



Planning &  
Environment

***MODIFICATION REQUEST:  
Kempsey District Hospital  
Redevelopment  
(SSD 5363 MOD 1)***

Modify Project Specific Noise Levels and Acoustic  
Treatments

Secretary's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

July 2014

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## 1. BACKGROUND

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On 29 January 2014, the Executive Director, Development Assessment Systems and Approvals, under delegation of the then Minister for Planning and Infrastructure, approved the State significant development application for the Kempsey District Hospital redevelopment at 119 River Street, West Kempsey. The approved development comprises:

- demolition of the 1919 Blood Bank building;
- construction of a new five storey hospital building;
- refurbishment of existing hospital buildings;
- modified main entrance;
- modified car parking for staff, patients and visitors;
- landscape works; and
- associated infrastructure works.

The approval was granted subject to conditions, including condition B6 Noise Attenuation Measures as follows:

- B6 Prior to commencement of works, the applicant shall incorporate the recommendations of the Acoustic Schematic Design Report Kempsey District Hospital prepared by Resonate Acoustics, dated 4 April 2013, in the detailed design drawings and submit to the department documentation demonstrating that the noise impacts have been mitigated. The report shall demonstrate the noise generated by the project would not exceed the limiting sound power levels in Table 5 of the Acoustic Schematic Design Report Kempsey District Hospital prepared by Resonate Acoustics, dated 4 April 2013.

## 2. PROPOSED MODIFICATION

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The applicant is seeking to modify condition B6 to reference a revised acoustic report that adopts new project specific noise criteria, which have been established in accordance with the EPA Industrial Noise Policy (INP), and revised acoustic treatments as a result of design development.

The revised project specific noise levels for adjoining residential premises are proposed to be increased as the initial noise levels adopted were overly conservative and 5 dB(A) lower than noise levels calculated in accordance with the EPA Industrial Noise Policy (INP).

## 3. STATUTORY CONTEXT

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### 3.1 Modification of the Development 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 then Executive Director, Development Assessment Systems and Approvals, as delegate of the then Minister for Planning and Infrastructure on 29 January 2014.

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 modifications revise the noise targets to industry practice criteria whilst the original goals were more stringent to accommodate potential future development. The proposal comprises the most significant redevelopment and therefore the more stringent controls are not considered necessary and compliance with the revised criteria would still maintain an appropriate level of amenity and ensure noise generated by the proposal is appropriately managed. Therefore, the changes to the conditions would have minimal environmental impact.
Whether the development to which the consent as modified relates is substantially the same development	The proposed modification seeks to make changes to the noise conditions and minor changes to the design of materials used in response to the revised noise criteria. The modified development 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 application was made publicly available on the department's website and referred to council, who raised no objections to the modifications.
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 assessment section of this report. The modifications would not alter the development's existing compliance with the relevant planning instruments.

### 3.2 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, Industry, Key Sites and Social Projects, may determine this project under delegated authority.

## 4. CONSULTATION AND SUBMISSIONS

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. Kempsey Council was also notified of the proposal.

Council raised no objections to the modification request and no public submissions were received.

## 5. ASSESSMENT

The department considers the key issue for the proposed modification relates to noise impacts and establishing appropriate noise levels for the future operation of the new hospital facilities.

The acoustic assessment report accompanying the original EIS recommended operational noise goals for the hospital for sensitive residential receivers 5 dB(A) below the noise level criteria calculated in accordance with the EPA's Industrial Noise Policy (INP). The project specific noise levels provided a conservative goal as it factored in potential for future noise emitting development on the hospital site. This criterion has been enshrined into the development consent via condition B6. As part of the design development process for the proposal, a review of the acoustic assessment was undertaken. The acoustic review concludes that the use of noise goals 5 dB(A) below the recommended criteria is an overly conservative approach for establishing the project specific noise levels for the development and that the subsequent recommended sound power levels were unnecessarily stringent and more restrictive than the requirements of the INP (see **Table 2**).

**Table 2: INP calculated noise level and project specific noise criteria adopted in the acoustic assessments for sensitive residential receivers**

	Day ( $L_{Aeq,period}$ )	Evening ( $L_{Aeq,period}$ )	Night ( $L_{Aeq,period}$ )
INP Intrusive Noise Level (5 db(A) above background)*	44	40	35
Approved (Acoustic Schematic Design Report Kempsey District Hospital, dated 4 April 2013)	39	35	30
Proposed (Acoustic Design Report Kempsey District Hospital, dated 17 September 2013)	44	40	35

\* INP adopts the lower noise level between the intrusive and amenity levels derived in accordance with the INP as the project specific noise level

The acoustic review recommended that the project specific noise levels established in accordance with the INP, which do not factor in a 5 dB(A) reduction for potential future development, should be adopted instead for the residential receivers. The acoustic review also made recommendations regarding the design of the building and the level of treatment required to mitigate noise impacts from the building. The applicant has submitted a revised acoustic assessment with the modification application, which generally adopts the recommendations of the acoustic review, and seeks to modify the conditions to reference the revised acoustic assessment.

The department notes that the INP does not require potential future development to be factored into calculations for establishing operational noise levels. In this instance, as the approved development constitutes all the planned redevelopment works requiring development consent at this point in time (and therefore is the most significant noise generator), it is not considered necessary to apply overly restrictive noise level goals. It is also not standard practice to take such a conservative approach to calculating specific noise goals as it would restrict the operation of the hospital plant to existing background noise levels, which would be an unrealistic, unnecessary and overly onerous requirement. Accordingly, the department accepts that the revised noise goals are acceptable as they have been established in accordance with the INP and recommends that the condition be amended to adopt the revised assessment.

The design of the walls, ducting, hydraulic services and vibration isolation have been modified to provide more cost effective acoustic treatments whilst still ensuring adequate internal amenity. The revised design would be similar to that delivered for other recently constructed hospital buildings. The revised design also modifies the external finishes and

treatments to provide improved attenuation for helicopter noise as recommended by the peer review. The department accepts that the revised design, including lower performing internal acoustic treatments and additional treatments to mitigate helicopter noise would not compromise the overall provision of an appropriate level of acoustic privacy and amenity.

The revised design also adopts revised treatments for the roof top plant given the increased project specific noise levels and further design development, which has identified that the noise generation would not be as high as originally predicted given the likely operation of the plant. The revised acoustic assessment identifies recommended treatments to ensure that the proposal would meet the project specific noise levels for the sensitive residences. The department queried whether the revised acoustic treatments would ensure the proposal met the criteria for the other sensitive land uses, i.e. passive recreation spaces and other hospital buildings. The applicant has provided a statement from its acoustic consultant confirming that the proposed acoustic treatments are adequate to ensure all the project specific noise levels can be met. The department considers the revised acoustic treatments proposed in the acoustic assessment acceptable.

The department is satisfied that the acoustic treatments proposed in the revised acoustic assessment would ensure that the proposal meets the revised project specific noise levels and recommends that condition B6 should be amended to reference the new assessment.

## 6. CONCLUSION

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The department has reviewed the modification request and consulted council. All the relevant environmental issues associated with the modifications have been assessed.

The hospital development would continue to support jobs and deliver key social infrastructure for the region. The modifications will ensure that cost effective measures are incorporated into the design of the building whilst still ensuring an adequate level of residential amenity can be maintained and appropriate internal amenity can be achieved.

The department considers that the site remains suitable for the development and that the modification of the proposal is in the public interest as it would ensure the necessary level of acoustic treatment is provided. Consequently, the department recommends that the modification be approved.

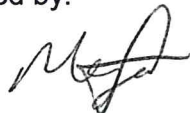
## 7. RECOMMENDATION

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

- note the information provided in this report;
- approve the modification request; and
- sign the attached modifying instrument (**Appendix B**).

Prepared by:



Megan Fu  
Senior Planner  
Industry, Key Sites & Social Projects

Endorsed by:



David Gibson  
Team Leader  
Industry, Key Sites & Social Projects

## **APPENDIX A    MODIFICATION REQUEST**

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See the department's website at  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6520](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6520).

**APPENDIX B    RECOMMENDED MODIFYING INSTRUMENT**

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