



**SECTION 96(1A) APPLICATION:
Blacktown Mt Druitt Hospital: Blacktown
Campus – Stage 1 Expansion
18 Blacktown Road, Blacktown
(SSD 5263 MOD 2)**

Modification to Condition C1 Hours of Work

Environmental Assessment Report
Section 96 of the *Environmental Planning and
Assessment Act 1979*

May 2014

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1. BACKGROUND

1.1 Site Context

The Blacktown-Mt Druitt Hospital is located on two separate campuses in the Mt Druitt and Blacktown suburbs of the Blacktown Local Government Area (LGA). The Blacktown Hospital campus currently provides clinical services for local residents, including a 24 hour emergency service and other clinical services, a regional role for ambulatory renal dialysis services and houses the University of Western Sydney's medicine school and research facility. The campus has an area of 12.42 hectares, with frontages to Blacktown Road and Marcel Crescent.

The Blacktown Hospital campus is located approximately 1.2 km from the Blacktown CBD. The location of the campus is detailed in **Figure 1**.

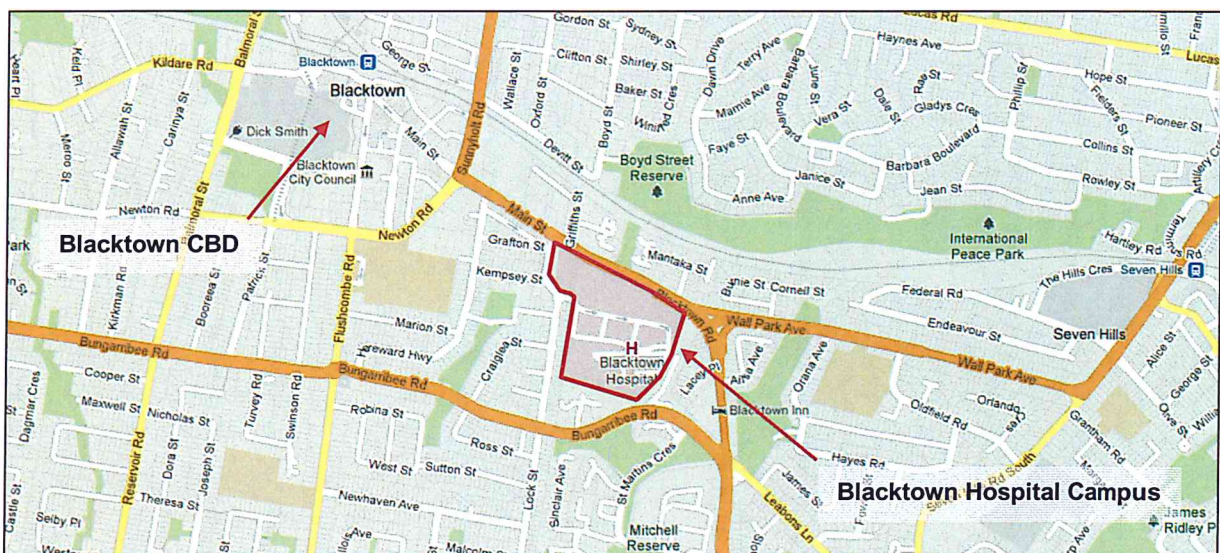


Figure 1: Project Location

1.2 Application History

On 21 December 2012, the then Executive Director, Major Projects Assessment approved SSD 5263 for the stage one expansion of Blacktown Mt Druitt Hospital – Blacktown Campus, including:

- construction of a new eight level clinical services building;
- alterations and additions to existing hospital buildings;
- construction of internal pedestrian hospital street;
- new permanent vehicle access to Blacktown Road;
- new parking and entry forecourt;
- site landscaping; and
- associated building services.

The approved development layout is shown in **Figure 2**.

Works associated with the approval have substantially commenced on site, including clinical services building works, new Blacktown Road access arrangements and internal refurbishment works to the existing Blacktown Hospital buildings.

The applicant also advises that the additional hour on Saturday mornings will allow concrete deliveries to avoid the Saturday morning peak traffic and pre-start briefings and construction preparations to be undertaken earlier, enabling to enable concrete pours to commence earlier and subsequently finish earlier.

To further minimise delays to the construction program, the department also notes that in accordance with condition C1(d)(i) of the approval, it has temporarily granted an extension to the weekday evening hours of work from 6 pm to 10 pm, between the 19 May 2014 and 30 June 2014. The proposed works to be undertaken during these extended hours, including formwork and reinforcing steel installation works on the clinical services building were identified as being necessary to enable approximately two weeks of the construction program to be recovered.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The modification application has been lodged with the Department of Planning and Environment (the department) under section 96(1A) of the EP&A Act.

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 the consent.

3.2 Environmental Assessment Requirements

Section 96(1A) of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals:

| Matter | Consideration |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Whether the development to which the consent as modified relates is of minimal environmental impact.</i> | <p>The section 96 application seeks to amend the hours of work on Saturdays by one hour, allowing works to commence from 7:00 am. The one hour earlier start time will enable pre-work activities to commence on site earlier, which in turn will enable some works to be finished earlier e.g. concrete pours. The earlier start time will similarly minimise traffic impacts during the early morning peak periods, minimising potential construction traffic impacts. The department also notes that the earlier commencement time is the same as the 7:00 am commencement time for works carried out Monday to Friday.</p> <p>The applicant advises that all relevant construction management conditions will be complied with, including compliance with the EPA Industrial Noise Policy and EPA Interim Construction Noise Guidelines.</p> |
| <i>Whether the development to which the consent as modified relates is substantially the same development.</i> | <p>The section 96 application does not seek to amend the approved Stage 1 expansion in any manner. Accordingly, the development, as modified, is substantially the same.</p> |
| <i>Whether the application has been notified in accordance with</i> | <p>There are no specific notification requirements applicable to the s.96 application under the Environmental Planning</p> |

| | |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>the Environmental Planning and Assessment Regulation 2000 and the relevant DCP.</i></p> | <p>and Assessment Regulation 2000. Additionally, Blacktown DCP 2006 – Part K – Notification of Development Applications provides that an application to modify an approval will be re-notified to affected persons who were previously notified. In this respect, the section 96 application proposes a minor amendment to the development consent that would not result in additional adverse impacts to persons previously notified.</p> |
| <p><i>Whether submissions have been considered in the assessment of the modification application.</i></p> | <p>Blacktown City Council comments on the modification application, advising that it raised no objections.</p> |

Section 96(3) of the EP&A Act requires the matters referred to in section 79C(1) of the EP&A Act to be assessed in respect of all applications which seek modifications to approvals.

The department's consideration of the relevant matters under section 79C of the EP&A Act is provided where relevant.

3.3 Delegated Authority

On 14 September 2011, the then Minister for Planning and Infrastructure delegated his powers and functions under Section 96 of the EP&A Act, effective from 1 October 2011, to Directors in the Major Projects Assessment Division, where:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are less than 10 public submissions in the nature of objection.

Council has not objected, a political disclosure statement has not been made in relation of the proposed modification application and no public submissions have been received. Accordingly, the Director, Industry Key Sites and Social Projects may determine the section 96(1A) application under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

The section 96(1A) application was made available on the department's website. Due to the minor nature of the proposed amendment the application was not exhibited. No public submissions have been received.

The section 96 application was referred to Blacktown City Council for comment, who raised no objection to the proposed modified construction hours and advised that the department should be satisfied that no residential receivers are impacted by noise during the extended hour. It was also recommended that contact details of nominated site officials be provided to council should noise complaints be received.

5. ASSESSMENT

The applicant is seeking approval to commence construction activities one hour earlier on Saturdays to address the current construction timetable delays, which has been advised as being approximately 16 weeks behind the critical path schedule.

The applicant envisages that the additional hour of work on Saturday mornings will provide the opportunity for general construction activities to commence earlier, enabling time lost for construction work on the lift and stair cores, in-ground services and ground and suspended slabs, to be recovered.

The additional hour will also enable the site delivery of materials and concrete to be undertaken prior to the build-up of peak traffic on Saturday mornings, thereby reducing the potential for delays in the commencement of works.

The department considers that noise and amenity impacts are the key environmental issues of the proposed modification, particularly the potential impacts on existing hospital and residential sensitive receivers. Adjoining residential receivers are located approximately 50 m to 100 m away, while a major arterial road, Blacktown Road, traverses the front of the site (see **Figure 3**).

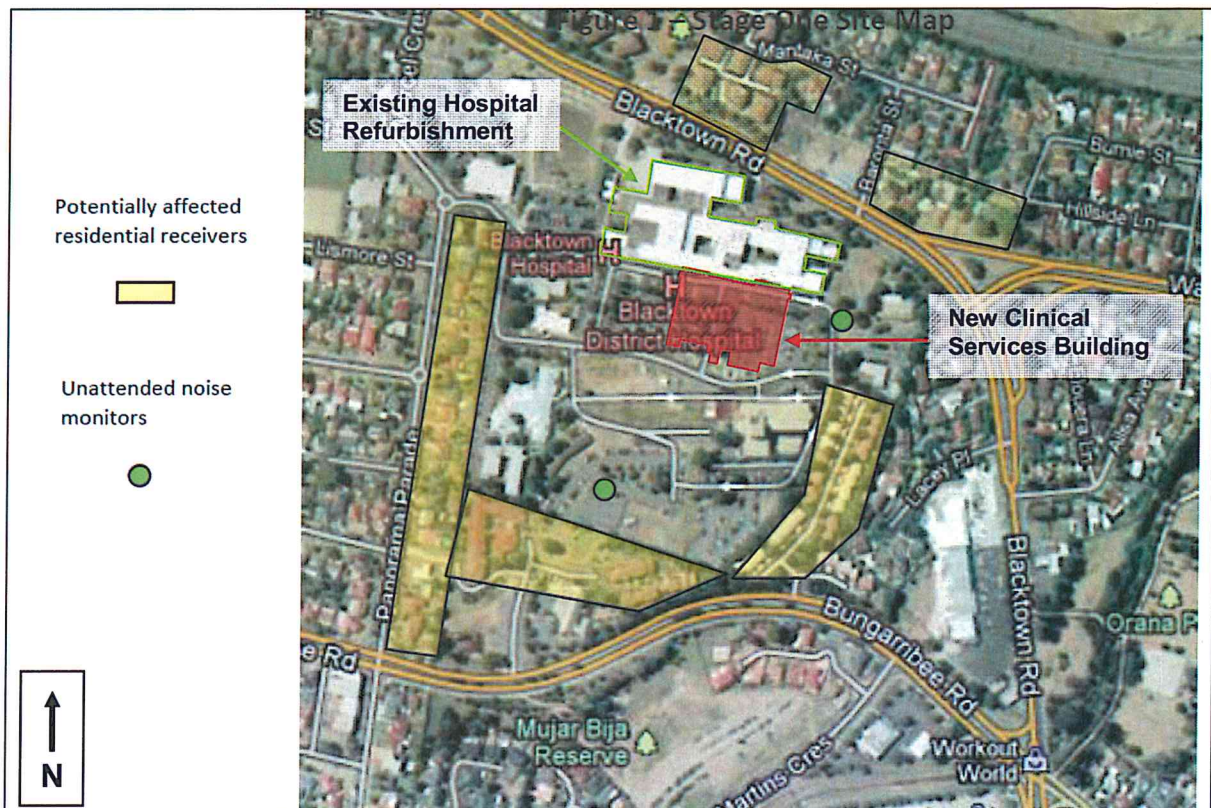


Figure 3: Sensitive Receiver Locations

The noise impact assessment submitted with the original approved SSD application identified background noise levels ranging from 42dB(A) L_{90} – 48dB(A) L_{90} during the daytime period (7:00 am to 6:00 pm). In accordance with the Interim Construction Noise Guidelines, noise management levels for residential properties were established, being 52dB(A) L_{eq} and 58dB(A) L_{eq} (background noise level + 10dB(A)).

For the existing hospital operations, an internal noise management level of 45 dB(A)_{Leq(15min)} applies for hospital wards and operating theatre spaces.

These noise management levels were adopted within the environmental management plan (EMP) prepared for the hospital's approved Stage 1 expansion, including the requirement to comply with the *Protection of the Environment Operations Act 1997* and the Interim Construction Noise Guidelines.

The applicant has reaffirmed its intention to comply with the EMP, which was originally prepared to satisfy condition B38 Construction Environmental Management Plan of the approved development. The EMP provides a number of targets and control procedures to ensure that all noise and traffic activities do not cause an environmental impact, as well as actions to be undertaken to ensure that site environmental objectives and targets are complied with, and if not, corrective actions that should be taken to ensure compliance.

The applicant has also given an undertaking that all pre-start work briefings will be undertaken within site sheds and away from side boundaries to further minimise any potential noise impacts generated from the earlier start time.

The department notes that the proposed amendment to the hours of work will have a net public benefit to the timely delivery of healthcare services and reduction in road congestion associated with construction activities. The department is also unaware of any complaints having been received with regards noise impacts since the commencement of construction activities.

However, while construction works currently commence at 7:00 am Mondays to Fridays, hours of work commence later and finish earlier on Saturdays to provide adjoining and surrounding sensitive receivers some respite from construction activities on the weekend. Commencing works from 7:00 am on Saturdays could subsequently result in potential impacts on their weekend amenity.

In view of the above, the department has given consideration to the proposed amendment to condition C1 Hours of Work and recommends that the modification be approved subject to the implementation of a three month trial period.

In this respect, the department recommends that condition C1 be amended as follows (amendments proposed in bold):

Hours of Work

C1. *The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:*

- a) *between 7:00 am and 6:00 pm, Mondays to Fridays inclusive*
- b) *between 8:00 am and 5:00 pm, Saturdays,*
- c) ***between 7:00 am to 8:00 am, Saturdays for a trial period beginning on 24 May 2014 and ending on 23 August 2014.***
 - i) ***in the event that any complaint is received regarding works undertaken between 7:00 am and 8:00 am during the trial period,***

appropriate mitigation measures are to be identified, and the department and the complainant are to be informed of the measures that will be implemented to address the complaint;

- ii) Saturday hours of work will revert back to b) above unless confirmation is sought from, and provided by, the department prior to the expiration of the trial period that the 7:00 am start time can continue on a permanent basis until completion of the project.**
- d) *between 6:00 pm and 7:00 am, Mondays to Fridays inclusive, for internal refurbishment works and alterations within the existing Blacktown Hospital building*
- e) *between 5:00 pm Saturdays and 8:00 am Sundays, for internal refurbishment works and alterations within the existing Blacktown Hospital building*
- f) *with the exception of d) above, no work on Sundays and public holidays*
- g) *works may be undertaken outside these hours where*
 - i) *the delivery of materials is required outside these hours by the Police or other authorities;*
 - ii) *it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;*
 - iii) *variation is approved in advance in writing by the Secretary or his nominee.*

The department also recommends that the applicant be required to update the EMP to reflect the amendments proposed within the subject application, with a revised copy to be submitted to the department and council. The applicant will be advised accordingly.

6. CONCLUSION AND RECOMMENDATIONS

It is recommends that the Director, Industry, Key Sites and Social Projects:

- a) **consider** the findings and recommendations of this report;
- b) **approve** the section 96(1A) application, subject to conditions, and;
- c) **signs** the attached consent modification (**Tag A**).

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23/5/14

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23/5/14