

31/07/19

Our Ref: 19-142**Mr David Gibson (Team Leader)**

Social Infrastructure Assessments
Department of Planning, Industry and Environment
320 Pitt Street
SYDNEY NSW 2000

Dear Sir,

RE: S4.55(1A) MODIFICATION APPLICATION 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 (City Plan), 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 Department of the Department of Planning and Environment (DPE) (now known as the Department of Planning, Industry and Environment (DPIE)). 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 was determined to have 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SSD 14_6848 has been modified on four (4) occasions (Mod 1, 2 and 3) with a fifth modification application lodged but withdrawn: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.
- Mod 4 was withdrawn.
- Mod 5 related 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.

The consent applies to the land known as Lismore Base Hospital at Uralba Street, Little Uralba Street and Dalziell street, Lismore.

The subject application specifically relates to the approved Stage 3B2 North Tower.

2. PROPOSED MODIFICATION

2.1. Overview of Modifications

The proposed modifications to the approved Stage 3B2 North Tower are summarised below:

- Level 3: Reduction in the extent of plant, removal of the chiller enclosure (noting this area will become an extension to the general level 3 undercroft hardstand area), realignment of a fire passage, minor modification to the extent louvres in nominated locations, the fire passage door has been removed at 'stair 1' (to satisfy fire engineering requirements) and relocation of the door to the main plant space further north to better align with final plant layouts. Refer to the following comparative Level 3 floor plans for a visual representation of the proposed changes.

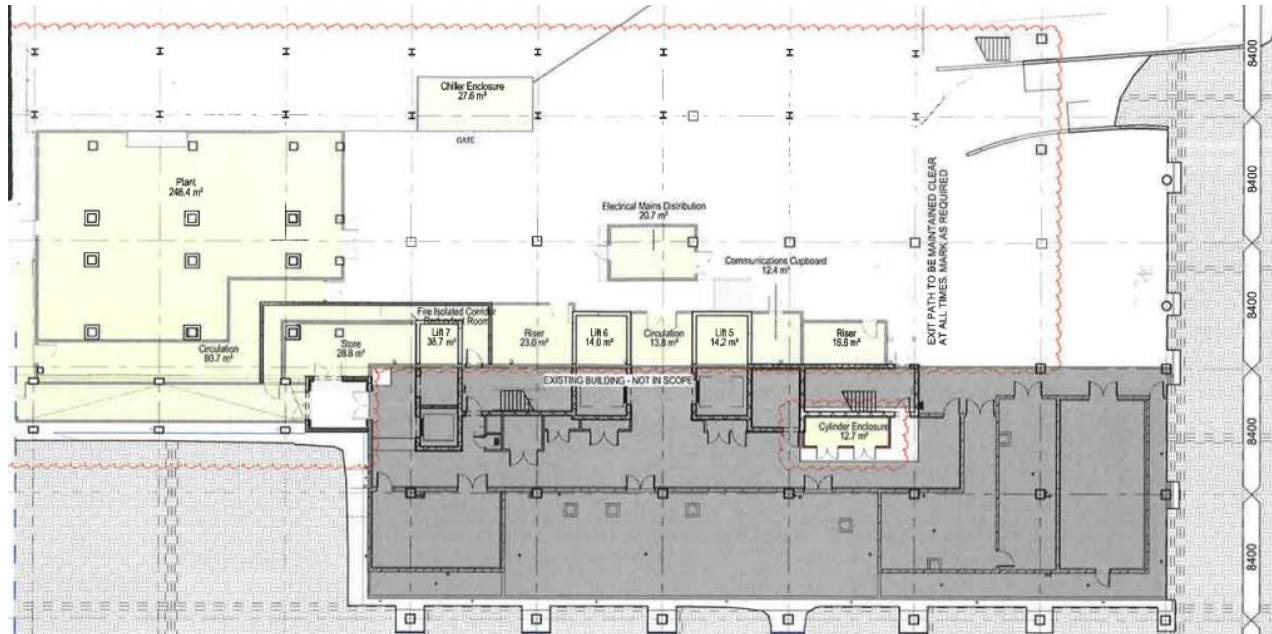


Figure 1 Approved Level 3 Plan (Source: CGA)

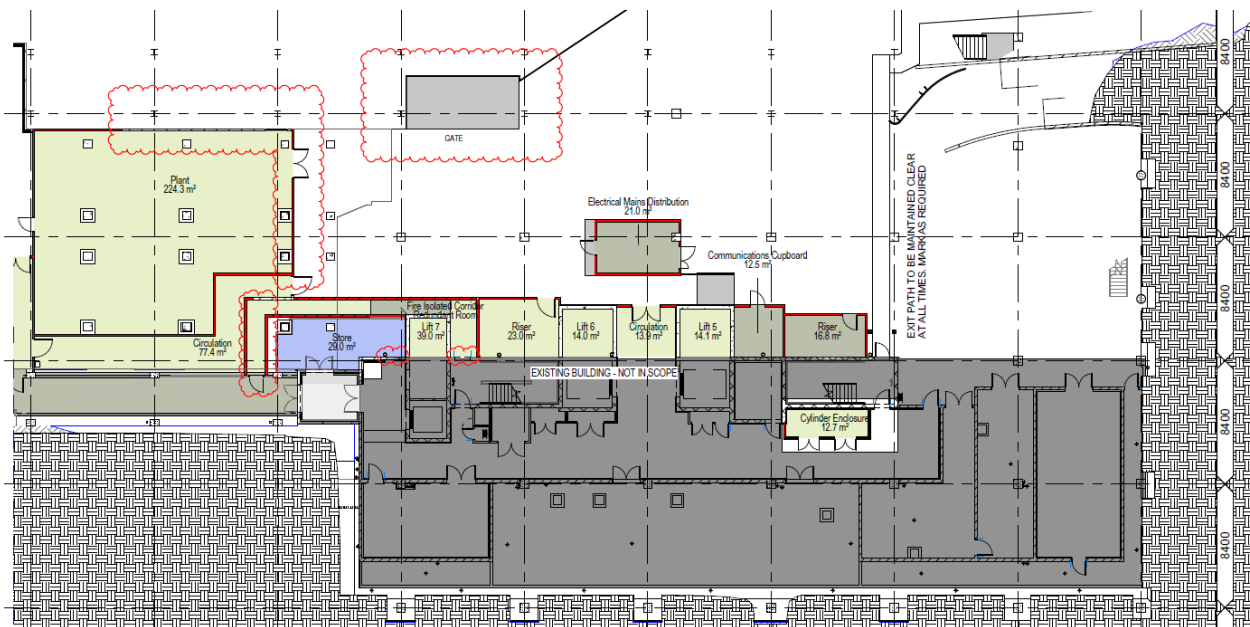


Figure 2 Proposed Amended Level 3 Plan (Source: CGA)

- Northern Façade: adjustment of the approved quench pipe location and design at Level 5, inclusion of a security gate at Level 4, minor adjustments to the wall alignment and extent of louvres within "grid C" at Level 3 (refer to attached plans for grid locations) and inclusion of mechanical relief air duct at "grid B" at Level 3;

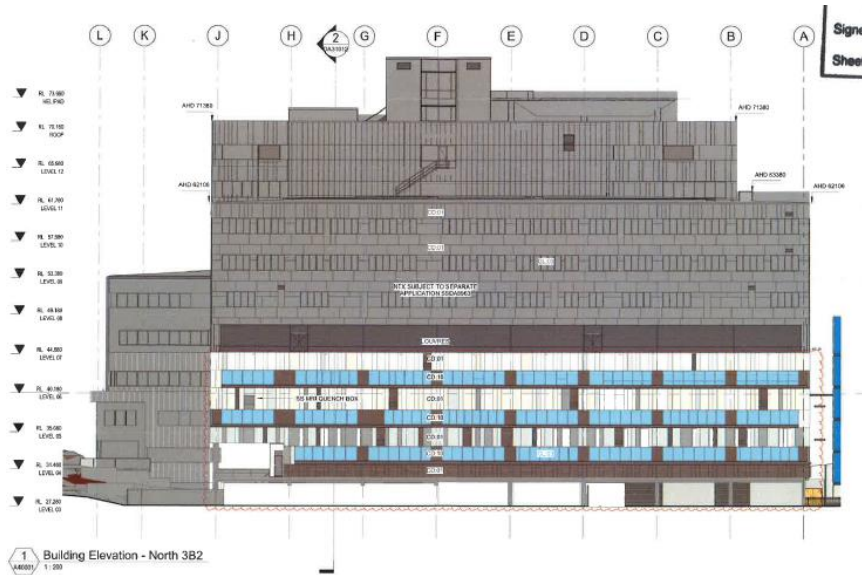


Figure 3 Approved Northern Elevation Plan (Source: CGA)



Figure 4 Proposed Amended Northern Elevation Plan (Source: CGA)

- Eastern and Western Façades: mechanical louvre added at Level 6 (within grid 6) and as above, the quench pipe box location and design has been amended at Level 5 (within grid 8), noting it is also visible from both the eastern and western elevations. Refer to the following comparative elevations for further detail.



Figure 5 Approved East and West Elevation Plan (Source: CGA)

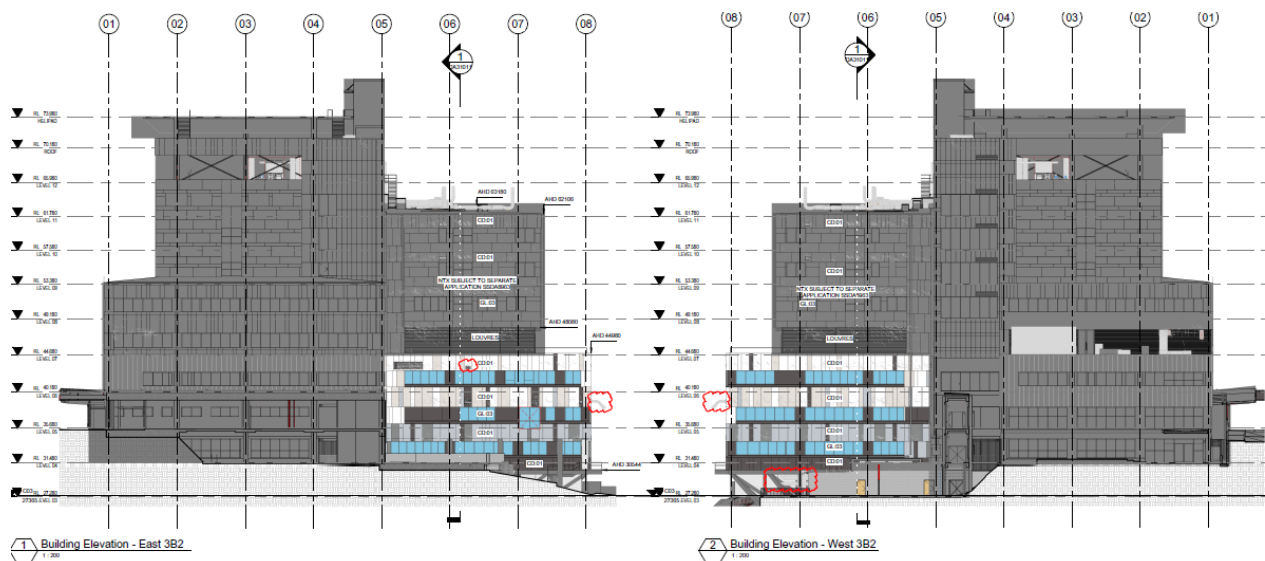


Figure 6 Amended East and West Elevation Plan (Source: CGA)

Refer to the attached amended plans prepared by CGA at Appendix 1 for further detail.

We note that the subject application has been lodged concurrently with a Section 4.55(1A) modification application. The purpose of the concurrent modification application is to seek approval for a range of changes to the approved north tower extension (NTX), being Stage 3C of the redevelopment at LBH. The NTX is a vertical extension above the approved Stage 3B2 North Tower. The SSDA reference for the approved NTX is SSD 17_8963.

2.2. Justification for the Modifications

The proposed modifications have arisen as a result of the design development of the approved Stage 3B2 North Tower.

2.3. Conditions to be Modified

The only condition that requires modification as a result of the above is Condition A2 which lists the approved plans and documents for the development.

3. MATTERS FOR CONSIDERATION UNDER SECTION 4.55

3.1. 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 4.15 (1) as are of relevance to the development the subject of the application.”

The matters prescribed under Section 4.55 are addressed below.

3.2. Minimal Environmental Impact (Section 4.55(1A)(a))

Visual Impact

The minor internal modifications at Level 3 of the Stage 3B2 North Tower will not result in any visual impact.

The external modifications to the north, east and west elevations constitute minor aesthetic changes but no change to the overall bulk and scale of the approved building. The overall design intent of the approved façade design also remains unchanged, notwithstanding the proposed minor external modifications.

Overshadowing

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

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.

3.3. 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 minor aesthetic changes to the façade or changes to the façade as a result of internal functional changes (i.e. mechanical ducting, quench pipe location etc) that have resulted from design development of the approved Stage 3B2 North Tower. 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.

3.4. 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 2012.

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 DPIE in granting the consent.

- Environmental impacts and site suitability

There is nothing with respect to the modifications that would result in any environmental impact (refer to Section 3.2 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 as a consequence of the proposed modifications. DPIE'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.

4. CONCLUSION

This application seeks approval for a Section 4.55(1A) modification to SSDA 14_6848 granted on 1 May 2015 (and subsequently modified on four (4) occasions) for the Stage 3B redevelopment at LBH. A comprehensive assessment of the proposed modifications to the Stage 3B2 North Tower, which was part of the approved Stage 3B development, 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 contact the undersigned on (02) 8270 3500.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Mel Krzus.', written in a cursive style.

Mel Krzus
Director



APPENDIX 1

Amended architectural plans