

ASSESSMENT REPORT

Hunter Medical Research Institute MP 08_0250 MOD 1

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval (MP 08_0250) for a medical research facility at Lot 1 Kookaburra Circuit, New Lambton Heights. The request has been lodged by the Hunter Medical Research Institute (HMRI) (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks to modify the Project Approval to include subdivision to allow for the long-lease of the HMRI building.

2. SUBJECT SITE

The subject site is located within in the grounds of the John Hunter and Newcastle Private Hospital. The site and hospital grounds are surrounded by the Jesmond Bushland Reserve. Access to the site is from Kookaburra Drive which runs through the hospital grounds, from the signalised intersection of Lookout Road. The Newcastle Central Business District is located approximately 7.5 kilometres (km) to the east to the east of the site (refer to **Figure 1** and **2**).

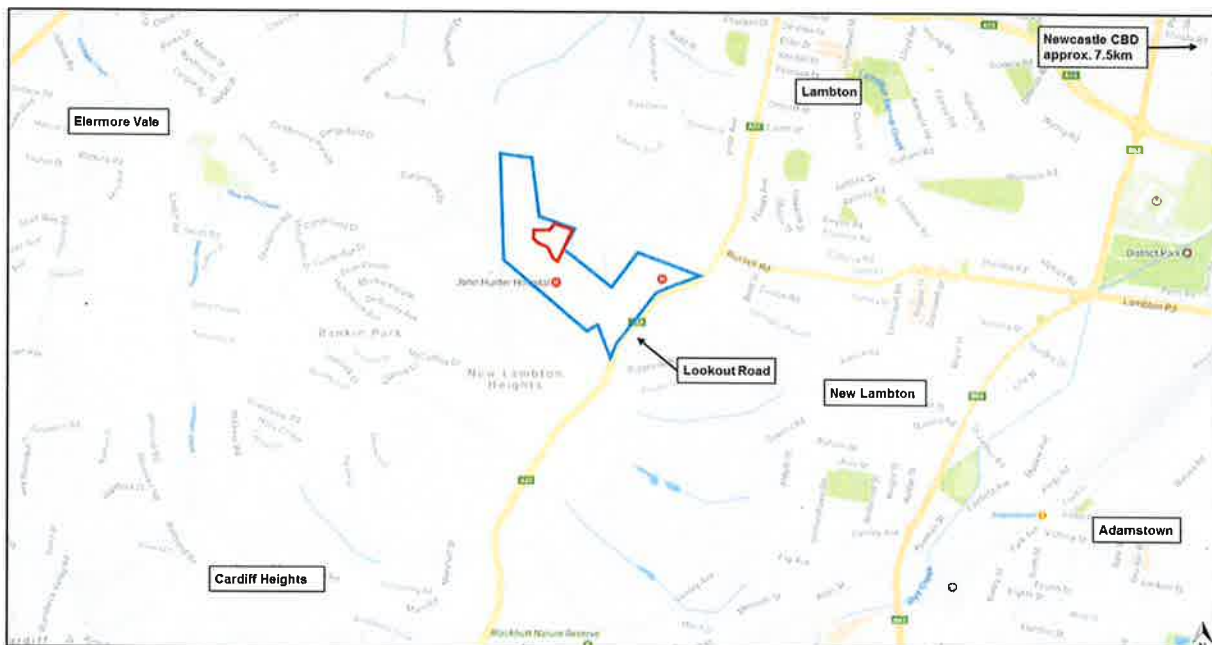


Figure 1: Site Location including the John Hunter and Newcastle Private Hospitals (outlined in blue) and the HMRI (outlined in red) (Base source: Nearmap)



Figure 2: Aerial view of the HRMI site (circled in red) and the surrounding area (Base source: Nearmap)

3. APPROVAL HISTORY

On 18 March 2010, the then Minister for Planning approved a Project Application (MP 08_0250) for a medical research facility (the Project Approval) comprising:

- demolition of the existing building and car park on site;
- construction and operation of a new medical research facility (known as the HRMI building); and
- associated infrastructure.

The approved HMRI building is shown at **Figures 3 and 4**. The HRMI building has now been constructed.



Figure 3: Approved layout of the HMRI building and associated car park (Source: MP 08_0250)

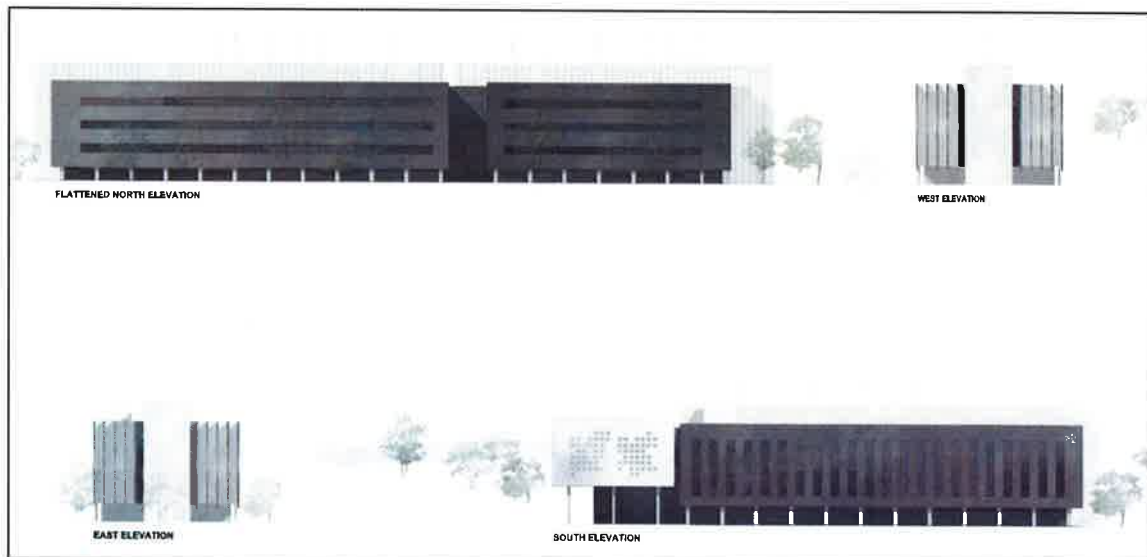


Figure 4: Approved elevations of the HMRI building (Source: MP 08_0250)

4. PROPOSED MODIFICATION

On 20 September 2016, the Proponent lodged a section 75W modification application (MP 08_0250 MOD 1) seeking to modify the Project Approval to include subdivision and create Lot 1.

The Proponent has requested the modification on the basis that the site forms part of the broader John Hunter Hospital site and it is necessary to create a new lot to allow for the long-term lease of the HMRI building (to the Hunter New England Local Health District (HNELHD)). The proposed subdivision is shown at **Figure 5**.

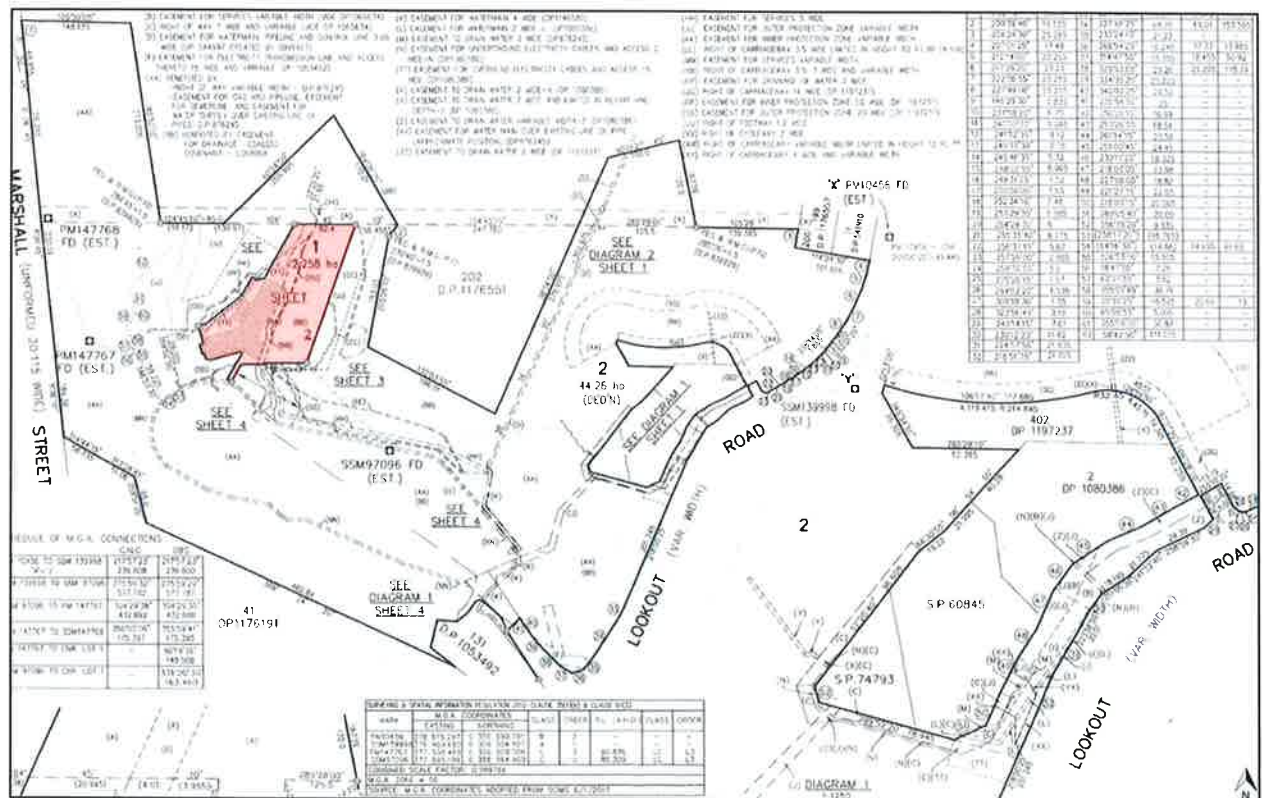


Figure 5: Proposed new subdivision (highlighted red) (Source: Proponent's RtS)

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director, Modification Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

6.1 Consultation

The Department made the modification application publicly available on its website, and consulted with the City of Newcastle Council (Council) about the proposed modification.

Council does not object to the proposal and provided the following comments:

- errors and inconsistencies within the subdivision drawings should be corrected;
- a specific street address for the new lot is required;
- bushfire protection easements should be checked for accuracy and compliant with Statement of Commitments 'Bushfire Recommendations';
- the shared northern footpath, entering from the bushland, should be wholly covered by an easement.

There were no public submissions received on the proposal.

6.2 Response to Submissions (RtS)

The Proponent submitted an RtS (**Appendix A**) responding to the issues raised by Council. The RtS provided additional information and made the following amendments to the proposal:

- all drawings updated to address errors and inconsistencies;
- confirmation that the site will be issued with the address '29 Kookaburra Circuit';
- bushfire protection easements have been corrected and confirmation of future management provided;
- appropriate easements for the shared footway are provided.

The Department made the RtS publicly available on its website and referred the RtS to relevant government authorities.

Council confirmed that the RtS has addressed its comments.

7. ASSESSMENT

The key assessment issues associated with the proposal have been considered in **Table 1** below.

Table 1: Assessment of Key Issues

Issue	Consideration	Recommendation
<i>Subdivision</i>	<ul style="list-style-type: none">• The proposal seeks approval to include subdivision as part of the Project Approval to create a new lot (Lot 1), which will facilitate the lease of the HMRI building to HNELHD for a period of 40 (+40) years.• The Proponent states the subdivision was always contemplated as part of the future use of the HMRI development.• Council now supports the proposed subdivision following the correction of errors and other administrative updates included within the RtS.• The Department supports the inclusion of subdivision as part of the Project Approval as:<ul style="list-style-type: none">• the proposal is substantially the same development as originally approved;• The proposal does not create any additional development potential;• the proposed subdivision allows for the orderly development of the site and appropriate lease	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<p>arrangements to be finalised with the future tenant;</p> <ul style="list-style-type: none"> the Newcastle Local Environmental Plan (NLEP) 2012 has no minimum lot size requirements for the site; the errors and inconsistencies in the subdivision drawings have been satisfactorily rectified; and appropriate easements have been provided for bushfire protection and the shared footway. <p>The Department therefore considers the subdivision is acceptable and the proposal would not result in any additional impacts beyond those already assessed and approved.</p>	

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposal is substantially the same development as the originally approved; and
- the subdivision allows for the orderly development of the site and lease arrangements to be finalised with the future tenant.


Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is **RECOMMENDED** that the Director, Modification Assessments as delegate of the Minister for Planning:

- considers** the findings and recommendations of this report;
- approves** the application under section 75W, subject to conditions; and
- signs** the notice of modification (**Appendix A**).

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APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7965

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7965

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7965

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7965