



Nepean Hospital Redevelopment Stage 1

State Significant
Development
Modification
Assessment
(SSD 8766 MOD 4)

December 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Penrith City Council
Department	Department of Planning, Industry and Environment
EESG	NSW Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD) for the Nepean Hospital Integrated Ambulatory Services Redevelopment Stage 1 (SSD 8766).

The modification application seeks approval to allow for works relating to design and construction to be staged to enable construction works to progress in the most efficient way.

The application has been lodged by NSW Health Infrastructure on behalf of the Health Administration Corporation (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The site is located at 35-65 Derby Street, Kingswood and is legally described as Lot 1 DP 1114090 (see **Figure 1**). The site is approximately 30 kilometres (km) west of the Parramatta central business district (CBD), 60km west of the Sydney CBD, 20km north of the proposed Western Sydney Airport. The site is also located approximately 2km south-east of Penrith CBD, 600 metres (m) from Kingswood Station/CBD and approximately 2.2km north-west of educational campuses including the University of Western Sydney, TAFE NSW Nepean College and University of Sydney Nepean Clinical School. The location of the site in a regional and local context is provided in **Figures 1 and 2**.

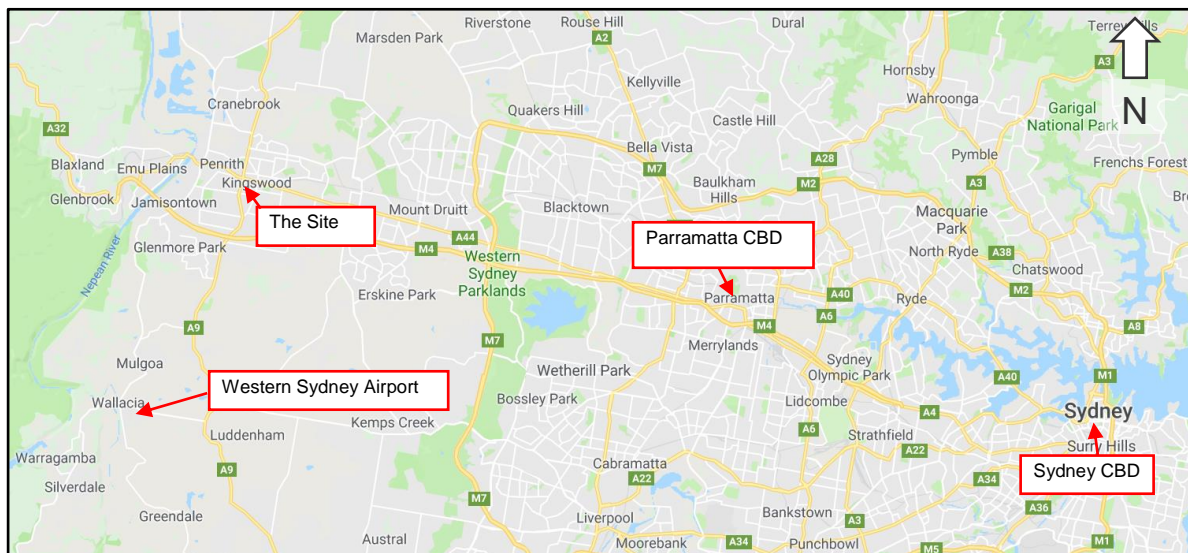


Figure 1 | Regional context map (Base Source: Google Maps 2019)

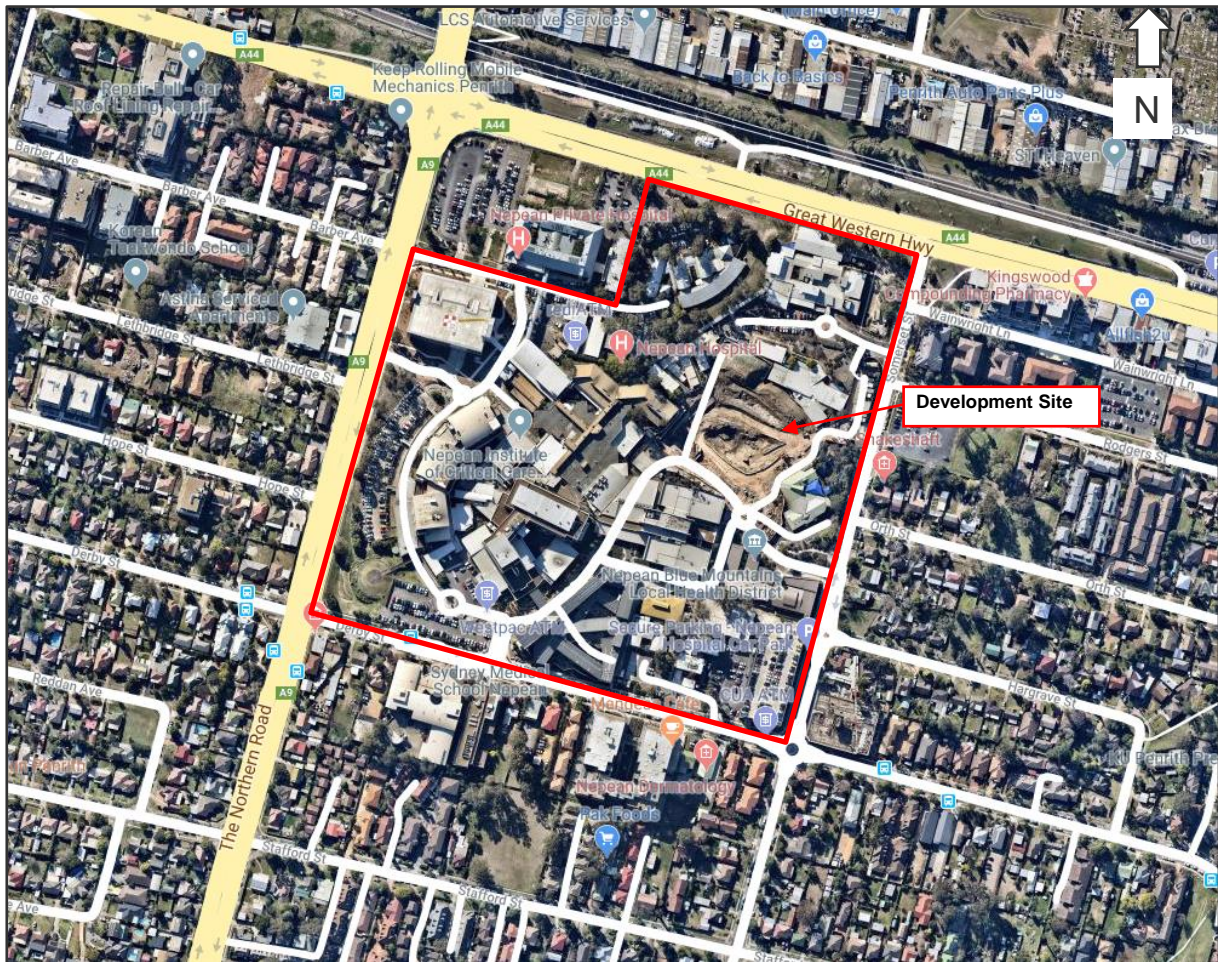


Figure 2 | Site location map (Base Source: Google Maps 2019)

The site is irregular in shape and has an area of approximately 13.92 hectares, with approximately 400m of frontage to Derby Street to the south. The site is bounded by Parker Street to the west, Derby Street to the south, Somerset Street to the east, and Great Western Highway and Barber Avenue to the north. The site slopes from the south-western corner of the site to the north-east corner, falling approximately 8.5m over approximately 500m.

The site is zoned SP2 Infrastructure under the Penrith Local Environmental Plan 2010 (PLEP) and is defined as a health services facility. The site is not heritage listed or within a heritage conservation area.

Nepean Private Hospital adjoins the Nepean Hospital to the north-east. The Great Western Highway and Western railway line are to the north of the site, with light industrial uses north of the railway line. The areas immediately to the east, south and west are a mix of low to high density residential developments. Penrith High School is to the west of the site. Kingswood cemetery is north-east of the railway line.

1.2 Approval History

On 25 February 2019, the Executive Director, Priority Projects Assessments granted consent to SSD 8766 for the redevelopment of Nepean Hospital Integrated Ambulatory Services (Stage 1), involving

the demolition of existing structures, construction of a new 14 storey clinical and ambulatory services building with rooftop helipad and associated works to access parking, tree removal and landscaping, subject to conditions.

The consent has been modified on three occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amendments to Unexpected Contamination Procedure, to allow for on-site remediation, in accordance with the approved Remedial Action Plan	Department	4.55(1A)	25 June 2019
MOD 2	Design refinements, including relocation and consolidation of plant to lower levels of the building, adjustments to some floor to floor heights, and minor external changes to the façade, parapets, helipad, and signage	Department	4.55(1A)	10 October 2019
MOD 3	Modification to the timing of remediation works	Department	4.55(1A)	14 August 2019



2. Proposed Modification

On 22 August 2019, the Applicant lodged a fourth modification application to amend the consent under section 4.55(1A) of the EP&A Act. The proposed modification seeks to permit the staging of construction across the site to align aspects required within the consent with the construction works to enable the delivery of a complex infrastructure project. The Applicant provided a Staging Report as part of the modification application to further detail the stages of construction and the applicable stage for each condition within 'Part B – Prior to the commencement of construction' of the consent.

The Applicant has proposed five stages of works as presented within **Table 2**.

Table 2 | Construction Staging

Stage	Works included
1	<ul style="list-style-type: none">• pre-construction works, design development, certification and approvals.• bulk excavation including demolition of existing retaining walls and remediation.• in-ground stormwater.• piling.• slab at ground level.
2	<ul style="list-style-type: none">• design development, certification and approvals.• in-ground services, including gas, electrical and sewer.• in-situ concrete structural works up to level 14 including columns, walls, and suspended slabs and the fire isolated lift, stairway and service riser shafts and helipad structure.• installation of blockwork associated with structural activities.• installation of structure steel.• installation of the roof structure.
3	<ul style="list-style-type: none">• design development, certification and approvals.• services – installation and commissioning of all services within the building including gas, electrical, hydraulic, pneumatic tube, medical gas, stormwater, sewer and all mechanical equipment such as ductwork, cooling towers and lifts.• helipad services, lighting and finishes.• finishes – all internal partitions, joinery and medical equipment.• façade – all terracotta tiles, metal cladding, brickwork and associated external framing.
4	<ul style="list-style-type: none">• design development, certification and approvals.• pavements and footpaths.• soft and hard landscaping.

Stage	Works included
	<ul style="list-style-type: none"> roads, kerbs and gutters. external lighting and associated external services. signage. ancillary external works.
5	<ul style="list-style-type: none"> design development, certification and approvals. demolition of existing childcare building and construction of new structures and roadways. remediation works. piling foundation works for childcare area. minor earthworks. in-ground services installation associated with childcare centre. landscaping and road, pavement, kerb and gutter construction.

The modification application states that the staged approach would not affect the ability of the development to comply with all conditions of consent. Further, the Applicant has provided a Staging Report that highlights the commitments to ongoing reporting and environmental management and identifies each stage that each condition of consent would apply, including where a condition applies to multiple stages.

To facilitate the request for staged construction, the Applicant seeks to include additional administrative conditions that are now imposed by the Department on all social infrastructure projects, as follows:

1. *The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the approval of the Planning Secretary.*
2. *Staging Report prepared in accordance with the above condition must:*
 - (a) *if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;*
 - (b) *if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);*
 - (c) *specify how compliance with conditions will be achieved across and between each of the stages of the project; and*
 - (d) *set out mechanisms for managing any cumulative impacts arising from the proposed staging.*

3. *Where staging is proposed, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.*
4. *Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.*

The modification application also seeks to amend the wording of conditions B16 and D35, relating to ecologically sustainable development (ESD), to enable flexibility in the certification process of the building, as follows:

B16. Prior to the commencement of above ground works, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

- (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifying Authority; or*
- (b) seeking approval from the Planning Secretary for an alternative certification process.*

D35. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifying Authority and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under Condition B16, evidence of compliance of implementation must be provided to the Planning Secretary and Certifying Authority.

Additionally, the application seeks to delete condition B33 – Operational Waste Storage and Processing as this condition is considered redundant as operational waste generated by the development will not be a responsibility of Council.

The modification application would not result in any changes to the design, bulk, height or scale of the development.



3. Strategic Context

The Department considers that the proposed modification is appropriate for the site given:

- it is consistent with *A Metropolis of Three Cities - The Greater Sydney Region Plan*, as the plan identifies increased investment to improve health care services within greater Penrith that will support its classification as a Health and Education Precinct.
- it is consistent with the Western City District Plan, as the plan identifies that the upgrade of Nepean Hospital will enhance innovation, research, health and education activities in the region.
- it is consistent with the State Infrastructure Strategy 2018-2038, as it continues to support investment in health infrastructure to support a growing and ageing population and facilitates the delivery of modern health infrastructure to support improved health outcomes for the people of Western Sydney.
- it is consistent with the Future Transport Strategy 2056, as it provides improved health facilities within a regional centre, supporting the Penrith area as a regional hub for employment and services.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved;
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Infrastructure Assessments may determine the application as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- public exhibition of the application was not required and therefore no public submissions objecting to the proposal were received.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 26 August 2019. Due to the minor nature of the modification, it was not referred to Council for comment.

Following a preliminary assessment, on 27 August 2019, the Department requested the Applicant provide additional information in relation to the staging of construction works in order to consider the requested modification. The Department requested a Staging Report be provided to:

- set out how the construction of the whole of the project would be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish.
- specify how compliance with conditions will be achieved across and between each of the stages of the project as part of a compliance matrix.
- set out mechanisms for managing any cumulative impacts arising from the proposed staging.

On 24 September 2019, the Applicant provided additional information including detail of the Crown Certificates as well as a Staging Report that provided timing for construction related conditions and detailed the applicability of each construction condition to each of the certified stages. Further clarifications from the Applicant were sought on 1 October 2019, in relation to the rationale for staging aspects of the development and specific details of the works included within each stage. Additional information, including a revised Staging Report was received from the Applicant on the 21 and 25 November 2019.



6. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents.
- the environmental assessment and conditions of approval for the original project and subsequent modifications.
- relevant environmental planning instruments, policies and guidelines.
- the requirements of the EP&A Act.

The Department considers the key issue associated with the proposal to be the consideration of compliance with the consent across all proposed stages of the development. Other issues are addressed in **Section 6.2**.

6.1 Compliance with conditions of consent

The modification proposes to align relevant conditions within 'Part B – Prior to the Commencement of Construction' of the consent with a construction staging plan (**Table 2**) as presented within a detailed Staging Report. The Applicant's Staging Report details this approach and emphasises their commitment to ensuring ongoing compliance with all conditions of the consent. To clearly demonstrate the stage at which a condition will be satisfied, the Applicant has provided a compliance matrix as part of the Staging Report.

The Department has considered the amended Staging Report and the condition compliance matrix. The Department considers that the insertion of a staging condition to facilitate a staged approach to construction would ensure the delivery of the proposal occurs logically and in a timely manner. The Staging Report provides certainty that the requirements of the consent will continue to be met during the construction of the Nepean Hospital.

The Department considers that the insertion of the staging condition would result in a negligible impact upon the development as approved and ensures the development continues to address the requirements of the consent.

Additionally, the Department recommends approval of the Staging Report provided on dated 25 November 2019, in accordance with the inserted condition. The Department highlights that any modification to the approved Staging Report will require further approval from the Secretary.

The Department is satisfied that the construction and design of the proposal can occur in a staged manner and that staging construction works would result in no change to the impacts assessed as part of the Department's original assessment.

6.2 Other Issues

Table 3 | Summary of other issues raised

Issue	Findings	Recommended Condition
Operational Waste	<ul style="list-style-type: none"> The Applicant seeks to delete the condition relating to the design of the operational waste storage and processing area (condition B33). The condition relates to the design of the operational waste processing and storage area in meeting the requirements of Council. The Applicant has stated that waste collection will not be a Council responsibility. The Department understands that operational waste storage and processing will be handled by NSW Health Infrastructure and will be designed to a satisfactory standard. As Council has no role in the collection nor transport and handling of operational waste generated from the operational hospital, the Department supports the deletion of the condition. 	<ul style="list-style-type: none"> The Department recommends the deletion of condition B33 – Operational Waste Storage and Processing
Ecologically Sustainable Development (ESD)	<ul style="list-style-type: none"> The modification application includes a request to modify wording of the conditions relating to ecologically sustainable development (conditions B16 and D35). The Applicant's proposed wording provides flexibility in the certification process. The Department understands that NSW Health Infrastructure are currently drafting a certification scheme specific to health infrastructure developments. The Department supports the utilisation of an appropriate scheme to ensure that ecologically sustainable aspects are incorporated into the development. The Department is satisfied that appropriate ESD measures will continue to be incorporated into the development. 	<ul style="list-style-type: none"> The Department recommends that the following conditions are replaced: <ul style="list-style-type: none"> Condition B16: Prior to the commencement of above ground works, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either: a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifying Authority; or b) seeking approval from the Planning Secretary for an alternative certification process. Condition D35: Unless otherwise agreed by the Planning Secretary, within six months of

commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifying Authority and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under Condition B16, evidence of compliance of implementation must be provided to the Planning Secretary and Certifying Authority.



7. *Evaluation*

The Department has reviewed the proposed modification, assessed the merits of the modified proposal, and all environmental issues associated with the proposal have been thoroughly addressed.

The Department accepts that the wording of the conditions means that the requirements of the conditions cannot be satisfied with concurrent and sequential works occurring to develop the site.

The Department considers the additional staging condition, in conjunction with the approval of the Staging Report would facilitate timely construction of the Nepean Hospital, whilst also ensuring all works are managed and undertaken in accordance with the requirements of the consent.

The development as modified would be substantially the same as that originally approved and would deliver a significant public benefit through the provision of improved health care in the area.

The Department considers the development is in the public interest and the modification application should be approved.



8. Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 8766 MOD 4 falls within the scope of section 4.55(1A) of the EP&A Act.
- **forms the opinion** under section 7.17 (c) of the *Biodiversity Conservation Act 2016*, that the biodiversity assessment report is not required to be submitted with the application as the modification will not increase the impact on biodiversity values on the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application.
- **modify** the consent SSD 8766.
- **signs** the attached approval of the modification.

Recommended by:

Rebecca Sommer

Principal Planning Officer

Social and Infrastructure Assessments

Recommended by:

David Gibson

Team Leader

Social Infrastructure



9. *Determination*

The recommendation is **Adopted** by:

Karen Harragon

Director

Social and Infrastructure Assessments

1/12/19



Appendices

Appendix A – Instrument of Approval

<https://www.planningportal.nsw.gov.au/major-projects/project/12546>

Appendix B – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/12546>