

JRPP No:	2010STH002
DA No:	DA-2010/37
PROPOSED DEVELOPMENT:	Demolition of structures and construction of an 8 storey building containing cafe, medical consulting rooms and day surgery including loading dock and 4 levels of basement parking for 108 cars
APPLICANT:	Anthony Vavayis & Associates Pty Ltd Architects
REPORT BY:	Anne Starr, Senior Development Project Officer, Wollongong City Council, (02) 4227 7303

Assessment Report and Recommendation

EXECUTIVE SUMMARY

Reason for consideration by Joint Regional Planning Panel

The JRPP is the determining authority pursuant to State Environmental Planning Policy (Major Development) 2005 as the proposed development has a capital investment value of more than \$10 million.

Proposal

This development application seeks consent for the demolition of structures and the construction of an eight storey building containing four levels of basement parking, a ground floor café, 2 levels of day surgery facility incorporating operating rooms and ancillary administration area and 6 levels of consulting suites. Parking for 108 cars is proposed.

The building would have a height of 32.9 metres.

Permissibility

The site is zoned SP1 Special Activities – Hospitals and Medical Research and Development pursuant to Wollongong City Centre Local Environmental Plan 2007. The proposed development is permissible with consent.

Consultation

Neighbour notification and advertising has been carried out in accordance with the requirements of the Act and Regulation and Council's Notification Policy. Consultation with the RTA, Department of Planning and internal divisions of Council has also occurred. Four (4) public submissions of objection have been received, chiefly raising concerns in relation to potential traffic and parking impacts and the appropriateness of the building design.

Main Issues

The main issues arising from the assessment of the application are:-

- A variation is sought in relation to Clause 21 of WCC LEP 2007 which sets a maximum 32 metre building height. Whilst the roof is entirely within this height, a part of the lift overrun is 32.9 metres.

The applicant has submitted a submission seeking a departure in relation to Clause 21. The concurrence of the Director-General of the Department of Planning been obtained in accordance with the requirements of the LEP.

- DCP variations – the applicant has requested variations in relation to some of the provisions of Wollongong City Centre DCP 2007. The variations requested relate to rear setback on 48 Loftus Street and driveway width. These variations are supported.

RECOMMENDATION

It is recommended that Development Application 2010/37 be approved pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the conditions of consent contained within Attachment 5 to this report.

ASSESSMENT REPORT

1 Background

There are no applications relevant to the proposal. The property does not have any outstanding customer service actions of relevance to this application.

Timeline of events	
Lodgement date	14 January 2010
Notification	21 January 2010 – 18 February 2010
Submissions	Four (4) - received 5, 15, 17 & 19 February 2010
Additional information Requested	11 March 2010; 25 June 2010
Additional information Received	21 April 2010; 11 June 2010; 15 June 2010; 24 June 2010; 1 July 2010
External referrals	RTA 21 January 2010 and Department of Planning 15 January 2010

2 Site description

The site comprises two allotments at 46 & 48 Loftus Street, Wollongong which are legally defined as Lot 52 Sec 3 DP 1258 and Lot 4 DP 18731, respectively. No. 46 has a greater depth than no. 48, resulting in an irregular rear boundary for the combined site. The site has a 32 metre frontage to Loftus Street and is located approximately 50 metres east of the intersection with New Dapto Road, as illustrated in Attachment 1.

The site has an area of approximately 1214m² (calculated by deed as no survey plan provided), slopes down to the rear and west of the site and contains two single storey detached dwellings.

Wollongong Public Hospital is situated opposite the site, on the southern side of Loftus Street. It visually dominates the precinct, being up to 11 storeys in height. The north side of Loftus Street is evidence of a transition in building use and scale, with more recent residential developments being of higher density. The SP1 Hospitals and Medical Research and Development zoning established by Wollongong City Centre Local Environmental Plan 2007 and continued in Wollongong Local Environmental Plan 2009 have facilitated non-residential developments like the subject proposal.

The adjoining property to the east contains a two storey residential flat building (no. 44) and no. 50 (to the west) contains a single storey detached dwelling.

The site is zoned SP1 Special Activities - Hospitals and Medical Research and Development pursuant to Wollongong City Centre Local Environmental Plan (WCC LEP) 2007.

Council records list the site as containing a heritage item. No other site constraints are relevant to the proposal.

3 Proposal

This development application seeks consent for the construction of an eight storey commercial building, to operate as a day surgery/hospital with medical consulting suites and ancillary ground floor café and four levels of basement car parking.

The proposed development comprises:

	Parking	Services	Floor space	Height
Basement Level 4	27 spaces	Emergency lift Other lift 2 x fire stairs		Ceiling RL33.600
Basement Level 3	27 spaces	Emergency lift Other lift 2 x fire stairs		Ceiling RL36.500
Basement Level 2	27 spaces	Emergency lift Other lift 2 x fire stairs		Ceiling RL39.400
Basement Level 1	23 spaces, inc. 2 disabled space	Emergency lift Other lift 2 x fire stairs Stairs to lower ground floor		Ceiling RL42.300
Lower Ground floor	4 parking spaces, inc. 2 disabled spaces 20 bicycle spaces 5 motorbike spaces Loading area Ambulance bay Basement entry from Loftus Street	Emergency lift Other lift 2 x fire stairs Hydrant and sprinkler pump room Fire control centre MSB Medical gases room Grease trap Waste storage room OSD tanks		Ceiling RL46.500
Ground floor	Metal picket fence and gates at entry	Emergency lift Other lift 2 x fire stairs 5 toilets	Café 97.6m ² Consulting room 242.8m ² Building entry from ground floor Terrace	Ceiling RL50.100

	Parking	Services	Floor space	Height
			GFA 417.3m²	
Level 1		Emergency lift Other lift 2 x fire stairs Waste collection room	Staff tea room 2 x operating rooms Male and female staff change rooms Storage room Patient change Patient waiting lounge, inc. toilet 2 x pre-op room, inc. scrub area Sterile store compactus Patient recovery area, inc. 6 beds GFA 545.3m²	Ceiling RL53.700
Level 2		Emergency lift Other lift 1 x fire stair	3 x consulting rooms Day surgery administration Kitchen Amenities Foyer GFA 560.42m²	Ceiling RL57.300
Level 3		Emergency lift Other lift 1 x fire stair	4 x consulting rooms Kitchen Amenities Foyer GFA 560.42m²	Ceiling RL60.900
Level 4		Emergency lift Other lift 1x fire stair	4 x consulting rooms Kitchen Amenities Foyer GFA 560.42m²	Ceiling RL64.500
Level 5		Emergency lift Other lift 1 x fire stair	4 x consulting rooms Kitchen Amenities Foyer Terrace GFA 422.7m²	Ceiling RL68.100
Level 6		Emergency lift	3 x consulting rooms	Ceiling

	Parking	Services	Floor space	Height
		Other lift 1 x fire stair	Amenities Foyer Terrace GFA 270.7m²	RL71.700
Level 7		Emergency lift Other lift 1 x fire stair	2 x consulting rooms Amenities Foyer Terrace GFA 261.8m²	Ceiling RL74.400
Roof				RL76.725 (highest point)
Total	108 car parking spaces, inc. 4 disabled spaces 20 bicycle spaces 5 motorbike spaces		Total GFA = 3599.06m² 97.6m ² retail 3501.46m ² commercial	Building height 32.9m

The Statement of Environmental Effects (SEE) indicates the facility will operate in the following manner:

- The medical centre/day surgery would be available essentially for hire by small practices or larger companies who may use the facility to care for their patients. It is anticipated that the 21 consulting room/suites within the building will book the day surgery facility as well.
- Consulting room/suites may be separately leased by individual practitioners or operated by larger practices who may elect to lease entire floors.
- The location of reception areas and number of reception staff will be dependent upon the leasing arrangements of the consulting rooms/suites. Some administration/support services may be combined where larger practices operate.
- The ground floor café is proposed to operate 8am-5pm Monday to Friday.
- An ambulance can access the site via the lower ground level.

Staffing projections are provided in section 4.2.5 of the SEE. It concludes that 61 staff would be on the premises at any one time. This comprised of:

- 1 x consulting room ground floor = 5 staff (1 receptionist, 2 doctors, 2 administration)
- 20 x consulting rooms Levels 2-7 = 40 staff (1 doctor and 1 receptionist per room)
- Day surgery Level 1 = 10 staff (1 doctor, 1 anaesthetist and 1 nurse in each of the two operating rooms + 3 recovery nurses + 1 support staff)
- Day surgery Level 2 = 4 staff (1 receptionist, 1 Director of Nursing, 1 Practice Manager and 1 general administration)
- Café ground floor = 2 staff

Additionally, patient numbers have been estimated at a maximum of 4 patients per consulting doctor at any one time.

The building design has been determined by the constraints of the irregular allotment depth and in response to maximising northerly aspect and available views. The design incorporates a central core, with consulting suites located primarily to the north and east of the building.

The external architectural treatment is articulated, with horizontal and vertical elements providing balance to an exterior modulated by windows, shading devices and blade walls. Glazing is widely used in the north and eastern elevations to maximise daylight exposure. A cantilevered awning is proposed over the pedestrian entry. The roof is designed in a series of stepped sections to the following the slope of the site.

Photomontages of the development have been provided.

4 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the EP&A Act 1979 as are of relevance to the development. The following table summarises the relevant matters of consideration under section 79C(1) and the significant matters are discussed in further detail further in the report.

Section 79C(1) of the Environmental Planning and Assessment Act 1979
(a)(i) any environmental planning instrument
<u>State Environmental Planning Policies</u> <ul style="list-style-type: none"> SEPP (Major Development) 2005 <u>Regional Environmental Planning Policies</u> <p>Nil</p> <u>Local Environmental Planning Policies</u> <ul style="list-style-type: none"> Wollongong City Centre Local Environmental Plan (WCCLEP) 2007 <p><i>Detailed assessment is provided below the table.</i></p>
(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority
<ul style="list-style-type: none"> Wollongong Local Environmental Plan (DWLEP) 2009 (exhibited but not commenced prior to lodgement of this DA) <p><i>Detailed assessment is provided below the table.</i></p>
(a)(iii) any development control plan
<ul style="list-style-type: none"> Wollongong City Centre DCP 2008 Wollongong Section 94A Development Contributions Plan 2009 <p><i>Detailed assessment is provided below the table.</i></p>
(a)(iiia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F
There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.
(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
CI92 - The application involves demolition and as such the provisions of AS 2601-1991: The Demolition of Structures apply. It is recommended that if the JRPP supports the proposal, standard demolition conditions of consent are applied.

Section 79C(1) of the Environmental Planning and Assessment Act 1979

b) the likely impacts of development

Context and Setting:

The site is located in a mixed medical/residential area, which contains predominantly medium-high density residential development. The site is located on the crest of a hill, opposite Wollongong Public Hospital. The proposal is not inconsistent the context and setting of the existing area, however it is important to note that much of this area was developed prior to the SP1 zoning which now provides for more generous development standards than previously. This proposal is the first major development to take advantage of the zoning and it is envisaged that this area will be in transition for some time. The proposal is consistent with the objectives and development standards of the SP1 zoning and is one that could reasonably be expected.

Access, Transport and Traffic:

Vehicle access to 108 basement parking spaces is proposed via a combined entry/exit on Loftus Street. Two existing driveways would be removed. A loading dock, ambulance area, motorbike parking and bicycle parking would be located on the lower ground floor. Vehicle movements are proposed to be restricted to left-in, left-out only and controlled via signage.

Pedestrian access to the separate ground floor café entry and medical facility entry would be via Loftus Street.

Public transport is available within reasonably close proximity of the site. Access to the Crown Street bus network (including the free service between Fairy Meadow and Wollongong) is within 400 metres of the site and Wollongong Railway Station is located within 1km of the site. Taxi ranks provide additional public transport options and are available directly from Wollongong Hospital or at call.

The application was referred to the Roads and Traffic Authority (RTA) for comment. The RTA and Council's traffic engineer have no objection to the application, subject to conditions.

Public Domain:

The proposal will be a significant building visible from numerous areas in the public domain. It is considered to make a positive contribution to the hospital precinct streetscape.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. It is recommended standard conditions are applied regarding utility connection.

Heritage:

No. 48 Loftus Street is identified as an item of local heritage significance in Wollongong City Centre Local Environmental Plan 2007. Council's heritage officer has advised that the listing has been removed from Wollongong Local Environmental Plan 2009.

The impact of the development on other nearby heritage items (fig trees and Nurses Home on the Wollongong Hospital site) has been considered. Council's heritage officer has advised the anticipated impact is minimal and has no objection to the development.

Other land resources:

The proposal is considered constitute orderly development of the site and is not envisaged to unreasonably impact upon any valuable land resources.

Section 79C(1) of the Environmental Planning and Assessment Act 1979

Water:

The site is presently serviced by Sydney Water and it is anticipated that supply will be available to the development. If the application is supported, it is recommended that a standard condition relating to confirmation of service is applied.

No adverse water quality impacts are expected as a result of approval of the proposed development subject to soil and water management measures being implemented during construction. If approved, conditions can be imposed in this regard.

Soils:

Council's records do not indicate the site contains acid sulfate soils. Impacts on soil resources through erosion and sedimentation during construction can be mitigated. If approved, conditions should be imposed in relation to the implementation of erosion and sedimentation controls.

Air and Microclimate:

The proposal is not expected to have adverse impacts upon air or microclimate.

Flora and Fauna:

The arborist report submitted with the application confirms trees are required to be removed in order to facilitate the development (including one tree on neighbouring property 59 New Dapto Road). Council's landscape officer has no objection to the removal of these trees or the proposed landscape plan.

Waste:

A satisfactory waste management plan has been submitted, addressing demolition and construction. A detailed operational plan has not been provided. If the application is supported, it is recommended a condition is attached requiring completion of the development in accordance with the waste management plan and submission of a further details regarding waste during operation of the medical facility.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. A report confirming the development is capable of complying with Part J of the Building Code of Australia has been submitted by the applicant.

Noise and vibration:

Council's geotechnical engineer has advised that noise and vibration impacts may be significant and prolonged, depending on the method of excavation. They have recommended conditions of consent to address excavation and resulting noise and vibration impacts.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

The potential extent of excavation and prevailing rock characteristics has been noted by Council's geotechnical engineer. They have advised that geotechnical supervision is required during construction to ensure protection of adjoining properties and minimise noise and vibration.

Council's Geotechnical Engineer has recommended the imposition of conditions in relation to this issue.

Safety, Security and Crime Prevention:

Council's SCAT officer has reviewed the application and has no objection to the development, subject to conditions.

Section 79C(1) of the Environmental Planning and Assessment Act 1979

Social Impact:

The proposal is not expected to create adverse social impact.

Economic Impact:

The proposal is not expected to create adverse economic impact. The proposal would provide additional commercial floor area within the Wollongong CBD which would support economic growth and the creation of additional employment opportunities both during construction and life of the development.

Site Design and Internal Design:

The development functions satisfactorily in relation to landscaping, car parking and waste management. A development departure is proposed (building height) to which the concurrence of the Director-General has been obtained.

If the application is supported, it is recommended a condition of consent is applied requiring all works to be in compliance with the Building Code of Australia.

Construction:

Construction impacts are likely to be significant given the proximity to Wollongong Hospital and the scale of the development proposed. Construction impacts can be managed by imposition of appropriate conditions relating to hours of work, implementation of erosion and sedimentation controls, impacts on the road reserve, protection of excavations and impacts on neighbouring buildings.

Vibration impacts are likely to be experienced during bulk earthworks and measures are recommended to reduce these impacts. Support for excavations will also be required. Conditions should be imposed in relation to these issues if the proposal is approved.

It is also recommended that a condition of consent is applied requiring WorkCover to be contacted for any demolition or use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

No adverse cumulative impacts are considered likely to occur as a result of the development.

c) the suitability of the site for development

Does the proposal fit in the locality?

Yes, the site is located within a mixed medical/residential/commercial precinct where the planning scheme prioritises medical facilities.

Are the site attributes conducive to development?

The development takes advantages of the site attributes as outlined in this report. There are no site constraints that are relevant to the proposal.

d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Council "Development Assessment and Compliance Notification Policy" between 21 January 2010 and 18 February 2010. Four (4) submissions were received which are discussed in the consultation section of this report.

Section 79C(1) of the Environmental Planning and Assessment Act 1979

Submissions from public authorities

Council has received correspondence from the Department of Planning and RTA. Refer consultation section of this report.

e) the public interest

The development is not expected to result in adverse impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and approval is considered to be in the public interest.

5 State Environmental Planning Policy (Major Development) 2005

The application is referred to the Joint Regional Planning Panel for determination under Part 3 regional development provisions of SEPP (Major Development) 2005.

The application is subject to Part 3 as it has a capital investment value of more than \$10 million (clause 13B).

6 Wollongong City Centre Local Environmental Plan 2007 (WCC LEP 2007)

Clause 2 sets out the aims of the LEP. **Clause 2 Aims of the Plan** – the aims of WCC LEP 2007 are:

- (a) *to promote the economic revitalisation of the Wollongong city centre,*
- (b) *to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,*
- (c) *to protect and enhance the vitality, identity and diversity of the Wollongong city centre,*
- (d) *to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,*
- (e) *to facilitate the development of building design excellence appropriate to a regional city,*
- (f) *to promote housing choice and housing affordability,*
- (g) *to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,*
- (h) *to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.*

The proposal is consistent with the aims of the plan.

Clause 4 Definitions - The proposed development is a mixed use building, incorporating the following land uses:

- **Ground floor café** - ‘food and drink premises’ definition
- **Levels 1 and 2 day surgery** - ‘medical centre’ definition
- **Levels 2-7 consulting rooms** – ‘medical centre’ definition

***food and drink premises** means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food or drink premises, milk bars and pubs.*

***medical centre** means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.*

‘Outpatients’ is not defined. An alternative definition of ‘hospital’ was considered and this accommodates both inpatients and outpatients, however the extent of ancillary activities permitted by the definition was not representative of the proposed development. Medical Centre is considered the most appropriate definition for the medical component of the development.

Both food and drink premises and medical centres are permissible with development consent in the SP1 Special Activities - Hospitals and Medical Research and Development zone.

Clause 12 Zone objectives and land use table - The site is zoned SP1 Special Activities - Hospitals and Medical Research and Development pursuant to WCC LEP 2007. The objectives of the zone are as follows:

- *To provide for special land uses that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and which minimises any adverse impacts on surrounding land.*
- *To provide for development that is compatible with Wollongong Hospital, including residential accommodation.*
- *To prevent development that is not compatible with or that may detract from the activities, including medical research and development associated with Wollongong Hospital.*

The proposed development is consistent with the objectives of the zone in that it would provide a medical facility compatible with the existing Wollongong Hospital.

Clause 21 height of buildings – The maximum height permitted on the site as shown on the Building Height Map is 32 metres. Building height is defined:

***building height (or height of building)** means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

A minor element of the building (the lift shaft) exceeds 32 metres. Due to the slope of the site, the southern part of the lift shaft is 31.9m however the northern part of the shaft is 32.9m. The northern part of the shaft proposed at a height of 32.9 metres has an approximate length of 2 metres. No other part of the building, including the roof, exceeds 32 metres.

As part of the building is 32.9 metres, the application technically involves a 900mm variation to a 2 metre section of the lift shaft. This is addressed in the discussion at clause 24.

Wollongong LEP 2009 (gazetted 26 February 2010) maintains the same 32 metre height limit for the site, and introduces objectives for the height limit. As noted in the discussion of WLEP 2010, the proposed 900mm variation is considered consistent with these objectives.

Clause 22 Floor space ratio – The table to clause 22 is not relevant to the proposal as the table only specifies SP1 zone floor space ratio (FSR) for residential developments. Therefore, the maximum FSR permitted for the site as shown in clause 22(5) is 3:1.

For a building on land within Zone SP1 Special Activities—Hospitals and Medical Research and Development that is to be used for the purposes of hospitals, medical centres or other like uses or a combination of such uses, the maximum floor space ratio is 3:1.

It is noted that the proposed café would be independent to the medical centre use, however clause 22 is silent on non-residential and non-hospital/medical developments. In that regard, the proposed FSR of 2.96:1 (which includes the café floor space) complies with clause 22.

Clause 22B Design excellence – requires Council to be satisfied that the proposal ‘exhibits design excellence’ prior to granting development consent. In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

- (b) *whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
- (c) *whether the proposed development detrimentally impacts on view corridors,*
- (d) *whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,*
- (e) *how the proposed development addresses the following matters:*
 - (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*
 - (iv) *the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) *the achievement of the principles of ecologically sustainable development,*
 - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) *impact on, and any proposed improvements to, the public domain.*

Consideration has been given to these matters. The proposed development is considered acceptable in relation to the following:

- Design, materials and detailing are appropriate to the building type
- The form and external appearance of the building would improve the quality and amenity of the public domain
- The building would not detrimentally impact on framed views along streets identified in Wollongong Development Control Plan 2008 (WCC DCP 2008)
- The building would not overshadow sites shown on the sun plane protection map in WCC LEP 2007
- The land is of a size and environmental character suitable for the development
- The development is compatible with existing and proposed land uses in the vicinity
- Council's heritage officer has no concerns regarding potential heritage impact
- The proposed building is located within an appropriate footprint on the site
- The bulk, massing and modulation of the building is consistent with WCC LEP 2007 and WCC DCP 2008
- Proposed environmental impacts such as sustainable design, overshadowing and reflectivity are acceptable
- The development has regard to principles of ecologically sustainable development and demonstrates it would comply with Part J of the Building Code of Australia
- Council's traffic engineer and the Roads and Traffic Authority have no objection to the proposed parking, manoeuvring and traffic management arrangements

As the building height is less than 35metres, an architectural design competition is not required.

Clause 22E Ecologically sustainable development – requires Council to consider the principles of ecologically sustainable development as they relate to the proposed development. It is considered that the proposed development is satisfactory, having regard to the submitted Part J of the Building Code of Australia compliance report. A BASIX certificate is not required for the development.

Clause 24 Exceptions to development standards – As noted in relation to clause 21, an exception to building height is required. The objectives of clause 24 are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
and

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating matters in subclause 3 below. The applicant has addressed the requirements of subclause 3 in section 3.2.7 of the Statement of Environmental Effects.

- (3) (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The consent authority must be satisfied that the applicant's written request has adequately addressed the above matters. It is considered that compliance with the 32 metre height limit is unreasonable or unnecessary for the following reasons:

- The non-complying element (900mm height over a length of 2 metres) will be visually obscured from Loftus Street by the complying roof height.
- The element exceeding 32 metres is not sizeable and the fact that it exceeds the height limit will be imperceptible from the public domain. The lift shaft is lower than the Loftus Street roof section from all directions. The technical variation arises from the slope of the land.
- The element exceeding the height limit is the lift shaft, which has limited flexibility in design options. The roof has been designed to step down the site so as to remain under the height limit, but the structural lift shaft has limited flexibility in design terms to respond to the site's slope. Strict enforcement of the height limit would potentially entail loss of Level 7 (which, with the exception of the lift overrun is entirely within the height limit) which is considered unreasonable as the whole floor is situated below the height limit or stopping the lift at Level 6, which would have undesirable disabled access impacts.
- With the exception of the lift shaft building height, all other development standards are met.
- There is no adverse environmental impact resulting from the height variation.

It is considered there are sufficient environmental planning grounds to justify contravening the standard. These include:

- There is no adverse environmental impact resulting from the height variation.
- The roof height complies with the site's 32 metre height limit.
- The non-complying element does not result in adverse overshadowing, wind effects or privacy impacts.

The consent authority must also be satisfied the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of clause 21 relate to sunlight access, high quality urban form, sky exposure, height transition and heritage protection. The proposed 900mm variation to the 2 metre length of lift shaft is not considered to adversely impact upon sunlight access or discernibly reduce sky exposure. The proposed roof height (excluding the 32.9m element) complies with the height limit and therefore provides an appropriate transition between surrounding height limits.

The objectives for the SP1 Hospitals and Medical Research zone relate to providing land uses not permitted in other zones, facilitating development compatible with the characteristics of the site and surrounding land (including Wollongong Hospital) and preventing development which would conflict with the operation of Wollongong Hospital. The proposed 900mm variation to the 2 metre length of lift shaft is not considered to adversely impact upon the operation of Wollongong Hospital or surrounding land. The development is for medical uses which are permitted in the zone.

The applicant's statement has adequately addressed the above matters and has demonstrated that the development will be in the public interest.

In addition, the concurrence of the Director-General must be obtained. Concurrence was provided to Council on 3 March 2010.

Clause 34 Preservation of trees or vegetation – this clause requires an applicant to obtain development consent for the removal of trees. The proposal involves removal of six trees, including one located on 59 New Dapto Road. Owner's consent has been obtained for removal of the tree on 59 New Dapto Road. Council's landscape designer has no objection to the removal of the trees.

7 Wollongong Local Environmental Plan 2009 (WLEP 2009)

Wollongong Local Environmental Plan 2009 (WLEP 2009) was gazetted on 26 February 2010, after the lodgement of this development application. Clause 1.8A of WLEP 2009 provides a savings provision in relation to pending development applications:-

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not finally been determined before that commencement, the application must be determined as if this Plan had not commenced."

Accordingly the proposed development has been assessed with regard to WCC LEP 2007 though consideration has been given to the provisions of the draft plan in the form it was immediately prior to its making. The relevant provisions are as follows.

Clause 1.4 Definitions - The proposed land uses would be defined 'medical centre' and 'food and drink premises' under the Plan.

'Medical centre means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.'

'Food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.'

Zone objectives and land use table - The site is proposed to be zoned SP1 Special Activities pursuant to this plan. The objectives of the zone are as follows:

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

The proposed development is consistent with the above objectives as it would provide specialist medical facilities within the area nominated on the land zoning map as the Wollongong Hospital Precinct.

Neither medical centres nor food and drink premises are specifically noted in the land use table to the SP1 Special Activities zone, however the table permits activities that are shown on the land zoning map. Food and drink premises are specifically noted on the zoning map. Whilst medical centres are not shown on the land zoning map, they are permissible in the SP1 Special Activities zone under State Environmental Planning Policy (Infrastructure) 2007, where health services facilities are permitted in the zone. Health services facilities are defined:

health services facility means a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,*
- (b) community health service facilities,*

- (c) *health consulting rooms,*
- (d) *facilities for the transport of patients, including helipads and ambulance facilities,*
- (e) *hospitals.*

Clause 4.3 height of buildings – the objectives of the clause are:

- (a) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (b) *to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,*
- (c) *to ensure buildings are compatible with the bulk and scale of the locality.*

The maximum height shown for the land on the Height of Buildings Map is 32 metres. As noted above in relation to Wollongong City Centre LEP 2007, a 900mm variation to this standard is proposed. The part of the building which exceeds 32 metres is confined to part of the lift shaft.

With respect to objective a, the proposal complies with the statutory controls thus providing appropriate correlation between the size of the site and extent of development. With respect to objective b, the proposal is below the maximum density provision and the use is appropriate to support the surrounding medical infrastructure without placing undue pressure in existing vehicle and pedestrian networks. With respect to objective c, the proposal is not inconsistent the bulk and scale of the locality, however it is important to note that much of this area was developed prior to the SP1 zoning which now provides for more generous development standards than previously. This proposal is the first major development to take advantage of the zoning and it is envisaged that this area will be in transition for some time. The proposal is one that could reasonably be expected having consideration to the statutory controls.

Having regard to the above and in consideration of the small area exceeding the height limit, it is considered the building satisfies the objectives of the height control.

Clause 4.4A Wollongong City Centre – subclause (5) sets a maximum FSR of 3:1 for land where *‘it is to be used for the purposes of hospitals, medical centres or other like uses or a combination of such uses’*. The LEP is silent on non-medical mixed uses. The proposed FSR is 2.96:1, this has been discussed in section 6 above.

Clause 4.6 exceptions to development standards – As noted in relation to WCC LEP 2007, a variation statement would be required for the non-complying building height, this has been discussed in section 6 above.

Clause 5.9 Preservation of trees or vegetation – requires consent for tree removal. As noted above in relation to WCC LEP 2007, the development involves tree removal and Council’s landscape officer has no objection, subject to conditions.

Clause 7.1 Public utility infrastructure - requires the consent authority to be satisfied that any public utility infrastructure essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required. As noted above in relation to WCC LEP 2007, the site is presently serviced by power, water and sewer and these are expected to be available to the new development. Standard conditions of consent regarding conformation of service prior to Construction Certificate are recommended.

Clause 7.6 Earthworks - relates to earthworks and requires the consent authority to consider the impact of proposed work upon drainage patterns, redevelopment potential, existing soil conditions, Aboriginal heritage and water quality. The proposal would involve considerable excavation and Council’s geotechnical engineer has provided comment. Conditions of consent are recommended.

Clause 8.5 Design excellence – requires Council to be satisfied the proposed building exhibit design excellence. As noted above in relation to WCC LEP 2007, the building is considered satisfactory.

8 Wollongong City Centre Development Control Plan 2008

Wollongong City Centre Development Control Plan 2008 (WCC DCP 2008) applies to the site and came into effect on 30 July 2008, replacing an earlier version known as WCC DCP 2007.

The following provisions apply to the development:

2.0 Building form

Section	Comment
<p>2.1 Building to street alignment and street setbacks.</p> <p>No setback is specified for non-residential activities.</p>	<p>The following setbacks are proposed:</p> <p>Ground – minimum 2.89m</p> <p>Level 1 – min. 2.689m</p> <p>Level 2 – min. 2.5m</p> <p>Level 3 – min 2.5m</p> <p>Level 4 – min. 2.5m</p> <p>Level 5 – min. 2.5m</p> <p>Level 6 – min. 2.5m</p> <p>Level 7 – min. 2.88m</p>
<p>2.2 Street frontage heights in commercial core.</p> <p>No street frontage height is specified for the site.</p>	<p>N/a</p>
<p>2.3 Building depth and bulk</p> <p>Fig. 2.6 specifies a maximum 1200m² gross floor plate area for commercial buildings above 24m in height. ‘Commercial’ is not defined. Whilst the proposal does not incorporate a street frontage height, figure 2.6 indicates the gross floor plate measure applies only to heights above 24 metres.</p> <p>Fig. 2.7 indicates commercial buildings are to have a maximum building depth of 25m. ‘Commercial’ is not defined. Whilst the proposal does not incorporate a street frontage height, figure 2.7 indicates the depth applies only to heights above 24 metres.</p>	<p>The combined floor plate for levels over 24m in height (Levels 6-7) is 532.5m².</p> <p>The building depth for levels over 24m in height (Levels 6-7) is 18.6m.</p>

Section	Comment
<p>2.4 Side and rear building setbacks and building separation.</p> <p>The table to 2.4 indicates commercial uses up to 24 metres require 3m minimum side setback and 9m minimum rear setback.</p> <p>Commercial uses above 24 metres require 6m minimum side setback and 12m minimum rear setback.</p> <p>Commercial buildings are defined '<i>all non-residential buildings (including hotel accommodation, but not serviced apartments)</i>'.</p>	<p>The proposed side and rear setbacks are:</p> <p>Up to 24 metres (side)</p> <p>Ground – minimum 3m; Level 1 – min. 3m; Level 2 – min. 3m; Level 3 – min. 3m; Level 4 - min. 3m; Level 5 - min. 3m</p> <p>Up to 24m (rear)</p> <p>Ground – min. 9m; Level 1 - min. 9m; Level 2 - min. 9m</p> <p>Level 3 – min. 9m; Level 4 - min. 9m; Level 5 – min. 9m</p> <p>Above 24 metres (side)</p> <p>Level 6 – min. 6m; Level 7 – min. 6m</p> <p>Above 24 metres (rear)</p> <p>Level 6 – min. 11.09m; Level 7 – min. 11.09m</p> <p>The proposed 910mm variation to Levels 6 & 7 rear setback applies only to 46 Loftus Street (no. 48 proposes 23.4m setback). The 910mm variation is considered acceptable as the part of the building which is 11.09m contains a fire stair and lift foyer and would not ordinarily be inhabited. The shadow diagram submitted with the application indicates the 910mm variation would have no impact on 9am and 12pm shadows and would have a negligible impact on 3pm shadows. As a result, the variation is not considered to present adverse privacy or overshadowing impacts upon the adjoining properties.</p>
<p>2.5 Mixed use buildings</p> <p>Applies to developments with a residential component.</p>	<p>N/a - no residential component is proposed</p>
<p>2.6 Deep soil zone</p> <p>Applies to residential developments.</p>	<p>N/a - no residential component is proposed</p>
<p>2.7 Landscape design</p> <p>Requires a landscape plan to be prepared.</p>	<p>The landscape plan has been reviewed by Council's landscape officer and is considered satisfactory.</p>
<p>2.8 Planting on structures</p> <p>Requires planters to be of an appropriate depth and have appropriate irrigation methods.</p>	<p>Terrace plantings are proposed. The landscape plan has been reviewed by Council's landscape officer and is considered satisfactory</p>
<p>2.9 Sun access planes</p> <p>Specifies sun access plane sites on figure 2.17</p>	<p>N/a – site is not in proximity to sun access plane sites (fig. 2.17)</p>
<p>2.10 Development on classified roads</p> <p>Requires Council to be satisfied that vehicular access for sites with frontage to a classified road is acceptable.</p>	<p>N/a – site is not located on classified road</p>

3.0 Pedestrian amenity

Section	Comment
3.1 Permeability Fig. 3.1 specifies sites where through-site links are required	N/a – site not identified on figure 3.1
3.2 Active street frontages Fig. 3.4 specifies sites where active street frontages are required	N/a – site not identified on figure 3.4
3.3 Safety and security Requires developments to address safety, security and crime prevention.	The building incorporates windows on all elevations and offers good passive surveillance opportunities of the building entry on Loftus Street. Council's Safe Community Action Team officer has provided comment. Matters raised are appropriate to be dealt with as conditions of consent.
3.4 Awnings Fig. 3.4 specifies sites where continuous awnings are required.	N/a – site not identified on fig. 3.6
3.5 Vehicle footpath crossings i) Vehicle access is to be limited to one access point, only. ii) Vehicle access should be maximum 5.4m wide. iii) Fig. 3.7 specifies sites where additional vehicular entries are not supported.	i) One vehicular access point is proposed. ii) The vehicular access would be 7.2m wide. The proposed width has not been opposed by Council's traffic engineer or the RTA. iii) The site not identified on fig. 3.7
3.6 Pedestrian overpasses and underpasses Overpasses will generally not be supported. Underpasses may be considered where connection to railway stations is proposed.	N/a – no overpass or underpass are proposed
3.7 Building exteriors i) Adjoining buildings are to be considered in the design of the proposal. ii) Balconies and terraces should be provided. iii) Facades should be articulated. iv) Materials should be durable and not require frequent maintenance. v) Maximise glazing but break it into sections to avoid large expanses.	i) The form and character of adjoining residential buildings has been reflected in the narrow frontage and stepping down to the rear. Proposed uses on the edge of the building at ground and first floor are generally storage and services to minimise privacy impacts. As discussed at section 2.4 of the WCCDCP above, side setbacks comply with WCC DCP 2007. ii) Terraces are provided at the rear and or/east of Levels 5-7. iii) All facades are articulated. iv) The proposed materials are expected to be durable and not require frequent maintenance. v) the exterior is a combination of glazing and masonry elements, divided by blade walls and shading devices.

Section	Comment
3.8 Advertising and signage Specifies controls for advertising sign location and design.	No signage is proposed, other than a building street number on the front wall at ground level.
3.9 Views and view corridors Existing views are to be protected where practical.	<p>The site is located within the distant panoramic view from Flagstaff Hill to the Illawarra escarpment. Modelling of the view corridor which takes into account topography and distance from the view source indicates the proposed building would not have a significant presence and will not project onto the back drop of the escarpment.</p> <p>The building is generally within the 32 metre height limit, with the exception of part of the lift overrun. The proposed building would not be as high as Wollongong Hospital, situated opposite the site.</p>

4.0 ACCESS, PARKING AND SERVICING

Section	Comment
4.1 Pedestrian access and mobility Building entry points should be visible from primary street frontages. Disabled persons access must be provided.	<p>The Loftus Street building entry is defined by the pedestrian awning, entry steps and landscaping.</p> <p>Entry to all levels is provided by lifts. Entry to the building from the ground floor is via an at-grade connection from Loftus Street.</p>
4.2 Vehicular driveways and manoeuvring areas Vehicle access is to minimise impact on the street and be integrated into the building design. All vehicles must be able to enter and exit in a forward direction. The design of driveway crossings, grades, ramps and parking spaces is to comply with Australian Standards.	Council's traffic engineer and the RTA have reviewed the proposal and indicated it is satisfactory. Conditions of consent are recommended.

<p>4.3 On-site parking</p> <p>Parking must meet Australian Standards.</p> <p>WCC DCP 2008 specifies parking at the following rates:</p> <p>Café –1 space per 25m² ('other retail') = 3.9 car spaces</p> <p>+ 1 motorbike space per 25 car spaces = 1 motorbike.</p> <p>Total = 3.9 car + 1 motorbike</p> <p>Medical - 1 space per job or 3 per surgery ('health consulting rooms') = 3 x 21 suites = 63 car spaces</p> <p>+ 1 visitor space per 35m² of GFA = 1/3599m² = 102 spaces</p> <p>+ 1 motorbike space per 25 car spaces = 6.6 motorbike.</p> <p>Total = 165 car spaces + 7 motorbike</p> <p>Overall total = 169 car spaces + 8 motorbike</p>	<p>The overall requirement for parking is 169 car spaces and 8 motorcycle spaces under WCCDCP2008.</p> <p>The applicant has proposed a variation to the control justifying the departure by providing parking in accordance with Wollongong Development Control Plan 2009 (which came into effect on 3 March 2010), as it is considered a more recent and appropriate guide to Council's intention for parking management in the CBD.</p> <p>WDCP 2009 requires parking at the following rate:</p> <p>Café –1 space per 25m² ('food and drink premises') = 3.9 car spaces</p> <p>+ 1 bicycle space per 200m² GFA = 1 bicycle space</p> <p>+ 1 motorbike space per 25 car parking spaces = 1 motorbike space</p> <p>Medical – 4 car parking spaces per consulting room + 1 parking space per 3 employees ('medical centre/health consulting room') = 84 + 20.3 = 104.3 spaces</p> <p>+ 1 bicycle space per medical centre = 1 bicycle space</p> <p>+ 1 motorbike space per 25 car parking spaces = 4.16 motorbike space</p> <p>Total required under WDCP 2009 = 108 spaces + 2 bicycle spaces + 5 motorbike spaces</p> <p>Staffing projections are provided in section 4.2.5 of the applicant's Statement of Environmental Effects.</p> <p>Neither Council's traffic engineer nor the RTA have objected to the provision of the proposed 108 car spaces, 5 motorbike spaces and 20 bicycle spaces.</p> <p>The variation to the DCP requirement is considered worthy of support and consistent with Council's long term view for parking management as expressed in WDCP 2009.</p>
<p>4.4 Site facilities and services</p> <p>Mailboxes should be grouped into one accessible location</p> <p>Locate telecommunications devices, air conditioning units and ventilation stacks on the roof and away from the building perimeter.</p> <p>Waste handling is to be accommodated on-site.</p>	<p>Mail boxes have not been shown on the ground floor plan, but this can be required as a condition of consent.</p> <p>Support structures have not been shown on the roof plan, but this can be required as a condition of consent.</p> <p>Waste storage area is proposed on the lower ground floor. A private contractor would enter this area and unload the bins, before driving out. Council's traffic engineer and the RTA have no objection to the proposed arrangement.</p>
<p>5.0 ENVIRONMENTAL MANAGEMENT</p>	
<p>5.1 Energy efficiency and conservation</p> <p>Requires development to incorporate improved mechanical space heating and cooling, hot water efficiency and reduce reliance on artificial lighting.</p>	<p>A report addressing Part J of the Building Code of Australia is provided and indicates the building is capable of complying.</p>

5.2 Water conservation Requires water fixtures to be 3 star rated or better	As above
5.3 Reflectivity Light reflectivity is not to not exceed 20%	The applicant's Architectural Design Statement confirms all glazing would be low-reflective (maximum 20%).
5.4 Wind mitigation Building/tower design should ensure wind effects are minimised to contribute to public safety and comfort.	The upper levels have a reduced floor area, to minimise downdrafts at the base of the tower. Open terraces on Levels 5-7 are useable.
5.5 Waste and recycling A waste management plan is required.	A waste management plan has been provided which addresses waste generated by demolition and construction. It is recommended a condition of consent is applied requiring submission of a revised plan which addresses on-going operation of the facility.

9 Wollongong Section 94A Development Contributions Plan 2009

Council's Section 94A Plan became effective on 4 November 2009, replacing '*Combined City Wide and City Centre Section 94A Development Contributions Plan 2008*'. The plan applies to all land except Horsley, and therefore applies to the proposed development.

Part 7(1) of the Plan authorises Council to levy 1% of the \$14,242,000.00 construction cost of the development (as the proposed development has a construction cost exceeding \$200,000). Therefore, a \$142,420.00 contribution is payable.

10 Consultation

The application was notified in accordance with Council "Development Assessment and Compliance Notification Policy" between 21 January 2010 and 18 February 2010. Four (4) public submissions (objections) have been received.

Comments relate to increased parking demand, safety of vehicle access, impacts on local traffic flow, building height, overshadowing, privacy and overlooking, need for pedestrian footpath, structural impacts on neighbouring buildings and construction noise and are summarised below.

Submission	Comment
Traffic and parking Existing parking on both sides of Loftus Street reduces visibility. Access to the proposed development may be hindered by the existing entrances to Wollongong Hospital, opposite. Increased traffic volume may create safety concerns Demand for parking on Loftus Street will increase. Loftus Street should be one-way and a speed limit of 40km hour should be introduced. There is no location for pedestrians to safely cross Loftus Street.	The proposed development reduces the number of driveways servicing the site from 2 to 1, however it is acknowledged traffic movements onto the site would significantly increase. As stated at section 8, 4.3 above the proposed car parking is consistent with Council's long term view for parking management as expressed in WDCP 2009. Traffic movements are proposed to be restricted to left-in and left-out on Loftus Street. Council's traffic engineer and the RTA have no objection to the development, subject to conditions. There is no intention to limit Loftus Street to one-way traffic, reduce the speed limit or to install a pedestrian crossing.

<p>Building height</p> <p>Fails to maintain solar access to existing buildings.</p> <p>Inappropriate location for the building height.</p>	<p>The building height permitted in the immediate vicinity is 32 metres. With the exception of part of the lift overrun, the building complies with this height. The non-complying lift overrun would not significantly contribute to loss of solar access to the adjoining building. As stated at section 8, 2.4, there will be some over shadowing impacts, shadow diagrams submitted with the application indicate the extremity of the shadow cast by the building is shed primarily on Wollongong Hospital.</p>
<p>Overshadowing</p> <p>Loss of afternoon solar access to 44 Loftus Street would be experienced</p>	<p>As noted above, the proposed building generally complies with the 32 metre height limit set for the site in WCC LEP 2007.</p> <p>As stated at section 8, 2.4, shadow diagrams submitted with the application indicate 44 Loftus Street would retain full sun at 9am and 12pm. 3pm shadows would be cast on the residential building. There is no provision in WCC DCP 2008 for retention of afternoon sun in addition to morning and midday sun.</p> <p>It is acknowledged that the permitted height limit is considerably higher than existing buildings, and overshadowing is likely to be experienced in areas undergoing transition from 1-3 storey residential properties to the heights permitted by the LEP.</p>
<p>Privacy</p> <p>44 Loftus Street would be overlooked to an unacceptable degree by the east-facing medical suites.</p>	<p>The existing 2 storey residential flat building at 44 Loftus Street would experience some privacy impacts as a result of the development. However, the eastern elevation of the proposed building is setback the required distance and incorporates storage areas and fire stair or consulting suites. The ground floor and Levels 1 and 2 are proposed at a height comparable to the building at 44 Loftus Street. On these levels, the exterior of the eastern elevation has fixed windows, and vertical and horizontal sun shades. Levels 3-7 on the eastern boundary contain consulting rooms, it is not expected that the medical practitioners or their patients would overlook the adjoining site on a frequent basis.</p> <p>Landscaping and 2.4 metre fencing is proposed on the ground level fire exit adjoining 44 Loftus Street.</p>
<p>Footpath</p> <p>It is difficult to walk along the northern side of Loftus Street as there is no footpath.</p>	<p>It is recommended that a condition of consent is applied requiring a footpath to be provided for the width of the site.</p>
<p>Impacts on adjoining buildings</p> <p>Damage may occur as a result of excavation and construction.</p>	<p>It is appropriate and recommended that standard conditions of consent are applied requiring dilapidation reports to be submitted before and after construction.</p>

<p>Noise generated during construction</p> <p>Proposed hours of construction and timeframe for start and end of the project are unknown.</p>	<p>Noise will be generated during construction. It is recommended a condition of consent is applied restricting construction hours. Council's geotechnical engineer has recommended conditions to minimise noise resulting from excavation.</p> <p>The timing of project commencement and completion within the consent period would be a matter for the applicant. If approved the application would need to be physically commenced within 5 years from the date of determination. There are no relevant legislative provisions which mandate a completion time.</p>
<p>Development description</p> <p>The development is described as a private hospital, however the dominant use is professional suites.</p> <p>The development inaccurately is described as 6/8 storeys, when it is 8 storeys above ground and 5 levels below ground.</p>	<p>The Statement of Environmental Effects defines the development as a medical centre and notes the proposed components (day surgery, suites, café). As discussed above at sections 6 and 7 the proposed uses are permissible with development consent.</p> <p>The slope of the site results in a non-uniform building height. The building has a maximum of 8 levels above ground at its highest point and four levels of basement car parking.</p>
<p>Customer service</p> <p>Copies of the proposal were not provided on paper or on disk.</p>	<p>The application was notified as required by the Regulation and Council's notification policy.</p>

10.1 Internal consultation

- **Stormwater**

Council's stormwater advises they have no objection to the development, subject to conditions.

- **Landscaping**

Council's landscape architect advises they have no objection to the development, subject to conditions

- **Geotech**

Council's geotechnical engineer advises they have no objection to the development, subject to conditions.

- **Civil Works/Regulation & Enforcement**

Council's construction compliance coordinator advises they have no objection to the development, subject to conditions

- **Traffic**

Council's traffic engineer advises they have no objection to the development, subject to conditions.

- **Heritage**

Council's strategic project officer – heritage advises that at lodgement, the subject site was listed as an item of heritage in Council's Wollongong City Centre Local Environmental Plan 2007. However, they note the listing is omitted in Wollongong LEP 2009 (draft at time of lodgement).

They note that the immediate site context is modern development and concludes that the proposed building would not have an adverse impact upon nearby heritage items. In that regard, he has no objection to the application.

- **Environment**

Council's environmental protection officer advises they have no objection to the development, subject to conditions.

- **Health**

Council's health project officer advises they have no objection to the development, subject to conditions.

- **Community Services**

Council's community development officer (multicultural) advises they have no objection to the development, subject to conditions.

- **SCAT**

Council's Safe Community Action Team (SCAT) officer advises they have no objection to the development, subject to conditions

10.2 External consultation

- **RTA**

The application was referred to the RTA on 21 January 2010 for comment. This was not a requirement arising from SEPP Infrastructure 2007.

On 1 July 2010 the RTA advised that the application was acceptable.

- **Department of Planning**

The application was referred to the Department of Planning on 15 January 2010 as required by clause 24 of Wollongong City Centre Local Environmental Plan 2007 in relation to the request to vary building height.

The concurrence of the Director-General is required in accordance with clause 24. Concurrence was provided by the Department on 3 March 2010.

13 Conclusion & Recommendation

The proposed development has been assessed having regard to the relevant matters for consideration prescribed by Section 79C of the Environmental Planning & Assessment Act 1979. The proposed development is permitted with consent and is generally consistent with the provisions of Wollongong City Centre LEP 2009, Wollongong LEP 2009 and Wollongong City Centre DCP 2007, with the exception of some variations which have been outlined above. The variations are supported.

Concerns initially raised by Council staff have been resolved through the submission of additional information. Public submissions of objection have been considered in the assessment of this proposal and where appropriate amendments have been made or conditions imposed.

It is recommended that the Joint Regional Planning Panel approve Development Application 2010/37 pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, subject to recommended conditions, as detailed in Attachment 5.

ATTACHMENTS

1. Aerial Photograph
2. Zoning Map
3. Plans
4. Public submissions
5. Draft Conditions

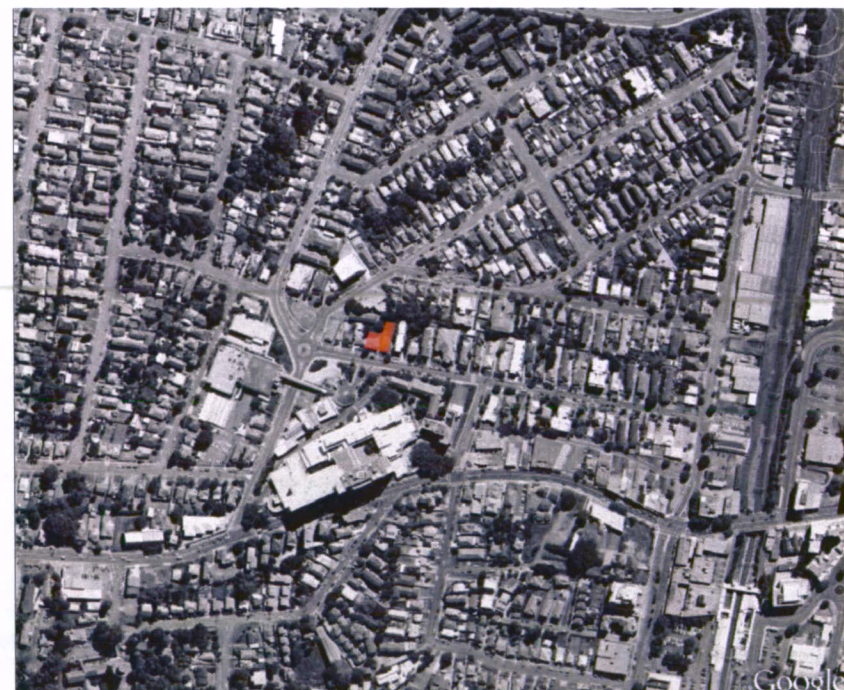


Zoning Map Wollongong City Centre LEP 2007

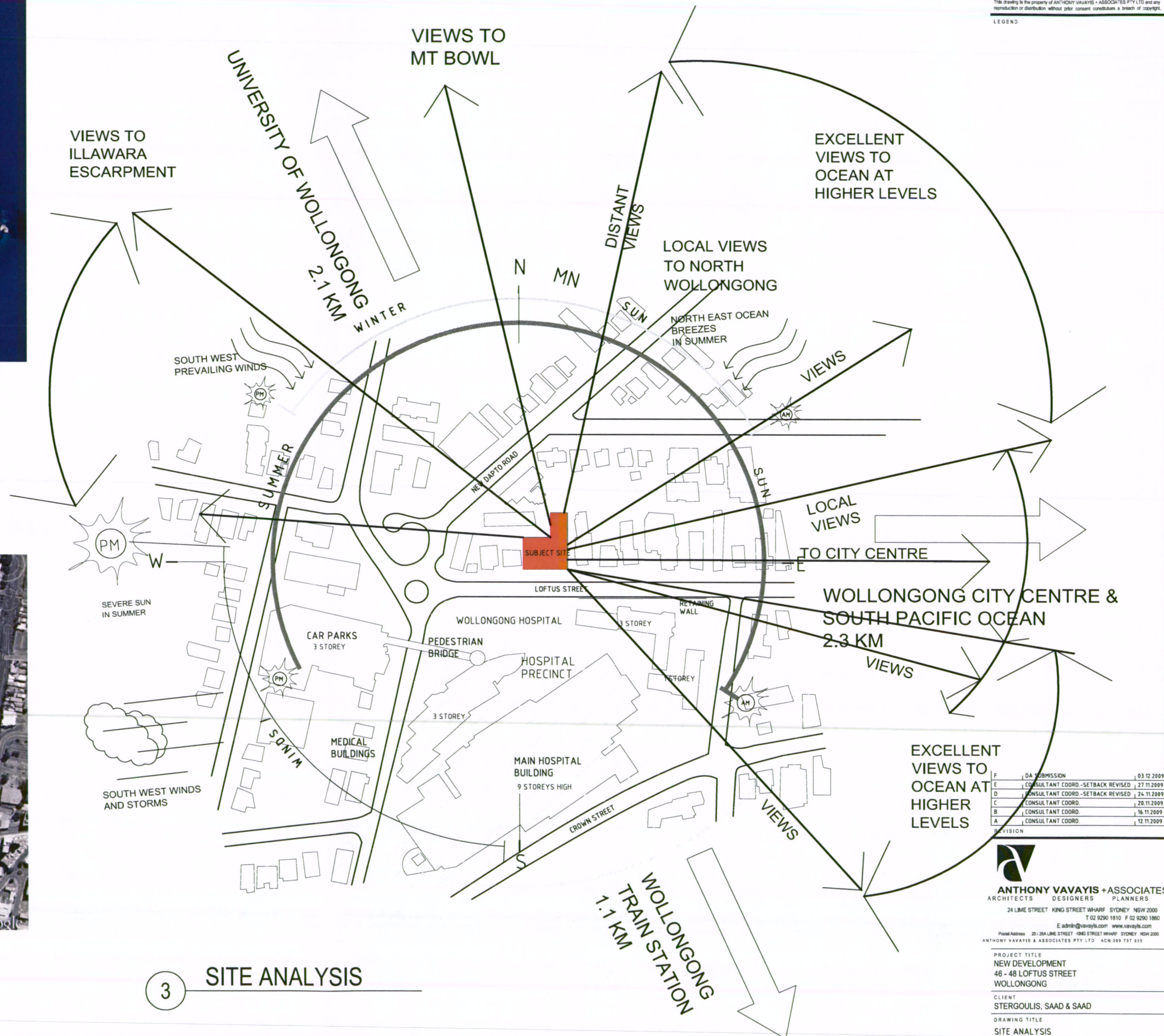




1 MAP CONTEXT PLAN



2 LOCATION PLAN



3 SITE ANALYSIS

NOTE:
All dimensions to be verified prior to commencement of any shop drawings or fabrication. Shop drawings are to be approved before construction. All dimensions are in millimetres unless otherwise noted. Annotated dimensions are to be used in preference to scaling from drawings.
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LEGEND

REVISION	DATE	BY	DESCRIPTION
F	03.12.2009	DA	ADMISSION
E	27.11.2009	DA	CONSULTANT COORD - SETBACK REVISED
D	26.11.2009	DA	CONSULTANT COORD - SETBACK REVISED
C	26.11.2009	DA	CONSULTANT COORD
B	16.11.2009	DA	CONSULTANT COORD
A	12.11.2009	DA	CONSULTANT COORD

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PROJECT TITLE
NEW DEVELOPMENT
46 - 48 LOFTUS STREET
WOLLONGONG
CLIENT
STERGOULIS, SAAD & SAAD
DRAWING TITLE
SITE ANALYSIS

SCALE 1:100 @ A1 DATE 01-10-2009
DRAWN PS PROJECT 09021

D 0 0 0 1 F

LEGEND

DA SUBMISSION- COUNCIL RFI	12/05/2009
DA SUBMISSION	03/12/2009
CONSULTANT COORD-SETBACK REVISED	27/11/2009
CONSULTANT COORD-SETBACK REVISED	26/11/2009
CONSULTANT COORD	20/11/2009
CONSULTANT COORD	16/11/2009
CONSULTANT COORD	12/11/2009

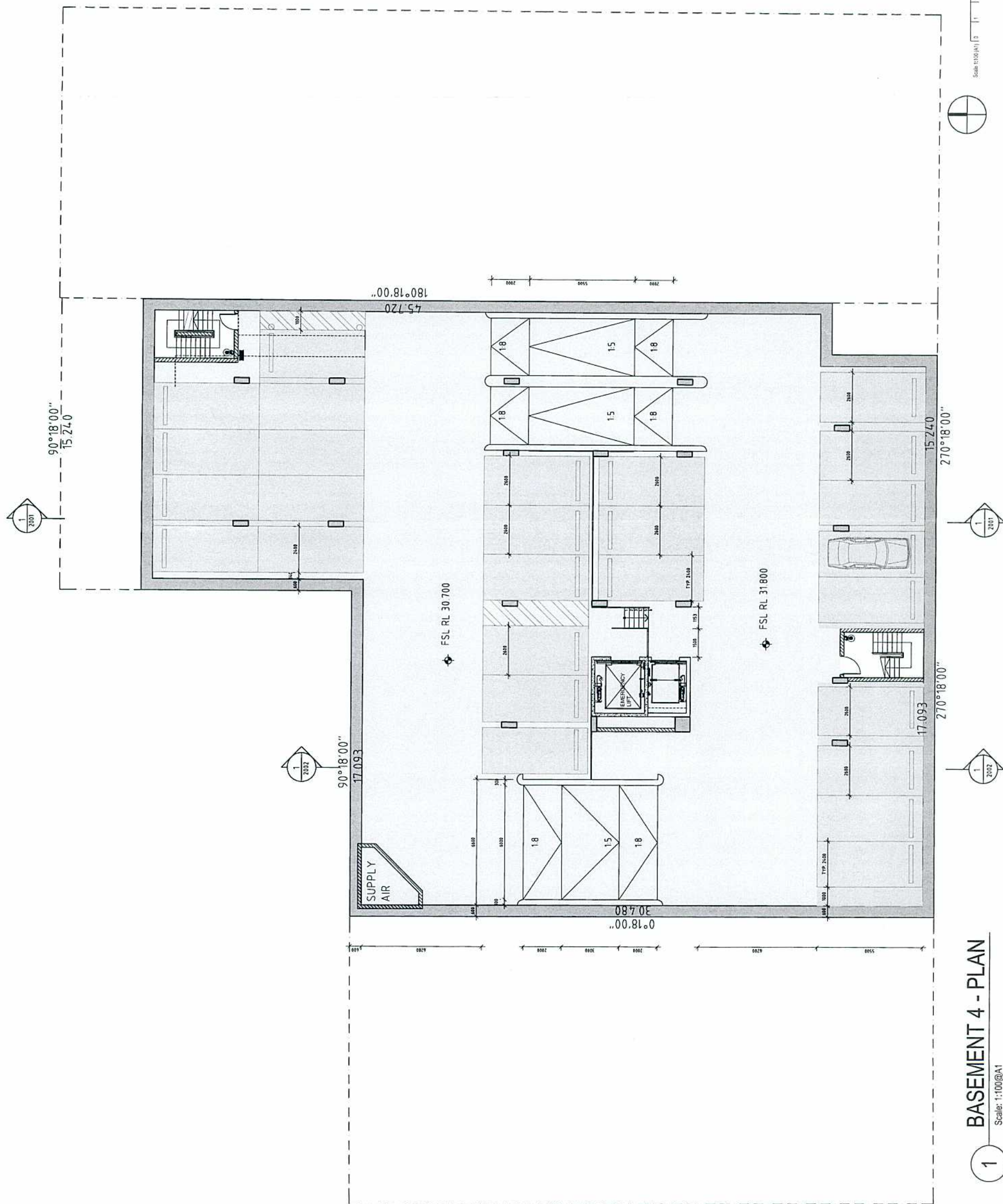


PROJECT TITLE	CLIENT	DRAWING TITLE
NEW DEVELOPMENT 6-48 LOFTUS STREET YOLLONGONG	INTERGOULIS SAAD & SAAD	4. -BASEMENT FLOOR

14 - BASEMENT FLOOR

CALL 1-100-8-A1	DATE 01-10-2009
RAN PS	PROJECT 09021

D1001G



BASEMENT 4 - PLAN

Scale: 1:100@A1

1

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LEGEND

RECEIVED 11 JUN 2010

G	DA SUBMISSION- COUNCIL REF	12.05.2009
F	DA SUBMISSION	03.12.2009
E	CONSULTANT COORD- SET BACK REVISED	27.11.2009
D	CONSULTANT COORD- SET BACK REVISED	24.11.2009
C	CONSULTANT COORD	20.11.2009
B	CONSULTANT COORD	18.11.2009
A	CONSULTANT COORD	12.11.2009

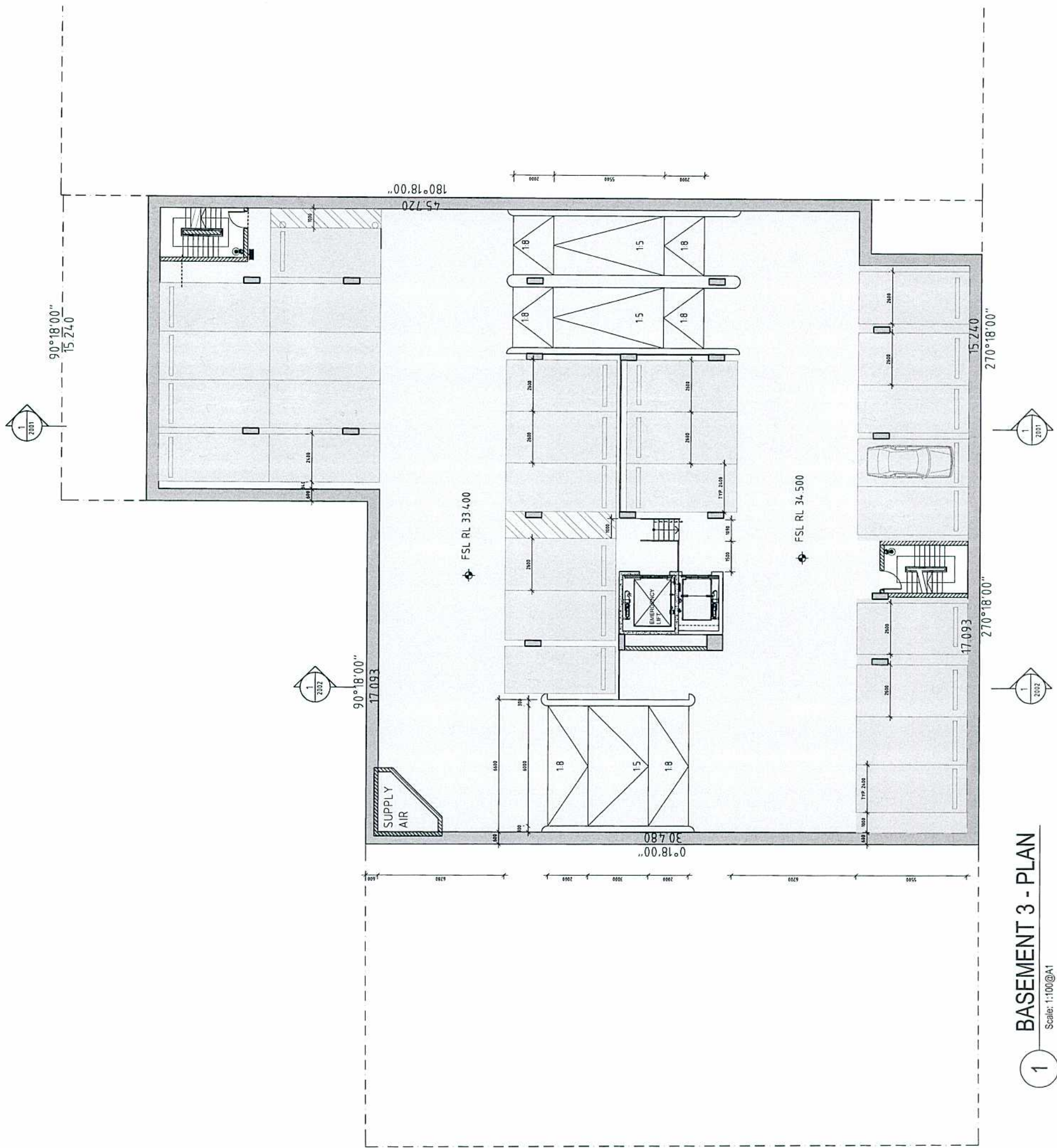


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PROJECT TITLE
NEW DEVELOPMENT
46-48 LOFTUS STREET
WOLLONGONG
CLIENT
STERGOULIS, SAAD & SAAD
DRAWING TITLE
B3 - BASEMENT FLOOR

SCALE: 1:100 @ A1 DATE: 01-10-2009
DRAWN: PS PROJECT: 09021

D1002G



BASEMENT 3 - PLAN

Scale: 1:100 @ A1

LEGEND

G	DA SUBMISSION- COUNCIL RFI	12.05.2009
F	DA SUBMISSION	03.12.2009
E	CONSULTANT COORD -SETBACK REVISED	27.11.2009
D	CONSULTANT COORD -SETBACK REVISED	24.11.2009
C	CONSULTANT COORD	20.11.2009
B	CONSULTANT COORD	16.11.2009
A	CONSULTANT COORD	12.11.2009

REVISION



PROJECT TITLE
NEW DEVELOPMENT
46 - 48 LOFTUS STREET
WOLLONGONG

CLIENT	STERGOULIS, SAAD & SAAD
DRAWING TITLE	B2 - BASEMENT FLOOR

D 1003 G



BASEMENT 2 - PLAN

LEGEND

G	DA SUBMISSION- COUNCIL RFI	12.05.2009
F	DA SUBMISSION	03.12.2009
E	CONSULTANT COORD.-SETBACK REVISED	27.11.2009
D	CONSULTANT COORD.-SETBACK REVISED	24.11.2009
C	CONSULTANT COORD	20.11.2009
B	CONSULTANT COORD	16.11.2009
A	CONSULTANT COORD	12.11.2009

REVISION

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PROJECT TITLE
NEW DEVELOPMENT
46 - 48 LOFTUS STREET
WOLLONGONG

CLIENT
STERGOULIS, SAAD & SAAD

DRAWING TITLE
B1 - BASEMENT FLOOR

SCALE	1:100 @ A1	DATE	01-10-2009
DRAWN	PS	PROJECT	09021

D1004G



Scale 1:100 (A1)

BASEMENT 1 - PLAN

Scale: 1:100@A1

LEGEND

G	DA SUBMISSION- COUNCIL RFI	12.05.2009
F	DA SUBMISSION	03.12.2009
E	CONSULTANT COORD.-SETBACK REVISED	27.11.2009
D	CONSULTANT COORD.-SETBACK REVISED	24.11.2009
C	CONSULTANT COORD	20.11.2009
B	CONSULTANT COORD	16.11.2009
A	CONSULTANT COORD	12.11.2009

REVISION



SCALE	1:100 @ A1	DATE	01-10-2009
DRAWN	PS	PROJECT	09021

D1005G



Scale: 1:100@A1

(1)

Scale 1:100 (A1) 0 1 2 5 m

LEGEND

H	10A SUBMISSION- COUNCIL RFI	12.05.2009
G	10A SUBMISSION	18.12.2009
F	10A SUBMISSION - NOT SUBMITTED	03.11.2009
E	CONSULTANT COORD.-SETBACK REVISED	27.11.2009
D	CONSULTANT COORD.-SETBACK REVISED	24.11.2009
C	CONSULTANT COORD	29.11.2009
B	CONSULTANT COORD	16.11.2009
A	CONSULTANT COORD	12.11.2009
	REVISION	

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PROJECT TITLE
NEW DEVELOPMENT
46 - 48 LOFTUS STREET
WOLLONGONG

CLIENT
STERGOULIS, SAAD & SAAD

DRAWING TITLE
LEVEL 1 FLOOR PLAN

SCALE 1:100 @ A1 DATE 01-10-2009
DRAWN PS PROJECT 09021

D1007_H



Scale 1:100 (A1)

LEVEL 1 - PLAN

Scale: 1:100@A1