



***MODIFICATION REQUEST:
Residential Development
2 Cooper Street, Paddington
(MP10_0016 MOD 1)***

Amend conditions to correct minor errors; and to replace a requirement for underground power lines with aerial bundle cabling

Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

March 2015

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1. BACKGROUND

This report relates to a modification request seeking approval to amend Project Approval MP10_0016, for the redevelopment of the former Scottish Hospital site for a seniors living development at 2 Cooper Street, Paddington, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979*. The modification seeks approval to correct errors in the approval and to replace the requirement for underground power lines with aerial bundling of power lines.

1.1 Site Description

The site is known as the former Scottish Hospital and is legally described as Lot 2 in DP 607572. The street address of the site is 2 Cooper Street, Paddington. It is located within the Woollahra Municipal Council local government area. The site has an area of 1.478 hectares and is roughly rectangular in shape. It has a western frontage to Brown Street of 129.1 metres, a southern frontage to Cooper Street of 121.4 metres, an eastern frontage to Stephen Street of 144 metres, and a northern frontage to Dillon Street Reserve of 90.32 metres. The site's locational context is shown at **Figure 1** below.



Figure 1: The Site (source: Near map)

1.2 Previous Approvals

On 2 May 2012, the Planning Assessment Commission (PAC) approved Project Approval MP10_0016 for a seniors living development including:

- a 100 bed residential aged care facility, 79 independent living units and support services;
- conservation and management of the "Scottish Hospital" heritage building, together with its adaptive re-use for independent living units;
- a loading dock off Stephen Street;

- 132 car parking spaces;
- remediation; and
- a community bus pick up and drop off area at the corner of Brown and Cooper Streets.

2. PROPOSED MODIFICATION

The Proponent is seeking to modify the approved project to:

- rectify minor errors in relation to the approved plans referenced in Condition A3 and to correct the title and terms of reference for the approved sustainability report in Condition A6; and
- amend Condition E17 to replace the requirement for undergrounding of overhead power lines and telecommunication cables in the vicinity of the site with aerial bundling of the power lines.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, Section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or delegate) may approve or disapprove of the carrying out of the project under Section 75W of the EP&A Act.

3.2 Modification of a Minister's Approval

The modification application has been lodged with the Secretary pursuant to Section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including *'revoking or varying a condition of the approval or imposing an additional condition on the approval'*.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. In this instance, the proposal seeks to modify specific conditions of the approval and therefore the Minister's approval is required.

3.3 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides that the Secretary may notify the proponent of Secretary's Environmental Assessment Requirements (SEARs) with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the proponent of SEARs pursuant to Section 75W(3) with respect to the proposed modification as suitable information was provided to the Department to consider the application.

3.4 Delegated Authority

Under the Minister's delegation of 16 February 2015, the Executive Director, Infrastructure & Industry Assessments may determine the application as:

- Woollahra Municipal Council has not made an objection;
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

In accordance with Section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the Department must make the modification request publicly available. The Department placed the modification request on its website and referred it to Woollahra Municipal Council (Council) and Ausgrid for comment. Due to the minor nature of the proposed modification, it was not exhibited by any other means.

4.2 Woollahra Municipal Council

Council does not object to the modification request.

4.3 Ausgrid

Ausgrid does not object to the modification to aerially bundle rather than underground power lines.

5. ASSESSMENT

The Department considers the key issues for the assessment of the proposed modification to be:

- aerial bundling of power lines; and
- correction of administrative errors.

5.1 Aerial bundling of power lines

Condition E17 of the approval requires the proponent to meet the full cost of relocating power lines and telecommunication cables underground.

The Proponent has been in discussions with Ausgrid in relation to complying with Condition E17 and has advised that Ausgrid has no current plans to underground power lines in the locality. Further Ausgrid have recently undertaken aerial bundling of overhead cables (referred to as ABC) along Brown and Stephen Streets, which involves four existing bare power cables replaced with a single bundled cable. Existing and proposed bare and aerial bundled cabling along frontages to the subject site are shown in **Figure 2** over page).

The proponent also submits that Council does not have an identified program for undergrounding power lines. The proponent also advises that telecommunications facilities are already located underground.

The proponent considers that aerial bundling of cables will minimise disruption to residents and visual intrusion within the conservation area, noting that the undergrounding of power lines would require a number of highly visible low voltage network pillars along the frontages of the site (within the footpath) which would impact on pedestrian accessibility and the heritage character of the area.

The proposal therefore seeks to amend Condition E17 to delete the requirement to underground power and telecommunication facilities, and replace it with the requirement to undertake aerial bundling of existing power lines. In effect, the proposed condition would require that the existing bare aerial cabling located along the Cooper and Stephen Streets frontages of the site be reconfigured to ABC.

The requirement for undergrounding of power lines was not sought by Ausgrid or Council in their comments on the original application. Further, Ausgrid's requirement to underground power lines is generally applied in new residential subdivision developments rather than established residential areas. On this basis, the Department is of the view that the requirement for undergrounding of power line works is in isolation to the wider above ground

power and telecommunications networks. It would therefore provide limited benefit, in the absence of any wider plan by Ausgrid or Council to underground power lines in the locality.

The proposed aerial bundling of power lines in Cooper and Stephen Streets is consistent with the work already undertaken by Ausgrid along the Brown Street frontage of the site and can be provided without any impacts on the streetscape and pedestrian amenity and accessibility surrounding the site. The Department notes that existing bare aerial cables will remain on the eastern side of Stephen Street as they are outside of the frontage of the site.

The Department therefore supports the proposed amendment to Condition E17.

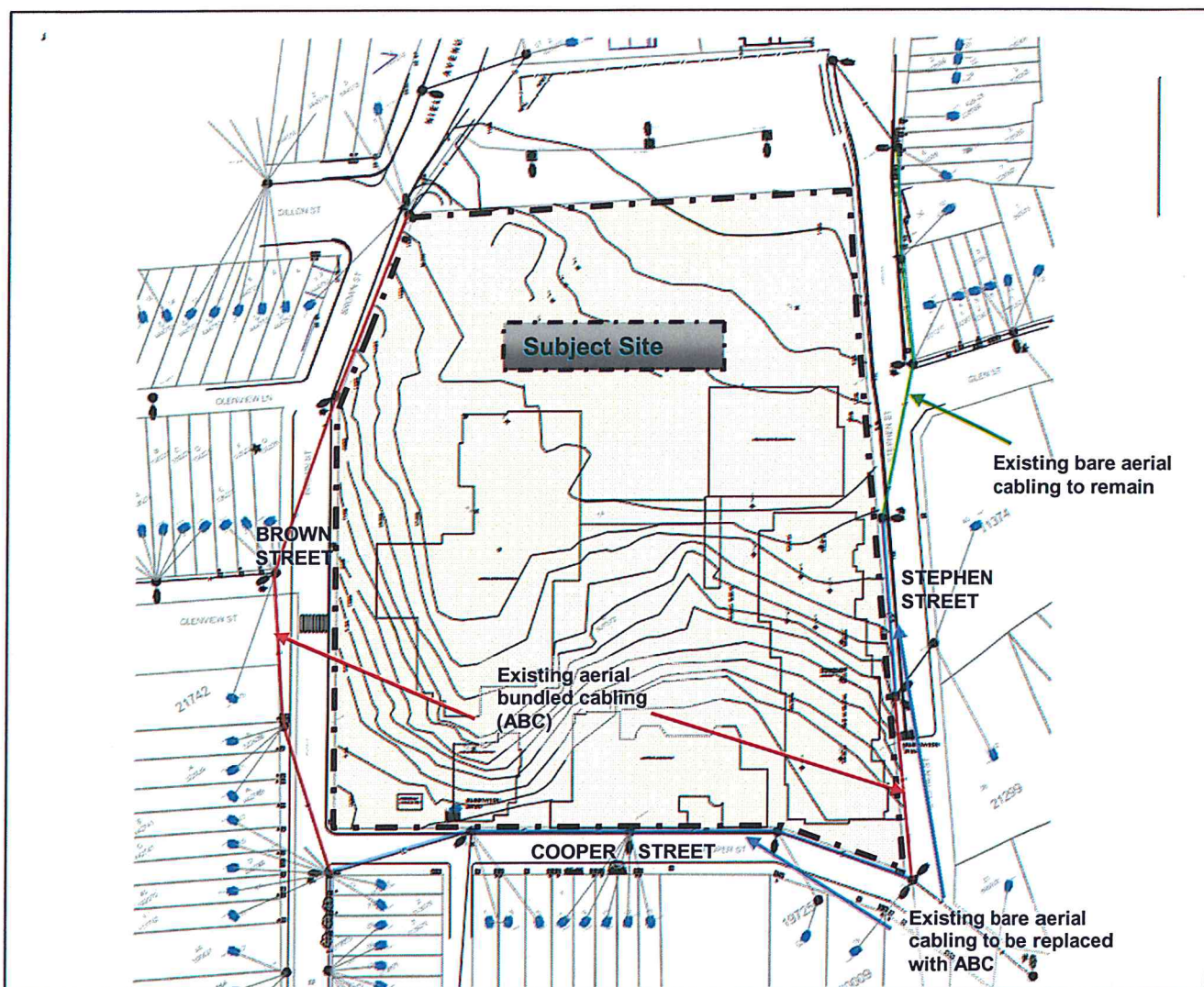


Figure 2: Electrical Services External Site Plan (source: emf griffiths)

5.2 Administrative Modification to Condition A3 and Condition A6

The Proponent has requested an amendment to Condition A3 to correct the landscape plan references within the instrument of approval.

Further, an amendment is sought to Condition A6 to accurately reflect the title and terms of reference of the sustainability report which was submitted as part of the original project application.

The Department has reviewed the submitted landscape plans and sustainability report and agrees that the instrument of approval contains administrative errors. The Department notes there is no additional environmental impact as a consequence of the proposed changes to

Condition A3 or Condition A6 given they serve to correct administrative errors in the determination notice. Further, Council raise no objection to the proposed changes.

The request to modify the terms of approval in this regard is acceptable.

6. CONCLUSION AND RECOMMENDATIONS

The Department considers the proposed modification is consistent with the intent of the original project approval and will not result in any environmental impacts beyond those considered acceptable under the current project approval.

The proposed aerial bundling of power lines is an acceptable alternative to undergrounding of power lines and is consistent with the work already undertaken by Ausgrid in the locality. There is no planned requirement to underground power lines in the established area of Paddington and the Department concludes that the aerial bundling will not result in any impacts on the streetscape and pedestrian amenity and accessibility surrounding the site.

The administrative amendments to the approval are supported as they correct previous administrative errors in the instrument.

It is recommended that the Executive Director, Infrastructure & Industry Assessments, as the delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report;
- **approve** the modification request under Section 75W of the EP&A Act; and
- **sign** the attached instrument of Modification for MP10_0016 (**Appendix B**).

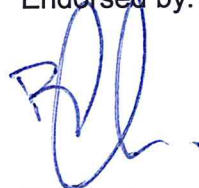
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APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6922

APPENDIX B: MODIFYING INSTRUMENT
