



Concord Repatriation General Hospital Redevelopment

*State Significant
Development
Modification
Assessment
(SSD 9036 MOD 3)*

December 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Canada Bay Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
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 Concord Repatriation General Hospital Redevelopment (SSD 9036).

The modification application seeks approval to allow for works relating to design and construction to be staged to enable construction works to progress in the most efficient way.

The application has been lodged by NSW Health Infrastructure on behalf of the Health Administration Corporation (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 on Rocky Point Peninsula, on the southern bank of the Parramatta River and is bounded by Brays Bay to the north and Yaralla Bay to the south. The site is located 11 kilometres (km) west of the Sydney CBD, approximately eight km south west of the Parramatta CBD and is known as 1H Hospital Road, Concord West. The site is irregular in shape and legally described as Lot 20 DP 1139098, Lot 1 PD 455866, Lot 2 DP 535257, Lot 117 DP 752023, Lot 1 DP 166721, Lot 7310 DP 1159928, Lot 2 231732 and includes an untitled lot at the southern end of the site adjacent to the Parramatta River. The site is elongated in an east to west manner and has an area of approximately 24ha (see **Figure 1**).



Figure 1 | Site map (Base Source: Google Maps)

The site is dissected by Hospital Road, with the main hospital building (the Multiblock) located on the southern side and a large at grade car park located to the north. The carpark is generally devoid of any buildings except for a small, single storey weatherboard building occupied by the NSW Institute of Sports Medicine. The main hospital grounds are occupied by many buildings of various size and form. These buildings date back to the early 1940s, with many having been constructed, extended and/or refurbished at various times throughout the history of the site.

1.2 Approval History

In May 2018, the Applicant undertook a Review of Environmental Factors (REF) pursuant to State Environmental Planning Policy (Infrastructure) SEPP for works to be undertaken as 'development without consent' in accordance with Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The works approved under the REF include the demolition of buildings 1A, 60 through to 65 inclusive and 70 through to 73 inclusive. The refurbishment of building 69 was also approved. These buildings are all located within the footprint of the proposed CSB forming part of Stage 1 and demolition works commenced in June 2018/ The removal of 18 trees and construction of a temporary loading dock to the rear of the existing Multiblock catering for deliveries and services during the construction phase was also approved under the REF.

On 28 February 2019, the Executive Director, Key Sites & Assessments granted consent to SSD 9036 for the redevelopment of Concept and Stage 1 Redevelopment of Concord Repatriation General Hospital, involving demolition works, construction of a new six storey Clinical Service Building (CSB) located towards the centre of the development site and a new five storey car park accommodating 590 vehicles, tree removal and landscaping, subject to conditions.

The consent has been modified on two occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amendments to correct minor administrative errors in the Schedule 3 – Conditions of Approval	Department	4.55(1A)	16 April 2019
MOD 2	Amendments to Unexpected Contamination Procedure, to allow for on-site remediation, in accordance with the approved Remedial Action Plan.	Department	4.55(1A)	Withdrawn on 7 June 2019.



2. *Proposed Modification*

On 5 December 2019, the Applicant lodged a third modification application to amend the consent under section 4.55(1A) of the EP&A Act. The proposed modification seeks to permit the staging of construction across the site for Stage 1 to align aspects required within the consent with the construction works to enable the delivery of a complex infrastructure project.

The modification application states that the staged approach would not affect the ability of the development to comply with all conditions of consent.

To facilitate the request for staged construction, the Applicant seeks to include additional administrative conditions that are now imposed by the Department on all social infrastructure projects, as follows:

1. *The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the information of the Planning Secretary.*
2. *Staging Report prepared in accordance with the above condition must:*
 - (a) *if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;*
 - (b) *if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);*
 - (c) *specify how compliance with conditions will be achieved across and between each of the stages of the project; and*
 - (d) *set out mechanisms for managing any cumulative impacts arising from the proposed staging.*
3. *Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.*



3. Strategic Context

The Department considers that the proposed modification will remain consistent with the following strategies:

- NSW State Priorities NSW Government (2015)
- NSW State Infrastructure Strategy 2018 – 2038: Building Momentum Infrastructure NSW (2018)
- Greater Sydney Region Plan 'A Metropolis of Three Cities' Greater Sydney Commission (2018)
- Future Transport Strategy 2056 NSW Government (2018)
- Planning Guidelines for Walking and Cycling NSW Government (2004)
- Healthy Urban Development Checklist NSW Health (2010)
- Better Placed – A Design Led Approach: Developing an Architecture and Design Policy for New South Wales - Government Architect NSW (2017)
- Eastern City District Plan Greater Sydney Commission (2018)
- Sharing Sydney Harbour Access Plan NSW Department of Infrastructure, Planning and Natural Resource (2003)



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 increase the environmental impacts of the project as approved;
- is substantially the same development as originally approved; and
- 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 and Public Spaces is the consent authority for the application under 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Infrastructure Assessments may determine the application as:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- public exhibition of the application was not required and therefore no public submissions objecting to the proposal were received.



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 do not apply to State significant development. Accordingly, the application was not notified or advertised.



6. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents;
- the environmental assessment and conditions of approval for the original project and subsequent modifications;
- relevant environmental planning instruments, policies and guidelines; and
- the requirements of the EP&A Act.

The Department considers the key issue associated with the proposal to be the consideration of compliance with the consent across all proposed stages of the development.

6.1 Compliance with conditions of consent

The Department considers that the insertion of a staging condition to facilitate a staged approach to construction would ensure the delivery of the proposal occurs logically and in a timely manner.

The Department considers that the insertion of the staging condition would result in a negligible impact upon the development as approved and ensures the development continues to address the requirements of the consent.

The Department is satisfied that the construction and design of the proposal can occur in a staged manner and that staging construction works and staged compliance with the relevant conditions of consent would result in no change to the impacts assessed as part of the Department's original assessment.

The Applicant has proposed minor changes to the usual conditions, as noted in Section 2. Whilst the Applicant is seeking to submit the Staging Report for the information of the Planning Secretary, the Department is of the opinion that the Report should be approved by the Planning Secretary, which is standard practice within the Social and Infrastructure branch. The Applicant has also sought to omit bold condition 3 below, however without this condition there would be no obligation for the staging to be carried out in accordance with the approved Staging Report. The Department is therefore of the opinion that the inserted conditions should read as follows:

1. *The project may be constructed and operated in stages. Where staged construction or operation is proposed **(to the extent to which it relates to the requirements set out in this instrument)**, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the ~~information~~ **approval** of the Planning Secretary.*
2. *Staging Report prepared in accordance with the above condition must:*

- (a) *if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;*
 - (b) *if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);*
 - (c) *specify how compliance with conditions will be achieved across and between each of the stages of the project; and*
 - (d) *set out mechanisms for managing any cumulative impacts arising from the proposed staging.*
3. ***Where staging is proposed, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.***
4. *Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.*

No further concerns are raised with the proposed modification.



7. *Evaluation*

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

The Department accepts that the wording of the conditions means that the requirements of the conditions cannot be satisfied with concurrent and sequential works occurring to develop the site.

The Department considers the additional staging condition would facilitate timely construction of the Concord Repatriation General Hospital, whilst also ensuring all works are managed and undertaken in accordance with the requirements of the consent.

The development as modified would be substantially the same as that originally approved and would deliver a significant public benefit through the provision of improved health care in the area.

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 Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 9036 MOD 3 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 the biodiversity assessment report is not required to be submitted with the application as the modification will not increase the impact on biodiversity values on 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 9036.
- **signs** the attached approval of the modification.

Recommended by:

Kathryne Glover

Planning Officer

Social and Infrastructure Assessments

Recommended by:

David Gibson

Team Leader

Social Infrastructure



9. *Determination*

The recommendation is **Adopted by:**

Karen Harragon

Director

Social and Infrastructure Assessments



Appendices

Appendix A – List of Documents

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

1. Modification Report and Attachments

<https://www.planningportal.nsw.gov.au/major-projects/project/26181>

Appendix B – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/26181>

Appendix C – Recommended Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/26181>