

JRPP No:	2010WES013
DA No:	DA 389/2010(1)
PROPOSED DEVELOPMENT:	Orange Base Hospital (Additions), 1530 Forest Road
APPLICANT:	Hansen Yuncken Pty Ltd
REPORT BY:	Team Leader – Development Assessments

## Assessment Report and Recommendation

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<b>Application Lodged</b>	2 December 2010
<b>Development Application No</b>	DA 389/2010(1)
<b>Plan No/s</b>	AR.GH.SK.100.01 03; AR.GH.SK.103; AR.GH.SK.104 01; (3 sheets)
<b>Applicant</b>	Hansen Yuncken Pty Ltd Sydney Airport Central L6, 15 Bourke Road MASCOT NSW 2020
<b>Owner/s</b>	Health Administration Corporation C/- Health Infrastructure Level 8, 77 Pacific Highway NORTH SYDNEY NSW 2059
<b>Land Description</b>	Lot: 300 DP 1115809 - 1530 Forest Road, Orange
<b>Proposed Land Use</b>	Hospital (additions and alterations)
<b>Value of Proposed Development</b>	\$6,000,000
<b>Provisions of LEP 2000 (amended)</b>	Zone 6 Open Space and Recreation
<b>Details of Advertisement of Project</b>	Not applicable
<b>Recommendation</b>	Approval

## **THE APPLICATION**

Development consent is sought for additions to the new Orange Base Hospital located at Lot: 300 DP 1115809 - 1530 Forest Road Orange. The proposed development has a capital investment value exceeding \$5 Million and comprises Crown Development. The proposed development is defined as regional development under the provisions of State Environmental Planning Policy (Major Development) 2005. Accordingly, the Joint Regional Planning Panel for the Western Region is the consent authority responsible for determining the application.

## **BACKGROUND**

The Minister for Planning approved a Part 3A Major Project for the construction of the Orange Base Hospital on 9 December 2006. The Orange Base Hospital is currently being constructed and is situated to the northwest of the existing Bloomfield Hospital site on Forest Road. The project included two new single storey mental health buildings, a new five storey general hospital building, along with the refurbishment of four existing Bloomfield facilities.

The approved development also included several expansion zones for the general hospital building. The expansion zones were identified to assist in future planning of this facility by minimising the infrastructure changes required for expanding clinical services in the future, if required.

The applicant advises that the expansion zones located on the first floor were designed to include the structural slab elements as part of the current works to allow ease of future expansion.

## **THE PROPOSAL**

The applicant seeks approval to carry out works within the identified expansion zone in the north-eastern corner of the first floor of the general hospital. The proposed works include:

- demolition of lightweight roof and façade over as-built structural slab
- construction of new structural roof over expansion ward area, and associated new façade works
- provision of slab penetrations for hydraulic services for the full expansion area
- interior fit-out to provide ten bed spaces and associated staff areas
- extension of the eastern stair core to service the expansion zone.

The applicant advises that the proposed development will comprise two stages as outlined below:

- Stage 1 will include all structure, façade and under slab works, and will provide ten beds as part of the adjacent medical ward
- Stage 2 will comprise the fit-out the remaining unoccupied space and provide a further 20 beds and associated staff areas.

It is proposed that Stage 1 will be undertaken as part of the current works and occupied following the handover of the general hospital. Stage 2 of the development will be the subject of a separate development application.

## **DEVELOPMENT BY THE CROWN**

The subject development application has been made on behalf of Health Infrastructure. Pursuant to Section 89 *Determination of Crown Development Applications* of the Environmental Planning and Assessment Act 1979:

*A consent authority, in respect of a development application made by or on behalf of the Crown, must not:*

- (a) refuse its consent to a Crown development application , except with the approval of the Minister, or*
- (b) impose a condition of its consent, except with the written approval of the Minister or applicant.*

The consent authority in determining the application is therefore required to forward a copy of any draft Notice of Approval to the applicant for concurrence prior to the issue of a final determination.

## **MATTERS FOR CONSIDERATION**

Section 79C of the Environmental Planning and Assessment Act 1979 requires Council to consider various matters, of which those pertaining to the application are listed below.

## **INTEGRATED DEVELOPMENT**

The subject development is located on land listed on the State Heritage Register as containing an item of State significance. In accordance with Environmental Planning and Assessment Act 1979, development of land containing a State Heritage Item would ordinarily require a section 60 licence under Section 58 of the Heritage Act which in turn would mean that the proposed development was defined as nominated integrated development.

In this instance the applicant has made separate representations to NSW Heritage seeking an exemption from obtaining a section 60 licence. NSW Heritage has since advised that an exemption under clause 57(2) of the NSW Heritage Act has been granted for the proposed works and, as such, no formal licence is required to carry out the proposed development.

On the basis of the advice received from NSW Heritage, the application has been assessed as a "local development" under the provisions of the Environmental Planning and Assessment Act 1979 and, as such, the integrated development provisions have not been applied.

## **PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s79C(1)(a)(i)**

### **Orange Local Environmental Plan 2000 (amended)**

Pursuant to Orange Local Environmental Plan 2000 (amended), the site is zoned 6 Open Space and Recreation. The proposal is defined as a "hospital". Hospitals are prohibited on land zoned 6 Open Space and Recreation. However the subject land adjoins land zoned 1(a) General Farming and hospitals are permissible subject to receiving development consent pursuant to clause 29(1)(b) within that zone.

### **Orange Local Environmental Plan 2000 (amended) (cont)**

Given that the subject land adjoins land zoned 1(a) General Farming, clause 26 "Development Near Zone Boundaries" applies and permits the development of a hospital on the subject land subject to receiving consent, provided that the consent authority is of the opinion that the development is desirable due to planning, design, ownership, servicing or similar requirements relating to the optimum use of the land.

Notwithstanding the provisions of clause 26 of the LEP, the original hospital approval for Major Project 06\_0111 was granted by the Minister in accordance with Part 3A of the Environmental Planning and Assessment Act 1979 ("the Act") (section 75J clause (2)). The development consent issued contained a condition of consent that required the applicant to either lodge an application pursuant to Part 3A for Ministerial approval or alternatively an application pursuant to Part 4 for Council approval for any further development within the identified expansion zones nominated under the original stamped approved plans.

The proponent has requested that the application be assessed in accordance with Part 4 of the Act. The proposed development is considered to be permissible with development consent. The proposal is also consistent with the Part 3A Major Project approval.

### **Clause 24 - The Zones**

Prior to determining an application for consent, the consent authority is required to consider how the development meets:

- (a) *the general aims of the LEP*
- (b) *the specific objectives of the zone in which it is proposed to be carried out, and*
- (c) *any other relevant objectives and requirements of the LEP.*

Each of the above described matters are addressed below.

### **Clause 2 - Aims of Plan**

The general aims of the LEP are as follows:

- (a) *encourage development which complements and enhances the character of the City;*
- (b) *provide for a range of development opportunities which contribute to the social, economic and environmental resources of the City in a manner that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development;*
- (c) *conserve and enhance the water resources on which the City depends, particularly water supply catchments;*
- (d) *manage rural land as an environmental resource that provides economic and social benefits for the City;*
- (e) *provide a range of housing choices in planned urban and rural locations to meet population demands;*
- (f) *recognise and manage valued environmental heritage, landscape and scenic features of the City;*

## **Clause 2 (cont)**

- (g) manage development in the vicinity of major industry and utilities for the benefit of the community;*
- (h) improve accessibility within and around the urban area of Orange by providing for traffic relief routes.*

In relation to aim (a), the character of the City will not be adversely affected. The proposal represents the construction of an identified expansion zone within a newly constructed complex.

In relation to aim (b), the proposal would have a beneficial effect in terms of the social, economic and environmental resources of the City. There are no aspects of the proposal that would compromise the principles of ecologically sustainable development.

In relation to aim (c), there are no aspects of the proposal that would represent a direct threat to the City's water resources.

In relation to aim (d), the management of rural land as an environmental resource is not relevant to this proposal.

In relation to aim (e), the proposal does not impact upon the City's range and supply of housing choices.

In relation to aim (f), the subject land forms part of a state listed heritage item. The proposed building works are located within the expansion zone identified in the initial Part 3A assessment of the proposal. The planned works are considered to be complementary to the overall hospital complex and will not adversely affect the value of heritage, landscape and scenic features of the City.

In relation to item (g), the proposal does not encroach on major industry or utilities. It is appropriately located in terms of the surrounding landuse pattern.

In relation to item (h), the proposed development will have a negligible impact upon traffic in the locality. The proposed development would not adversely affect traffic accessibility within and around the urban area of Orange.

## **Clause 8 - General Considerations for Development**

Before determining an application for consent to development, where relevant, consideration shall be given by the consent authority to:

- (a) the potential of that development to impact on:*
  - (i) water quality of waterbodies, and*
  - (ii) groundwater resources, and*
  - (iii) the ability of rural land to be used for primary production, and*
  - (iv) soil resources, and*
  - (v) mineral resources, mines and extractive industries, and*
  - (vi) existing vegetation, native flora and fauna, and*

## **Clause 8 (cont)**

- (b) the cumulative impact on the environment of:*
  - (i) the development, and*
  - (ii) other development in the vicinity of the proposed development, and*
- (c) the impact on the scenic landscape or urban character of the area, and*
- (d) the impact of development on energy conservation, and*
- (e) the impact of the development on waste generation, and*
- (f) any measures necessary to mitigate any of these impacts.*

In relation to items (a)(i) to (vi), due to the recent improvements carried out on the land there are no aspects of the proposal that would adversely affect water quality, rural land, soil resources, mineral resources or native flora and fauna.

In relation to items (b)(i) and (ii), the cumulative impact of the development is considered satisfactory as the proposed development is located within an identified expansion zone and all likely impacts identified as part of the assessment can be suitably managed onsite.

In relation to item (c), it is considered that the proposal would not adversely affect the urban character of the area. The proposed building materials and overall design of the development are considered to be complementary to the recently constructed general hospital building and will not have an adverse impact upon the urban character of the area.

In relation item (d), the applicant will be required to satisfy the provisions of the Building Code of Australia.

In relation to item (e), the applicant will be required during the construction and operational phases of the development to ensure that unreasonable waste generation does not occur. The applicant will be required to prepare and implement a waste management plan for the proposed development. The waste management plan will need to address issues in relation to waste minimisation and possible opportunity for recycling of unwanted materials. A draft condition of consent is recommended in relation to this matter.

In relation to item (f), the potential impacts of the proposal will be addressed below under the heading "Likely Impacts of the Development".

## **Clause 12 - Objectives of the Special Environmental Considerations**

Part 3 of the LEP provides special environmental considerations. According to Clause 12 of the LEP, the objectives of this Part are:

- (a) to protect the City's water resources, and*
- (b) to minimise the impact of development on the continued operation of existing major industry, utilities and infrastructure on which the City depends, and*
- (c) to ensure that land is adequately serviced prior to use, and*
- (d) to minimise the impact of development on the environment, and*
- (e) to minimise the impact of development on the operation of existing and proposed major roads.*

## **Clause 12 (cont)**

In relation to item (a), the proposal does not pose an unreasonable threat to the City's water resources.

In relation to item (b), the proposal does not adversely affect the continued operation of existing major industry, utilities or infrastructure upon which the City depends.

In relation to item (c), the further augmentation of utility services will be met as part of the development without unreasonable burden to the community.

In relation to item (d), the potential impacts of the proposal will be addressed below under the heading "The Likely Impacts of the Development".

In relation to item (e), matters in relation to traffic impacts will be considered below under the heading "The Likely Impacts of the Development".

## **Clause 75 - Heritage items and Heritage Conservation Areas and Clause 76 - Development in the Vicinity of Heritage Items**

The subject land forms part of land containing the Bloomfield Hospital which is listed as being of State Significance. The determining authority is required to consider the extent to which the proposed development would have an impact on the heritage significance of the heritage item.

NSW Heritage has advised that an exemption under clause 57(2) of the NSW Heritage Act has been granted for the proposed works and, as such, no formal licence will be required to carry out the proposed development.

The proposed building works will complement the recently constructed hospital building. The development of the expansion zone will not have an adverse impact upon the significance of the site and its surrounds.

## **STATE ENVIRONMENTAL PLANNING POLICIES**

### **State Environmental Planning Policy (Major Development) 2005**

The proposed development has a capital investment value exceeding \$5 Million and comprises Crown Development. The proposed development is defined as regional development under the provisions of State Environmental Planning Policy (Major Development) 2005. Accordingly, the Joint Regional Planning Panel for the Western Region is the consent authority responsible for determining the application.

## **REGIONAL ENVIRONMENTAL PLANS**

There are no Regional Environmental Plans that apply to the subject land.

## **PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s79C(1)(a)(ii)**

Council has placed draft Orange LEP 2010 on public exhibition. The draft plan relates to the Local Government Area of Orange. The determining authority is required to consider the provisions of the draft LEP in determining an application pursuant to the provisions of S79C of the Environmental Planning and Assessment Act 1979. The draft plan zones the subject land as SP2 Infrastructure and nominates the primary use of the land to be a hospital. The proposed development of the expansion zones identified under the Part 3A Major project approval for the site is considered to be entirely consistent with the intended development direction for this precinct and therefore consistent with the draft planning requirements.

## **PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s79C(1)(a)(iii)**

### **Development Control Plan 2004**

Orange Development Control Plan 2004 ("the DCP") is applicable to the site. The relevant provisions of the DCP include:

- Part 2 - Natural Resource Management
- Part 6 - Rural Development
- Part 12 - Rural Environment Protection Zone
- Part 13 - Heritage
- Part 15 - Car Parking.

The proposed development is not inconsistent with the planning outcomes contained within Part 2 - Natural Resource Management, Part 6 - Rural Development, Part 12 - Rural Environment Protection and Part 13 - Heritage. An assessment of the development against the planning outcomes relating to Part - 15 Parking will be carried out below.

### **Parking**

The Part 3A approval for the General Hospital complex required a total of 946 off-street car parking spaces based on staff numbers and bed spaces. A total of 950 onsite parking spaces have been provided onsite, which exceeded the parking requirements under DCP 2004.

In accordance with the requirements of the DCP, a hospital generates a parking demand based on the following:

- one space per three beds
- one space for each resident doctor
- one space per two visiting doctors
- one space per two employees.



## **Parking (cont)**

The applicant advises that the initial 10 bed ward expansion will not require any additional resident or visiting doctors and that an additional two staff per shift would be required to manage this area. Based on the employee and bed numbers, Stage 1 of the development will generate a parking demand of 4.3 or five spaces. Given that an oversupply of car parking will be provided onsite for the overall complex, the applicant has requested that the required spaces be provided in the as-built car parking areas provided onsite. The proposed parking arrangements are considered to be acceptable for the development.

The applicant advises that a further assessment of parking demand for Stage 2 will be undertaken when and if a decision is made to pursue such development.

Attached is a recommended condition of consent addressing matters in relation to parking.

## **PROVISIONS PRESCRIBED BY THE REGULATIONS s79C(1)(a)(iv)**

The proposed development is not inconsistent with any provisions prescribed by the Regulations. The proposed development of the identified expansion zone will be required to be constructed in accordance with the requirements of the Building Code of Australia. Attached is a recommended condition of consent in relation to this matter.

## **THE LIKELY IMPACTS OF THE DEVELOPMENT s79C(1)(b)**

### **Visual Impacts**

The recently constructed hospital building includes a low level, light weight roof over the expansion zone, with a grey Colorbond façade to the northern aspect. The roof is approximately 3.6m high on the northern façade, sloping away to the south. The proposed expansion will raise the roof line to be consistent with the as-built roof immediately adjacent, and will carry the current silver composite panelling façade detail typical of the adjacent first floor areas, with grey Colorbond cladding to high level areas. Windows and sunshade devices will match existing. The eastern façade will also feature a louvre to service the plant areas located on the eastern end of the first floor. Again, the louvres will match the existing as-built structure.

The eastern stair core will be raised another floor to provide emergency egress from the expansion area. The applicant advises that the stair core will be of concrete construction and will be finished in a grey painted render to match existing.

The submitted plans show that the proposed expansion is contained fully within the footprint of the as-built general hospital. It is considered that the proposed design will not adversely impact on any views, vistas or the like of any existing buildings. The proposed building materials and finishes will match the existing hospital. The visual impacts of the proposed development are considered to be acceptable.

### **Heritage Significance**

The subject site is located within a listed item of environmental heritage. Whilst the new hospital building itself is not specifically listed as an item of environmental heritage under schedule 8 of the LEP, the Bloomfield hospital and its surrounds are.

The proposal does not involve significant alterations to the general bulk and configuration of the building. The proposal seeks approval to develop an identified expansion zone on the first floor of the north-eastern section of the general hospital. There are no objections to the

design of the proposed development. The proposal will not have adverse impact on the significance of this precinct pursuant to clause 76 of the LEP.

## **Traffic**

The capacity of the road network in the vicinity of the site is sufficient to accommodate additional localised traffic generated by the development. Access to the proposed development will be via the approved intersection onto Forest Road. The proposed development will not have an adverse impact upon traffic in the locality.

## **THE SUITABILITY OF THE SITE s79C(1)(c)**

The subject land is currently being developed for the purposes of a general hospital pursuant to an approval issued by the Minister for Planning under Part 3A of the Environmental Planning and Assessment Act 1979. The Part 3A approval identified a number of future expansion zones. The expansion zones were identified to assist in future planning of this facility by minimising the infrastructure changes required for expanding clinical services in the future, if required.

The proposed expansion zones have been located to facilitate the sensible and logical expansion of the facility without significant disruption to the future operation of the hospital. The expansion zones located on the first floor have been designed to include the structural slab elements to allow ease of future expansion.

The development comprises the provision of an additional ten beds within the identified expansion zone on the north-eastern corner of the hospital building. Based on the above analysis it is considered that the site is suitable for the proposed development.

## **SECTION 64 HEADWORK CHARGES**

Orange City Council is the Water Authority for the City of Orange and under Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, is able to charge water and sewerage headwork charges for the increased demand/loading on Council's water and sewerage infrastructure.

The general hospital was approved by the Minister under Part 3A of the Act following recommendations made by Orange City Council. The new base hospital was approved on the basis that water and sewerage headwork credits from the original base hospital in Prince Street were transferred to the new site, along with credits available from the original Bloomfield hospital site which was used as a hospital for many years before most of its beds were closed.

Under the original approval, following the transfer of credits the original base hospital site was left with 17 ET credits. The approval was later modified and the additional loadings generated by the amended design required a further 16 credits to be transferred to the approval, leaving the existing base hospital having only 1 ET credit available.

The proposed development comprises an additional ten beds and consistent with previous assessments, Section 64 water and sewerage headwork charges apply. The Public Works Department manual for water and sewerage loadings advise that a hospital generates 1 ET of demand for each bed. Based on these recommendations Stage 1 comprising the provision of ten beds will generate 10 ETs. As discussed earlier Stage 2 will be the subject of a separate development application - the applicant will be required to contribute to a further 20 ETs when such development is carried out.

Based on the above analysis a recommended condition of consent has been drafted in relation to this matter. A Certificate of Compliance, from Orange City Council in accordance with the Water Management Act 2000 will be required to be submitted prior to the carrying out of any building work. The Certificate of Compliance will be issued subject to the payment of contributions for water and sewer augmentation charges - at the level of contribution applicable at that time.

#### **ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s79C(1)(d)**

The proposed development is not defined as advertised development under the provisions of the LEP and, as such, no formal exhibition of the application was required. No submissions have been received in relation to this application.

#### **PUBLIC INTEREST s79C(1)(e)**

The proposed development seeks to provide additional hospital facilities within the City which is considered to be in the public interest. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment.

#### **SUMMARY**

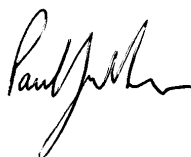
The proposed development is permissible with the consent of the Western Region Joint Regional Planning Panel. The applicant has adequately demonstrated that the proposed development complies with the relevant aims, objectives and provisions of the LEP. A section 79C assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner. In accordance with clause 89 Determination of Crown Development Applications, a copy of the draft Notice of Approval will be forwarded to the applicant for approval prior to the issuing of any approval.

## COMMENTS

The requirements of the Environmental Health and Building Surveyor and the Engineering Development Manager are included in the attached Notice of Approval.

## RECOMMENDATION

- 1 That the Joint Regional Planning Panel approves development application DA 389/2010(1) for *Hospital (additions and alterations)* at Lot 300 DP1115809 - 1530 Forest Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.
- 2 That a copy of the draft notice of approval be forwarded to the applicant for concurrence in accordance with Section 89 of the Environmental Planning and Assessment Act 1979 prior to the issue of a final determination.



Paul Johnston

**TEAM LEADER - DEVELOPMENT ASSESSMENTS**

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