



Planning &
Environment

**SECTION 96 (1A) APPLICATION:
Bega Valley Health Services
Development, 1614 Tathra Road, Bega
SSD 5307 MOD 1 and SSD 5729 MOD 1**

Modification to the approved Bega Valley Health
Services Development

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

July 2014

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1. BACKGROUND

1.1 Site Context

The Bega Valley Health Services Development is a new integrated health services facility which will deliver a regional hospital and community health services to the Bega Valley Shire and surrounding region. The subject site is located approximately 2 km south-east of the Bega Town Centre (refer to **Figure 1**).

The bulk earthworks, intersection upgrade and infrastructure associated with the first stage of development is complete. The construction of the hospital building is expected to commence in 2014.

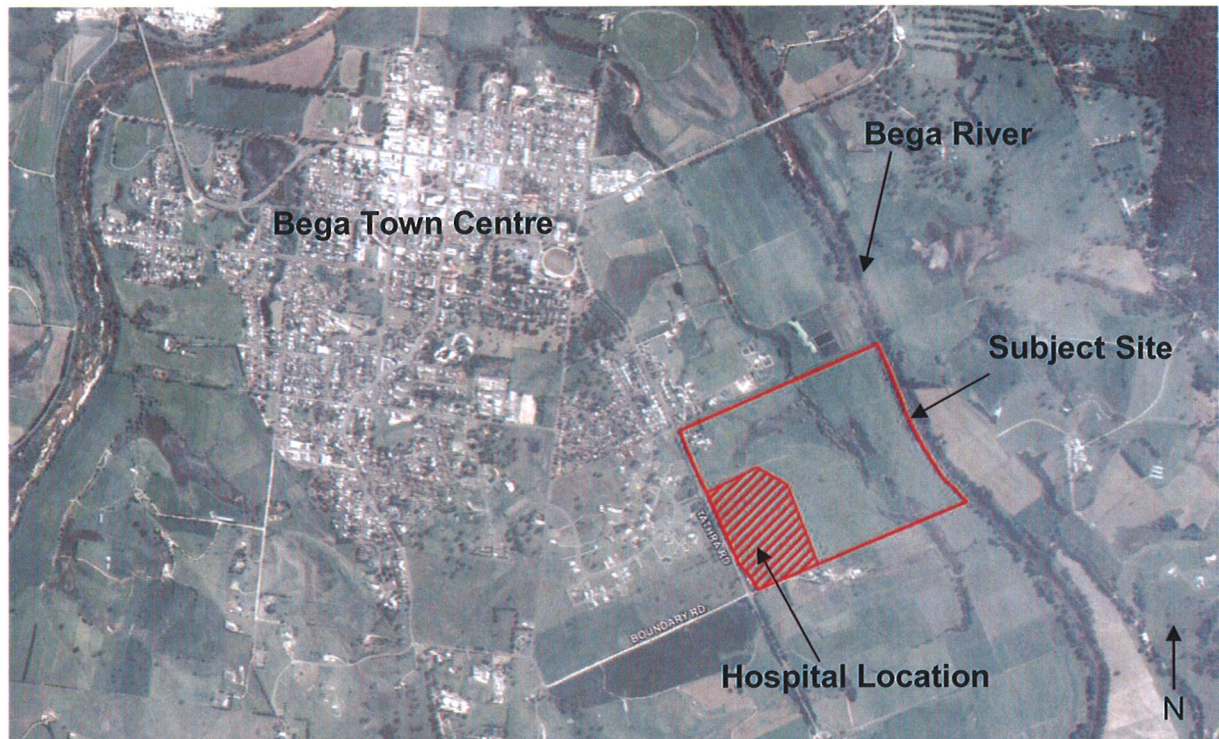


Figure 1 – Location of Bega Hospital Development

1.2 Application History

On 26 March 2013, the Executive Director, as delegate of the then Minister for Planning approved a concept proposal for a new integrated health services facility and Stage 1 construction works (SSD 5307).

On 9 September 2013, the Executive Director as delegate of the then Minister for Planning approved the Stage 2 main construction works including the main hospital building, a geothermal energy storage system, a helipad and associated works (SSD 5729).

2. PROPOSED MODIFICATION APPLICATIONS

Health Infrastructure (the applicant) has lodged two Section 96 (1A) applications concurrently seeking approval to modify the approved concept proposal and Stage 1

construction enabling works (SSD 5307) and the Stage 2 construction of the main hospital building (SSD 5729). The modification applications propose to:

- remove the approved geo-thermal energy storage system and replace it with a heat pump system;
- amend the roof design from a pitched roof to a flat roof;
- increase the height of the building by 200 mm;
- amend the external façade materials and window configurations;
- extend the construction work hours; and
- change the timing for the certification of water and sewer infrastructure and the construction of landscaping works.

The applicant subsequently amended the applications by withdrawing the request to extend the construction work hours.

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 Environmental Planning & Assessment Act (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 in accordance with the regulations, modify a development consent that is deemed to be substantially the same development.

The Minister is the consent authority for the subject application as the original applications were granted by the Executive Director, Development Assessment Systems and Approvals, as delegate of the Minister for Planning on 26 March 2013 and 9 September 2013.

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>	The department is satisfied the proposed amendments would have minimal environmental impacts. Relevant environmental impacts are considered in Section 5 of this report.
<i>Whether the development to which the consent as modified relates is substantially the same development.</i>	The proposed modifications will not result in any significant changes to the appearance, design or form of the approved building. Furthermore, there will be no additional adverse impacts on the surrounding area. The department therefore considers the proposal would result in development that is substantially the same as the originally approved development.
<i>Whether the application has been notified in accordance with the Environmental Planning and Assessment Regulation 2000 and the relevant DCP.</i>	There are no specific notification requirements applicable to the Section 96 application under the Environmental Planning and Assessment Regulation 2000.

Matter	Consideration
<i>Whether submissions have been considered in the assessment of the modification application.</i>	Bega Valley Shire Council has advised that it does not object to the proposed modifications. No other submissions have been received.

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 in this report.

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; and
- there are less than 10 public submissions in the nature of objection.

Council have 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

Both section 96(1A) applications were made available on the department's website. Due to the minor nature of the proposed amendments the applications were not exhibited. No public submissions have been received.

The section 96 application was referred to Bega Valley Shire Council for comment, who raised no objection to the proposed modifications.

5. ASSESSMENT

5.1 Proposed Energy System

The approved design of the hospital includes a geo-thermal energy storage (GES) system to supply thermal energy for base heating and cooling of the hospital, with LPG boilers and electric chillers providing supplementary heating and cooling during peak periods. The GES system was considered a suitable alternative fuel source given the lack of natural gas supply to the site. However, as a result of detailed cost benefit analysis, the applicant has advised that the GES system is not viable due to the high installation and running costs.

An air source mechanical heat pump system is now proposed to supply the hospital's energy needs. It is intended that the heat pump system would provide the base load of heating for the hospital and the gas boilers would provide additional heating during colder conditions.

The GES system requires extensive drilling below ground for the installation of a series of polyethylene pipes, whereas the heat pump system would be located in the approved plant room on the roof of the hospital. The department considers the heat pump system provides significant environmental benefits compared to an underground GES system by removing potential groundwater impacts. Furthermore, a heat pump system is easier to access and maintain compared to an underground GES system. The department notes that the air source heat pump offers an energy efficient alternative compared to other systems such as air conditioners.

The department therefore considers that a heat pump system is acceptable.

5.2 Design

The approved design of the hospital building includes a pitched roof constructed of metal sheeting. The applicant proposes to change the roof design by incorporating a flat style roof for functional and cost reasons. The pitch roof style was originally adopted to add visual interest to the building. However, the department considers that the relatively low pitch of the approved roof would not be readily visible from the public domain and would add little architectural merit to the building. The department therefore considers that a flat roof design is acceptable.

The overall building height is proposed to increase by 200 mm from RL 38.80 to RL 39 due to minor increases in the floor to ceiling heights at each level to accommodate ducts in the ceiling voids. The department considers the increased building height to be negligible and of no consequence to the overall building design, and will not result in any additional environmental impacts. The proposed amended building height is therefore considered to be acceptable.

As a result of the detailed design of the building, the applicant proposes to change the approved external finishes including the predominant wall cladding from an olive green metal to a silver corrugated metal. A comparison between the appearance of the approved western elevation facing Tathra Road, and the proposed amended western elevation is provided in **Figures 2 and 3**. The department notes that the proposed external materials are generally similar in colour and texture to the approved materials and would not significantly alter the visual appearance of the building when viewed from the public domain. The department therefore considers the changes to the external materials to be acceptable.

The windows configurations have also been modified to suit the internal functional arrangement of the facility. The department notes that the changes to the window openings are generally minor and do not significantly alter the overall design and visual appearance of the approved building. The department considers the window configurations to be acceptable.

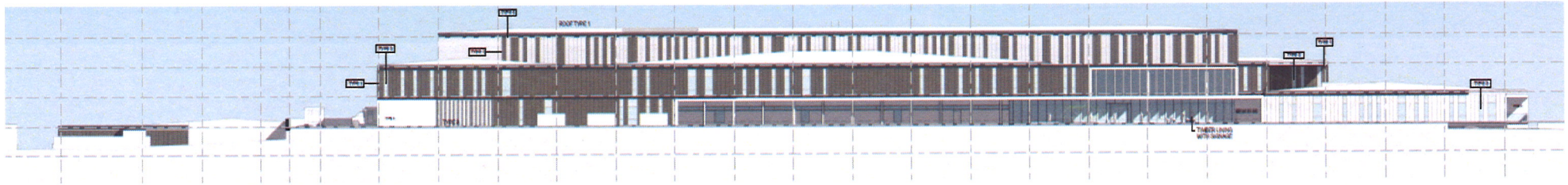


Figure 2 – Approved western elevation facing Tathra Road

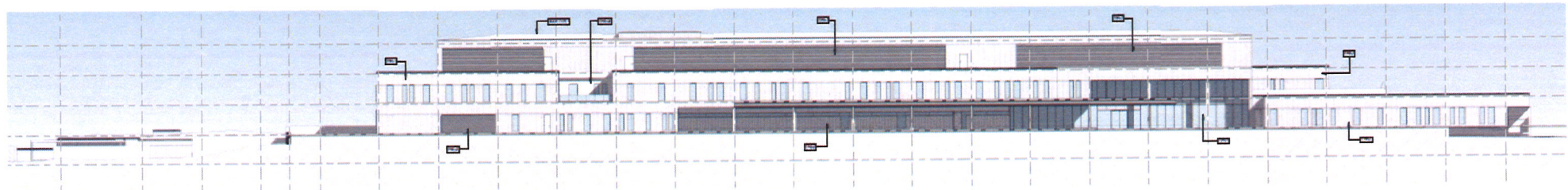


Figure 3 – Proposed amended western elevation facing Tathra Road

5.3 Timing of Conditions

Condition E9 of SSD 5279 requires all landscape works to be completed before the issue of an occupation certificate. The applicant has advised that some of the landscape works are proposed to be undertaken by community groups on a voluntary basis and after the hospital opens. The applicant has therefore requested that the condition be reworded to allow for the landscape works to be undertaken within two years of the occupation of the building. The department considers the changes to the timing of landscape works to be acceptable, particularly as it would facilitate community engagement in the project.

Condition C3 of SSD 5279 requires a Certificate of Compliance for water and sewer works prior to construction of the hospital building. The applicant has provided correspondence from council's Manager of Water and Sewerage Services recommending certification of water and sewer infrastructure before the occupation of the building. As council is responsible for the construction of water and sewer infrastructure to the site, the department considers the certification of the water and sewer works prior to occupation of the building to be acceptable.

6. RECOMMENDATION

It is recommended 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) **sign** the attached consent modification for SSD 5307 (**Tag A**) and SSD 5729 (**Tag B**).

Prepared by:



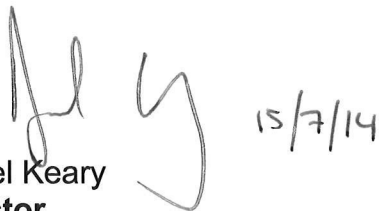
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APPENDIX A MODIFICATION REQUEST

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6071

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT
