

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment Systems and Approvals

SUBJECT: SECTION 96(1A) APPLICATION – BLACKTOWN MT DRUITT HOSPITAL – BLACKTOWN CAMPUS STAGE 1 EXPANSION (SSD 5263 MOD 1)

PURPOSE

To determine a section 96(1A) application (SSD 5263 MOD 1) to modify the hours of work in condition C1 of the development consent for the Blacktown Mt Drutt Hospital – Blacktown Campus Stage 1 expansion.

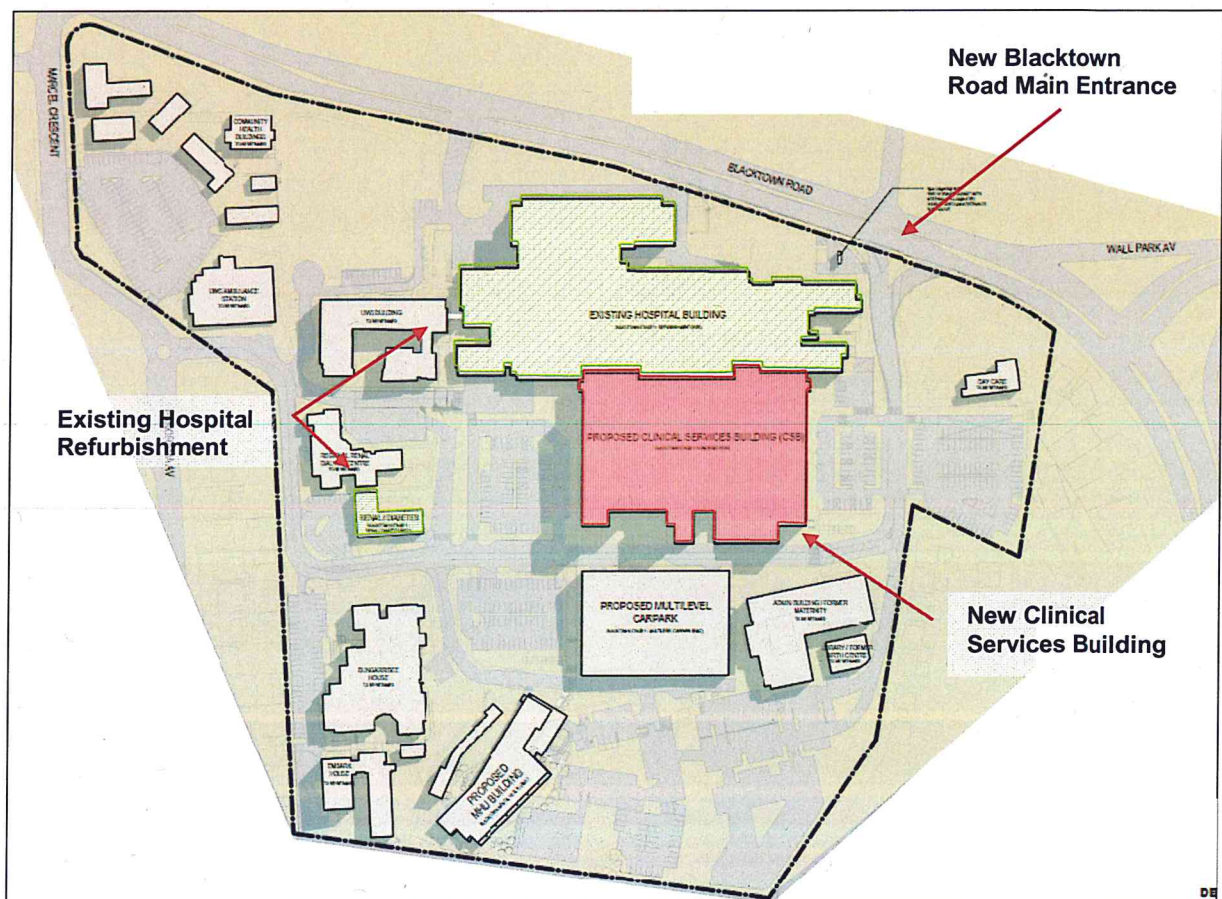
BACKGROUND

On 21 December 2012, the Executive Director, Development Assessment Systems and Approvals approved SSD 5263 for the stage one expansion of Blacktown Mt Drutt 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
- associated building services.

The approved development is currently under construction. The approved development layout is shown in **Figure 1**.

Figure 1: Development Layout



PROPOSED s.96(1A) APPLICATION

The section 96(1A) application lodged by Health Infrastructure seeks approval to amend condition *C1 Hours of Work* to enable refurbishment works to be undertaken within the existing hospital outside of the approved hours.

The applicant seeks to undertake the approved internal refurbishment works within the existing Blacktown hospital building at night to minimise disruptions to sensitive operations within the existing hospital, including works adjacent to existing operating theatres and medical imaging equipment.

Accordingly, the applicant requests that condition *C1 Hours of Work* be amended to allow works to be carried out (as required) 24 hours a day from Monday to Saturday (including until 8:00am Sunday).

MODIFICATION OF THE MINISTER'S APPROVAL

The modification application has been lodged with 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.

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 section 96 application seeks to amend the hours of work relating to internal refurbishment works within the existing hospital building only and will comply both the EPA Industrial Noise Policy and EPA Interim Construction Noise Guidelines.
<i>Whether the development to which the consent as modified relates is substantially the same development.</i>	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.
<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 s.96 application under the Environmental Planning 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 and does not affect persons previously notified.
<i>Whether submissions have been considered in the assessment of the modification application.</i>	The department received one submission from Blacktown City Council, who raised no objection to the section 96 application.

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.

CONSULTATION

The section 96 application was made available on the department's website. Due to the minor nature of the proposed amendment, the section 96 application was not exhibited or referred to external agencies. No public submissions have been received.

Notwithstanding, the section 96 application was referred to Blacktown City Council for comment, who advised it raised no objections to the amendment of condition C1 under the provision that all works are carried out within the building and do not result in adverse noise impacts for adjoining residential properties. It was also recommended that contact details of nominated site officials be provide to council should noise complaints be received.

DELEGATED AUTHORITY

On 14 September 2011, the Minister for Planning and Infrastructure delegated his powers and functions under Section 75W 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 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 Acting Director, Industry Key Sites and Social Projects may determine the section 96(1A) application under delegated authority.

ASSESSMENT

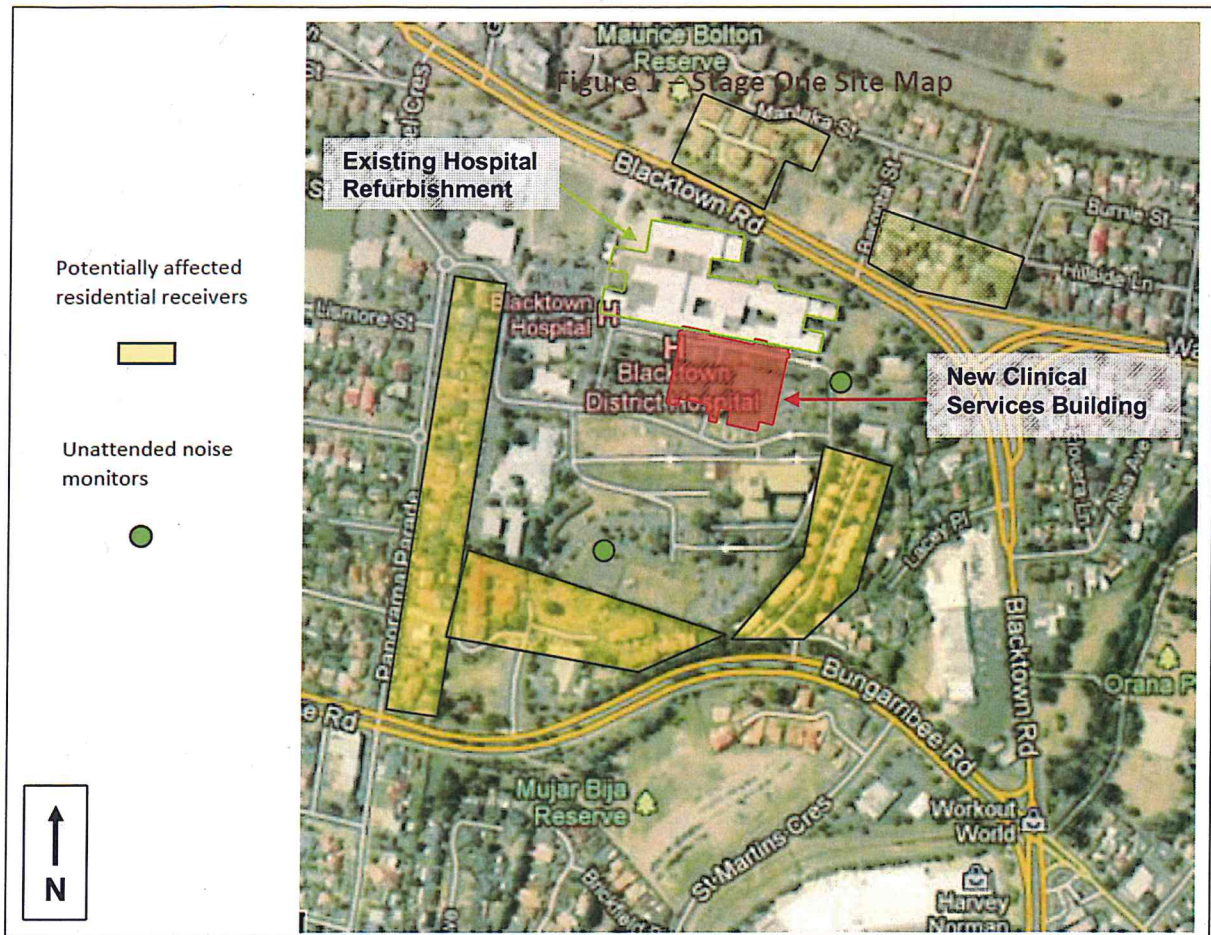
The department considers the key environmental impact of the application to relate to potential noise impacts on the existing hospital and residents adjoining the hospital campus. Adjoining residential receivers are located approximately 50 m to 100 m away, and it is also noted that a major arterial road, Blacktown Road, traverses the front of the site (see **Figure 2**).

A background noise level for the night period of 41 dB(A) was established under the approved SSD application. Having regard to the background noise level and the Interim Construction Noise Guidelines, a noise management level of 46 dB(A) would apply for the development at the property boundary. The department also notes that an internal noise management level of 45 dB(A) applies for hospital wards and operating theatres.

The applicant advises that the noise generated by internal construction activities proposed to be carried out during the night period would comply with the noise management level of 46 dB(A). They also propose the following measures to ensure that noise levels are appropriately minimised:

- monitor the noise emissions of construction activities to ensure that there is no disturbance to surrounding residential receivers or occupants of the hospital;
- all deliveries of materials would occur during normal construction hours; and
- night period construction workers will be required to park in nominated locations accessed from the loading dock vehicle access point from Blacktown Road.

Figure 2: Residential Receiver Locations



The redevelopment of the Blacktown campus is expected to be completed by early 2016, with bulk earthworks and excavation of the CSB site having already commenced. Construction of the CSB hospital building is expected to be completed by early 2015, with the remaining internal refurbishment works within the existing hospital building to be completed by 2016.

In giving consideration to the applicant's request, the department notes that the proposed amendment to the hours of work will have a net public benefit for the local health district, as it will enable construction works to be appropriately phased in a manner that will minimise impacts on existing hospital operations.

The department also acknowledges the advice provided within the applicant's section 96 application, wherein it details that the proposed amendments are not intended to enable construction activities around the clock, but rather provide flexibility to enable certain works to be scheduled after normal business hours to minimise the impacts on sensitive operating theatres and medical imaging areas within the existing hospital building.

The department also notes that the applicant's environmental management plan (EMP) provides a number of control procedures to ensure that all noise and vibration activities do not cause an environmental impact. In addition, all employees are provided with environmental induction and training and made aware site environmental objectives and targets to ensure impacts are minimised at all times during construction activities. The EMP also outlines monitoring actions to be undertaken to ensure that site environmental objectives and targets are being

complied with, and if not, corrective actions that should be taken to ensure compliance.

In view of the above, the department considers the proposed amendment to condition C1 to be acceptable as it would not be likely to result in any adverse amenity impacts to the surrounding residential receivers or existing hospital operations. In this respect, the department recommends that condition C1 be amended accordingly, 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 6:00 pm and 7:00 am, Mondays to Fridays inclusive, for internal refurbishment works and alterations within the existing Blacktown Hospital building***
- d) ***between 5:00 pm Saturdays and 8:00 am Sundays, for internal refurbishment works and alterations within the existing Blacktown Hospital building***
- e) ***with the exception of d) above, no work on Sundays and public holidays***
- f) *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 Director General or his nominee.*

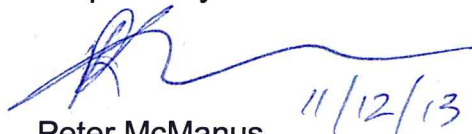
Having regard to the measures outlined by the applicant to ensure impacts are appropriately minimised, the department also recommends that appropriate noise monitoring devices are installed at the site boundaries adjacent to sensitive receivers to accurately monitor noise emissions generated by construction activities undertaken during the night period.

RECOMMENDATION

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

- note the information provided in this briefing;
- approve the section 96(1A) application, subject to conditions; and
- sign the attached modifying development consent (**Tag A**).

Prepared by:



11/12/13

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