

1 May 2020

17593

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: David Gibson

Dear David,

SECTION 4.55(1A) MODIFICATION APPLICATION (MOD 4) WAGGA WAGGA BASE HOSPITAL, CORNER OF EDWARD AND DOCKER STREET, WAGGA WAGGA

This application has been prepared by Ethos Urban on behalf of NSW Health Infrastructure, pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 9033 relating to the Stage 3 Redevelopment of the Wagga Wagga Rural Referral Hospital, located on the corner of Edward Street and Docker Street, Wagga Wagga (the site).

The modification involves amendments to the design related to the relocation of the on-site generator. This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Amended Plans prepared by Jacobs (**Attachment A**).

1.0 Consent Proposed to be Modified

Development Consent SSD 9033 was granted by the (then) Minister for Planning on 18 December 2018 for:

- a six storey Ambulatory Care Building (ACB), including a rooftop plant room, above a 40-space basement carpark;
- ground floor level ancillary retail space;
- at-grade car parking for an additional 60 vehicles;
- ground level and bridge connections to the existing hospital building at Level 1 and Level 4;
- site landscaping;
- signage;
- associated public domain works and building services; and
- removal of 11 demountable buildings.

Works in accordance with SSD 9033 have commenced and are being undertaken by the appointed contractor. The following modifications to the consent have subsequently been approved:

- modification 1 – amendment to condition B7;
- modification 2 – extension to the basement car park; and
- modification 3 – insertion of staging conditions.

2.0 Proposed Modifications to the Consent

2.1 Modifications to the Development

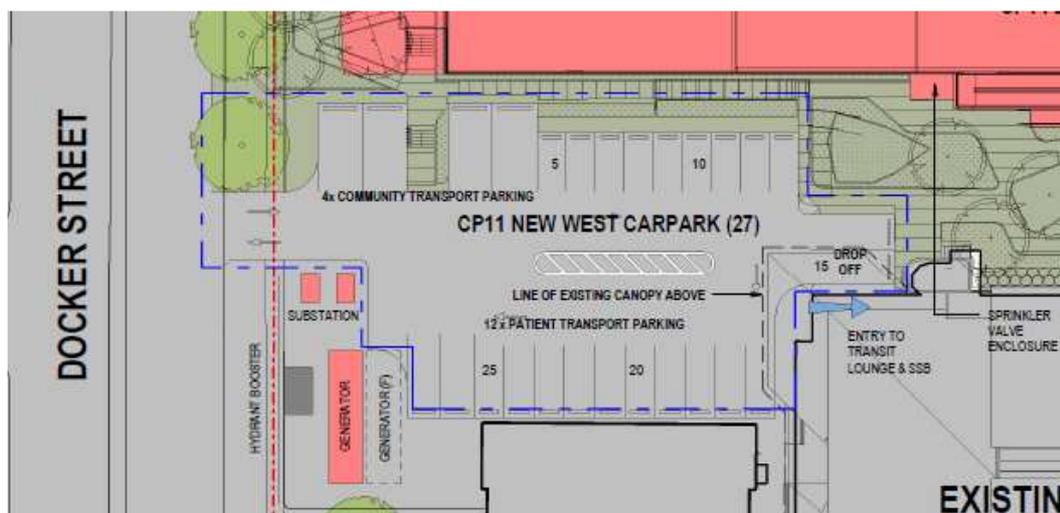
The proposed modification involves an amendment to the location of the on-site generator from in front of Harvey House, to a more appropriate location adjacent to Docker Street and the approved Stage 3 extension. The modification will also reduce the number of generators from two to one. The currently approved location of the generators will remain a grassed space as currently exists.

The relocation of the generator will result in a loss of three car parking spaces (see further discussion at **Section 4.3.1**). The overall parking requirement within WWBH will be maintained.

It will also require a concrete and colorbond enclosure, set back from the Docker St boundary, to allow continuation of the landscape border proposed for the project.

The proposed modification to the location of the generator is detailed in the amended Site Plan prepared by Jacobs (**Attachment A**) and extracted below in **Figure 1**. A new Plan showing the elevation and section view is also provided (see **Figure 2** and **Figure 3**).

Approved



Proposed

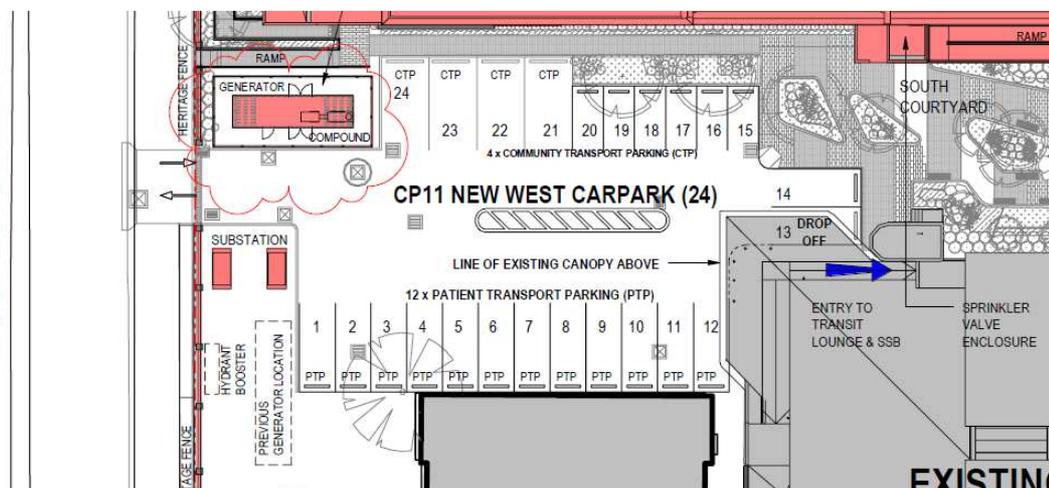
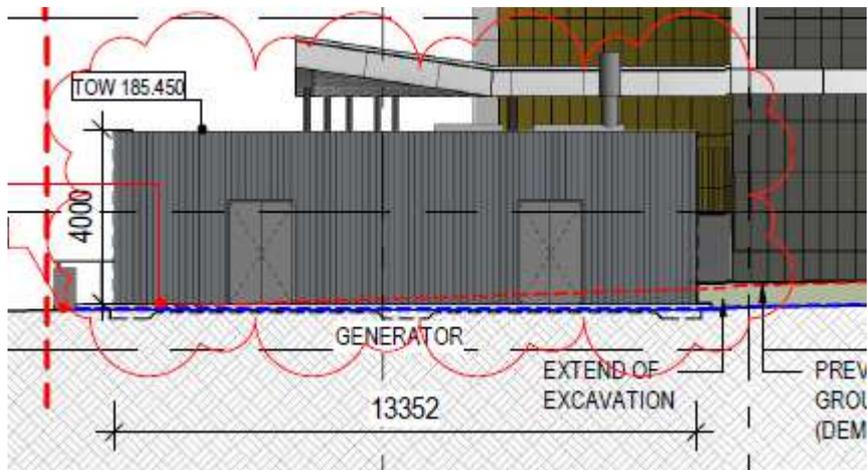


Figure 1 The approved (top) and proposed (bottom) location of generator

Source: Jacobs

South Elevation



West Elevation

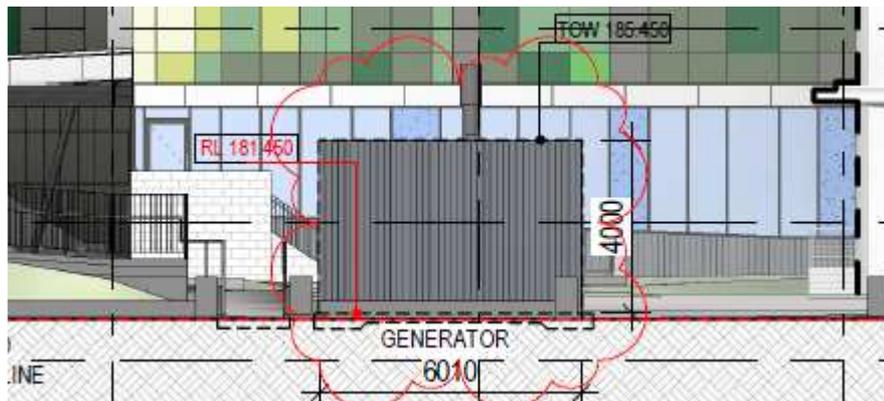


Figure 2 Elevation view of the Generator enclosure

Source: Jacobs

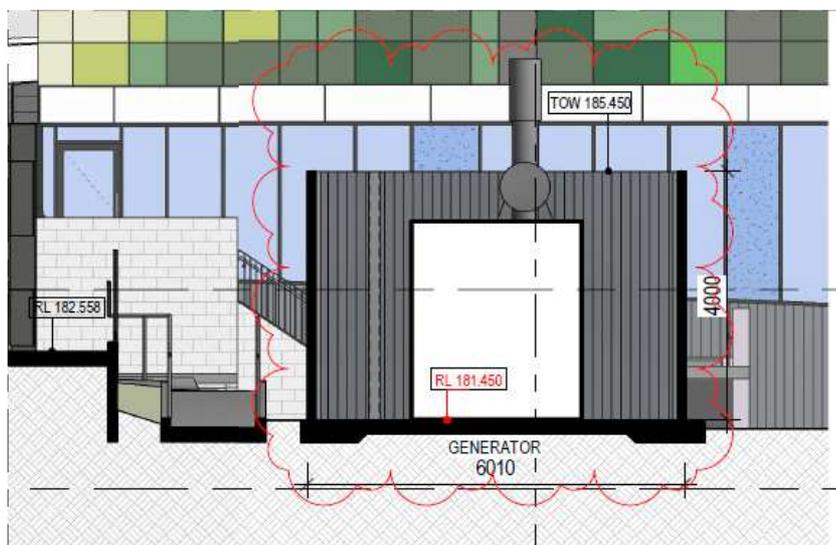


Figure 3 Section view of the Generator enclosure (with generator in centre)

Source: Jacobs

2.2 Modifications to Conditions

The proposed modification described above necessitate an amendment to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

SCHEDULE 2

Terms of Consent

A2. *The development may only be carried out:*

- (a) in compliance with the conditions of this consent;*
- (b) in accordance with all written directions of the Planning Secretary;*
- (c) generally in accordance with the EIS, Response to Submissions;*
- (d) in accordance with the approved plans in the table below:*

Architectural Plans prepared by Jacobs			
Drawing Number	Revision	Name of Plan	Date
IA172202-ACB-RB-DRG-0100	4 <i>P</i>	Site Plan – Proposed	05/10/18 <i>28/04/2020</i>
<i>A172202-ACB-RB-DRG-0102</i>	<i>D</i>	<i>ARCHITECTURAL SERVICES GENERATOR ELEVATIONS</i>	<i>30/04/2020</i>

3.0 Substantially the Same Development

Section 4.55(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 it:

- continues to provide for the redevelopment and future operation of the Wagga Wagga Rural Referral Hospital through a minor modification to the location of the generator;
- does not alter the approved development’s level of compliance with the applicable environmental planning instruments and policies;
- does not result in any additional environmental impacts beyond those considered and determined to be acceptable by granting Development Consent to SSD 9033; and
- is consistent with the mitigation measures established in the Development Consent to protect the environment from potentially adverse effects of the development.

The consent authority may therefore be satisfied that the development consent, as proposed to be modified, will remain substantially the same as the original development consent. The proposed modification of Development Consent SSD 9033 may therefore be lawfully approved under Section 4.55(1A) of the EP&A Act.

4.0 Environmental Assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under Section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under Section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Reasons Given for Granting Consent

Table 1 details how the proposed modification is consistent with the reasons given by the (then) Minister for Planning in granting Development Consent 9033.

Table 1 Consideration of consistency of Modification Application with reasons for granting original consent

Reason for Granting Consent	Consistency of the Proposed Modification
<ul style="list-style-type: none"> The project would provide a range of benefits for the region and the State as a whole, including approximately \$111 million of capital investment, the creation of 320 construction jobs and 152 operational jobs. 	The proposed modification will not diminish the benefits provided by the Stage 3 Redevelopment of the Wagga Wagga Rural Referral Hospital which will create additional construction jobs.
<ul style="list-style-type: none"> The project is permissible with development consent and is consistent with the NSW Government policies including the Riverina Murray Regional Plan 2036 as directly meeting the vision (Direction 5) to support the establishment of health precincts around Wagga Wagga Base Hospital, helping to support the growth of health and aged care sectors. 	The development, as proposed to be modified, continues to be permitted with development consent and the modification will not alter the consistency of the development with the relevant strategic documents, including Direction 5 of the Riverina Murray Regional Plan 2036.
<ul style="list-style-type: none"> The impact on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions of consent are recommended to address key impacts associated with construction and operational traffic and parking impacts, and to encourage a shift in transport modes through the preparation and implementation of a Green Travel Plan. 	The proposed modification will not result in any additional adverse impacts on the community or the environment which cannot be appropriately managed and mitigated to an acceptable level, as detailed further in Section 4.3 .
<ul style="list-style-type: none"> The issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent. 	The proposed modification would ensure additional works continue to occur in accordance with the management plans required by the development consent for key environmental issues such as traffic management, noise and air quality.
<ul style="list-style-type: none"> Weighing all relevant considerations, the project is in the public interest. 	The project will improve architectural amenity considerations to Harvey House and the project continues to be in the public interest.

4.2 Compliance with Environmental Planning Instruments

Table 2 below outlines the consistency of the development, as proposed to be modified, with the relevant legislation and environmental planning instruments.

Table 2 Modification Application’s consistency with applicable legislation and planning instruments

Legislation/Instrument	Comment
Environmental Planning Instruments	
SEPP (State & Regional Development) 2011	The proposed modification does not alter the approved development’s consistency with this instrument as outlined in the EIS.
SEPP (Infrastructure) 2007	The proposed modification does not alter the approved development’s consistency with this instrument as outlined in the EIS.
SEPP No. 33 – Hazardous and Offensive Development	The proposed modification does not alter the approved development’s consistency with this instrument as outlined in the EIS.
SEPP No. 55 – Remediation of Land	The proposed modification does not alter the approved development’s consistency with this instrument as outlined in the EIS.

Legislation/Instrument	Comment
SEPP No. 64 – Advertising Structures and Signage	There is no signage involved in this modification.
Wagga Wagga Local Environmental Plan 2010 (WWLEP)	The proposed modification does not alter the approved development’s consistency with this instrument as outlined in the EIS.

4.3 Environmental Impacts

The EIS submitted with the original State Significant Development Application (SSDA) addressed the likely impacts of the development, including:

- Built form and urban design;
- Environmental amenity;
- Transport and accessibility;
- Noise and vibration;
- Construction management;
- Non-Indigenous Heritage;
- Aboriginal cultural heritage and archaeology;
- Ecologically sustainable development;
- Waste management;
- Social and economic impact;
- Flooding and stormwater management;
- Biodiversity;
- Environmental risks;
- Ground contamination;
- Accessibility;
- Groundwater;
- Structural adequacy; and
- Public interest.

The proposed modifications to the approved development do not give rise to any material alteration to the assessment of the potential impacts that were considered and determined to be acceptable in the granting of Development Consent SSD 9033.

Supplementary assessment is undertaken for key environmental issues relevant to the proposed amendments to the relocation of the generator, which are discussed in further detail below.

4.3.1 Built Form

A new concrete and colourbond enclosure will be required to facilitate the new generator. The enclosure is open to the sky and is a requirement for all Generators. The enclosure is set back from the Docker St boundary, retaining a landscaped border.

The relocation of the generator will on balance improve the visual amenity of the locality by preserving views of Harvey House.

4.3.2 Site Preparation

There is a gradual slope in the existing topography requiring a minor cut and fill of approximately 600mm over a distance of 14m. The generator enclosure will be viewed as approx. 3.4m in height from the north side and at 4m in height from the car park to the south side. This grading of the land is minor and will have negligible impact beyond that already assessed and approved by the original SSD DA.

4.3.3 Car Parking

The proposal will require the removal of three car parking spaces from the West Car Park. A review of the campus car parking has been undertaken by the project team which has confirmed that the three parking spaces are provided elsewhere on-site, and the overall number of parking proposed by the SSD project will be delivered. This is due to miscalculation of parking within Car Park 4 by previous applications. A summary of parking supply at WWBH is provided at **Table 3** below.

Accordingly, having regard to the original Transport Assessment which accompanied the EIS for the original SSDA and the basement expansion under MOD 2, the project will exceed the required 572 parking space requirement by delivering 577 parking spaces overall.

Table 3 WWBH Parking review

	Existing Carpark (pre stage 3)	SSDA Approval 2018	Basement Carpark Modification	Generator modification	Note on current modification
Carpark - 1	138	154	154	154	
Carpark - 2	96	96	96	96	
Carpark - 3	35	35	35	35	
Carpark - 4	42	31	31	39	Additional 8 spaces provided in design finalisation of CP (3 actual additional plus 5 undercounted in the DA submission)
Carpark - 5	14	14	14	14	
Carpark - 6	6	6	6	6	
Carpark - 7	15	15	15	15	
Carpark - 8	15	15	15	15	
Carpark - 9	13	13	13	13	
Carpark - 10	45	45	45	45	
Carpark - 11	8	27	27	24	Reduction of 3 spaces to accommodate generator
Carpark - 12	13	13	13	13	
Carpark - 13	0	36	36	36	
Carpark - 14	0	40	72	72	
Total	440	540 (+100)	572 (+32)	577 (+5)	

Source: NSW Health Infrastructure

4.3.4 Heritage

It is noted that Wagga Wagga Base Hospital (c1960 building) is listed as a local heritage item under the Wagga Wagga LEP 2010. Whilst listed, the building was demolished in 2017.

Harvey House does not have formal heritage listing, however the building is known for being a fine example of the Interwar Free Classical Style. Overall, the proposal will result in an improved architectural amenity outcome by relocating the generator from in front of the Harvey House to a more appropriate location adjacent to the Stage 3 development.

4.4 Suitability of the Site

The site remains suitable for the Stage 3 Redevelopment of the Wagga Wagga Rural Referral Hospital (SSD 9033), as proposed to be modified, for the reasons outlined in the EIS lodged with the original SSDA.

4.5 The Public Interest

The proposed modifications to the approved development are in the public interest as the works will result in a better heritage outcome with no parking or traffic impacts.

5.0 Conclusion

The proposed modifications involve amendments to the design related to the relocation of the on-site generator. In accordance with Section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed modification is of minimal environmental impact;
- substantially the same development as development for which the consent was granted; and
- the proposed modification is in the public interest.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Chris McGillick
Principal, Planning