

1 August 2018

Our Ref: 18-111

Mr David Gibson

Team Leader
Social Infrastructure Assessments
NSW Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Dear Sir,

RE: S4.55(1A) MODIFICATION APPLICATION (4) TO SSD 14_6848 IN RELATION TO THE STAGE 3B DEVELOPMENT AT LISMORE BASE HOSPITAL

This Statement has been prepared for NSW Health Infrastructure (HI) on behalf of John Holland Group (JHG) by City Plan Strategy and Development Pty Ltd (CPSD), to accompany an application under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act).

1. THE APPROVED DEVELOPMENT

On 1 May 2015, Stage 3B of the Lismore Base Hospital (LBH) redevelopment was approved by the DPE. Consent was granted under SSD 14_6848 for the following:

“Stage 3B of Lismore Base Hospital Redevelopment and new multi-level car park, including:

- *demolition works, including demolition of part of Block A, temporary maternity building and residential buildings located on the car park site;*
- *bulk excavation and site preparatory works;*
- *construction of five additional storeys above Stage 3A (resulting in a 10-storey building) [known as Stage 3B1] and a five-storey addition to the north of Stage 3A [known as Stage 3B2], including partial closure of Little Uralba Street for the new loading dock and driveway;*
- *fit-out of one level and expansion of the uppermost level of Stage 3A;*

- *construction of a helipad on the roof of the ten storey Stage 3A and Stage 3B development;*
- *the staged construction of a part six, part seven level car park; and*
- *subdivision of the car park site.”*

The project has a capital investment value (CIV) of approximately \$114 million. The South Tower construction (Stage 3B1) was completed in September 2017 and the North Tower (Stage 3B2) is due for completion in 2020.

SSD 14_6848 has been modified on three (3) occasions (Mod 1, 2 and 3) with a fourth modification application lodged but withdrawn:

- Mod 1 related to changes to the façade design and materials for the approved carpark and was approved by the DPE on 24 May 2016.
- Mod 2 related to an administrative error in the plans listed in the original consent and was approved by the DPE on 9 June 2016.
- Mod 3 related to minor façade amendments to Stage 3B and a reduction in building height. Mod 3 was approved by the DPE on 31 August 2016.

We also note that a State Significant Development Application (SSDA) for the Stage 3C development at LBH is currently under assessment by the DPE (ref: SSD 17_8963). The Stage 3C development comprises a four (4) storey vertical extension to the approved Stage 3B2 North Tower, known as the North Tower extension (NTX).

As explained further in this Statement, the subject modification is relevant to the NTX proposal as the amended façade design and other modifications noted below for the Stage 3B2 North Tower has been developed in response to the development of the façade and internal design of the NTX.

2. PROPOSED MODIFICATIONS

The proposed modifications relate to minor internal modifications of the approved floor plates within the Stage 3B2 North Tower, removal of an approved “link bridge” at Level 06 and a modified façade design. Details of the proposed modifications are provided below:

- Reduction in the extent of plant at Level 03, noting that some of this plant has been relocated to Level 07 (within the NTX, the subject of SSD 17_8963). The use of this area for maintenance will remain unchanged. Refer to the figures on the page over for a comparison between the approved and proposed amended floor plan for Level 03:

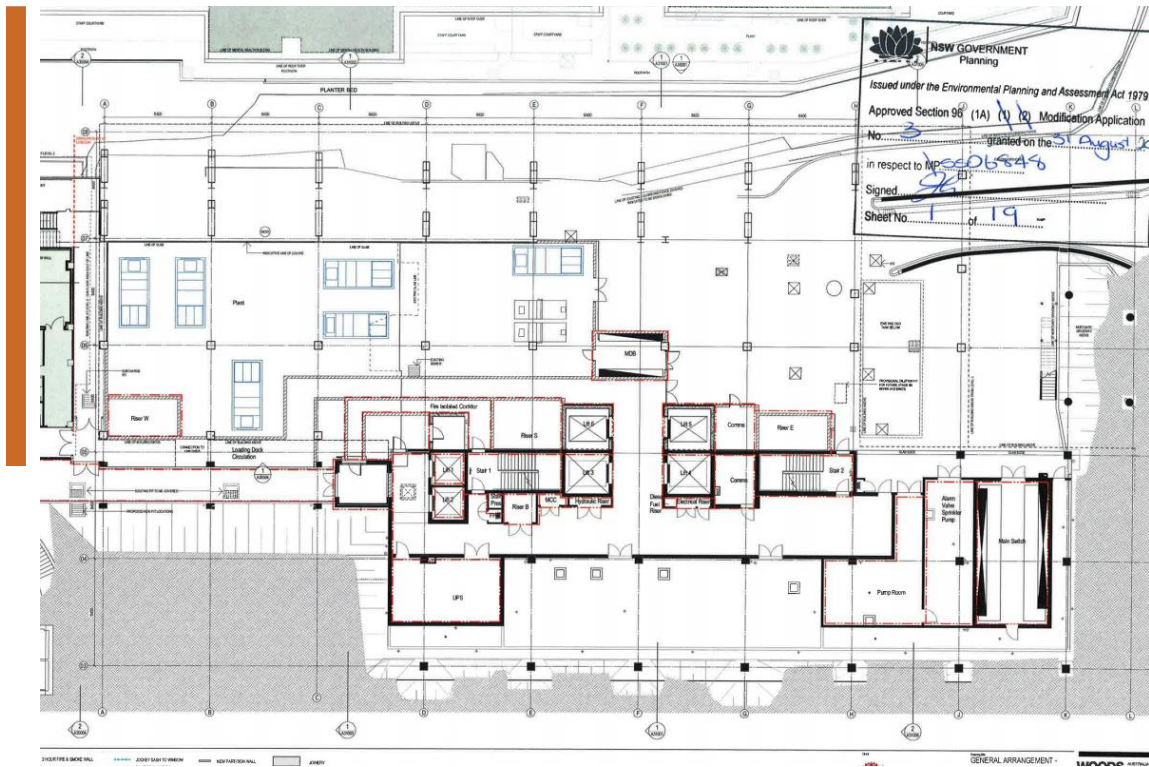


Figure 1 Approved L03 Floor Plan (Source: Woods Bagot)

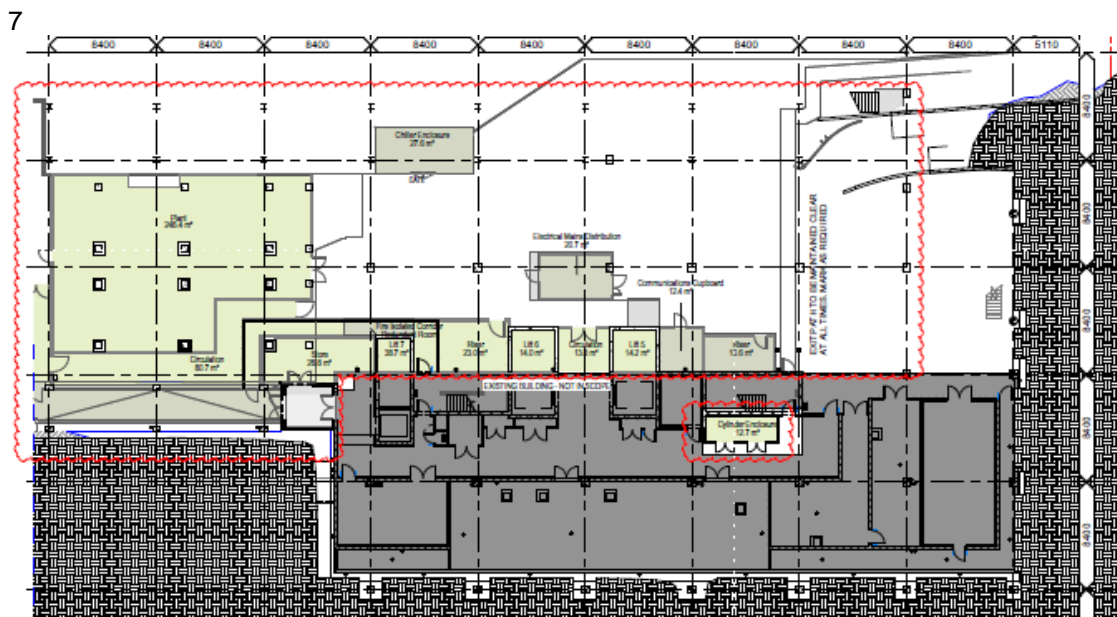


Figure 2 Proposed amended L03 Floor Plan (Source: Conrad Gargett)

- Minor modifications to the internal layout of Levels 04, 05 and 06, including:
 - Rationalisation of fire compartmentation and overall strategy;
 - Inclusion of an additional public lift within an approved void/shell space (known as “lift 7”);

- Minor modifications to the internal planning of each level to improve functional efficiency, accommodate service risers and penetrations to the future NTX and to respond to changes in the location of columns/structural beams; and
- Modifications to the internal face of the external walls as a result of layout changes (such as rationalisation of number of partitions) and the amended façade design (i.e. extent of glazing vs. infill).

Refer to the figures below and on the pages over for a comparison between the approved and proposed amended floor plans for Levels 04 to 06 inclusive.

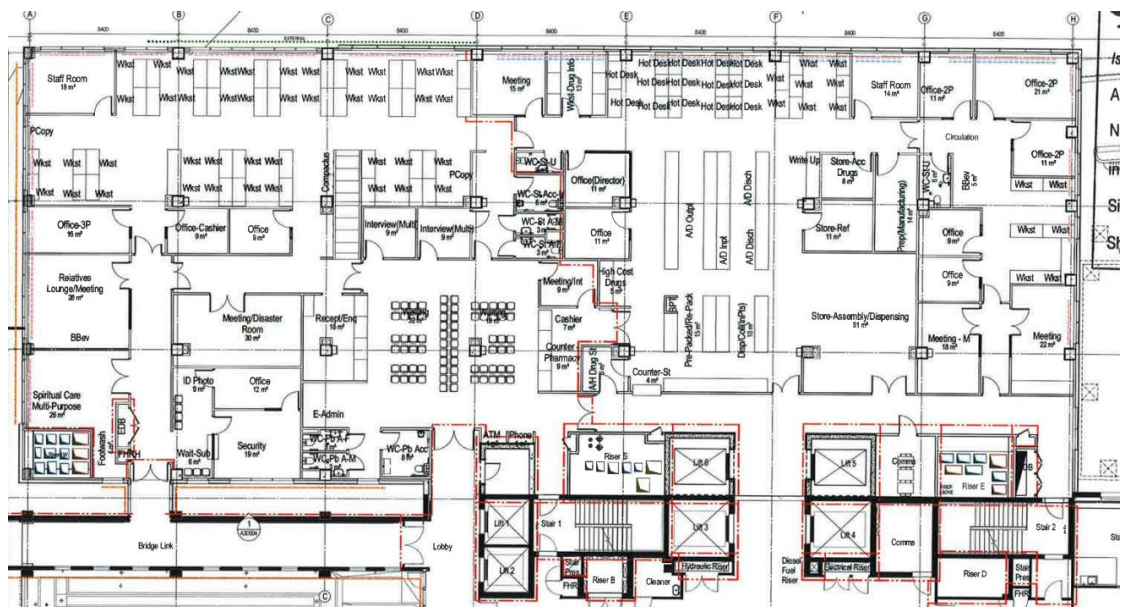


Figure 3 Approved Level 04 Floor Plan (Source: Woods Bagot)

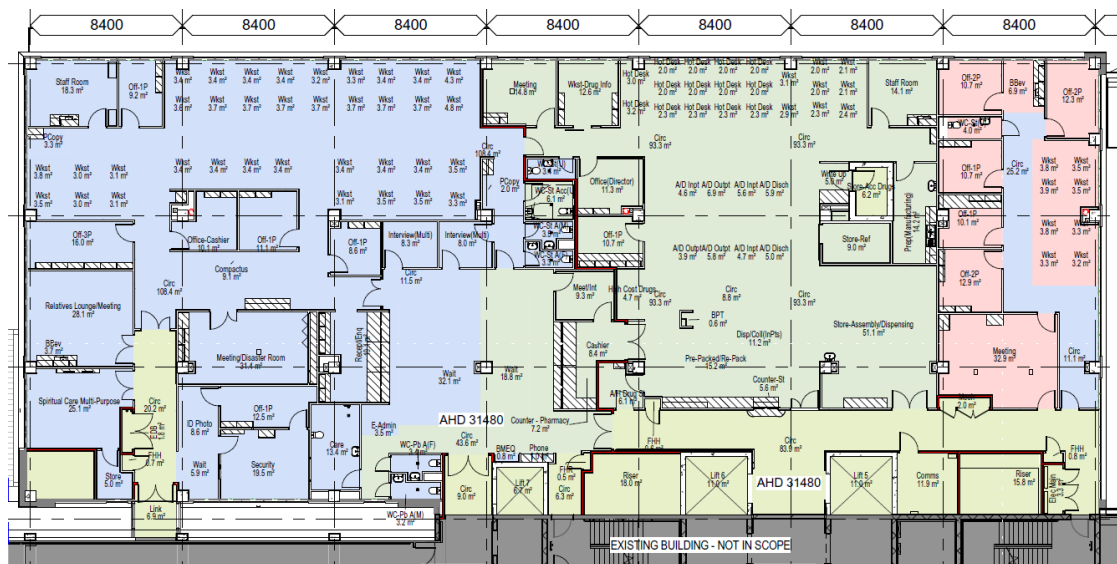


Figure 4 Proposed amended L04 Floor Plan (Source: Conrad Gargett)

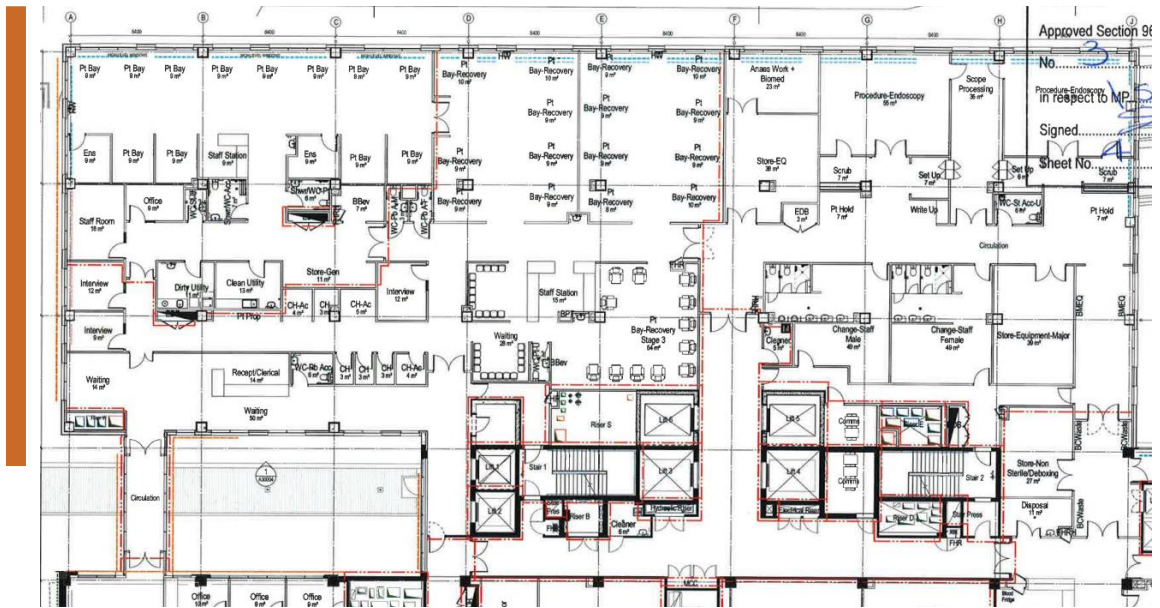


Figure 7 Approved Level 06 Floor Plan (Source: Woods Bagot)

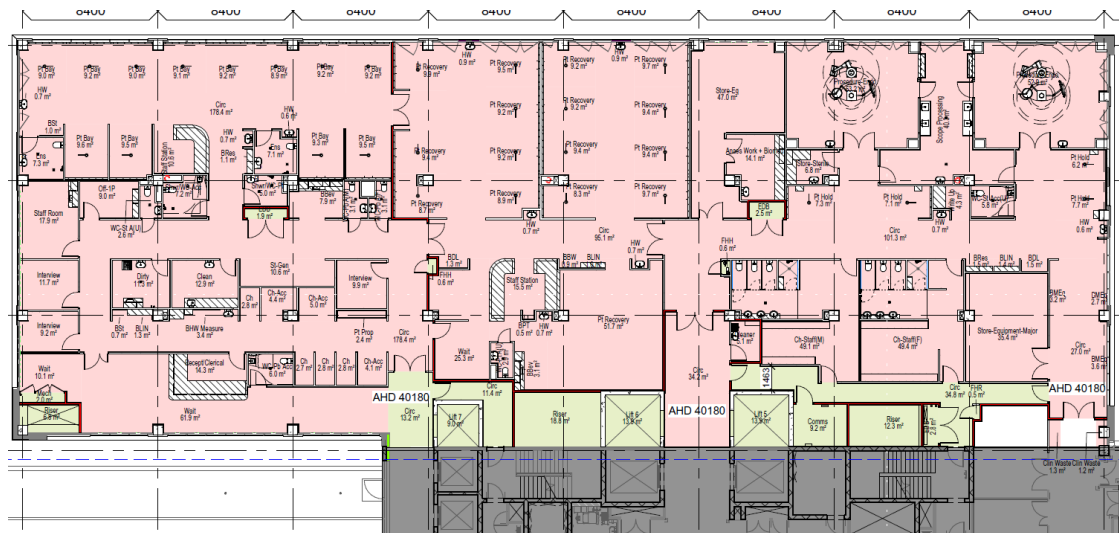


Figure 8 Proposed amended L06 Floor Plan (Source: Conrad Gargett)

- Removal of the approved link bridge to Level 06, connecting the two (2) towers (this can be seen in the two (2) figures above).
- Amendments to the external façade design and colour scheme of the Stage 3B2 North Tower, as follows:
 - Amelioration of design language and window placement to the façade (to suit internal layout);
 - Change of the façade colour palette to muted/varied greys. Whilst the colour scheme is proposed to be amended, the materials and finishes will remain unchanged;
 - Incorporation of quench pipe box and large removable window for MRI; and
 - Extent of louvre panelling reduced at Level 03 as a result of the proposed reduction in plant space.

Refer to the elevation plans below for a comparison between the approved façade design of the Stage 3B2 North Tower, versus the proposed façade design. We note that the amended elevation plans include the Stage 3C North Tower extension NTX development which is greyed out and annotated on the plans as being subject to a separate SSDA (SSD 17_8963):

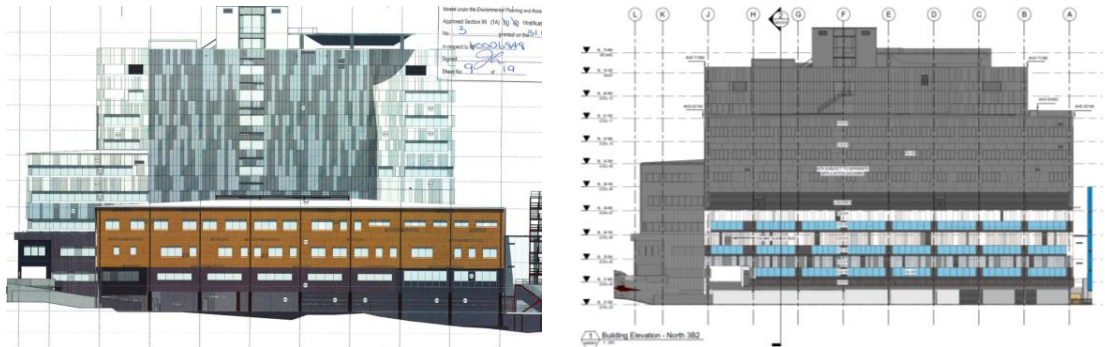


Figure 9 Approved vs Proposed Northern Elevation of Stage 3 (Source: First image Woods Bagot & second image Conrad Gargett)

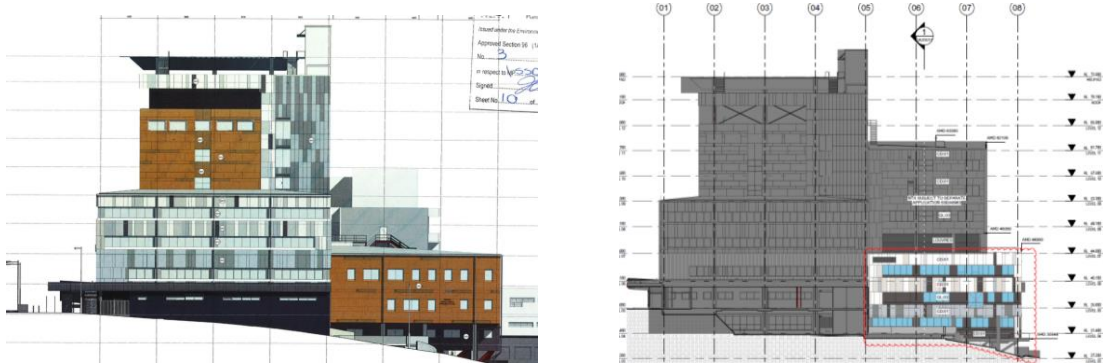


Figure 10 Approved vs Proposed Western Elevation of Stage 3 (Source: First image Woods Bagot & second image Conrad Gargett)

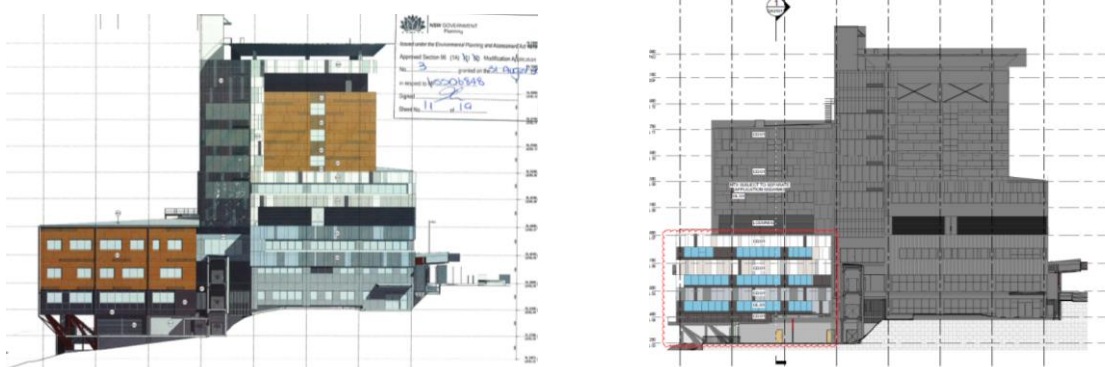


Figure 11 Approved vs Proposed Eastern Elevation of Stage 3 (Source: First image Woods Bagot & second image Conrad Gargett)

Refer to the amended plans, elevations and sections prepared by Conrad Gargett at Appendix 1 for further detail regarding the proposed amendments.

Refer to Section 3 of this Statement for further details regarding the reasons for the proposed modifications.

The modifications noted in this Section and as shown in the plans at Appendix 1 necessitate a modification to Condition A2 of the consent for Stage 3B to include the amended plans prepared by Conrad Gargett in the drawing list.

3. JUSTIFICATION FOR THE MODIFICATIONS

The internal layout modifications have arisen as a result of the detailed design development of the Stage 3B North Tower at LBH, with further details provided below:

- The fire compartmentation design was revised during the design development stage following input from the project team. Conrad Gargett has advised that the altered designs include rationalisation of fire and smoke compartments to simplify and enhance fire safety strategies. This was undertaken by ensuring less exposure between compartments, reduction of dampers requiring maintenance and placement of department entry points clear of difficult-to-use fire doors. The strategy also considered a greater number of choices in emergency egress pathways in order to mitigate risk and reduced the number of specially tailored fire-engineered solutions.
- The additional public lift (lift 7) was not previously required for the Stage 3B2 North Tower. With the addition of the NTX above, and associated increase in public traffic volumes, a new public lift is required to be installed. A void/shell space was previously approved in the location of lift 7, which is now proposed to be amended to be a functioning lift.
- The modifications to internal planning on Levels 04 to 06 (inclusive) have been made in response to adjustments to columns/structural beams to accommodate the future NTX structure above. Specifically, Conrad Gargett has advised that concrete band beams with hydraulic penetrations have been rationalised to minimise encroachment into inpatient bedrooms. Furthermore, additional service riser / penetrations have been added to enable connection and supply to the NTX above (including new stormwater risers, additional services penetrations, adjustment room layouts to accommodate these changes etc).
- The modifications to the internal face of external walls are a direct result of rationalisation of the quantity of internal partitions located to glazed windows and the amended façade design. We understand that the intent was to review and modify, to minimise, the number of partitions visible from external views through the glass and to align internal partitions to revised column locations and window mullions.

The removal of the approved link bridge to Level 06 is proposed as a result of a value engineering exercise, resulting in a minor reduction in GFA and associated changes to layout, façade etc. Connections between the two (2) towers will be retained despite this modification.

The modifications to the façade design and colour scheme have arisen as a result of the design development of the Stage 3C NTX development at LBH, which as noted earlier, is the subject of a separate SSDA currently under assessment by the DPE.

4. MATTERS FOR CONSIDERATION UNDER SECTION 4.55

4.1 Overview

Section 4.55 of the Environmental Planning and Assessment Act, 1979 (the Act) confers on a consent authority the power and discretion to modify a consent granted under the Act.

The relevant provisions of the Act state:

"Modification of consents

(1A) Modifications involving minimal environmental impact. A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- b) 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) under this section, and*
- c) it has notified the application in accordance with:*
 - i. the regulations, if the regulations so require, or*
 - ii. a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*
- d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections 4.55 (3) states as follows;

"(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application."

The matters prescribed under Section 4.55 are addressed below.

4.2 Minimal Environmental Impact (Section 4.55(1A)(a))

4.2.1 Overshadowing

As the bulk and scale of the approved Stage 3B2 North Tower will remain unchanged, there will be no increase to overshadowing as a result of the proposed modifications to the Stage 3B development.

4.2.2 Visual Impact

The amendments to the internal layouts of the Stage 3B2 North Tower will not result in any visual impact.

The removal of the link bridge at Level 06, connecting the North and South Towers, will generally not be visible from the public domain.

Whilst the bulk and scale of the Stage 3B2 North Tower will remain generally unchanged (with the exception of the removal of the link bridge which is a minor element), the proposal involves aesthetic changes to the building façade of the building. The overall design intent and materiality remain the same, but the colours and façade design have been amended to better integrate with the existing South Tower and to complement the design of the future NTX development (Stage 3C, the subject of SSD 17_8963). Previously approved in a brown/bronze colour scheme, the amended Stage 3B2 North Tower façade design continues the grey tones of the existing South Tower podium and the staggered placement of windows provides variation to the overall composition of the elevation, in line with the design of the southern podium facade of the South Tower. Refer to the figures in Section 2 of this Statement for a comparison between the approved and proposed amended elevations demonstrating the change in facade design.

The photomontage below provides a view of the proposed amended façade design of the Stage 3B2 North Tower in the context of the existing south-tower and the future Stage 3C NTX above. The photomontage demonstrates how the amended Stage 3B2 North Tower façade complements the future Stage 3C NTX above but provides a variation in façade colour so as to break up the massing of the vertical scale of the North Tower (Stages 3B2 and 3C combined) into two (2) distinct forms.

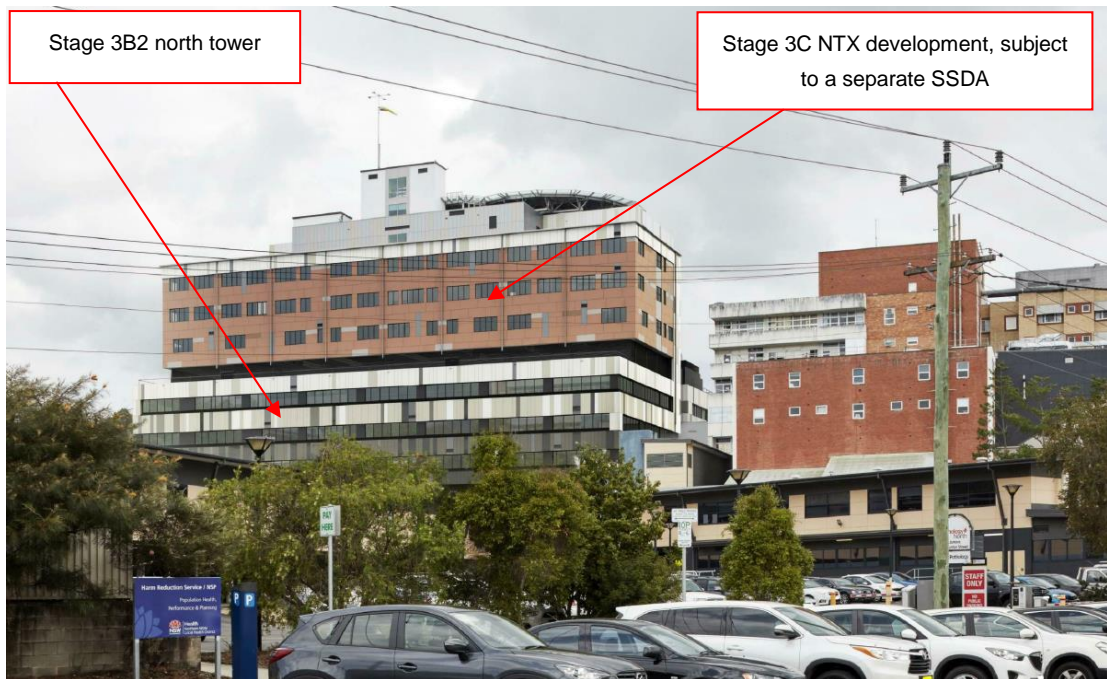


Figure 12 Photomontage of Stage 3 development at LBH (including future Stage 3C NTX proposal) (Source: Conrad Gargett)

The external changes to the design of the building facade when viewed from Uralba Street (from the south-west, south and south-east) are barely discernible in the context of the entire development (and much larger scaled existing Stage 3B tower) and would not materially change the appearance of the building within this streetscape. This is demonstrated in the photomontages on the following page. The NTX building (subject to a separate, current SSDA) is visible, but not the Stage 3B2 North Tower below.



Figure 13 First image is a view of Stage 3A/3B & future 3C (NTX) from Uralba Street looking north-west, second image is a view of Stage 3A/3B & future 3C (NTX) from Uralba Street looking north-east. The Stage 3B2 building sits below the Stage 3C NTX building and is therefore barely discernible from the streetscape (Source: CGA)

The most notable visual change will be from the north. As noted above, the introduction of a new façade design and amended colour scheme for the Stage 3B2 North Tower is intended to ensure a better integration of the building with the existing South Tower and future NTX above. The visual impact of this change is considered to be appropriate from a planning perspective for the following reasons:

- a) The amended façade design presents a more muted colour scheme which we consider “blends” more appropriately with existing (and future proposed) hospital buildings at LBH;
- b) The amended façade design retains the original design intent of using a variety of finishes and colours, to break up the massing of the building into various components, to minimise the visual impact of the building. For example, the dark grey tones are fragmented by other lighter cladding and generous glazed components to further assist in minimising visual bulk of the building;
- c) The generous approved setbacks of the building (at least 16 metres from the eastern site boundary and approximately 25 metres from the nearest residential dwelling on Little Uralba Street) will be retained, thereby maintaining adequate separation to mitigate any visual massing impact; and
- d) The approved landscaping and tree planting will be retained and will further assist in mitigating the visual impact of the Stage 3B2 North Tower and the proposed colour change to the façade.

Overall, we consider that the proposed amendments to the façade design and colour scheme for the Stage 3B2 North Tower to be appropriate as the original design intent of the approved scheme will still be achieved. The modified façade will continue to incorporate a range of materials, colours and finishes to appropriately break up the massing of the building and to complement the approved Stage 3A and 3B1 buildings (and future Stage 3C building). We are therefore satisfied that the proposed changes are minor and will not result in any adverse visual impact.

4.2.3 Traffic and Parking

As the proposed modifications, both internal and external, will not increase the intensity of the approved development (including bed and staff numbers), there will be no change to the parking demand or traffic generation associated with the approved development.

4.3 Substantially the Same Development (Section 4.55(1A)(b))

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 approved 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 Stage 3B2 North Tower and the future NTX above (subject to a separate, current SSDA). The removal of the link bridge is a minor element of the approved development and the physical connections between the two towers will be maintained in other areas. All other modifications are confined to the internal areas of the approved North Tower to provide more functionally efficient floorplates and where relevant, to ensure an appropriate corresponding external façade design (window placement etc). The internal and external modifications do not change the overall function, purpose and intensity of use of the approved building;
- 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 design intent of the approved façade design; and
- There will be no change to the setbacks, height or scale of the Stage 3B2 North Tower as a result of the proposed modifications.

With regard to the above, we therefore consider that the development (as modified) will remain substantially the same as the development that was originally approved.

4.4 Section 4.15(1) Considerations (Section 4.55(3))

The environmental assessment matters relevant to the proposed modified development under Section 4.15 (1) (a), (b), (c), (d) and (e) of the Act are addressed below.

▪ Environmental planning controls

The principal planning controls applying to the development are contained in:

- State Environmental Planning Policy (Infrastructure) 2007;
- Lismore Local Environmental Plan 2012; and
- Lismore Development Control Plan.

Since there are no substantive changes to the development proposed, the modified proposal remains consistent with the relevant provisions of those controls as detailed in the original application and as subsequently assessed by the DPE in granting the consent.

▪ Environmental impacts and site suitability

There is nothing with respect to the modifications that would result in any environmental impact (noting overshadowing, visual impact, parking and traffic are addressed in

Section 4.3 above) or affect the suitability of the site for the development as approved or as proposed to be modified.

▪ **The public interest**

No public interest issues arise due to the proposed modifications. The DPE's intentions in imposing conditions to preserve the public interest are not affected, since the proposed modifications continue to give effect to those general intentions, simply in a more practical and achievable way.

5. CONCLUSION

This application seeks approval for a Section 4.55(1A) modification to SSDA 14_6848 granted on 1 May 2015 (and subsequently modified three (3) times) for the Stage 3B redevelopment at LBH.

A comprehensive assessment of the proposed modifications to the Stage 3B2 North Tower has been made against all of the applicable environmental planning provisions. The development, as modified, is considered to be:

- Of minor environmental impact;
- Substantially the same development as that which was originally approved;
- A suitable and desirable use for the site which meets the relevant heads of consideration under Section 4.15 of the Act;
- In accordance with the relevant aims and objectives of applicable planning instruments and controls; and
- An appropriate and acceptable modification that will not generate any unreasonable environmental impacts. The assessment of the modified proposal pursuant to the relevant Section 4.15(1) evaluation criteria does not alter the assessment undertaken in the EIS and the DPE's assessment of the original development application.

We are therefore satisfied that this proposal has properly responded to all relevant matters for consideration within the EP&A Act, and the accompanying Regulations. Accordingly, it is considered that the proposed development is worthy of support by the DPE.

Should you require any further clarification or information in respect to this application, please do not hesitate to contact the undersigned on (02) 8270 3500.

Yours Sincerely,



Mel Krzus
Director



Appendix 1

Amended Architectural Plans and Photomontages prepared by Conrad Gargett



Appendix 2

Design Statement prepared by Conrad Gargett