

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-57064458 New Shellharbour Hospital
Applicant	Health Administration Corporation
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

12 August 2024

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- [the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016 (NSW)*];
- all information submitted to the department during the assessment of the development application [and any additional information considered in the department's assessment report];
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including capital investment in health infrastructure, as well as the creation of 1,300 construction jobs and 1,168 operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the NSW Premier's State Priorities, Transport for NSW's State Future Transport Strategy 2056 and Infrastructure NSW's State Infrastructure Strategy 2022-2042;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has included conditions to ensure: biodiversity ecosystem credits, noise mitigation is developed through design development to ensure noise targets are complied with and construction impacts are appropriately managed;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the Department it was placed on exhibition from Friday 15 September 2023 until Thursday 12 October 2023 (28 days). A total of 14 submissions were received - five submissions objected to the project, three submissions supported the project and six provided comment. A submission was also received from Shellharbour City Council.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include impacts on the Boral Quarry and Sand extraction industries operation, vehicular access, biodiversity and water quality, type of health care services provided, inadequate ambulance bays, pedestrian access and pathways and the impacts of the project on the road network. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Impacts of the project on the road network</i></p> <ul style="list-style-type: none"> • Concerns with the increase in traffic that would be generated by the proposal and the capacity of the existing road network to cater with this increase. • Potential traffic conflicts and safety issues with existing land uses in the vicinity of the site. • Need to upgrade the existing roundabout at Shellharbour Road/Dunmore Road in order to improve accessibility and minimise congestion. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Traffic Impact Assessment submitted as part of the Environmental Impact Statement (EIS) recommended that the existing roundabout at Shellharbour Road/Dunmore Road be upgraded with traffic lights as part of the development as the intersection is anticipated to operate at level of service E in the 2027 base modelling scenario and level of service F in the 2037 base modelling scenario. • It was further stated in the EIS that although a formal design was not yet available and was subject to ongoing consultation with Transport for NSW (TfNSW). This intersection upgrade forms part of the project scope, it's expected the intersection upgrade with traffic lights would form a condition of consent. • The updated mitigation measures provided as part of the Response to Submissions (RtS) Report continues to confirm that the existing Shellharbour Road/Dunmore Road intersection needs to be upgraded prior to the commencement of operation. • The Applicant however considers that it is not a hospital specific issue as other growth/developments in the area will adversely impact on the level of service of the intersection irrespective of the hospital development and considers the upgrade to be the responsibility of TfNSW. • TfNSW has raised strong concerns with the applicant's statement and does not agree with the applicant's position. Council also objected to the removal of the upgrade works from the application. • The Department agrees with the position of TfNSW and Council that, based on modelling provided with the SSDA, the Shellharbour Road/Dunmore Road should be upgraded as part of the proposed development. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • A condition of consent is recommended that restricts the hospital from commencing operation until the existing Shellharbour/Dunmore Road intersection is upgraded to the satisfaction of Transport for NSW.
<p><i>Vehicular access to the hospital site</i></p> <ul style="list-style-type: none"> • Suggestion that vehicular access to the site should be via a new access road from the Princes Motorway, across the railway line into the hospital at the southern end of the site. • Concerns with the ability of emergency services vehicles to safely access the site. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Grade separation of a major State highway is an expensive infrastructure solution which would reduce funding to other key health services including equipment, infrastructure and staff facilities. which are imperative to deliver an advanced medical facility capable of servicing the region. Peak period traffic generation of 300-400 vehicles per hour would not allow a sufficient economic justification for the significant cost of a grade-separated interchange. • The primary public access point from Dunmore Road would incorporate a new roundabout entry serving the main entry drop-off point, open parking and multi-deck parking access. A service access road is proposed to be aligned with the northern boundary, connecting to the loading dock to the west. A third access point providing emergency ambulance and police access, together with public emergency access is provided at the southern end of the site, off Dunmore Road. • A main pick-up and drop-off loop is provided at the hospital's main entry, catering for six car spaces. Additional drop-off locations are also provided to the emergency department and mental health unit. • Upgrades to Dunmore Road are proposed as part of the proposed development, including: two southbound and northbound lanes for the full length between Shellharbour Road and Birun Lane; additional roundabouts at Dunmore Road/Birun Lane and Dunmore Road/Archerfield Drive; and the junction of Southern Cross Boulevard with Dunmore Road upgraded to a roundabout and expansion of the Universal Avenue/Dunmore Road roundabout.

	<ul style="list-style-type: none"> The Department considers that, based on the documentation provided, the existing road infrastructure along Dunmore Road is adequate to cater for the anticipated future hospital traffic, noting that the proposed development includes the installation of a roundabout at Dunmore Road/Birun Lane and functions as the hospital's primary access point. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No further conditions required.
<p><i>Pedestrian access and pathways</i></p> <ul style="list-style-type: none"> A pedestrian link from the site (adjacent to the rail corridor) to Shellharbour Junction Railway Station should be provided to improve access and encourage use of public transport. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The information provided with the EIS outlines the potential for the creation of a pedestrian path to facilitate direct access from Shellharbour Junction Railway station to the hospital. The Department considers that this pedestrian path would promote the use of active and public transport, support a mode shift away from private vehicles and ultimately reduce congestion on the surrounding road network. <p><i>Conditions</i></p> <ul style="list-style-type: none"> A condition of consent is recommended that restricts the hospital from commencing operation until a shared pathway from the hospital to Shellharbour Junction Train Station is constructed and available for use.
<p><i>Biodiversity and water quality</i></p> <ul style="list-style-type: none"> Concerns that the proposal would cause impacts on water quality, in particular the Minnamurra River and estuary. Increased sedimentation and runoff into Rocklow Creek. Proximity to coastal ecosystems containing mangrove forests, protected plant species and wildlife. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The application is accompanied by a Biodiversity Development Assessment Report (BDAR) which demonstrates the proposal is not likely to significantly impact biodiversity values. The impacts of the project are limited to removal of 0.01 ha of reedland wetland conforming to the Endangered Ecological Community (ECC) Freshwater Wetlands on Coastal Floodplain. The indirect impacts of the project are expected to be associated primarily with potential local downstream impacts on reedland occurring offsite in the rail corridor. The mitigation actions recommended within the BDAR have been prepared to address management of potential run-off into adjacent wetland habitats. The BDAR has concluded that there are no candidate entities for Serious and Irreversible Impact (SAIL) within the subject land, and therefore the project is unlikely to cause any SAIL to any threatened species or threatened ecological communities (TECs). The BDAR has also considered impacts on threatened species and TECs listed under the EPBC Act. It concluded that the proposed development is unlikely to result in a significant impact to the Matters of National Environmental Significance (MNES) occurring or considered to have potential to occur within the subject land or surrounds. At RfS stage, the Applicant provided specialist aquatic ecology advice regarding project impacts on the Minnamurra River. This advice established that with the proposed erosion, sediment and stormwater controls in place, the development will have a negligible impact on the Minnamurra wetland system. <p><i>Conditions</i></p> <ul style="list-style-type: none"> A condition of consent requiring the preparation of a Biodiversity Management Sub-Plan which incorporates a requirement for the identified mitigation measures to be implemented. Furthermore, a condition of consent has been included which requires the recommendations within the aquatic ecology advice letter to be adhered to.
<p><i>Type of health care services provided and extent of ambulance bays proposed</i></p> <ul style="list-style-type: none"> Concern that inadequate medical facilities are proposed. Cardiology, paediatric, maternity and children's wards should be provided. Provision of six ambulance bays is insufficient. The design should include suitable indoor and outdoor staff facilities. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> All NSW Local Health Districts work within a 'district-wide service network' which means that hospitals do not act in isolation, rather within the Local Health District network of hospitals they sit in. The services provided in each hospital are based on current and projected demographics and clinical activity for the region, including a Clinical Services Plan. Whilst the proposed hospital will provide for paediatric emergency it does not include birthing services, paediatric inpatient and no specialist cardio which is reflected in the Illawarra Shoalhaven Health Care Services Plan 2020-2030. The provision of ambulance bays (six proposed) is informed by expert advice, has been endorsed by NSW Ambulance and is thus accepted. The design of the development incorporates adequate staff facilities within the hospital building itself as well as external outdoor areas. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No further conditions required.
<p><i>Impact on Boral quarry and Sand extraction industries operation</i></p> <ul style="list-style-type: none"> Boral broadly supported the 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The provisions of section 2.19(2) – Compatibility of proposed development with mining, petroleum or extractive industry within State Environmental Planning

<p>proposal but raised concerns over the impact the proposed hospital may have on the operations of the existing Dunmore Hard Rock Quarry Dunmore and Lakes Sand Extraction Project.</p> <ul style="list-style-type: none"> The proposal should be assessed in terms of compatibility with mining and extractive industry. 	<p>Policy (Resources and Energy) 2021 have been considered in the assessment of the application. It has been found that the proposed development is not likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive industries (including by limiting access to, or impeding assessment of, those resources). The proposed development is not considered to be incompatible with surrounding mineral resource land and uses, noting the extensive separation distance (approximately 2.5km) from those uses to the hospital site.</p> <ul style="list-style-type: none"> Relevant stormwater, acoustic/vibration and structural matters have been considered as part of the EIS and found to be acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No further conditions required.
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