

ASSESSMENT REPORT

Northside Mental Health Facility SSD 7588 MOD 1

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State Significant Development (SSD 7588) approval for a Mental Health Facility at Herbert Street St Leonards in the Willoughby local government area. The application has been lodged by Ramsay Health Care (the Applicant) pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend a condition relating to green star certification.

2. SUBJECT SITE

The site is located at 10 Herbert Street, St Leonards. The site has an area of approximately 5,789 sqm and is located 6 km north of the Sydney central business district and 600 m north of St Leonards train station (see **Figure 1**).

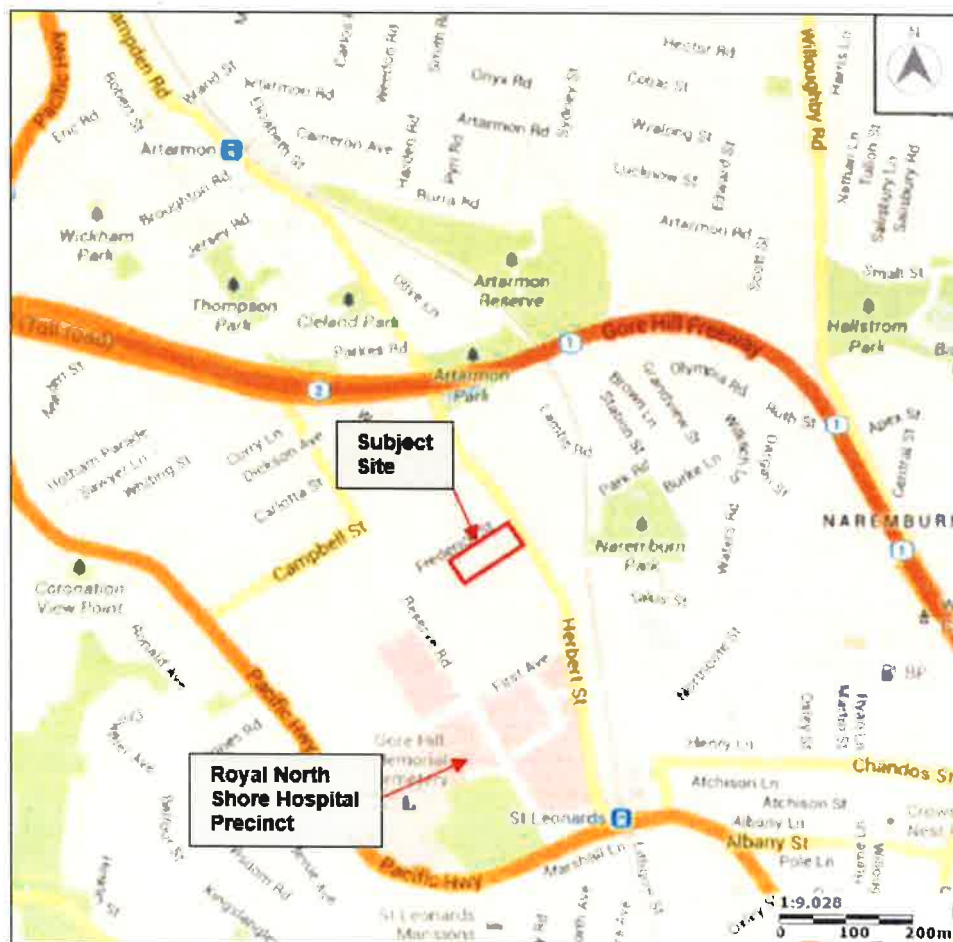


Figure 1: Site Location

3. APPROVAL HISTORY

On 15 November 2016, the Minister granted SSD approval for a mental health services facility comprising:

- site remediation works;
- construction of an eight storey hospital building containing 112 beds, 25 consulting suites, treatment rooms, offices and amenities;
- 139 car parking spaces;
- identification signage
- landscaping; and
- connections to existing infrastructure services.

The proposal has not previously been modified.

4. PROPOSED MODIFICATION

On 15 February 2017, the Applicant lodged an application (SSD 7588 MOD 1) seeking approval to amend Condition C21 and delete Condition E10 relating to green star certification of the approved building.

The modification is requested on the basis that the cost to achieve the green star certification would be excessively high and an unreasonable obligation for the health care facility.

The Applicant states that these resources could be better directed to patient wellbeing and safety features, whilst implementing a customised sustainability strategy for the building.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications would have minimal environmental impacts.
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 proposed modification to conditions relating to Green Star Certification would not result in any material change to the approved development of any adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received one submissions on the proposal. The issues raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The Department undertook a comprehensive assessment of the proposal against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs

and is satisfied that the modification does not change the proposal's consistency with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director Modification Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to Willoughby City Council (Council) for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

Council raised no objections to the proposed modification subject to conditions requiring the development to adopt the submitted sustainability strategy and a verification report being submitted confirming the development complies with the strategy.

The Applicant reviewed the Council submission and confirmed it accepts Council's suggested conditions.

There were no **public** submissions received on the proposal.

7. ASSESSMENT

The Applicant seeks to amend Condition C21 and delete Condition E10 which require the development to gain Green Star certification. The Applicant argues the Green Star certification scheme is generally more suited to commercial development rather than the health care sector where buildings are specifically designed for the safety and wellbeing of patients and staff. The Applicant also argues the cost to achieve the Green Star certification would be excessively high and an unreasonable obligation for the mental health facility.

To ensure the development would still achieve an appropriate sustainability outcome, the Applicant submitted an alternative sustainability strategy for the project. The strategy is based on a 4 Star Green Star rating which has been developed to meet and exceed health industry standards for sustainability.

Council generally support the proposal and have recommended conditions requiring the alternative sustainability strategy to be adopted and a report verifying the building has been designed and constructed in accordance with the alternative sustainability strategy.

The Department acknowledges the significant functional and financial constraints associated with requiring a mental health care facility to gain Green Star certification and notes these costs could be redirected to improve future patient wellbeing and safety outcomes. On this basis, the Department considers it would be acceptable to remove the Green Star certification requirements in this instance.

The Department also supports the alternative sustainability strategy as it would allow a tailored and more cost effective approach for sustainability measures to be incorporated into the design and construction of the facility. To ensure the development adopts the measures outlined in the alternative strategy, the Department has included Council's suggested conditions in the recommended instrument of modification. Subject to the recommended conditions, the Department is satisfied the development would still achieve an appropriate level of sustainability.

8. CONCLUSION

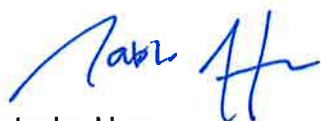
The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is acceptable as the facility would still achieve an appropriate level of sustainability. Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is **RECOMMENDED** that the Director, Modification Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96 (1A), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Prepared by:
Robin Ward



Natasha Harras
Team Leader
Modification Assessments

 23/3/17

Anthony Witherdin
Director
Modification Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8254

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8254

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8254

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8254