

# DEPARTMENT OF PLANNING & INFRASTRUCTURE

*Development Assessment and Systems Performance*

## **SUBJECT: MODIFICATION TO COMPREHENSIVE CANCER AND BLOOD DISORDER CENTRE (SSD 5036-2011 MOD 1)**

### **PURPOSE**

To determine a section 96(1A) modification request (SSD 5036-2011 MOD 1) to modify condition D1 Restriction on Working Hours of the development consent for the Stage 1 construction and operation of the Comprehensive Cancer Care and Blood Disorder Centre at 61 High Street, Randwick.

### **BACKGROUND**

On 31 July 2012, the Executive Director, Major Projects Assessment, under delegation from the Minister for Planning and Infrastructure, approved the State significant staged development application for the Stage 1 construction and operation of the Comprehensive Cancer Care and Blood Disorder Centre at the Prince of Wales Hospital Campus (TAG A). Stage 1 comprised:

- an indicative envelope of potentially nine levels
- bulk excavation works
- new treatment area at level 1 (underground)
- demolition of an existing at-grade car park area and the installation of four radiotherapy bunkers
- construction of a staff access tunnel to connect the new treatment area to the existing Building 3 (Radiotherapy Department) lift and hospital
- an open fire stair at the north east corner of the site.

The development is currently under construction.

### **PROPOSED MODIFICATION**

The development consent included a condition limiting construction hours to:

#### ***Restriction on Working Hours***

D1. *Except with the written approval of the consent authority, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.*

*All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.*

*In addition, rock excavation or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.*

The applicant is now seeking to minimise the ongoing impacts of construction on the hospital operations through a permanent extension of construction hours. The proponent seeks to modify condition D1 to permanently extend the construction hours on Monday to Friday from 7.00 am to 5.00 pm to 6.30 am to 6.30 pm and modify construction hours on Saturday from 8.00 am to 5.00 pm to 7.00 am to 4.00 pm.

### **MODIFICATION OF THE MINISTER'S CONSENT**

Section 96(1A) of the EP&A Act provides that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent that is deemed to be substantially the same development. Therefore,

the Minister is the consent authority for the subject application as the original application was granted by the Executive Director, Major Projects Assessment, as delegate of the Minister for Planning and Infrastructure on 31 July 2012.

Section 96(1A) of the EP&A Act requires the matters outlined in Table 1 to be assessed in respect of all applications which seek modifications to an approval.

**Table 1: Matters to be considered under section 96(1A) of the EP&A Act**

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification relates to modified construction hours and the applicant has demonstrated that the acoustic impacts can be managed to meet noise management goals.
Whether the development to which the consent as modified relates is substantially the same development	The proposed modification seeks to modify construction hours. Accordingly, the proposed development as modified would be substantially the same development.
Whether notification has occurred and any submissions have been considered	In accordance with the EP&A Act and the EP&A Regulations, the modification request does not need to be notified. The submission received from Council is considered in the key issues section of this report.
Any relevant provisions of section 79C(1) of the EP&A Act	The relevant provisions of section 79C(1) of the EP&A Act are considered in this section and the key issues section of this report.

## CONSULTATION

The application was notified in accordance with the Environmental Planning and Assessment Regulation 2000. The application was made publicly available on the department's website. Randwick City Council was also notified of the proposal.

Council raised no objections to the modification request, subject to the works being undertaken in the extended construction hours being limited to those outlined in the acoustic report, and that the principal contractor provides a process and suitable contact number during these times for residents to lodge any complaints, which are to be actioned and resolved accordingly. No public submissions were received on the modification request.

## DELEGATED AUTHORITY

The Minister has delegated his functions to determine section 96 applications to the Directors in the Major Projects Assessment Division where:

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

It is noted that:

- council does not object to the proposal, and
- no public submissions were received, and
- no reportable political donation has been declared in relation to the original application or this modification request.

In accordance with the Minister's delegation, the Director, Metropolitan and Regional Projects North may determine this project under delegated authority.

## KEY ISSUES

The approved construction hours reflect council's standard construction hours. The proponent seeks to make the following changes:

### ***Restriction on Working Hours***

- D1. *Except with the written approval of the consent authority, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm **6.30am to 6.30pm** on Monday to Friday*

*inclusive and (except as detailed below) between ~~8.00am to 5.00pm~~ 7.00am and 4.00pm on Saturdays.*

*All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.*

*In addition, rock excavation or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.*

The Office of Environment's Interim Construction Noise Guidelines (ICNG) recommend the following construction hours:

- a) *between 7.00 am and 6.00 pm, Mondays to Fridays inclusive;*
- b) *between 8.00 am and 1.00 pm, Saturdays;*
- c) *no work on Sundays and public holidays.*

The applicant has advised that the type of works proposed to be undertaken from 6.30 am to 7.00 am (defined as night time period in the ICNG) will be limited to works with lesser impacts, including equipment setup, loading dock setup, general services installation, deliveries, the setup of concrete pumps and any internal works within the building shell.

The applicant has provided an acoustic assessment to support the modification request. The report assessed the potential noise impacts on surrounding residences, as a result of the proposed extended construction hours, particularly during the night time period. The acoustic report concluded that the predicted noise during the proposed extended construction hours in the night time period would meet the noise management level in the ICNG, which is the background level plus 10 dB(A)<sub>Leq 15min</sub>. The acoustic assessment recommended that a site manager be present to ensure excavators and pumps are not used and that any new plant item proposed to be used as part of the works be assessed by an acoustic consultant prior to operation.

Council raised no objections to the modification request, subject to the works being undertaken in the extended construction hours being limited to those outlined in the acoustic report and that the principal contractor provides a process and suitable contact number during these times for residents to lodge any complaints, which are to be actioned and resolved accordingly.

The applicant has indicated that the extended construction hours are sought to reduce the overall construction impacts on the hospital operations through increasing works outside the hospital's operating hours and reducing the construction period by two weeks.

The department considers the extended construction hours acceptable as:

- a limited number of residences are located in the vicinity of the subject site
- the extension in hours will reduce overall construction impacts by shortening the construction period
- the extended hours would also minimise impacts on hospital operations
- acoustic impacts can be managed to appropriate noise management levels for construction work
- the works in the night time period are confined to generally site preparation works and all noisy works such as rock excavation or any mechanical pile drivers or the like would still be restricted to the hours of 8.00 am to 5.00 pm on Monday to Friday
- the change in hours on Saturdays to an earlier starting time is considered acceptable as the earlier starting time coincides with standard construction hours for any complying development and development without consent works that could be undertaken on the site.

Accordingly, the department has recommended that the construction hours be amended as per the request and that the modified condition also limit the works that can be undertaken in the period from 6.30 am to 7.00 am to those outlined in the acoustic report and the works undertaken in the evening period (6.00 pm to 6.30 pm as defined in the ICNG) also be restricted to the site preparation works. The department has also recommended that the principal contractor's contact number be provided to the affected residences for residents to lodge any complaints, so that any noise complaints can be actioned and resolved accordingly.


In addition, the extended construction hours would be subject to existing condition 10 which requires a construction noise and vibration management plan for the construction works. The department recommends this plan be modified to address the recommendations in the acoustic report submitted in support of the modification request.

### **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).

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