		
Would illumination result in unacceptable glare?	The signs would be non-digital, static illuminated. The illumination would be controlled and would not result in any unacceptable glare.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	No.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The signs are not located within close proximity to any residence or other form of accommodation.	Yes
Can the intensity of the illumination be adjusted if necessary?	Plans of the proposed signage would be determined during detailed design stage. Adjustment of illumination is not anticipated.	Yes
Is the illumination subject to a curfew?	No. The Department does not consider a curfew is necessary, given that wayfinding and building identification signage is required at all times during 24-hours operation of the hospital facility.	Yes

Assessment Criteria	Consideration and Comments	Complies
8 Safety		
Would the proposal reduce the safety for any public road?	The signage is located wholly within the site and would not reduce safety or obscure sightlines from public areas.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage is located wholly within the site and would not reduce safety for pedestrians or cyclists.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is set back from the roadway and would not reduce road safety.	Yes

Shellharbour Local Environmental Plan (SLEP) 2013

The Department has consulted Council throughout the assessment process and considered all relevant provisions of the SLEP 2013 and those matters raised by Council in its assessment of the development (refer to Sections Error! Reference source not found. and 6). The Department concludes the development is complies with the requirements of the SLEP 2013. Consideration of the relevant clauses of the SLEP 2013 is provided in Table C6.

Table C6 | Consideration of the SLEP 2013

SLEP 2013	Department Consideration
Land Use Table – R2 Low Density Residential	The site is zoned R2 – Low Density Residential. Hospitals are a prohibited form of development in the zone. However, section 2.60 of SEPP (Transport and Infrastructure) 2021 provides that development for the purposes of a health services facility (hospital) may be carried out with consent in a prescribed zone. The site is zoned R2 – Low Density Residential, a prescribed zone for the purposes of Division 10. Therefore, the development is permissible with consent.
Clause 4.3 Height of buildings	The height of building standard that applies to the site is 9m. However, this control does not apply in this instance in accordance with clause 5.12(1) of SLEP 2013. The Department considered the proposed height of the development in Section 6 and is satisfied that it is acceptable in the site circumstances.
Clause 4.4 Floor space ratio	The maximum allowable FSR on the site is 0.5:1. The proposed FSR is 0.37:1 and complies.

SLEP 2013	Department Consideration
Clause 5.10 Heritage conservation	The Department has considered heritage impacts in detail in Section 6 and is satisfied that the proposal is acceptable with respect to heritage conservation.
Clause 5.21 Flood planning	<p>Clause 5.21 of SLEP 2013 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"> a. is compatible with the flood function and behaviour on the land, and 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 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 d. incorporates appropriate measures to manage risk to life in the event of a flood, and 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>The Department has considered the development and is satisfied that:</p> <ul style="list-style-type: none"> a. The design addresses the flood hazard of the land and has been designed to address the PMF. b. The proposal would not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties as the potential overland flow impacts are appropriately managed. c. The design would not adversely affect the safe occupation and efficient evacuation of people noting that ingress and egress from the site will remain flood free during all flood events and Dunmore Road to the east is not flood affected. d. Flood risk is minimised by locating the hospital buildings, on-grade car parking, external loading dock, plant and equipment out of the 1% AEP flood extents. The parts of the site within the 1% AEP flood event are proposed to be vegetated water sensitive urban design features such as vegetated swales, bioretention basins and buffer strips integrated with landscaping. Further, it is proposed that in case of a flood emergency or occurrence of a PMF flood event, personnel and patients on the site are to seek refuge within the site and shelter-in place within the hospital.

- e. The design will not adversely affect the environment or cause avoidable erosion, subject to the implementation of appropriate mitigation measures. There would be no adverse impacts caused to riparian vegetation or riverbanks/watercourses.

The Department has considered the flooding impacts of the proposal in further detail in **Section 6.3** and is satisfied that proposal meets the primary objective of the Floor Risk Management Manual 2023, as it would not result in any adverse impact on adjacent structures or properties. The matters set out in clause 5.21(2) and (3) have been considered in the assessment of the application and are satisfied.

Clause 5.22 Special flood considerations

Sensitive and hazardous development includes development for the purposes of a hospital in accordance with the provisions within clause 5.22. This clause provides that consent must not be granted unless the consent authority has considered whether the development-

- a. Will affect the safe occupation and efficient evacuation of people in the event of a flood, and
- b. Incorporates appropriate measures to manage risk to life in the event of a flood, and
- c. Will adversely affect the environment in the event of a flood.

The Department is satisfied that the development would meet the objectives of Clause 5.22(1) and mandatory considerations under Clause 5.22(2) noting that:

- it is proposed that in case of a flood emergency or occurrence of a PMF flood event, personnel and patients on the site are to seek refuge within the site and shelter-in place within the hospital.
- risk to life is minimised by locating the hospital buildings, on-grade car parking, external loading dock, plant and equipment out of the 1% AEP flood extents. The parts of the site within the 1% AEP flood event are proposed to be vegetated water sensitive urban design features such as vegetated swales, bioretention basins and buffer strips integrated with landscaping.

Clause 6.1 Acid Sulfate Soils

Part of the site is mapped as Class 3 acid sulfate soils. An acid sulfate soils management plan has been provided with the EIS which satisfies clause 6.1(3).

Clause 6.2 Earthworks

The clause requires the consent authority consider the likely disruption of earthworks on drainage patterns and soil stability, future use and redevelopment of the land, the quality of excavated soil or fill, the likelihood of disturbing relics, the effects of earthworks on waterways, drinking water catchments and

SLEP 2013	Department Consideration
	<p>neighbouring amenity, and appropriate measures to mitigate the impacts of development.</p> <p>The Department has considered the impacts of the proposed earthworks and is satisfied that subject to conditions, the development is acceptable.</p>
Clause 6.4 Stormwater management	<p>This clause provides that the consent authority must be satisfied as to various matters pertaining to stormwater in deciding whether to grant development consent for development.</p> <p>The Department has considered the matter of stormwater management in detail in Section 6.5 is satisfied that subject to conditions, the development is acceptable.</p>
Clause 6.9 Essential services	<p>This clause requires that development consent must not be granted for development on land unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. Services and utilities are available or will be made available, and it has been demonstrated that the hospital can be adequately serviced.</p>

State Environmental Planning Policy (Resources and Energy) 2021

Boral Resources (NSW) Pty Ltd owns and operates Dunmore Hard Rock Quarry, approximately 2.5km west-southwest of the land to which the application relates. Additionally, Dunmore Sand and Soil Pty Limited operates the Dunmore Lakes Sand Extraction Project approximately 1.5km south-west of the land. For completeness, the provisions of *section 2.19(2) – Compatibility of proposed development with mining, petroleum production or extractive industry* have been considered as follows:

- the existing uses and approved uses of land in the vicinity of the development include Dunmore Quarry and the Dunmore Lake Sand Extraction Project under their respective State significant development consents DA470-11-2003 and DA195-8-2004. The proposed development is not likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources). The proposed development is not considered to be incompatible with mineral resource land and uses, noting the extensive separation distance to the hospital site.

- the proposed development is for a hospital that would provide substantial public benefits without compromising the benefits that the local extractive industries provide.
- relevant stormwater, acoustic/vibration, and structural matters have been considered as part of the EIS and found to be acceptable.

Appendix D – Recommended instrument of consent