



# ***Wyang Hospital Modification 1***

*State Significant  
Development  
Modification Assessment  
(SSD 9536 MOD 1)*

October 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	Central Coast Council
Department	Department of Planning, Industry and Environment
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
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
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 expansion of Wyong Hospital.

The modification application seeks approval for amendment to conditions A10, C34, C35 and E16 to correct administrative errors and a misdescription.

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

## 1.1 Site Description

Wyong Hospital is located 2.5km north east of North Wyong, 6km north east of Wyong town centre and 23kms north east of Gosford. The hospital site is 19.7 hectares (ha) in size. The site is bounded by the Pacific Highway to the west, Louisiana Road to the east, residential dwellings to the north and an aged care facility and Kanwal medical village to the south. A ring road (Henry Moore Drive) provides access to hospital buildings and multiple car parks within the site. The location of the site is shown in **Figure 1**.



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

## 1.2 Approval History

On 29 August 2019, development consent was granted by Executive Director, Infrastructure Assessments for the expansion to Wyong Hospital SSD 9536. The development consent permits the following works:

- construction of a new six storey Clinical Services Building (CSB), including: an under-croft carpark; Emergency Department; Psychiatric Emergency Centre; Intensive Care Unit; Paediatrics; In Patient Units; and an Acute Medical Unit.
- minor alterations to existing Block A to accommodate a pedestrian bridge link, formalization of the east west road connection to Louisiana Road and associated works including landscaping, earthworks, and servicing upgrades.



## 2. *Proposed Modification*

On 9 October 2019, the Applicant lodged a request (SSD 9536 MOD 1) seeking to correct minor administrative errors in relation to conditions A10, C34, C35 and a misdescription within condition E16 of the approved consent. Details of the proposed changes are discussed in Section 6 of this report.



## 3. *Strategic Context*

The proposed modified consent would remain consistent with:

- NSW State Infrastructure Strategy 2018-2038: Building Momentum.
- Central Coast Regional Plan 2036.



## 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 4.55(1) as the proposed modification involves the correction of minor administrative errors and a misdescription.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1) 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(1) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Mandatory matters for Consideration

Section 4.55(1) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

**Table 1** | Matters for consideration

Section 4.55(1) matters for consideration	Comment
A consent authority may, on application being made by the applicant or any other person entitles to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation.	The application seeks approval to correct an error in conditions A10, C34, C35 and E16.
Subsections (1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.	Noted.

### 4.3 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 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.
- a political disclosure statement has not been made.
- there are no public submissions by way of objection.





## **5. Engagement**

### **5.1 Department's Engagement**

The Department made the modification application available on its website from 10 October 2019. Given the minor nature of the modification application, the Department did not formally seek submissions on the application. No submissions were received.



## 6. Assessment

The proposal seeks to correct administrative errors relating to conditions A10, C34, C35 and E16. Within the conditions there were references which had changed and as a result referred to the wrong conditions.

The following table demonstrates the proposed modifications to each condition (changes highlighted in red).

**Table 2** | Comparison of approved and proposed condition references.

Condition Number	Approved	Proposed
A10	A Staging Report prepared in accordance with condition <b>A11</b> must:	A Staging Report prepared in accordance with condition <b>A9</b> must:
C34	Independent Audits of the development must be carried out in accordance with: <ul style="list-style-type: none"><li>(a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition <b>C39</b> of this consent; and</li><li>(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018)</li></ul>	Independent Audits of the development must be carried out in accordance with: <ul style="list-style-type: none"><li>(a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition <b>C32</b> of this consent; and</li><li>(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018)</li></ul>
C35	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: <ul style="list-style-type: none"><li>(a) review and respond to each Independent Audit Report prepared under condition <b>C39</b> of this consent;</li><li>(b) submit the response to the Department and the Certifying Authority; and</li><li>(c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.</li></ul>	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: <ul style="list-style-type: none"><li>(a) review and respond to each Independent Audit Report prepared under condition <b>C32</b> of this consent;</li><li>(b) submit the response to the Department and the Certifying Authority; and</li><li>(c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.</li></ul>
E16	The new access road connecting the hospital site to Louisiana Road is restricted to emergency vehicles only.	The new access road connecting the hospital site to Louisiana Road is restricted to emergency <b>and service</b> vehicles only.

The Department is satisfied that the condition references and misdescription were administrative errors and the proposal to update the references and description are acceptable as they would accurately reflect the appropriate conditions within the approved consent and the misdescription is consistent and does not alter the intent of the approved development.



## 7. *Evaluation*

The Department is satisfied that the corrections to conditions A10, C34, C35 and E16 are appropriate and in accordance with Section 4.55(1) as the development as modified would be substantially the same as originally approved.

The Department considers the modification application to be acceptable and it is recommended to 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 9536 MOD 1 falls within the scope of section 4.55(1) of the EP&A Act.
- **forms the opinion** under section 7.17(c) of the *Biodiversity Conservation Act 2016* that a biodiversity development assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values of the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **modify** the consent SSD 9536.
- **signs** the attached approval of the modification.

Recommended by:

**Ingrid Berzins**

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

17/10/2019



# ***Appendices***

## **Appendix A – Modification Application**

<https://www.planningportal.nsw.gov.au/major-projects/project/25541>

## **Appendix B – Modification of Consent**

<https://www.planningportal.nsw.gov.au/major-projects/project/25541>

## **Appendix C – Consolidated Consent**

<https://www.planningportal.nsw.gov.au/major-projects/project/25541>