

10 November 2021

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
GPO Box 39, Sydney NSW 2001

Section 4.55(1A) Modification to SSDA 9036 – Concord Hospital Redevelopment – MOD 7

Architecture
Urban Design
Planning
Interior Architecture

Dear Mr Betts,

This letter provides planning assessment for proposed modifications to the approved State Significant Development Application (SSD No. 9036) at Concord Repatriation General Hospital. Specifically, a Section 4.55(1A) Modification is sought on behalf of Health Infrastructure NSW (the Principal) for Concord Hospital Redevelopment.

1. Introduction

A Modification application (Modification 7, hereafter “MOD 7”) is sought under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to make changes to the Multi-Storey Car Park (MSCP) at Concord Repatriation General Hospital under SSD No. 9036. The proposed changes include:

- Revised wording of the description of development and conditions of consent;
- Removal of trees; and
- New landscaping works.

The Concord Hospital Redevelopment is currently under construction, being undertaken by Roberts Pizzarotti (the lead contractor). It is noted that construction of the MSCP is scheduled to commence in April 2022.

Changes are proposed to the application for the following reasons:

- Existing conditions of consent require all proposed buildings in the development are designed and operated to 4-star Green Star rating, however MSCPs are ineligible buildings for the Green Star rating system;
- Changes are required to existing condition D28 as the proposed MSCP and associated access will displace more existing on-grade car parking than anticipated. However, there will be still be adequate supply of car parking maintained at the campus during and post construction;
- The approved MSCP and on-grade carpark have existing trees within their proposed footprint and access which were not factored into previous assessment and are required to be removed; and
- Landscaping changes attributed to design development.

1.1. Background

Approved development

SSD No. 9036 was approved by the Minister for Planning on 28/02/2019 for the following development:

Concord Repatriation General Hospital redevelopment (Concept and Stage 1), comprising:

- *Stage 1 development:*

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- *Demolition of buildings and structures*
- *New 44,000 sqm, six storey Clinical Service Building*
- *New five storey car park accommodating 590 cars*
- *Temporary 300 space on-grade car park*
- *Landscaping*
- **Stage 2 Concept:**
 - *New 38,000sqm, eight storey Acute Services Building*
 - *New five storey car park for approximately 520 cars*

Subsequent Section 4.55 modifications were approved or withdrawn as follows:

Table 1 Section 4.55 modifications to SSD No. 9036

Modification	Description	Date approved
Modification 1	Correct minor administrative errors	11/04/2019
Modification 2	Deletion of condition	N/A - withdrawn
Modification 3	Staging of construction	19/12/2019
Modification 4	Cooling tower relocation and minor design refinements	27/04/2020
Modification 5	Minor Design Changes	21/09/2020
Modification 6	Reconfiguration of radiation oncology use	30/06/2021

2. Description of the modification

The scope of the proposed modification includes:

- Amend the description of development;
- Revise wording under Conditions of Consent B22, B23, C43 and D28;
- Removal of ten (10) additional trees; and
- Landscaping works at the new MSCP and on-grade car park.

Modifications have been made to architectural plans and landscape plans arising from the proposed modification works (refer to **Attachment A** for proposed architectural plans and **Attachment B** for proposed landscape plans).

2.1. Rationale / justification

The rationale and justification for the scope of the proposed modification are detailed below.

Revise wording under Conditions of Consent B22, B23 and C43

Conditions of Consent B22, B23 and C43 relate to the applicability of a Green Star building rating system to SSD No. 9036 which is comprised of a new Clinical Services Building (CSB) and MSCP. These Conditions of Consent infer that the new MSCP is required to achieve a minimum 4 star Green Star rating with the Green Building Council Australia; however, the MSCP is not an eligible development type to be subject to the green building rating system.

An Ecologically Sustainable Development (ESD) Statement has been prepared by Stantec Australia Pty Ltd at **Attachment C**. It details that Green Star eligibility is intended to rate new

buildings and major refurbishments, such as the CSB. The Green Star building rating system benchmarks the performance of interacting elements including occupants, building fabric and building systems—carparks do not include all of these elements.

In addition, the Green Star Design & As-Built Submission Guidelines state 'all BCA space use definitions are eligible for certification apart from parking garages (BCA Class 7a and 10)' in its building type eligibility requirements section.

As such, MOD 7 proposes to revise the wording of these Conditions of Consent, given the MSCP is ineligible to the Green Star building rating system. For further detail, refer to the ESD Statement prepared by Stantec Australia Pty Ltd at **Attachment C**.

The wording of Condition of Consent B22 is proposed to be amended, with changes shown in red text, as follows:

Prior to the commencement of construction, the Applicant must submit details of all design measures to the satisfaction the Certifying Authority demonstrating the ~~proposal~~ Clinical Services Building and Acute Services Building incorporates ecologically sustainable development initiatives as outlined in the statement prepared by Wood and Grieve Engineers dated 27.06.18 to target the equivalent of a minimum 4 Star Green Star rating

The wording of Condition of Consent B23 is proposed to be amended, with changes shown in red text, as follows:

Prior to the commencement of construction, the Applicant must submit details of all design measures to the satisfaction the Certifying Authority demonstrating the ~~proposal~~ Clinical Services Building and Acute Services Building incorporates ecologically sustainable development initiatives as outlined in the statement prepared by Wood and Grieve Engineers dated 31 October 2018 to target the equivalent of a minimum 4 Star Green Star rating.

The wording of Condition of Consent C43 is proposed to be amended, with changes shown in red text, as follows:

Green Star Rating

Within 6 months of commencement of construction for the Clinical Services Building and Acute Services Building, the Applicant must register for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifying Authority, unless the NSW Health Engineering Services Guidelines are updated demonstrating equivalency with an accredited rating scheme to the satisfaction of the Planning Secretary.

Revise wording under Condition of Consent D28

A Traffic Statement has been prepared by Arup for the proposed rewording of the description of development and Condition of Consent D28, at **Attachment D**. Condition of Consent D28 is proposed to be amended, with changes shown in red text, as follows:

The following parking spaces provisions are required to be made available on-site to meet the Stage 1 campus masterplan parking demands:

- (a) A minimum of 300 car parking spaces are to be provided within the temporary car park including accessible spaces within 12 months from the date of commencement of occupation of the CSB.*
- (b) Following completion of the temporary carpark, the carpark north of Hospital Road will be subject to:*
 - (i) Removal of no more than 300 existing on-grade spaces during the construction of the MSCP works*
 - (ii) A minimum of 590-550 car spaces within the new MSCP*
 - (iii) Reinstatement and modification as necessary of all surrounding on-grade parking affected by the MSCP works to meet the minimum Stage 1 campus masterplan parking demands*
- (c) 40 bicycle parking spaces.*

(d) all carparking modified and provided in the project is to be made compliant with AS2890

The proposed amendment to the wording of Condition of Consent D28 is required to ensure that the 2,381 campus parking demand for Stage 1 of the Concord Hospital Redevelopment can be met. To meet the Stage 1 demand of 2,381 parking spaces, the intention of the new MSCP is to build it over the existing Hospital Road on-grade car park; as such, this displaces some of the existing on-grade parking spaces to deliver more spaces in a multi-storey structure, in accordance with **Figure 1** and **Figure 2** below.

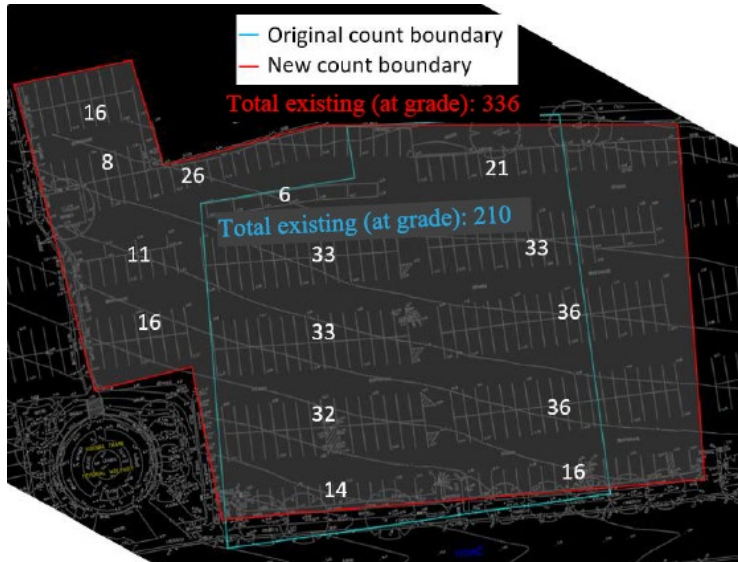


Figure 1 Total number of parking spaces at the existing Hospital Road on-grade car park
Source: Arup

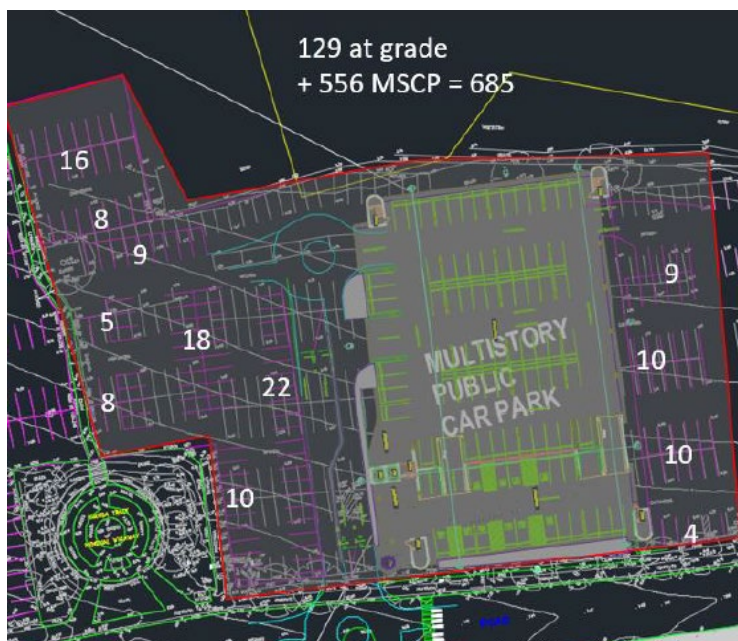


Figure 2 Total number of parking spaces remaining at the Hospital Road on-grade car park after the new MSCP is developed
Source: Arup

Additionally, the provision of the new MSCP footprint and associated access road would result in permanent changes to the existing adjacent car park (shown in purple at **Figure 2**). From the on-grade car parking adjustments alone (without consideration of the new MSCP), there will be the removal of 207 on-grade spaces to accommodate the new MSCP and associated access road. A minimum of 550 new car parking spaces (or total of 556 spaces according to current design) will be provided within the MSCP footprint.

A summary of how the car parking demand for Stage 1 will be met is detailed in **Table 2**.

Table 2 Car parking summary for Concord Hospital Redevelopment Stage 1

Source: Arup

Phase	Change +/-	Campus parking supply	Estimated campus parking demand	Number of additional spaces required to meet campus parking demand
Existing	-	1,957	2,008	51
Losses during Stage 1 building construction	-100*	1,857	2,008	151
Ramp wards demolished and temporary on-grade car park built	+300	2,157	2,381	224
MSCP Stage 1 construction	-336	1,821	2,381	560
MSCP completion	+685	2,506	2,381	0

*Approximate number with reduction of car parking across the Stage 1 redeveloped site

This estimated campus parking supply is similar to the campus parking supply provided in the SSDA (Section 4.2.5) which allowed for a total of 2,539 car parking spaces by the end of Stage 1. The above table provides for 2,506 campus parking supply at completion.

Refer to the Traffic Statement prepared by Arup at **Attachment D** for further detail including supporting traffic assessment.

Amend the description of development

The description of development approved under SSD No. 9036 is proposed to be amended, to align with the revised wording of Condition of Consent D28 (as described above). Condition of Consent D28 relates to the number of car parking spaces provided as part of the new MSCP.

The description of development is proposed to be amended, with changes shown in **red** text, as follows:

Concord Repatriation General Hospital redevelopment (Concept and Stage 1), comprising:

- *Stage 1 development:*
 - *demolition of buildings and structures*
 - *new 44,000 sqm, six storey Clinical Service Building*
 - *new five storey car park accommodating a minimum of 550 ~~590~~ cars*
 - *temporary minimum 300 space on-grade car park*
 - *landscaping.*
- *Stage 2 concept:*
 - *new 38,000 sqm, eight storey Acute Services Building*
 - *new five storey car park for a minimum of 500 ~~approximately 520~~ cars.*

Removal of 10 additional trees

Ten (10) additional trees are proposed for removal as part of SSD No. 9036 (being Tree No. 10, 15, 16, 17, 150, 155, 156, 162, 163, and 164). These trees are located within the building footprint of the MSCP and on-grade carpark, as such their removal is required.

For an assessment of impacts to trees, landscaping and ecology, refer to **Section 5.3** below.

Landscaping works at the new MSCP and on-grade car park

Landscaping works are proposed to the new MSCP as a result of design development. Landscaping works include planting of ten (10) additional trees, paving works, shrubs, and grass, and groundcover planting to the perimeter of the new MSCP and at the on-grade car park. These works would minimise impact from the proposed tree removal, result in approved visual amenity, and also contribute to urban tree canopy at Concord Repatriation General Hospital.

Refer to the Revised Landscape Plans prepared by Site Image, at **Attachment B**.

2.2. Changes to conditions of consent

Table 3 summarises the changes required to conditions of consent as a result of the proposed modification works. The affected conditions are Schedule 1, B22, B23, C43 and D28, and architectural plans and landscape plans at Condition A2 of SSD-9036-Mod-6. There are no other conditions requiring modification. Changes are shown in red.

Table 3 Changes to Condition of Consent

Schedule 1 Description of Development			
<i>Concord Repatriation General Hospital redevelopment (Concept and Stage 1), comprising:</i>			
– <i>Stage 1 development:</i>			
o <i>demolition of buildings and structures</i>			
o <i>new 44,000 sqm, six storey Clinical Service Building</i>			
o <i>new five storey car park accommodating a minimum of 550 599 cars</i>			
o <i>minimum temporary 300 space on-grade car park</i>			
o <i>landscaping.</i>			
– <i>Stage 2 concept:</i>			
o <i>new 38,000 sqm, eight storey Acute Services Building</i>			
o <i>new five storey car park for a minimum of 500 approximately 529 cars.</i>			
Condition A2			
Architectural Drawings prepared by Jacobs			
Dwg No.	Rev	Name of Plan	Date
IA064700-NEWB-AR-DRG-00	7	Cover Sheet	18/05/21
	8		24/09/21
IA064700-NEWB-AR-DRG-0002	4	Demolition Plan	11/07/18
IA064700-NEWB-AR-DRG-0005	25	Proposed Site Plan	18/05/21
	27		24/09/21
IA064700-NEWB-AR-DRG-0050	13	Overall Plan—Basement	18/05/21
IA064700-NEWB-AR-DRG-0051	9	Overall Plan—Lower Ground	22/06/18
	11		24/09/21
IA064700-NEWB-AR-DRG-0052	9	Overall Plan—Ground Level	22/06/18
	11		24/09/21
IA064700-NEWB-AR-DRG-0053	10	Overall Plan—Level 1	10/08/20

IA064700-NEWB-AR-DRG-0054	10	Overall Plan—Level 2	10/08/20
IA064700-NEWB-AR-DRG-0055	10	Overall Plan—Level 3	10/08/20
IA064700-NEWB-AR-DRG-0056	10	Overall Plan—Level 4	10/08/20
IA064700-NEWB-AR-DRG-0057	10	Overall Plan—Level 5	10/08/20
IA064700-NEWB-AR-DRG-0058	11	Overall Plan—Level 6	10/08/20
IA064700-NEWB-AR-DRG -0059	6	Overall Plan—Level 7	22/06/18
IA064700-NEWB-AR-DRG-7001	M	Elevation—North & South	27/07/20
IA064700-NEWB-AR-DRG-7002	K	Elevation—East & West	27/07/20
IA064700-NEWB-AR-DRG-7003	F	Elevation—IUP 1 East & IPU 2 West	20/02/20
IA064700-NEWB-AR-DRG-7004	14	Elevation—IUP 2 East & IPU 3 West	13/07/18
IA064700-NEWB-AR-DRG-7101	F	Section Sheet 1	20/02/20
IA064700-NEWB-AR-DRG-7102	K	Section Sheet 2	18/05/21
IA064700-NEWB-AR-DRG-7103	6	Section Sheet 3	13/07/18
IA064700-NEWB-AR-DRG-7104	6	Section Sheet 4	13/07/18
IA064700-NEWB-AR-9030	V08	Section 3.9 Material Selection	17/04/20
IA064700-NEWB-AR-DRG-15B2	N	GA—Basement Level Zone 2 RL 4.0	18/05/21
IA064700-NEWB-AR-DRG-15G2	E	GA—Ground Level Zone 2	20/02/20
IA064700-NEWB-AR-DRG-15L2	F	GA—Lower Ground Level Zone 2	20/02/20
IA064700-NEWB-AR-DRG-1512	E	GA – Level 1 Zone 2	27/07/20
IA064700-NEWB-AR-DRG-1522	F	GA—Level 2 Zone 2	27/07/20
IA064700-NEWB-AR-DRG-1532	F	GA – Level 3 Zone 2	27/07/20
IA064700-NEWB-AR-DRG-1542	D	GA – Level 4 Zone 2	27/07/20
IA064700-NEWB-AR-DRG-1552	D	GA – Level 5 Zone 2	27/07/20
IA064700-NEWB-AR-DRG-1562	D	GA—Level 6 Zone 2	14/08/20
IA064700-NEWB-AR-DRG-1572	D	GA—Roof Zone 2	27/07/20
Multistorey Car Park			
IA064700-MSCP-AR-DRG-0000	11	Cover Sheet	24/09/21
IA064700-MSCP-AR-DRG-0101	5	Proposed Site Plan	12/04/18
	13		24/09/21
IA064700-MSCP-AR-DRG-1500	5	Floor Plan—Ground level	12/04/18
	13		24/09/21
IA064700-MSCP-AR-DRG-1501	4	Floor Plan—Level 1	12/04/18
	12		24/09/21
IA064700-MSCP-AR-DRG-1502	4	Floor Plan—Level 2	12/04/18

	11		24/09/21
IA064700-MSCP-AR-DRG-1503	5 12	Floor Plan—Level 3	12/04/18 24/09/21
IA064700-MSCP-AR-DRG-1504	-4 11	Floor Plan—Level 4	12/04/18 24/09/21
IA064700-MSCP-AR-DRG-1505	-4 11	Floor Plan—Level 5	12/04/18 24/09/21
IA064700-MSCP-AR-DRG-4001	4	Elevation—North & South	12/04/18
IA064700-MSCP-AR-DRG-4002	4	Elevation—East & West	12/04/18
IA064700-MSCP-AR-DRG-4011	4	Section Sheet 1	12/04/18
IA064700-MSCP-AR-DRG-4012	4	Section Sheet 2	12/04/18
Landscape Design Development Plans prepared by Site Image Landscape Architects			
MSCP-LS-DRG-000	C	Landscape Cover Sheet	25/10/21
SS15-3002-NEWB-LS-DRG-101 MSCP-LS-DRG-101	2 D	On-grade Car Park	21/06/18 05/11/21
SS15-3002-NEWB-LS-DRG-102 MSCP-LS-DRG-102	2 D	Multi Storey Car Park	21/06/18 05/11/21
SS15-3002-NEWB-LS-DRG-111	2	Basement	21/06/18
SS15-3002-NEWB-LS-DRG-112	2	Basement Drop-off	21/06/18
SS15-3002-NEWB-LS-DRG-121	2	Lower Ground	21/06/18
SS15-3002-NEWB-LS-DRG-122	2	Ground	21/06/18
SS15-3002-NEWB-LS-DRG-131	2	Ground Floor Cancer Drop-off	21/06/18
SS15-3002-NEWB-LS-DRG-132	2	Ground Floor Courtyards	21/06/18
SS15-3002-NEWB-LS-DRG-141	2	Level 1 Terraces	21/06/18
SS15-3002-NEWB-LS-DRG-151	2	Level 3 Terraces	21/06/18
SS15-3002-NEWB-LS-DRG-151	2	Indicative Planting Plan & Materials Schedule	21/06/18
MSCP-LS-DRG-501	C	Indicative Planting Plan & Materials Schedule	25/10/21

Condition B22

Prior to the commencement of construction, the Applicant must submit details of all design measures to the satisfaction the Certifying Authority demonstrating the ~~proposal~~ Clinical Service Building and Acute Services Building incorporates ecologically sustainable development initiatives as outlined in the statement prepared by Wood and Grieve Engineers dated 27.06.18 to target the equivalent of a minimum 4 Star Green Star rating

Condition B23

Prior to the commencement of construction, the Applicant must submit details of all design measures to the satisfaction the Certifying Authority demonstrating the ~~proposal~~ Clinical Services Building and Acute Services Building incorporates ecologically sustainable development initiatives as outlined in the statement prepared by Wood and Grieve

Engineers dated 31 October 2018 to target the equivalent of a minimum 4 Star Green Star rating.

Condition C43

Green Star Rating

Within 6 months of commencement of construction *for the Clinical Services Building and Acute Services Building*, the Applicant must register for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifying Authority, unless the NSW Health Engineering Services Guidelines are updated demonstrating equivalency with an accredited rating scheme to the satisfaction of the Planning Secretary.

Condition D28

The following parking spaces provisions are required ~~to be made available on-site to meet the Stage 1 campus masterplan parking demands:~~

- (a) ~~A minimum of 300 car parking spaces are to be provided~~ within the temporary car park including accessible spaces within 12 months from the date of commencement of occupation of the CSB.
- (b) ~~Following completion of the temporary carpark, the carpark north of Hospital Road will be subject to:~~
 - (i) ~~Removal of no more than 300 existing on-grade spaces during the construction of the MSCP works~~
 - (ii) ~~A minimum of 590-550 car spaces within the new MSCP~~
 - (iii) ~~Reinstatement and modification as necessary of all surrounding on-grade parking affected by the MSCP works to meet the minimum Stage 1 campus masterplan parking demands~~
- (c) ~~40 bicycle parking spaces.~~
- (d) ~~all carparking modified and provided in the project is to be made compliant with AS2890~~

3. Statutory context

3.1. Section 4.55(1A) of EP&A Act

This Modification application is made under Section 4.55(1A) of the EP&A Act for a modification involving minimal environmental impact.

The consent authority can be satisfied with the proposed modifications because they are of *minimal environmental impact*. They are about facilitating the development of the MSCP and ensuring the masterplan Stage 1 parking demands can be met at Concord Repatriation General Hospital.

The consent authority can be satisfied that the development to which the consent as modified relates is *substantially the same development* as these are only minor modifications that are generally about improving the outcome and functional use of the new MSCP. They are relatively minimal works considering the large scale of the development that was originally granted consent (including originally granted modifications).

Section 4.55(3) of the EP&A Act provides that modifications must take into consideration the matters referred to at Section 4.15(1) of the EP&A Act. Refer response in **Table 4** below.

3.2. Section 4.15(1) of EP&A Act

Section 4.15(1) of the EP&A Act provides for matters for consideration in determining a development application. Refer to **Table 4**.

Table 4 Assessment of MOD 7 against Section 4.15(1) of the EP&A Act

Provision	Compliance / comment
<i>any environmental planning instrument</i>	<p>The modification will not alter any pre-existing compliance with any State Environmental Planning Policy (SEPP) or Local Environmental Plan (LEP) relevant to the development.</p> <p>No changes are being made to approved building height or bulk of the MSCP.</p> <p>Notwithstanding part of site is a local heritage item, the changes are not directly affecting any building or place cited under the heritage listing. Refer to Section 5.5 for an assessment of heritage impacts.</p>
<i>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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),</i>	The modification does not affect any draft or proposed instruments.
<i>any development control plan</i>	DCPs do not apply to SSD.
<i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4</i>	N/A.
<i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</i>	N/A.
<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i>	The proposed modification generally facilitates the development of the MSCP and does not impose any additional significant environmental impacts. See <i>commentary on impacts further below</i> .
<i>the suitability of the site for the development</i>	The modification does not affect the suitability of the site for the proposed development.
<i>any submissions made in accordance with this Act or the regulations</i>	N/A. This relates to the DPIE's consideration of any submissions it may receive.
<i>the public interest</i>	The modification will not detrimentally affect the public interest in relation to this development. The proposed modification enables the development of the MSCP and Stage 1 campus masterplan parking demands to be met at Concord Repatriation General Hospital.

4. Community engagement

Given the scope of the proposed modification is minor, community engagement prior to lodgment of the Modification application was deemed unnecessary.

5. Assessment of impacts

5.1. Trees and landscaping

An Arboricultural Impact Assessment was prepared by Allied Tree Consultancy for the construction of the MSCP and temporary car park at Concord Repatriation General Hospital, at **Attachment E**.

A total of thirty-eight (38) trees were assessed for the works, with ten (10) additional trees requiring removal as part of Mod 7. Of these, seven (7) are deemed as low and medium retention value and three (3) trees are deemed as high retention value. The removal of trees is required as they directly conflict with the footprint of the MSCP and on-grade car park, the footprint of the widened road entrance to the on-grade car park, and the cut required for the MSCP crossover.

Refer to **Table 5** for a summary of additional tree removal, and to **Figure 3** and **Figure 4** for proposed landscape plans.

Table 5 Summary of proposed additional tree removal under Modification and reason for removal

Tree no.	Retention value	Species Name	Reason for removal
10	Low	<i>Melaleuca bracteata</i>	Located in the footprint of the on-grade car park
15	High	<i>Jacaranda mimosifolia</i>	Located in the footprint of the on-grade car park
16	High	<i>Eucalyptus botryoides</i>	Located in the footprint of the on-grade car park
17	Low	<i>Cupaniopsis anacardioides</i>	Located in the footprint of the on-grade car park
150	High	<i>Liquidambar styraciflua</i>	Located in the footprint of the cut required for the MSCP crossover
155	Low	<i>Callistemon viminalis</i>	Direct conflict with the design of the on-grade car park.
156	Medium	<i>Hymenosporum flavum</i>	Located in the footprint of the widened road entrance to the on-grade car park.
162	Medium	<i>Eucalyptus scoparia</i>	Located in the footprint of the MSCP
163	Low	<i>Eucalyptus scoparia</i>	Located in the footprint of the MSCP
164	Medium	<i>Liquidambar styraciflua</i>	Located in the footprint of the cut required for the MSCP crossover

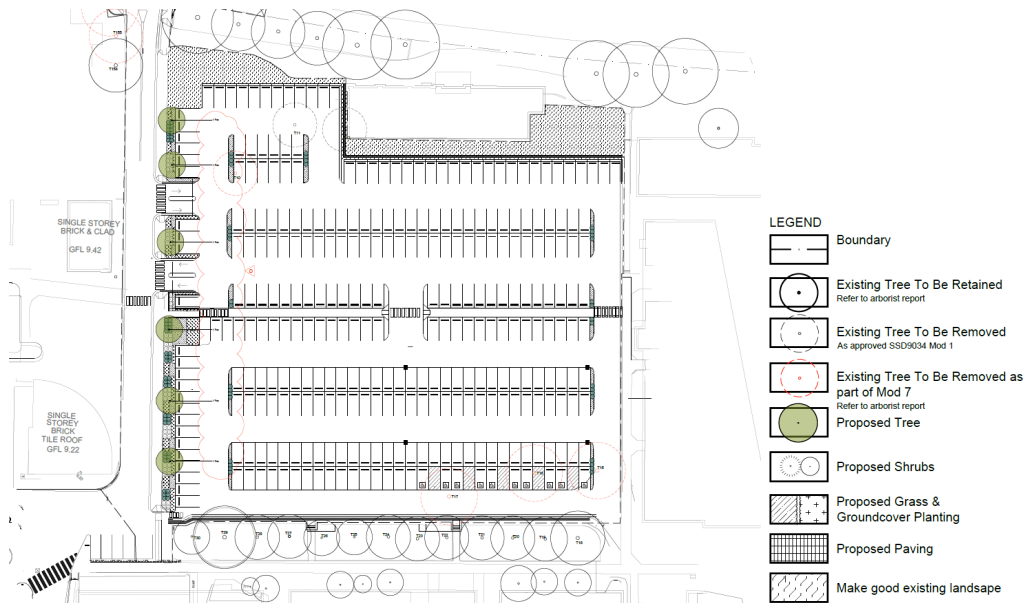


Figure 3 Landscape plan for on-grade car park showing tree removal
Source: Site Image



Figure 4 Landscape plan for MSCP showing tree removal
Source: Site Image

Tree no.'s 150 and 164 are part of the street tree planting which extend the predominant length of the Hospital site and along the verge on the western side of Hospital Road. These trees are proposed for removal as they are within the footprint of the cut required for the MSCP crossover.

Table 6 Comparison of approved SSD No. 9036 and proposed MOD 7 tree removal and planting within the site of MOD 7 works

	Approved under SSD No. 9036 within the area of MOD 7 works	MOD 7
No. of trees for removal	2 (Tree no. 11 and 12) Refer to landscape plan 'On Grade Carpark' drawing no. SS15-3002- NEWB-LS-DRG-101, Revision 2.	10 (Tree no. 10, 15, 16, 17, 150, 155, 156, 162, 163 and 164) Refer to Attachment B or Figure 3 and Figure 4 .
No. of tree planting	0 Refer to landscape plan 'On Grade Carpark' drawing no. SS15-3002- NEWB-LS-DRG-101, Revision 2.	10 Refer to Attachment B or Figure 3 and Figure 4 .

For trees to be retained, protection measures will be in place to ensure their longevity during demolition and construction. For further detail relating to protection measures and protective fencing for retained trees, refer to Appendix B of the Arboricultural Impact Assessment at **Attachment E**.

It is noted that new landscaping works are proposed as part of MOD 7 to alleviate impacts from tree removal, including the planting of ten additional trees, shrubs, grass and groundcover. Refer to the landscape plans at **Attachment B**.

5.2. Ecological impacts

An Ecology Statement was prepared by Eco Logical for the proposed works for MOD 7, at **Attachment E**. The Statement provided the following assessment:

- The original SSD application, SSD No. 9036, sought and was granted a Biodiversity Assessment Report Waiver (BDAR Waiver), dated 14 June 2018. A Flora and Fauna Assessment (FFA) prepared by Eco Logical Australia was also prepared for the development. The field assessment undertaken as part of these assessments mapped the vegetation on site as Urban Exotic and Native Plantings and not forming part of a native Plant Community Type. The ten trees proposed for removal are consistent with this mapping and assessment.
- The FFA considered the ten trees subject to removal in the worst-case scenario assessment. The FFA determined the impact of the development footprint including the MSCP and found no significant impacts on ecological values from the total development.
- Impact assessments under both the *Biodiversity Conservation Act 2016* and *Environment Protection Biodiversity Conservation Act 1999* were undertaken for *Pteropus poliocephalus* (Grey-headed Flying-fox), and microchiropteran bats as part of the FFA. These impact assessments were based on a worst case scenario of 1.34 ha of clearing and concluded a non-significant impact on threatened species. It is considered that the removal of these cultivated species does not change the outcome of these impact assessment, based on the fact that the worst case scenario of 1.34 ha of clearing was assessed, and the fact that the trees are of low biodiversity value, providing limited resources for threatened species.

Section 7.17 of the Biodiversity Conservation Act 2016 provides that

7.17 Modifications of planning approvals or activities

(1) Subsection (2) applies to an application for the modification of a development consent, or State significant infrastructure approval, that was granted after the commencement of this Division.

(2) The provisions of this Division relating to applications for development consent or State significant infrastructure approvals apply to any such application for modification as follows—

- (a) the provisions apply in relation to the original development as proposed to be modified,
- (b) a biodiversity development assessment report is required to be submitted and taken into consideration if this Division applies to the original development as proposed to be modified even if a biodiversity development assessment report was submitted in connection with the application for the original development or even if this Division did not apply to the original development (for example, because the modification results in the development exceeding the biodiversity offsets scheme threshold),
- (c) however a further biodiversity development assessment report is not required to be submitted if the authority or person determining the application for modification (or determining the environmental assessment requirements for the application) is satisfied that the modification will not increase the impact on biodiversity values,**
- (d) the biodiversity development assessment report submitted with the application for modification is to take into account any measures already taken to avoid, minimise or offset the impact on biodiversity values in connection with the consent or approval before the proposed modification,
- (e) if an application for the original development as proposed to be modified would have been required to be refused because of serious and irreversible impacts on biodiversity values, the application for modification is required to be refused.
- (3) The regulations may make further provision with respect to any such applications for modification (including exemptions to the application of this section).
- (4) The regulations may make provision with respect to the application of this Division in relation to any modification of an activity for which the proponent elected to obtain a biodiversity development assessment report for the original activity.

In response, there is no reason to modify the Flora and Fauna Assessment Report, seek a modification to the BDAR Waiver approval, or seek another BDAR Waiver approval request, because the conclusions of the BDAR Waiver and FFA remain unchanged as a result of the proposed MOD 7 works.

For further detail, refer to the Ecology Statement prepared by Eco Logical Australia at **Attachment G**.

5.3. Heritage impacts

The area of proposed works is partly located within an area mapped as a heritage item of local significance, namely 'Concord Repatriation Hospital—original main building, grounds and layout' (item no. 1256), in Schedule 5 of the Canada Bay Local Environmental Plan 2013.

A Letter of Heritage Advice has been prepared by Biosis at **Attachment F**. It notes that the site subject to the proposed works are within:

- Landscape Area 2 (LA2) which is comprised of Liquidambar trees of high heritage significance; and
- Landscape Area 4 (LA4) which is comprised of Jacaranda species trees of high heritage significance.

Two trees are proposed for removal in LA2, including tree no. 150 and tree no. 164 which are *Liquidambar styraciflua* (Sweet Gum) trees of high heritage significance. Both trees are proposed to be removed as part of MOD 7 because they are within the development footprint of the MSCP.

Replacement tree planting of *Liquidambar styraciflua* trees was investigated by the landscape architect, Site Image, in the vicinity of the site. Their response was:

- *Liquidambar* are not proposed to be replaced as the landscape scope does not have an appropriate location with sufficient space for these species.

- Mature species grow to a mature size of 25m height x 12m spread. *Liquidambar* are known for spiky round seed balls which can be a trip hazard.

In relation to LA4, one *Jacaranda mimosifolia* tree is proposed for removal under MOD 7 within this landscape area. Hence, it is considered there is some impact to the high heritage significance within LA4 under the proposed MOD 7 works.

Replacement tree planting of *Jacaranda mimosifolia* was investigated by the landscape architect, Site Image, in the vicinity of the site. Their response was:

- Mature specimens grow to 10-15m spread. Garden beds are nominally 4-5m wide and adjacent to footpaths and the carpark. Jacarandas drop flowers which are known to be a slip hazard on pathways.
- Being an exotic species the more generous area available behind the MSCP backs onto native bushland and mangroves and would not be appropriate.

The recommendations set out in the following documents prepared for Concord Repatriation General Hospital and SSD No. 9036, will continue to be implemented during the planning and construction of MOD 7 works:

- *Concord Repatriation General Hospital Management Plan (CMP)* (Conybeare Morrison International Pty Ltd, FuturePast Pty Ltd, & Context Landscape Design 2016 [Conybeare Morrison et al]).
- *Concord Hospital Redevelopment - Historical Heritage Assessment and Statement of Heritage Impact (SoHI)* (Biosis Pty Ltd 2018).
- *Concord Hospital Redevelopment: Aboriginal Cultural Heritage Assessment (ACHA)* (Biosis 2019a).

5.4. Traffic impacts

The Traffic Assessment prepared by Arup for SSD No. 9036 utilised a spreadsheet model to estimate the peak hour and daily traffic generation resulting from Concord Hospital Redevelopment for both Stage 1 and Stage 2. The model forecasts the traffic generation of staff, patients and visitors, and is calibrated with the existing travel patterns at Concord Repatriation General Hospital campus. Given that the car parking figures were based on the demand (which is not changing), there will be no additional traffic impacts or assessment required as part of MOD 7. In addition, the more accurate count of car park supply at the end of Stage 1 has reduced slightly by 33 spaces to further justify no additional traffic generation.

Refer to the Traffic Statement prepared by Arup at **Attachment D** for further detail.

6. Conclusion

Based on the above assessment it is recommended this modification be approved by DPIE. The modification is substantially the same development to that approved under SSD 9036 and results in minimal environmental impact, and accordingly, can be approved as a Section 4.55(1A) application.

Overall, the modification seeks to facilitate the development of the MSCP within Concord Repatriation General Hospital.

Should you have any queries on the above matters, please contact the undersigned on 02 8252 8400.

Regards,

A handwritten signature in black ink, appearing to read 'Jane Fielding', with a stylized, cursive script.

Jane Fielding
Senior Associate, Planning
Architectus Australia Pty Ltd

Attachments:

- Attachment A: Revised Architectural Plans, prepared by Jacobs Architects
- Attachment B: Revised Landscape Plans, prepared by Site Image
- Attachment C: ESD Statement, prepared by Stantec Australia Pty Ltd
- Attachment D: Traffic Statement, prepared by Arup
- Attachment E: Arboricultural Impact Assessment, prepared by Allied Tree Consultancy
- Attachment F: Heritage Advice Letter, prepared by Biosis
- Attachment G: Ecology Statement, prepared by Eco Logical Australia Pty Ltd