

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

29 September 2020

Secretary
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear Sir/Madam,

SECTION 4.55 (1A) MODIFICATION - SSD 6840

This Statement of Environmental Effects (SEE) has been prepared on behalf of St Vincent's Private Hospital (the Applicant) in support of a Section 4.55(1A) application to modify development consent SSD 6840.

By way of background, development consent was granted to SSD 6840 by the NSW Department of Planning, Industry and Environment (DPIE) on 17 September 2015 for the redevelopment of St Vincent's Private Hospital located at 406 Victoria Street, Darlinghurst (the site).

This modification arises from the ongoing design development of the building and seeks approval for the following changes:

- Extension of the external awning at the Victoria Street entrance;
- Modifications to the approved plant on Level 11; and,
- Re-configuration of existing storerooms on Level 5.

These changes are largely due to ongoing design development and there will be no change in overall gross floor area.

This SEE is accompanied by the following documentation:

- Amended Architectural Plans prepared by Hassell (**Attachment A**);
- Acoustic Statement prepared by Acoustic Logic (**Attachment B**);
- A completed application to modify a development consent form; and,
- Owners consent and Power of Attorney documentation.

This SEE describes the site and the proposed development and assesses the impacts of the development pursuant to Section 4.55 and Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

1. THE SITE

1.1. SITE DESCRIPTION

The site is located at 406 Victoria Street, Darlinghurst, commonly known as St Vincent's Private Hospital. The site is legally described as Lot 20 in DP 854670 and is located within the City of Sydney Local Government Area (LGA) approximately 2km from the Sydney CBD.

St Vincent's Private Hospital is located at the southern end of the St Vincent's Hospital Darlinghurst campus with frontage to Victoria Street (see Figure 1). The broader hospital campus comprises a number of buildings offering public and private health care services. The site is bound by Liverpool Street (north), Oxford Street (south) and Darlinghurst Road (west). An aerial photograph of the site is provided below at Figure 1.

Figure 1 The Site



Source: Six Maps

1.2. EXISTING DEVELOPMENT

The site currently contains a 13-storey hospital building, commonly referred to as the ‘East Wing.’ This building was approved as part of SSD 6840 and comprises operating theatres, inpatient beds, consulting suites, a rehabilitation gym, hydrotherapy pool, a cafeteria, and staff facilities. The site also contains a low-rise building and a high-rise building which fronts Victoria Street.

This application relates to the high-rise building only (see Figure 1 and Figure 2) which comprises an 11-storey building with support services and inpatient units. Construction of a new building façade to the north, east and west orientations was recently completed in July 2020. This application seeks consent to extend the external awning over the porte-de-cochere located on the northern elevation (see Figure 2).

Figure 2 Existing Development



Picture 1 The entrance to St Vincent's Private Hospital from Victoria Street.

Source: Google Maps



Picture 2 The existing high-rise building as viewed from Victoria Street, looking east.

Source: Google Maps

1.3. SURROUNDING DEVELOPMENT

St Vincent's Private Hospital is surrounded by hospital uses including the Aikenhead Building to the north, the Xavier Building to the east, the St Vincent's Clinic to the south and Sacred Heart Hospice to the west.

The broader hospital campus is surrounded by a range of uses. To the north-west is the National Art School and Darlinghurst Court House. Further north is Kings Cross. To the south-east on the southern side of Boundary Street is a mix of low-density residential dwellings which are part of the Paddington Heritage Conservation Area. To the south-west is Oxford Street which comprises a mix of ground floor retail and commercial uses interspersed with residential.

2. BACKGROUND

2.1. PREVIOUS APPROVALS

2.1.1. SSD 6840

On 17 September 2015, the DPIE approved a State Significant Development Application (SSDA) for the refurbishment of St Vincent's Private Hospital including:

- Construction of a new 13 storey East Wing building;
- Refurbishment works to the existing low-rise and high-rise building wings;
- New façade treatment to the high-rise building wing fronting Victoria Street;
- Associated landscaping works, BCA and infrastructure upgrades; and,
- Installation of a new electrical substation kiosk.

The majority of construction works (as approved above) have since been completed.

2.1.2. Modifications

A number of modifications have since been lodged and approved by the DPIE. A summary of these is provided below in Table 1.

Table 1 Previous Section 4.55 Modifications

Application No	Description	Approval Date
SSD-6840-MOD-1	• Amendments to the internal layout and configuration of the East Wing and SVPHS high-rise buildings; • Amendments to the façade design and external materials of the East Wing and high-rise buildings; • Amendments to the floor to floor heights from Levels 12 - 15 of the East Wing building to accommodate a hydrotherapy pool, and a split level on Level 12; • Extension of the stair at south-east corner of the East Wing building; • Extension to the ensuites and removal of the high-level windows in the high rise building; and • Minor alterations to signage.	09/08/2016
SSD-6840-MOD-2	• Minor amendments to main entry foyer and refurbishment of the associated internal spaces and a new café use.	13/10/2016

Application No	Description	Approval Date
SSD-6840-MOD-3	• Corrections to Condition A2.	04/11/2016
SSD-6840-MOD-4	• Minor amendments to operating theatre suite on Level 5 within the existing high-rise building.	27/02/2017
SSD-6840-MOD-5	• Three additional building identification signs. • Minor change to materials on the Victoria Street elevation. • Minor demolition works on the rooftop of the existing building to facilitate the development.	27/02/2018

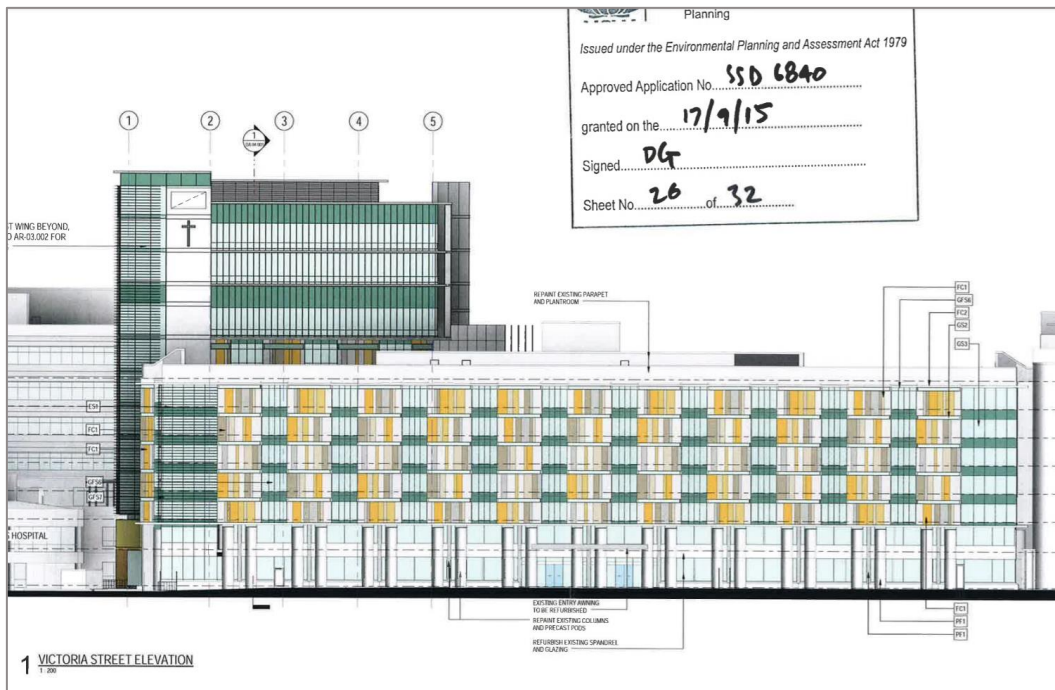
The architectural elevations prepared by Hassell and approved under SSD-6840 identified an existing parapet and plant room however did not provide specific details regarding the new rooftop plant proposed on Level 11.

Similarly, the approved Level 11 floor plan denoted broad areas of plant, predominantly relating to the existing plant, however, did not specify the type of plant, maximum RL's or what was located within the confines of the plant room (see Figure 3 on the following page).

This modification seeks to rectify this by submitting architectural plans and elevations which clearly denote details of the proposed mechanical roof plant on Level 11.

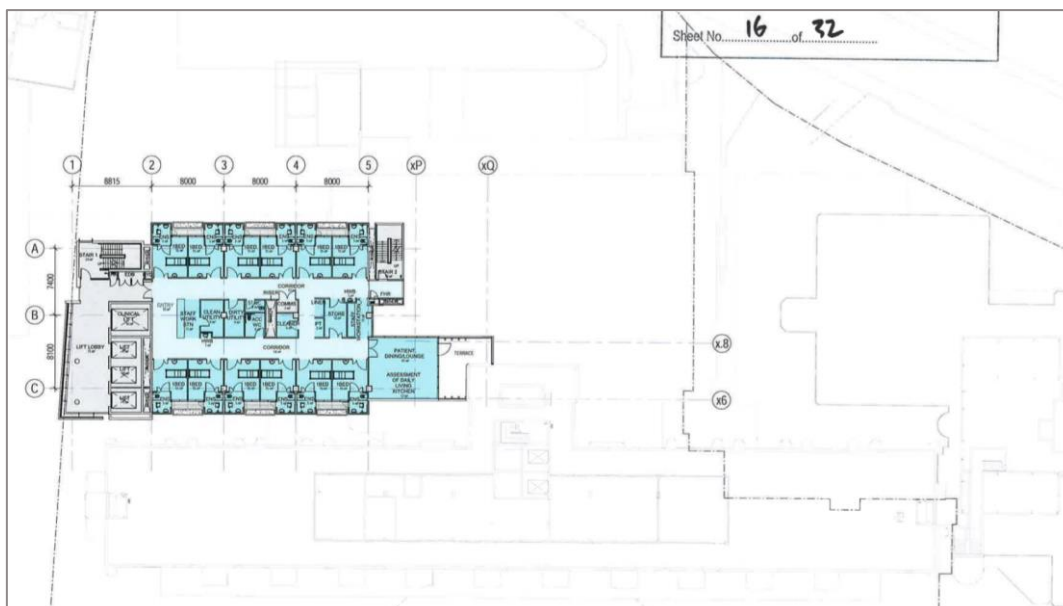
It is also proposed to extend the external awning along the Victoria Street facade and reconfigure the storerooms located on Level 5 to conform with current user requirements.

Figure 3 Approved Plans – SSD-6840



Picture 3 Approved Northern Elevation showing roof plant on Level 11

Source: Hassell



Picture 4 Approved Level 11 Floor Plan

Source: Hassell

3. PROPOSED MODIFICATION

The following modifications are proposed:

- Re-configure existing storerooms on Level 5;
- Extend the external awning at the Victoria Street frontage; and
- Install and clarify the new rooftop plant on Level 11.

A detailed overview of each of these modifications is provided below:

3.1. EXTENSION OF EXTERNAL AWNING

Approval was previously granted for the refurbishment of the existing awning on the northern elevation fronting Victoria Street. It is proposed to extend the refurbished awning located at the Victoria Street entrance. The awning will enhance pedestrian amenity, especially in adverse weather conditions and create a transition zone between the external environment and internal lobby.

The awning will comprise a continuous Gold Metallic Vitradual panel (Solid Aluminium Cladding), cover an additional area of 56sqm and comprise the following dimensions (consistent with the approved awning):

- 800mm (Nominal Awning Depth)
- 3170mm (Height to Underside).
- 3970mm (Height Overall).
- 27750mm (Awning Length).
- 4915mm (Awning Width – protrusion from building).

An indicative view of the awning extension is provided below in Figure 4. Detailed architectural plans have been prepared by Hassell and are submitted at **Attachment A**.

Figure 4 Indicative 3D view of awning extension



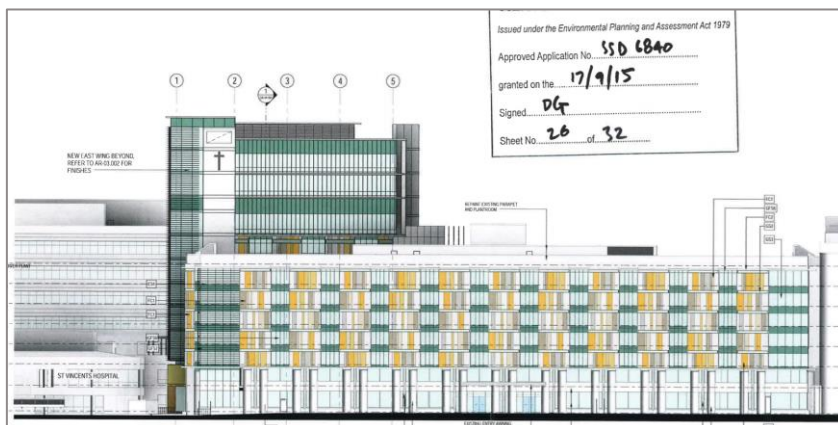
3.2. CLARIFICATION OF ROOFTOP PLANT ON LEVEL 11

As discussed in Section 2, the previously approved plans did not clearly denote the proposed rooftop plant on Level 11. This modification seeks to rectify this and formally seek consent for a new rooftop plant on Level 11.

As evident in Figure 5, the rooftop plant has been carefully designed to ensure the plant level integrates with the overall building composition. The plant does not exceed beyond the highest point of the existing high rise building and will sit below the lift overrun.

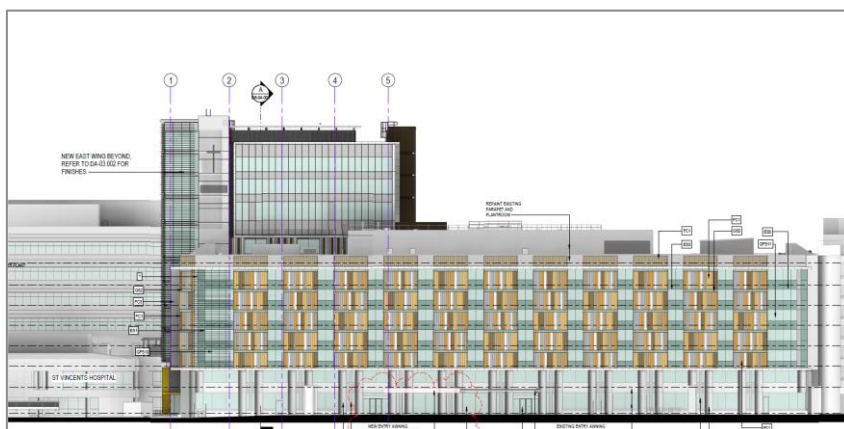
The inclusion of the new plant is essential to ensuring the building services are reliable and up to date. It is critical in providing the care environment needed on both the operating and the Inpatient Unit floors within the hospital and will bring the building up to the relevant health codes.

Figure 5 Approved and Proposed Northern Elevation



Picture 5 Approved

Source: Hassell



Picture 6 Proposed

Source: Hassell

4. PROPOSED MODIFICATIONS TO CONDITIONS

This application therefore seeks to amend or delete a number of conditions as detailed below. ~~Strikethrough~~ text is used to denote a proposed deletion and **red** text to denote proposed inclusion.

Development Description

A1 Except as amended by the conditions of this approval, development approval is granted only to carrying out the development as described in Schedule 1.

Terms of Consent

A2 The Applicant shall carry out the development generally in accordance with the:

- a) Environmental Impact Statement St Vincent's Private Hospital Redevelopment, prepared by JBA Urban Planning Consultants and dated March 2015';*
- b) Response to Submissions prepared by JBA Urban Planning Consultants and dated 7 August 2015;*
- c) The conditions of this consent; and*
- d) The following drawings, except for:*
 - i) any modifications which are Exempt or Complying Development;*
 - ii) otherwise provided by the conditions of this consent*

Architectural and Landscape Drawings prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
DA-01-005	D	GA PLAN. LEVEL 05	13/02/15
DA-01-005	H	GA PLAN. LEVEL 05	16/07/2020
DA-01-011	D	GA PLAN. LEVEL 11	13/02/15
DA-01-011	G	GA PLAN. LEVEL 11	16/07/2020
DA-03-001	D	VICTORIA STREET ELEVATION	13/02/15
DA-03-001	J	VICTORIA STREET ELEVATION	16/07/2020

5. SECTION 4.55 ASSESSMENT

This application will be determined in accordance with Section 4.55(1A) of the EP&A Act 1979. The consent authority may modify the consent if it is satisfied that the modification is of minimal environmental impact, if the development to which the consent as modified relates is substantially the same development as that originally approved, and if it has notified the application in accordance with the relevant provisions.

5.1. MINIMAL ENVIRONMENTAL IMPACT

Section 4.55 (1A)(a) requires the consent authority to be "satisfied that the proposed modification is of minimal environmental impact". The proposed modification is in accordance with Section 4.55(1A) of the EP&A Act, as it is of minor environmental impact for the reasons outlined below:

- Approval has already been granted for an awning at the Victoria Street entrance. The proposed awning has been addressed through the approval of SSD 6840. It is proposed to extend the existing approved awning which will have minimal visual impact.
- The proposed awning extension will be consistent with the approved awning in terms of design and materiality. The overall design intent remains the same.
- The awning will protrude from the ground floor façade, allowing for the appreciation of the internal lobby whilst providing adequate coverage for pedestrians.
- The awning extension will not obscure elements of the building nor materially alter the appearance of the western elevation when viewed from Victoria Street.
- The proposed roof top plant is located at Level 11 and will not be readily visible from the streetscape.
- The proposed plant will not create any additional overshadowing to sensitive neighbouring receivers.
- The Acoustic Statement prepared by Acoustic Logic and submitted at **Attachment B** confirms the additional level 11 mechanical plant is fully compliant with the requirements of the *NSW EPA Noise Policy for Industry*.
- The proposed modifications will not result in any additional floor space or building height.

5.2. SUBSTANTIALLY THE SAME DEVELOPMENT

Section 4.55(1A)(b) requires the consent authority to be “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 proposal is substantially the same development as that originally approved because it:

- Does not propose any change of land use.
- Does not propose any change to GFA or building height.
- Does not diminish the architectural or landscape quality of the Hassell-designed building.
- Does not change the visual aesthetic of the awning at the Victoria Street entrance lobby.
- Does not propose any amendments to the maximum height of the building.
- Does not propose any changes which would have a detrimental impact on Heritage values.
- Only seeks consent for:
 - The extension of the existing approved awning which does not alter the design intent, materiality of overall appearance of the building.
 - Internal reconfiguration of storage on Level 5 due to user requirements.
 - Modifications to the roof plant on Level 11.

Overall, the proposed modifications will result in substantially the same development as originally approved.

5.3. NOTIFICATION

In accordance with Section 4.55(1A)(c) and (d), any submissions received by NSW DPIE during the public exhibition period will need to be considered in the assessment of the application

6. SECTION 4.15 ASSESSMENT

In accordance with Section 4.55(1A) of the EP&A Act, the consent authority must take into consideration the relevant matters outlined in Section 4.15.

6.1. ANY ENVIRONMENTAL PLANNING INSTRUMENT

6.1.1. State Environmental Planning Policy

There are no State Environmental Planning Policies of relevance to the proposed modifications.

6.1.2. Sydney Local Environmental Plan 2012

The site is subject to Sydney Local Environmental Plan (SLEP) 2012. The proposal has considered the following relevant LEP considerations:

- **Clause 2.2 - Zoning** – The site is zoned SP2 Infrastructure. The proposal does not seek to amend the approved land uses.
- **Clause 4.3 – Building Height** – The site is not subject to a maximum building height. The proposed roof plant will have a maximum RL height of RL 74.780.
- **Clause 4.4 – Floor Space Ratio** – There is no maximum FSR on the site. The proposal does not seek to modify the approved gross floor area.
- **Clause 5.10 – Heritage Conservation** – The St Vincent's Private Hospital site is not identified as a heritage item and is not located in a heritage conservation area. Notwithstanding this, the northern portion of the hospital campus is located in a heritage conservation area and contains a group of heritage buildings including their interiors and fencing (Item. 493). Several heritage items are also located within the vicinity of the site including:
 - I299 - *Former East Sydney Technical College and Darlinghurst Gaol including buildings and their interiors, perimeter walls and gates and grounds*
 - I490 – *Green Park including bandstand and interior, memorials and landscaping*
 - I409 - *Sacred Heart Church group including buildings and their interiors, fencing and grounds.*
 - I403 - *Darlinghurst Court House group including interior, fencing and grounds.*

A Heritage Impact Statement was prepared by Urbis and accompanied SSD 6840. The assessment concluded that St Vincent's Private Hospital has no identified significance, and although it was architect designed it was not considered to meet the threshold for aesthetic significance.

The assessment concluded the proposal would not diminish the heritage significance of Darlinghurst and Paddington or the items in the immediate vicinity. The proposed modifications are consistent with the approved design and have regard to the existing development in the neighbouring conservation area.

6.2. ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

There are none relevant to the proposed modifications.

6.3. ANY DEVELOPMENT CONTROL PLAN

In accordance with clause 11 of the State and Regional Development SEPP, the provisions of *Sydney Development Control Plan 2012* (SDCP) do not apply to this development.

11 Exclusion of application of development control plans

Development control plans (whether made before or after the commencement of this Policy) do not apply to—

(a) State significant development, or

(b) development for which a relevant council is the consent authority under section 4.37 of the Act.

6.4. ANY MATTERS PRESCRIBED BY THE REGULATIONS

There are none relevant to the proposed modification.

6.5. LIKELY IMPACTS OF THE DEVELOPMENT

6.5.1. Acoustic Impact

An Acoustic assessment of the proposed mechanical plant on Level 11 has been undertaken by Acoustic Logic and submitted at **Attachment B**. The assessment was undertaken to confirm that noise emissions from the mechanical plant will not exceed the amenity noise criteria at surrounding receivers.

Measurements were conducted on the 7th of July 2020 with plant items operating under typical maximum load. A noise level of less than 40dB(A) Leq, 15minute was measured at the nearest receivers, which confirms that the additional level 11 mechanical plant is fully compliant with the requirements of the NSW EPA Noise Policy for Industry.

Accordingly, the proposed plant is considered to have negligible acoustic impacts to surrounding sensitive receivers and the proposal will remain compliant with the acoustic conditions of consent (specifically condition E4).

6.5.2. Visual Impact and Built Form

The proposed modifications will not alter the configuration or massing of the approved development and therefore the approved built form will remain the same. Whilst it is proposed to extend the Victoria Street awning and install a new roof plant on level 11, these changes will not alter the overall bulk and scale of the development when viewed from the public domain.

The awning has been designed to be consistent with the approved material and colour palette and will contribute to the overall visual amenity for the community, patients, and Victoria Street public domain.

6.5.3. Amenity

The proposed modifications will not give rise to any adverse amenity impacts, or alter the assessment contained in the original EIS. The proposed awning extension will improve the pedestrian experience for patients and visitors arriving and departing the Hospital.

As discussed in Section 6.5.1, the rooftop plant complies with the noise criteria as stipulated in the NSW EPA Noise Policy for Industry and will not give rise to adverse noise impacts on sensitive receivers.

Accordingly, there will be no adverse social or economic impacts as a result of the proposed modifications beyond those previously assessed as part of the approved SSD 6840 and subsequent design modifications.

6.6. THE SUITABILITY OF THE SITE

There will be no change to the overall building envelope or intensification of the approved land uses as a result of the proposed modifications. The site remains suitable for the proposed development.

6.7. THE PUBLIC INTEREST

The proposed development is in the public interest for the following reasons:

- The proposed awning extension will improve pedestrian amenity by providing weather and sun protection in inclement weather;
- The design of the awning has been developed with the intent not to detract from the lobby façade design;
- The overall design intent remains the same, however the usability of the porte-de-cochere is improved;
- The rooftop plant is fully compliant with the requirements of the NSW EPA Noise Policy for Industry; and,
- Re-configure storage areas on Level 5.

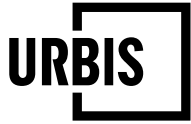
Accordingly, the proposal is considered to be in the public interest.

7. CONCLUSION

As outlined above, this Section 4.55(1A) modification application has been prepared to support amendments to SSD 6840.

The proposed modification is substantially the same as the approved development, will have a minor environmental impact, and as such is consistent with the provisions of Section 4.15 and Section 4.55 of the *Environmental Planning and Assessment Act 1979*. The proposal is considered worthy of approval for the following reasons:

- The consent, as proposed to be modified, is substantially the same development as that originally approved;
- The proposed awning will improve pedestrian amenity and the overall experience for patients and visitors;



- The modifications are a result of ongoing design development; and,
- The proposal will not result in any unacceptable adverse environmental, social or economic impacts.

If you have any further questions in relation to any of the matters outlined above, please do not hesitate to contact Charlotte Ryan on 8424 5110 or via email at cryan@urbis.com.au.

Yours sincerely,

A handwritten signature in black ink that reads "CRyan". The signature is written in a cursive, flowing style.

Charlotte Ryan
Consultant
+61 2 8424 5110
cryan@urbis.com.au