

1 July 2019

17593

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: David Gainsford (Executive Director, Priority Projects Assessments)

Dear David,

SECTION 4.55(1A) MODIFICATION APPLICATION WAGGA WAGGA BASE HOSPITAL, CORNER OF EDWARD AND DOCKER STREET, WAGGA WAGGA

This application has been prepared by Ethos Urban on behalf of NSW Health Infrastructure, pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 9033 relating to the Stage 3 Redevelopment of the Wagga Wagga Rural Referral Hospital, located on the corner of Edward Street and Docker Street, Wagga Wagga (the site).

The modification involves amendments to the extent and design of the basement carpark, which will result in the provision of additional car parking spaces. This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Amended Architectural Plans prepared by Jacobs (**Attachment A**);
- Traffic Impact Assessment prepared by GTA (**Attachment B**);
- Contaminated Soil Validation Report prepared by Regional EnviroScience (**Attachment C**);
- Civil Design Statemen prepared by TTW (**Attachment D**);
- Geotechnical Statement prepared by TTW (**Attachment E**);
- BCA Report prepared by Philip Chun (**Attachment F**);
- Electrical Supply Network Capacity Statement prepared by GPE Electrical & Communications (**Attachment G**);
- Fire Sprinkler System Capacity Statement prepared by Ultrasafe Fire Protection Services (**Attachment H**); and
- Hydraulic Infrastructure Capacity Statement prepared by Cooke & Dowsett (**Attachment I**).

1.0 Consent Proposed to be Modified

Development Consent SSD 9033 was granted by the (then) Minister of Planning on 18 December 2018 for:

- a six storey Ambulatory Care Building (ACB), including a rooftop plant room, above a 40-space basement carpark;
- ground floor level ancillary retail space;
- at-grade car parking for an additional 60 vehicles;
- ground level and bridge connections to the existing hospital building at Level 1 and Level 4;
- site landscaping;

- signage;
- associated public domain works and building services; and
- removal of 11 demountable buildings.

Demolition and excavation in accordance with SSD 9033 has now commenced and is being undertaken by the appointed contractor.

2.0 Proposed Modifications to the Consent

2.1 Modifications to the Development

The proposed modification involves amendments to the extent and design of the basement carpark approved under SSD 9033. This will involve additional excavation beneath the eastern portion of the approved Ambulatory Care Building. The proposed extension of the basement carpark will provide an additional 32 car parking spaces, increasing the total on-site car parking supply of the Wagga Wagga Rural Referral Hospital from 540 to 572 spaces.

To accommodate the extension of the basement car park, the following modifications to the design of the approved basement are proposed:

- Installation of air handling mechanical plant;
- Extension and rationalisation of plenum air exhaust; and
- Minor realignment of the fire escape passage.

The proposed modification to the extent and design of the basement carpark is detailed in the amended Architectural Plans prepared by Jacobs (**Attachment A**) and extracted below in **Figure 1**.

2.2 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***.

SCHEDULE 2

Terms of Consent

A2. *The development may only be carried out:*

- (a) *in compliance with the conditions of this consent;*
- (b) *in accordance with all written directions of the Planning Secretary;*
- (c) *generally in accordance with the EIS ~~and~~, Response to Submissions ***and Modification Application prepared by Ethos Urban dated 1 July 2019;****
- (d) *in accordance with the approved plans in the table below:*

Architectural Plans prepared by Jacobs			
Drawing Number	Revision	Name of Plan	Date
IA172202-ACBRB-DRG-1500	E <i>N</i>	General Arrangement Plan – Basement	21/09/18 <i>05/06/2019</i>
IA172202-ACBRB-DRG-4002	D <i>I</i>	Sections	21/09/18 <i>05/06/2019</i>
IA172202-ACBRB-DRG-4004	D <i>I</i>	Sections	21/09/18 <i>05/06/2019</i>

3.0 Substantially the Same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a 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 the consent was originally granted and before that consent as originally granted was modified (if at all)*”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- continues to provide for the redevelopment and future operation of the Wagga Wagga Rural Referral Hospital through a minor modification to the extent and design of the basement carpark;
- does not alter the approved development’s level of compliance with the applicable environmental planning instruments and policies;
- does not require remediation of the land to support the additional excavation works as the site is suitable for the proposed works in its current state, based on the finding of the Contaminated Soil Validation Report (**Attachment C**) as outlined further in **Section 4.3.2**;
- does not result in any additional environmental impacts beyond those considered and determined to be acceptable by granting Development Consent to SSD 9033, as discussed further in **Section 4.3** below; and
- is consistent with the mitigation measures established in the Development Consent to protect the environment from potentially adverse effects of the development.

The consent authority may therefore be satisfied that the development consent as proposed to be modified will remain substantially the same as the original development consent, with the proposed amendments to the extent and design of the basement carpark representing only a minor addition to the scope of the already approved

development. The proposed modification of Development Consent SSD 9033 may therefore be lawfully approved under Section 4.55(1A) of the EP&A Act.

4.0 Environmental Assessment

Section 4.55(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*”. Under Section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under Section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Reasons Given for Granting Consent

Table 1 details how the proposed modification is consistent with the reasons given by the (then) Minister for Planning in granting Development Consent 9033.

Table 1 Consideration of consistency of Modification Application with reasons for granting original consent

Reason for Granting Consent	Consistency of the Proposed Modification
<ul style="list-style-type: none"> The project would provide a range of benefits for the region and the State as a whole, including approximately \$111 million of capital investment, the creation of 320 construction jobs and 152 operational jobs. 	The proposed modification will not diminish the benefits provided by the Stage 3 Redevelopment of the Wagga Wagga Rural Referral Hospital and will create additional construction jobs.
<ul style="list-style-type: none"> The project is permissible with development consent and is consistent with the NSW Government policies including the Riverina Murray Regional Plan 2036 as directly meeting the vision (Direction 5) to support the establishment of health precincts around Wagga Wagga Base Hospital, helping to support the growth of health and aged care sectors. 	The development as proposed to be modified continues to be permitted with development consent and the modification will not alter the consistency of the development with the relevant strategic documents, including Direction 5 of the Riverina Murray Regional Plan 2036.
<ul style="list-style-type: none"> The impact on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions of consent are recommended to address key impacts associated with construction and operational traffic and parking impacts, and to encourage a shift in transport modes through the preparation and implementation of a Green Travel Plan. 	The proposed modification will not result in any additional adverse impacts on the community or the environment which cannot be appropriately managed and mitigated to an acceptable level, as detailed further in Section 4.3 .
<ul style="list-style-type: none"> The issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent. 	The proposed modification would ensure additional works continue to occur in accordance with the management plans required by the development consent for key environmental issues such as traffic management, noise and air quality.
<ul style="list-style-type: none"> Weighing all relevant considerations, the project is in the public interest. 	The project continues to be in the public interest.

4.2 Compliance with Environmental Planning Instruments

Table 2 below outlines the consistency of the development, as proposed to be modified, with the relevant legislation and environmental planning instruments.

Table 2 Modification Application's consistency with applicable legislation and planning instruments

Legislation/Instrument	Comment
Environmental Planning Instruments	
SEPP (State & Regional Development) 2011	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
SEPP (Infrastructure) 2007	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
SEPP No. 33 – Hazardous and Offensive Development	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
SEPP No. 55 – Remediation of Land	Refer to Section 4.3.2 .
SEPP No. 64 – Advertising Structures and Signage	There is no signage involved in this modification.
Wagga Wagga Local Environmental Plan 2010 (WWLEP)	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.

4.3 Environmental Impacts

The EIS submitted with the original State Significant Development Application (SSDA) addressed the likely impacts of the development, including:

- Built form and urban design;
- Environmental amenity;
- Transport and accessibility;
- Noise and vibration;
- Construction management;
- Non-Indigenous Heritage;
- Aboriginal cultural heritage and archaeology;
- Ecologically sustainable development;
- Waste management;
- Social and economic impact;
- Flooding and stormwater management;
- Biodiversity;
- Environmental risks;
- Ground contamination;
- Accessibility;
- Groundwater;
- Structural adequacy; and
- Public interest.

The proposed modifications to the approved development do not give rise to any material alteration to the assessment of the potential impacts that were considered and determined to be acceptable in the granting of Development Consent SSD 9033.

Supplementary technical assessment has been undertaken for key environmental issues relevant to the proposed amendments to the extent and design of the basement carpark, which are discussed in further detail below.

The consensus of these reports has been that, considering the nature of the works, the conclusions of the original assessment remain generally valid with all existing mitigation measures provided for in Development Consent SSD 9033 retained.

4.3.1 Traffic

GTA Consultants has prepared a supplementary Traffic Statement (**Attachment B**) which considers the impact of the proposed modification to the extent and design of the basement carpark, having regard to the original Transport Assessment which accompanied the EIS for the original SSDA.

The supplementary Traffic Statement confirms that the provision of an additional 32 car parking spaces, which will increase the total on-site car parking supply from 540 to 572 spaces, will assist in alleviating the existing demand for on-street car parking, while having no adverse impact on surrounding traffic conditions.

The extension to the basement carpark will be designed in accordance with the requirements of the Australian Standard for Off Street Car Parking (AS2890.1:2004 and AS2890.6:2009).

4.3.2 Ground Contamination

Regional EnviroScience has prepared a Contaminated Soil Validation Report (**Attachment C**) which considers whether identified contaminants have been successfully remediated in accordance with the Remediation Action Plan (RAP) prepared by JBS&G and submitted with the original SSDA.

The Validation Report has been informed by extensive gridded and judgemental soil sampling, laboratory analysis and a data gap analysis. This sampling and analysis confirms that identified contaminants had been successfully remediated and that the site is suitable for continued use as a health services facility.

For this reason the proposed modification remains consistent with Condition D19 of the Development Consent for SSD 9033, which requires that:

“Prior to occupation of the building, the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use(s).”

4.3.3 Structural and Civil

TTW has prepared a Civil Design Statement (**Attachment D**) which confirms that the proposed modifications will remain in accordance with civil and stormwater design approved under SSD 9033. Specifically, all external pavements, finished ground levels, stormwater and hard landscaping works remain unchanged.

4.3.4 Geotechnical

TTW have confirmed that the geotechnical parameters applied to the structural design of the proposed basement extension do not differ from those detailed in the Geotechnical Investigation that was prepared by Douglas Partners and approved under SSD 9033 (**Attachment E**). The geotechnical parameters will be verified through a targeted Geotechnical Engineering Assessment prior to the construction of the structural elements.

4.3.5 Building Code of Australia

A supplementary BCA Assessment has been prepared by Philip Chun (**Attachment F**) which considers the compliance of the proposed modifications to the extent and design of the basement carpark with the Building Code of Australia (BCA). The assessment confirms that the approved development, as proposed to be modified, remains capable of achieving compliance with the BCA.

4.3.6 Services and Utilities

The following documents confirm that there is sufficient capacity within the current services and utilities provision for the Stage 3 Redevelopment of the Wagga Wagga Rural Referral Hospital to accommodate the extension of the basement carpark:

- Electrical Supply Network Capacity Statement prepared by GPE Electrical & Communications (**Attachment G**);
- Fire Sprinkler System Capacity Statement prepared by Ultrasafe Fire Protection Services (**Attachment H**); and

- Hydraulic Infrastructure Capacity Statement prepared by Cooke & Dowsett (**Attachment I**).

4.4 Suitability of the Site

The site remains suitable for the Stage 3 Redevelopment of the Wagga Wagga Rural Referral Hospital (SSD 9033), as proposed to be modified, for the reasons outlined in the EIS lodged with the original SSDA.

4.5 The Public Interest

The proposed modifications to the approved development are in the public interest as the additional car parking spaces will assist in alleviating the existing demand for on-street car parking, while having no adverse impact on surrounding traffic conditions.

5.0 Conclusion

The proposed modifications involve amendments to the extent and design of the basement carpark approved under Development Consent SSD 9033. The proposed amendments will provide additional car parking spaces to support the future operation of the Wagga Wagga Rural Referral Hospital.

In accordance with Section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact;
- substantially the same development as development for which the consent was granted; and
- the proposed modification is in the public interest.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Thomas Atkinson
Junior Urbanist, Planning
02 9956 6962
TAtkinson@ethosurban.com



Chris McGillick
Senior Urbanist, Planning
02 9956 6962
CMcGillick@ethosurban.com