



***MODIFICATION REQUEST:
Miranda Dental Hospital
84 - 86 Kiora Road, Miranda
(MP 11_0009 MOD 2)***

Modification to the description of the approved development to clarify the range of medical uses permitted within the dental hospital

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

November 2014

ABBREVIATIONS

Applicant	Russo Family Trust
CIV	Capital Investment Value
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
PAC	Planning Assessment Commission
Regulation	Environmental Planning and Assessment Regulation 2000
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment, or her delegate/nominee
SEPP	State Environmental Planning Policy
SEARs	Secretary's Environmental Assessment Requirements

© Crown copyright 2014
Published November 2014
NSW Department of Planning and Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. BACKGROUND

On 23 August 2012, the Deputy Director-General, Development Assessment and Systems Performance, as delegate of the then Minister for Planning, granted approval to a project application (MP 11_0009) for demolition of existing buildings and excavation and construction of a part 6/7 storey dental hospital comprising:

- various specialist dental treatment services, day surgery facilities, and inpatient accommodation;
- shop/café on the upper ground floor;
- fully automated basement car stacker containing 40 car spaces over three levels; and
- two signs along the northern and western facades of the building.

On 12 March 2013, the Executive Director Development Assessments Systems and Approvals, as delegate of the then Minister for Planning, approved a modification application (MOD 1) for changes to the building design and a reduction in the applicable section 94 contributions.

The project is currently at the detailed design stage and no construction works have commenced.

2. PROPOSED MODIFICATION

2.1 Modification Description

This application seeks approval to modify the description of the approved hospital development to clarify the range of medical uses permitted on the site.

The applicant seeks to modify the wording of the development description in Condition A1 by the insertion of the **bold and underlined** words as follows:

A1 DEVELOPMENT DESCRIPTION

Development approval is granted only to carrying out the development described in detail below:

*Demolition of existing buildings and excavation and construction of a part 6 / part 7 storey building, **the principal purpose of which is a dental hospital with a GFA of 2,164.5 m² comprising:***

- *various specialist dental treatment services, day surgery facilities, and in patient accommodation **and medical specialists, diagnostic and other services as described in Table 1 in Section 75W Modification 2;***
- *shop / café on the upper ground floor;*
- *fully automated 3 level basement car stacker containing 40 spaces; and*
- *two signs along the northern and western facades of the building.*

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with Clause 3 of Schedule 6A of the Environmental Planning and Assessment Act 1979 (EP&A Act), Section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6, continues to apply to transitional Part 3A Projects.

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a project is not required if the approval of the project as modified would be consistent with the original approval.

As the modification seeks approval for amendments to the description of the development and subsequent activities carried out on the site, the modification will require the Minister's approval.

3.2 Environmental Assessment Requirements

No additional Environmental Assessment Requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application.

3.3 Delegated Authority

Under the Minister's Delegation dated 10 November 2014, the Director, Industry and Key Sites can determine the modification application as: Sutherland Shire Council (Council) has not objected to the proposal; a political disclosure statement has not been made; and no public submissions in the nature of objections have been received.

4. CONSULTATION AND SUBMISSIONS

Under Section 75X(2)(f) of the EP&A Act, the Secretary is required to make the modification request publicly available. The modification request was made available on the Department's website and referred to Council for comment.

Council raised no objection to the proposed modification subject to: the principal use remaining a dental hospital; there being no additional floor space; and any additional parking generated by the intended uses being provided on the subject site.

5. ASSESSMENT

5.1 Clarification of medical uses

The proposed modification application seeks to clarify the range of specialist medical services that can occupy the approved dental hospital development in order to provide certainty for future tenants of floor space within the hospital. In this regard, the proponent seeks to modify the description of the approved development by describing that the "principal purpose" of the building is for a dental hospital, while a range of supporting medical uses may be also considered as part of the approved hospital. The proponent seeks to incorporate a range of related medical specialists within the hospital such as a neurologist, cosmetic surgeon and diagnostic services such as radiology, pathology and pharmacy services and other medical uses that offer benefits from co-location.

The proponent has provided a summary of the specialist dental services that are considered to be the principal purpose of the dental hospital and the associated medical specialists, diagnostic and other specialist services that are ancillary or related to the principal purpose (refer to **Table 1**).

The Department notes the proposed additional medical specialists are associated with the recovery from mouth cancer and facial accident trauma and diagnostic services such as radiology are related to the principal purpose of a dental hospital. There are other specialised health services that would have an indirect relationship to the specialised dental services such as a cardiologist and dietician.

The proponent has advised that the additional medical specialists would occupy a small area compared to the specialist dental services and are likely to be a one-off service, whereas multiple specialist dental treatment services would be provided by the hospital.

The Department acknowledges the significant public benefits associated with the provision of the additional medical and diagnostic services in the hospital. Whilst Section 75W of the EP&A Act did not contain any express limitation on the kind of modification which might be considered, the Department is satisfied that the proposed additional medical uses are related to the principal

purpose of the approved dental hospital. The Department therefore accepts that the description of the approved development can be modified to include a range of medical uses as provided in **Table 1**.

Table 1: Summary of Proposed Medical Uses

Category	Proposed Medical Uses	Characterisation
Specialist dental services	General dentist Paediatric dentist Orthodontist Endodontist Periodontist Dental therapist Dental education centre Dental hygienist Dental technician	Principal purpose
Medical specialists	Oral surgeon Neurologist Trigeminal neuralgia Cosmetic surgeon Psychologist Ears, nose and throat specialist Endocrinologist	Ancillary or related to principal purpose
Diagnostic services	Radiology Pathology Pharmacist	Infrastructure necessary for the principal purpose
Other related uses	Sleep Apnoea Clinic Pain clinician Gastrologist Dietician Thoracic specialist Myofunctional specialist Cardiologist Urologist Orthopaedic surgeon	Indirectly related but offers benefits in co-location

5.2 Car Parking

Council has stated that any additional demand for parking generated by the proposed additional medical uses should be provided on the subject site. The approved development falls within the definition of a 'medical facility' under Sutherland Local Environmental Plan 2006. In accordance with Council's Development Control Plan 2006, medical facilities are required to provide 1 space per doctor plus one space per 3 employees and 1 space for every 3 beds for visitor parking. The approved development generates a demand for 61 car spaces in accordance with Council's parking rates. However, a reduced parking provision equating to a total of 40 car spaces was approved on the site given its physical constraints and proximity to public transport services.

As the proposed modification seeks to clarify the range of medical uses permissible on the site, there is no increase in the approved floor space or change to the number of doctors or employees on the site at any one time or the number of hospital beds.

The Department is therefore satisfied that there will be no additional demand for parking on the site associated with the intended medical uses based on Council's parking requirements.

Notwithstanding, the site has the benefit of high access to public transport including rail and bus services which reduce the reliance on car travel for patients and staff.

6. CONCLUSION

The Department has reviewed the modification request and consulted with Council. The proponent seeks to clarify the range of medical uses permissible on the site to in order to provide certainty for future tenants of floor space within the approved dental hospital. The Department is satisfied that the intended medical uses are related to the principal purpose of the approved hospital development.

The proposed modification would not result in any increase in floor space or intensification of the number of doctors, employees or hospital beds of the approved development. The Department is satisfied that the approved development provides sufficient parking to accommodate the intended range of medical uses described in this modification request.

The Department is of the opinion that the modification to the description of the approved development would not result in any additional environmental impacts and is therefore in the public interest. The Department therefore recommends that the modification be approved.

7. RECOMMENDATION

It is recommended that the A/Director, Industry and Key Sites:

- (a) note the information provided in this report;
- (b) approve the modification request; and
- (c) sign the attached modifying instrument (**Appendix C**).

Prepared by:



Thomas Mithen
Planner
Key Sites

Endorsed by:



David Gibson
Team Leader
Key Sites