

31/07/19

Our Ref: 19-142**Mr David Gibson (Team Leader)**

Social Infrastructure Assessments
Department of Planning, Industry and Environment
320 Pitt Street
SYDNEY NSW 2000

Dear Sir,

RE: S4.55(1A) MODIFICATION APPLICATION TO SSD 17_8963 IN RELATION TO THE STAGE 3C DEVELOPMENT AT LISMORE BASE HOSPITAL

This Statement has been prepared for NSW Health Infrastructure (HI) on behalf of John Holland Group (JHG) by City Plan Strategy and Development Pty Ltd (City Plan), to accompany an application under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act).

1. THE APPROVED DEVELOPMENT

On 20 September 2018, Stage 3C of the Lismore Base Hospital (LBH) redevelopment was approved by the Department of Planning and Environment (DPE) (now known as the Department of Planning, Industry and Environment (DPIE)). Consent was granted under SSD 17_8963 for the following:

"Lismore Base Hospital Redevelopment Stage 3C comprising construction and operation of a four storey addition above a four storey hospital with a maximum height of RL 63.4."

Stage 3C, also referred to as the "north tower extension" (NTX), comprises a vertical extension about the approved Stage 3B2 North Tower, which was approved under SSD 14_6848.

The Stage 3C project was determined to have a capital investment value (CIV) of approximately \$32 million.

The consent applies to the land known as Lismore Base Hospital at 60 Uralba Street, Lismore.

2. PROPOSED MODIFICATION**2.1. Overview of Modifications**

- Level 7: The primary changes at Level 7 of the approved NTX comprise a repositioning of the east and west façade louvres to align with the external face of structural columns (to match the existing Stage 3B1 South Tower) and relocation of one of the plant space louvre doors to properly align with the internal plant layout. Refer to the following figures for a comparison between the approved layout for Level 7 and proposed amended layout.

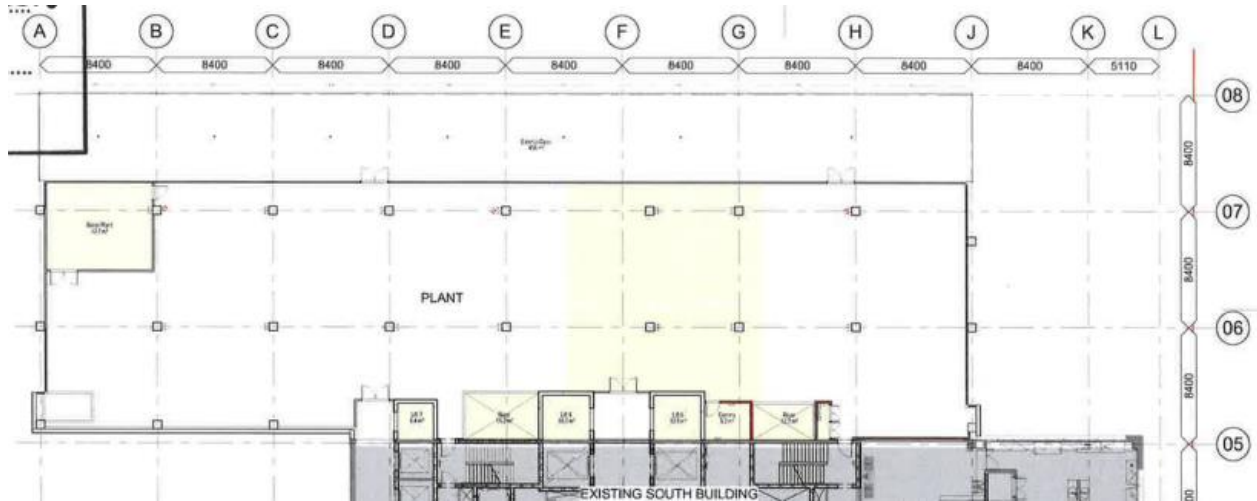


Figure 1 Approved Level 7 Plan (Source: CGA)

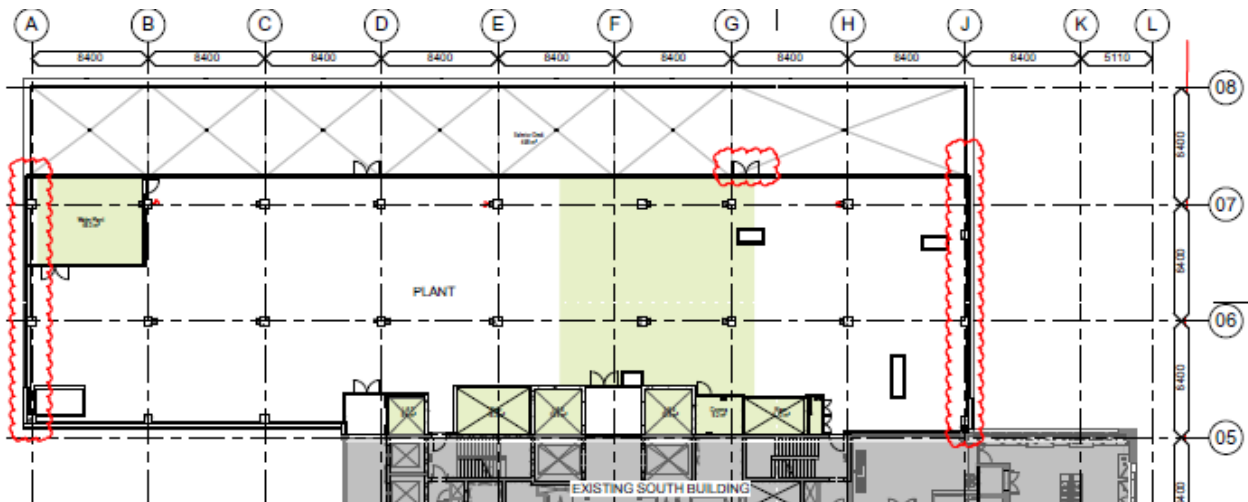


Figure 2 Proposed Amended Level 7 Plan (Source: CGA)

- Roof Level: As can be seen in the comparative figures that follow, the extent and design of rooftop mechanical plant is proposed to be amended. The mechanical plant design has been updated following detailed plant selection and to ensure compliance with the relevant standards.

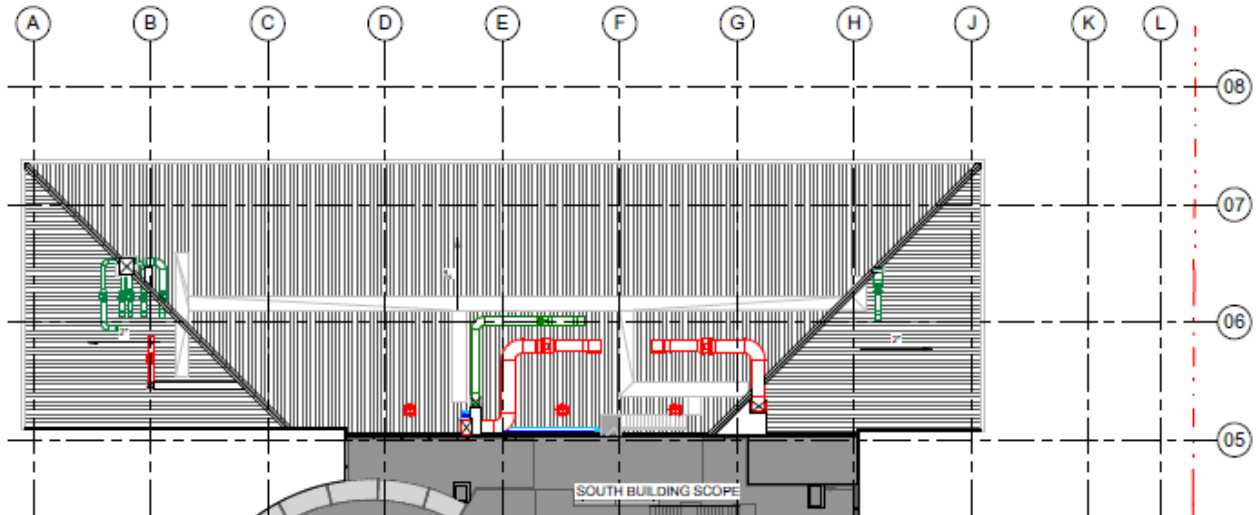


Figure 3 Approved Roof Plan Layout (Source: CGA)

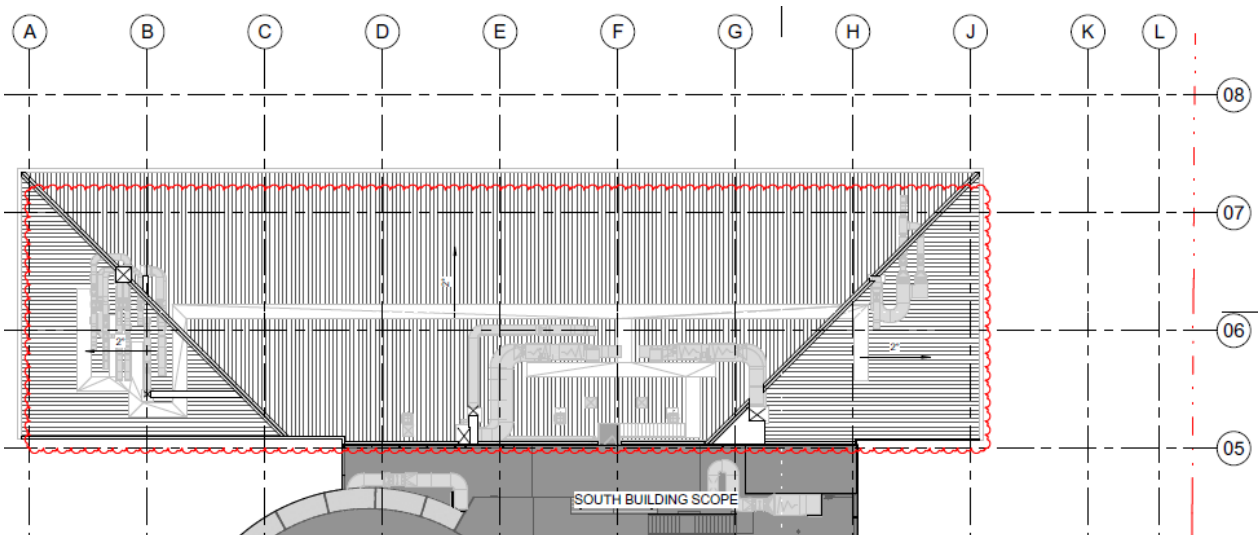


Figure 4 Proposed Amended Roof Plan Layout (Source: CGA)

- North elevation: As can be seen in the comparative elevation plans below, a series of changes are proposed to the north elevation of the approved NTX. Downpipes are now shown (detail not previously shown in elevation and only on plan), a mechanical louvre has been added at Level 8 for required air velocity, as noted earlier, the louvre door to the plant room has been relocated at Level 7 and is visible on the northern elevation and the rooftop mechanical plant design has been amended.



Figure 5 Approved vs Proposed Amended NTX North Elevation Plans (Source: CGA)

- East/west elevations: As can be seen in the comparative elevation plans on the following page, a series of changes have been made to the east and west elevations of the approved NTX. Downpipes are now shown (detail not previously shown in elevation and only on plan), mechanical louvres have been added to the façade in nominated locations for separation distance compliance to the relevant standards, the louvres at Level 7 now align with the external face of structural columns and as with the northern elevation, the rooftop mechanical plant has been amended (visible on all elevations) as per the northern elevation.

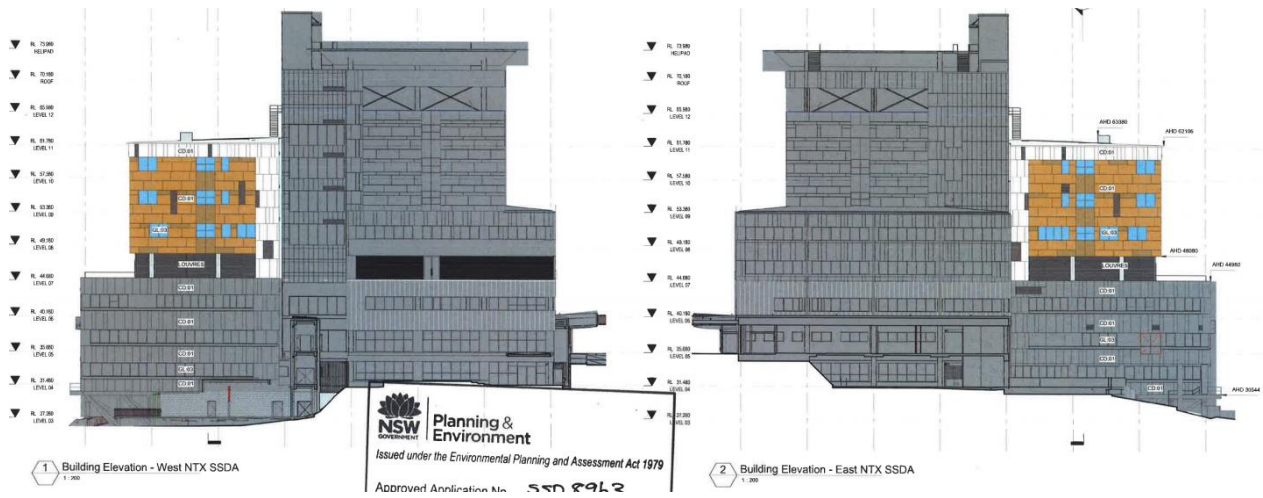


Figure 6 Approved Western and Eastern Elevation Plans (Source: CGA)

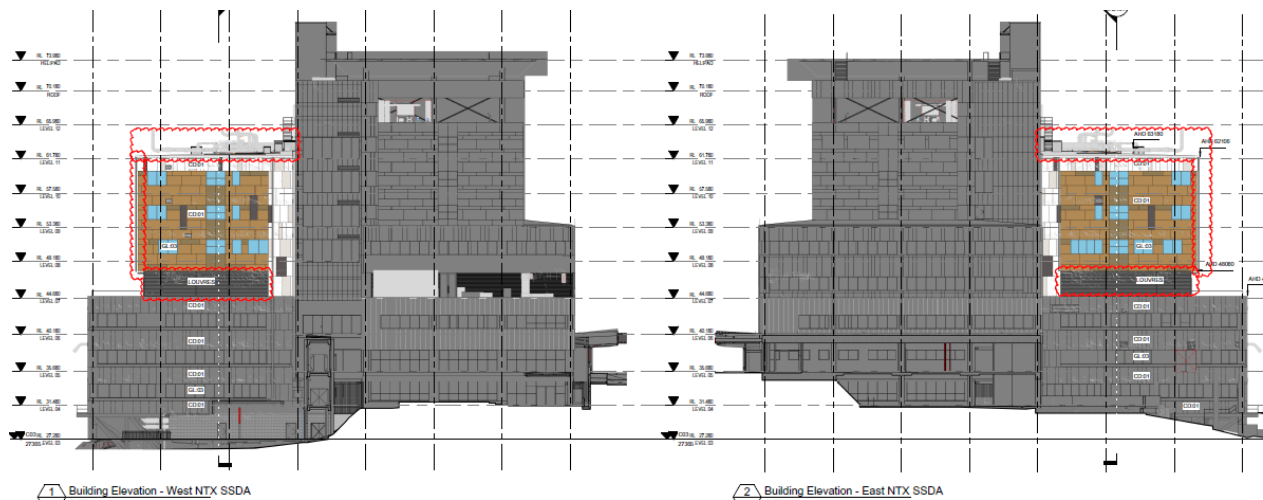


Figure 7 Proposed Eastern and Western Elevation Plans (Source: CGA)

- South elevation: As can be seen in the following comparative elevation plans, the modified rooftop mechanical plant is also visible on the southern elevation, as per the northern elevation.

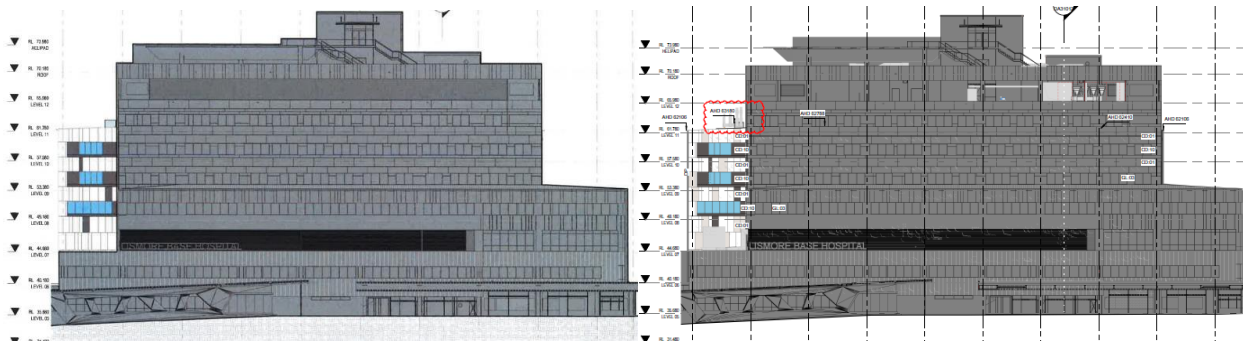


Figure 8 Approved vs Proposed Amended Southern Elevation Plans (Source: CGA)

We note that the subject application has been lodged concurrently with a Section 4.55(1A) modification application. The purpose of the concurrent modification application is to seek approval for a range of changes to the approved north tower, being Stage 3B2 of the redevelopment at LBH. The approved NTX is a vertical extension above the approved Stage 3B2 North Tower. The SSDA reference for the approved Stage 3B development (incorporating Stage 3B1 and Stage 3B2) is SSD 14_6848.

2.2. Justification for the Modifications

The proposed modifications have arisen as a result of the design development of the approved Stage 3C NTX.

2.3. Conditions to be Modified

The only condition that requires modification as a result of the above is Condition A2 which lists the approved plans and documents for the development.

3. MATTERS FOR CONSIDERATION UNDER SECTION 4.55

3.1. Overview

Section 4.55 of the Environmental Planning and Assessment Act, 1979 (the Act) confers on a consent authority the power and discretion to modify a consent granted under the Act.

The relevant provisions of the Act state:

“Modification of consents

(1A) Modifications involving minimal environmental impact. A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*

- (b) *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) under this section, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections 4.55 (3) states as follows:

"(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application."

The matters prescribed under Section 4.55 are addressed below.

3.2. Minimal Environmental Impact (Section 4.55(1A)(a))

Visual Impact

The majority of the external changes proposed have resulted from design development and whilst they will result in minor aesthetic changes to the approved building facades, they will not change the overall design intent of the approved development. The most evident change relates to the extent and design of rooftop mechanical plant, resulting in a very minor increase in the height of the approved NTX to approximately RL 65.53 from the approved height of RL 63.38. Notwithstanding this minor increase in height, the visual impact is considered to be inconsequential given:

- The mechanical plant will remain setback from the NTX building (Level 10) below to minimise visual prominence; and
- The overall height of the NTX building will remain well below that of the approved adjacent Stage 3B1 tower.

As noted, all other modifications are minor and do not change the overall design intent or visual presentation of the approved NTX from the surrounding locality.

Overshadowing

Despite the very minor increase in height of the approved NTX as a result of changes to the approved rooftop mechanical plant design, there will be no increase in overshadowing given the shadows of the NTX fall within those of the much taller existing Stage 3B1 tower, which is located directly to the south of the NTX.

Traffic and Parking

As the proposed modifications, both internal and external, will not increase the intensity of the approved development (including bed and staff numbers), there will be no change to the parking demand or traffic generation associated with the approved development.

3.3. Substantially the Same Development (Section 4.55(1A)(b))

As defined by Pearlman C.J. in *Schroders Australian Property Management Ltd v Shoalhaven City Council and Anor* (1999) NSWLEC 251, “substantially the same development” means “essentially or materially or having the same essence”. On that basis, it is the substance of the proposal relative to the substance of the development as originally approved. The development proposed by this modification is essentially, and materially, the same as approved for the following reasons:

- The proposed modifications are largely contained to minor internal changes and minor external changes to the façade that have resulted from design development of the approved NTX building. These modifications do not change the overall design intent of the approved façade, which involves incorporating a range of materials, colours and finishes to break up the massing of the building; and
- As noted in Section 3.2 above, the most evident change relates to the design of rooftop mechanical plant. Now that final plant selection has been made, amendments to the design and extent of rooftop mechanical plant are required to be made to ensure the NTX and Stage 3B2 building below are adequately serviced and to ensure compliance with the relevant standards. The minor increase in height that results from the amended mechanical plant design does not materially change the essence of the approved building as there will be no change to the approved use, intensity of that use and no material impact (in terms of visual massing, shadows, traffic etc).

With regard to the above, we therefore consider that the development (as modified) will remain substantially the same as the development that was originally approved.

3.4. Section 4.15(1) Considerations (Section 4.55(3))

The environmental assessment matters relevant to the proposed modified development under Section 4.15(1) (a), (b), (c), (d) and (e) of the Act are addressed below:

- Environmental planning controls

The principal planning controls applying to the development are contained in:

- State Environmental Planning Policy (Infrastructure) 2007;
- Lismore Local Environmental Plan 2012; and
- Lismore Development Control Plan.

Since there are no substantive changes to the development proposed, the modified proposal remains consistent with the relevant provisions of those controls as detailed in the original application and as subsequently assessed by DPIE in granting the consent.

- Environmental impacts and site suitability

There is nothing with respect to the modifications that would result in any environmental impact (refer to Section 3.2 above) or affect the suitability of the site for the development as approved or as proposed to be modified.

- The public interest

No public interest issues arise as a consequence of the proposed modifications. DIPE's intentions in imposing conditions to preserve the public interest are not affected, since the proposed modifications continue to give effect to those general intentions, simply in a more practical and achievable way.

4. CONCLUSION

This application seeks approval for a Section 4.55(1A) modification to SSD 17_8963 granted on 20 September 2018 for the Stage 3C NTX redevelopment at LBH. A comprehensive assessment of the proposed modifications to the approved NTX has been made against all of the applicable environmental planning provisions. The development, as modified, is considered to be:

- Of minor environmental impact;
- Substantially the same development as that which was originally approved;
- A suitable and desirable use for the site which meets the relevant heads of consideration under Section 4.15 of the Act;
- In accordance with the relevant aims and objectives of applicable planning instruments and controls; and
- An appropriate and acceptable modification that will not generate any unreasonable environmental impacts. The assessment of the modified proposal pursuant to the relevant Section 4.15(1) evaluation criteria does not alter the assessment undertaken in the EIS and the DPE's assessment of the original development application.

We are therefore satisfied that this proposal has properly responded to all relevant matters for consideration within the EP&A Act, and the accompanying Regulations. Accordingly, it is considered that the proposed development is worthy of support by the DPE.

Should you require any further clarification or information in respect to this application, please contact the undersigned on (02) 8270 3500.

Yours Sincerely,



Mel Krzus
Director



APPENDIX 1

Amended architectural plans