

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment and Systems Performance

SUBJECT: TAMWORTH REGIONAL CANCER CENTRE MODIFICATION APPLICATION (MP 10 0176 MOD 1)

PURPOSE

To determine a modification request to modify condition D1 of the project approval for the Tamworth Regional Cancer Centre (MP 10_0176).

BACKGROUND

On 20 June 2011, the Director-General approved the major project for the Tamworth Regional Cancer Centre at Johnston Street, North Tamworth. The approval comprised construction of a building with 3,696 sqm of gross floor area, 30 parking spaces, covered walkway, pedestrian footpaths, vehicle access, landscaping and an electrical substation kiosk. The project is located towards the south-east of the Tamworth Regional Hospital (see TAG A).

The project approval included conditions requiring the proponent to achieve a 4 star Green Star rating for the construction and operation of the facility. Health Infrastructure (the proponent) has indicated that whilst the initiatives required for a 4 star rating will be targeted, and likely achieved, the cost to certify the building as achieving such a rating would not be reasonable given the cost of up to \$100,000. Furthermore, the initiatives in the Green Star tool are comparable with those in the Building Code of Australia (BCA), which the project is required to meet. The proponent has also argued that the Green Star certification would not be an appropriate cost for public health infrastructure projects.

PROPOSED MODIFICATION

The proponent is seeking to have the requirements of condition D1 modified so that the project targets a 4 star rating instead of achieving the 4 star rating, which would require certification. The proponent seeks to have the wording of condition D1 modified as follows:

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*D1. The project shall ~~achieve as a minimum~~ **target** a 4 star Green Star design rating and shall implement all construction and design measures outlined in the memo titled ESD-Part 3A New (Tamworth) Cancer Care Centre - Director General Requirements prepared by Steensen Varming, dated 12 November 2010.*

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 D1, 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. No public submissions have been received on the modification request at the time of writing this report. The request was referred to Tamworth Regional Council, who did not object to the modification request.

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 no 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.

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

KEY ISSUES

The intent of the condition is to ensure that sustainability initiatives are incorporated into the design, construction and operation of the centre. As the conditions of approval require the proponent to comply with the initiatives outlined in the sustainability assessment accompanying the Environmental Assessment for the project and the Building Code of Australia requirements, the department considers the condition as modified is acceptable. Furthermore, the department considers the cost related to obtaining certification would be better utilised to fund the construction or operational costs of the project.

The department notes that the proponent has only sought to modify condition D1, which relates to construction requirements, however, has not sought to modify the operational requirements. The department considers that it would be appropriate to modify Condition F1 in a similar manner as the same reasoning would apply and modifying this condition would not impact the delivery of the sustainability initiatives of the project. Accordingly, the department recommends condition F1 also be modified to require the project to target a 4 star Green Star rating as outlined below.

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- F1. *The project shall ~~achieve as a minimum~~ **target** a 4 star Green Star design rating and shall implement all operational and design measures outlined in the memo titled ESD-Part 3A New (Tamworth) Cancer Care Centre - Director General Requirements prepared by Steensen Varming, dated 12 November 2010.*

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 conditions; and
- sign the attached modifying instrument (TAG B).

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