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14487
23 August 2016

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms McNally

**SECTION 96(1A) - MODIFICATION APPLICATION TO SSD 6840 (MOD 1)
ST VINCENT'S PRIVATE HOSPITAL SYDNEY**

On behalf of St Vincent's Private Hospital Sydney (SVPHS), we hereby submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify Development Consent SSD 6840 (MOD 1) relating to the approval of the East Wing building and the SVPHS high-rise building located within the St Vincent's Hospital campus (the site).

This application relates to the Private Hospital's foyer (Level 4) entry off Victoria Street, and associated internal areas. At the time of submitting the original development application in March 2015, the proposed funding and scope of works for the Level 4 foyer refurbishment had not been progressed. These matters have now been resolved, and SVPHS is seeking consent for the internal refurbishment works. The works are proposed to be undertaken in parallel with Stage 1 of the construction programme, so that they are complete for the opening of the new East Wing in mid-2017.

This section 96(1A) application identifies the applicable development consent and describes the proposed modifications. It includes an assessment of the proposal in terms of the matters for consideration as listed under section 79C(1) and section 96 of the EP&A Act. This application is accompanied by:

- a copy of the Notice of Determination for SSD 6840 (MOD 1) (**Attachment A**); and
- revised Architectural Drawings prepared by Hassell Architects (**Attachment B**).

1.0 BACKGROUND

Development consent (SSD 6840) was granted on 17 September 2015 by the NSW Department of Planning and Environment. The project comprises the redevelopment of the existing private hospital including the construction of a 13 storey East Wing building, addition of a storey over the existing SVPHS low-rise building and internal and external refurbishment works to the existing SVPHS low-rise and high-rise buildings.

During the detailed design process, SVPHS identified a number of design modifications to improve the appearance of the building and its internal functionality. Accordingly, a section 96(1A) application was submitted to the Department in May 2016 for a range of minor internal and external modifications. The modification (SSD 6840 MOD 1) was approved by the Department on 8 August 2016.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT MODIFICATIONS

The proposed modifications to SSD 6840 (MOD 1) are illustrated in the Architectural Drawings included at **Attachment B** and include the following:

- additional internal demolition at Level 4 to facilitate the proposed refurbishment, including demolition of existing patient and staff administration areas, pharmacy, Health Information Services (medical records) and toilets;
- replacement of part of the existing Victoria Street façade to align with the proposed refurbishment works, and installation of two new replacement entry doors;
- refurbished of the existing patient services (admissions) areas, comprising patient / visitor waiting areas, toilets, open plan staff areas and enclosed staff offices;
- refurbishment of existing circulation spaces;
- refurbishment of existing executive offices; and
- provision of a new café adjacent to the Victoria Street entry (fit-out to be subject to a separate planning process).

The proposed amendments do not result in any additional GFA, tree removal or earthworks. The proposal would result in the refurbishment of an existing 1,288m² of GFA, however will not increase the total previously approved GFA (7,882m²).

The modifications described above which require further explanation are detailed below.

Café

The application proposes a new café use adjacent to the site's Victoria Street entry, in the location of the existing pharmacy. The café will serve pre-prepared food and coffee only - no food will be cooked within the café. It is anticipated that the fit-out of the café will be carried out as Complying Development, once an operator is confirmed.

2.1 Modifications to Conditions

The proposed modifications described above necessitate amendments 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***.

2.2 Development in Accordance with Plans

A2. The Applicant shall carry out the development generally in accordance with the:

- a) *Environmental Impact Statement St Vincent's Private Hospital Redevelopment*, prepared by JBA Urban Planning Consultants and dated March 2015;
- b) *Response to Submissions* prepared by JBA Urban Planning Consultants and dated 7 August 2015;
- c) Section 96(1A) – Modification Application to SSD 6840, prepared by JBA Urban Planning Consultants dated 17 June 2016;
- d) The conditions of this consent; and
- e) The following drawings, expect for:
 - i) Any modifications which are Exempt or Complying Development
 - ii) Otherwise provided by the conditions of this consent.

Architectural and Landscape Drawings Prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
DA-00-801	E	Demolition Layout – Level 3	17/12/15
DA-00-802	E <i>F</i>	Demolition Layout – Level 4	17/12/15 <i>23/07/16</i>
DA-00-803	E	Demolition Layout – Level 5	17/12/15
DA-00-804	E	Demolition Layout – Level 6	17/12/15
DA-00-805	D	Demolition Layout – Level 7	13/02/15

Architectural and Landscape Drawings Prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
DA-00-806	D	Demolition Layout – Level 8, 9 & 10	13/02/15
DA-01-002	E	GA Plan. Level 02	17/12/15
DA-01-003	D	GA Plan. Level 03	13/02/15
DA-01-004	E F	GA Plan. Level 04	17/12/15 23/07/16
DA-01-005	F	GA Plan. Level 05	22/04/16
DA-01-006	E	GA Plan. Level 06	17/12/15
DA-01-007	E	GA Plan. Level 07	17/12/15
DA-01-008	F	GA Plan. Level 08	22/04/16
DA-01-009	F	GA Plan. Level 09	22/04/16
DA-01-010	F	GA Plan. Level 10	22/04/16
DA-01-011	F	GA Plan. Level 11	22/04/16
DA-01-012	F	GA Plan. Level 12	22/04/16
DA-01-013	E	GA Plan. Level 13	22/04/16
DA-01-014	E	GA Plan. Level 14	22/04/16
DA-01-015	F	GA Plan. Level 15	22/04/16
DA-02-901	D	Level 3 – Landscape Plan	20/02/15
DA-02-902	D	Level 4 – Landscape Plan	20/02/15
DA-02-903	C	Level 4 – Remediation Strategy	12/02/15
DA-02-904	C	Level 8 – 12 – Landscape Plan	12/02/15
DA-02-905	C	Level 4 – Existing Tree Plan	12/02/15
DA-03-001	F	Victoria Street Elevation	08/06/16
DA-03-002	F	East Wing – West Elevation	08/06/16
DA-03-003	F	East Wing – North Elevation	08/06/16
DA-03-004	E	East Wing – South Elevation	22/04/16
DA-03-005	F	East Wing – East Elevation	08/06/16
DA-04-001	E	GA Section. East-West	17/12/15
DA-04-002	F	GA Section. North-South	08/06/16

3.0 SUBSTANTIALLY THE SAME DEVELOPMENT

Pursuant to section 96(1A) of the EP&A Act, the consent authority may modify 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 consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The modifications to Level 4 will not substantially alter the essence of the approved development. The proposed development is substantially the same as the approved development in that:

- it retains the same use as the approved development, providing for a health services facility on a site zoned Special Uses 2 – Health Services Facility (SP2);
- the proposed modifications are largely internal and are entirely within the approved building envelope, and will not alter the bulk, mass or scale of the development;
- the public benefits delivered by the development in the form of facilities and amenity will continue to be provided; and
- the environmental impacts are the same as the approved development.

The incorporation of the proposed modifications will result in a development which is substantially the same as the approved development. The modification of the SSD approval can therefore be lawfully made under section 96 of the EP&A Act.

4.0 ENVIRONMENTAL ASSESSMENT

Section 96(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”*.

The following assessment demonstrates that the development, as proposed to be modified, will not result in any additional environmental impacts.

4.1 Compliance with Statutory Plans

The development, as proposed to be modified, remains generally consistent with the following statutory plans and policies:

- A Plan for Growing Sydney;
- NSW Long Term Transport Masterplan 2012;
- Sydney's Cycling Future 2013;
- Sydney City Centre Access Strategy 2013;
- Sydney's Walking Future 2013;
- Healthy Urban Development Checklist, NSW Health;
- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*;
- *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)*;
- *State Environmental Planning Policy 33 – Hazardous and Offensive Development (SEPP 33)*;
- *State Environmental Planning Policy 55 – Remediation (SEPP 55)*;
- *State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)*;
- *Sydney Local Environmental Plan 2012 (SLEP 2012)*;
- Sydney Development Control Plan 2012; and
- City of Sydney Development Contributions Plan 2006.

The planning assessment of the development, as proposed to be modified, remains unchanged with respect to the above matters. The proposal will continue to be consistent with the provisions of SLEP 2012 and other applicable planning policies and controls.

4.2 Section 79C (1)(b) Impact on the Environment

The EIS submitted with the original application assessed the potential impacts of the overall development with regard to the following key planning issues:

- Compliance with Relevant Strategic and Statutory Plans and Policies
- Permissibility
- Urban Design and Built Form
- Environmental Amenity
- European Heritage
- Archaeology
- Traffic, Parking and Access
- Crime Prevention through Environmental Design
- Water Cycle Management
- Structural Stability
- Environmentally Sustainable Development

- Tree Removal and Ecological Impacts
- Consultation
- Construction Impacts
- Social and Economic Impacts

The planning assessment of the development, as proposed to be modified, remains generally unchanged with respect to the above matters. However, the following matters warrant further assessment.

4.3 Urban Design and Built Form

The proposed amendments will not alter the configuration or massing of the approved development, and so the approved built form will remain the same. Whilst two new entry doors are proposed off Victoria Street, they will not alter the presentation of the development to the public domain.

4.4 Environmental Amenity

The proposed development will not give rise to any adverse amenity impacts, or alter the assessment contained in the original EIS. The proposed works are required to improve the main Victoria Street entry into the private hospital, commensurate with the new building and approved refurbishment works.

4.5 Accessibility

SVPHS has engaged Accessibility Solutions Pty Ltd who are the incumbent DDA consultant on this project. They have been advising on the provisions of the Premises Standard and the Disability Discrimination Act. These issues have been considered and can be incorporated into the final design.

4.6 S.79C(1)(c) Suitability of the Site for the Proposed Development

The site remains suitable for the proposed development for the reasons outlined in the EIS lodged with the original application.

5.0 CONCLUSION

In accordance with section 96(1A) of the EP&A Act, the modified development will be substantially the same as the originally approved development. This section 96 application seeks to facilitate amendments that will allow for the refurbishment of the SVPHS main Victoria Street entry foyer so that the quality of this space is commensurate with the new building and approved refurbishment works. The proposed modifications will not alter the environmental impacts assessed and approved as part of the existing development consent, nor will they give rise to any additional adverse amenity impacts.

In accordance with section 96(1A) of the EP&A Act, the Minister or his delegate may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the modifications will improve the amenity offered by the approved health facility;
- the modifications are a result of ongoing design development and will improve the experience for patients and visitors; and
- the proposal will not result in any unacceptable adverse environmental, social or economic impacts.

In light of the above, we therefore recommend that the proposed modification is supported by the Minister.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification. Should you have any queries in relation to the above, please do not hesitate to contact me on 9956 6962 or ktudehope@jbaurban.com.au

Yours faithfully

A handwritten signature in blue ink, reading "K. Tudehope".

Kate Tudehope
Principal Planner