



***MODIFICATION REQUEST:
Newcastle Private Hospital Expansion
Project, New Lambton Heights
(MP 08_0170 MOD 1)***

Request to modify the lapsing date of the approval

Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

July 2014

© Crown copyright 2014
Published July 2014
NSW Department of Planning & Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. BACKGROUND

On 15 January 2010, the Planning Assessment Commission, as delegate of the then Minister for Planning and Infrastructure, approved the major project for the Newcastle Private Hospital Expansion Project at New Lambton Heights.

The project approval comprises the construction and operation of a six storey building as part of the Newcastle Private Hospital, with three storeys of hospital space and three levels of basement car parking. The Newcastle Private Hospital is co-located with the public hospital, John Hunter Hospital (including Royal Newcastle Centre and John Hunter Children's Hospital). The car parking would support the operation of the private and public hospitals.

2. PROPOSED MODIFICATION

The modification application seeks to modify Condition A4 Lapsing of Approval, which imposes the following limit on the approval:

This approval shall lapse if the Proponent does not substantially commence the building works associated with the project within 5 years of the date of this approval.

An extension to the lapsing date of the approval to 15 January 2017 (an additional two years from the current lapsing date of 15 January 2015) is proposed.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Approved projects are transitional Part 3A projects.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposal involves modification to the conditions, the application will require the Minister's approval.

3.2 Delegated Authority

On 4 April 2013, the then Minister for Planning and Infrastructure delegated his powers and functions under section 75W of the EP&A Act to the Executive Director, Development Assessment Systems and Approvals in cases where:

- the council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has been made, but only in respect of a previous related application.

As no public submissions were received and the political disclosure statement related to a previous application, the Executive Director may determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the department's website. Due to the minor

nature of the proposed modification, the application was not exhibited by any other means. No public submissions were received on the modification request.

The application was referred to City of Newcastle Council. At the time of writing this report council had not made a submission on the modification request.

5. ASSESSMENT

The department considers the key issue for the proposed modification is whether the proposal remains suitable within the planning, social, economic and environmental context.

The proponent has requested that the lapsing period for the approval be extended by two years from 15 January 2015 to 15 January 2017. The extension is sought as funding has been invested in maximising existing facilities and upgrades to existing infrastructure, which has delayed the need for the additional facilities. The proponent is committed to the hospital expansion, however there is insufficient time to achieve physical commencement before the current lapsing date. Therefore, the proponent requests an extension of the lapsing period by two years until 15 January 2017.

The key issues addressed in the assessment of the application remain the pertinent issues and the proposed management and mitigation of those issues would continue to be addressed through proposed development, Statement of Commitments and the conditions of the approval, which would remain applicable. Whilst the zoning controls for the site and area have changed, the proposal remains permissible within the new SP2 Health Services Facility zoning and consistent with the objectives of zone. Whilst local planning controls are not applicable to transitional Part 3A projects, the project would not raise any issues with compliance with the new local planning controls. The locality remains generally the same with the prevailing health sector land uses surrounded by bushland and low density housing.

The department notes that the project would continue to provide significant social and economic benefits through the delivery of more hospital beds and jobs to support the region. The project is also critical in delivering car parking to relieve ongoing parking issues and the historic shortfall for the hospital precinct. Accordingly, the key public benefits of the project remain essential and relevant. Accordingly, the department is supportive of the project proceeding and is satisfied that the modification request to modify Condition A4 to extend the lapsing date to allow a minor delay in the delivery of the private hospital and car parking facilities is acceptable in this instance.

6. CONCLUSION

The department considers that the proposed modification would not have any additional environmental impacts and the project continues to be in the public interest and can be appropriately managed and mitigated in accordance with the Statement of Commitments and conditions of approval. The project will provide social benefits by supporting additional hospital beds, economic benefits through additional jobs and investment in critical facilities at the forefront in the respective medical fields as well as remediating disturbed land for health purposes. Consequently, the department is satisfied that the modification should be approved.

7. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Development Assessment Systems and Approvals:

- note the information provided in this report;
- approve the modification request; and
- sign the attached modifying instrument (**Appendix B**).

Prepared by



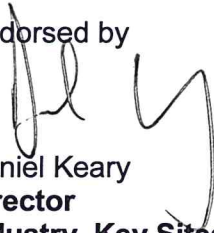
Megan Fu
Senior Planner
Industry, Key Sites & Social Projects

Endorsed by



Ben Lusher
Manager
Industry, Key Sites & Social Projects

Endorsed by



Daniel Keary
Director
Industry, Key Sites & Social Projects

Approved by

Chris Wilson
Executive Director
Development Assessment Systems and Approvals

APPENDIX A MODIFICATION REQUEST

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6523.

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT
