



Orange Private Hospital Modification 4

State Significant
Development
Modification Assessment
(MP 08_0233 MOD 4)

August 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CIP	Community Involvement Plan
Consent	Development Consent
Council	Orange City Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW
TfNSW(RMS)	Transport for NSW (Roads and Maritime Services)(former Roads and Maritime Services)



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1. Introduction

This report provides an assessment of an application to modify the Orange Private Hospital and Medi-Motel (MP 08_0233) approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and transitioned to State Significant development (SSD) in 2018.

The modification application seeks approval for external changes to the approved private hospital building and Medi-Motel, tenancy reconfiguration of the private hospital, internal reconfiguration of the Medi-Motel, and precinct site arrangement changes.

The application was lodged on 28 June 2019 by James Richmark Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the EP&A Act.

1.1 Site Description

The Orange Private Hospital and Medi-Motel are located in the Orange local government area. The site is known as Lot 1 DP 549856, Lot 100 and 101 DP 1147525 and is located approximately 3.5 km south of the Orange Central Business District, adjoining Forest Road. The location of the site is shown in **Figure 1**.

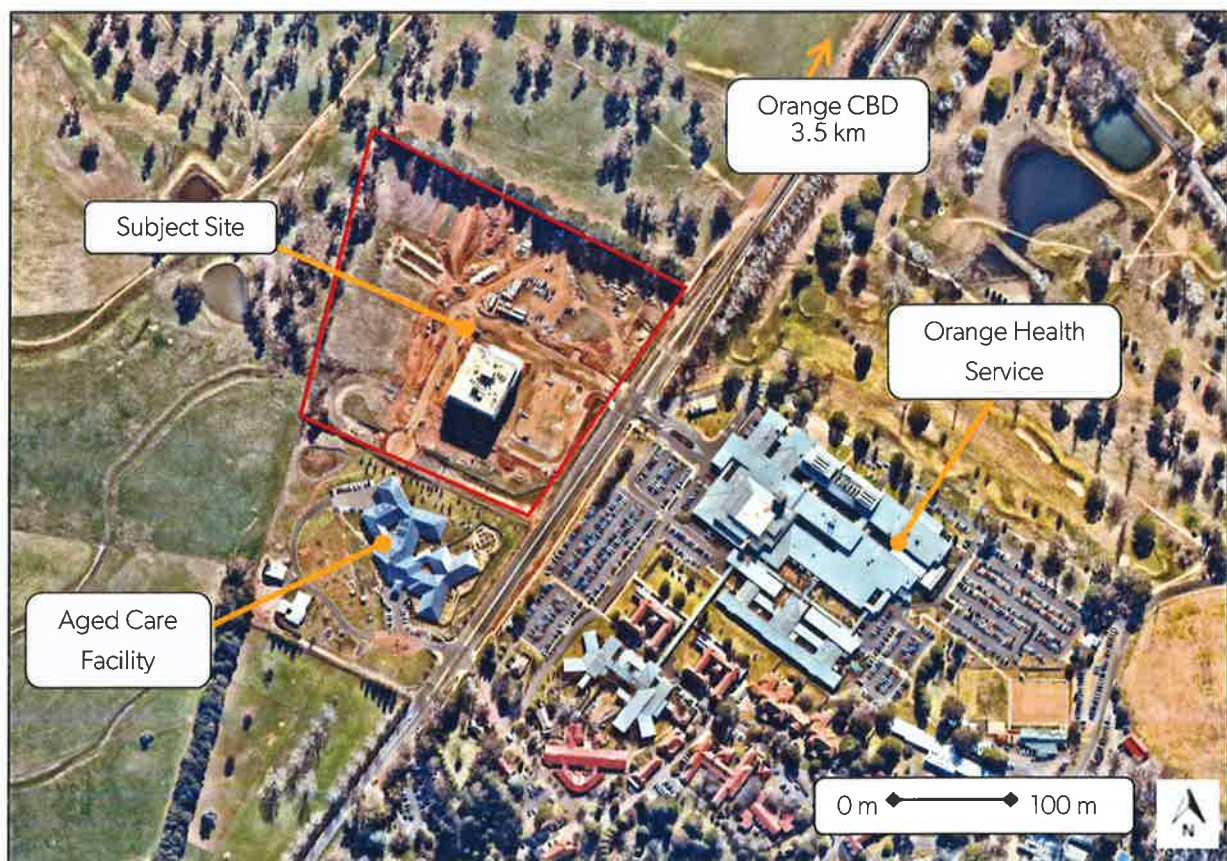


Figure 1 | Site Location (Source: Nearmap 2019)

The subject site has been cleared and construction of the private hospital building has commenced. The site is zoned R1 General Residential and is surrounded by urban release land to the north and west with land to the south zoned General Residential. Across Forest Road to the east of the site is EPI Heritage land and State Heritage Curtilage land consisting of the State listed Bloomfield Hospital.

1.2 Approval History

On 23 November 2008, the then Minister for Planning granted concept plan and project approval for the development of the Orange Private Hospital Campus under the former Part 3A of the EP&A Act. The concept plan has since been modified twice (on 23 October 2014 and 15 November 2017). The concept plan approval, as modified, comprises four precincts:

1. ancillary retail and allied health precinct.
2. Medi-Motel and private hospital precinct.
3. residential precinct (mix of townhouses, apartments, courtyard homes and seniors living).
4. hostel precinct (lodge/hostel short-stay accommodation for patients and families of patients, childcare facilities and cancer care centre).

The project approval for construction of the Orange Private Hospital – Medi-Motel (Precinct 2) (MP08_0233) was issued concurrently with the concept plan approval, under Part 3A of the EP&A Act. The project was transitioned to SSD by order, which took effect by publication in the NSW Government Gazette on 28 September 2018. The original project approval permitted the construction of a two-storey Medi-Motel comprising 82 rooms and nine consultation suites, 108 carparking spaces, ancillary retail premises, stormwater and infrastructure works, road improvements and landscaping.

The project approval has been modified on three occasions (see **Table 1**)

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	- reconfiguration of motel building - separation of medical suites and rehabilitation areas from the motel complex in a new health facilities building - enlargement of separate retail building - deletion of internal bus zones	Secretary	75W	23 October 2014
MOD 2	- relocation of the private hospital building to Precinct 2 - increase in the height of the private hospital building to six storeys and subsequent reduction in building footprint - reconfiguration of internal road layout and provision of 243 car parking spaces	Department	75W	15 November 2017
MOD 3	- removal of roundabout from front entrance of precinct - reconfiguration of car parking spaces and introduction of boom gates - design changes to hospital building, comprising: - altered ground floor façade treatment - introduction of a porte cochere - addition of balcony space to level 5 - enlargement of the mechanical plant area and screen - introduction of a glazed lift lobby on roof - increase in height of lift and stair over-run - addition of a bin area, loading zone and fire pump room	Department	4.55(1A)	18 December 2018



2. Proposed Modification

On 28 June 2019, the Applicant lodged a fourth modification application (MOD 4) seeking to make changes to interior and exterior elements of both the private hospital and Medi-Motel, as well as alter the site arrangements surrounding the Medi-Motel.

The application seeks to modify the approved private hospital to:

- alter tenancy rearrangements (**Figure 2**):
 - tenancy 1 (outlined in red): reduce floorspace from 110sqm to 95sqm and add an external seating area of 270sqm (not included in overall GFA, as not enclosed).
 - tenancy 2 (outlined in blue): increase floorspace from 660sqm to 690sqm.
 - tenancy 3 (outlined in purple): reduce floorspace from 190sqm to 112sqm.
 - tenancy 4 (outlined in orange): reduce floorspace from 305sqm to 284sqm. The fit-out for the pharmacy (tenancy 4) is not considered part of this application.
 - creation of tenancy 5 (outlined in green): create an additional tenancy of 95sqm from the reduction of floorspace of tenancy 3 and 4.
- add a glazed rooftop enclosure, opening onto a proposed rooftop garden.
- modify minor elements of the external design (see **Figure 3** and **Figure 4**).

The proposed modifications to the private hospital are shown in **Figures 2 to 4**.

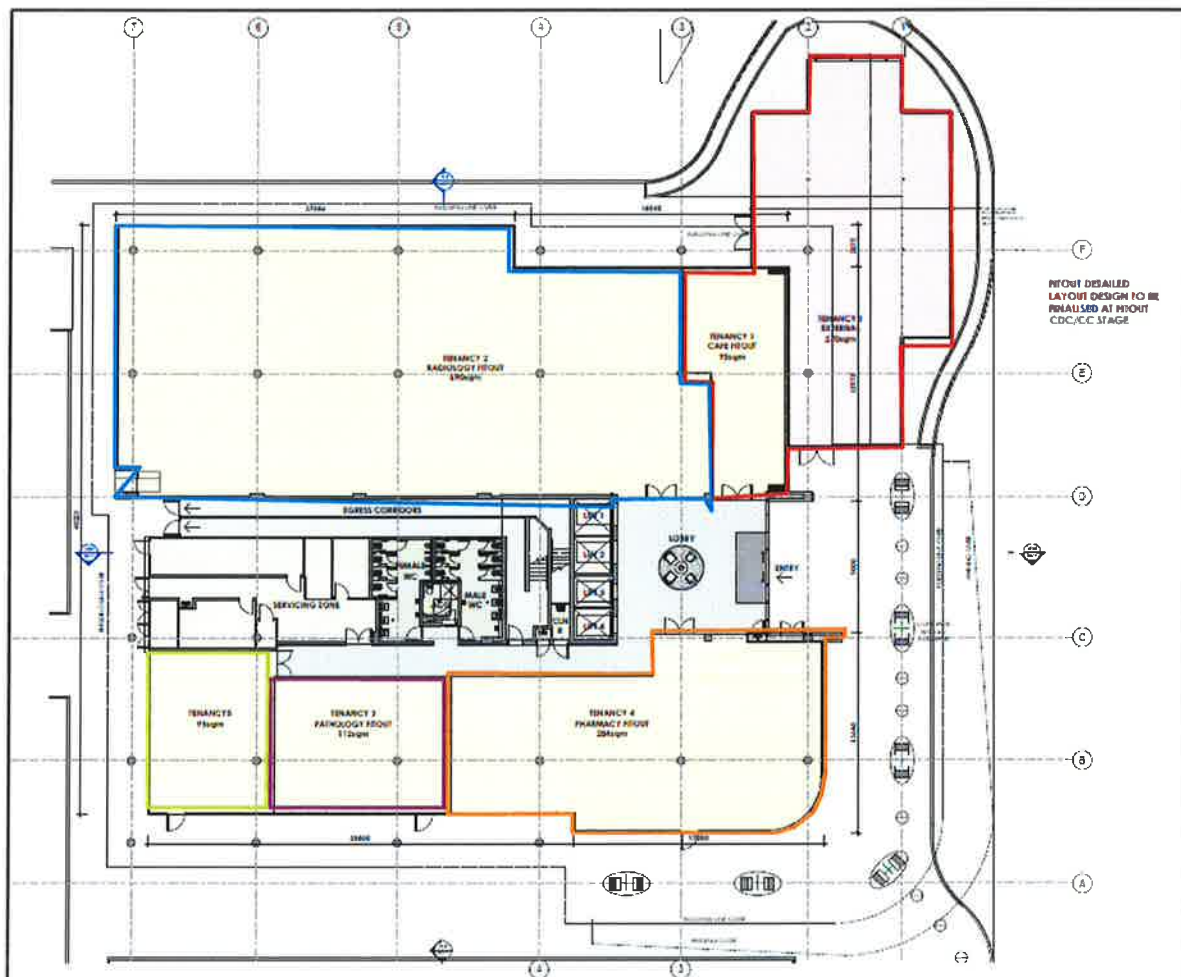


Figure 2 | Altered tenancy arrangements (Source: Application documents)

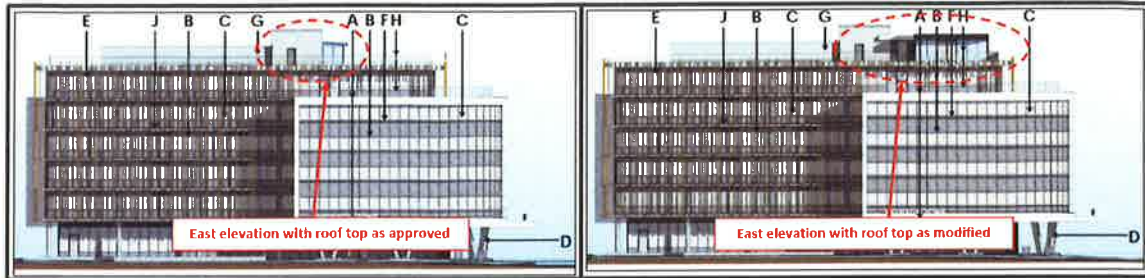


Figure 3 | Private hospital east elevation – external façade comparison – approved (left) and requested (right) (Source: Application documents)



Figure 4 | Private hospital north elevation – external façade comparison – approved (left) and requested (right) (Source: Application documents)

Additionally, the application seeks to modify the Medi-Motel as follows (see red circles in **Figure 5**):

- reconfigure the overall floorplan with a splayed western wing and reduce the modulation along the northern and southern sides of the building.
- relocate the restaurant/dining and conference/function spaces from the eastern wing to the splayed western wing, increasing the conference/function room area from 140 sqm to 175 sqm.
- alter the western wing, from two storey, to single storey.
- remove the turning bay at the south-east corner of the Medi-Motel and relocate and reconfigure the service vehicle area from the front (facing Forest Road on the eastern side) to the rear (western side) of the building.
- add a porte cochere to improve reception access and improve amenity and additionally altering landscaping around the proposed porte cochere.

The proposed changes to Precinct 2 are shown in **Figure 5**.



Figure 5 | Approved Concept Plan Precinct 2 (left), proposed Precinct 2 (right) (Source: Application documents)



3. Strategic Context

If modified, the development would continue to be consistent with the Central West and Orana Regional Plan 2036, as the development would continue to support the growth of the healthcare sector and related industries in and around the Orange Health Service whilst establishing precincts around hospitals in regional cities and strategic centres.



4. Statutory Context

4.1 Part 3A transition to State Significant Development

The project was originally approved under section 75J of Part 3A of the EP&A Act and was a transitional Part 3A project under Schedule 2 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulations).

Following amendments to the EP&A Act and the associated EP&A (ST&OP) Regulations which commenced on 1 March 2018, the power to modify Part 3A approvals under section 75W has been wound up for modification applications submitted after 1 March 2018. In order to modify a transitional Part 3A approval, the Minister for Planning and Public Spaces can declare the development to be SSD by order under clause 6 of Schedule 2 of the EP&A (ST&OP) Regulations. If a declaration is made, the approval becomes a development consent which can be modified under Part 4 of the EP&A Act if it meets the relevant test.

On 19 September 2018, the Director, Social and Other Infrastructure Assessments (as delegate of the then Minister for Planning), made an order under clause 6 of Schedule 2 declaring the development the subject of the project approval to be SSD. This order was published in the NSW Government Gazette on 28 September 2018 and took effect from that date.

The effect of this order is that:

- the project approval is taken to be a development consent under Part 4 for the carrying out of the development.
- the modification request is taken to be an application to modify under section 4.55 of the EP&A Act.

4.2 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- under the EPA Regulation 2000 Clause 117(3B), this project was not required to be exhibited, however it was made publicly available on the Department's major projects website and referred to Orange City Council (Council) for comment.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.3 Consistency with Concept Plan Approval

In accordance with Schedule 2, clause 3B(2)(d) of EP&A (ST&OP) Regulation, requests to modify approvals issued under section 75J, now transitioned to SSD, and subject to a concept plan approval issued under section 75O, must demonstrate consistency with the approved concept plan.

The Department's assessment of the proposed modification against the concept plan approval, as modified, is provided in **Table 2**.

Table 2 | Consistency of proposed modification with concept plan approval as modified

Development component	Concept Plan Approval (as modified)	Proposed Modification	Consistency with the Concept Plan
Scale of building	Private Hospital with GFA 12,630 sqm. Medi-Motel with 82 rooms.	Private Hospital GFA proposed at 12,555 sqm Changes in configuration of proposed Medi-Motel, however number of rooms and consultation suites remain consistent	Generally consistent with the concept plan
Building height	Six storey Private Hospital Two storey Medi-Motel	Addition of enclosed rooftop area at the Private Hospital. No change to overall height. Reduction to single storey of western wing of Medi-Motel. No change in overall height.	Generally consistent with the concept plan
Parking	Minimum of 243 car parking spaces	Changes to the location of parking within Precinct 2 approved as part of Modification 3. Some reconfiguration of parking, but number of spaces to be provided remains unchanged.	Generally consistent with the concept plan
Road layout	Three roundabouts and road layout as presented in Figure 5 .	Relocation of service entry and roundabout at the east of the Medi-Motel. No changes to overall vehicle paths.	Generally consistent with the concept plan

4.4 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Infrastructure Assessments, may determine the application as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there are no public submissions by way of objection.

4.5 Permissibility

The site is zoned R1 General Residential under the Orange Local Environmental Plan 2011, where health services are prohibited. However, under clause 57(1) development for the purpose of health service facilities may be carried out by any person with consent on land in a prescribed zone. R1 General Residential is a prescribed zone. The proposed modification is consistent with the definition of a health service facility and is therefore permissible with consent.

4.6 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No. 55 Remediation of Land.
- Orange Local Environmental Plan 2011.

The Department's consideration of the modified proposal against the applicable EPIs is provided at Appendix B of this report. The Department is satisfied the modification application has adequately addressed the relevant provisions and is consistent with the EPIs.

4.7 Objects under the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development.

Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 28 June 2019 and was referred to Council for comment.

5.2 Summary of Submissions

The Department did not receive any submissions from members of the public.

Council raised no objections to the proposed development but made the following comments:

- the individual tenancy spaces will be assessed at a later date under separate DAs, so the Council have no objections to these amendments proposed.
- the overall development should ensure that compliance is met with off-street parking requirements, particularly in relation to the café outdoor eating area. The location of the café is supported however the car parking for the development will relate to the number of beds within the hospital facility without consideration for seats within a café. The cumulative impact of the café on car parking should be considered.
- the proposed modification in relation to the Medi-Motel carpark and relocation of service bay are considered acceptable.
- consideration of the Medi-Motel revised setbacks and streetscape presentation of the amended building design to Forest Road should be given. The building design should also give consideration to the listed heritage items in this locality.

5.3 Additional Information

On 8 August 2019, the Applicant provided updated documents in response to concerns raised by the Department, with additional documents provided on 12 August 2019. The updated documents consisted of:

- ground floor, first floor, second floor, third floor, and fifth floor plans depicting GFA.
- updated location plan.
- Medi-Motel landscape plans.
- Private Hospital landscape plans.
- rooftop garden plans.

The Department considered the revised plans as part of its assessment of the modification application.



6. Assessment

The Department considers that the key issue associated with the modification application to be built form and layout across Precinct 2. The Department's assessment of the key issue is provided below.

6.1 Built Form and Layout

The built form and layout changes proposed to the private hospital and Medi-Motel as part of this modification include:

Private Hospital

- extension of the rooftop structure creating an enclosed space and rooftop garden (See **Figure 3**).
- an area of 145 sqm of floorspace on the roof which is to be enclosed (See **Figure 6**).
- ground floor amendments to the café tenancy on the ground floor to include a covered outdoor eating area (See **Figure 6**).

Medi-Motel

- reduction in modulation along the northern and southern sides of the Medi-Motel.
- alteration to the western splayed wing, from two storey to single storey.
- relocation of service vehicle access and services from the eastern side of the building to the western side of the building (i.e. from the public facing side of the building to the rear).
- addition of a porte cochere and subsequent modified landscaping.

Private Hospital

An aerial representation of the rooftop area as approved and an indicative depiction of the areas that are to be enclosed are shown in **Figure 6**. The outdoor eating area that is to be covered is also shown.

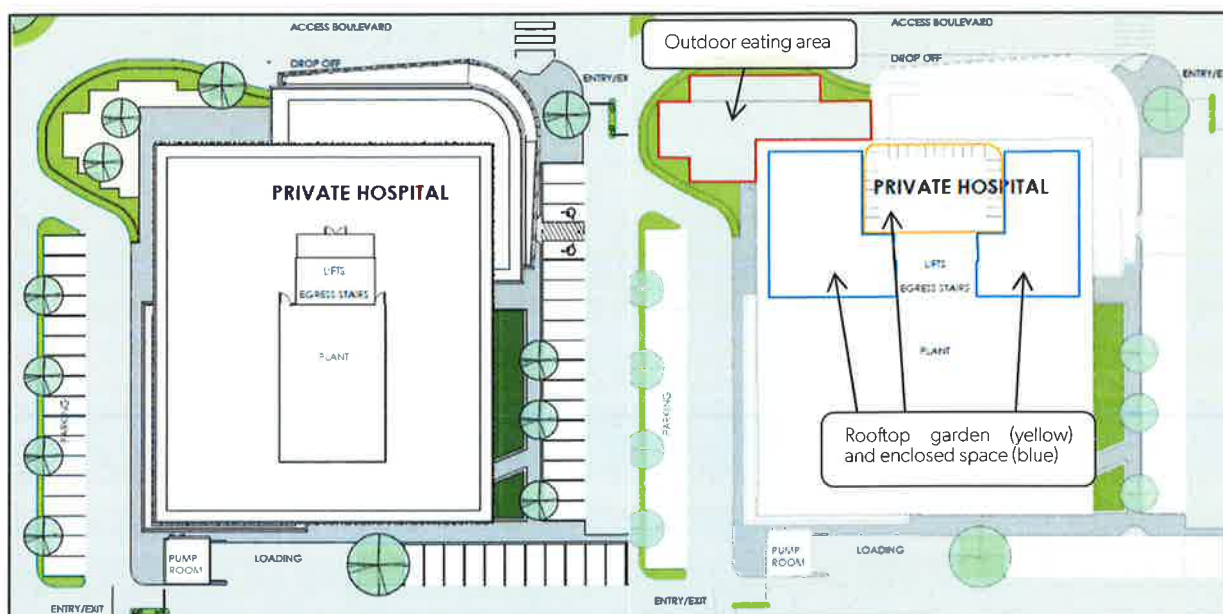


Figure 6 | Approved rooftop area (left) and indicative representation of the areas to be enclosed (right) (Base Source: Modification 3 report (left) and Application documents (right))

Whilst the proposed enclosed rooftop area would alter the appearance of the building, the Applicant has indicated that the height of the building would remain within the limit approved by the concept plan (MP08_0233) (See **Figure 7**) and would be lower than the approved lift/stairwell.

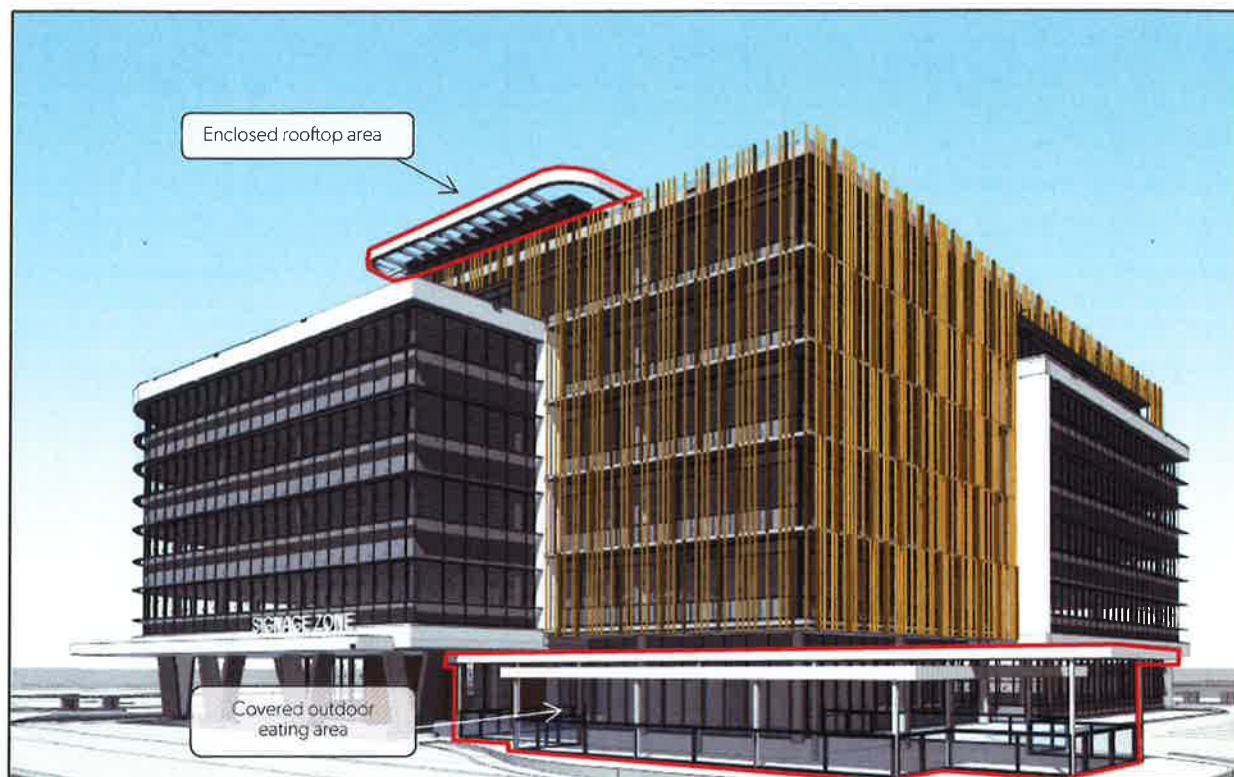


Figure 7 | 3D model of the Private Hospital showing the enclosed rooftop area viewed from the north west (Source: Application documents)

Council raised no concern in relation to the rooftop garden and enclosed area. The Department supports the concurrence of the height limit provided for within the concept plan (MP08_0233).

The Department raised concern regarding the potential increase in gross floor area (GFA) associated with enclosing part of the roof. The Department sought clarification regarding the stated reduction in overall GFA of the private hospital as shown on plans submitted with the modification application, given the addition of this enclosed roof area. Under the concept plan the hospital is restricted to 12,630sqm of GFA, which is the amount of floorspace proposed within the approved plans.

The Applicant reviewed the approved plans and provided a revised drawing set accurately presenting the GFA of the private hospital. The revised drawings showed the total GFA of the private hospital, including the enclosed roof area as 12,555 sqm, which is within the maximum permitted under the concept plan approval. As such, the Department is satisfied that the private hospital will remain within the GFA allowed by the concept plan.

The modification application seeks to provide a low, covered area extending from the café tenancy on ground level. The cover is proposed to be transparent at ground level with its form and finish tying sympathetically with the architecture of the building. Council did not object to the location of the café and covered area, however recommended that the parking requirements of the café, particularly in relation to the size of the outdoor eating area, be reviewed to ensure that sufficient parking would be provided for café patrons. As the café is considered to be an ancillary use to the private hospital, no changes were proposed to parking numbers in the precinct. The Department understands the café to be an ancillary use within Precinct 2 and that patrons of the café would predominantly be associated with the other services provided within the precinct. As such, the Department supports the views of the Applicant that no changes to parking would be required by providing a covered

outdoor eating area. In this regard, café patrons would already be visiting the health facility and would not be travelling to the site just to visit the café.

Other alterations proposed to the private hospital, being the internal re-configuration of the ground floor tenancies to create an additional tenancy, are considered to be of minimal impact and remain consistent with the provisions of the concept plan (MP08_0233). These modifications are supported by the Department.

Medi-Motel

The modification seeks to reduce the modulation of the Medi-Motel (**Figure 8** and **Figure 9**), relocate and reconfigure service vehicle access (**Figure 10**), alter the western wing from two storey to single storey (**Figure 9** and **Figure 12**), and add a porte cochere to the Medi-Motel (**Figure 12**).



Figure 8 | External façade – north elevation as approved (top) and proposed (bottom).
(Source: Modification 2 Approval and Application documents)



Figure 9 | External façade – east elevation (facing Forest Road) as approved (top) and proposed (bottom).
(Source: Modification 2 Approval and Application documents)

The proposed changes to the modulation and treatment of the external façade of the Medi-Motel are a result of the alteration to the internal and external layout configuration. The façade changes to the Medi-Motel building are changes in colour and design along all sides of the Medi-Motel and the built form is no longer as modulated. The Applicant has committed to maintaining high-quality architectural detailing, materials and finishes as part of

the Medi-Motel. Additionally, the reconfiguration of the site has resulted in the Medi-Motel being sited closer to the Forest Road frontage.

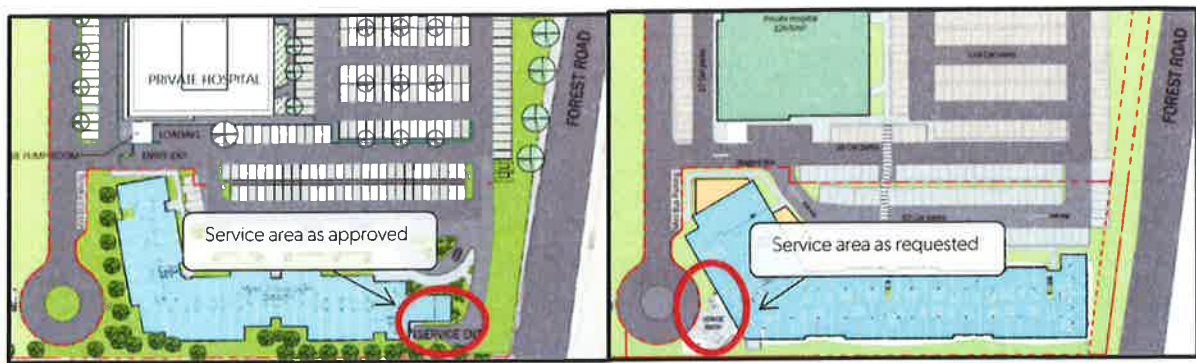


Figure 10 | Medi-Motel site arrangement as approved (left) and proposed (right)
(Source: Modification 2 Approval and Application documents)

Whilst Council requested setbacks and streetscape presentation be reviewed, the relocation of the service vehicle driveway and turning area from the eastern side of the building to the western side enables the Forest Road facing side of the site to be landscaped (**Figure 11**).

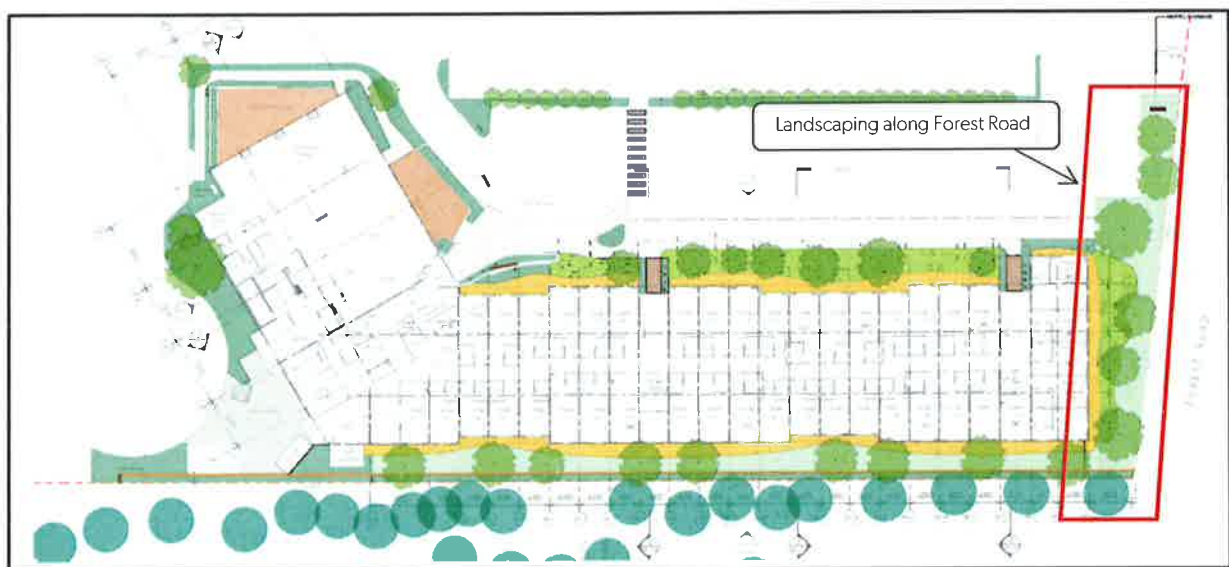


Figure 11 | Medi-Motel Landscape Concept Plan (Source: Application documents)

The Department considers that the relocation of service vehicle access, from the eastern side of the building (facing Forest Road) to the back of the building, would result in an improvement in visual amenity from Forest Road. Subsequently, the Department supports the increased landscaping along Forest Road and supports the high-quality architectural detailing, materials and finishes on the external façade of the Medi-Motel.

The modification application also seeks to reduce the height of the western wing of the Medi-Motel from two storeys to one storey (**Figure 12**) and alter building curtilage to accommodate a porte cochere.

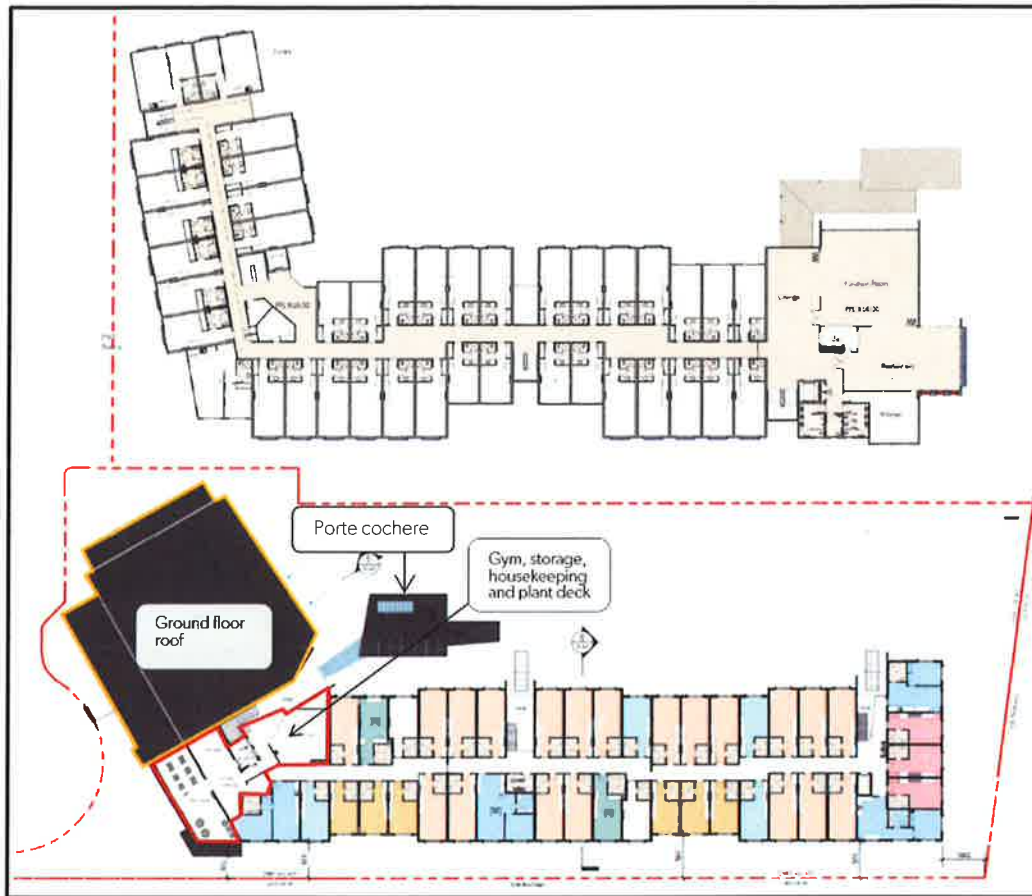


Figure 12 | First floor layout of Medi-Motel as approved (top) and proposed (bottom)
(Source: Modification 2 Approval and Application documents)

Council raised no concerns regarding the alterations to the western wing or building curtilage. The Department considers that the reduction in height of the western wing would reduce the visible bulk of the Medi-Motel from Forest Road, improving amenity. Additionally, the Department considers the addition of the porte cochere and minor building curtilage changes to be of negligible impact and have the potential to improve ease of access to patrons using the Medi-Motel.

The proposed changes to the Medi-Motel are consistent with the concept plan approval and supported by the Department.

The Department has assessed the proposed modifications of Precinct 2 and is satisfied that the built form and layout is substantially the same as approved.



7. Evaluation

The Department has reviewed the EIS and assessed the merits of the proposal, taking into consideration advice from Council. Matters raised by Council have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The proposed modification is consistent with the objects of the EP&A Act, applicable EPIs and is consistent with the Central West and Orana Regional Plan 2036 as it would support the growth of the healthcare sector. The Department also considers that the proposal would provide a significant public benefit by promoting development of a health precinct around the recently upgraded Orange Health Service public hospital.

The proposed modification is suitable for the site and would not result in any significant or adverse amenity impacts and would provide appropriate built form for the site. The Department has recommended the approval be modified to include the revised building and landscape plans.

The Department concludes that the proposed modification is not likely to result in any significant environmental impacts and therefore the proposed modifications are acceptable. Consequently, the Department considers the proposal is in the public interest and the modification should be approved.



8. Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application Orange Private Hospital MP08_0233 Modification 4 falls within the scope of section 4.55(1A) of the EP&A Act.
- **forms the opinion** under section 7.17(c) of the *Biodiversity Conservation Act 2016*, that a biodiversity development assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values on the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **modify** the consent MP08_0233.
- **signs** the attached approval of the modification.

Recommended by:

Rebecca Sommer

Senior Planning Officer

Social and Infrastructure Assessments

Recommended by:

David Gibson

Team Leader

Social and Infrastructure Assessments



9. Determination

The recommendation is: **Adopted by:**


Karen Harragon

Director

Social and Infrastructure Assessments

30 August 2019



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows.

1. Modification Report and Attachments

<https://www.planningportal.nsw.gov.au/major-projects/project/15041>

Appendix B – Recommended Instrument of Modification

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/15041>