

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment and Systems Performance

SUBJECT: MODIFICATION TO SYDNEY CHILDRENS HOSPITAL EXPANSION PROJECT (MP 10 0096 MOD 1)

PURPOSE

To determine a modification request (MP 10_0096 MOD 1) to modify condition D2 Hours of Work and the Statement of Commitments of the project approval for the construction of a new five storey building to support the Sydney Children's Hospital.

BACKGROUND

On 3 May 2011, the Deputy Director-General, Development Assessment and Systems Performance, approved the major project for the construction of a five storey building for the expansion of the Sydney Children's Hospital's operations at High Street, Randwick. The approval comprised construction of a building with 4,660 sqm of gross floor area, 11 car parking spaces, connections to the existing Sydney Children's Hospital Building, loading area, pedestrian footpath and landscaping. The project is located towards the north-west of the Randwick Health Campus to the south of the existing Sydney Children's Hospital, on the eastern side of Hospital Road (see TAG A).

The project is currently under construction and the building structure has been completed. The remaining works predominantly include internal works.

The project approval included a condition limiting construction hours to:

Hours of work

D2. The hours of excavation and work on the development must be as follows:

- (a) All excavation and construction work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools) in connection with the approved development must only be carried out between the hours of:*
 - 7.00am and 6.00pm on Mondays to Fridays*
 - 8.00am and 1.00pm on Saturdays*
 - No work must be carried out on Sundays or public holidays.*
- (b) Works may be undertaken outside these hours where:*
 - the delivery of materials is required outside these hours by the Police or other authorities*
 - It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm*
 - the work is approved by the Director General or his nominee.*

These construction hours reflect the standard hours recommended in the Office of Environment's Interim Construction Noise Guideline. The proponent has sought extension to these construction hours on three occasions to minimise the impacts on the hospital operations and to maintain safety at the hospital. The department has varied the construction hours on these occasions. The proponent is now seeking to minimise the ongoing impacts of construction on the hospital operations through a permanent extension of Saturday construction hours.

The proponent also provided a commitment to provide landscaping along the western side of Hospital Road to provide additional screening for residents along Eurimbla Avenue. Further site exploratory works has revealed that underground civil infrastructure is located along this boundary. The proponent has indicated that this would prevent them from undertaking the vegetation planting for the screening and seeks to provide planting in the rear yards of the properties directly facing the new building as an alternative solution. This would provide the visual privacy and mitigate the bulk and scale impacts that the planting along Hospital Road would have provided.

PROPOSED MODIFICATION

The proponent seeks to modify the construction hours of work to permanently extend the hours on Saturdays from between 8.00am and 1.00pm to between 8.00am and 6.00pm to expedite the construction process and reduce the construction timeframe, and subsequently construction impacts on both the hospital operations and adjoining residents. The proponent also seeks to modify their Statement of Commitments to delete the commitment to provide landscape planting along Hospital Road.

MODIFICATION OF THE MINISTER'S APPROVAL

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Approved projects are transitional Part 3A projects.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposed modification seeks to amend condition D2 and the proponent's Statement of Commitments, the modification will require the Minister's approval.

CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the department's website. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means, however, as the modification would have an impact on the adjoining neighbours, notification letters to the adjoining neighbours were sent. Three public submissions were received on the modification request, which all objected to the modification. The request was referred to Randwick City Council, who at the time of writing this report had not responded.

DELEGATED AUTHORITY

The Minister has delegated his functions to determine Part 3A applications to the department where:

- the council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

There has been three submissions received from the public objecting to the proposal and council has not made an objection to the proposed modification. There has also

been no political disclosure statement made for this application or for any previous related applications or by any of the persons who lodged a submission.

Accordingly, the application is able to be determined by the Director, Metropolitan and Regional Projects North under delegation.

KEY ISSUES

Construction Hours

The proponent seeks to vary condition D2, which identifies the construction hours. The proponent requests the variation to the construction hours to maintain the operations of the hospital during the peak periods Monday to Friday. The proponent has indicated that the works are predominantly internal and therefore are unlikely to have a significant impact on the adjoining residents. An extension to the permitted construction hours on Saturday from 1pm to 6pm is therefore sought.

The department has previously varied the construction hours on three occasions to minimise the impacts on the operations of the hospital.

The department has reviewed the proponent's request and council's standard construction hours. Whilst the residents objected to the modification to the construction hours, the department considers the modified construction hours can be supported as:

- it would only be an hour longer than council's standard construction hours for a Saturday
- the remaining works are predominantly confined to internal works and would be unlikely to significantly impact on the amenity of the immediate locality
- it would reduce the overall construction timeframe and construction impacts.

Landscape planting

The proponent seeks to delete the commitment to provide tree planting along the western side of Hospital Road as they have discovered that services infrastructure is located along this part of the road. The proponent has indicated that they intend to provide tree planting to the individual residential properties that face the new building as an alternative solution (i.e. 33, 37 and 39 Eurimbla Avenue). The residents of the properties that face the new building have objected to the modification as they consider continuous planting shall be provided in all the rear yards of 31-39 Eurimbla Avenue to ensure screening is provided for direct and oblique views of the building. Whilst planting has been completed at No 39 Eurimbla Avenue, residents of the other properties have also objected as the proponent has not undertaken the planting within their properties.

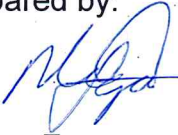
The department considers that landscape planting is appropriate to provide visual relief and minimise the visual impact on the adjoining residents given the closer proximity of the building compared to the other hospital buildings on the health campus along Hospital Road. The department also considers that planting within the rear yards is a viable solution and also considers continuous planting should be provided for properties 31-39 Eurimbla Avenue. As the residents have raised concerns regarding the proponent's commitment to undertake the planting, the department has recommended an additional condition be imposed requiring the proponent to demonstrate to the satisfaction of the Director-General that adequate screening of the new building is provided for properties 31-39 Eurimbla Avenue (inclusive) prior to the occupation of the new facilities.

RECOMMENDATION

It is RECOMMENDED that the Director, Metropolitan and Regional Projects North:

- note the information provided in this briefing;
- approve the modification request, subject to amending the conditions of approval and additional conditions; and
- sign the attached modifying instrument (TAG B).

Prepared by:


Megan Fu
A/Senior Planner
Metropolitan and Regional
Projects North
17/8/12

Endorsed by:


David Gibson
Team Leader
Metropolitan and Regional
Projects North
17/8/12