



20 June 2016

Mr David Gibson  
Team Leader  
Social Infrastructure Assessments  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear David

**Section 96 (1A) to amend SSD 6848 in respect of the façade and height of Lismore Hospital Stage 3B**

On 1 May 2015, Stage 3B of the Lismore Hospital redevelopment was approved. Since that time, detailed design has been undertaken and minor amendments are proposed to both the façade materials and the height of the development.

**Proposed Modification**

***Materials***

The change to the panels on the façade have been made due to availability and durability and the outcome of the material change is considered to be a beneficial to the overall visual outcome of the building.

The panels that have been chosen for the façade differ slightly from those shown in the application as a different brand of panel have been specified which does not match the exact colour approved. A comparison of the two products is shown in the attached letter from City Plan Services and Development (City Plan) (Attachment A) who has prepared an assessment of the planning merit of the product specified.

As noted in the assessment, the new product (Symonite) palette is generally “warmer” tones but otherwise is largely similar. The City Plan assessment concludes that while “..... there are clearly changes to the colours of the composite panels, the overall design intent remains largely the same” and “...the visual impact of these changes is considered to be appropriate from a planning perspective for the following reasons:

- a) *Whilst the colours are more vibrant, they are not consistently applied for the full extent of the northern elevations. They are confined to parts of the northern elevation, fragmented by other lighter cladding components;*
- b) *The provision of the light brown metallic finish for only two (2) levels of the 3B2 building reduces the vertical massing of this part of the development. This is further assisted by the removal of one floor of this building (although noting that we are not specifically commenting on the design changes and only the colour/material changes);*
- c) *The 3B2 building is setback at least 16 metres from the eastern site boundary and approximately 25 metres from the nearest residential dwelling on Little Uralba Street, which is adequate separation to mitigate any visual massing impact;*



- d) *The darker component of the northern facade of the 3B1 tower is setback over 25 metres from the eastern site boundary and even further from the nearest residential dwelling on Little Uralba St, which assists in mitigating adverse visual massing;*
- e) *The approved landscaping and tree planting will further assist in mitigating the visual impact of 3B2 and the proposed colour change to the facade; and*
- f) *The introduction of the light brown metallic finish to 3B2 creates a more direct visual relationship between the Stage 3B2 building and the 3B1 tower.*

### **Building height**

In addition to the changes in the materials identified above and in the attached report, the overall height of the 3B2 building has been reduced by one floor due a revision of the scope. This change has no impact on the function or operation of the building or on the surrounding environment.

Drawings showing the revised colour palette and the reduction in height are provided at Attachment B. Please refer to the attached drawings.

### **Assessment**

#### ***Substantially the same development***

As defined by Pearlman C.J. in *Schroders Australian Property Management Ltd v Shoalhaven City Council and Anor* (1999) NSWLEC 251 “substantially the same development” means “essentially or materially or having the same essence”. On that basis, it is the substance of the proposal relative to the substance of the development as originally approved. The development proposed by this modification is essentially, and materially, the same as the approved development for the following reasons:

- The proposed modifications are largely contained to aesthetic changes to the façade that have resulted from design development of the approved building. The other change is a reduction in height, thereby reducing the massing of the proposal;
- The general design intent of the façade, which involves incorporating a range of materials, colours and finishes to break up the massing of the building remains consistent with the approved façade design;
- There will be no material change to the height or scale of the hospital apart from a reduction in one floor.
- There is no change to the use or intensity of the development.

### **Section 79C Considerations**

(a) The provisions of:	
• any environmental planning instrument	No change
• the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approve	NA

<ul style="list-style-type: none"> <li>the provisions of any development control plan</li> </ul>	NA
<ul style="list-style-type: none"> <li>the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F</li> </ul>	
<ul style="list-style-type: none"> <li>the provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</li> </ul>	No change
<ul style="list-style-type: none"> <li>the provisions of any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates</li> </ul>	NA
(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	No change – the visual impact is considered to be appropriate.
(c) The suitability of the site for the development,	No change
(d) Any submissions made in accordance with this Act or the regulations	NA
(e) The public interest	No change

Health Infrastructure (HI) are of the view that the consent that was granted remains substantially the same development and that the proposed modification is minor and will have minimal environmental impact on the receiving environment. On that basis, HI look forward to the Departments consideration and determination of this application.

Yours sincerely



Sam Sangster  
Chief Executive

**Att:**

- A Materials Assessment
- B Proposed Modification Plans