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Our Ref: 222158_MOD_001A

16/05/2024

The General Manager
Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850

To whom it may concern,

SECTION 4.55(1A) MODIFICATION APPLICATION - DA0172/2023 - 30 MEARES STREET, MUDGEE

Premise Australia Pty Ltd acts on behalf of Western New South Wales Local Health District (WNSWLHD) in relation to the above matter and is pleased to submit this modification application in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), Section 4.55(1A).

This application is lodged in relation to Development Consent DA0172/2023 (MA0002/2024) and seeks approval to remove the requirement for six additional car parking spaces on the basis that the existing car park is underutilised, and therefore the requirement for these additional car parking spaces is unnecessary.

We attach the following documents in support of the modification application:

Appendix A: Development Consent DA0172/2023

Appendix B: Amended Architectural Plan (Reference: 222158_08_04_MOD_DA_A001, Rev E), prepared by Premise.

Appendix C: Letter from WNSWLHD

Appendix D: Parking and Traffic Assessment for Mudgee Hospital (22 June 2018), prepared by ptc.

The following headings provide a supporting statement for the proposed development, consideration of the site and relevant legislation and a detailed assessment of the proposal in accordance with the EP&A Act, Section 4.55(1A).

1. THE SITE

The subject site is 30 Meares Street, Mudgee, being Lot 20 in DP 1262637. The subject site is located South of the Mudgee commercial centre and has a total area of 38,084 m². The site is occupied by the Mudgee Health Service (MHS) which provides inpatient and community health services as a branch of the Western NSW Local Health District.

The subject site has frontage to Meares Street, Church Street and Lewis Street with vehicle access available from Meares and Lewis Street. The Mudgee Railway Station and railway line is located directly north of the subject site. The MHS incorporates a five bed emergency department, general ward for medical and surgical patients, a maternity unit and two operating theatres.

The subject site is depicted in **Figure 1**.

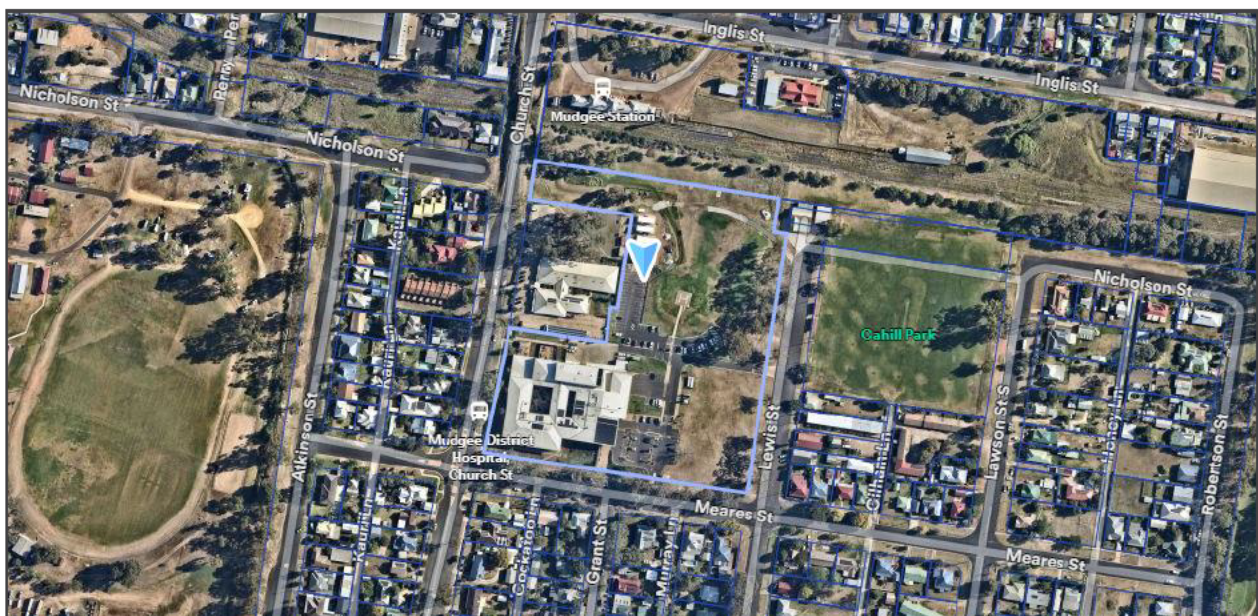


Figure 1: Aerial image of the site (Source: Nearmap, 2024)

2. PROPOSED MODIFICATION

As discussed in the original Statement of Environmental Effects, the development comprises multi-dwelling housing for the purpose of key worker accommodation, primarily for use by visiting staff to the facility. The development involved the allocation of six existing parking spaces to the proposed multi-dwelling housing, and the construction of six additional parking spaces adjoining the greater onsite car park.

Since development consent was issued, it has become evident that the existing car park is underutilised, and that the approved multi-dwelling housing will have negligible impact on the availability of car parking spaces within the subject site and surrounding area. Therefore, it is considered unnecessary to require the construction of the additional six parking spaces.

The letter provided from the WNSWLHD (**Appendix C**) submits that a comprehensive Parking and Traffic Assessment (PTA) (**Appendix D**) demonstrates that the site benefits from a significant surplus of car parking spaces.

The PTA estimates that the MHS would generate a demand for approximately 124 car parking spaces. This estimate incorporates demands of staff, the public, LHD controlled fleet vehicles and maintenance vehicles. Given that the subject site now comprises a 127 car parking spaces, with access to a further off-site car parking, the subject site has an on-site surplus of three (3) car parking spaces and a combined on and off-site surplus of 149 car parking spaces.

Further, the WNSWLHD has provided advice confirming that several changes have been made to the operations of the MHS, which have reduced the demand for on-site car parking spaces. These changes include the transition of 25 staff members to a separate office building within Mudgee.

As NSW Health seeks to lead responsible energy use in the Australian public-health sector, the WNSWLHD is actively working to promote alternative staff transport methods such as carpooling, cycling, public transport and walking. It is also anticipated that the fleet of vehicles allocated to the MHS will be reduced by 6 – 9 vehicles.

Based on the foregoing information, including the existing surplus of on-site car parking spaces, estimated, it is anticipated that removal of the additional six parking spaces will have a negligible impact on the availability of car parking spaces on-site and within the local street network.

Therefore, this modification seeks to amend Condition 1 to include the amended architectural plan provided as follows:

	Approved Plans	Amended Plans
Title/Plan:	Modified Site Plan	Modified Site Plan
Drawing No:	Job Code 222158, Sheet Number A001	Job Code 222158, Sheet Number A001
Revision:	A	E
Dated:	28/08/2023	15/05/2024

2.1 Operation of the Business

The original development application was assessed for *multi dwelling housing* consisting of two (2) – two-bedroom dwellings and two (2) – one-bedroom dwellings, associated structures and services. The dwellings would provide accommodation for staff employed within the Western NSW Local Health District.

This application does not seek to amend the approved number of dwellings or architectural design, the provision of services or infrastructure within the Mudgee Health Service.

3. LEGISLATION

3.1 Environmental Planning and Assessment Act 1979

The applicant lodges this modification application under Section 4.55(1A) which reads:

*“(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), 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 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 (1), (2) and (5) do not apply to such a modification.

(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.”

This application is lodged in respect of Development Consent DA0172/2023 (MA0002/2024) attached as **Appendix A**, and specifically the proposed amendment to the plans to remove the approved six (6) car parking spaces.

The objectives of this modification are to ensure the development proceeds in an appropriate manner and provide as much economic and social benefit to the Western NSW Local Health District city as possible.

As discussed above, the facility benefits from a significant surplus of car parking spaces, and as such the removal of the requirement for an additional six parking spaces is expected to have a negligible impact.

No changes are proposed to the approved multi-dwelling housing and therefore it is considered that the development remains substantially the same development for which consent was granted under DA0172/2023.

4. IMPACTS

Pursuant to the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b) and the former NSW Department of Urban Affairs and Planning's (nd) Guide to Section 79C.

A review of the assessment prepared in respect of the previous application has been conducted in the context of the modification proposed herein.

4.1 Traffic Impact

The modified development would not result in any significant change in daily vehicle movements to and from the site to what has previously been assessed and approved.

As discussed above, the proposed amendment is expected to have a negligible impact on the availability of car parking spaces on-site and within the local street network

5. CONCLUSION

Western New South Wales Local Health District seeks approval for a modified development consent to the existing approval for "Multi-dwelling housing and ancillary works associated with the Mudgee Health Service" approved by DA0172/2023. The proposed modification seeks approval for amendments to the car parking layout.

The proposed amendments are considered to be of minimal environmental impact and substantially the same development for which the consent was granted. The modification would not have adverse social, economic or cumulative impacts upon the surrounding locality.

The proposed modification to consent is consistent with the requirements of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 and it is recommended that the application be approved.

If you have any further questions with regards to this matter, please do not hesitate to contact me.

Kind regards,



Lucy McDermott
Town Planner



Appendix A

Development Consent

DA0172/2023 (MA0002/2024)



Appendix B

Amended Architectural Plan

Reference: 222158_08_04_MOD_DA_A001, Rev E, prepared by Premise.



Appendix C

Letter from WNSWLHD



Appendix D

Parking and Traffic Assessment

Parking and Traffic Assessment for Mudgee Hospital (22 June 2018), prepared by ptc.