

22 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 conditions to be consistent with Crown Certificate Staging and amend ESD Conditions to permit consistency with HI ESD Certification Guidelines at Nepean Hospital Redevelopment

In February 2019, SSD approval was granted for Nepean Hospital and Integrated Ambulatory Services. The consent as written does not allow for the staging of construction as is typical of large infrastructure projects. In this regard, Conditions B5, B17, B18, B30, B33, B34, B35, B36, B37 and B38 of the Stage 1 Consent are required to be complied with prior to the commencement of construction (see Attachment A). In addition, the consent does not contemplate ESD consistency with HI Certification Guidelines.

Proposed Modification

As written, the conditions are not feasible or practical, and do not permit the staging of construction across such a large and complex site. It is requested that the conditions are amended as outlined in Attachment A, which have been amended in accordance with the Crown Certificate Staging listed at Attachment B.

In addition, it is requested that conditions B16 and D35 are amended to permit, with Planning Secretary approval, an alternative certification process for ESD conditions.

Substantially the Same

The proposed modifications will have no 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);

Health Infrastructure
ABN 89 600 377 397

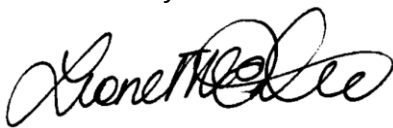
- Biodiversity Conservation Act 2016;
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure);
- State Environmental Planning Policy 55 – Remediation (SEPP 55);
- State Environmental Planning 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.

HI is of the view that the consent that was granted remains substantially the same development and that the proposed modifications are 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



Leoné McEntee
Manager, Planning

Attachment A – Table of Conditions and Proposed Modification
Attachment B – Crown Certificate Stages