

12 August 2019

Mr David Gibson
Team Leader - Social Infrastructure Assessments
NSW Department of Planning, Industry and Environment
320 Pitt Street
Sydney NSW 2000

Dear David

Proposed s4.55 (1A) modification to SSD 8766 to amend condition B9 Site Contamination at Nepean Hospital Redevelopment

In February 2019, SSD approval was granted for Nepean Hospital and Integrated Ambulatory Services. Condition B8 and B9 of the Stage 1 Consent provided:

B8 Remediation approved as part of this development consent must be carried out in accordance with the Remedial Action Plan (54794/118777 - Rev O) dated 9/11/2018 and prepared by JBS&G.

B9. Prior to the commencement of earthworks, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the hospital land use and be provided to the satisfaction of the Certifying Authority.

Proposed Modification

As written, the condition is not feasible or practical. Earthworks activities are required to remediate the site to enable the Site Audit Statement to be issued. In addition, remediation of identified contaminated areas outside of the main tower footprint are not proposed to be undertaken until adjacent buildings have been decanted and demolished. JBS&G have prepared a Site Audit Report Staging Plan dated 12/08/19 (**Attachment A**). This plan identifies three (3) distinct stages for auditing to be undertaken across the staged construction of the site:

- Stage 2a Main site
- Stage 2b Childcare Centre
- Stage 2c Hope cottage, doctors accommodation, population health

In order to permit the staging of remediation works across such a large and complex site, it is requested that Condition B9 is amended as outlined below:

B9 ~~Prior to the commencement of earthworks~~ Upon completion of each stage of remedial works, in accordance with the Site Audit Report – Staging Plan dated 12/08/2019 prepared by JBS&G, the applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the use of the site as a hospital and be provided to the satisfaction of the Certifying Authority.

Substantially the Same

The proposed modifications will have a minimal environmental impact and the proposed development will remain “substantially the same” development for which SSD Consent No 8766 was granted. The development retains the key elements of the original consent, with the description, use, nature, bulk and scale, and intensity of the development remaining unchanged.

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. The planning assessment of the proposed modified development remains unchanged with respect to the relevant matters under Section 4.15(1).

The Environmental Impact Statement (EIS) submitted with the SSDA addressed compliance with the following relevant strategic and statutory plans and principles:

- Environmental Planning and Assessment Act 1979 (EP&A Act);
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation);
- Biodiversity Conservation Act 2016;
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure);
- State Environmental Planning Policy 55 – Remediation (SEPP 55);
- State Environmental Planning Policy 33 – Hazardous and Offensive Development;
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River;
- Penrith Local Environmental Plan 2010.
- NSW Long Term Transport Master Plan 2012;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- A Plan for Growing Sydney;
- NSW State Priorities;
- Sydney’s Cycling Future 2013;
- Sydney’s Walking Future 2013;
- Sydney’s Bus Future 2013;
- Greater Sydney Commission’s Draft West District Plan;
- Healthy Urban Development Checklist, NSW Health.

The EIS submitted with the original SSDA in conjunction with the Response to Submissions (RtS) and additional information provided addressed a variety of environmental impacts. The development as proposed to be modified remains consistent with respect to the environmental impacts previously assessed.

An EPA accredited Site Auditor has been engaged by Health Infrastructure (HI) to provide independent review of whether the land at 35-65 Derby Street, Kingswood, NSW, over which the Main Works of the Nepean Hospital Redevelopment extend, is suitable for the proposed hospital uses as defined in Section 4 (1) (b) (iii) of the NSW Contaminated Land Management Act 1997 (refer to **Attachment B** – letter from Melissa Porter, NSW EPA Accredited Auditor 0803, dated 29 July 2019).

HI are of the view that the consent that was granted remains substantially the same development and that the proposed modification is minor and will have minimal environmental impact on the receiving environment. There is no impact of this change on the outcomes of the consent.

On this basis, HI look forward to the Department's consideration and determination of this application. If you have any questions or wish to discuss any element of the Application, please contact Rachel Mitchell on 0438 220 252.

Yours sincerely

A handwritten signature in black ink, appearing to read "Leoné McEntee".

Leoné McEntee
Manager, Planning

Attachment A – Site Audit Report - Staging dated 12/08/2019, prepared by JBS&G.
Attachment B – Site Auditor Letter (29 July 2019)