



**SECTION 96 (1A) APPLICATION:  
*Bega Valley Health Services  
Development, 1614 Tathra Road, Bega  
SSD 5729 MOD 2***

Modification to conditions to allow delivery and handling of goods outside of existing permitted hours of work

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

January 2015

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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 hospital building is under construction.

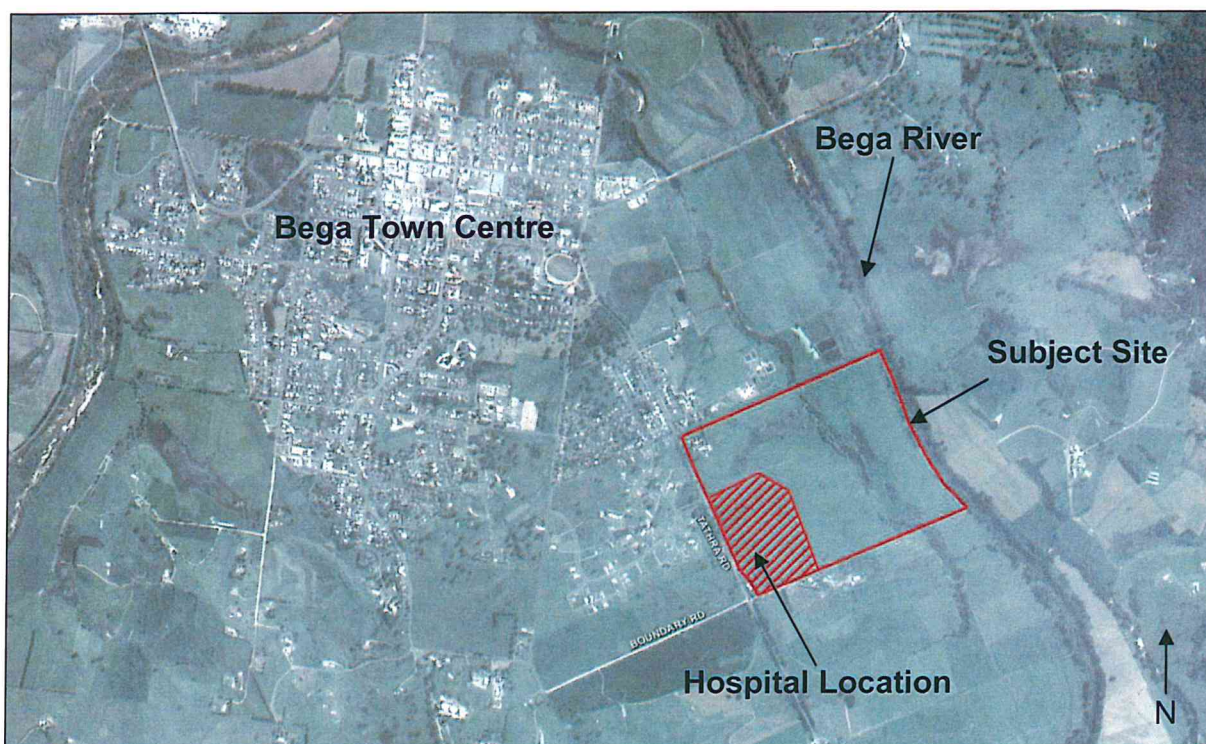


Figure 1: Location of Bega Hospital Development

### 1.2 Application History

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

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

On 15 July 2014, the then Director, Industry, Key Sites and Social Projects, as delegate of the Minister for Planning, approved concurrent Section 96 (1A) modification applications to the approved concept proposal and Stage 1 construction enabling works (SSD 5307 MOD 1) and the Stage 2 construction of the main hospital building (SSD 5729 MOD 1). The modifications comprised replacement of the geothermal energy storage system with a heat pump system, minor design modifications



and changes to the timing for the certification of water and sewer infrastructure and the construction of landscaping works.

## 2. PROPOSED MODIFICATION APPLICATION

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The applicant is seeking approval to modify the hours of work to facilitate the delivery, installation and storage of furniture, equipment and materials associated with the fit-out of the new hospital outside the hours of work currently permitted by condition D1. Condition D1 restricts hours of work as follows:

*D1 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) no work on Sundays and public holidays*
- d) Works may be undertaken outside these hours where*
  - i) the delivery of materials is required outside these hours by the Police or other authorities; or*
  - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or*
  - iii) Variation is approved in advance in writing by the Director-General or his nominee.*

The applicant has proposed extended working hours of:

- 7:00 am and 10:00 pm Monday to Friday;
- 7:00 am and 6:00 pm on Saturdays; and
- 7:00 am to 3:00 pm on Sundays.

The modified hours of work are sought as it would expedite the completion of the development and avoid double handling and additional storage costs associated with the transportation of the furniture, equipment and materials from Sydney and Melbourne.

## 3. STATUTORY CONTEXT

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### 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 consent by the Executive Director, Development Assessment Systems and Approvals, as delegate of the then Minister for Planning and Infrastructure 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:

**Table 1: Matters to be considered under section 96(1A) of the EP&A Act**

Matter	Consideration
Whether the development to which the consent as modified relates is of minimal environmental impact	The Department is satisfied the proposed amendments would have minimal environmental impacts. Relevant environmental impacts are considered in <b>Section 5</b> of this report.
Whether the development to which the consent as modified relates is substantially the same development	The proposed modification seeks to extend the hours of work and therefore would not result in any significant changes to the appearance, design or form of the approved building. The Department therefore considers the approved development, as proposed to be modified, will remain substantially the same.
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 modification.
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 modification would not alter the development's existing compliance with the relevant planning instruments.

### 3.3 Delegated Authority

Under the Minister's Delegation dated 10 November 2014, the Manager, Key Sites, can determine the modification application as: Bega Valley Shire Council has not objected to the proposed modification; a political disclosure statement has not been made for the application; and no public submissions were received objecting to the proposed changes.

## 4. CONSULTATION AND SUBMISSIONS

The section 96(1A) application was made available on the Department's website. Due to the minor nature of the proposed amendments the application was not exhibited. No public submissions have been received.

Bega Valley Shire Council was also notified of the proposed modification and raised no objections.

## 5. ASSESSMENT

The key assessment issue for the proposed modification is ensuring adequate residential amenity can be maintained during the extended hours of work.

The applicant has proposed extension of hours of work to:

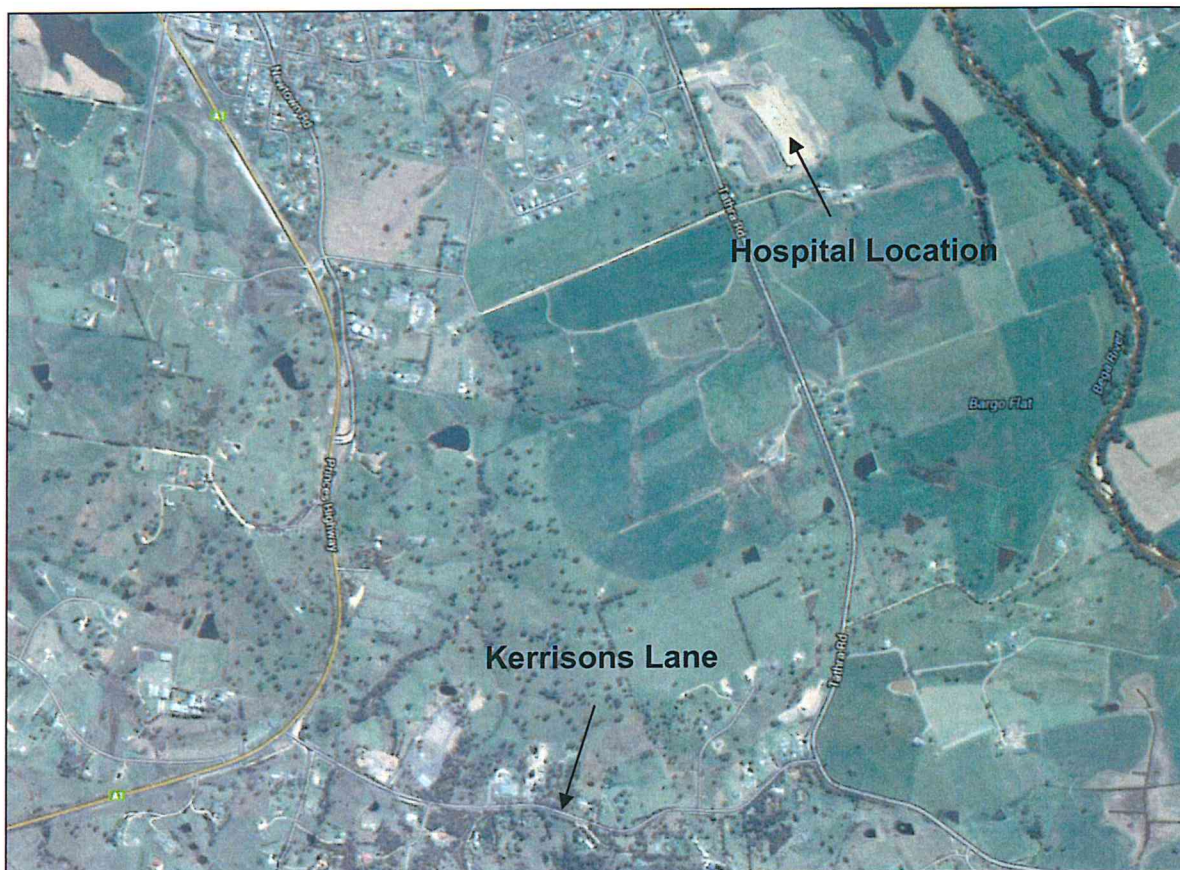
- 7:00 am and 10:00 pm Monday to Friday;
- 7:00 am and 6:00 pm on Saturdays; and
- 7:00 am to 3:00 pm on Sundays.

The site is located in a semi-rural setting with residential premises located to the south, west and north of the site. These residences are between approximately 100 metres and 500 metres from the site access road and 300 and 400 metres from the proposed out of hours delivery and materials handling area.



The proposed activities requiring the extended hours of work include the delivery of furniture, equipment and materials for the fit-out of the hospital buildings and handling of the delivered goods. Whilst delivery of goods would normally be possible at any time, as the fit-out of the hospital forms part of the approved development the delivery of goods associated with the fit-out are restricted to the hours of work in condition D1. Due to deliveries from Sydney and Melbourne arriving outside of the permitted hours of work, the applicant is seeking to undertake these activities outside of the existing hours of work to avoid additional delivery and storage costs that would be incurred to store and re-deliver the items during the permitted hours of work.

The proposed activities would result in noise impacts generated by delivery trucks and forklifts. The applicant has submitted an acoustic assessment from Acoustic Logic that advises that the predicted noise generated from the delivery trucks and forklifts would be below the noise criteria of 5dB(A) above background noise levels assuming one delivery every 30 minutes and the proposed activities are confined to the designated materials handling area. The applicant has also proposed an alternate delivery route for the deliveries undertaken outside of the existing approved hours of work. The alternate transport route is via Kerrisons Lane, which avoids residential areas (see **Figure 2**).



**Figure 2: Alternate delivery route**

The materials handling area for deliveries is located centrally on the site and is located over 300 metres from the closest sensitive receivers. Therefore, the extended hours of work for the purposes of delivery and handling of delivered goods is considered acceptable under the circumstances.



The Department supports the extended hours as it would result in a shorter overall construction period and minimise potential costs associated with temporary storage of any deliveries from Sydney or Melbourne. The Department also considers that the alternate transport route is appropriate and has included this as part of the conditions for the extended hours of work.

Whilst the applicant only seeks to undertake limited activities in the extended hours of work, the applicant has requested a general extension to the approved hours of work. The Department recommends that the existing condition D1 is retained and that an additional condition is included to allow for the above specific activities in the proposed extended hours of work.

## 6. CONCLUSION

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

The proposed extended hours of work for delivering and handling goods for the fit-out of the hospital are acceptable as it would allow the overall construction period to be reduced, providing the Government with significant cost and time savings in the delivery of health services.

The Department is of the opinion that the modification of the proposal is in the public interest as it would not give rise to adverse built form or environmental impacts. Consequently, the Department recommends that the modification be approved.

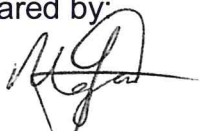
## 7. RECOMMENDATION

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It is recommended that the Manager, Key Sites:

- a) **consider** the findings and recommendations of this report;
- b) **approve** the section 96(1A) application, subject to amended conditions, and;
- c) **sign** the attached modifying instrument at **Appendix B**.

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