

10 April 2021

17593

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
12 Darcy Street
PARRAMATTA NSW 2150

Attention: David Gibson

Dear David,

SECTION 4.55(1A) MODIFICATION APPLICATION (MOD 5) 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 a reconciliation of campus car parking and makes amendments to the design related to the layout of car park CP4, CP7, CP9 and CP13. Notwithstanding the proposed modification, parking provided across the campus continues to exceed the parking demand identified under SSD 9033.

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**).
- Traffic Statement prepared by GTA Consultants (**Appendix B**).

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;
- modification 3 – insertion of staging conditions; and
- Modification 4 – relocation of generator.

2.0 Background

2.1.1 Stage 3 car parking reconciliation and status

The Stage 3 SSD construction works are progressing, with the current works shown at **Figure 1** below (2 December 2020). The below image shows staged construction occurring to manage on-site parking during the redevelopment program. As the construction program approaches a conclusion, Health infrastructure has undertaken a reconciliation of parking across the campus and this modification seeks to make minor modifications accordingly (as described at **Section 3.1**).

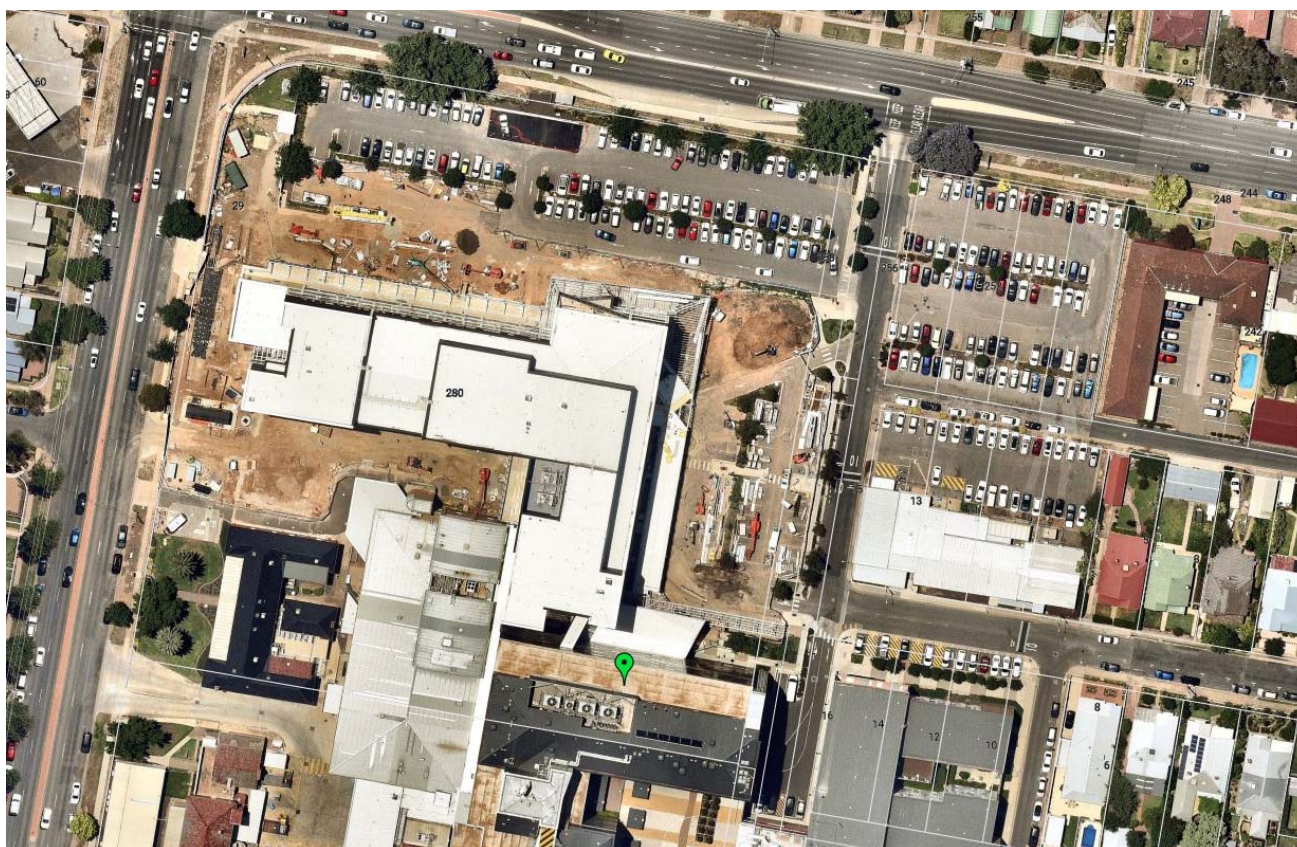


Figure 1 Aerial photograph of Wagga Wagga Base Hospital (Stage 3 redevelopment) – 2 December 2020

Source: Nearmaps

2.1.2 Separate Multi-storey car park project

Separate to the Stage 3 Hospital works, Health Infrastructure is progressing a project to further increase car parking (beyond the SSD 9033 requirements) at WWBH. On 25 February 2021, a development application (DA20/0708) was approved by the Southern Regional Planning Panel for car parking works, including a new multi-storey car park (MSCP), two at-grade car parks and access upgrades at Wagga Wagga Base Hospital.

The MSCP application approved provision of 441 new parking spaces on the campus across three areas, comprising:

- a 6 level MSCP in the north-east of the campus.
- an at-grade car park off Docker Street in the south-west of the campus.
- an at-grade car park off Yathong Street in the south-east of the campus.

The MSCP site plan is shown at **Figure 2** Below.

It is re-stated that the SSD 9033 Stage 3 parking requirements are independent of the MSCP project.

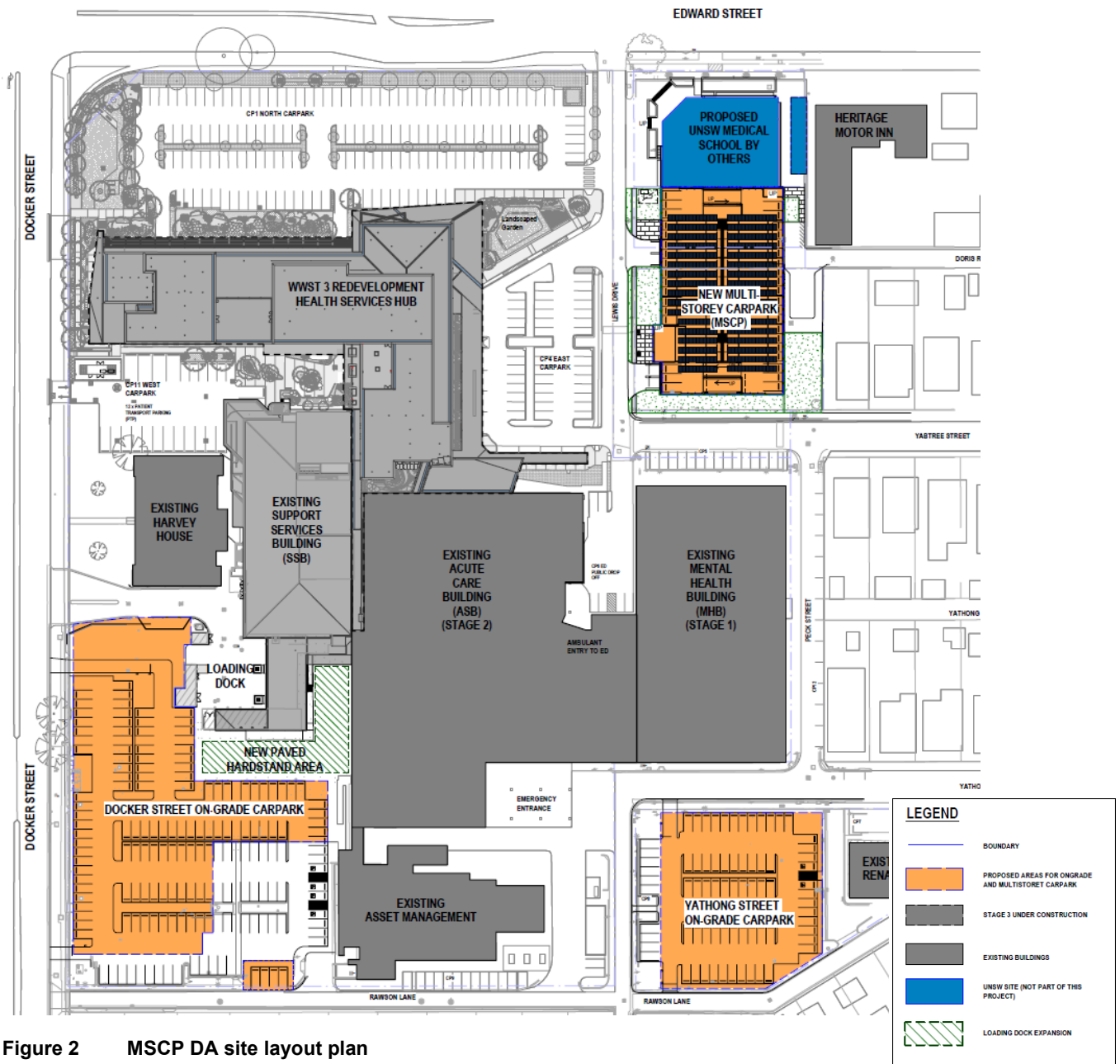


Figure 2 MSCP DA site layout plan

Source: Jacobs

3.0 Proposed Modifications to the Consent

3.1 Description of Modification

This modification proposes amendments to the car parking layout in the forecourt carpark (CP4) and the availability of parking in the eastern car park (CP13) at the end of the Stage 3 project.

This modification also seeks to modify CP7 and CP9, to correct errors on the Architectural Plans (following a reconciliation of parking carried out by Health Infrastructure) and to reflect the parking supply available within those car parks.

3.2 Modifications to the Development

The proposed modification to SSD 9033 involves an amendment to car park CP 13 and CP4 as follows:

Car Park 4

- Amendments are proposed to retain and maximise parking and to better allocate car parking uses adjacent to the main Hospital entry. The design changes include:
 - Conversion of landscaping to create space for 9 car parking spaces; and
 - Conversion of 4 parking spaces to drop off spaces.

Car Park 13

- The existing temporary clinics demountable building is proposed to remain in place to address operational needs of the Hospital, which will remove 36 car parking spaces from campus parking supply proposed under Stage 3.

Car Park 7

- No development is proposed in CP7. The modification to the Architectural Plan reflects the available parking in CP7.

Car Park 9

- No development is proposed in CP9. The modification to the Architectural Plan reflects the available parking in CP7.

The proposed modification is detailed in the amended Site Plan prepared by Jacobs (**Attachment A**).

The modification to CP4 and CP13 showing the existing (approved) layout and proposed (amended) layout at **Figure 3** and **Figure 4**.

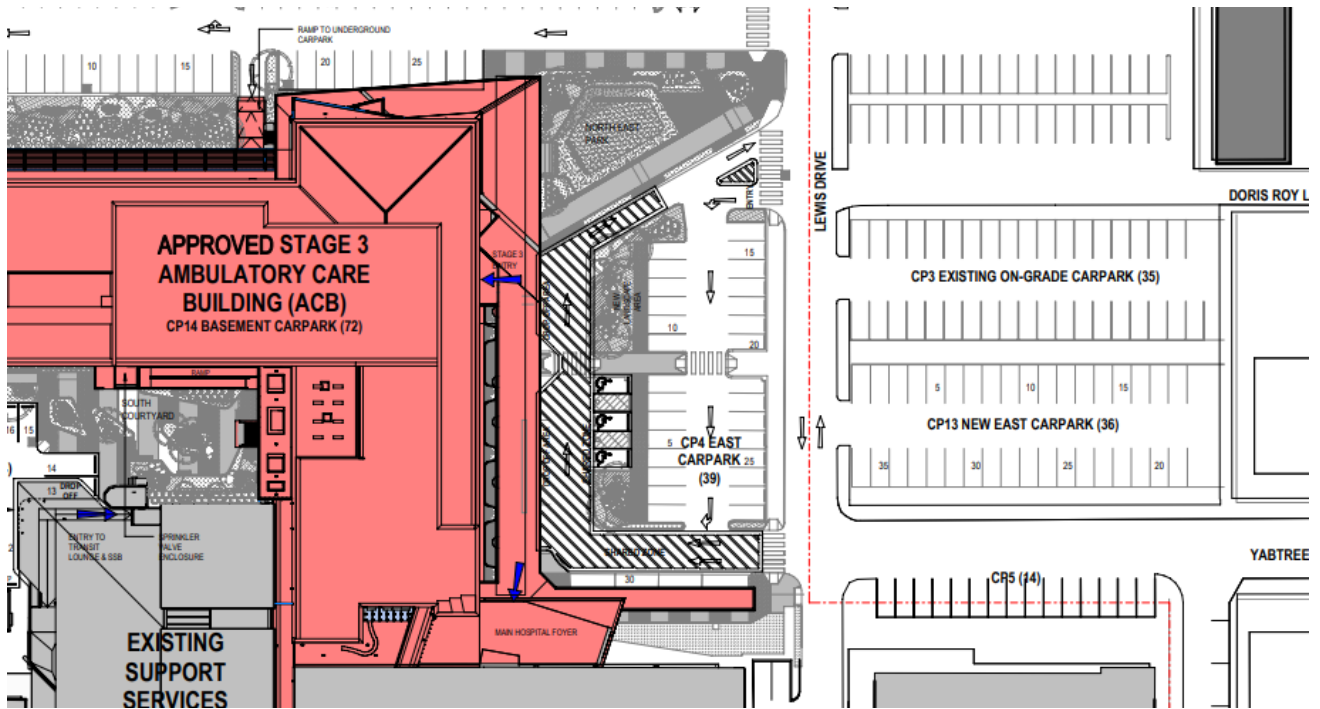


Figure 3 Approved MOD 4 layout

Source: Jacobs

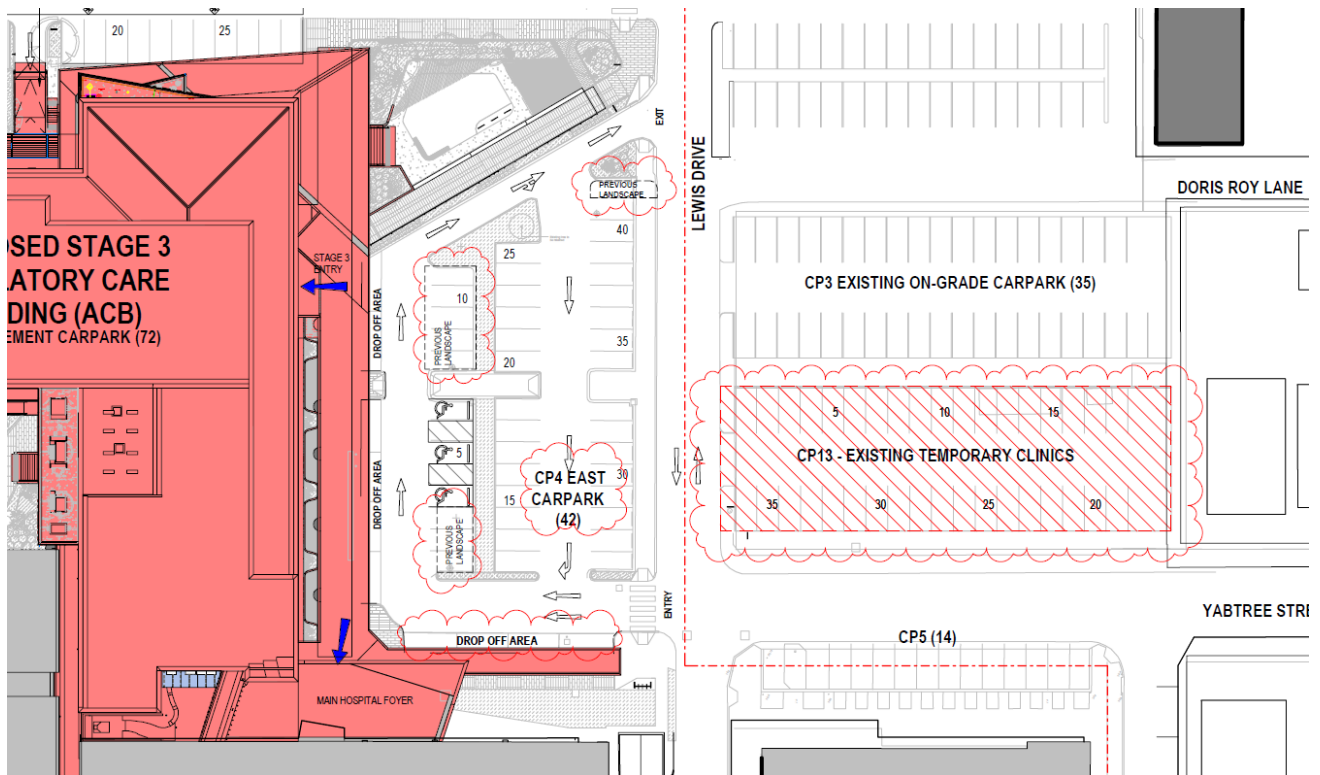


Figure 4 Proposed layout

Source: Jacobs

3.3 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 | P 9 | Site Plan – Proposed | 28/04/2020 26/03/2021 |

4.0 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 arrangement of car parking;
- provides a car parking solution that will enable the Hospital to meet its operational requirements while still facilitating an overall increase in parking;
- 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.

5.0 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.

5.1 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 5.3 . |
| <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 ensure the Hospital can meet its operational requirements and the project continues to be in the public interest. |

5.2 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. |

| Legislation/Instrument | Comment |
|---|--|
| 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. |
| 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. |

5.3 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.

5.3.1 Landscaping

The modification will remove a small amount of landscaping within CP4 to enable the retention of additional car parking close to the Hospital main entry. The modification will deliver an improved outcome within CP4 as:

- The landscaping was not accessible or useable space as it is within the operational car park and primary vehicle circulation path which is a hazards for pedestrians;
- The landscape extent is minor (123m²) and the change to car parking provides improved patient and visitor experience by providing more parking closer to the Hospital entry enabling the public, and especially those with ambulatory difficulties are provided with better and more convenient access; and
- There are multiple new landscaped and publicly accessible open space areas throughout the campus that provide alternative spaces for staff and the public to enjoy.

5.3.2 Car Parking

The parking demand for the Stage 3 development was established under the Parking Demand Analysis (as submitted with the original SSD 9033). The demand study required an additional 95 car parking spaces be provided to address the increase in additional staff and bed numbers resulting from the Stage 3 works.

Since the approval of SSD9033, three subsequent modifications have been made to the approval as outlined in **Table 3** below. The requirement for 95 parking spaces continues to be achieved notwithstanding the modifications proposed under this application and 108 parking spaces will be delivered.

The proposed modification will not result in any adverse impact to the proposed traffic operating conditions (see **Appendix B**).

Table 3 WWBH Parking review

| Car Park | Existing Car Parking on site prior to Stage 3 SSD9033 | Proposed under SSD9033 2018 | SSD9033 Mod 2 Basement Extension | SSD9033 Mod 4 Generator Relocation | SSD9033 Mod 5 - end of Stage 3 Project |
|--------------------------------|---|-----------------------------|----------------------------------|------------------------------------|--|
| CP1 | 138 | 154 | 154 | 154 | 154 |
| CP2 | 96 | 96 | 96 | 96 | 96 |
| CP3 | 35 | 35 | 35 | 35 | 35 |
| CP4 | 42 | 31 | 31 | 39 | 42 |
| CP5 | 14 | 14 | 14 | 14 | 14 |
| CP6 | 6 | 6 | 6 | 6 | 6 |
| CP7 | 15 | 15 | 15 | 15 | 8 |
| CP8 | 15 | 15 | 15 | 15 | 15 |
| CP9 | 13 | 13 | 13 | 13 | 24 |
| CP10 | 45 | 45 | 45 | 45 | 45 |
| CP11 | 8 | 27 | 27 | 24 | 24 |
| CP12 | 13 | 13 | 13 | 13 | 13 |
| CP13 | - | 36 | 36 | 36 | 0 |
| CP14 | - | 40 | 72 | 72 | 72 |
| +/- | | +100 | +32 | +5 | -29 |
| Total | 440 | 540 | 572 | 577 | 548 |
| Parking Demand Analysis | | | | | |
| Required | | 95 | 95 | 95 | 95 |
| Proposed | | 100 | 132 | 137 | 108 |

Source: GTA Consultants

5.4 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.

5.5 The Public Interest

The proposed modifications to the approved development are in the public interest as the works will result in an orderly construction program that will assist the Hospital with delivery of significant infrastructure improvements.

6.0 Conclusion

The proposed modifications involve amendments to the design related to the layout and supply of parking of car parking at CP4, CP7, CP9 and CP13. 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