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6th March 2014

The Director-General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Peter McManus

Dear Sir

**SECTION 96(1A) MODIFICATION – SSD5003, CONDITION B3 OVERFLOW CAR PARKING
CAMPBELLTOWN HOSPITAL - APPIN AND TERRY ROAD, CAMPBELLTOWN**

Health Infrastructure (HI), submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to remove condition B3 of Development Consent SSD5003 relating to Stage 1 of the Campbelltown Hospital Development which included:

- Construction of a new six level Acute Health Services building;
- Construction of a new covered walkway linking the new Acute Health Services building, Campbelltown Hospital main entry, Block A, Block B and Block C;
- New patient drop off zone, six visitor parking spaces and service vehicle access from Parkside Crescent; and
- New landscaped entry driveway, internal landscaped courtyards and new communal café.

The purpose of this letter is to describe the proposed modification and provide a planning assessment of the relevant matters under section 79C of the EP&A Act as they apply to this modification. It should be read in conjunction with the approved DA documentation (as modified) and the additional information appended to this report.

1.0 BACKGROUND AND CONTEXT

The site is located on Appin and Terry Road, Campbelltown and is legally described as Lot 6 in DP 1058047. The site is located to the south-west of the Campbelltown Town Centre, on the western side of Appin Road.

Consent for the redevelopment of Campbelltown Hospital was granted by the Department of Planning & Infrastructure (DP&I) on 21 November 2012, subject to conditions. The site is currently being developed by HI in accordance with the Stage 1 approval.

2.0 PROPOSED MODIFICATION TO CONSENT

This modification proposes the removal of condition B3, which requires:

- *the construction of an overflow car parking area with a minimum capacity of 100 vehicles on the Campbelltown Hospital campus within 12 months of the commencement of Stage 1 construction;*
- *the car park is to be constructed using a form of permeable pavement material and is to be supported by an engineered device;*
- *the car park is to be sited, designed, signposted and constructed to minimise environmental impact; and*
- *details of the location and design of the overflow car park are to be provided to the Director-General or his nominee prior to the commencement of the overflow car park works.*

HI does not consider that the construction of the overflow car park, as described in Condition B3, is necessary. Overflow car parking, by definition is only required during rare times of peak demand and as a temporary “back up” option. The formality of the overflow car park that Condition B3 requires will necessitate significant civil works which HI consider to be excessive for the purpose for which the car park will be used.

There is sufficient land available to provide for additional informal and temporary (on grade) car parking and this can be implemented if needed, aligning with the intent of the condition.

3.0 PLANNING ASSESSMENT

Section 96(1A) of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in Section 79C(1) as they are of relevance to the development, being the subject of the application.

The planning assessment of the proposed modification does not alter the assessment as originally submitted and the development remains substantially the same.

The intent of condition B3, as articulated by Council was to provide an informal and temporary overflow car parking facility to accommodate any shortfall in parking on the site.

In December 2013, funding for Stage 2 works on the site was announced which provides the opportunity for further development on the site including investment in more permanent car parking outcomes. While no development under this stage of funding has been confirmed at this stage, it is prudent for HI to ensure that the current works on the site should not limit the desired future development vision which may include the provision of more permanent parking provisions.

In addition, since the application was approved in 2012, the shortfall in car parking has been addressed. This can be attributed to a number of factors not foreseen at the time of consent, including:

- Campbelltown City Council providing additional car parking spaces on Parkside Crescent opposite the hospital campus which has alleviated the demand for parking in the area;
- Additional on-site car parking on the northern side of the site has been provided as part of the approved works which is accommodating demand for staff and visitor parking; and
- Recent site works have been completed that can provide for additional informal and temporary car parking which is consistent with the intent of the condition.

As outlined in HI’s letter dated 10 February 2014 provided at **Attachment A**, Campbelltown City Council has been briefed on the intention to remove condition B3.

4.0 SUBSTANTIALLY THE SAME DEVELOPMENT

Section 96(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 the change is to remove the requirement to provide an engineered overflow car parking facility that was intended to accommodate a shortfall in parking on the site which is no longer considered appropriate. The modification is minor and does not change the use, form, or environmental impacts of the approved development.

It is noted that removing condition B3 will not impact on the ability of HI to satisfy any other conditions of consent.

5.0 CONCLUSION

The proposed modification will remove the requirement to provide an engineered overflow car parking solution on the site which HI does not believe is warranted. Informal and temporary overflow car parking can still be provided by the Hospital in the absence of this condition.

In accordance with section 96(1A) of the EP&A Act, DP&I may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved; and
- it will not result in any adverse environmental impacts.

Due to HI's prior liaison with council officers via telephone conversation, meetings and the letter provided at **Attachment A**, we do not consider that this application will require advertisement.

HI therefore recommends that the proposed modification is supported by DP&I. We trust that this information is sufficient to enable a prompt assessment of the proposed modification. Should you have any queries in relation to the above, please do not hesitate to contact Aaron from HI on 9978 5903 or aaron.smith@hinfra.health.nsw.gov.au or Oliver from JBA on 9956 6962 or oklein@jbaurban.com.au.

Yours sincerely



Oliver Klein
Associate