

**Banyule Planning Scheme
Warringal Hospital Redevelopment call-in
VCAT reference P855/2021**

Priority Projects Standing Advisory Committee Report – Referral No 19

Planning and Environment Act 1987

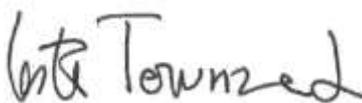
8 October 2021

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Members of the Priority Projects Standing Advisory Committee who considered this referral:



Lester Townsend, Chair



Kate Partenio, Member

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Glossary and abbreviations

| | |
|---------------|---|
| Council | Banyule City Council |
| DELWP | Department of Environment, Land, Water and Planning |
| DFP | Development Facilitation Program |
| NOD | Notice of Decision |
| PE Act | <i>Planning and Environment Act 1987</i> |
| the Committee | Priority Projects Standing Advisory Committee |
| VCAT | Victorian Civil and Administrative Tribunal |

1 Overview

(i) Referral summary

| Referral summary | |
|----------------------------|--|
| Date of referral | 27 August 2021 |
| Members | Lester Townsend (Chair) and Kate Partenio |
| Nature of proceeding | Call-in of Victorian Civil and Administrative Tribunal proceeding P855/2021 |
| Permit application number | Banyule: Application PLN1297/2020 |
| Description of permit | Buildings and works to expand an existing hospital, construction of a medical centre, vegetation removal, provision of parking to the satisfaction of the Responsible Authority, a reduction in the required motorcycle parking, removal of Easement E1 and variation of Easement E2 |
| Common name | Warrigal Hospital Redevelopment call-in - VCAT reference P855/2021 |
| Municipality | City of Banyule |
| Responsible Authority | Banyule City Council |
| Subject land | 210–216 Burgundy Street and 81–83 Darebin Street, Heidelberg |
| Site inspection | 29 September 2021 by Mr Townsend |
| Parties to VCAT proceeding | Ms Panayiotidis (review Applicant) Banyule City Council (Responsible Authority) Ramsay Health Care (review Respondent) |
| Hearing | Roundtable Discussion, on-line 1 October 2021 - Ms Panayiotidis - Ramsay Health Care Pty Ltd represented by Rob Forrester of Counsel, instructed by Matt Hughes of Hall and Wilcox - Banyule City Council represented by Andrew Crack |
| Information relied upon | All relevant VCAT material from file, council reports of Banyule City Council, additional submissions at the Roundtable Discussion, and views from the site inspection |
| Date of this report | 8 October 2021 |
| Citation | Priority Project SAC Referral 19: Call-in of VCAT proceeding P855/2021 [2021] PPV |

(ii) Findings

The Committee finds:

- State policy supports the expansion of hospital and medical facilities in key locations that provide excellent accessibility to a wide range of users.
- Policy specifically supports the proposed uses on the land.

- The Notice of Decision (NOD) conditions, and other legal mechanisms, adequately address concerns relating construction impacts.
- The concerns raised by the objector in relation to the plant room are addressed by requirements outside of the planning system.
- The overshadowing impacts on adjoining properties are acceptable.
- The NOD conditions adequately address concerns regarding overlooking.
- The proposal appropriately addresses fire hazard issues.
- The traffic impacts on the surrounding road network are acceptable
- The NOD conditions adequately address concerns regarding the ambulance access design and potential linkage between the medical centre car park and the hospital car park.
- The NOD conditions adequately address concerns regarding sustainability.

(iii) Recommendation

The Priority Projects Standing Advisory Committee recommends:

- 1. The Minister for Planning review the Notice of Decision to determine whether the reference to *State Environment Protection Policy (Control of Noise from Commerce, Industry and trade), No. N-1. (SEPP N-1)* needs to be updated.**
- 2. The Minister for Planning recommend to the Governor in Council that Planning Permit PLN1297/20202 be issued consistent with the Committee preferred version of the Permit Conditions (Appendix D).**

2 Introduction

2.1 Terms of Reference and letter of referral

The Priority Projects Standing Advisory Committee (the Committee) was appointed by the Minister for Planning on 14 June 2020. The purpose of the Committee is set out in its Terms of Reference (Appendix A) to:

... provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

For this matter, the Minister for Planning's letter of referral (27 August 2021, Document 1, Appendix B) tasked the Committee to:

- provide advice and recommendations on whether a planning permit should be issued, and if so, the appropriate conditions that should be imposed

This is Referral No. 19.

The members of the Committee that considered Referral No. 19 are:

- Lester Townsend, Chair
- Kate Partenio, Member.

The Committee was assisted by Tom Milverton, Project Officer from the Office of Planning Panels Victoria (PPV).

2.2 Background to the proposal

On 17 May 2021 the objector applied to the Victorian Civil and Administrative Tribunal (VCAT) under section 82 of the *Planning and Environment Act* (1987) for a review of Banyule City Council's notice of decision to grant a planning permit for the proposal (PLN1297/2020). A compulsory conference held on 2 August 2021 failed to resolve the matter and a four day hearing was scheduled to begin on 4 October 2021.

The Minister for Planning called in the proceeding from VCAT under Clause 58 (2)(a) of schedule one to the *Victorian Civil and Administrative Tribunal Act* (1998) on the basis that the proceeding raised a major issue of policy and the determination of the proceeding may have substantial effect on the achievement of planning objectives.

The matter was then referred to the Committee.

2.3 The proposal

The Council report of 12 April 2021 summarises the proposal as:

1. The application seeks to expand the Warringal Private Hospital on the existing Burgundy Street site and establish a new Medical Centre at the adjoining Darebin Street site in four stages from 2021 through to 2027.
2. An intensification of the existing hospital use and development is proposed through a higher and more robust built form, the addition of beds, specialised hospital facilities, a new emergency department and on-site car parking and the provision of 20 medical consulting suites within a new medical centre.

3. The proposal represents a major investment in a medical precinct of State importance and will deliver significant employment opportunities as well as an expanded offer of quality health services to meet the health needs of local and regional communities.
4. The proposal meets the objectives of the zone and overlays that apply and will deliver a significant net community benefit and sustainable development for the benefit of present and future generations.
5. It is considered that the proposal should be supported subject to conditions requiring further changes as discussed in this report.

The proposal can be generally described as follows:

- provision of an additional 197 hospital beds (348 beds in total)
- provision of an additional 3 operating theatres
- establishment of an emergency department adjacent to the Burgundy Street entrance with ambulance access from the Burgundy Street service road
- 26 additional hospital surgical/specialist suites within the hospital building
- 20 Medical Centre consulting rooms within a new Medical Centre (Darebin Street)
- an additional 388 on-site car spaces across the hospital and medical centre buildings (666 car spaces in total)
- provision of 77 bicycle spaces for staff and visitors, together with hospital staff 'End of Trip' facilities on Level 5 of Tower 1
- provision of 15 motor bike spaces.

The proposed development includes the following new and expanded facilities:

- a new central building (8 levels above ground) above predominantly basement parking over five levels (referred to as Tower 2). The building will include hospital surgical/specialist suites at Levels 3 and 4, day surgery, intensive care ward, imaging (Level 2), theatre facilities, new wards (Levels 5-9) and rooftop plant
- an emergency department predominantly within the existing Burgundy Street building including ambulance bays
- new ward levels within Tower 1 (at Levels 6-8)
- a day surgery extension at Level 3 within the existing building setback to Burgundy Street above the hospital entry
- reconfiguration of essential hospital services within the Burgundy Street building
- a new medical centre in a three-storey building in Darebin Street above a five-level basement / undercroft parking area with vehicle access from Darebin Street. The medical centre car park will be linked to the proposed Level 1 hospital carpark under Tower 2.

In total, the proposal will add approximately 18,000 sqm. of new hospital floor space, and a new 2,050 sqm. medical centre.

The expanded hospital will also include an expanded 'back of house' area at Level 1, including kitchen and waste handling, a central arrival area at Level 2 in Tower 2 accessed from the car parking areas, and a dedicated corridor from the Burgundy Street entrance.

The total parking provision for the expanded hospital will be 519 cars, an increase of 241 car spaces. The new medical centre will provide an additional 147 spaces. When all stages are complete, it is intended that the two car parking areas will be linked.

Bicycle spaces will be provided at Level 1 under Tower 1 and within the medical centre, with staff 'End of Trip' facilities within the hospital extension (Level 5, Tower 1). Additional visitor bicycle

parking will be provided on street (to the Council's satisfaction) or within the building setbacks convenient to the hospital entries.

Proposed operating hours are:

- the hospital – 24 hours, 7 days a week
- the medical centre – 9 am to 6 pm, weekdays.

The application also seeks to remove sewerage easement E-2 encumbering Lot 16 on PS 321255A Created in Instrument No 2612972 and to vary sewerage easement E-1 encumbering the same lot pursuant to Clause 52.02 of the Banyule Planning Scheme. These easements are in favour of Yarra Valley Water.

Staging

The development will proceed in stages, essentially related to a practical construction program and the hospital operations/facility requirements. It is proposed that Stage 1 will proceed as soon as practical after the grant of the relevant approvals. Stages are described as follows:

- **Stage 1**
The extension of Tower 1 (existing), provision of a recovery area and demolition work for Stage 2 will occur from the middle of 2021 to late 2022. An additional 28 beds will be provided.
- **Stage 2**
The central Tower 2 building (proposed) and associated basement car parking will occur late 2022 to late 2024. An additional 97 beds and 241 car spaces will be provided.
- **Stage 3**
Redevelopment of the existing hospital buildings to provide the emergency department and essential hospital support services will occur late 2022 to late 2024.
- **Stage 4**
The medical centre building in Darebin Street and associated car parking, use of the Tower 2 shells at Levels 8 and 9 will all be undertaken within 6 years of commencement. An additional 62 beds, 20 medical centre suites and 147 car spaces will be provided at this Stage.

The new central building is proposed to enable construction relatively independent of ongoing hospital operations. The existing eastern building or Tower 1 which abuts the park has an existing approval for an additional two levels and relocation of plant to the roof.

2.4 Process

On 14 September 2021 the Committee advised that it would hear from the objector, Ms Panayiotidis at a Roundtable Discussion on 1 October 2021, and give the Proponent, Ramsay Health Care, and the Council an opportunity to make an initial response. The Committee would then set out the timing and process for more detailed submissions from the Proponent, if required, in response to specific issues.

At the conclusion of the Roundtable Discussion the Committee advised that it had sufficient information to make a recommendation to the Minister and that no further information or hearing would be required.

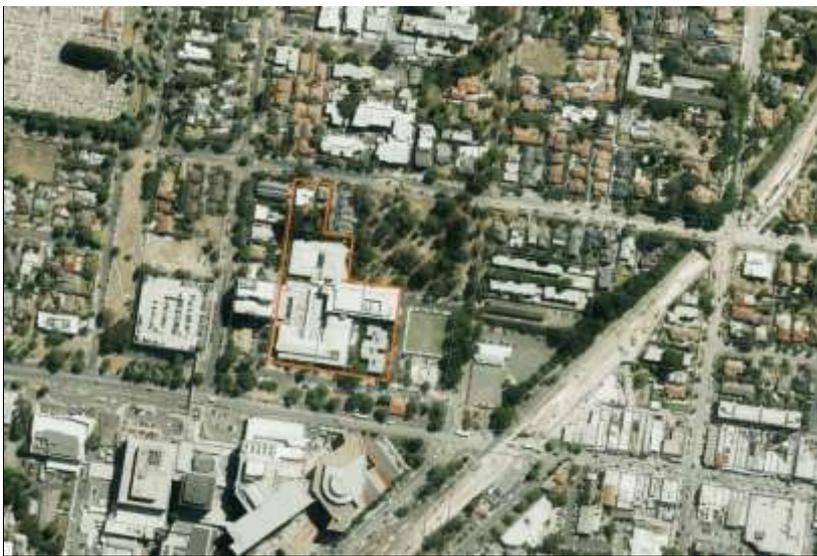
3 Site and planning context

3.1 The review site

The subject site is known as 210-216 Burgundy Street and 81–83 Darebin Street, Heidelberg and is comprised of multiple Certificates of Title, including the existing strata titled medical consulting rooms at 210 and 214 Burgundy Street (Figure 1).

It is a large, irregularly shaped parcel of approximately 11,400 square metres. assembled over some years by the incorporation of residential and commercially used land adjacent to the original Warringal Hospital landholding.

Figure 1 Aerial photograph



The site has a Burgundy Street frontage of approximately 76 metres, a Darebin Street frontage of approximately 32 metres and a depth of approximately 172 metres. The land slopes down from its Darebin Street frontage to the existing hospital site, a fall of approximately 8 metres. The land along Burgundy Street slopes from west to east with a fall of approximately 3.5 metres.

The Darebin Street site is currently occupied by two dwellings and established vegetation, including tall canopy trees to the rear of the buildings.

The site includes the Warringal Private Hospital building, together with medical consulting rooms. Vehicle access to the hospital is currently from the Burgundy Street service road.

Surrounding land is used and developed for a mix of residential, recreational, office and medical uses within both retrofitted and purpose-built developments. A higher, more intensive built form is emerging within the precinct, including multilevel residential apartment, office, and mixed-use developments. Notable nearby use and development includes the Austin and Mercy Hospital complex located on the southern side of Burgundy Street, directly opposite the existing hospital building. Despite that some single and double storey buildings are located within the medical precinct (including immediately adjacent to the site), the built form typically ranges from 4 to 10 storeys in height.

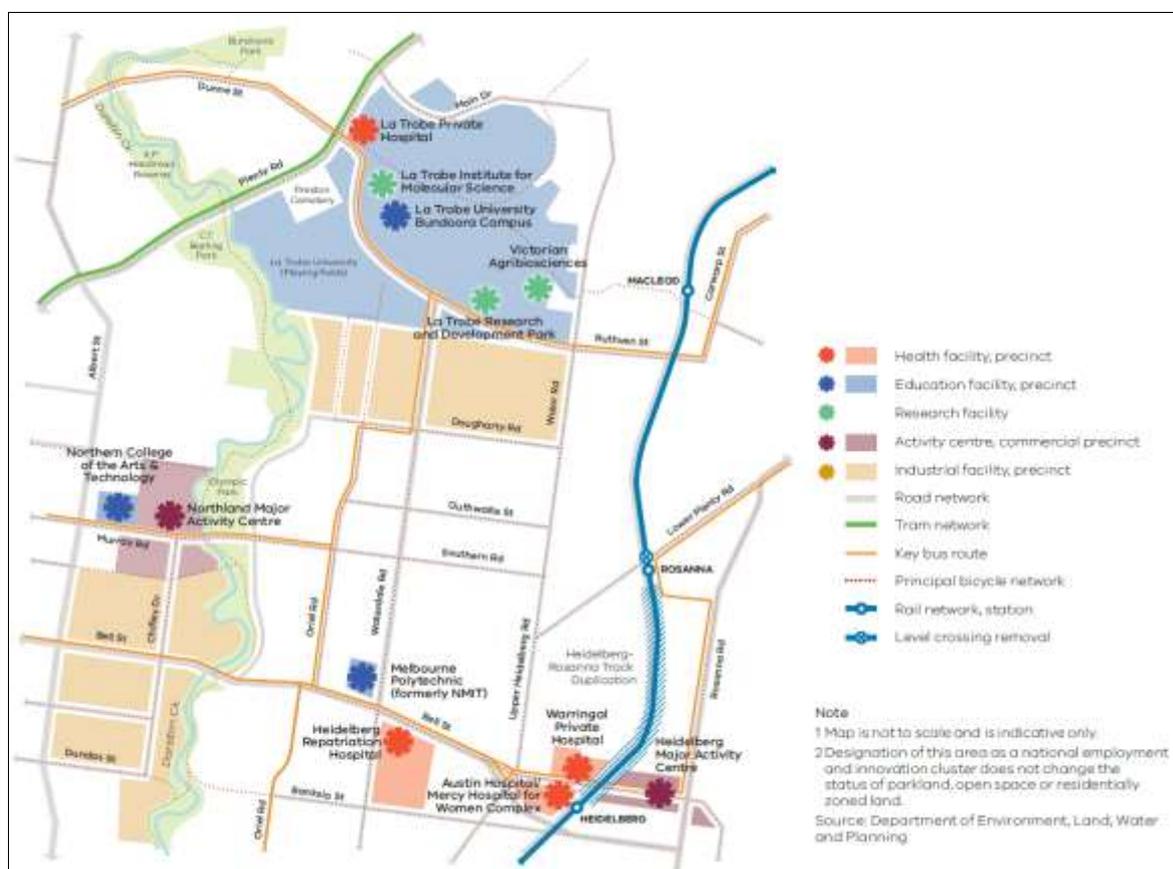
The site is located close to public transport routes. Heidelberg Train Station, which also serves as a bus interchange, is located approximately 190 metres to the south.

3.2 Planning framework

(i) State and local policy

State policy supports major clusters of hospitals and education facilities of State significance in locations accessible by public transport. This site explicitly identified as such (see Figure 2). Plan Melbourne specifically acknowledges this through Policy 1.1.4, which notes *“Major health and education precincts across metropolitan Melbourne have been identified for further services and jobs growth. These precincts stimulate innovation, create employment and are of fundamental importance to the emerging knowledge economy and surrounding communities”*. Co-location is encouraged, as is enhanced public transport opportunities. The Policy goes on to note *“specialised economic functions should be reinforced, but there should also be opportunities to provide ancillary retail, commercial, accommodation and supporting services”*.

Figure 2 Plan Melbourne Map 9 – La Trobe National Employment and Innovation Cluster



At State and Regional levels, planning policy support for the intensification of the hospital and medical centre use and development on the subject site is strong and unambiguous.

The proposal is clearly consistent with the objective and strategies of Clause 19.01-2S (Health facilities) which seeks *“To assist the integration of health facilities with local and regional communities”* and *“Locate hospitals and other large health facilities in designated health precincts and areas highly accessible to public and private transport”*.

Similarly, a relevant strategy of Clause 11.03-1R (Activity centres - Metropolitan Melbourne) seeks to *“Locate significant new education, justice, community, administrative and health facilities that*

attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.”

Relevant strategies of Clause 17.01-1R (Diversified economy - Metropolitan Melbourne) seek to *“Facilitate the development of National Employment and Innovation Clusters”* and *“Support the employment and servicing role of Health and Education Precincts.”*

Clause 18.02-2R seeks to *“Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.”*

There is also strong local policy support for the proposal. Warringal Private Hospital and associated consulting suites is an important community facility and service within the area and for the broader area. The use provides additional healthcare options for local and regional residents as well as being a significant employer in the region. The planning scheme recognises the importance of the cluster of healthcare uses in Heidelberg and is geared to facilitate the ongoing operation and sustainable growth of the healthcare industry in this area. There is in principle support for the growth and extension of the use on this site, whilst at the same time, the impact to neighbouring residential amenity must be managed to ensure any detrimental impact is limited to reasonable levels.

Clause 21.08 (Local Places) identifies that the site is within the Heidelberg Activity Centre. Clause 21.08-2 (Heidelberg Activity Centre) provides a description of the Heidelberg Activity Centre and separates it into 7 precincts. The subject site is located within ‘Precinct 4 – Medical Services’. The vision for Precinct 4 provides that *“The Medical Services Precinct will continue to provide a consolidated range of medical and hospital related services, both to the local community and to the broader north-eastern region. The precinct will be strongly linked to the train station to allow for easy access to public transport for users of the precinct. The existing vegetation along Burgundy Street and Stradbroke Avenue will be enhanced.”*

There are three objectives listed under Clause 21.08-2 for Precinct 4, which each objective listing corresponding strategies:

To consolidate the wide range of health care, family support and professional services, adjacent to the major hospitals and to encourage medical facilities and services to locate in the precinct.

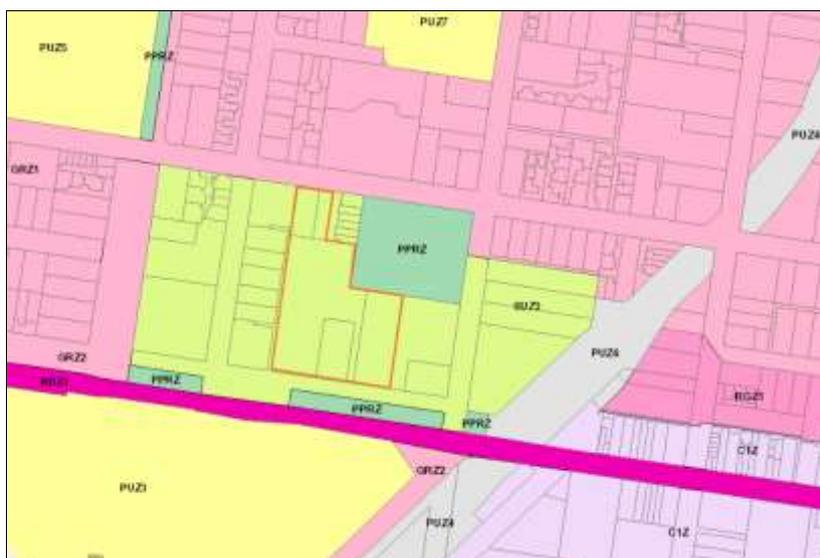
To improve the image and identity of Heidelberg’s Medical Precinct.

To promote the integrated development of hospital and associated facilities in the Medical Services Precinct, such as car parking, to be sensitive to nearby residential areas.

(ii) Zones and overlays

The land is in the Special Use Zone – Schedule 3 ‘Residential and Medical Services Precinct’ (SUZ3). The zoning of the subject and adjoining land is shown in Figure 3.

Figure 3 Zoning plan



The purpose of the Special Use Zone – Schedule 3 *Residential and Medical Services Precinct* (SUZ3) includes:

- To encourage the consolidation of medical services within this precinct
- To enable a mix of uses within developments that provides dwellings within upper levels of buildings
- To protect the amenity of patients and residents within and around this precinct.

A permit is not required to use land for a ‘Medical centre’ in the SUZ3.

‘Hospital’ is a Section 2 (permit required) use in the zone however a permit is not required in this instance as the hospital use is established on the subject site. Table 1 summarises the permissions needed.

Table 1 Applicable Planning Controls

| Control | Clause | Permit Triggered |
|--|--------|--|
| Special Use Zone – Schedule 3 | 37.01 | Yes |
| Vegetation Protection Overlay – Schedule 5 | 42.02 | Yes |
| Design and Development Overlay - Schedule 5 | 43.02 | Yes |
| Development Contributions Overlay – Schedule 1 | 45.06 | Payment of contribution required |
| Parking Overlay - Schedule 2 | 45.09 | No |
| Car Parking | 52.06 | Car parking for the <i>hospital</i> must be to the satisfaction of the Responsible Authority |
| Easements, Restrictions and Reserves | 52.02 | Yes |
| Bicycle facilities | 52.34 | No |
| Stormwater Management in Urban Development | 53.18 | No-but must be considered |

| Control | Clause | Permit Triggered |
|--|--------|---------------------------|
| Operation of the Planning Policy Framework | 71.02 | No-but must be considered |

3.3 Findings

The Committee finds:

- State policy supports the expansion of hospital and medical facilities in key locations that provide excellent accessibility to a wide range of users.
- Policy specifically supports the proposed uses on the land.

4 The issues

The objector's grounds to VCAT cover six issues:

- construction impacts
- plant room impacts including chemical hazards – potential chemical hazards and radiation from building plant room
- overshadowing
- overlooking
- fire hazard
- traffic.

At the Roundtable Discussion additional points were raised relating to:

- the planning process to date
- amenity impacts of noise
- environmental sustainable development
- potential financial compensation
- the need for the facility.

This Chapter addresses these issues under the headings:

- Need for the facility
- Construction impacts
- Plant room impacts
- Overshadowing
- Overlooking
- Fire hazard
- Traffic
- Environmentally Sustainable Development
- Potential compensation.

4.1 Need for the facility

The Proponent outlined the need for the proposal. More specifically the Proponent outlined how the configuration of the building is driven by the specific functions of the medical uses and this is a category of use where 'form follows function'.

The Committee accepts these submissions and agrees that in designing a facility such as a hospital a designer has less flexibility in terms of floor plates and mix of uses than for many other uses.

4.2 Construction impacts

(i) Submissions

The VCAT application for a review of the decision included the following reason:

I am concerned about the noise from the enormous development taking place next door to our home over several years which will affect our quality of life, it will affect our ability to rest and sleep; increased traffic, machinery, excavators and cranes operating next door; excavations to five storeys for a five level underground commercial car park next to my home which can destroy the foundations of my building, as well as affect our quality of life with several years of construction taking place ...

The Proponent and Council submitted that the Notice of Decision (NOD) issued by Council included conditions 38 and 39 which address construction impacts would adequately deal with these issues.

At the Roundtable Discussion the objector requested:

That the impact of the excavation and building works is monitored by engineers of my choice with regard to assessment of my foundations and building, and if there is any damage to my foundations and buildings I'll be compensated financially for damages and repair works to take place.

The Proponent submitted that the process under the *Building Act (1993)* sets the legal framework for the regulation of building construction, building standards, and maintenance of specific safety features in Victoria.

(ii) Discussion and finding

The Committee accepts that construction activities can cause amenity impacts on adjoining properties. But the development of the city cannot proceed without construction, and as discussed above, the overall proposal has strong policy support. The conditions requiring a construction management plan are typical of planning permits and are sufficient to adequately address the neighbour's concerns.

The potential impact on the foundations of the objector's buildings is regulated outside of the planning system.

The Committee finds:

- The NOD conditions, and other legal mechanisms, adequately address concerns relating to construction impacts.

4.3 Plant room impacts

(i) Submissions

The VCAT application for a review of the decision included the following reason:

... potential chemical hazards and radiation from building plant room next door to our home ...

The Proponent submitted that the plant room, located on the top of the building adjacent to the objector's house was typical of a plant room for a building of this scale.

The Proponent also drew the Committees' attention to the *Radiation Act (2005)* which sets out the 'Radiation Protection Principle' at section 7:

The Radiation Protection Principle is the principle that persons and the environment should be protected from unnecessary exposure to radiation through the processes of justification, limitation and optimisation ...

(ii) Discussion and finding

The Committee accepts that chemical hazards and radiation are issues that need to be managed. They are managed, but not by way of planning permit conditions. It is not clear that the plant room will even involve the storage of chemicals or emit radiation. More broadly there is nothing to suggest that the layout of the building is inherently unsafe, or that the storage areas are

configured in a way that would not allow them to meet appropriate health and safety requirements.

In terms of potential noise from the plant room, this is addressed in Conditions 16 and 17 of the NOD.

The Advisory Committee notes that the conditions refer to *State Environment Protection Policy (Control of Noise from Commerce, Industry and trade), No. N-1. (SEPP N-1)*. The Committee understands that these have been superseded by an *Environment Reference Standard* under the *Environment Protection Act (2017)*. The Committee understands that the relevant noise limits are largely the same.

The Committee finds:

- The concerns raised by the objector in relation to the plant room are addressed by requirements outside of the planning system.

The Committee recommends:

The Minister for Planning review the Notice of Decision to determine whether the reference to *State Environment Protection Policy (Control of Noise from Commerce, Industry and trade), No. N-1. (SEPP N-1)* needs to be updated.

4.4 Overshadowing

(i) Submissions

The VCAT application for a review of the decision included the following reason:

... our home being overcast in shadow, with no sunlight ...

Council submitted that it was “*entirely satisfied that the overshadowing was reasonable*”.

(ii) Discussion and finding

The secluded open space is to the north of the objectors dwelling and the north of the building line of the proposed medical suites. Shadow diagrams show little if any encroachment into this area compared to the shadows from the existing house next door.

The Committee finds:

- The overshadowing impacts on adjoining properties are acceptable.

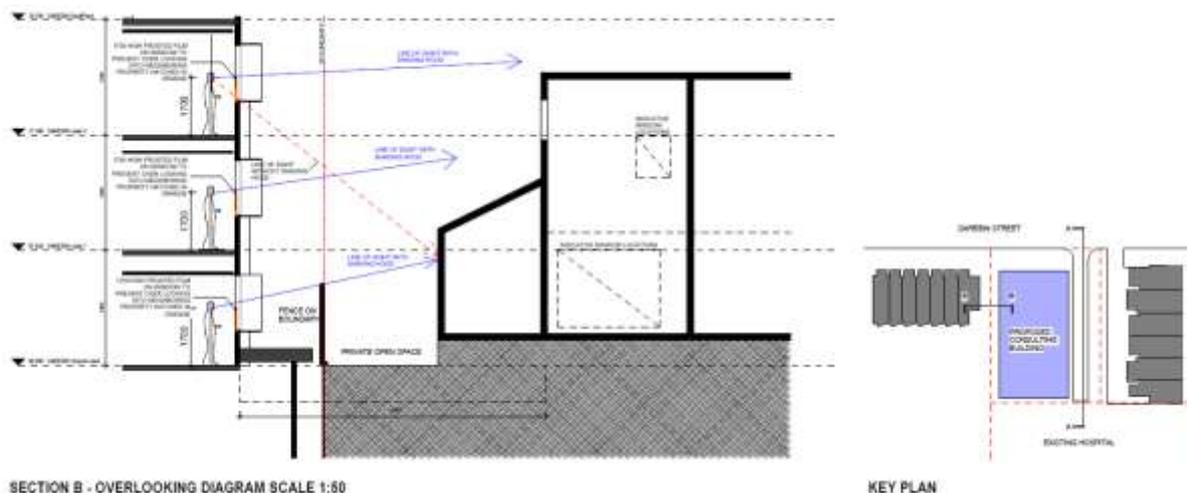
4.5 Overlooking

(i) Submissions

The VCAT application for a review of the decision included the following reason:

... our privacy also being invaded, with a massive building overlooking our courtyard.

The Proponent proposed including ‘high frosted film’ on the windows to a height of 1.7 metres. This would ensure that there would be no overlooking as evidenced by the diagram below.



Council submitted that Condition 1(s) already dealt with overlooking.

(ii) Discussion and finding

The Committee is satisfied that overlooking can be addressed in detailed design and that Condition 1(s) is appropriately worded to require this.

The Committee finds:

- The NOD conditions adequately address concerns regarding overlooking.

4.6 Fire hazard

(i) Submissions

The VCAT application for a review of the decision included the following reason:

I also would like to find out from VCAT, whether it is legal to have a 17 storey (five storeys underground car parking and 12 storeys above ground) hospital building erected in a lot which has no access to a main road, which potentially is a safety hazard and fire hazard, with MFB unable to access the building or evacuate it if there is a fire.

The Proponent tabled a letter from the Metropolitan Fire Brigade that stated:

The Chief Officer of the Metropolitan Fire and Emergency Services Board has reviewed the abovementioned fire engineering brief and he wishes to advise you that he consents to the project transitioning from the schematic design phase to the design development phase, subject to the consideration of the following matters within the fire engineering report.

Those matters are matters of detail, and do not go to the broad concerns raised by the objector.

(ii) Discussion and finding

There is nothing to suggest that the building cannot meet the appropriate fire regulations, and a letter from the Metropolitan Fire Brigade indicates they can. The Committee would be surprised if the design of a hospital facility could reach this point in the planning process without the designers having reasonable confidence that they could meet building requirements including fire safety requirements.

The Committee finds:

- The proposal appropriately addresses fire hazard issues.

4.7 Traffic

(i) Submissions

The VCAT application for a review of the decision included the following reason:

Is it legal to allow a 17 storey building to be constructed in a lot with the building having no access to a main road? I am concerned about the development of an emergency unit on Burgundy Street, directly opposite a public ED at Austin Health, which is only accessible via a slip road, and which will not be able to sustain the traffic flow for ambulance access and emergency cases. The road infrastructure around the streets of Heidelberg, Burgundy, Martin, Darebin and Stradbroke, cannot absorb this level of traffic, so access to our home will be problematic.

The objector submitted that she was concerned that access may be permitted from the basement car park off Darebin Street into the hospital site and Tower Two and that this will create inordinate traffic problems on Darebin Street. She noted that the hospital currently has no road access from Darebin Street.

The objector did not pursue issues relating to the ambulance access or broader traffic impacts.

The Proponent submitted that there would be no access from the hospital to the medical centre car park on Darebin Street and there would not be thousands of cars accessing via Darebin Street. The Proponent also noted that the traffic report containing a road safety audit¹ required under conditions 34 and 35 of the NOD has been submitted and approved by the Department of Transport.²

(ii) Discussion and finding

In relation to Darebin Street, the traffic report indicates that the 147 space medical centre car park will generate in the order of 41-44 vehicle movements (two way) in the AM and PM peak hours, once distributed east and west along Darebin Street this results in around 1 vehicle per minute. The Council's internal traffic referral was satisfied that the traffic impact was acceptable.³

The traffic report did outline some concerns with the design of the ambulance bay, noting some grades and kerbs needed reviewing. This is picked up in the NOD at condition 1(l).

The development plans at TP-24-B shows a future connection between the medical centre car park and level B4 and the hospital car park at level 01. This is identified in the NOD in condition 2(a)(v):

No vehicle access to the hospital site shall be created from the basement car parking of the Darebin Street Medical Centre until a traffic assessment report is undertaken, which identifies any impacts of the additional traffic associated with that use & any mitigating works required, to the satisfaction to Department of Transport and the Responsible Authority.

Until such connection is approved vehicular access to the Tower Two car park is from Burgundy Street via the existing hospital car park.

¹ Traffic and Transport Assessment Warringal Private Hospital Redevelopment, Cardno, 4 May 2021

² Department of Transport letter dated 17 June 2021

³ Internal traffic referral prepared by Janine Ng dated 29 March 2021

The Committee finds:

- The traffic impacts on the surrounding road network are acceptable
- The NOD conditions adequately address concerns regarding the ambulance access design and potential linkage between the medical centre car park and the hospital car park.

4.8 Environmentally Sustainable Development

(i) Submissions

The objector submitted the Hospital had a poor record in environmental sustainability.⁴

The Proponent drew the Committee's attention to the advertised Sustainability Management Plan (SMP) where the Environmental Sustainable Development Scores based on the Built Environment Sustainability Scorecard (BESS) tool were presented in a table.⁵ That table presents the 'best practice' to be achieved which is less than 100 per cent. Indeed, the overall best practice target is 50 per cent meaning that the proposal is exceeding current best practice targets.

(ii) Discussion and finding

The BESS score is not a score out of 100. The tool makes this clear:

Overall BESS Score

The overall BESS score is shown as a percentage, representing a percentage improvement over a benchmark project. The benchmark project is created from the project information that you input into BESS, and is based on minimum National Construction Code and Minimum Energy Performance Standards.

The BESS overall score is determined by the category scores, factoring in the weighting of each category.

- 'Best practice' is defined within BESS as an overall score of 50% or higher.
- 'Excellence' is defined within BESS as an overall score of 70% or higher.

The NOD condition 19 and 20 require updates to the advertised SMP.

The Committee finds:

- The NOD conditions adequately address concerns regarding sustainability.

4.9 Potential compensation

At the Roundtable Discussion the objector set out changes she sought to the proposal as well as a number of points relating to compensation:

- her family's accommodation and rent paid for 2-5 years for an alternative dwelling
- compensation for loss of income because she works from home
- double glazing on all the windows of her dwelling.

The Committee is aware of some major infrastructure projects where affected residents have been offered alternative accommodation when construction works extend outside the normal hours for construction. This is not the case here.

⁴ Based on reported comments of Councillor Peter Castaldo

⁵ Warringal Private Hospital –Stage 2 Sustainability Management Plan, prepared by Stantec, 03 February 2021

Financial compensation between neighbours for the impacts of works is not a matter for the planning system.

The Committee is aware that in some cases acoustic treatment to affected properties is proposed to meet noise standards – this is not required in this case.

5 Reasons and recommendation

5.1 Terms of Reference

The Committee has complied with and reported on all relevant matters in accordance with its Terms of Reference, in particular Clauses 12, 13, 17, 21 and 23.

5.2 Reasons

The Committee supports the proposal. The proposal is consistent with State and local policy that support hospitals and education uses located in accessible areas with high public transport connectivity and conglomeration of compatible uses. It would achieve a significant net community benefit.

The off-site effects of the proposal can be appropriately managed by permit conditions.

Development of the site for the purposes of medical and health research and education provides a compelling net benefit to the community of metropolitan Melbourne and regional Victoria.

5.3 Recommendation

The Minister for Planning recommend to the Governor in Council that Planning Permit PLN1297/20202 be issued consistent with the Committee preferred version of Permit Conditions (Appendix D).

Appendix A Terms of Reference



Priority Projects Standing Advisory Committee

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to advise the Minister for Planning on referred priority planning proposals.

Name

1. The Standing Advisory Committee is to be known as the 'Priority Projects Priority Projects Standing Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
 - a. statutory and strategic land use planning
 - b. land development and property economics
 - c. urban design and architecture
 - d. heritage
 - e. civil engineering and transport planning
 - f. social impacts
 - g. environmental planning
 - h. planning law.
3. The Committee will include a lead Chair, Chairs, Deputy Chairs and not less than ten other appropriately qualified members.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

Background

5. The Victorian Government has identified Victoria's building and construction sector as a key mechanism to revitalise Victoria's economy during the coronavirus (COVID-19) pandemic.
6. The Government has committed to a fast-track assessment process for priority projects of state and regional significance that are shovel-ready and that will provide immediate benefits to Victoria's economy, keeping Victorians in work and priority infrastructure on track for completion.
7. The BVRT was formally announced on 26 April 2020. The Taskforce was established by the Minister for Planning and Treasurer to help keep Victoria's building and development industry running during the coronavirus crisis. The Taskforce will investigate planning and investment opportunities to boost Victoria's building and development industry over the short, medium and long term.

Method

8. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
9. The referral letter must specify:
 - a. the specific issues the Minister for Planning seeks advice about
 - b. the mechanism of intervention being considered
 - c. whether, or which previously collected, submissions are to be considered by the Committee
 - d. how the costs of the Committee will be met.

Terms of Reference | Priority Projects Standing Advisory Committee

10. The letter of referral will be a public document.
11. In making a referral, the Minister for Planning or delegate must, either:
 - a. be satisfied that any proposed planning controls for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes, or
 - b. seek advice from the Committee on the drafting of the planning controls or permit conditions.
12. The Committee may inform itself in anyway it sees fit, but must consider:
 - a. The referral letter from the Minister for Planning,
 - b. referred submissions,
 - c. the comments of any referral authority,
 - d. the views of the project proponent,
 - e. the views of the relevant Council,
 - f. The relevant planning scheme.
13. The Committee is not expected to carry out additional public notification or referral but may seek the views of any relevant referral authority, responsible authority or government agency.
14. The Department of Environment, Land, Water and Planning (DELWP) will be responsible for any further notification required. New submissions will be collected by DELWP.
15. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
16. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary and meets its quorum.
17. The Committee may:
 - a. assess any matter 'on the papers'
 - b. conduct discussions, forums, or video conferences when there is a quorum of:
 - i. a Chair or Deputy Chair, and
 - ii. at least one other member.
18. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Submissions are public documents

19. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it in respect of a referred project until a decision has been made on its report or five years has passed from the time of the referral.
20. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential. A document may be made available for public inspection electronically.

Outcomes

21. The Committee must produce a concise written report to the Minister for Planning providing the following:
 - a. A short description of the project.
 - b. A short summary and assessment of issues raised in submissions.
 - c. A draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral.
 - d. Any other relevant matters raised in the course of the Committee process.
 - e. Its recommendations and reasons for its recommendations.
 - f. A list of persons or authorities/agencies who made submissions considered by the Committee.
 - g. A list of persons consulted or heard, including via video conference.

Terms of Reference | Priority Projects Standing Advisory Committee

22. Following the completion of a report, the Committee may deliver an oral briefing to the Minister for Planning and/or DELWP. The briefing may be by video conference or telephone.

Timing

23. The Committee is required to submit its reports in writing as soon as practicable, depending upon the complexity of the referred project between 10 and 20 business days from either:
- the date of receipt of referral, if no further submissions or information are to be sought, or
 - receipt of the final submission of material or final day of any public process in respect of a referral.

Fee

24. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.

The costs of the Advisory Committee will be met by each relevant proponent.



Richard Wynne MP
Minister for Planning

Date: 14 / 06 / 2020

Appendix B Letter of referral



Hon Richard Wynne MP

Minister for Planning
Minister for Housing
Acting Minister for Water

8 Nicholson Street
East Melbourne, Victoria 3002

Ms Kathy Mitchell
Chair (Lead), Priority Projects Standing Advisory Committee
Planning Panels Victoria
planning_panels@delwp.vic.gov.au

Ref: MBR045611



Dear Ms Mitchell

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL CALL IN – 210-216 BURGUNDY STREET AND 81-83 DAREBIN STREET, HEIDELBERG (P855/2021)

I refer to Victorian Civil and Administrative Tribunal (VCAT) proceeding P855/2021 which relates to the proposed use and development of land at 210-216 Burgundy Street and 81-83 Darebin Street, Heidelberg, for the expansion of an existing hospital, construction of a medical centre, vegetation removal, a reduction in the required motorcycle parking and removal of an easement. The project was referred to me by the Development Facilitation Program (DFP).

I advise that I have decided to call in the proceeding from VCAT under Clause 58(2)(a) of Schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998* as I consider that the proceeding raises a major issue of policy and the determination of the proceeding may have a substantial effect on the achievement or development of planning objectives. I have also decided to refer the matter to the Priority Projects Standing Advisory Committee for advice and recommendations on whether a planning permit should be issued and, if so, the appropriate permit conditions that should be imposed.

On 17 May 2021, one objector applied to VCAT under section 82 of the *Planning and Environment Act 1987* for a review of Banyule City Council's decision to issue a notice of decision to grant a planning permit for application PLN1297/2020. The matters raised by the objector relate to noise, traffic, amenity impacts from chemical hazards, overshadowing, overlooking, and emergency access. A compulsory conference held on 2 August 2021 failed to resolve the matter, and a four-day hearing is scheduled to begin on 4 October 2021.

The cost of the advisory committee will be met by the applicant, Ramsay Health Care Pty Ltd.

If you have any questions about this matter, please email Dr Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning, at jane.homewood@delwp.vic.gov.au.

Yours sincerely

HON RICHARD WYNNE MP
Minister for Planning

27.8.21



Appendix C Document List

| No. | Date | Description | Presented by |
|-----|-------------------|---|---|
| 1 | 27 August 2021 | Letter of Referral | Minister for Planning |
| 2 | 8 September 2021 | Referred material | Development Facilitation Program (DELWP) |
| 3 | 14 September 2021 | Notification Letter | Chair, Advisory Committee |
| 3a | “ | Terms of Reference | “ |
| 4 | 17 September 2021 | Confirmation of attendance | Mr Hughes, Hall and Wilcox for Ramsay Health Care Pty Ltd |
| 5 | 20 September 2021 | Advertised architectural plans | “ |
| 6 | 22 September 2021 | Confirmation of attendance | Ms Panayiotidis |
| 7 | 23 September 2021 | Confirmation of attendance | Ms Walla, Banyule City Council |
| 8 | 29 September 2021 | Email correspondence from Ramsay Health Care Pty Ltd | Mr Hughes, Hall and Wilcox for Ramsay Health Care Pty Ltd |
| 9 | “ | Architectural plans dated 17 August 2021 | “ |
| 10 | “ | Landscape plans dated 19 August 2021 | “ |
| 11 | “ | Landscape section AA | “ |
| 12 | “ | Landscape section BB | “ |
| 13 | “ | Landscape west elevation | “ |
| 14 | “ | Acoustic report dated 23 August 2021 | “ |
| 15 | 30 September 2021 | Correspondence between PPV and Banyule City Council | PPV |
| 16 | “ | Planning referral - Traffic response 29 March 2021 | Mr Hart, Banyule City Council |
| 17 | “ | Applicant Traffic Impact Assessment response to DOT 29 March 2021 | “ |
| 18 | “ | Updated Referral Response Approval 17 June 2021 | “ |
| 19 | 1 October 2021 | Presentation | Ms Panayiotidis |
| 20 | “ | Letter from Metropolitan Fire Brigade | Mr Hughes, Hall and Wilcox for Ramsay Health Care Pty Ltd |

Appendix D Committee preferred version of Permit Conditions

These conditions are the same as the NOD except minor corrections have been made to punctuation

ADDRESS OF THE LAND:

210-216 Burgundy Street & 81-83 Darebin Street HEIDELBERG

WHAT WILL THE PERMIT ALLOW?:

Buildings and works to expand an existing hospital, construction of a medical centre, vegetation removal, provision of parking to the satisfaction of the Responsible Authority, a reduction in the required motorcycle parking

WHAT WILL THE CONDITIONS OF THE PERMIT BE?:

General plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the advertised plans and documents but modified to show:
 - a. An existing car park plan showing the layout and provision of 278 car spaces, consistent with the existing parking supply as described in the Cardno Report dated 2 March 2021.
 - b. The allocation of 122 on-site car spaces within the Darebin Street Medical Centre car park for exclusive use by the Darebin Street Medical Centre.
 - c. The provision of no more than an additional 25 surgical and specialist consulting suites (39 in total, including the existing 14 suites) within the Warringal Hospital (Burgundy Street) Building.
 - d. On-site car parking provided at the minimum rate of 2.4 spaces per each of the additional 25 surgical and specialist consulting suites (60 spaces in total) and shown as allocated to these suites.
 - e. The provision and allocation of 40 on-site car spaces to the existing medical consulting suites at 210 Burgundy Street Heidelberg. The allocated car parking is not to be taken from the on-site supply of car parking required for hospital beds at the rate of 1.18 spaces per bed.

- f. The provision and allocation of 27 on-site car spaces to the existing medical consulting suites at 214 Burgundy Street, Heidelberg. The allocated car parking is not to be taken from the on-site supply of car parking required for hospital beds at the rate of 1.18 spaces per bed.
- g. On-site car parking provided at the minimum rate of 1.18 spaces per each of the existing 151 beds (178 spaces).
- h. On-site car parking provided at the minimum rate of 1.18 spaces per each of the additional 197 beds (232 spaces).
- i. A staging plan showing the whole of the site and addressing all buildings and works (including plant and equipment) including acoustic treatments and car parking provision. The development staging plan must show the on-site provision of the required parking as per the requirements of Conditions 1a) to 1h) inclusive for each Stage of the development. If the minimum requirements cannot be provided on-site, the balance of the required car parking must be provided off-site to the satisfaction of the Responsible Authority as per the Car Parking Management Plan required by Condition 2.
- j. The last car space in Basement 5 identified as a turning bay and not available for parking. This space is to be shown as suitably line marked to reflect its function as a turning bay.
- k. Internal access ramps adopting 1:5 ramp grades with 2 metre long 1:8 transitions.
- l. Detailed design of the ambulance access and ambulance bays demonstrating suitable ramp grades have been adopted.
- m. The clear identification of showers and change rooms ('end of trip facilities') as required by Clause 52.34-5 of the planning scheme.
- n. The finished floor level of habitable areas of the proposed development (all corresponding floors with entrance/exits access to the building and/or to the car park; access entry/exit points; and the apex of the proposed basement ramp of the medical centre) must be at least 300mm above the following applicable flood levels, or otherwise to the satisfaction of the Council's drainage engineers:
 - i. Proposed Tower 1: - 51.798m AHD
 - ii. Proposed Tower 2 Level 2: - 55.345m AHD
 - iii. Proposed Tower 2 Level 3: - 57.73m AHD
 - iv. Proposed medical centre ground floor: 64.199m AHD.
 - v. Proposed medical centre access to basement ramp apex: 64.199m AHD
- o. The Level 2 access to the courtyard constructed to at least 55.645m AHD, or otherwise to the satisfaction of the Council's drainage engineers.
- p. Further material/design refinement of the pre-cast concrete panels to the eastern elevation (lift core) and the western concrete wall at the base of the Darebin

Street Medical Centre. This may involve the use of off form concrete or similar treatments.

- q. Variation in materiality applied to the large expanses of white cement sheeting to the eastern and western elevations of the main hospital entry.
- r. An updated schedule of materials, colours and finishes to reflect changes required by Conditions 1p) and 1q).
- s. Overlooking diagrams demonstrating there will be no unreasonable overlooking of any adjacent habitable room window or secluded private open space of existing residential dwellings within 9m of proposed windows, decks, landings and external stairs of the proposed development. Where screening measures are required to restrict the extent of overlooking, they must be shown on the plans as designed and constructed generally in accordance with the requirements of Standard B22, Clause 55.04-6 of the Banyule Planning Scheme.
- t. An amended Acoustic Report as required by Condition 16.
- u. An amended easement removal/easement variation plan to reflect the requirements of Yarra Valley Water in Conditions 33 & 34.
- v. All relevant ESD measures as contained in the amended Sustainable Management Plan as required by Condition 19.
- w. All relevant Water Sensitive Urban Design measures as contained in the Stormwater Management System Report as required by Condition 21.
- x. Landscape Plan as required by Condition 12.
- y. Detailed drainage plans as required by Condition 3.
- z. Bin store layout including location of compactors bins with baler to be provided and hard waste store.

Car parking and loading management

- 2. Prior to the commencement of any buildings and works permitted by this permit, a Car Parking and Loading Management Plan (CPLMP) must be prepared to the satisfaction of the Responsible Authority. It must include, but is not limited to, the following:
 - a. Vehicle parking and access
 - i. Parking to be available based on the staging plan referred to in Condition 1. This must include measures to secure the availability of temporary parking within the Heidelberg Activity Centre or other convenient location approved by the Responsible Authority if the full quantum of car parking as required by Condition 1 cannot be provided on site for each stage of the development. Arrangements must be made to transport users of the temporary parking to the subject site and make such arrangements known to hospital staff to the satisfaction of the Responsible Authority;

- ii. A monitoring and review program during each stage of the development if the full quantum of parking cannot be provided on site including:
 1. Surveys of on-site and off-site car parking usage by staff, residents and visitors to the site;
 2. An assessment of the parking needs of the hospital based on those surveys;
 3. An agreed timeframe for monitoring and review;
 4. Any recommended changes to the CPLMP arising from the monitoring and review program;
 - iii. Minimum number of car parking spaces to be provided on the land as per the requirements set out in Condition 1 (end of stage development);
 - iv. An allocation plan for the number and location of car parking for hospital staff and visitors, owners of the strata titled lots, and persons providing health services within the Medical Centre including taking into account the staging plan required under Condition 1 and including visitor parking for disabled persons within the basement;
 - v. No vehicle access to the hospital site shall be created from the basement car parking of the Darebin Street Medical Centre until a traffic assessment report is undertaken, which identifies any impacts of the additional traffic associated with that use & any mitigating works required, to the satisfaction to Department of Transport and the Responsible Authority;
 - vi. Parking provision for a shuttle bus if provided.
- b. Loading
- i. Hours of deliveries;
 - ii. Nature and location of deliveries (including oxygen deliveries);
 - iii. Management of loading areas to prevent vehicle and pedestrian conflicts;
 - iv. Restrictions on the size and type of vehicles as required.

The CPLMP may be amended from time to time and must be to the satisfaction of the responsible authority. When approved the CPLMP will form part of this permit and must be complied with to the satisfaction of the Responsible Authority.

Development Drainage Plans

3. Before the development permitted by this permit commences, Development Drainage Plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer or similar person showing a properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas including:

- a. The use of an On-site Stormwater Detention (OSD) system;
- b. The connection to the Council nominated legal point of discharge;
- c. The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
- d. The specified flood levels for the property.

Please note the plans must show all protected and/or retained trees on the development site, on adjoining properties where tree canopies encroach the development site and along proposed outfall drainage and roadway alignments (where applicable) and every effort must be made to locate services away from the canopy drip line of trees and where unavoidable, details of hand work or trenchless installation must be provided. Specifically, all drainage plans must show for Trees #1, #4-7 and #31-32: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by Arbor Survey – Mark Reynolds, 9th November 2020.

Confirmation of Architect

4. As part of the ongoing consultant team, The Project Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design development process ensuring the design quality and appearance of the approved development is realised as shown in the endorsed plans during the construction unless with the prior written approval of the Responsible Authority.

Owners Corporation & Rules

5. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of the development, all such permissions of Owners Corporation No. 1 Plan No. PS321255A and all necessary changes to the rules of the Owners Corporation for the said Plan of Subdivision as are required for the construction of the use and development on common property on Plan of Subdivision No. PS321255A shall be obtained to the satisfaction of the Responsible Authority.

General

6. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.
7. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be commenced until the tree protection measures required by Condition CC are installed to the satisfaction of the Responsible Authority.
8. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until:
 - a. The parking area(s) shown on the endorsed plan(s) have been constructed to the requirements and satisfaction of the Responsible Authority.

- b. The garden and landscape area(s) shown on the endorsed plan(s) have been planted to the requirements and satisfaction of the Responsible Authority.
- c. Drainage works have been undertaken and completed to the requirements and satisfaction of the Responsible Authority.
- d. The necessary approvals and associated fee for landscaping works to be carried out within the adjoining road reserve, must be obtained and paid to the Responsible Authority.

Urban Design

9. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
10. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
11. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.

Landscape Plan

12. Before the development permitted by this permit commences, a satisfactory detailed landscaping plan must be submitted to and approved by the Responsible Authority. Such plan must be prepared by a person suitably qualified or experienced in landscape design and must show:
 - a. Amendments required by Condition 1 of this permit;
 - b. The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
 - c. Provision of formed garden beds with edging along the front property boundary and within the front setback to prevent cars parking;
 - d. Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
 - e. An indigenous and/or drought tolerant planting theme;
 - f. A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
 - g. Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
 - h. Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;

- i. Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report, with reference to connection details on the engineering plans.

When approved the plan will be endorsed and form part of this permit.

Landscaping in accordance with this approved plan and schedule must be completed prior to the occupation of the development.

Tree Protection Zone Conditions

13. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:

- a. Tree protection zone distances:
 - i. Tree #1 - 2.4 metre radius from the centre of the tree base.
 - ii. Tree #4 - 2.3 metre radius from the centre of the tree base.
 - iii. Tree #5 - 2.4 metre radius from the centre of the tree base.
 - iv. Tree #6 - 3.6 metre radius from the centre of the tree base.
 - v. Tree #7 - 9.1 metre radius from the centre of the tree base.
 - vi. Tree #31 - 8 metre radius from the centre of the tree base.
 - vii. Tree #32 - 5 metre radius from the centre of the tree base.
- b. Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 and including the following:
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
 - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.

- vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
- viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.
- ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over).
- x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land.
- xi. Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed.

Specific Tree Protection Measures

14. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:

Specific construction recommendations

- *Landscaping within the TPZ of Tree 7 must be undertaken above existing grade*

Specialised Tree Protection Measures

- *Ground protection is installed:*
- *Within the TPZ of Tree 7 (within the northern section of Property 83)*
- *Within the TPZs of Trees 30-32 if the existing concrete driveways are to be removed & reinstated*

Council Trees

15. Prior to the commencement of development and removal of street tree ID # 39590 and #39589 (Tree #2 and 3 in the submitted arborist report), the required fee for the planting of 14 new street tree/s must be paid to the Responsible Authority.

Acoustic Report

16. Prior to the commencement of development permitted by this permit, an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to the Responsible Authority for approval. The acoustic report must assess the level of noise emissions from the existing plant and the proposed additional rooftop plant and must propose measures including, but not limited to the installation of acoustic enclosures around the proposed plant to ensure compliance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and trade), No. N-1.

Details of mechanical plant noise controls to comply with SEPP N-1 limits are to be coordinated with the design team during the detailed design stages of the Project.

The Acoustic Consultant must review the noise emissions of external mechanical plant final selections during the detail design stage of the Project to ensure compliance with SEPP N-1 environmental noise limits at nearest sensitive receivers and compliance with internal noise level criteria within the Project areas. Once the acoustic report is approved, the recommended measures in the acoustic report must be implemented to the satisfaction of the Responsible Authority prior to occupation of the building approved by the permit.

17. Any ongoing requirements of the approved acoustic report, including the monitoring of plant, must be carried out to the satisfaction of the Responsible Authority.

Amenity

18. The use or development permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

Sustainable Management Plan

19. Unless otherwise agreed in writing, prior to the endorsement of plans, the Sustainability Management Plan (SMP) prepared by Stantec dated 3rd February 2021 must be amended by a suitably qualified environmental engineer or equivalent to the satisfaction of the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP must be generally in accordance with the document identified as Warringal Private Hospital – Stage 2 Sustainability Management Plan and BESS report achieving a 53% score prepared by Stantec 3rd February 2021, but modified to show:
 - a. Engineering drawings to show design details of fire protection systems to include temporary storage for 80% of the routine fire protection system test water and maintenance drain-downs for reuse on-site;
 - b. Revised Water Sensitive Urban Design report, as specified in condition 1;
 - c. Drawings to show details communal landscaped podium will be provided on Level 1 above the ground floor car park;
 - d. Application of FSC or PEFC certified timber throughout;
 - e. End of trip facilities to include: 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter; 1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room;
 - f. Where alternative initiatives are proposed to those specified in condition 1 the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) sustainable outcomes in association with the development.
20. The requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design Report

21. Unless otherwise agreed in writing, prior to the endorsement of plans, a detailed Stormwater Management System Report must be amended by a suitably qualified environmental/civil engineer or equivalent to the satisfaction of the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
 - a. Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (BPEM, Victorian Stormwater Committee, 1999), including:
 - i. Evidence that the proprietary stormwater quality improvement devices (SQIDs) have been designed and installed to meet BPEM requirements under local environmental conditions;
 - ii. Details of these treatment measures including cross sections, materials, plants and drainage directions;
 - iii. A construction and maintenance schedule specific to the project site, to include a signed maintenance agreement.
 - b. Unless otherwise agreed in writing, rainwater tanks to be applied, sized to supply water demand for toilet flushing of non-clinical areas and landscape irrigation.
22. The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Monitoring of SMP

23. The development must not be occupied until a report to the satisfaction of the Responsible Authority prepared by the author of the Sustainability Management Plan (SMP) approved under Condition 8 of this Permit, or similarly qualified person, is submitted to the Responsible Authority, confirming that all measures specified in the SMP have been implemented in accordance with the endorsed SMP.

Number of Beds

24. At no time may more than 348 beds be in operation within the building permitted by this permit, unless otherwise agreed in writing by the Responsible Authority.

Medical Centre

25. No more than 40 persons providing health services are to operate from the Darebin Street Medical Centre at any one time.

Car Parking/Access

26. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

27. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
28. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.
29. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority prior to occupation of the development. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.
30. A sign or signs must be provided to the satisfaction of the Responsible Authority to direct drivers to the on-site car parking area(s). Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the Responsible Authority. The sign(s) must not exceed 0.3sqm. in area.
31. The loading and unloading of goods from vehicles and the delivery of goods must at all times be carried out within the boundaries of the subject land.

Conditions Required by Yarra Valley Water

32. Yarra Valley Water does not approve of the removal of easement encumbering Lot 16 PS 321255A benefiting Yarra Valley Water as the sewerage asset that it covers has not yet been abandoned.
33. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Conditions required by Department of Transport

34. Prior to commencement of development, a revised Traffic Impact Assessment Report must be prepared to the satisfaction of the Head, Transport Victoria. This report must address traffic and access issues arising from the proposed development on this site and include those raised by the Head, Transport for Victoria's in its letter dated 24/03/2021.
35. Prior to commencement of development, a road safety audit must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The road safety audit must be undertaken by a suitably qualified road safety auditor.

Waste Management

36. Prior to the occupation of the approved development, the permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste (including medical waste) and any recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must be generally in

accordance with the plan prepared by Leigh Design submitted with the application and provide for the following:

- a. Waste collection arrangements in accordance with staging plan required under Condition 1;
- b. The collection of waste associated with the medical uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse, medical waste and solid wastes in bins or receptacles within suitably screened and accessible areas to the satisfaction of the Responsible Authority;
- c. Designation of methods of collection including the need to provide for private services. This method must incorporate recycling services where practicable and must comply with the relevant EPA noise guideline relating to the time of collection;
- d. Appropriate areas of bin storage on site and areas of waste bin storage on collection days;
- e. Details for best practice waste management once operating;
- f. Provisions for food organics;
- g. Confirmation that the WMP addresses the entire development and clarification between detail and assessment provided for the existing and proposed elements;
- h. Bin store layout including location of compactors bins with baler to be provided and hard waste store;
- i. Details of clinical storage layout to confirm adequate space for totality of building needs;
- j. Clarification of Clinical Waste (Full) and Clinical Waste (IN) where designated;
- k. Bin washdown location;
- l. Hook lift truck clearance (including overhead clearance to lift bin);
- m. Confirmation that waste truck access will not be impacted;
- n. Management of polystyrene diversion.

Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

37. Adequate provision must be made for the storage and collection of waste, to the satisfaction of the Responsible Authority.

Construction Management & Amenity

38. Prior to the commencement of any site works including demolition and excavation, the permit holder must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The

Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

- a. Construction and works in accordance with the staging plan required under Condition 1;
 - b. Delivery and unloading points and expected frequency;
 - c. Any disruption to or use of adjoining Council owned land;
 - d. The management of traffic during the construction periods;
 - e. Provision of security fencing;
 - f. Measures to ensure public safety;
 - g. A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - h. An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - i. Any requirements outlined within this permit as required by the relevant referral authorities;
 - j. Hours for construction activity in accordance with any other condition of this permit;
 - k. Measures to control noise, dust, water and sediment laden runoff;
 - l. Disposal of site waste and any potentially contaminated waste;
 - m. The temporary parking of vehicles, including associated with construction activities;
 - n. Redirection of any above ground or underground services;
 - o. Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan; and
 - p. Any construction lighting to be baffled to minimise intrusion on adjoining lots.
39. Upon commencement and until conclusion of the staged development, the developer shall ensure that the development does not adversely affect the amenity of the area in any way, including:
- a. the appearance of building, works or materials on the land;
 - b. parking of motor vehicles;
 - c. transporting of materials or goods to or from the site;
 - d. hours of operation;
 - e. stockpiling of top soil or fill materials;
 - f. air borne dust emanating from the site;
 - g. noise;
 - h. rubbish and litter;
 - i. sediment runoff.

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Development Contribution Levy

40. Prior to the issue of a building permit for any building or any works approved by this permit, a Development Infrastructure Levy and a Community Infrastructure Levy must be paid to Banyule City Council. The amount of the levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.

Permit Expiry

41. This permit will expire if one of the following circumstances applies:

- a. The development is not started within two years of the date of this permit.
- b. The development is not completed within eight years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.