



Planning &
Environment

***MODIFICATION REQUEST:
Port Macquarie Base Hospital Expansion,
Wrights Road, Port Macquarie
(MP 11_0012 MOD 3)***

Request to modify bushfire protection measures

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

July 2014

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1. BACKGROUND

On 26 July 2012, the Deputy Director-General, Development Assessment and Systems Performance, as delegate of the then Minister for Planning and Infrastructure, approved the major project (MP 11_0012) for the construction of a new, part two and part four storey addition to the Port Macquarie Base Hospital building and refurbishment works to the existing hospital building at Wrights Road, Port Macquarie (**Figure 1**). The addition will accommodate seven operating theatres, 69 beds, 61 treatment bays and two procedure rooms.

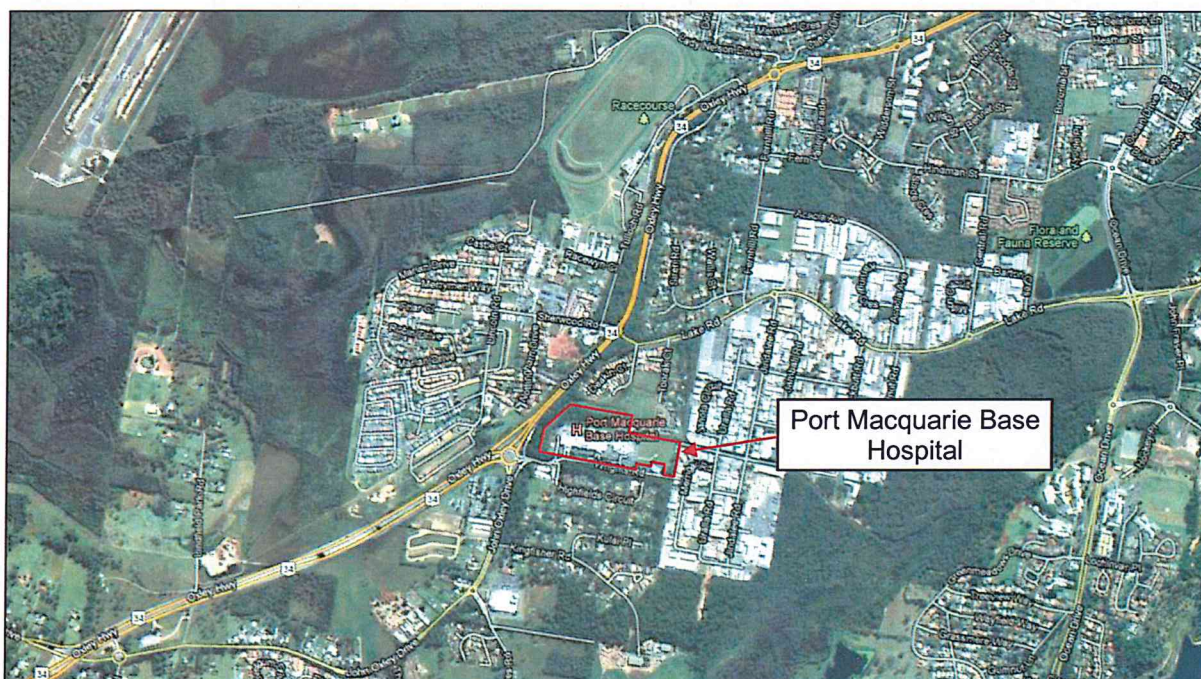


Figure 1: Project Location

The approved works also include demolition, bulk earthworks, construction of a new loading area, new emergency access, reconfiguration of at-grade car parking areas, landscaping works, utility works and tree removal. The project is located on the western part of the Port Macquarie Base Hospital Campus and to the west of the main hospital building (**Figures 2 and 3**).



Figure 2: Aerial Site View



On 4 May 2013, the then Director, Metropolitan and Regional Projects North, as delegate of the then Minister for Planning and Infrastructure, approved the modification application for minor design changes including modified sun shading devices.

The project is currently under construction.

2. PROPOSED MODIFICATION

NSW Government
Department of Planning & Environment

construction standard of BAL 40 to BAL 19 as the bushfire threat was considered lower than that initially assessed.

The Bushfire Assessment report identifies that an alternate solution is proposed in relation to the installation of mesh elements required for the BAL 19 construction standard which are required to mitigate potential ignition from embers. Deletion of the mesh is proposed for the openings for the mechanical service intakes and discharges, fixed louvres to the Level 4 Plant area and grilles of the west-facing Level 1 dock roller shutters. The alternate solution relies on the building being designed and operated so that the potential for ignition caused by embers based on the intensity of the bushfire attack is not increased. The design and operational measures that would mitigate bushfire threat include: high level of passive surveillance, construction of the relevant areas with non-combustible materials, extensive fire detection and suppression equipment (such as fire sprinklers, thermal and smoke detectors, manual alarms) and a Building Management System that would shut down air intake upon detection of smoke.

3. STATUTORY CONTEXT

3.1 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 proposal involves modification to the Statement of Commitments, the application will require the Minister's approval.

3.2 Delegated Authority

On 4 April 2013, the then Minister for Planning and Infrastructure delegated his powers and functions under section 75W of the EP&A Act to Directors in cases 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.

As no submissions were received from the public regarding the proposed modification, council has not made an objection and there has been no political disclosure statement made for this application or for any previous related applications or by any of the persons who lodged a submission, the application is able to be determined by the Director, Industry, Key Sites and Social Projects under delegation.

4. CONSULTATION AND SUBMISSIONS

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 application was not exhibited by any other means. No public submissions were received on the modification request.

The application was referred to Port Macquarie-Hastings Council, which raised no objections to the modification request. The application was also referred to NSW Rural Fire Service for comment and it considers the revised bushfire protection measures in the revised bushfire

assessment acceptable. RFS has recommended that the reports should both be referenced in the Statement of Commitments.

5. ASSESSMENT

The department considers the key issue for the proposed modification to be bushfire protection.

The modification proposes to change the Statement of Commitments for the project which currently includes a commitment regarding bushfire protection as follows:

The proposed development is to adopt the recommendation of the Bushfire Threat Assessment Report prepared by BCA Check Pty Ltd (dated February 2012).

The proponent's proposed commitment states:

The proposed development will adopt the recommendations of the Bushfire Threat Assessment Report prepared by Bushfire Certifiers Dated 9th January 2014 (Ref:11186a) except where it is inconsistent with the recommendations of the Bushfire Assessment report prepared by Australian Bushfire Assessment Consultants dated April 2014. The latter report prevails to the extent of any inconsistency.

The new reports revise the proposed bushfire recommendations made in the bushfire assessment submitted with the Environmental Assessment. The Bushfire Threat Assessment Report identified that a BAL 19 construction level was sufficient for the development based on a revised more detailed assessment of the vegetation and potential bushfire threat. The Bushfire Assessment report proposes adopting an alternate solution as deemed to satisfy provisions cannot be met in accordance with the BAL 19 construction standard requirements. This generally relates to reduced ember protection measures for openings to mechanical services, louvres for the Level 4 Plant Area and the Level 1 dock roller shutters.

The Bushfire Assessment report concludes that due to the type and extent of the vegetation, and the surveillance of the vegetation area, the risk that any bushfire would reach the intensity where embers would be an issue is unlikely and therefore an alternate solution would be appropriate given the functional requirements of the plant and services areas. Furthermore, the areas where the alternate solution is being proposed are generally areas with non-combustible materials and include other fire safety measures (such as smoke alarms, automatic shutdown on detection of smoke and fire sprinklers), which would be adequate protection in the unlikely scenario that a bushfire was to reach an intensity that would result in an ember attack.

RFS has reviewed the recommendations of the revised bushfire reports and also considers the alternative solution to be satisfactory. RFS has recommended that the amended Commitment be worded as follows:

The proposed development is to adopt the recommendations of the Bushfire Threat Assessment Report prepared by Bushfire Certifiers, reference No. 11186a, dated 9 January 2014 and the Bushfire Assessment prepared by Australian Bushfire Assessment Consultants dated April 2014, issue 1.

Accordingly, the department considers that the modification to change the Statement of Commitment to delete the existing Commitment acceptable. In relation to the proposed new Commitment, given the revised wording suggested by RFS, the department recommends that a new condition be imposed in accordance with RFS's recommended wording requiring the proponent to comply with the measures identified in both reports and where the reports are inconsistent, the latter report prevails.

6. CONCLUSION

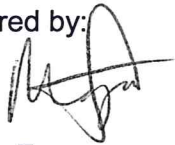
The department considers that the proposed modification would not have any additional environmental impacts and the project continues to be in the public interest and can be appropriately managed and mitigated in accordance with the Statement of Commitments and conditions of approval. The project will continue to provide social benefits by supporting additional hospital beds and economic benefits through additional jobs and investment in public health facilities. The modified measures would continue to ensure that the hospital is adequately protected from the risk of bushfire. Consequently, the department is satisfied that the modification should be approved.

7. RECOMMENDATION

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**).

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11/7/14

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