



# ***Bulli Hospital Aged Care Centre of Excellence***

*State Significant  
Development  
Modification Assessment  
(SSD 7751 MOD 1)*

October 2018

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# Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Wollongong City Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
Planning Secretary	Secretary of the Department of Planning and Environment
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development



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# 1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD) for the Bulli Hospital Aged Care Centre of Excellence.

The modification application seeks approval to allow for the installation of a digital antenna system, the removal of an additional tree and modification of the conditions to allow for the provision of ancillary uses within the facility.

The application has been lodged by Health Infrastructure (HI - the Applicant) pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## 1.1 Background

The site is located approximately 500 metres from the Bulli Town Centre and Bulli Railway Station, on the northern side of Hospital Road to the north of the existing Bulli District Hospital and with the Wollongong Local Government Area (see **Figure 1**).



**Figure 1** | Site Location

The site is irregular in shape and has a 180-metre frontage to Hospital Road. The subject site is bounded by the ambulance station to the east, Hospital Road to the south and low-scale residential dwellings to the west and north (refer to **Figure 2**). Located along part of the northern boundary is the riparian corridor for Whartons Creek, which runs through the rear yards of the residential properties to the north.





**Figure 2** | Development Site Layout

## 1.2 Approval History

On 13 September 2017, the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning, granted SSD approval for the construction and operation of the Bulli Hospital Aged Care Centre of Excellence, including:

- demolition works and removal of 14 trees.
- remediation and earthworks.
- construction of a part 2, part 3 and part 4 storey building comprising a residential aged care facility and a hospital.
- at-grade car park areas providing a total of 50 car spaces and a drop-off area.
- signage.
- landscaping, including a courtyard.

The approved development is currently under construction.



## 2. *Proposed Modification*

The modification application (MOD 1) seeks to modify the development consent as follows:

- removal of an additional tree (known as Tree 11) as an approved retaining wall is located within the tree protection zone.
- provision of an additional room on the first floor for digital antenna system (DAS) equipment and a riser throughout the upper levels of the building to improve the mobile phone signal in the building.
- modification of condition D4 to amend the wording of the required Section 88E restriction to allow for ancillary uses within the facility.



### 3. Strategic Context

The development, as modified, continues to be consistent with:

- State and Premiers Priorities to build infrastructure to support an extra one million people over the next 10 years, to ensure NSW residents have the best health infrastructure, to support regional development, to improve service levels in hospitals by delivering modern facilities and to provide integrate health care services to support an ageing population.
- the Illawarra Shoalhaven Regional Plan, as the development supports the strategic goals, directions and actions of the Plan by providing fit-for-purpose infrastructure near the Bulli Town Centre and providing seniors housing that would benefit from the connectivity with the health services. The provision of aged cared housing suites would meet needs of the ageing population and ensure suitable housing supply is provided for all life stages. These facilities are not currently available at the existing Bulli District Hospital.
- Future Transport Strategy 2056 as it would provide improved facilities in a highly accessible location.





## 4. Statutory Context

### 4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Other Infrastructure Assessments, may determine the application as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there are no public submissions by way of objection.



## **5. Engagement**

### **5.1 Department's Engagement**

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation for section 4.55(1A) applications do not apply to State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 30 August 2018 and was referred to Council for comment.

### **5.2 Summary of Submissions**

A submission was received from Council confirming that it raised no objection to the proposed modifications. No public submissions were received.

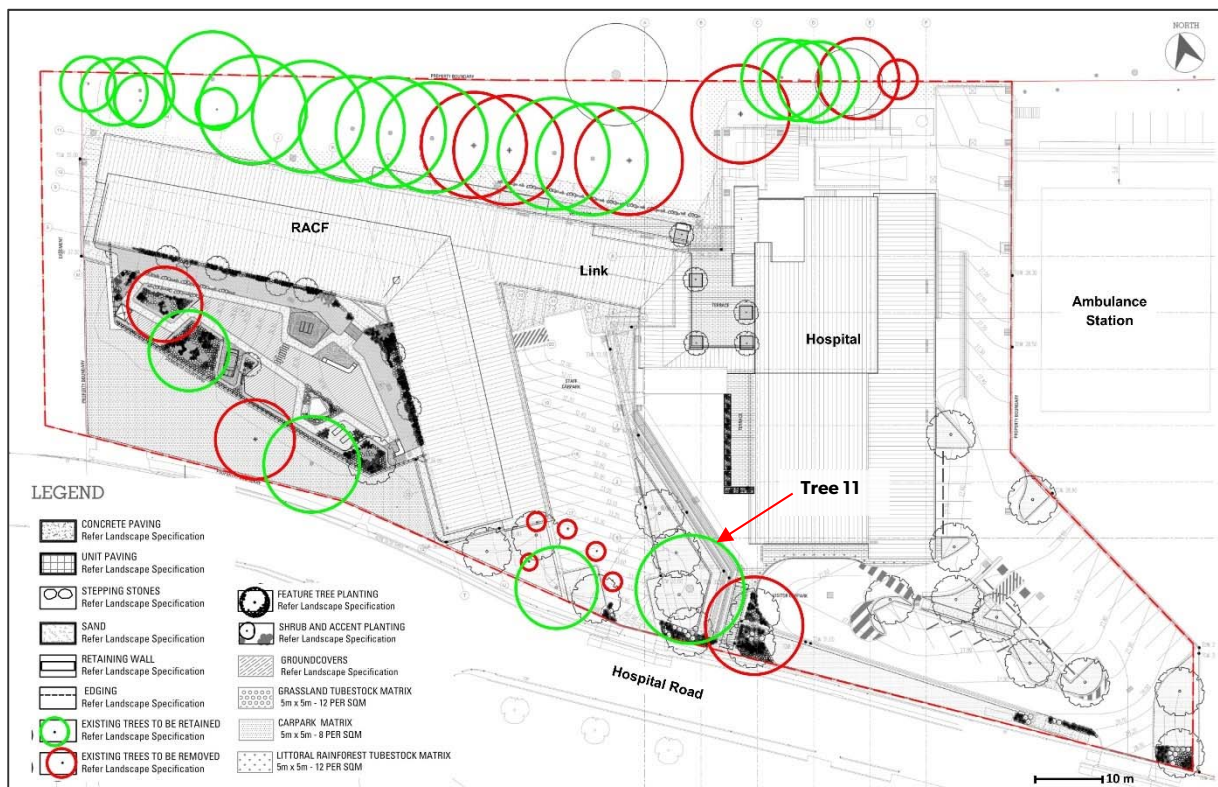


## 6. Assessment

The Department's consideration of the proposed modifications to the approved development are outlined below.

### 6.1 Tree Removal

The Applicant has detailed that Tree 11 (Hill's weeping fig), located near the front boundary of the site, directly adjoins the location of an approved retaining wall and stairway providing pedestrian access to the new facility (see **Figure 3**). Incursions from the construction of the retaining wall total approximately 40 percent of the tree protection zone for this tree. An arborist report submitted with the modification application, which details that the tree will need to be removed as a consequence of the proposed works due to stability and long-term health issues.



**Figure 3** | Original Tree Retention/Removal Plan

The Department notes that there are eight other examples of this tree specimen on the subject site proposed to be retained and that the removal of Tree 11 will not result in a significant impact on biodiversity values. The arborist report recommends the planting of a replacement tree to compensate for the loss of Tree 11 and as such, the Department has amended the conditions accordingly to reflect this requirement. Council's Landscape Officer raised no objection to the removal of Tree 11.

### 6.2 DAS Room

The DAS room proposed on the first floor, required to store infrastructure to improve the mobile phone signal in the facility, will not result in any external changes to the approved building. There will also be associated minor

internal changes to the second and third floors of the approved building as the DAS infrastructure is required to be distributed throughout the building via the DAS Riser. As the changes will not result in changes to the approved building design, bulk or scale, the Department is supportive of this component of the proposed modification application.

### 6.3 Restriction on Use

Condition D4 currently requires the following:

*"Prior to occupation of the residential care facility, a restriction must be registered against the subject lot (following boundary adjustment) in accordance with section 88E of the Conveyancing Act 1919 restricting the occupation of the residential care facility only to:*

- a) seniors or people who have a disability,*
- b) people who live within the same household with seniors or people who have a disability, and*
- c) staff employed to assist in the administration of and provision of services to residents of the residential care facility."*

The condition was imposed to ensure that the residential component of the facility be used only for seniors housing, and not for general residential use. The modification seeks to vary the wording of the condition to allow for ancillary uses that support the aged care component of the development. The exact uses are unknown at this point in time, however the Applicant is seeking for flexibility throughout the life of the facility, which is considered reasonable and is supported by the Department. Accordingly, the condition is recommended to be amended to read as follows:

*"Prior to occupation of the residential care facility, a restriction must be registered against the subject lot (following boundary adjustment) in accordance with section 88E of the Conveyancing Act 1919 restricting ~~the occupation of the residential care facility only to~~ **uses to a facility or facilities providing aging care and support services and uses ancillary to and necessary to use the building to care for the aged and restricting occupation to only:***

- a) seniors or people who have a disability,*
- b) people who live within the same household ~~with~~ **as** seniors or people who have a disability, and*
- c) staff employed to assist in the administration of and provision of services to residents of the residential care facility."*



## 7. *Evaluation*

The Department has reviewed the proposed modification and assessed the merits of the modified proposal, and all environmental issues associated with the proposal have been thoroughly addressed.

The built form and function of the approved development will not change, and the Department's original conditions of consent would ensure that the construction and future operation of the precinct would maintain the environmental amenity of the surrounding area.

The Department considers that the application is consistent with the objects of the EP&A Act, State priorities and the Illawarra Shoalhaven Regional Plan. The Department is also satisfied that the proposal would provide a significant public benefit through the continued provision of improved health and aged care opportunities for the people of NSW.

The Department concludes the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest and the modification application should be approved.



## 8. Recommendation

It is recommended that the Director, Social and Other Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 8388 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act.
- **forms the opinion** under section 7.17(c) of the *Biodiversity Conservation Act 2016* that a biodiversity development assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values of the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application.
- **modify** the consent SSD 8388.
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:

**David Gibson**

Team Leader

Social Infrastructure Assessments





## 9. Determination

The recommendation is: **Adopted by:**

**Karen Harragon**

Director

Social and Other Infrastructure Assessments

10 October 2018



# Appendices

## Appendix A – List of Documents

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9553](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9553)

## Appendix B – Statement of Environmental Effects/ Environmental Assessment

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9553](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9553)

## Appendix C – Instrument of Approval