

17 May 2023

Karen Harragon  
 Director, Social & Infrastructure Assessments  
 Department of Planning and Environment  
 12 Darcy Street  
 Parramatta NSW 2124

Architecture  
 Urban Design  
 Planning  
 Interior Architecture

**RE: Proposed Section 4.55(1A) Modification to SSD-11099584 Sutherland Hospital Operating Theatre Upgrade – Amend Condition B25 Operational Access, Carparking and Service Vehicle Arrangements & Amend Select Landscape Plans**

Dear Ms Harragon,

**1. Introduction**

This letter has been prepared by Architectus Australia Pty Ltd (Architectus), to modify State Significant Development (SSD) SSD-11099584, pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Architectus Sydney  
 Level 18 MLC Centre  
 19 Martin Place  
 Sydney NSW 2000 Australia  
 T +61 2 8252 8400  
 F +61 2 8252 8600  
 sydney@architectus.com.au  
 www.architectus.com.au

SSD-11099584 was approved on 12 October 2021 by the Department of Planning, Industry and Environment as delegate for the Minister for Planning and Public Spaces, for upgrades to Sutherland Hospital, located at Kingsway and Kareena Road, Caringbah, including:

Adelaide  
 Auckland  
 Brisbane  
 Christchurch  
 Melbourne  
 Sydney

*“Alterations and extensions to the South Wing building, comprising:*

- *demolition, earthworks and tree removal;*
- *refurbishment of existing facilities including operating theatres, endoscopy suites, post-anaesthesia care unit, short stay unit / discharge and staff amenities;*
- *construction of a three-storey extension comprising 3,578sqm additional gross floor area, including additional operating theatres, a new Magnetic Resonance Imaging (MRI) suite, a new Central Sterilising Services Department, additional plant space, fire stairs and lift core;*
- *removal of 12 existing car parking spaces and provision of 11 additional bicycle parking spaces and end-of-trip facilities;*
- *landscaping works including hard and soft landscaping;*
- *alterations to emergency vehicle access; and*
- *business identification and wayfinding signage.”*

The Proposed Modification seeks to modify Condition B25 which relates to operational access, carparking and service vehicle arrangements, and amends four Landscape Plans to plant one (1) additional tree.

The Proposed Modification is not considered to alter the design intent of the approved development and is considered to be substantially the same development as the development for which consent was originally granted.

A detailed description of the Proposed Modification and its rationale are provided at Section 3 of this letter. The Proposed Modification should be read in conjunction with the following supporting documentation:

Architectus Group Pty Ltd  
 ABN 90 131 245 684  
 Nominated Architect  
 Managing Director  
 Ray Brown  
 NSWARB 6359

- **Attachment A:** Car Park Compliance (Advice letter) prepared by TTW (Traffic engineer), dated 01 February 2023;
- **Attachment B:** Landscape Plan ‘Softworks Plan (Drawing No. L-403) – prepared by Arcadia, dated 17/03/23 / Issue 4;
- **Attachment C:** Landscape Plan – ‘Softworks Plan’ (Drawing No.: L-400) – prepared by Arcadia, dated 17/03/23 / Issue 4;
- **Attachment D:** Landscape Plan – ‘Section 01’ (Drawing No.: L-501) prepared by Arcadia, dated 17/03/23 / Issue 4; and
- **Attachment E:** Landscape Plan – ‘Masterplan – Ground’ (Drawing No.: L-101) – prepared by Arcadia, dated 17/03/23 / Issue 4.

This letter provides an overview of the site, details of the Proposed Modification and an environmental assessment of the Proposed Modification against Section 4.55(1A) of the EP&A Act, the relevant matters for consideration under Section 4.15(1) of the EP&A Act, and a merit assessment of the proposed development.

## 2. The Site

The site is located at Kingsway and Kareena Road, Caringbah NSW 2229 and is part of the Sutherland Shire Local Government Area.

The site is bounded by the Kingsway to the north and Kareena Road to the west, a railway corridor to the south and a residential area adjacent to the east. The site has a total site area of 9.3 hectares and is made up of three (3) lots, legally referred to as Lot 1 DP 119519, Lot 1 DP 432283, and Lot 1 DP 398975.

The site is currently occupied by existing hospital buildings and an NSW Ambulance station occupies the third lot which adjoins Kareena Road to the west.

Refer to **Figure 1** below for site context aerial photograph.



**Figure 1** Aerial photograph of outlined in red.

Source: Near Map with Architectus overlay

### 3. Proposed Modification

#### 3.1 Summary

The Proposed Modification seeks to modify the wording of Condition B25 relating to the operational access, car parking and service vehicle arrangements on the site. The approval included alterations to a small portion of the car parking area on site, however, Condition B25 is phrased such as to require upgrades to all operational access, car parking and service arrangements at the hospital including in areas that are beyond the works boundary. As such, the Proposed Modification seeks to modify the wording of the condition so as to apply only to the portion of the hospital that is part of the approved development.

The Proposed Modification also seeks to plant one (1) additional tree, known as the Blueberry Ash (*Elaeocarpus reticulatus*). Four approved landscape plans are proposed to be replaced by amended plans to accommodate the additional tree.

The following table provides an overview of the proposed amendment to Condition B25:

Table 1 Proposed Amendments to Conditions

Current Wording	Action	Proposed Wording
B25. Prior to the commencement of construction of operational parking and access facilities, evidence of compliance of the design of operational parking and access arrangements with the following requirements must be submitted to the Certifier:	Modify	B25. Prior to the commencement of construction of operational parking and access facilities, evidence that the proposed 25 parking spaces associated with the alterations and extensions to the South Wing Building are designed and achieve compliance in accordance with AS 2890.1:2004, must be submitted to the Certifier.
(a) a minimum of 841 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;	Modify	B25A. Prior to the commencement of construction of operational parking and access facilities, evidence of a minimum of 841 on-site car parking spaces for use during operation of the development must be submitted to the Certifier.
(b) the swept path of the largest service vehicle entering and exiting the Site in association with the new work, as well as maneuverability through the site, must be in accordance with the latest version of AS 2890.2;	Remove	-
(c) the ingress and egress crossings must be clearly identified by signage;	Remove	-
(d) the internal driveway and car parking area must be concrete or asphalt; and	Remove	-
(e) the maximum longitudinal grade of the driveway must not exceed 12.5%.	Remove	-

### 3.2 Rationale

The Proposed Modification is required to ensure that Condition B25 only relates to the portion of the hospital site that was developed under SSD-11099584.

Car Park 3, located adjacent to the Operating Theatre, contains 853 car parking spaces currently. The SSDA approved the loss of 12 car parking spaces resulting in a final total of 841 car parking spaces. An additional 25 car parking spaces are temporarily lost during construction due to the contractor's shed but are to be reinstated. When these 25 car parking spaces are re-instated, they will be re-instated in accordance with the relevant Australian Standards. No other works relating to car parking were approved as part of the SSDA.

#### Replace B25(a) with B25 and B25A

The intent of the original sub-clause B25(a) is considered to be twofold:

1. The condition seeks to ensure that a minimum quantum of parking is available at the hospital during the operation of the approved development. This portion of the condition is retained and becomes B25A.
2. The conditions seek to ensure that all parking forming part of the development is compliant the relevant Australian Standards being, *AS2890.1:2004 Parking facilities, Part 1: Off-street car parking* and *AS2890.6: Parking facilities, Part 6: Off-street parking for people with disabilities*. It is noted that of the 25 car parking spaces being modified none of these are accessible parking spaces. Therefore, reference to AS2890.6 is removed as it is considered irrelevant.

Further, the way the condition is currently worded, it requires all on-site parking (841 spaces), including parking beyond the scope of the SSDA, to be updated to be compliant with the relevant Australian Standards. This condition is amended to reflect that only *modified* parking (i.e. 25 car spaces), is subject to this requirement, not all site parking. It would be unreasonable to apply this requirement to parking spaces not associated with the approved development.

#### Delete B25(b) – B25(d)

These sub-clauses are irrelevant to the SSDA. The approved development did not include any road, car park surface upgrades or changes to driveways and as a result these sub-clauses cannot be complied with and are requested to be deleted.

Road upgrades were completed on Kareena Road however this was under a separate planning pathway to the SSDA.

### 3.3 Proposed Revised Condition A2

The following changes to condition A2 are shown below. Note additions are shown in bold text and omissions in crossed-out text.

Landscape plans prepared by Arcadia			
Dwg No.	Rev	Name of Plan	Date
L-101	<del>4</del>	Masterplan – Ground	<del>23/02/21</del>
	<b>4</b>		<b>17/03/23</b>
L_400	<del>4</del>	Softworks Plan	<del>23/02/21</del>
	<b>4</b>		<b>17/03/23</b>
L_403	<del>4</del>	Softworks Plan	<del>23/02/21</del>

	<b>4</b>		<b>17/03/23</b>
L-501	4	Section 01	<del>23/02/21</del>
	<b>4</b>		<b>17/03/23</b>

### 3.4 Proposed Revised Condition B25

Accordingly, the applicant seeks to modify Condition B25 of SSD-11099584, to read as follows (amendments shown in red, with deleted wording shown in strikethrough and new text shown in bold):

*B25. Prior to the commencement of construction of operational parking and access facilities, evidence of compliance of the design of operational parking and access arrangements with the following requirements that the proposed 25 parking spaces associated with the alterations and extensions to the South Wing Building are designed and achieve compliance with 2890.1:2004, must be submitted to the Certifier:*

***B25A. Prior to the commencement of construction of operational parking and access facilities, evidence of a minimum of 841 on-site car parking spaces for use during operation of the development must be submitted to the Certifier.***

~~(a) minimum of 841 on-site car parking spaces for use during operation of the development~~

~~(b) New or modified parking should be compliant with AS2890.1.~~

~~(a) a minimum of 841 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;~~

~~(b) the swept path of the largest service vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2;~~

~~(c) the ingress and egress crossings must be clearly identified by signage;~~

~~(d) the internal driveway and car parking area must be concrete or asphalt; and~~

~~(e) the maximum longitudinal grade of the driveway must not exceed 12.5%.~~

No other conditions of SSD-11099584 are required to be amended to support the Proposed Modification.

## 4. Planning Context and Regulatory Framework

### 4.1 Consistency with Planning Framework

The Proposed Modification has been assessed below in relation to the applicable planning framework.

### 4.2 Environmental Planning and Assessment Act 1979

The proposal seeks to modify SSD-11099584 pursuant to Section 4.55(1A) of the EP&A Act. The Proposed Modification seeks to amend the wording of a condition of consent. The change, being minor in nature, is considered to fall within the provision of Section 4.55(1A) of the EP&A Act.

As assessment against the provisions of Section 4.55(1A) provided below.

#### Sub-section 1(a)

*(a) it is satisfied that the proposed development is of minimal environmental impact,*

Comment: The Proposed Modification amends a condition in relation to the parking and traffic on the site and plants one additional tree. The scope and nature of the approved parking/traffic works remains unchanged, and the additional tree offers minor positive impact. Therefore the environmental impacts of the proposed development as a result of the changes represent minor positive impact.

**Sub-section 1(b)**

*(b) it is satisfied that the development to which the consent as modified is substantially the same development for which the consent was originally granted and before that consent as originally granted was modified (if at all),*

Comment: As above, the nature of the development is largely unaltered by the re-wording of the conditions, and it is considered to remain substantially the same compared the development for which consent was originally granted.

**Sub-section 1(c)**

*(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 that requires the notification or advertising of applications for modification of a development consent*

Comment: It is expected given the changes only make very minor changes to the development as approved, notification and advertising of the Modification will not be required.

**Sub-section 1(d)**

*(d) it has considered any submissions made concerning the Proposed Modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: Any submissions made will be duly considered and addressed.

**Sub-section (3)**

*(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 consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

Comment: According to Section 4.55(3) of the EP&A Act, the consent authority must take into consideration the relevant matters under Section 4.15(1) of the EP&A Act. The matters for consideration under Section 4.15(1) of the EP&A Act are addressed in Table 2 below.

**4.3 Matters for Consideration under Section 4.15(1) of EP&A Act**

**Table 2 Matters for consideration under Section 4.15(1) of the EP&A Act**

Section 4.15(1) Matters for Consideration	Compliance	Comment
<b>Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument</b>	✓	As detailed in Section 4 of this report, the Proposed Modification is consistent with the applicable planning framework.

<b>Section 4.15(1) Matters for Consideration</b>	<b>Compliance</b>	<b>Comment</b>
<b>Section 4.15(1)(a)(ii) – Provisions of a proposed instrument that is or has been subject of public consultation under the Act and that has been notified to the consent authority</b>	N/A	There are no Draft environmental planning instruments that apply to the Proposed Modification.
<b>Section 4.15(1)(a)(iii) – Provisions of any development control plan</b>	✓	An assessment of the proposed hospital redevelopment against the requirements of the Sutherland Shire Development Control Plan 2015 has not been undertaken, as Clause 2.10 of SEPP Planning Systems 2021 provides that DCPs do not apply to state significant developments.
<b>Section 4.15(1)(a)(iia) – Provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4. and</b>	N/A	There are no planning agreements applicable to the proposed development.
<b>Section 4.15(1)(a)(iv) – Provisions of the regulations</b>	✓	The Proposed Modification is consistent with the EP&A Regulation.
<b>Section 4.15(1)(b) – The likely impacts of the proposed development</b>	✓	The change to the building design will result in minimal changes to environmental impacts compared to the approved development.
<b>Section 4.15(1)(c) – Suitability of the site for the development</b>	✓	For the reasons discussed within this report, the site is considered suitable for the development as modified by the changes to the Conditions of consent.
<b>Section 4.15(1)(d) – Any submissions made in accordance with this Act or the regulations</b>	✓	Any submission made on the Proposed Modification will be duly considered.
<b>Section 4.15(1)(e) – The public interest</b>	✓	For the reasons discussed within this letter, the Proposed Modification is considered to be in the public interest. The proposal will not result in any detrimental environmental impact, is consistent with legislation/policies, and is consistent with the original intent of the approved SSD-11099584 (as amended).

#### **4.4 Reasons Given by the Consent Authority for the Grant of the Consent that is Sought to be Modified**

The key reasons for granting consent to SSD-11099584 were:

- *The proposal should be approved as it would provide benefit for the community by delivering improved and expanded healthcare facilities and is also predicted to generate 377 construction jobs and 146 full-time equivalent jobs during operation.*
- *The project is permissible with development consent and is consistent with NSW Government policies including the Greater Sydney Commission’s Greater Sydney Regional Plan ‘A*

*Metropolis of Three Cities', Transport for NSW's Future Transport Strategy 2056, Greater Sydney Commission's Central City District Plan, NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum and the Westmead Place Strategy 2036 and Councils Local Strategic Planning Strategy 2036.*

- *Height and bulk of the South Wing building extension responds to the site and the existing height of buildings within the Hospital Campus, and the design of the façade, including materiality, ensure that the extension would make a positive contribution to the streetscape and is acceptable.*
- *The proposal would not have a significant adverse impact on the local traffic network or surrounding key intersections. The Applicant has demonstrated that the proposed travel mode share is attainable subject to the implementation of the recommended sustainable transport measures and the Department's conditions of consent.*
- *The proposal demonstrated that proposed parking provision would meet demand, and the Department notes that the mode share shift away from private car use, and subject to the Green Travel Plan, has potential to further reduce private vehicle usage and parking demand in the future.*
- *The proposal would not have any substantial impacts in terms of overshadowing, overlooking or loss of views.*
- *The impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent.*

The items the most relevant to the subject modification are “the proposal demonstrated that proposed parking provision would meet demand” and “the proposal would not have a significant adverse impact on the local traffic network or surrounding key intersections”. Parking provision and traffic levels are not affected by the Proposed Modification. Moreover, the proposed additional tree will improve streetscape presentation.

## **5. Environmental Assessment**

### **5.1 Section 4.15 (1)(a) Matters for Consideration – General**

Matters for consideration under this clause have been addressed in **Section 4** of this report.

The Proposed Modification does not alter the form, scale, or nature of the approved development under SSD-11099584. The development remains consistent with the previous conclusions relating to compliance with the applicable planning framework, that relates to the Proposed Modification.

No changes are proposed that relate to the controls that apply to the site within the Sutherland Shire Local Environmental Plan 2015. An assessment of the proposed hospital redevelopment against the requirements of the Sutherland Shire Development Control Plan 2015 has not been undertaken, as Clause 2.10 of SEPP Planning Systems 2021 provides that DCPs do not apply to state significant developments.

Refer to **Section 5.2** below, which provides consideration of the likely impacts.

### **5.2 Section 4.15 (1)(b) The Likely Impacts**

A discussion of the likely anticipated impacts resulting from the Proposed Modification is set out below.

#### Carparking and Access

There is no change to the amount of, or access to carparking.

The change in the wording of condition B25 does not alter the impacts to that which was approved.



#### Built form and landscaping

The Proposed Modification primarily relates to a condition of consent involving traffic and parking. There are no changes to the approved built form of the development.

The Proposed Modification also involves the planting of one (1) additional tree, the Blueberry Ash, which will provide shade, visual and other amenity benefits to on-site users. The native tree is endemic to Eastern Australia and will therefore also offer benefits to biodiversity.

#### No impacts to hospital operations

The Proposed Modification does not alter the operations of the hospital. There will be no changes to paths or accessways.

### **5.3 Section 4.15 (1)(c) Suitability of the Site**

These changes are considered to be minor and will not result in additional or increased impacts. It is considered to be substantially the same development as the development for which consent was originally granted.

Therefore, the site remains suitable for the development for the reasons outlined in the original SSD Application SSD-11099584.

### **5.4 Section 4.15 (1)(d) Submissions Made**

Given the minor changes to the proposed development under the Proposed Modification, further consultation has not been undertaken specific to the changes. Any agency responses or submissions received on the Proposed Modification will be duly responded to.

### **5.5 Section 4.15 (1)(e) The Public Interest**

The public benefits associated with the approved development, being the delivery of improved and expanded healthcare facilities and construction and operational jobs generation, are not affected by the Proposed Modification.

For the reasons discussed within this report, the Proposed Modification is substantially the same development as the development for which consent was originally granted under SSD-11099584.

The public interest is served by enabling the delivery of necessary hospital infrastructure without delay, and in accordance with the development consent.

Therefore, the development as it is proposed to be modified remains in the public interest, for the reasons outlined in the original SSD Application for SSD-11099584.

## **6. Conclusion**

This planning report has been prepared by Architectus in support of a Section 4.55(1A) modification application to SSD-11099584, being the Sutherland Hospital Operating Theatre Upgrade.

It is considered to be substantially the same development as the development for which consent was originally granted. Further, the Proposed Modification is considered to result in minimal environmental impact. The Proposed Modification will allow the development to be completed in accordance with the intention of the development consent.

This letter has been prepared in accordance with the State significant development guidelines – preparing a modification report: Appendix E dated December 2021. It is authored by Genevieve Hastwell, Senior Planner, and has been reviewed by Jane Fielding, a Registered Environmental Assessment Practitioner (REAP).

-----

If you wish to discuss any of the above matters further, please contact in the first instance Larissa Ozog, Senior Planning Advisor, Health Infrastructure: [Larissa.Ozog@health.nsw.gov.au](mailto:Larissa.Ozog@health.nsw.gov.au), or Jane Fielding, Senior Associate, Planning at [jane.fielding@architectus.com.au](mailto:jane.fielding@architectus.com.au) or (02) 8252 8400.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane Fielding', written in a cursive style.

Jane Fielding  
Senior Associate, Planning  
Architectus Australia Pty Ltd