

Department of Planning, Housing and Infrastructure

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New Eurobodalla Regional Hospital

State Significant Development Assessment Report (SSD-56989722)

May 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 Eurobodalla Regional Hospital located at Princes Highway, Moruya, lodged by NSW 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-56989722 for the New Eurobodalla Regional Hospital.

This report will be provided to the delegate of 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 the New Eurobodalla Regional Hospital. The project is located at the Princes Highway, Moruya in the Eurobodalla Shire local government area (LGA).

The project is expected to generate 306 construction jobs and 518 full-time equivalent operational jobs. The operational jobs are inclusive jobs relocated from existing hospitals at Batemans Bay and Moruya, as well as new jobs. If approved, construction of the project is proposed to commence in 2024.

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 South East and Tablelands Region Plan 2036, Transport for NSW's Future Transport Strategy 2056, Infrastructure NSW's State Infrastructure Strategy 2022-2042, Government Architect NSW's Connective with Country Framework and Eurobodalla Shire Council's 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 7 September 2023 until 4 October 2023. During the exhibition period, the Department received:

- four submissions from the public, including two submissions in support and two in objection.
- a submission from the Eurobodalla Shire Council, supporting and providing comment on the project.
- advice from the following eight government agencies: the Biodiversity and Conservation Division of the Department of Climate Change, Energy, the Environment and Water (DCCEEW); DCCEEW Water; Heritage NSW Aboriginal Cultural Heritage; Transport for NSW; Department of Primary Industries - Agriculture; NSW Rural Fire Service; NSW State Emergency Service; and the Civil Aviation Safety Authority.

Key concerns raised related to pedestrian access to the site, helicopter noise impacts, workforce accommodation during construction and operation of the hospital, and site access during flood events.

The Applicant submitted a submissions report (RtS) on 22 January 2024 to address the issues raised in submissions and agency advice.

The Applicant provided further information as part of a supplementary RtS (SRtS) on 12 March 2024 and 3 May 2024, to address comments raised by the Department and agencies following review of the RtS.

Assessment

Built form, public domain and landscaping

The Department is satisfied that the height and scale of the building is appropriate. However, concern is held regarding the Applicant's revised façade and roof form strategy proposed as part of the RtS. Following discussions with Government Architect NSW (GANSW) and the Applicant, the Department considers that these concerns can be adequately addressed through further design refinements prior to the commencement of construction. Therefore, a condition of consent is recommended requiring the Applicant to prepare an amended façade and roof strategy in consultation with GANSW that results in improved façade articulation and reduces the visual prominence of rooftop plant enclosures and water storage tanks. The plans must be submitted to and approval obtained from the Planning Secretary prior to the commencement of construction (excluding bulk earthworks and drainage).

The Department also requires the Applicant to provide amended landscaping plans, to demonstrate an improved pedestrian environment at the main hospital entry and landscaped Meeting Place. Overall, and subject to the above, the Department is satisfied that public domain works will provide quality outdoor spaces for patients and staff to assist with wayfinding across the hospital site.

Biodiversity, tree removal and bush fire protection

The Department notes that tree removal to facilitate the development is unavoidable but acknowledges the high-quality of replacement landscaping proposed. Tree protection measures are to be implemented to protect retained trees on and adjacent to the site.

To offset the impact of the development on biodiversity, the Applicant will be required to provide 42 ecosystem credits and 247 species credits. The Department is satisfied that biodiversity impacts can be adequately compensated.

The Department is satisfied that the design of the built form and landscaping has considered bush fire protection measures and conditions have been recommended to ensure the relevant guidelines are applied during the construction and operation of the hospital. Overall, the development is considered suitable for the site.

Noise and vibration

The Department is satisfied that noise impacts associated with the development can be appropriately mitigated, subject to detailed design incorporating acoustic attenuation measures to achieve recommended noise limits, and the preparation of construction noise and vibration management plans.

Traffic, transport and parking

The proposal would not have an adverse impact on the local traffic network or surrounding key intersections and demonstrates that parking demand can be accommodated at the site. The Department notes that a shift away from private car use, subject to implementation for a Green Travel Plan, has potential to further reduce private vehicle use and parking demand in the future.

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 the recommended conditions of consent. Consequently, the Department has formed the opinion the development:

- would provide benefit for the community by delivering new and improved health care facilities.
- is consistent with government strategy.
- would provide 306 construction jobs and 518 full-time equivalent operational jobs, inclusive of new jobs and jobs relocated through the closure of existing hospitals at Batemans Bay and Moruya.

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

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1 Introduction

1.1 The proposal

NSW Health infrastructure, on behalf of Health Administration Corporation (the Applicant), proposes the construction of the new Eurobodalla Regional Hospital at Moruya.

The project description and mitigation measures provided in Section 3 and Appendix B of the environmental impact statement (EIS), as amended in Section 3 of the Response to Submissions Report (RtS), Appendix V of the Supplementary Response to Submissions Report (SRtS) and the Amendment Report, 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 2.

1.2 Project location

Moruya is a regional centre within the NSW South Coast region. The subject site is located at the Princes Highway, Moruya, in the Eurobodalla Shire local government area (LGA). The site is approximately 1.5km south-east of the Moruya Town Centre, 21km south of Batemans Bay, 32km north of Narooma and 300km south of Sydney. The site is legally described as Lot 2 in DP 1281576 and Lot 69 in DP 752151. The site in its regional context is shown in Figure 1.

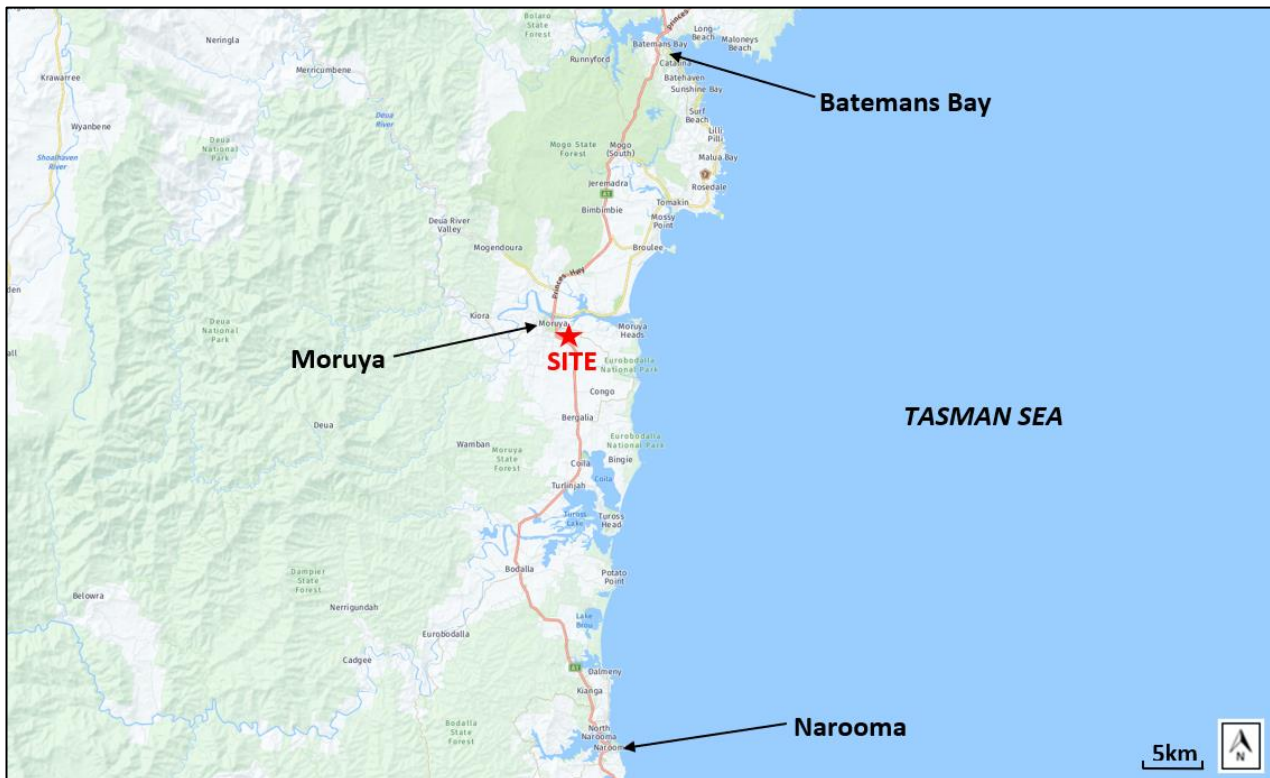


Figure 1 | Regional context map (Base source: Nearmap)

Surrounding context

The site is located approximately 1.5km south-east of the Moruya Town Centre and 500m east of the Moruya TAFE Campus. The surrounding context, as shown in Figure 2, includes:

- **North:** low-density residential dwellings and vacant subdivided residential lots, agricultural grazing land. Further to the north is Racecourse Creek, the Moruya sewage treatment plant and the Moruya River.
- **East:** agricultural grazing land with a mixture of sparse and dense bushland, and the Tasman Sea beyond.
- **South:** the Princes Highway, with agricultural grazing and rural-residential subdivision beyond and to the south-east.
- **West:** TAFE Campus with low-density residential and Moruya High School beyond. Further to the west and north-west lies the Moruya Town Centre, Moruya Golf Club and the existing Moruya Hospital.

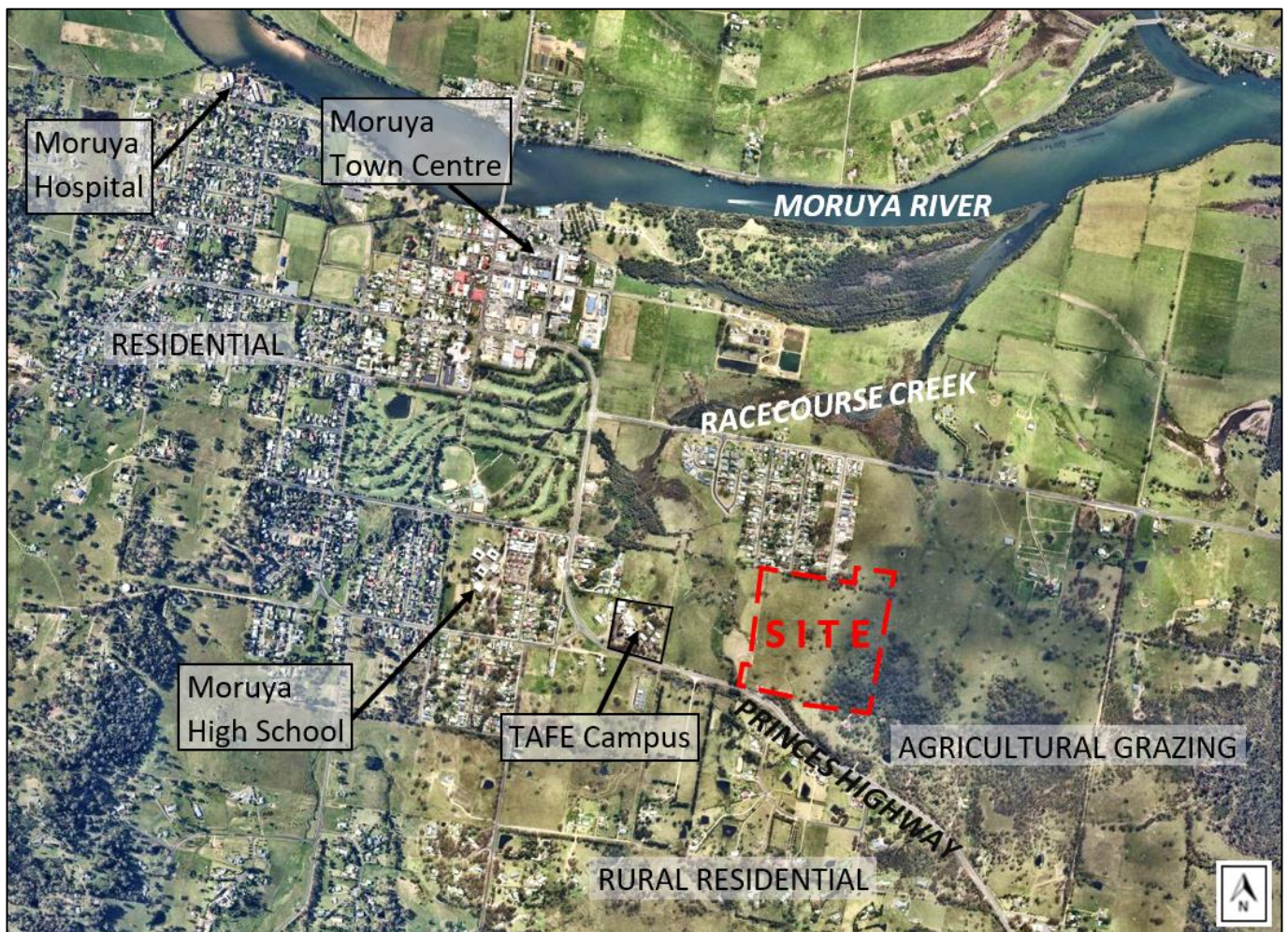


Figure 2 | Local context (Base source: Nearmap)

Project Site

The site is a currently vacant and undeveloped, having been previously used for agricultural purposes. The site covers approximately 21.94 hectares, with a 170m frontage to the Princes Highway to the south and a 230m frontage to Albert Street and Caswell Street to the north. It typically slopes upward from approximately RL 1.5 in the west to RL 55 in the south-east of the site (a level change of more than 50m). A significant gully extends from east to west across the site, acting as a natural watercourse with the western base of the ridge extending into a flood zone. The topography of the site is shown in Figure 3.

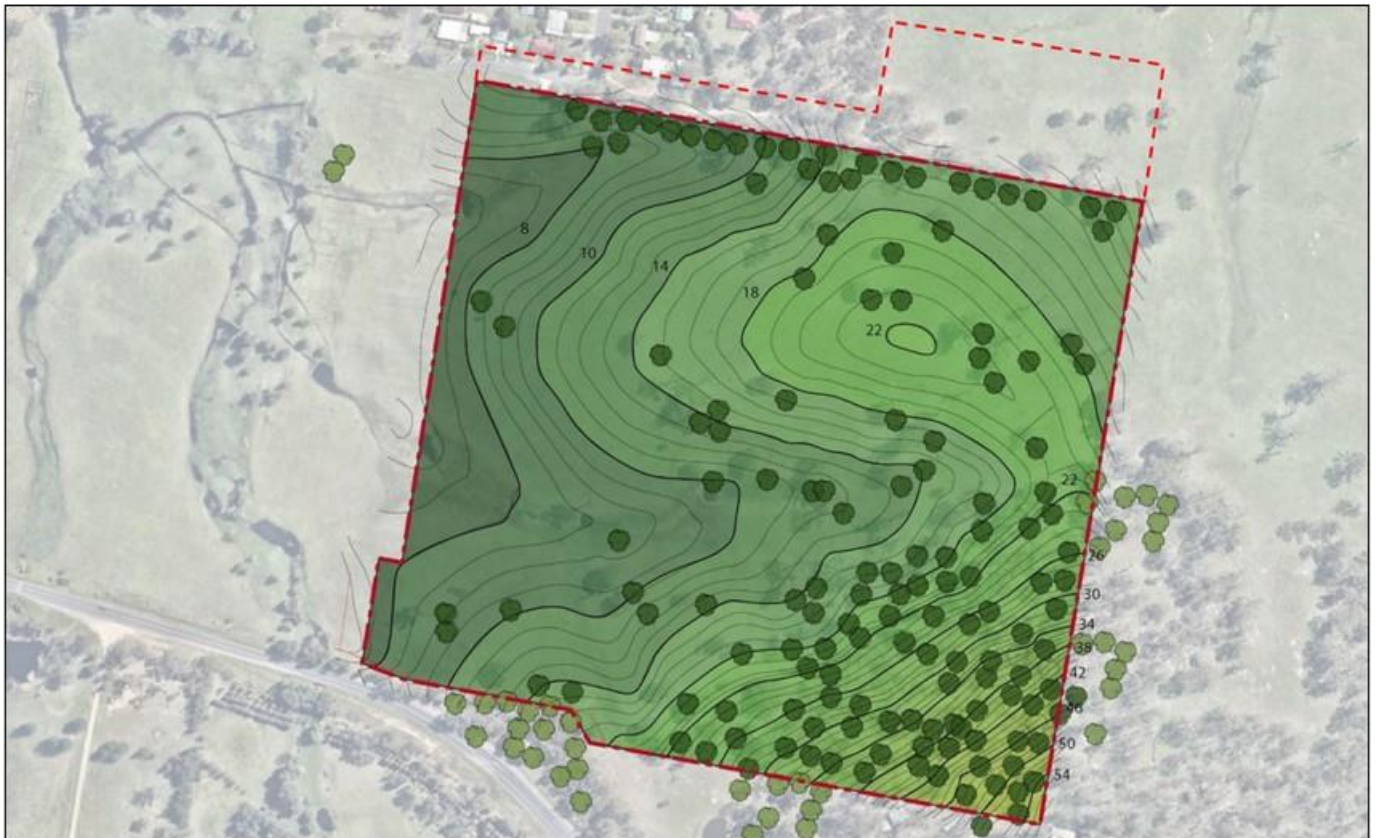


Figure 3 | Site topography (Source: EIS)

Landscaping, biodiversity and bush fire

The site is mostly open grassland previously used for cattle grazing, with some existing natural vegetation on the sloping portion to the south-east of the site. One plant community type (PCT) of native vegetation is present on the site, being 'PCT 834 Forest Red Gum – Rough-barked Apple – White Stringybark grassy woodlands on hills in dry valleys, southern South East Corner Bioregion' (Southeast Lowland Grassy Woodland). The Southeast Lowland Grassy Woodland and pasture is listed as a critically endangered ecological community (CEEC) under the *Biodiversity Conservation Act 2016* (BC Act) and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act,

Commonwealth). The Commonwealth Department of Climate Change, Energy, the Environment and Water has advised that the proposal does not constitute a controlled action.

Five fauna species generally found in the region are assumed to be present at the site as it contains suitable habitat, including the White-Bellied Sea-Eagle (*Haliaeetus leucogaster*), Southern Myotis (*Myotis Macropus*), Powerful Owl (*Ninox strenua*), Brush-tailed Phascogale (*Phascogale tapoatafa*) and the Austral Toadflax (*Thesium austral*).

The site is also mapped as being bush fire prone (vegetation categories one and three), and the proposal is therefore considered a Special Fire Protection Purpose (SFPP) development (see Figure 4).

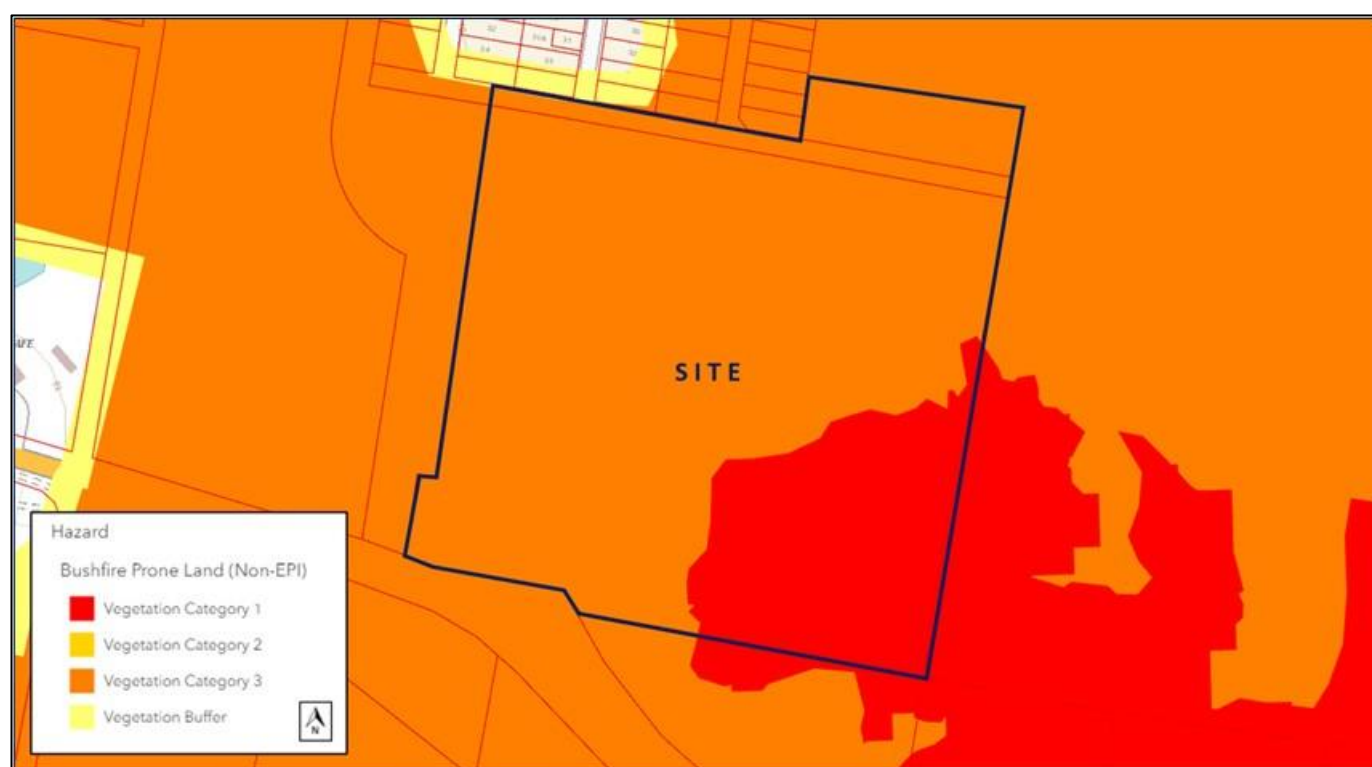


Figure 4 | Bush Fire Prone Land (Base source: NSW Planning Portal Spatial Viewer)

Flooding

Large parts of Moruya are susceptible to flooding. While the site is largely located outside the known flood area, a small portion along its western boundary is identified as being affected by the 1 per cent annual exceedance probability (AEP) and Probable Maximum Flood (PMF) flood events, as demonstrated in Figure 5.

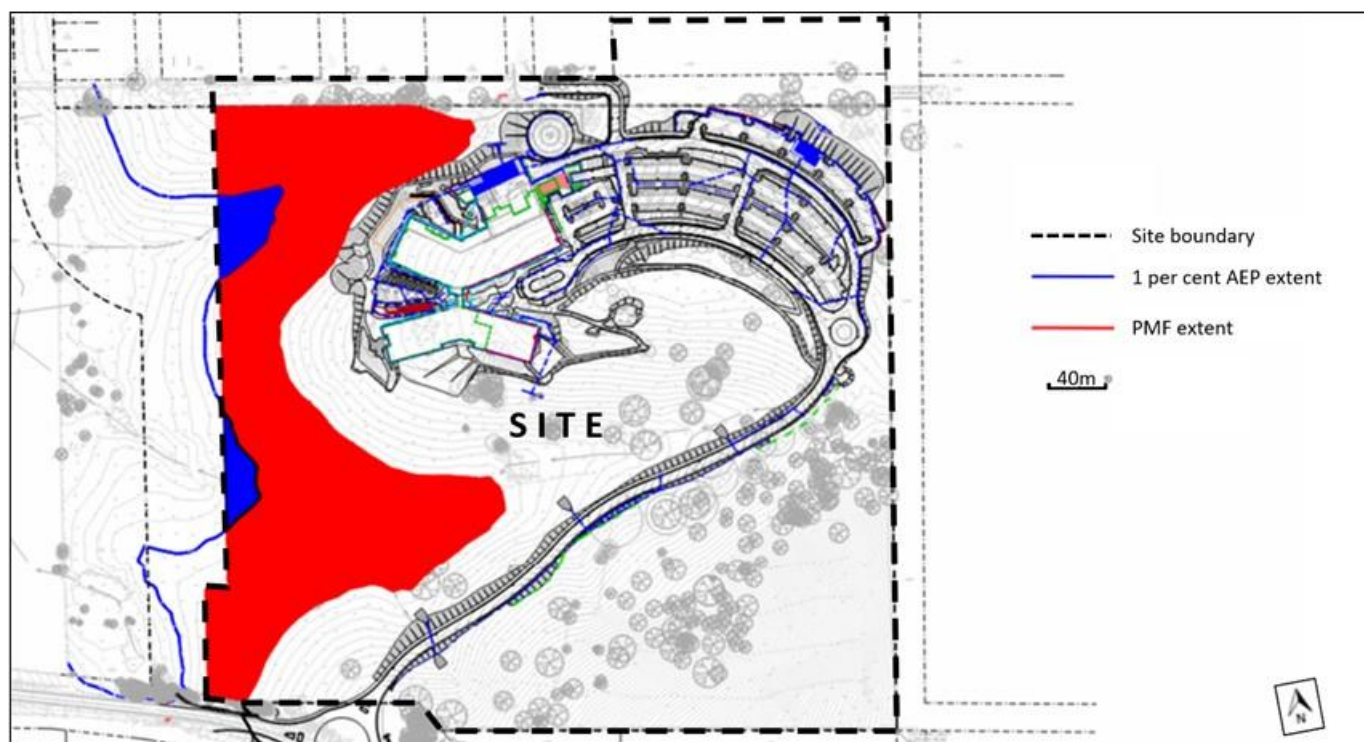


Figure 5 | Flood extent map (Base source: EIS)

Transport and access

The site is not supported by any public transport services. The nearest bus stop is located at the Moruya TAFE Campus, approximately 500m from the site and serviced by the 860 route which travels between Moruya and Batemans Bay.

Public footpaths are located within the residential streets to the north of the site, connecting with a pedestrian spine along South Head Road which connects to the Moruya Town Centre. The neighbouring TAFE Campus is also serviced by a three metre wide shared path which connects to the Town Centre; however, no footpaths connect the subject application site to the TAFE Campus to the west.

The site is currently open grassland with open scattered trees and no formal car parking exists. Informal vehicle access is provided via locked metal gates from the Princes Highway (State-classified road) to the south, and Albert Street (local road) to the north.

1.3 Project background

To meet the needs of the Southern NSW Local Health District (SNSWLHD), the Applicant explored alternative options to respond to the service needs identified in the Clinical Services Plan for the Eurobodalla Hospital. Options included service upgrades to and/or redevelopment of existing hospital facilities at Moruya and Batemans Bay, and local and public-private partnerships to deliver

services. Each alternative option was discounted, either due to unacceptable service disruptions or an inability to deliver adequate services to meet community healthcare needs.

The Applicant advises that the proposed hospital will:

- increase the complexity of services provided locally, to Level 4 for most services. Existing facilities at the Moruya and Batemans Bay hospitals provide Level 3 services.
- ensure that healthcare services are not unnecessarily duplicated throughout the local area, bringing together multidisciplinary teams and optimising resources.
- deliver new models of care that do not operate in isolation.
- deliver integrated services, ensuring that patients move easily between services and streams where required.
- address Aboriginal health outcomes by providing a facility designed to meet the needs of local Aboriginal communities using Connecting with Country initiatives.

1.4 Related projects and works

The Applicant is undertaking a package of works on the site under Part 5 of the EP&A Act, which the Applicant has determined to be permitted as "development without consent" under the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP). These works include construction of a roundabout and road at the Princes Highway frontage, and soil conservation works.

Existing hospital facilities at Batemans Bay and Moruya are to be closed in the future, following commencement of operations of the New Eurobodalla Regional Hospital.

2 Project

2.1 Project overview

The key aspects of the project are provided in detail in the Chapter 3 of the EIS, as amended in Chapter 3 of the RtS and the Amendment Report and are outlined **Table 1**.

The proposal originally included the provision of a helipad adjacent to the northern site boundary at Caswell Street. The helipad was subsequently removed from the proposal following concerns raised by the Department with regard to public safety and environmental amenity.

Table 1 | Key aspects of the project

Aspect	Description
Project summary	Construction and operation of a three-storey hospital building including associated at-grade car parking, access road and landscaping.
Site preparation	<ul style="list-style-type: none">• Removal of 81 trees, including 16 habitat trees which will be relocated.• Bulk earthworks resulting in a maximum cut of 4.5m and fill of 3.5m.
Built form and design	<ul style="list-style-type: none">• Construction of a three-storey building comprising two main components including a foyer area at the centre, and four wings which expand from the foyer area. The building would have a maximum height of approximately 19m (AHD 32.92 to lift overrun).
Layout / uses	<ul style="list-style-type: none">• The central foyer structure of the new hospital building includes the main reception area and retail space, and the four wings (north-east, north-west, south-east and south-west) accommodate all support spaces and back of house operations. Specifically, each level includes:<ul style="list-style-type: none">○ Lower Ground Floor: ambulatory care, rehabilitation unit, maternity and paediatrics, per-operative, mortuary and back of house operations.○ Ground Floor: main entry and reception, ambulatory care, emergency department (ED), medical imaging, pathology, operations centre and plant.○ Level 01: inpatient units, intensive care unit, health information management, staff areas and pharmacy.○ Level 02 (roof): plant.
Site area	<ul style="list-style-type: none">• Approximately 219,400sqm.
Gross floor area	<ul style="list-style-type: none">• 18,838sqm.

Aspect	Description
Access	<ul style="list-style-type: none"> Two-way vehicle access loop road, connecting to a roundabout at the Princes Highway (constructed as part of a package works separate to this SSD). The road would direct general traffic to a main at-grade carpark, five additional parking areas and public drop-off/pick-up facilities; buses to a bus stop and layover area; and service vehicles and ambulances to a circulation road linking to relevant docking areas. A secondary, access-controlled driveway from Caswell Street to provide ambulance access in the event of Princes Highway closure.
Car and bicycle parking	<ul style="list-style-type: none"> 483 spaces within the main carpark and five smaller parking areas (all at-grade). 12 bicycle parking spaces and end-of-trip facilities. Ambulance parking facilities for three ambulances and one additional emergency vehicle (police, fire, paramedics).
Public domain and landscaping	<ul style="list-style-type: none"> Hard and soft landscaping including: <ul style="list-style-type: none"> replacement planting of 292 trees. four patient courtyards incorporating seating, shelter and planting. a 'Healing Place', comprising gardens with seating and meandering pathways. landscaped main hospital entry known as 'Walawaani' providing seating, shelter and landscaping. a 'Meeting Place' to accommodate ceremonies and gatherings, comprising gardens, seating, and planting (bushtucker and medicinal species). landscaping and garden beds around and throughout the main access drive and at-grade carparks.
Signage	<ul style="list-style-type: none"> Two illuminated building identification signs (4.7m x 2.2m) fixed to the building's south-east wing. One emergency drop-off sign (6.1m x 0.7m) fixed to the eastern façade of the building's north-east wing. Additional wayfinding signage scattered throughout access road and at-grade carparks.
Hours of operation	<ul style="list-style-type: none"> 24 hours per day, every day.
Jobs	<ul style="list-style-type: none"> 306 construction jobs. 518 full-time equivalent (FTE) jobs during operation, inclusive of new jobs and jobs relocated from existing hospitals at Batemans Bay and Moruya.

2.2 Physical layout and design

As demonstrated in Figure 6, the proposed hospital building is located in the north-eastern part of the site and comprises four wings connected by a central foyer area. A proposed vehicle access road enters the site via a roundabout at the Princes Highway to the south-east, crossing the site to the north-east where it loops to provide access to at-grade carparks and loading bays. A secondary ambulance access-controlled driveway is provided from Caswell Street to the north.

Landscaping is scattered throughout the site, including planting along the access road and throughout the carparks. East-facing landscaped areas around the hospital building include 'The Meeting Place' and 'Walaawaani'. West-facing landscaped areas include 'The Healing Place' and three patient courtyards adjacent to the hospital mortuary, rehabilitation and palliative care spaces.



Figure 6 | Site layout (Source: RtS)

The site is zoned part R2 Low Density Residential and part RU1 Primary Production (as demonstrated in Figure 7), however all development works are proposed to be undertaken within the R2 zone.

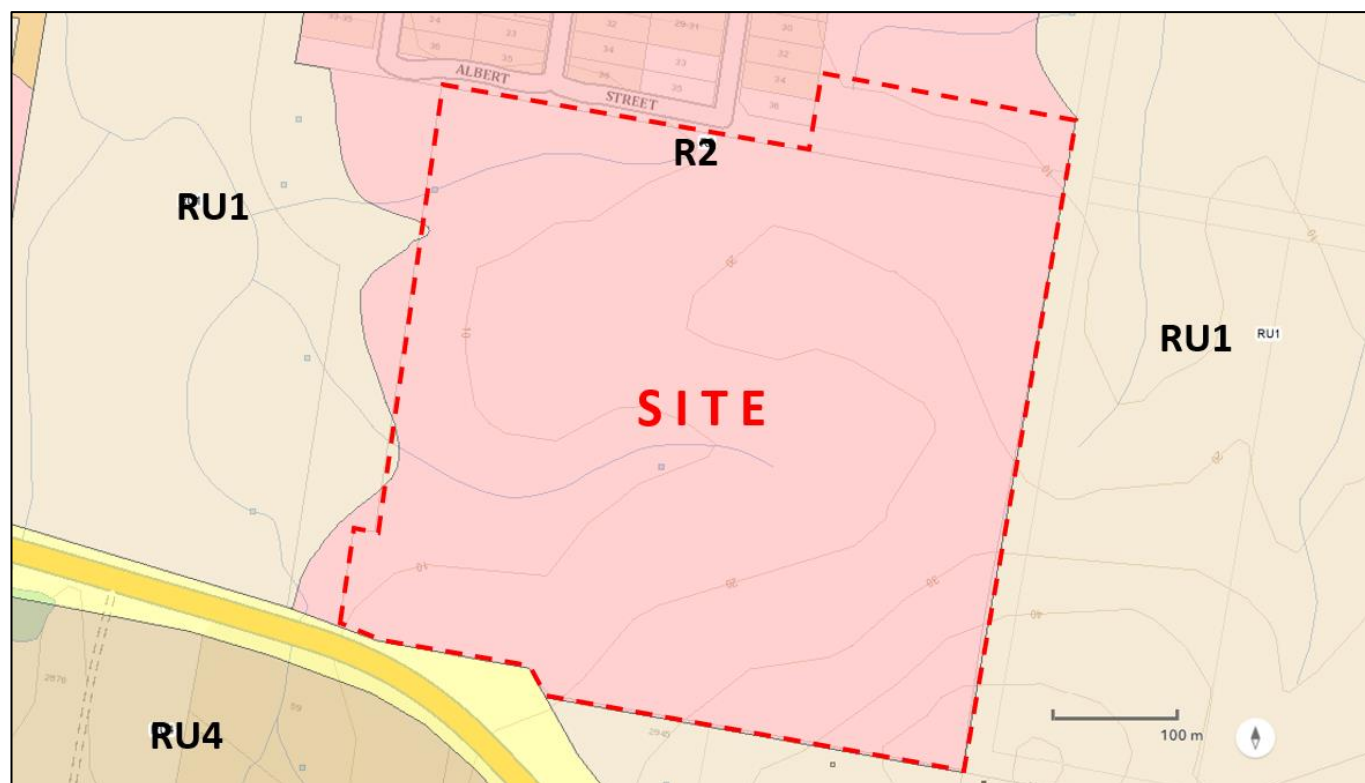


Figure 7 | Zoning map (Source: RtS)

2.3 Uses and activities

The proposed hospital would provide health services facilities including an ED, intensive care unit, rehabilitation unit, maternity and paediatrics, ambulatory care, medical imaging, pathology and operating theatres.

The facilities would accommodate 518 FTE jobs during operation.

The proposed operating hours are 24 hours per day, seven days a week.

2.4 Timing and sequencing

The Applicant proposes construction of the development over approximately two years, with works anticipated to commence in 2024.

3 Strategic context

3.1 Key strategic issues

The project is largely consistent with the strategies, plans and policies outlined in Table 2 below, and 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.
The South East and Tablelands Region Plan 2036	Consistent	The development would ensure increased access to health services in a centrally location, consistent with Direction 21 of the plan. The development would strengthen the regional economy by providing jobs and employment.
Transport for NSW's Future Transport Strategy 2056	Consistent	The development would provide a new internal road system to support the hospital, incorporating accessibility to and from the Princes Highway. Pedestrian pathways across the site and an upgraded pathway along Caswell Street to the north would facilitate and encourage safe and convenient access.
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.
Government Architect NSW (GANSW) Connecting with Country Framework	Consistent	The Applicant has sought to incorporate Connection to Country principles throughout the life cycle of the project, including the State Design Review Panel (SDRP) process, which guided the design development of the proposal.
Eurobodalla Shire Council (Council) Local Strategic Planning Statement	Consistent	The proposal would be consistent with Priority 7, as it facilitates a collaborative approach to deliver a strategic infrastructure project in the region.

The Department has 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. 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 6.5**.

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 Table 3 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 the development is for the purposes of a hospital with a CIV greater than \$30 million. The proposed development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the 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 and 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 and 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 on land zoned part R2 Low Density Residential and part RU1 Primary Production under the Eurobodalla Local Environmental Plan (ELEP) 2012. The Transport and Infrastructure SEPP identifies the R2 Low Density Residential zone as a prescribed zone and permits health services facilities. Further, hospitals are defined as an innominate use within in the ELEP (i.e. not specifically described

Consideration	Description
	as being either permissible or prohibited). The proposed development is therefore permissible with consent.

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 the relevant government agencies responsible for these other authorisations in its assessment of the project (see **Sections 5 and 6**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix A**).

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 4 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 **Table 4** below.

Table 4 | Matters for consideration

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

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 B**.

As a result of the analyses in **Appendix B**, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

4.4.3 Biodiversity development assessment report

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, which was revised at RtS stage (see **Appendix A**). The BDAR and the overall impact of the project on biodiversity values is assessed in **Section 6.2**.

5 Engagement

5.1 Exhibition of the EIS

5.1.1 Public exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the project for 28 days from 7 September 2023 until 4 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 eight government agencies on the EIS.

A summary of the agency advice is provided in Table 5. A link to the full copy of the advice is provided in Appendix B.

Table 5 | Summary of agency advice

Agency	Advice summary
Biodiversity and Conservation Division (BCD), NSW DCCEEW	<p>The NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity and Conservation Division (BCD) (formerly of the Department of Planning and Environment):</p> <ul style="list-style-type: none">• advised the proposal demonstrates the avoidance and minimisation of impacts on high biodiversity values, and sufficient offset obligation has been generated to offset residual impacts that will need to be retired prior to commencement of construction.• supported the adoption of all recommendations outlined in the BDAR.• requested a role in the review and approval of a Vegetation Management Plan (VMP) to inform the management of retained vegetation on site.• recommended further investigation of local catchment flooding be undertaken both on- and off-site to better inform the risks associated with current and proposed road infrastructure to service the hospital.• requested consideration of other essential supporting infrastructure such as power, water, sewer and telecommunications over the full range of flood events.• recommended more stringent operational pollutant reduction targets be adopted to ensure no adverse water quality impacts to Moruya River and Racecourse Creek

Agency	Advice summary
	<p>estuary, including consideration, modelling and selection of water sensitive urban design treatment options.</p>
Heritage NSW Aboriginal Cultural Heritage (Heritage ACH)	<p>Heritage ACH requested:</p> <ul style="list-style-type: none"> • updates to the EIS to recognise the issue of Aboriginal Heritage Impact Permit (AHIP) 5060, prior to lodgement of the SSD. It must also be identified that all relevant conditions of the AHIP have been met prior to the commencement of proposed ground disturbance works associated with the SSD. • evidence to demonstrate ongoing consultation with Registered Aboriginal Parties (RAPs). • adjustment of all mapping to include clarify and address apparent errors with regard to mapping of Aboriginal archaeological sites. • details of methodology used to manage and protect three identified scarred trees on site. • details of mechanism for salvage of unidentified Aboriginal objects. • clarification of why the archaeological salvage recommended in Appendix B of the ACHAR, has not been incorporated into the ACHAR.
Transport for NSW (TfNSW)	<p>TfNSW:</p> <ul style="list-style-type: none"> • requested an updated Transport and Traffic Impact Assessment (TTIA) to include details of measures to restrict the use of the emergency secondary access from Caswell Street at the northern site boundary. • advised the proposal should include an extension of existing shared path infrastructure along the Princes Highway from the TAFE Campus to the new hospital site (approximately 500m). • requested additional liaison regarding extension/adjustment of Route 860 bus service to the hospital. • raised concern that the swept path of the proposed access road would not be sufficient to provide for the passing of two buses on a curve. • requested additional information regarding bus stop design and location. • requested additional information regarding construction vehicle access and management of peak worker light vehicle movements (including provision of a shuttle bus for construction workers). • advised the TTIA should be updated to discuss any requirements for road occupancy licences (ROLs), oversize overmass vehicle routes, and approval of routes for the use of any 23m B-Double vehicles.

Agency	Advice summary
	<ul style="list-style-type: none"> • requested clarification regarding ongoing maintenance of the Princes Highway roundabout, namely the hospital access leg. • advised that a signage and line marking plan for directional signage must be approved by TfNSW prior to occupation of the hospital. • recommended amendments to the preliminary Green Travel Plan (GTP), including: <ul style="list-style-type: none"> ◦ incorporation of additional actions and initiatives to lift sustainable travel mode share for staff, including staggering of shift times and provision of a staff shuttle bus. ◦ measures to reduce the proposed number of car parking spaces, including implementation of a parking management strategy. ◦ details of GTP plan monitoring, implementation and funding. ◦ details of increased bicycle parking and end-of-trip (EOT) facilities. • provision of two Travel Access Guides (TAGs), including one for staff and one for visitors and patients.
NSW Department of Primary Industries - Agriculture	<p>The Department of Primary Industries – Agriculture did not object to the proposal, and raised some suggestions that may assist in reducing any potential land use conflicts with the surrounding RU1 Primary Production zoned land, including:</p> <ul style="list-style-type: none"> • managing traffic during construction and operation stages. • ensuring sufficient parking to avoid any overspill into RU1 zoned land. • ensuring staff, patients and visitors do not trespass into adjacent RU1 zoned land.
NSW Rural Fire Service (RFS)	<p>The RFS advised that they support the parameters of the Applicant's bush fire report but advised that it is required to be updated to incorporate the requirements of Planning for Bush Fire Protection – Addendum (November 2022) which includes a suite of provisions for Class 9 buildings in bush fire prone areas.</p>
DCCEE Water Group	<p>DCCEE Water Group (formerly of the Department of Planning and Environment):</p> <ul style="list-style-type: none"> • requested confirmation of water supply for construction stage of the development. • advised that a Water Access Licence (WAL) must be obtained should groundwater be intercepted. • requested confirmation of the maximum annual volume of water take due to aquifer interference activities and advised that a Dewatering Management Plan must be provided if groundwater take is greater than 3ML per year. • requested the Applicant demonstrate consistency with the Guidelines for Controlled Activities on Waterfront Land for works proposed within waterfront land (40m from a watercourse).

Agency	Advice summary
Civil Aviation Safety Authority (CASA)	CASA did not object to the proposal and noted observance of the Applicant's Aviation Report should lead to satisfactory aviation safety outcomes.
NSW State Emergency Service (SES)	SES advised that the development appears to be consistent with the NSW Flood Risk Management Manual with respect to providing protection of critical infrastructure by siting it above the PMF level. SES also advised that the proposed development appears to be consistent with the recommendations of the NSW Flood Inquiry 2022.

5.1.3 Summary of Council submissions

Council raised its overall support of the project, however provided some comments to be addressed. 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

Eurobodalla Shire Council	
Social Impact Assessment	<p>Raised concerns regarding the Applicant's Social Impact Assessment (SIA), noting:</p> <ul style="list-style-type: none"> the housing of the construction workforce is a significant social impact and should be assessed as part of the EIS, including provision of purpose-built workers accommodation on or near the site. the SIA does not analyse the predicted impact of operational workforce housing or accommodation for families/carers of patients accessing the hospital. the SIA does not adequately consider the provision of childcare facilities for operational staff.
Public and active transport	<ul style="list-style-type: none"> requested the Applicant finalise the provision of public transport to the hospital, noting that formal arrangements are yet to be made with local service providers for an on-site bus stop. requested a shared pathway be provided from Moruya town to the hospital site, via an upgrade of the existing footpath along Caswell Street or the shared pathway from along the Princes Highway from the TAFE Campus.
Vegetation removal	<ul style="list-style-type: none"> noted the Applicant's bush fire assessment and BDAR do not adequately illustrate the proposed asset protection zone (APZ).

Eurobodalla Shire Council

Helipad location	<ul style="list-style-type: none"> raised concerns regarding the location of the proposed helipad adjacent to existing residential dwellings and advised that a noise barrier is not considered appropriate nor feasible to manage the impact during operation. requested that a condition of consent be included requiring acoustic upgrading of existing homes with glazing/insulation or an 'acquisition upon request'.
Ecological impacts and biodiversity	<ul style="list-style-type: none"> requested that the ecological impacts of roundabout works, separate to the SSD, be considered as part of the Applicant's BDAR. noted the credit obligations outlined in the Applicant's EIS and BDAR are inconsistent.

5.1.4 Summary of public submissions

The Department received four submissions¹ during the public exhibition period of the EIS, including two submissions in support and two in objection. Further detail is provided in **Table 7** below and a link to all submissions in full is provided in **Appendix B**.

Table 7 | Key issues raised in submissions on the EIS

Submitter	Number of submissions
Location of helipad near residents <ul style="list-style-type: none"> noise and air pollution. sleep disturbance. should be relocated elsewhere within hospital site. 	Two
Traffic <ul style="list-style-type: none"> increased traffic and associated noise and air pollution. safety risk for residents of nearby streets. 	One
Location of hospital <ul style="list-style-type: none"> not at geographical centre of Eurobodalla Shire. impact on property values. 	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.

Submitter	Number of submissions
Emissions <ul style="list-style-type: none"> Applicant has not adequately addressed total estimated Greenhouse gas (GHG) emissions caused by the proposal. 	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 Department also requested the Applicant provide:

- details of a Connecting with Country forward program/outline for consultation with the local Aboriginal community, to address future design and delivery phases of the development.
- additional information regarding proposed tree removal and landscaping.
- clarification of construction staging, storage of dangerous goods and operational job figures.

The Applicant provided an RtS to the Department on 22 January 2024 (see **Appendix A**). The Department published the RtS on the NSW planning portal and forwarded it to relevant government agencies and Council for comment on 23 January 2023.

5.2.1 Summary of agency advice on the RtS

Council and six government agencies commented on the RtS. A summary of their advice is provided in Table 8.

Table 8 | Summary of Council and agency advice on the RtS

Agency	Advice summary
Council	<p>Council provided comments relating to:</p> <ul style="list-style-type: none"> construction workforce housing, noting that the mitigation measures proposed do not include measurable commitments or mandates. active transport facilities, requesting that the existing shared path along the Princes Highway be extended to the site. ecological impacts, including clarification as to how habitat trees are to be ‘relocated’ and not ‘removed’.
TfNSW	<p>TfNSW advised:</p> <ul style="list-style-type: none"> continued liaison between the Applicant, bus operator and TfNSW is required with regard to the extension of bus route 860.

Agency	Advice summary
	<ul style="list-style-type: none"> the provision of a path link from the TAFE Campus to the hospital main entrance, along the Princes Highway, should be provided. the internal road layout should be amended to accommodate swept path for passing public buses along the western section of the loop road, two curves near the hospital entry and at the entry to the proposed bus stop. <p>TfNSW recommended conditions of consent relating to:</p> <ul style="list-style-type: none"> provision of a Construction Traffic Management Plan (CTMP) prior to commencement of construction. obtaining of an access permit prior to the transporting of any oversize overmass loads. obtaining of an ROL prior to works in the Princes Highway road reserve. prior to operation, evidence of legally binding arrangements allowing access for motorists within the site; an implementation plan for public bus services to stop at the hospital; construction of the bus shelter; and submission of a final GTP.
Heritage ACH	<p>Heritage ACH requested the following additional information:</p> <ul style="list-style-type: none"> confirmation that the ancillary works outside the specified lot boundary have been subject to a separate approval process that has considered proximity to AHIMS 58-4-1103 (outside the boundary of salvage works undertaken under AHIP 5060). confirmation whether the recommendation to undertake archaeological salvage, as outlined in the revised ACHAR, is a reference to salvage undertaken under AHIP 5060. <p>Heritage ACH recommended conditions of consent relating to:</p> <ul style="list-style-type: none"> Aboriginal heritage, including reasonable steps to avoid harm and ongoing consultation with RAPs. preparation of an Aboriginal Cultural Heritage Management Plan prior to the carrying out of any ground disturbance works.
DCCEEW Water Group	DCCEEW Water Group requested the Applicant quantify the maximum annual volume of water take due to aquifer interference activities, for both construction and operational stages of the development.
RFS, SES and BCD	No further concerns raised.

5.3 Request for further information

Following receipt of the RtS, the Department asked the Applicant to provide further information to address the additional issues raised by Council and agencies. The Department also requested the Applicant provide additional information regarding the amended façade strategy, proposed landscaping, social impact assessment and acoustic assessment.

On 12 March 2024 and 3 May 2024, the Applicant provided an SRtS. The following additional information was provided:

- revised landscape drawings and building façade diagrams.
- a revised Noise and Vibration Impact Assessment (NVIA), assessing the impact of the proposed development on the residential property at 34 Caswell Street.
- an outline Workforce Accommodation Strategy.
- additional geotechnical information.
- a response to TfNSW and Council's request for a shared path link along the Princes Highway between the hospital site and the TAFE Campus to the west.
- a response to Heritage ACH's query regarding salvage undertaken under AHIP 5060.
- additional groundwater information confirming that water take would be less than 3ML per annum.

As part of the SRtS, the Applicant also confirmed that consent is no longer sought for the hospital helipad.

6 Assessment

6.1 Built form, public domain and landscaping

The proposed three-storey building comprises four wings around a central foyer and would accommodate a range of health services including an ED, intensive care unit, rehabilitation unit, maternity and paediatrics, ambulatory care, medical imaging, pathology and operating theatres.

The application site is zoned part R2 Low Density Residential and part RU1 Primary Production, however all development works are proposed to be undertaken within the R2 zone (see Figure 7).

6.1.1 Building siting, height and bulk

The site is not subject to a floor space ratio (FSR) development standard. The site is subject to an 8.5m height of building (HOB) development standard under clause 4.3 of the ELEG 2012, however the requirement to comply with clause 4.3 is removed by the operation of clause 5.12 of the ELEG 2012, 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.*

The 8.5m HOB 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 8.5m HOB control is set aside in accordance with clause 5.12(1) of the ELEG 2012. The proposed three-storey hospital building would have a maximum height of approximately 19m (AHD 32.92 to lift overrun).

Whilst the development is not technically subject to a maximum HOB control, the Department acknowledges that the proposed building would be taller than other existing residential buildings in the vicinity to the north of the site. However, the proposed scale of the hospital building is considered acceptable as:

- the building is reflective of expected modern health facilities and consistent with strategic plans to deliver increased healthcare and improved clinical services.
- due to the topography of the site, the building presents as two storeys from the east (main entrance and carpark), with a height of approximately 11.4m to parapet and 14.2m to the

setback roof plant screening/lift overrun. The western elevation would present as three storeys plus rooftop plant.

- the building would not dominate the landscape in sightlines from the Princes Highway (approximately 350m to the south-west), as it is located in the north-east corner of the site.
- the primary building bulk is set back from the nearest residential dwellings at Caswell Street and Keightley Street by approximately 100m.
- significant landscaping would be retained and planted throughout the site and along the Princes Highway frontage and the Albert Street corridor adjacent to Keightley Street. This would further reduce the visual impact of the building.

Council raised no concerns with regard to the proposed built form of the development. Overall, the Department is satisfied that the height and scale of the building is appropriate within the site context and would not have a detrimental impact on the surrounding rural and residential setting.

6.1.2 Detailed design

Prior to lodgement of the SSD application, the design of the building was guided by GANSW as part of the SDRP process. During the process, the panel raised concerns regarding the significant use of metal cladding in the building façade. The SDRP therefore recommended the Applicant review the material schedule to:

- investigate reducing the quantity of metal used and/or substituting it with a more sustainable material.
- enhance the tonal differences and improve the expression of strata layers.
- avoid vast expanses of the same material, texture and tone.
- incorporate carefully considered detailing to express junctions between material transitions and improve articulation.

Seeking to address the SDRP comments, at EIS stage the Applicant proposed a building façade strategy which included:

- a brick ‘Walawaani skin’ facing the inner courtyards (including hospital entrance), incorporating five brick selections to achieve a textural, human scale finish.
- a metal ‘Outer skin’ comprised of the building’s north and south orientations, incorporating mixed cladding to provide opportunities for variation in texture and colour.
- building ‘ends’, providing a transition between the Walawaani and Outer skins.
- a raised / pitched building parapet, providing screening to rooftop plant rooms.

At RtS stage, the Applicant revised the proposed façade strategy and roof form, including:

- replacing the brick of the Walawaani skin and building ‘ends’ with metal cladding (see Figure 8).
- amending the outer façade skin, including removal of metal fins which provided additional visual interest and articulation to the façade (see Figure 9).
- removing the raised parapet, exposing metal-clad rooftop plant rooms.
- relocating water tanks to roof level, visible from the ground plane at the main hospital entry.
- installation of a safety balustrade to the roof above the central foyer area, visible from the ground plane at the main hospital entry.

The Applicant’s amended design statement suggests that the revised palette would provide strong horizontals (metal cladding colour pattern), creating a “sense of spatial movement” and a “skyward spatial gesture”, which would correlate with the topographical features of the site.



Figure 8 | Walawaani skin: proposed at EIS (top), amended at RtS (bottom) (Source: EIS and SRtS)



Figure 9 | South-west elevation: proposed at EIS (top), amended at RtS (bottom) (Source: EIS and SRtS)

GANSW raised concerns regarding the amended façade and roof form strategy and advised that the proposal be revisited to achieve greater consistency with the design intent outlined in the EIS. It was recommended that:

- metal cladding to all façades be amended to reduce expanses of single colour/material expression and increase tonal differences.
- the Walawaani façades be revised to be more distinctive from other elevations, and more consistent with the EIS design concept of warmer, more tonal textures adjacent to the main hospital entry.

- elements that provide articulation be reinstated, including sun-shading blades, awning hoods and window/pop-out elements at the east and west ends of the buildings.

The Department holds significant concerns that the amended façade strategy would not be contextually appropriate or adequately respond to the concerns previously raised by the SDRP. The Department raised these concerns with the Applicant, in particular with regard to: the replacement of brick with metal cladding adjacent to the main hospital entrance; reduced articulation at the other facades; and the prominence of rooftop plant rooms and water storage tanks.

To address these concerns, the Applicant held a workshop with the Department and GANSW on 29 April 2024, to discuss potential design amendments to address the concerns raised. While detailed amendments were not provided at the workshop, the Applicant requested that these form part of a condition of consent requiring the preparation of amended architectural plans prior to the commencement of construction.

Following the workshop, the Department and GANSW agreed that the above concerns can be adequately addressed through further design refinements to be guided via a condition of consent. In particular, a detailed condition is recommended requiring the Applicant to provide amended plans to include details of measures to:

- improve articulation of all façades.
- ensure the Walawaani façade is distinctive from the external elevations and provide tighter-spaced groupings of material tones adjacent to the main hospital entry.
- ensure the end façades are of commensurate design quality to the northern and southern façades.
- reduce the visual bulk of the rooftop plant enclosures, including through moving the enclosures inward from the façade line, revising the roof height and pitch, and strategic material selection.
- ensure the balustrade above the central foyer area has minimal visual impact when viewed from the ground plane.
- reduce the visual prominence of rooftop water tanks, including relocating water tanks away from the south-eastern roof.

The amended façade and roof strategy is required to be prepared in consultation with GANSW and submitted to and approval obtained from the Planning Secretary prior to the commencement of construction (excluding bulk earthworks and drainage). Overall, subject to the recommended condition, the Department is satisfied that the proposed development would be acceptable.

6.1.3 Public domain and landscaping

The Applicant revised the proposed landscaping and public domain strategy at RtS stage. As shown in Figure 10, the revised strategy includes the creation of:

- a landscaped main hospital entry (Walawaani) providing seating and shelter.
- a landscaped area (Meeting Place) further to the east of Walawaani to accommodate ceremonies and gatherings, comprising gardens, seating and planting (bushtucker and medicinal species).
- a landscaped area (Healing Place) to the west of the central foyer area, comprising gardens and seating with meandering pathways.
- four patient courtyards incorporating seating, shelter and planting.
- additional planting adjacent to the main access road and at-grade carparks.

The application includes the planting of 292 trees across the site, including 125 proposed for offset. The planting, comprised of local endemic communities, would result in an overall canopy coverage of 18.95 per cent, which is greater than the existing coverage of 12.79 per cent. The Department considers this to be a benefit of the proposed development.



Figure 10 | Landscaping strategy (Source: RtS)

Neither Council nor BCD raised concerns with regard to the proposed landscaping.

GANSW raised concerns following review of the RtS, noting:

- the car-dominated revised entry forecourt would result in a poor relationship between the main hospital entry and the Meeting Place, representing diminished Country, landscape and place outcomes.
- tree canopy coverage throughout the forecourt, Meeting Place and the carparks appears to have been reduced.

As discussed in **Section 6.1.2**, the Department met with the Applicant and GANSW for a design workshop on 29 April 2024. Following the workshop, it was agreed that further design refinements can be made to address the above concerns. In particular, a condition is recommended requiring the Applicant to provide amended plans to include details of measures to:

- improve the pedestrian environment at the hospital entry forecourt, and to the connection between the entry and the Meeting Place.
- provide trees to the southern carpark, commensurate to the northern carpark.

The amended landscape and public domain plans are required to be prepared in consultation with GANSW and submitted to and approval obtained from the Planning Secretary prior to the commencement of construction (excluding bulk earthworks and drainage).

Subject to the above condition, the Department notes the landscaping outcomes would provide high-quality external spaces and a landscaped setting for use of staff, patients and their visitors. The design would maximise the space available to the local community and assist in minimising the impact of the development on the surrounding locality.

Overall, the Department is satisfied that the proposed hard and soft landscaping is of a high quality that would make a positive contribution to the character of the area. It is noted that:

- due to site constraints, tree removal to facilitate the development is unavoidable. However, given proposed tree planting, the development would result in a higher canopy coverage than existing.
- the proposal would provide high quality external spaces and a landscaped setting for staff, patients and their visitors.
- the landscaping design would maximise the space available to the local community and assist in minimising the impact of the development on the surrounding locality.
- tree planting has been advised by the constraints of the site, including the bush fire protection requirements discussed in **Section 6.2.3**.

The Department notes that, at SRtS stage, the Applicant advised that approval is no longer sought for the previously proposed hospital helipad. To ensure that the former site of the helipad is adequately landscaped, the Department recommends a condition requiring the Applicant demonstrate how the site of the formerly proposed helipad will be landscaped, as part of the package of amended landscaping plans required to be approved by the Planning Secretary prior to the commencement of construction.

6.2 Biodiversity, tree removal and bush fire protection

6.2.1 Biodiversity

The application includes a BDAR, which was revised at RtS stage to address Council comments. The BDAR provided an assessment of the likely impacts on biodiversity, including predictions of vegetation clearing, potential impacts on any threatened species or populations, and a detailed description of the measures to avoid, minimise, mitigate and offset biodiversity impacts.

The site is located within the South East Corner bioregion (IBRA 7), at an elevation that varies between 5-55m above sea level.

The subject land contains remnant vegetation PCT 834 Southeast Lowland Grassy Woodland, which comprises woodland and pasture derived from the woodland (see **Figure 11**). Canopy trees are largely found within the south-east corner of the site, and tree species recorded include Forest Red Gum (*Eucalyptus tereticornis*), Rough-barked Apple (*Angophora floribunda*) and, less commonly, Coastal Grey Box (*Eucalyptus bosistoana*). Established pasture is present on more than half of the subject land, the original vegetation community of which is most likely Forest Red Gum and Rough-barked Apple. Kangaroo grass (*Themeda triandra*) is also present, but rare.

The proposed development is generally located on cleared land; however, it would impact 1.15 ha of woodland and 7.58 ha of pasture. The BDAR identifies that biodiversity offset requirements of 42 ecosystems credits for PCT 834 are required to offset the impact of the development.

The BDAR also identifies five threatened fauna species under the BC Act that would be impacted or potentially impacted by the proposal, including White-bellied Sea-Eagle (*Haliaeetus leucogaster*), Southern Myotis (*Myotis macropus*), Powerful Owl (*Ninox strenua*), Brush-tailed Phascogale (*Phascogale tapoatafa*) and Austral Toadflax (*Thesium austral*). To offset the impacts of the development on these species, the BDAR identifies that biodiversity offset requirements of 247 species credits are required.

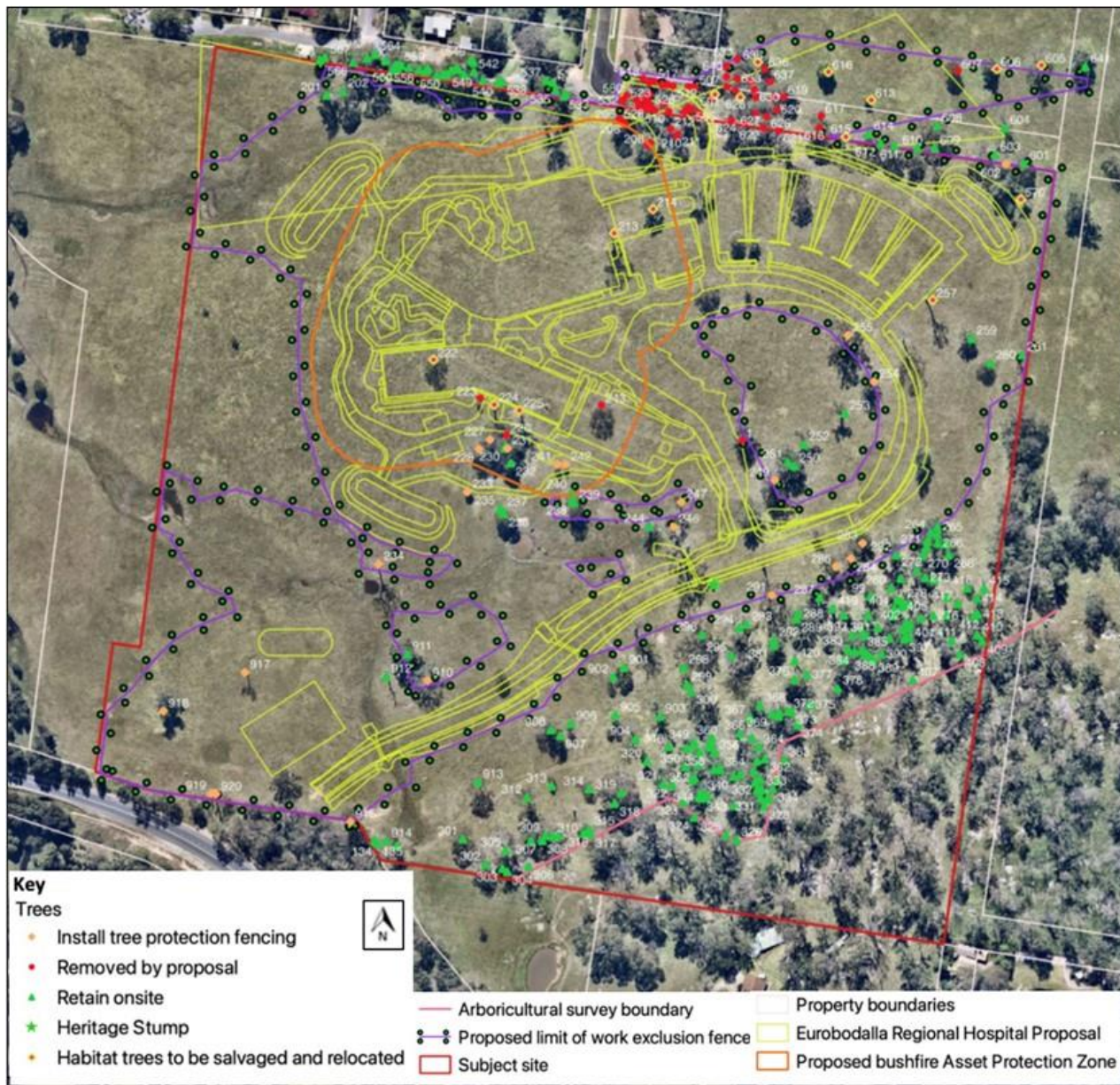


Figure 11 | Extent of woodland clearing (Source: RtS)

In addition to biodiversity offset credits, the BDAR also recommends a range of mitigation measures to address expected impacts during construction and operational stages of the project. These measures include:

- sediment and erosion control measures.
- mitigation to address wildlife impacts in the event dams are drained or modified, including engagement of a fauna ecologist to manage any impacts.
- relocation and reinstallation of salvaged hollows from all trees proposed for removal.
- installation of tree protection fencing on retained trees in close proximity to the construction footprint.

- installation of a temporary 1.8m chain-wire mesh exclusion fence two metres off the assessed development footprint to ensure no additional pasture is disturbed or destroyed during construction.
- supervised management of all vegetation removal.
- preparation and implementation of a Vegetation Management Plan (VMP) to inform management of retained vegetation, Bush Fire Asset Protection Zone maintenance and regeneration of the 'Spring Forest' in the southeast corner of the site.

BCD advised the proposal demonstrates the avoidance and minimisation of impacts on high biodiversity values, and that sufficient offset obligation has been generated to offset residual impacts that will need to be retired prior to commencement of construction. BCD also requested a role in the review of a VMP to inform the management of retained vegetation on site. This has been secured via recommended condition.

Council requested the Applicant clarify why the BDAR did not consider the trees to be removed as part of the roundabout works. The Department notes that these works were undertaken as part of a package of works unrelated to this SSD application, and therefore were not subject to the BDAR lodged as part of the SSD.

While the project would result in a loss of biodiversity values on the site, the Department is satisfied the impacts can be adequately compensated. Conditions of consent are recommended requiring biodiversity offsets be provided before the removal of any vegetation. The Applicant has not sought to stage the biodiversity offsets. The Department has also recommended conditions to ensure the biodiversity mitigation measures recommended by the BDAR are implemented during construction and operation.

6.2.2 Tree removal and protection

The application includes an Arboricultural Impact Assessment (AIA), which was amended at RtS stage and considers the impact of the proposal on 332 existing trees. The AIA advises that the development would necessitate the removal of 57 trees and relocation of 14 hollow-bearing habitat trees.

BCD raised no concerns with regard to the proposed tree removal. Council requested additional information regarding the relocation of hollow-bearing habitat trees. The AIA advises that all hollows can be relocated or replaced by a combination of methods similar to those outlined in *Guideline for the Relocation for Large Tree Hollows* (Central Coast Council, 2016), including:

- relocation of the entire trunk of a habitat tree, to be re-erected with suitable support.
- removal of the hollows, to be placed with support in retained trees or on constructed poles.

- replacement with nest boxes.

The AIA advises that the first two options are preferred, and recommends that the relocation, installation and management of tree hollows on-site should be finalised as part of the VMP. This is to include any additional trees found to have hollows that have not previously been identified. The Department has secured this via recommended condition.

The AIA also recommends the Applicant:

- engage a project arborist to ensure and certify that tree protection measures are satisfactorily implemented and crown pruning complies with AS4373-2007; and to provide advice where roots over 40mm in diameter are encountered during excavation.
- engage an ecologist to inspect hollow-bearing trees prior to removal.
- establish Tree Protection Zones (TPZs) to exclude all site activities from TPZs during demolition, construction and demobilisation phases.
- install tree protection fencing around 26 trees and a heritage stump, and at least 20m from three culturally significant scar trees.
- construct 'floating' footpaths or roads (i.e. elevated above natural ground level) where root damage is expected anywhere within a TPZ, in particular for Tree 255 (*Eucalyptus tereticornis*).
- route all trenching for underground services outside the TPZs for retained trees.

The Department has conditioned that the mitigation and management measures recommended by the AIA are implemented during construction and operation phases of the proposal. Overall, the Department notes the tree removal is unavoidable and is satisfied the proposal is acceptable, subject to the recommended conditions.

6.2.3 Bush fire protection

As shown in Figure 4, the site is identified as being bush fire prone (vegetation categories one and three), as mapped by Council for the purposes of Section 146 of the EP&A Act. Under Section 100B of the *Rural Fires Act 1997*, hospitals are considered Special Fire Protection Purpose (SFPP) development. Therefore, the legislative requirements for building on bush fire prone lands are applicable to the development. The EIS includes a Bushfire Assessment Report (BAR), which sets out the details of the proposed bush fire protection measures and seeks to demonstrate compliance with Planning for Bush Fire Protection (RFS, 2019) (PBP 2019). The BAR concludes:

- the proposed development is not in a bush fire attack level-40 (BAL-40) area or flame zone.

- a threshold of less than 10kW radiant heat per sqm can be achieved for the hospital building (Class 9a and 9b under the National Construction Code 2022).
- adequate access and egress is to be provided for firefighters, emergency workers and those involved with evacuation, in accordance with PBP 2019. Utility services are also adequate.
- the two-way primary access road would largely comply with the PBP 2019 with an eight-metre carriageway width kerb to kerb, however it would not have a minimum inner radius of six metres.

The BAR recommends:

- construction is to comply with a BAL 12.5 or less.
- a VMP be produced for on-going management and maintenance of the Asset Protection Zone (APZ), to be maintained as an Inner Protection Area in accordance with PBP 2019. The VMP must detail a permanent APZ around Class 9a and 9b buildings, including 15 per cent tree canopy cover within a 45m radius to the north and 40m radius to the south, east and west.
- landscaping plantings within the 140m radius assessment area must maintain a predominant 'grassland hazard' outside the recommended APZ.
- fire hazard management for the site must consider hollow-bearing trees and Aboriginal heritage items and native vegetation.
- water supply installation measures comply with PBP 2019.
- a Bushfire Emergency Management and Evacuation Plan be prepared.

Council raised no concerns regarding bush fire risk.

The RFS requested the BAR be updated to incorporate the requirements of PBP – Addendum 2022, including new provisions for Class 9 buildings. At RtS stage, the Applicant advised the development would be certified via clause 6.28(2a) of the EP&A Act, which prescribes that Crown development must comply with the Building Code of Australia in force as at the date of invitation to carry out the building works. In this instance, the invitation to tender was issued prior to the adoption of PBP – Addendum 2022. Therefore, the additional requirements do not apply.

Following review of the RtS, the RFS raised no concerns regarding the assessment parameters and outcomes of the BAR. The RFS raised no objections to the inclusion of the recommendations of the BAR being incorporated into the development consent.

Overall, subject to conditions, the Department is satisfied that the site is suitable for the proposed development, subject to implementation of the Applicant's bush fire management and mitigation measures.

6.3 Noise and vibration

The application includes a Noise and Vibration Impact Assessment (NVIA) that assessed the operational and construction noise and vibration impacts associated with the development at nearby residential receivers to the north and south of the site (see Figure 12).

6.3.1 Construction noise and vibration impacts

The Interim Construction Noise Guideline (ICNG) and Draft Construction Noise Guideline (DCNG) establish construction noise management levels (NMLs) for surrounding sensitive receivers. In preparing the NVIA, the Applicant undertook long-term unattended and short-term attended noise surveys to establish the ambient and background noise levels of the site and surrounds in accordance with the NSW Noise Policy for Industry (NPfI). These were conducted at four locations to the north and south of the proposed hospital (see Table 9). The NVIA establishes an NML at each of the sensitive receivers identified in Figure 12 and outlined in Table 9.



Figure 12 | Sensitive receivers and noise monitoring locations (Base source: Nearmap, EIS)

Table 9 | Established NMLs at nearby sensitive receivers (EIS)

Sensitive Receiver		NML dBL _{Aeq(15min)} (Standard Hours ¹)
R1 2945 Princes Highway	Noise affected	50
	Highly noise affected	75
R2 36 Keightley Street	Noise affected	47
	Highly noise affected	75
R3 34 Caswell Street	Noise affected	47
	Highly noise affected	75

Note: Monday to Friday 7am to 6pm, Saturday 8am to 1pm, Sunday and Public Holidays no work.

The NVIA assesses the likely construction noise and vibration impacts on the most affected receivers outlined in Figure 12 and Table 9. The predicted construction noise levels, with noise mitigation measures implemented, are identified in Table 10.

Table 10 | Predicted noise levels – with noise mitigation measures

Activity	Parameter (standard construction hours)	Assessment outcome at receiver		
		R1	R2	R3
Site establishment	<i>Predicted noise levels dBL_{Aeq(15min)}</i>	66	71	75
	<i>Exceedance over NML, dB</i>	16	24	28
Bulk earthworks / car park & access road	<i>Predicted</i>	67	72	76
	<i>Exceedance</i>	17	25	29
Piling	<i>Predicted</i>	75	79	84
	<i>Exceedance</i>	25	32	37
Sub-structure	<i>Predicted</i>	64	68	72
	<i>Exceedance</i>	14	21	25
Structure	<i>Predicted</i>	64	68	72
	<i>Exceedance</i>	14	21	25
Roofing	<i>Predicted</i>	62	66	71
	<i>Exceedance</i>	12	19	24
Façade	<i>Predicted</i>	62	66	71
	<i>Exceedance</i>	12	19	24
Essential services	<i>Predicted</i>	60	65	70
	<i>Exceedance</i>	10	18	23
Fitout & finishes	<i>Predicted</i>	61	66	71

Activity	Parameter (standard construction hours)	Assessment outcome at receiver		
		R1	R2	R3
	<i>Exceedance</i>	11	19	24
Landscaping & external works	<i>Predicted</i>	62	67	71
	<i>Exceedance</i>	12	20	24
Staff accommodation works	<i>Predicted</i>	61	66	70
	<i>Exceedance</i>	11	19	23

Note: Exceedances shown in orange indicate NML exceedance. Exceedances shown in red indicate highly noise affected receivers.

The assessment demonstrates that the NMLs at nearby residential receivers would be exceeded during all construction phases with noise mitigation measures implemented, with exceedances of up to 25 dB at R1 (2945 Princes Highway), 32 dB at R2 (Keightley Street) and 37 dB at R3 (34 Caswell Street). Noise impacts would exceed the highly noise affected management level of 75 dB at R2 during piling activities, and R3 during site establishment, bulk earthworks and piling activities. This is primarily due to the proximity of the proposed development to these receivers and the relatively low ambient noise levels within the vicinity of the site. The Department notes this represents a conservative scenario, and that maximum predicted noise levels would likely only be experienced for limited periods of time.

The NVIA also demonstrates that predicted vibration from construction would not impact the nearest receivers, however R2 and R3 may be impacted from a human comfort perspective depending on plant selection.

To manage and mitigate the predicted construction noise and vibration impacts, the NVIA recommends the preparation and implementation of a Construction Noise and Vibration Management Plan (CNVMP). In general, the NVIA recommends the following noise mitigation measures:

- implementation of a community engagement strategy.
- strategic locating plant equipment.
- use of site sheds and other temporary screens/structures to limit noise exposure.
- sealing of building openings prior to commencement of any internal works.
- use of low-noise construction equipment and methods.
- scheduling of noisy activities.
- avoidance of outdoor radio and stereo use, and overuse of public address systems.
- construction worker training.

The Department notes that even with the above mitigation measures in place, noise levels are unlikely to be reduced below the NMLs in all cases. However, the Department is satisfied that some noise disruption is unavoidable and that all feasible and reasonable mitigation measures will be implemented during construction activities. To this end, the Department recommends a condition requiring the preparation of a detailed CNVMP to ensure that the acoustic impacts of construction works are managed in accordance with the ICNG. The CNVMP is required to outline management and mitigation measures generally in accordance with the Applicant's NVIA.

The Department notes that any noise from construction activities to be carried out, must not result in 'offensive noise' to any noise sensitive receiver. The contractor employed to undertake the construction works is responsible for ensuring that any noise and, in particular, any complaints are monitored, investigated, managed and controlled

6.3.2 Operational noise and vibration impacts

The noise generating activities associated with the operation of the development would comprise the operation of mechanical plant and equipment, use of the loading dock and additional traffic. The NVIA identified the operational noise criteria under the relevant provisions of the NPfI and has identified project specific noise levels (PSNLs) at nearby sensitive receivers, to determine the operational noise limits for operation of the development (see Table 11).

Table 11 | Project specific noise levels for nearby sensitive receivers during operation (Source: EIS and SRtS)

Receiver	Time Period	PSNLs		Project Noise Trigger Levels (PNTLs)	Sleep Disturbance
		Intrusive Noise Trigger Level $L_{Aeq, 15min}$	Project Amenity Noise Level $L_{Aeq, 15min}$		
R1	Day	45	53	45	-
	Evening	41	43	41	-
	Night	36	38	36	52
R2, R3	Day	42	53	42	-
	Evening	41	43	41	-
	Night	36	38	36	52

No noise data or technical information for mechanical plant has been provided. The NVIA recommends that mechanical plant design and selection should be made to ensure that the cumulative noise of all equipment does not exceed the PSNLs. Recommended acoustic noise criteria measures include procurement of 'quiet' plant, use of acoustic attenuators and louvres, acoustic screens, vibration isolators, and sound absorptive treatments.

The Applicant does not yet have details of expected service vehicle numbers for the loading dock. However, the noise impact of loading is predicted to result in a noise level of 44 dB at receiver R2 and 43 dB at receiver R3, exceeding the PNTL by 2 dB and 1 dB, respectively. The Department acknowledges this is a minor exceedance and that loading dock operations would be limited to the daytime period. This timeline has been secured via a recommended condition.

On-site traffic generation from the main access road would not exceed the PNTL at either sensitive receiver. Off-site traffic generation along the Princes Highway is predicted to result in increased noise levels of 1.08 dB. The Department is satisfied this would not represent a significant effect on the ambient noise environment, being less than the established 2 dB 'minor impact' criteria.

6.4 Traffic, transport and parking

Primary access to the site is proposed from the Princes Highway to the south (a State classified road with a 100km/hr speed limit), with secondary access provided from Caswell St to the north (a local residential street with a 50km/hr speed limit). The proposal includes the construction of an internal loop road, which would connect to a roundabout at the Princes Highway (constructed under a separate planning pathway).

The application is accompanied by a TTIA, including a preliminary GTP and a preliminary Construction Traffic and Pedestrian Management Plan (CTPMP), which considers potential traffic, transport and accessibility impacts throughout construction and operation phases of the development.

6.4.1 Mode share and travel plan

The site is not currently serviced by public transport and is considered car dependent. Active transport opportunities fronting the site are limited to a footpath network to the north, which connects to Moruya Town Centre.

Australia Bureau of Statistics 2016 Census data indicates that, in the Eurobodalla Shire, mode shares for employee commutes are: 90 per cent private vehicle (including drivers and passengers), 4.6 per cent walking, 0.9 per cent public transport and 0.8 per cent cycling. The Applicant has calculated preliminary short and long-term mode share targets for the application site, as outlined in Table 12.

Table 12 | Preliminary proposed mode share targets (%) for the development

Mode	Mode Target (24 months post opening)	Mode Target (Longer Term)
Private vehicle (includes drive, drop-off, carpool)	93	85 (-8)
Walking	3	8 (+5)
Cycling	3	5 (+2)
Public transport	2	5 (+3)

To achieve the proposed mode share targets, the preliminary GTP recommends implementing the following key strategies and transport initiatives:

- provision of bicycle parking and EOT facilities.
- use of car parking time limits and strategic parking allocation.
- liaison with TfNSW and bus service providers to market and promote improved and increased bus services and extend existing services from the nearby TAFE Campus to the hospital site; and provide cheaper public transport fares for hospital staff.
- use of an online staff carpool register and provision of a staff transport information map.
- promotion of healthy habit initiatives including car-free days, 10,000 steps program etc.
- provision of electric vehicle charging stations

TfNSW recommended a condition be included requiring the Applicant to finalise the GTP, including details of a travel plan co-ordinator to oversee the implementation of the plan. The GTP should be reviewed every twelve months from the date of operation, in consultation with Council and TfNSW. This has been secured via recommended condition.

Overall, the Department is satisfied that the preliminary mode share target is achievable with the implementation of the GTP.

6.4.2 Operational traffic generation

The TTIA predicts car trip generation with reference to trip rates provided in *Guide to Traffic Generating Development* (RTA, 2002), which specifies that the best indicators of peak traffic generation is factored by combining the number of beds and the number of average staff per weekday shift. The Guide specifies three peak period traffic rates for hospitals, including the morning commuter peak hour (MVT, 8am-9am), evening commuter peak hour (EVT, 5pm-6pm) and peak vehicle trips (PVT, most commonly between 3pm-4pm staff shift change).

The TTIA predicts the proposal would generate 1,500 daily trips by 2026 (based on 127 beds), and 1,949 trips by 2036 (165 beds). Predicted traffic volumes for each peak period are shown in Table 13.

Table 13 | Predicted trip generation (peak hour)

Year	Yield	Peak	Trip generation	Supporting services trips ¹	Total trips
2026	~127 beds 332 staff ²	MVT	70	44	114
		EVT	162	44	206
		PVT	189	44	233
2036	~165 beds 431 staff ²	MVT	94	-	-
		EVT	162	-	-
		PVT	233	-	-

Note: 1 = includes Ambulance NSW staff, education provider (one trip per student) and private provider (staff and patient trips per operating room).

2 = average number of staff per weekday shift based on typical ratio of 2.61 staff per bed.

Based on the predicted traffic generation, the TTIA includes a SIDRA analysis of the performance of the intersection at the Princes Highway / site access roundabout (single lane). Traffic distribution assumptions for the surrounding network were based on those established for the modelling undertaken by Bitzios Consulting for the Moruya Bypass (including the hospital).

The TTIA predicts the roundabout would operate with an overall Level of Service (LOS) 'A' during all peaks in both the 2026 and 2036 scenarios, with the exception of the right-turn from the site which would operate at LOS 'B' during the EVT in both scenarios and the PVT in the 2036 scenario.

The Department is satisfied that the data demonstrates the roundabout would provide sufficient access capacity to/from the hospital site, and the development would therefore not result in any unacceptable traffic impacts on the surrounding road network. Additionally, once a final GTP is implemented, there is potential that vehicle movements would be further reduced.

6.4.3 Operational car parking and servicing

Based on the parking requirements outlined in the Moruya Township Development Control Plan (DCP), the proposal would require a minimum of 261 car parking spaces. However, to determine parking demand more accurately, the TTIA has assessed the predicted parking requirements on a 'first principles' basis by considering the number of predicted staff, visitor and patients that are likely to travel to the proposed hospital. Parking demand rates experienced by the existing Moruya and Batemans Bay Hospitals have also been considered.

Therefore, to address parking requirements based on the ‘first principles’ basis, the proposal includes the provision of 389 formal car parking spaces and 94 overflow parking spaces (483 spaces in total). This exceeds the 261 car parking spaces required by the DCP.

Council raised no concerns with regard to the number of car parking spaces proposed. TfNSW recommended that parking management strategies (including the removal of free car parking for staff) be implemented as part of the GTP, with the aim of reducing the provision of staff car parking where there are alternative means of travel to the site. The Applicant advised that the provision of an initial ‘under supply’ of parking was considered, however was not supported as it would likely result in overspill car parking on neighbouring streets. The Applicant also advised that the removal of free staff car parking does not align with Government directions for parking at regional hospitals in NSW.

As discussed in Section 6.4.1, the Department notes that the GTP would contribute to reducing private vehicle mode share overall, for both staff and visitors to the hospital. However, behavioural changes achieved through the implementation of the GTP would be gradual, with mode share for private vehicle users anticipated to decrease over time to reach a long-term target of 85 per cent. Overall, the Department is satisfied that the proposed car parking provision is acceptable.

6.4.4 Construction traffic and parking

The preliminary CTPMP provides details of construction vehicle movements, routes of travel, access arrangements, pedestrian movement and impact management measures.

The Applicant has outlined that a detailed CTPMP will be required prior to the commencement of construction activities following engagement of the construction contractor. The Applicant’s preliminary CTPMP is therefore intended to provide a framework within which the future CTPMP can be developed and implemented.

During construction activities, it is estimated that there would be a maximum of approximately 240 construction vehicle movements per day. Construction vehicles are expected to access the site from the roundabout at the Princes Highway and will enter and exit the site in a forward direction. The gate will generally be closed at all times except to allow construction vehicle access and egress. On-site parking will be provided for all construction workers.

Neither Council nor TfNSW raised concerns regarding the preliminary CTPMP.

Based on the above assessment, the Department has recommended a condition requiring the preparation and implementation of a final CTPMP to ensure that recommended management measures are implemented during construction.

6.4.5 Shared path infrastructure

Both TfNSW and Council have requested the Applicant provide a pedestrian and cyclist shared path link from the site along the Princes Highway, connecting to the end of the existing shared path at the TAFE Campus to the west to ensure a direct path link to residential areas in the south of Moruya. The requested shared path is not included within the scope of the proposal.

The Department acknowledges the benefits of a shared path along the Princes Highway, however, accepts the Applicant's decision not to include it within the scope of the proposal, noting:

- the cost of the shared path would be significant (likely \$1-2m), which has not been factored into project budget and would invariably result in reduced provision of clinical services and/or facilities.
- the site access roundabout, constructed under separate approval, has been designed to accommodate future shared path provision.
- there is significant expanse of open grazing land (approximately 400m) between the TAFE Campus and the hospital along the Princes Highway frontage. Noting the above, the Department considers it premature to require construction of a shared path link prior to the provision of infill development.
- the application includes an upgraded shared path connection on Caswell Street that would provide more direct access to the Moruya Town Centre and immediate residential streets.

Overall, the Department is satisfied that the proposal would afford suitable pedestrian and cyclist access between the hospital site, the Moruya Town Centre and residential catchments.

6.4.6 Public transport

The proposal includes the provision of bus stop infrastructure adjacent to the hospital entrance, which would facilitate the extension of existing bus route 860 beyond the TAFE Campus. The Applicant has agreed to continue discussions for service planning updates with relevant bus providers and TfNSW bus planning and contracts team for route changes ahead of commencement of operations.

TfNSW recommended the Applicant consult TfNSW, Council and local bus operators regarding an implementation plan for the extension of public bus services to the new hospital.

The Department is satisfied the design of the site access road would allow sufficient space to accommodate public bus access. The Department has recommended conditions requiring:

- construction of the bus shelter, bus stop and bus patron waiting area prior to commencement of operation.

- maintenance of internal roads to ensure continued public bus access, for the duration of operation.

6.5 Flooding and stormwater management

The application includes a Civil Works report, which incorporates a Flood Impact and Risk Assessment (FIRA). The western portion of the site is flood affected during the 1 per cent Annual Exceedance Probability (AEP) and PMF flood events (see Figure 5). The hospital building, outdoor amenity areas, carparks and site access road are outside the flood-prone areas of the site. Minor earthworks are proposed within the PMF extent. No works are proposed within the 1 per cent AEP extent. Proposed floor levels are located above the PMF level, and the development would not result in any changes to on-site or off-site flood levels.

The Princes Highway immediately west of the site is affected by 1 per cent AEP and greater flood events, blocking access to the hospital from the north. Alternative ambulance access would be provided via the Caswell Street entrance at the north of the site; however, routes to the Moruya Town Centre (which is also subject to flooding) would also be cut-off for a number of hours during flood events. The FIRA recommends that a Flood Emergency Response Plan be prepared, prior to the commencement of hospital operation.

The SES advised that the proposal is consistent with the NSW Flood Risk Management Manual with respect to providing protection of critical infrastructure to above the PMF level, and that the development is consistent with the recommendations of the NSW Flood Inquiry 2022.

BCD recommended additional investigation of local catchment flooding, and consideration of essential supporting infrastructure (power, water, sewer, telecommunications) over the full range of flood events.

The Applicant's RtS advised:

- the existing Moruya Hospital (including access) is impacted by 1 per cent AEP and above flood events. The proposed new hospital therefore represents an improvement upon the current situation.
- essential supporting infrastructure has been considered and is to be provided, including the provision of two 825kVA diesel generators to be used in the event of power failure.

BCD raised no concerns following review of the RtS.

The SES is satisfied that the proposal is consistent with the NSW Flood Risk Management Manual.

With regard to stormwater management, the proposal includes the provision of:

- roof and surface drainage systems.

- a pit and pipe system with additional overland flowpaths.
- two on-site detention/water treatment tanks under the loading dock (650 cubic metres) and carpark (360 cubic metres), to ensure runoff from the site is less than pre-development peak flows.

The Applicant's MUSIC stormwater modelling demonstrates that the proposed water treatment methods would meet Council requirements, including the use of litter baskets to capture gross pollutants.

Council raised no concerns regarding the stormwater management measures proposed.

Whilst access to the site to/from the Moruya Town Centre would be cut during flood events, the Department notes that the town sits within a flood catchment. The application site is located on higher ground than much of the town, including the town centre, and the Department is satisfied that the site is suitable for the proposed development. The Department is also satisfied that the proposal would not result in adverse offsite flood or stormwater runoff impacts, and that essential supporting infrastructure would allow for continued operation of the hospital during events where access to the site is blocked.

The Department has recommended conditions requiring:

- the development to comply with relevant Australian Standards and industry best practice and be generally in accordance with the conceptual stormwater design outlined in the EIS.
- preparation of a Stormwater and Operational Maintenance Plan, to ensure the proposed stormwater quality measures remain effective during operation.
- preparation of construction and operational flood emergency management plans.

6.6 Other issues

The Department's consideration of other issues is summarised in **Table 14** below.

Table 14 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Aboriginal cultural heritage	The application includes an Aboriginal Cultural Heritage Assessment Report (ACHAR), which was updated at RtS stage and incorporates an archaeological survey to determine the site's potential to contain Aboriginal archaeological remains.	The Department agrees with the conclusions of the ACHAR and has recommended a condition requiring the implementation of the recommendations of the ACHAR.

Issue	Findings and conclusions	Recommended conditions
	<p>A separate assessment was previously prepared as part of soil conservation works undertaken on site through a separate planning pathway, including an Aboriginal Heritage Impact Permit (AHIP) #5060. The assessment recommended Aboriginal archaeological salvage be undertaken prior to, and separate from, the development subject to this SSD application. These works therefore do not form part of the proposal.</p> <p>A search of the Aboriginal Heritage Information Management Systems (AHIMS) revealed six Aboriginal sites located within the study area (including the AHIP area). Site inspections identified three Aboriginal scarred trees in the south-eastern corner of the site that must be avoided (not within the area to be developed, and outside the AHIP 5060 study area). The ACHAR recommended:</p> <ul style="list-style-type: none"> • ongoing consultation with RAPs. • any archaeological salvage be undertaken in consultation with Cobowra Local Aboriginal Land Council. • avoidance and protection of identified scarred trees. • development and implementation of an Interpretation Study and Plan. • heritage induction for all employees and sub-contractors. • implementation of an unexpected finds protocol (UFP) (heritage). <p>Heritage ACH raised no concerns following the provision of the updated ACHAR at RtS stage.</p>	
Bicycle and end-of-trip facilities	<p>The proposal includes the provision of approximately 20 secure bicycle parking spaces at lower ground floor level, and seven additional external public spaces. EOT facilities including showers and lockers would also be provided at lower ground floor level. E-bike charging points would be provide within the EOT facilities.</p>	<p>The Department supports the proposed bicycle parking and EOT facilities, noting that:</p> <ul style="list-style-type: none"> • they form part of the sustainable transport measures facilitating mode shift away from car use.

Issue	Findings and conclusions	Recommended conditions
	<p>Following review of the RtS, TfNSW raised no concerns with regard to the proposed bicycle parking and EOT facilities. Council also raised no concerns.</p>	<ul style="list-style-type: none"> the number of bicycle parking spaces is sufficient. EOT facilities are adequate. <p>The Department has recommended a condition requiring the provision of bicycle parking and EOT facilities prior to the commencement of operation.</p>
Signage	<p>The application seeks approval for two illuminated building identification signs, one emergency drop-off sign and additional wayfinding signage. The signage has been assessed against the requirements of State Environmental Planning Policy (Industry and Employment) 2021 at Appendix B.</p>	<p>No additional conditions or amendments are recommended.</p>
Contamination	<p>The application includes a Preliminary Site Investigation (PSI), which identified potential contamination sources from previous agricultural uses on the site. A Detailed Site Investigation (DSI) was prepared to address any data gaps and establish whether further investigation and/or remediation is required, through review of historical information and sampling from 42 borehole locations. The DSI identified:</p> <ul style="list-style-type: none"> minor detectable concentrations of polycyclic aromatic hydrocarbons (PAHs) within the surface soil samples at two locations, associated with minor ash content in soils. However, these were below the adopted Site Assessment Criteria (SAC). all other contaminants of potential concern were reported in low concentrations, below the SAC. the risks from contamination are low, noting there were no complete source-pathway-receptor linkages identified. <p>The DSI recommended the site can be made suitable for the proposed development without the need for remediation, subject to:</p>	<p>The Department is satisfied that the Applicant successfully demonstrated the site is suitable for the proposed development, subject to the recommendations of the DSI.</p> <p>The Department has recommended a condition requiring that the management and mitigation measures outlined in the DSI are adhered to, including preparation of a UFP (contamination) and confirmation of waste classification for materials to be disposed off-site.</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> • preparation of a UFP (contamination) to manage and mitigate any risks from unexpected finds. • confirmation of the waste classification of any material to be disposed off-site. <p>Council raised no concerns regarding the results of the PSI or DSI.</p>	
Ground and water conditions	<p>The application includes a Geotechnical Investigation (GI). Investigatory works included the use of 40 borehole locations to assess the nature and consistency of soils and bedrock. The investigation advises:</p> <ul style="list-style-type: none"> • the site is suitable for the proposed development. • excavations are not expected to encounter the groundwater table; however, seepage will likely occur. Seepage would be controllable using sump and pump techniques. • site earthworks will result in filling across the site with a maximum height of 3.5m. • waste classification is required for any soil and/or bedrock excavated from the site prior to offsite disposal. <p>The application also includes a preliminary salinity assessment, which identified salinity conditions at the site but concluded that soils are largely non-saline and therefore a salinity management plan is not required.</p> <p>DCCEEW Water requested the Applicant confirm whether water take would be less than or equal to 3ML per annum, to ensure that a dewatering licence exemption can apply to the development – avoiding the need for a groundwater licence and dewatering management plan. The Applicant provided an addendum to the GI which outlined two possible water take scenarios of 0.03ML and 0.3ML per annum, respectively.</p> <p>DCCEEW Water raised no further comment.</p>	<p>The Department notes that water take would be less than 3ML per annum, avoiding the need for a groundwater licence and dewatering management plan.</p> <p>No additional conditions are recommended.</p>
Social impacts	<p>The Applicant's Social Impact Assessment (SIA) outlined positive impacts of the proposed development, including the delivery of expanded hospital services and improved</p>	<p>The SIA accords with the Department's Social Impact Assessment Guideline 2023. The</p>

Issue	Findings and conclusions	Recommended conditions
	<p>access clinical care, and increased employment opportunities. However, the SIA also found negative impacts of the proposal, including:</p> <ul style="list-style-type: none"> • construction related inconvenience including noise, dust, vibration, traffic and parking. • changes to the supply of rental accommodation and housing affordability, noting increased workforce during construction and operation phases. • potential disruption to healthcare, as services transfer to the new hospital. • wellbeing impacts from 24-hour hospital operation. <p>The SIA recommends implementation of:</p> <ul style="list-style-type: none"> • a workforce accommodation plan. • procedures to manage the arrival and departure of helicopters to minimise impacts. • engagement procedures during construction. • an operational management plan. • construction management measures. <p>Council raised concerns regarding the impacts of the proposed helipad and the impact of the development on local housing availability and affordability. Council requested the provision of purpose-built workers accommodation.</p> <p>The proposal does not include purpose-built workers accommodation. In response to Council's concerns, the Applicant provided an outline workforce accommodation strategy, including:</p> <ul style="list-style-type: none"> • utilisation of local subcontractors and supply chains. • local workforce initiatives, including through local employment services, trainers and agencies. • ensuring subcontractors are aware of limited accommodation options, to expand within a one-hour travel time. • encouragement of use of local hotels and short-stay accommodation for short-term workers. 	<p>Department considers the proposal would represent a net overall positive social benefit.</p> <p>The Department acknowledges and understands Council's concerns regarding workforce housing. However, the Department does not consider it reasonable to mandate the Applicant to provide additional housing, noting:</p> <ul style="list-style-type: none"> • the implementation of a workforce accommodation strategy will assist in reducing pressure on local housing supply. • the local health district has programs in place designed to recruit and train locally. • approximately 400 operational staff would be transferred from existing hospitals at Moruya and Batemans Bay, representing four fifths of the total workforce. Many of these are existing local residents who will not place additional strain on housing supply. <p>The Department has included a condition requiring the preparation and implementation of a final workforce accommodation strategy, to include the measures outlined in the preliminary strategy submitted as part of the SRtS.</p>

Issue	Findings and conclusions	Recommended conditions
	Council maintained its concern with regard to worker accommodation in its RtS response, noting that the strategy does not provide for any additional housing.	
Environmental amenity	The proposed hospital building is set back from the nearest residential receivers by approximately 100m. The proposal would therefore not result in unacceptable solar access impacts or overshadowing. Further, landscaping throughout the site and adjacent to site boundaries would also reduce any overlooking, privacy and light spill impacts.	No additional conditions or amendments are recommended.
Hazardous materials	<p>The application includes a Preliminary Hazards Analysis (PHA), which was updated at RtS stage. The PHA undertook a Level 1 risk assessment examining the risks associated with the storage of dangerous goods (DGs) on site in association with the hospital, including the risk associated with liquid oxygen storage.</p> <p>The PHA verified that the liquid oxygen storage complies with the separation distances required by AS 1894: The storage and handling of non-flammable cryogenic and refrigerated liquids. The PHA also examined DGs below the threshold quantities in <i>Applying SEPP 33</i> (DPHI, 2011) and included information on type, quantity and location. The Applicant committed to the storage of DGs with the relevant Australian Standard.</p>	<p>The Department is satisfied that:</p> <ul style="list-style-type: none"> the risk analysis is adequate, given separation between site boundary and DG storage. the Australian Standards will control the risks associated with the storage of DGs. the proposal meets the qualitative risk criteria set out in <i>Hazardous Industry Advisory Paper No. 4 'Risk Criteria for Land Use Safety Planning'</i>. <p>The Department has recommended conditions requiring the storage and handling of DGs in accordance with relevant standards.</p>
Development Contributions	The site is located in an area subject to Council's Section 7.12 Development Contributions Plan (s7.12 Contributions Plan), which is applicable to non-residential development with a CIV of more than \$200,000. The plan details that the types of infrastructure addressed by the s7.12 Contributions Plan includes open space and recreation, community and cultural facilities, and paths and cycleways.	Section 4.38(1) of the EP&A Act sets out the discretion of the Minister to decide to apply, or not apply, a condition on a SSD consent, including a condition relating to developer contributions. Despite there being no exemption for hospitals

Issue	Findings and conclusions	Recommended conditions
	<p>The Applicant requested an exemption to the s7.12 Contributions Plan, noting that they are a public agency which relies on public funding to provide new facilities to the local community. The Applicant also advised that they have entered into an in-principle agreement with Council, separate to this SSD application, to contribute approximately \$1.9m towards the cost of providing a new sewer pump to service a number of existing and planned development in Moruya.</p> <p>Council raised no concerns regarding the Applicant's request for a contributions exemption in relation to the development from the payment of 7.12 levies.</p>	<p>in the s7.12 Contributions Plan, this discretion still applies.</p> <p>The Department has therefore considered the merits of imposing such a condition, noting that the proposal:</p> <ul style="list-style-type: none"> • involves the provision of new and expanded hospital facilities, meeting an identified community need. • involves the upgrade of the footpath at Caswell Street to a shared path, to connect into the existing shared path network at South Head Road to the north. • would provide for new construction and operational jobs. <p>As such, the Department as delegate for the Minister, has exercised its discretion under section 4.38(1) of the EP&A Act to not apply a condition of consent requiring payment of developer contributions.</p> <p>Further, the Department also notes that the Applicant has entered into an in-principle agreement with Council, separate to this SSD, to contribute approximately \$1.9m towards the cost of providing sewer infrastructure in Moruya.</p>

7 Evaluation

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

The Department considers the proposal should be approved as it would provide benefit for the community by delivering improved and expanded health facilities and is also predicted to generate 306 construction jobs and 518 full-time equivalent jobs during operation inclusive of new jobs and jobs relocated from existing hospitals at Batemans Bay and Moruya.

The Department considers the key issues raised to be: built form; noise and vibration; biodiversity, tree removal, bush fire protection and landscaping; and traffic, transport and parking.

The Department is satisfied that the height and scale of the building is appropriate. However, concern is held regarding the Applicant's revised façade and roof form strategy proposed as part of the RtS. Following discussions with GANSW and the Applicant, the Department considers that these concerns can be adequately addressed through further design refinements prior to the commencement of construction. Therefore, a condition of consent is recommended requiring the Applicant to prepare an amended façade and roof strategy in consultation with GANSW that results in improved façade articulation and reduces the visual prominence of rooftop plant enclosures and water storage tanks. The plans must be submitted to and approval obtained from the Planning Secretary prior to the commencement of construction (excluding bulk earthworks and drainage).

The Department notes that tree removal to facilitate the development is unavoidable but acknowledges the high-quality of replacement landscaping proposed. Tree protection measures are to be implemented to protect retained trees on and adjacent to the site. Subject to conditions, new public domain will provide quality outdoor spaces for patients and staff and assist with wayfinding across the hospital site.

To offset the impact of the development on biodiversity, the Applicant must provide for 42 ecosystem credits and 247 species credits. The Department is satisfied that biodiversity impacts can be adequately compensated.

The Department is satisfied that the design of the built form and landscaping has considered bush fire protection measures and conditions have been recommended to ensure the relevant guidelines are applied during the construction and operation of the hospital.

The Department is satisfied that noise impacts associated with the development can be appropriately mitigated, subject to detailed design incorporating acoustic attenuation measures to achieve recommended noise limits, and the preparation of construction noise and vibration management plans.

The proposal would not have an adverse impact on the local traffic network or surrounding key intersections and demonstrates that parking demand can be accommodated at the site. The Department notes that a shift away from private car use, subject to implementation for a Green Travel Plan, has potential to further reduce private vehicle use and parking demand in the future.

Overall, the Department 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 is in the public interest.
- the project should be approved subject to conditions.

8 Recommendation

It is recommended that the Director, Social and 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 Eurobodalla Regional Hospital (SSD-56989722) as amended, subject to the conditions in the attached development consent.
- signs the attached development consent (**Appendix C**).

Recommended by:



Nathan Stringer
Senior Planning Officer
Social Infrastructure

Recommended by:



David Gibson
Team Leader
Social Infrastructure

9 Determination

The recommendation is adopted by:



24 May 2024

Karen Harragon

Director

Social and Infrastructure Assessments

Glossary

Abbreviation	Definition
AHD	Australian height datum
BCD	Biodiversity and Conservation Division, within the NSW Department of Climate Change, Energy, the Environment and Water
CIV	Capital investment value
Council	Eurobodalla Shire Council
Department	Department of Planning, Housing and Infrastructure
DPI	Department of Primary Industries within the Department of Regional NSW
EHG	Former Environment and Heritage group of the former Department of Planning and Environment
EIS	Environmental impact statement
EPA	NSW Environment Protection Authority
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
Heritage	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
NCC	National Construction Code

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

Appendices

Appendix A – List of referenced documents

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

1. Environmental Impact Statement

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

2. Submissions and agency advice

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

3. Response to Submissions

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

4. Additional information

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

Appendix B – 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 15 below.

Table 15 | 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 would provide a health services facility to meet an identified community need and provide significant social and economic benefits to the community including high quality health care facilities and construction and operational jobs.</p> <p>The public benefits contribute to the social and economic welfare of the community. The Department considers the proposal is in the public interest, subject to recommended conditions discussed in Section 6 of this report.</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 after this table.</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 as it would deliver improved health services and facilities for the local area, within a setting that minimises impacts on the surrounding environment. The development 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>
(e) to protect the environment, including the conservation of threatened and other species of	<p>The proposal involves the removal of 81 trees, including 16 habitat trees which will be relocated. The Applicant proposes to provide 292 replacement trees. Impacts on threatened or vulnerable species,</p>

Object	Consideration
native animals and plants, ecological communities and their habitats,	plants, ecological communities or their habitats are addressed in Section 6 and would be appropriately mitigated.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not include any built heritage items nor is it located near any built heritage items or conservation areas. Subject to conditions, the proposal would have a negligible impact on built and cultural heritage, including Aboriginal heritage (see Section 6.6).
(g) to promote good design and amenity of the built environment,	The proposal has been developed through the State Design Review Panel process. The Department considers the overall built form of the development to be complementary to the existing development within the surrounding locality. However, the Department notes that some elements of detailed building design and the public interface at the main hospital entry require refinement, as detailed in Section 6.1. Subject to a condition and the provision and approval of amended drawings prior to the commencement of construction, the Department is satisfied that the proposal is acceptable.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>The application includes a review of the proposed development against the Building Code of Australia (BCA), which concludes that the development can readily achieve compliance with the relevant provisions of the BCC.</p> <p>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 legislation, guidelines, policies and procedures (Appendix C).</p>
(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 Section 5).

Object	Consideration
(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 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:

- greenhouse gas emissions: energy efficient building systems, on-site renewable energy, and use of concrete with recycled content.
- sustainable water: reuse of rainwater, condensate and fire protection system test water, and implementation of methods to reduce stormwater discharge.
- climate resilience: consideration of design mitigation measures to improve building resilience.
- local focus: engagement with local Aboriginal community, patient access to native indigenous landscape, access to daylight and view in in-patient rooms.
- transport: provision of bicycle end-of-trip facilities and secure bicycle parking, and connection to public transport (local bus).

- circular economy: manage and reduce single-use plastics on site, separation of waste streams, provision of on-site organic waste management, divert at least 90 per cent of construction and demolition waste from landfill.

Aligning with NSW Government's Net Zero Plan, which aims to achieve net zero emissions by 2050 with a 50 per cent reduction in emissions by 2030, the project is seeking to transition to a fully electric building to eliminate fossil fuel use on site. There will also be renewable energy source on site (Solar Photovoltaic system) from day one of the project, with potential to expand the system capacity in the future development.

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 (DGN 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, for regional projects, is equivalent to 45 points out of 110 points available (based on the nine sustainable initiative categories). The ESD tool outlines the following minimum sustainability measures that must be provided:

- all projects to achieve energy performance 10 per cent better than the requirements of the National Construction Code, Part J.
- a Sustainability Plan, to be updated through the life of the project, outlining how the project will incorporate sustainability outcomes in response to HI Sustainability Strategy and Commitment and the DGN 058.
- a Net Zero Plan, to design and deliver infrastructure that is net zero ready. The plan must document measures taken to deliver net zero and/or address future-proofing and retrofitting of fully electric systems where electrification is not currently feasible.
- EV charging infrastructure to meet NSW Government passenger vehicle fleet procurement targets and as the NSW passenger fleet is electrified.
- a Climate Risk Assessment, to support design and delivery of infrastructure that is risk ready and resilient to climate change. Should the assessment identify risks rated high or above, a Climate Adaptation Plan is required to respond to any risks and develop adaptation actions through design, development and delivery.
- an Operational Waste Management Plan, to identify how the design will impact waste generation and on-site collection and storage and identify opportunities to avoid and reduce waste.

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 6.16 and Appendix Z 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 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 guidance 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).
- Eurobodalla Local Environmental Plan 2012 (ELEP).

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 16.

Table 16 | 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 University or an independent medical research institute).	The proposal is for a hospital with a capital investment value (CIV) in excess of \$30 million.	Yes

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 17.

Table 17 | Consideration of the relevant provisions of Transport and Infrastructure SEPP

Clause(s)	Consideration and comment
2.47 – 2.48 Development likely to affect an electricity transmission or distribution network	<p>The application site contains an electricity easement. In accordance with the Transport and Infrastructure SEPP, the development was referred to the relevant electricity supply authority for comment.</p> <p>The application was referred to Essential Energy, who did not provide comment.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021

The Resilience and Hazards SEPP aims to ensure that potential contamination issues are considered in the determination of the application. The EIS includes a Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI), which assessed contamination on the site and concluded the site can be made suitable for the proposed use, subject to implementation of the management and mitigation measures outlined in the DSI, including preparation of an unexpected finds protocol and confirmation of waste classification for materials to be disposed off-site.

The Department is satisfied that the site can be made suitable for the proposed use, subject to the recommendations of the DSI being actioned under clause 4.1(1)(c) of the Resilience and Hazards SEPP. The Department has recommended a condition requiring the management and mitigation measures outlined in the DSI are implemented and adhered to.

State Environmental Planning Policy (Planning Systems) 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 space or public reserve. The Department has assessed the proposed signage against the relevant requirements in Table 18 and the specific assessment criteria of Schedule 5 of the Industry and Employment SEPP in Table 19.

Table 18 | 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 21.	Yes

Table 19 | 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 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?	The proposal is compatible with the existing character of the site and surrounding area.	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?	No, the signs will not adversely impact the significance of any environmentally sensitive areas or heritage items.	Yes
3 Views and vistas		

Assessment Criteria	Consideration and Comments	Complies
Does the proposal obscure or compromise important views?	The signs are either attached to buildings or are free-standing and set within building frontage. The Department is satisfied the proposal would not significantly obscure or compromise any important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The signs would not unreasonably 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 the proposed building. The sign 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 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?	The signs would not screen unsightliness.	Yes
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 needed.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are compatible with the scale and proportion of the proposed building.	Yes

Assessment Criteria	Consideration and Comments	Complies
Does the proposal respect important features of the site or building, or both?	The signs are modest in scale and respect the features of 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.	Yes

Eurobodalla Local Environmental Plan 2012

The ELEP 2012 aims promote arts and cultural activities; preserve urban growth boundaries; promote ESD; provide employment opportunities and strengthen local economic base; protect established residential neighbourhoods and ensure sufficient supply of for future residential needs; restrict development on land subject to flooding, coastline hazard, bush fires and land slip; ensure continued operation of resource lands including agriculture, mineral resources and extractive materials; protect and manage biodiversity; minimise on- and off-site impacts of development; identify and protect cultural and architectural heritage, including Aboriginal heritage.

The Department has consulted Council throughout the assessment process and considered all relevant provisions of ELEP 2012 and those matters raised by Council in its assessment of the development (refer Sections 5 and 6). The Department concludes the development is consistent with the requirements of the ELEP 2012. Consideration of the relevant clauses of the ELEP 2012 is provided in

Table 20.

Table 20 | Consideration of the ELEP 2012

ELEP 2012	Department Consideration
Land Use Table – R2 Low Density Residential and RU1 Primary Production	<p>The site is located on land zoned part R2 Low Density Residential and part RU1 Primary Production under the Eurobodalla Local Environmental Plan (ELEP) 2012.</p> <p>The Transport and Infrastructure SEPP identifies the R2 Low Density Residential zone as a prescribed zone and permits health services facilities. Further, hospitals are defined as an innominate use within in the RU2 Primary Production ELEP (i.e. not specifically described as being either permissible or prohibited).</p> <p>The proposed development is therefore permissible with consent.</p>

ELEP 2012	Department Consideration
Clause 4.3 Height of buildings	The 8.5m height of building control is set aside in accordance with clause 5.12(1), as it 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.
Clause 4.3 Floor space ratio	The site is not subject to a floor space ratio control.
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	The works are being carried out by a public authority and are permitted in accordance with the Transport and Infrastructure SEPP. The ELEP 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.
Clause 5.21 Flood planning	<p>The clause provides that the consent authority must consider: the impact of the development on projected changes to flood behaviour as a result of climate change; the intended design and scale of buildings; whether the development minimises the risk to life and ensure safe evacuation; and the potential to modify, relocate or remove buildings if the surrounding area is impacted by flooding or coastal erosion.</p> <p>The Department has considered the flooding impacts of the proposal in detail in Section 6.5 and is satisfied that the proposal meets the primary objective of the NSW Floodplain Development Manual 2005 and the Flood Risk Management Manual 2023, as it would not result in any adverse impact on adjacent structure or properties.</p>
Clause 5.22 Special flood considerations	<p>The Department has considered the flooding impacts of the proposal in detail in Section 6.5. The Department notes that the development would not result in any adverse impact on adjacent structures or properties; the development is compatible with the land's flood behaviour; and that the proposal would protect the operational capacity of emergency response facilities and critical infrastructure – it would offer ambulance access during flood events and would provide a more flood-resistant facility than the existing Moruya Hospital (which it is to replace).</p> <p>The Department is also satisfied that the proposal meets the primary objective of the NSW Floodplain Development Manual 2005 and the Flood Risk Management Manual 2023, as it would not result in any adverse impact on adjacent structure or properties.</p>

ELEP 2012	Department Consideration
<p>Clause 6.1 Public utility infrastructure</p>	<p>The clause provides that consent must not be granted for development on land in a land release area unless the Council is satisfied that public utility infrastructure is available or adequate arrangements have been made to make that infrastructure available.</p> <p>The Department consulted Council with regard to the proposal, who raised no concerns with regard proposed access to public utility infrastructure. The site will have access to all utility services to accommodate the demand generated by the proposed development.</p>
<p>Clause 6.2 Development control plans for land release areas</p>	<p>The clause provides that development consent must not be granted for development in a land release area unless a development control plan has been prepared for the land.</p> <p>The site is located within a land release area. However, section 2.10(2) of the Planning Systems SEPP states that a requirement under an EPI that a development control plan be prepared before development consent can be granted does not apply to SSD.</p>
<p>Clause 6.3 Acid sulfate soils</p>	<p>The Applicant's DSI notes that there is a small area of on the low-lying area along the western boundary of the site that is mapped as Class 2 Acid Sulfate Soil risk area. This area is not located within the proposed development footprint.</p>
<p>Clause 6.4 Earthworks</p>	<p>The clause provides that, where earthworks are proposed, the consent authority must consider: likely disruption of existing draining patterns and soil stability; effects on likely future use or redevelopment of the land; quality of the fill or soil to be extracted; neighbouring amenity impacts; the source of fill material and destination of excavated material; proximity to watercourse, drinking water catchment or environmentally sustainable areas; and management and mitigation measures.</p> <p>The Department has considered the proposed earthworks in Section 6.6. The proposal will not result in impacts to water catchments or drinking water sources.</p>
<p>Clause 6.7 Riparian lands and watercourses</p>	<p>The application site includes a Riparian Category 3 watercourse, and therefore any development within 10m of the watercourse must consider impacts on the watercourse. The Department notes the development footprint is located a significant distance from the watercourse.</p>

ELEP 2012	Department Consideration
	The Department consulted DCCEE Water, who raised no concerns with regard to impact on the watercourse. It is not anticipated there will be any adverse impacts on the watercourse.
Clause 6.9 Stormwater management	<p>The clause provides that the consent authority must be satisfied the development has been designed to maximise the use of water permeable surfaces; includes, where practical, on-site stormwater detention; and avoids or minimises/mitigates the impacts of stormwater runoff downstream.</p> <p>The Department has considered the stormwater impacts of the development in detail in Section 6.5.</p>

Other matters

In accordance with clause 2.10 of the Planning Systems SEPP, Development Control Plans do not apply to SSD. Notwithstanding, objectives of relevant controls under the Moruya Township Development Control Plan 2011, where relevant, were considered in Section 6.

Appendix C – Recommended instrument of consent

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