

2 December 2021

218264

Ms Kiersten Fishburn
Secretary
NSW Department of Planning, Industry and Environment
12 Darcy Street
PARRAMATTA NSW 2150

Dear Attention: Megan Fu

SECTION 4.55(1A) MODIFICATION APPLICATION LIVERPOOL HOSPITAL MULTI-STOREY CARPARK SSD-10388

This application has been prepared by Ethos Urban on behalf of Health Infrastructure NSW, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD-10388 relating to the Liverpool Hospital Multi-Storey Carpark development, located at Burnside Drive, Liverpool (the site).

The modification relates to alterations to the façade of the carpark, addition of solar photovoltaic panels, minor internal re-planning of fire stairs and car park layout and a reduction in the overall number of parking spaces.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Amended Architectural Drawings prepared by Fitzpatrick and Partners (**Attachment A**)
- Architectural Design Statement prepared by Fitzpatrick and Partners (**Attachment B**)
- Traffic Design Statement prepared by PTC (**Attachment C**)
- Solar System Functional Description prepared by Smart Commercial Solar (**Attachment D**)
- Structure Design Statement prepared by Global Tension Structures (**Attachment E**)

1.0 Consent proposed to be modified

Development consent SSD 10388 was granted by the Minister of Planning and Public Spaces on 30 November 2020 for:

Liverpool Hospital Multi-storey Carpark, comprising:

- *construction and operation of an eight level carpark.*
- *at-grade carpark.*
- *demolition works.*
- *remediation works.*
- *road connections.*
- *landscaping.*

This modification has been prepared for the purposes of seeking approval for minor changes to the design that are a result of design development and improvement to the design. This application represents the first modification to this approval.

2.0 Strategic Context

Liverpool Hospital and the proposed carpark are located within the Western Sydney Local Health District and are integral in delivering health services to the Sydney metropolitan region. Demand for public health infrastructure and services in the region is increasing due to a growing and ageing population with population forecasts indicating that the region is expected to grow by 41 per cent by 2031, a growth rate that is double that anticipated for the rest of NSW. Liverpool Hospital and ancillary facilities, including car parking, is required to expand to support this population growth and increasing demand for health services. The proposed redevelopment and carpark are critical to meet projected demand, and to deliver quality health care, health education and research facilities.

In summary, the redevelopment of Liverpool Hospital including the Multi-storey car park:

- is consistent with the Greater Sydney Commission's Greater Sydney Regional Plan A Metropolis of Three Cities, as it will deliver health infrastructure to meet the growing needs of Sydney.
- is consistent with the Transport for NSW's Future Transport Strategy 2056, as it would provide additional health care facilities in a highly accessible location and provide access to additional new employment opportunities close to public transport.
- is consistent with the vision outlined in the Greater Sydney Commission's Western City District Plan, as it would provide additional, upgraded health care facilities within the recognised Liverpool CBD health and education precinct and support investment in the identified collaboration area.
- is consistent with Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it facilitates investment in health infrastructure to support the growing population.
- is consistent with the Greater Sydney Commission's Liverpool Area Place Strategy, as it would deliver on the priorities of the strategy and increase health jobs within the precinct.
- is consistent with Liverpool Council's Local Strategic Planning Statement, as it would grow Liverpool Hospital, which is recognised as a key anchor of the Liverpool Innovation Precinct and continue to support the delivery of jobs in health, a key sector that provides jobs for the LGA.
- will deliver health infrastructure for a growing and ageing population, improve service levels in hospitals through the construction of new health facilities, and the creation of jobs during both the construction and operation phases of the development.

3.0 Description of Amendments

The proposed modification to the development consent comprises:

- Replacement of approved façade of carpark with new façade that incorporates artwork by Aboriginal artist Bibi Bara in accordance with Condition D26.
- Inclusion of a new 2.2 metre safety screen along the length of the entry and exit ramp.
- Increased roof top parapet safety screen height (500mm increase).
- Addition of new solar photovoltaic panels and associated support structure on the roof level, resulting in the loss of one car space.
- Six (6) additional accessible parking spaces on the roof level.
- Reduction of four (4) car spaces overall.
- Relocation of fire stairs, main switch room (ground) and bicycle parking (ground).

A description of the design change is provided by Fitzpatrick and Partners at **Attachment B**.

A representation of the proposed modifications is shown at **Figure 1 – Figure 2** below. Design changes are highlighted on the amended Architectural Plans at **Appendix A**.

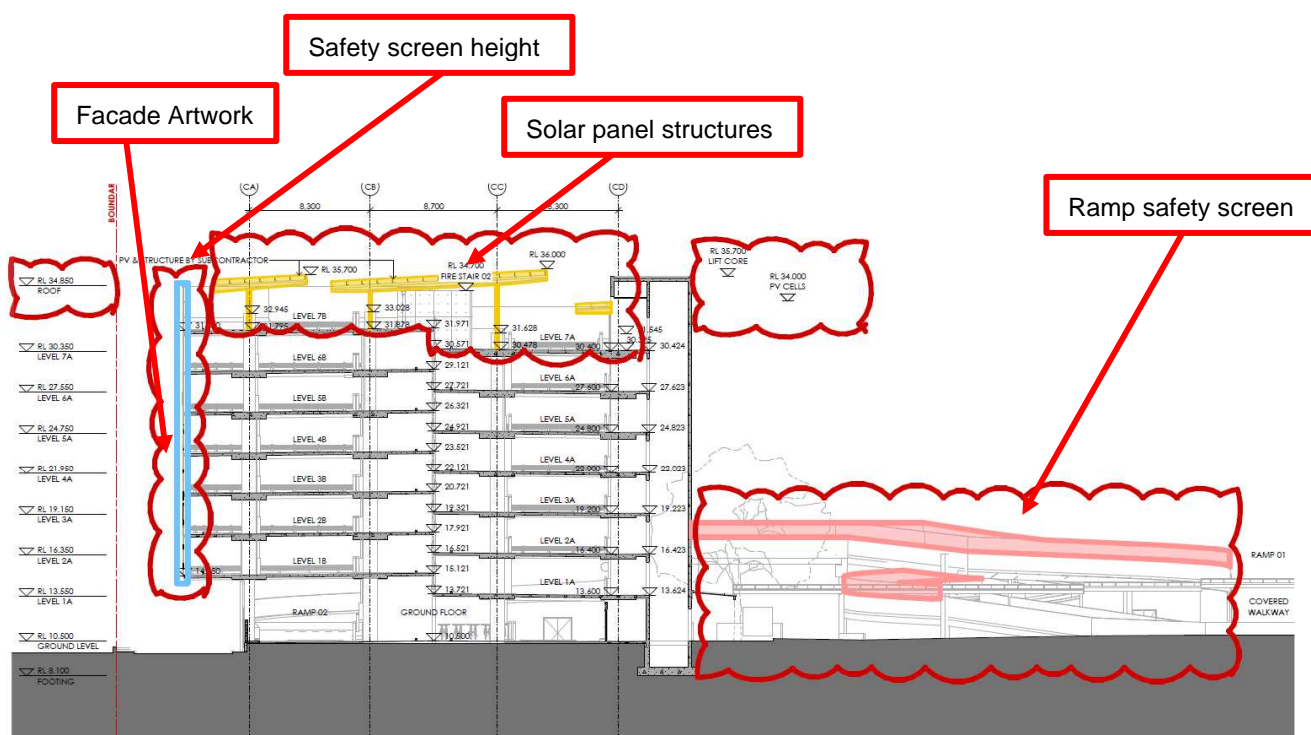


Figure 1 Proposed Amendment - Section View

Source: Fitzpatrick and Partners

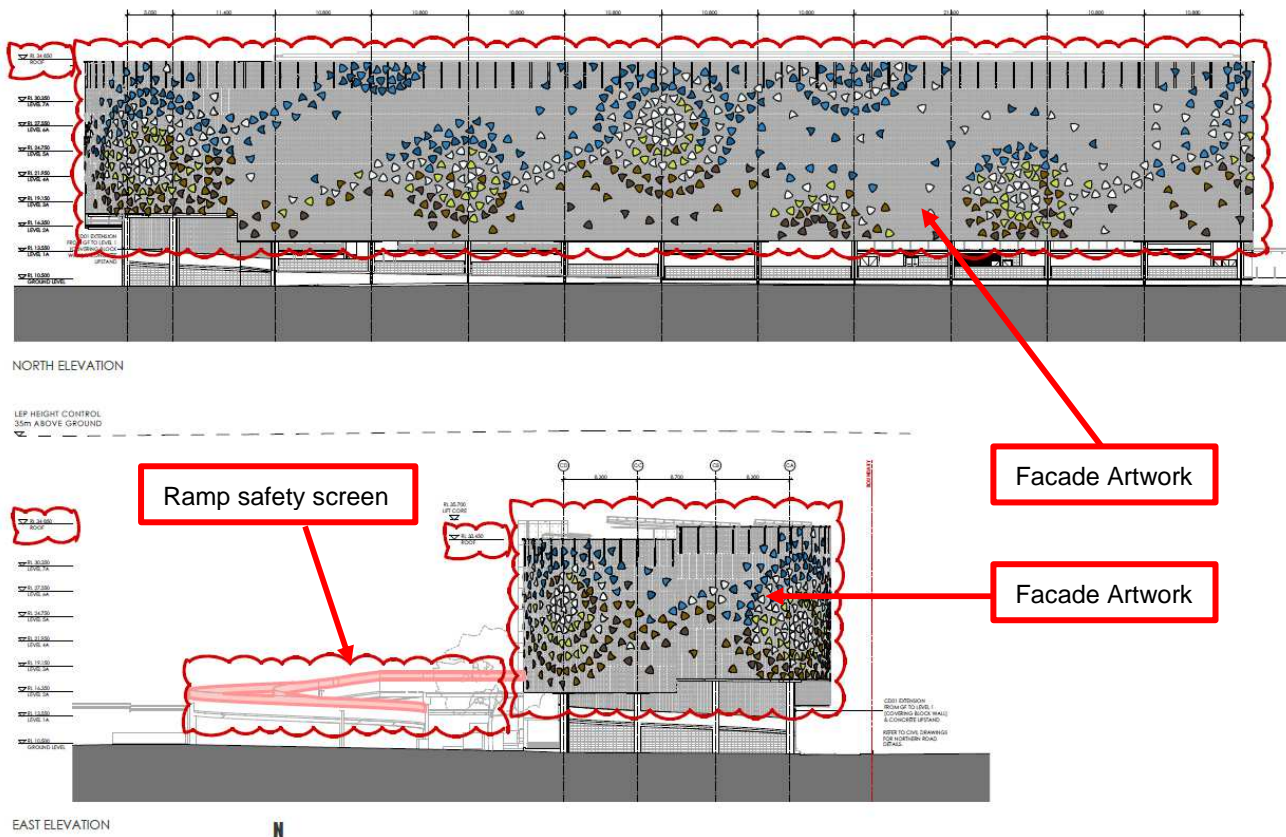


Figure 2 Proposed Amendment – Façade view (north and east elevations)
 Source: Fitzpatrick and Partners

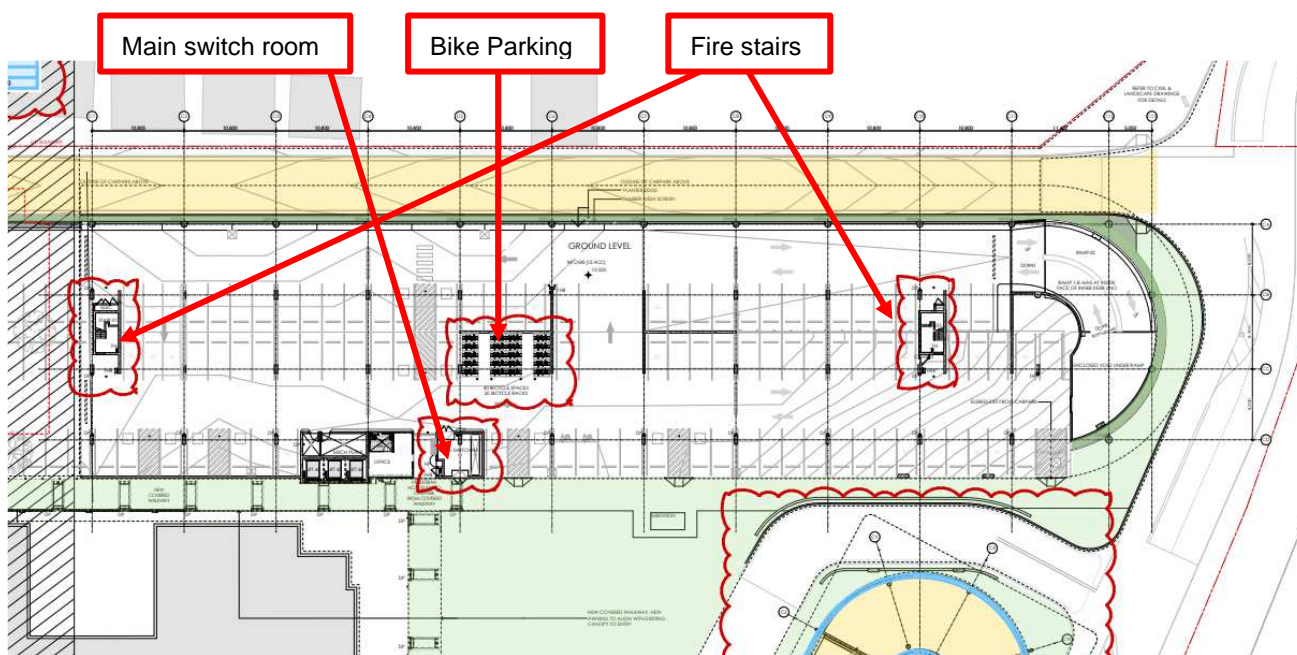


Figure 3 Proposed Amendment – Minor Internal re-planning
 Source: Fitzpatrick and Partners

3.1 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

A2 Terms of Consent

Architectural drawings prepared by fitzpatrick+partners			
Dwg No.	Rev	Name of Plan	Date
A-SSDA-MSCP-07	08-09	GA GROUND 02 (ROAD LAYOUT)	11/08/20 1/11/21
A-SSDA-MSCP-08	08-09	GA LEVEL 01	11/08/20 1/11/21
A-SSDA-MSCP-09	08-09	GA LEVEL 02	11/08/20 1/11/21
...			
A-SSDA-MSCP-13	08-09	GA LEVEL 06	11/08/20 1/11/21
A-SSDA-MSCP-14	08-09	SECTIONS	11/08/20 1/11/21
A-SSDA-MSCP-15	08-09	ELEVATIONS	11/08/20 1/11/21
A-SSDA-MSCP-16	08-09	ELEVATIONS	11/08/20 1/11/21
A-SSDA-MSCP-17	08-09	FAÇADE DETAILS	11/08/20 1/11/21
A-SSDA-MSCP-18	08-09	FAÇADE DETAILS	11/08/20 1/11/21
A-SSDA-MSCP-19	08-09	SCHEDULE OF FINISHES	11/08/20 1/11/21
A-SSDA-MSCP-20	08-09	SCHEDULE OF FINISHES	11/08/20 1/11/21
A-SSDA-MSCP-21	08-09	SCHEDULE OF FINISHES	11/08/20 1/11/21
...			
A-SSDA-MSCP-27	08-09	GA LEVEL 07	11/08/20 1/11/21
<i>A-SSDA-MSCP-28</i>	<i>08</i>	<i>GA LEVEL 08 ROOF PLAN</i>	<i>1/11/21</i>

B28 Car Parking and Service Vehicle Layout

Prior to the commencement of construction, compliance with the following requirements must be submitted to the Certifier:

- (a) all vehicles must enter and leave the site in a forward direction;
- (b) a minimum of ~~1,248~~ ***1,244*** on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;

Reason

Plan numbers, revisions, details and car parking numbers need to be changed to reflect the updated plans and drawings that accompany this modification application.

4.0 Statutory Context

4.1 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Does not change the nature of the proposal, being for a multi-storey car park to service Liverpool hospital.
- Remains consistent with the built form as originally approved.
- The proposed modified development does not give rise to any new or different potential environmental impacts as compared to the approved development in terms of relevant matters at s4.15.

4.2 Compliance with Environmental Planning Instruments

Table 1 below outlines the consistency of the development, as proposed to be modified, with the relevant legislation and environmental planning instruments.

Table 1 Modification consistency with applicable legislation and planning instruments

Legislation / Instrument	Comment
SEPP (State & Regional Development) 2011	The proposed modification does not alter the approved development's consistency with this instrument.
SEPP (Infrastructure) 2007	The proposed modification does not alter the approved development's consistency with this instrument.
SEPP No. 55 – Remediation of Land	The proposed modification does not alter the approved development's consistency with this instrument.
Biodiversity Conservation Act 2016	The proposed modification does not alter the approved development's consistency with this instrument.
Liverpool Local Environmental Plan (LLEP) 2008	The overall height of the structure has increase from 35.7RL to 36RL (to the top of the solar structures), which equates to an overall height of 26.25 metres in height. The site has a maximum height of 35 metres under LLEP. Accordingly, the modification complies with the height control of the site.

5.0 Engagement

Since the approval of the SSD, the project team has engaged with:

- Liverpool City Council;
- Schools Infrastructure NSW; and
- Members of the Aboriginal Community.

Due to the nature of the modification, and negligible impact on the community further community engagement is not required.

6.0 Assessment of Impacts

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters of the modification under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

6.1 Public Art

This modification proposes to replace the approved façade design with a public art piece prepared by Aboriginal artist Bibi Bara. This modification will replace the entirety of the original façade design, responding to Condition D26 of SSD 10388, which requires the delivery of public art within the Liverpool Hospital Campus prior to the operation of the hospital and carpark, as approved under SSD 10388 and SSD 10389.

The opportunity for a major public art installation on the façade of the carpark was strongly supported by the Government Architect State Design Review Panel during consultation on the original submission of SSD 10388 and has been developed following approval of the SSD with input from Liverpool City Council.



Figure 4 CGI of multi-storey car park façade (view from the north-east)

Source: Fitzpatrick and Partners

6.2 Traffic and Parking

The Transport and Accessibility Impact Assessment prepared by GTA and submitted with the EIS documentation identified a 2025/26 car parking demand based on staff and visitor projects associated with the Liverpool Health and Academic Precinct redevelopment of an additional 368 parking spaces to meet demand.

Whilst the modification seeks to reduce the number of car parking spaces by 4, the overall increase in car parking will be 529 which remains greater than the demand (368 parking spaces) as outlined below.

The existing hospital campus currently provides 2,295 car parking spaces for staff and visitors. It is noted that works are being undertaken which will remove parking at CP1, CP3 and the Western Campus Fleet car park with these spaces being relocated to the new MSCP. Therefore, as a result of the proposed development, the overall car parking supply will increase by 529 spaces, with a total of 2,825 spaces to satisfy demand to 2025/26. The change in car parking supply is shown in **Table 2** below (the existing approved details are shown in ~~bold strike through~~ and proposed details are shown in *bold italics*).

Table 2 Change in car parking supply

Location	Existing	Future	Change
CP1	143	94	-49 ¹
CP2	597	1,248 1,244	+651 +647
CP3	141	97	-44 ¹
CP4	780	780	0
CP5	575	575	0
Health Services Building	35	35	0
Western Campus Fleet Vehicles car park	24	0	-24 ¹
Total	2,295	2,829 2,825	+534 +530

¹Removal of parking associated with works approved via separate planning pathways
 Source: GTA Consultants

6.3 Solar Access

Some minor additional shadow is generated by the solar structures, which are relatively low scale in height and have limited shadow impacts beyond the MSCP itself (see shadow diagrams) at **Attachment A**. The overall shadows from the MSCP are consistent with those of the original approval, as shown at **Figure 5** and Figure 6. Accordingly, the shadow impacts are considered appropriate and no further assessment is required.

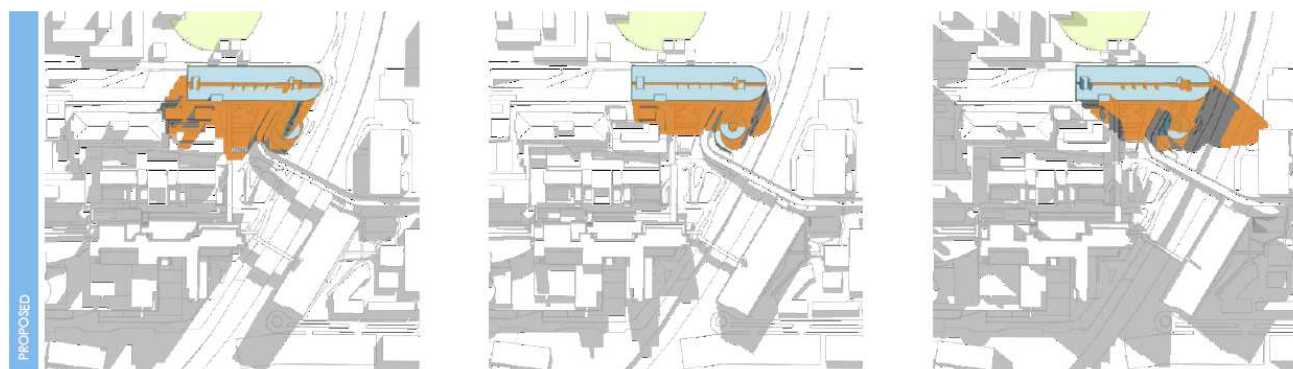


Figure 5 Shadow Diagram June 21 (9am, 12pm, 3pm) (as approved)

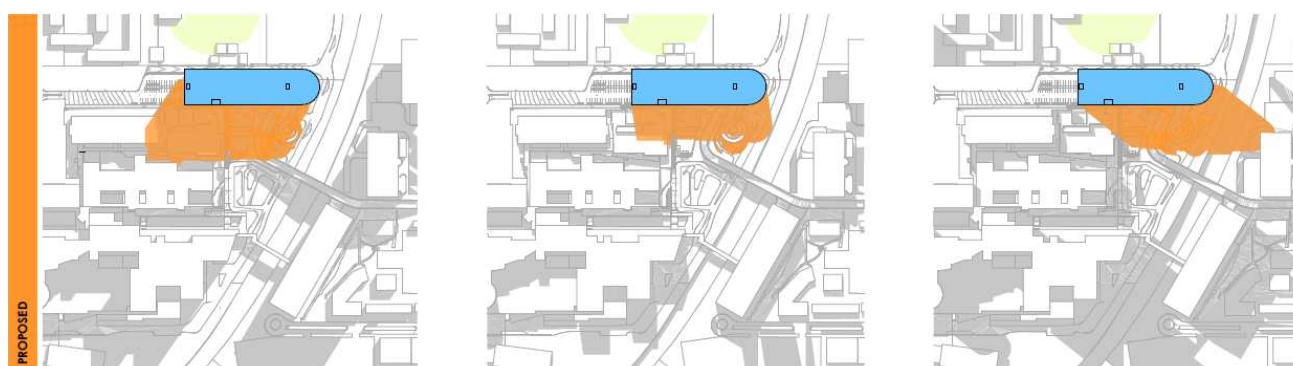


Figure 6 Shadow Diagram June 21 (9am, 12pm, 3pm) (as proposed)

6.4 Visual Impacts

The overall height of the structure remains largely unchanged and the changes would not be perceptible from the public domain. The inclusion of the substantial public art design on the façade is considered to be an improved

visual impact, particularly for the students and school community of Liverpool Boys and Girls High School immediately to the north.

6.5 Suitability of the Site

The site remains suitable for the development, as proposed to be modified, for the reasons outlined in the EIS lodged with the original SSD application.

6.6 The Public Interest

The proposed modifications to the approved development are in the public interest as the project will provide a range of benefits for the region and the State as a whole, including health facilities and construction and operational jobs.

6.7 Reasons given for granting consent

In granting consent for SSD-10388 the following reasons were given by the Delegate for Minister for Planning and Public Spaces. As outlined at **Table 3**, the proposed modification remains consistent with these reasons.

Table 3 Consistency with Reasons for Granting Consent

	Reason for Decision.	Consistency
1	the project would provide a range of benefits for the region and the State as a whole, including capital investment in ancillary public health infrastructure, creation of 360 construction jobs and two new operational jobs, providing facilities to support the expansion of health facilities and supporting the expansion of Liverpool Hospital in line with the vision for the precinct.	The proposal remains consistent with this statement. The proposal will deliver benefits to the region and state including new and additional health facilities and services.
2	the project is permissible with development consent, and is consistent with NSW Government policies, including Greater Sydney Commission's Greater Sydney Regional Plan 'A Metropolis of Three Cities', Transport for NSW's Future Transport Strategy 2056, Greater Sydney Commission's Western City District Plan, NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum and Greater Sydney Commission's Liverpool Area Place Strategy.	The proposed modification continues to be permissible with consent and aligns with key Government policies.
3	the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards in the Department's Assessment Report. The consent authority has included conditions to ensure: landscaping works, including canopy recovery are provided; noise mitigation is developed through design development to ensure noise targets are complied with; a historical archaeological program is prepared and implemented to manage the potential for resources on the site; and construction impacts are appropriately managed.	The impacts of the modification are negligible, and the project will be constructed with suitable mitigations under the existing approval.
4	the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.	The modification does not change consistency with these statements.
5	weighing all relevant considerations, the project is in the public interest.	

7.0

8.0 Conclusion

The proposed modifications relates to alterations to the façade of the carpark, addition of solar photovoltaic panels, and a minor reduction in the overall number of parking spaces.

In accordance with section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- is substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Chris McGillick
Associate Director