

<b>JRPP No.</b>	2012STH029
<b>DA No.</b>	DA-2012/1307
<b>Proposal</b>	Wollongong Day Surgery Expansion
<b>Property</b>	354-358 Crown Street, Wollongong
<b>Applicant</b>	PDR Architects
<b>Responsible Team</b>	City Planning City Centre Team (RH)

## Executive Summary

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### Reason for consideration by Joint Regional Planning Panel

The proposed development must be considered by the Joint Regional Planning Panel (JRPP) as it is private infrastructure that has a capital investment value of more than \$5 million. [Clause 6(b) in Schedule 4A of Environmental Planning and Assessment Act 1979].

### Proposal

The proposal is for demolition of two existing dwellings and the construction of additions to the existing Wollongong Day Surgery incorporating a four storey building over two levels of basement parking.

### Permissibility

The site is zoned SP1 Special Activities – Wollongong Hospital Precinct pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a ‘health services facility’ and is permissible in the zone with development consent.

### Consultation

The proposal was notified in accordance with Council’s Notification Policy and received 2 submissions, 1 is support of the application and 1 objection, which are discussed at section 2.9 of the assessment report.

### Main Issues

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

- Minor variations to the WDCP 2009 are proposed including side setbacks and driveway width.

### Conclusion

Despite the proposed building setback variation and driveway width the application is considered to be satisfactory with regard to relevant matters such as privacy, noise, overshadowing, traffic and parking. The proposal also generally complies with the essential criteria and intent of the WDCP 2009 and is suitable within the context and setting. In this regard the application is considered worthy of support.

### RECOMMENDATION

It is recommended that conditional approval be granted to DA-2012/1307 subject to the draft conditions contained in Attachment 5.

# 1 APPLICATION OVERVIEW

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## 1.2 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP - Infrastructure

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009
  - With the exception of a minor encroachment to a side boundary setback and variation to driveway width the application is considered satisfactory in regards to the DCP

Other policies

- Wollongong Section 94A Development Contributions Plan 2012

Other comments / matters to be addressed

N/A

## 1.3 SITE DESCRIPTION

The subject site comprises three adjoining properties that collectively form an L-shaped allotment located on the corner of Crown Street and New Dapto Road and extending through to Urunga Parade.

The property fronting Crown Street is known as 354-358 Crown Street and has a legal description of Lot 1 DP 787150. This lot has a 36.885m frontage to Crown Street, a 24.995m frontage to new Dapto Road, a maximum depth of 36.56m and an area of 1,671m<sup>2</sup>. Existing on this property is the two storey brick Wollongong Day Surgery with semi-basement parking providing ingress from New Dapto Road and egress to Crown Street.

The properties fronting Urunga Parade is known as 5-7 Urunga Parade and has a legal description of Lots 54 and 55, Section 1, DP 5507. These lots have a frontage to Urunga Parade of 30.48m, a maximum depth of 39.625m and an area of 1,188.8m<sup>2</sup>. Existing on 7 Urunga Parade is a single storey brick dwelling and a detached brick garage located forward of the dwelling and accessed from the eastern side of the site. Existing on 5 Urunga Parade is a single storey dwelling currently being used as a Medical Practice Suites. All sites are in the same ownership.

The subject site has an overall area of 2,859.8sq.m.

The subject site is located approximately 620m from Wollongong Train Station and 70m from Wollongong Public Hospital. The location of the site is shown in Attachments 1 and 2 to this report.

## 1.4 SURROUNDING DEVELOPMENT

The subject site is located within an area known as 'Hospital Hill' with Wollongong Public Hospital located directly opposite the subject site on the eastern side of New Dapto Road. Immediately adjoining the property to the east, 3 Urunga Parade contains a detached residential dwelling currently being used for medical practice Suites. And a 2 storey multi dwelling housing development is located at 1 Urunga

Generally surrounding the site to the north and south are detached dwellings some of which have been converted for use as commercial offices, including medical consulting offices.

A Major Project (MP07\_0070) was approved by the NSW Planning and Assessment Commission on 18 April 2011 known as Wollongong Private Hospital. The site of the Wollongong Private Hospital immediately adjoins the subject site to the west. The project application approval was for the demolition

of the existing structures on site and the construction of a new 8 storey private hospital and 3 basement levels of car parking containing 324 spaces, comprising a total of 18,390sqm of GFA and associated landscaping.

The table below shows the location of the Major Project site and the photomontage of the building. The ground floor and first floor plans have also been included to indicate the relationship with the boundary of the subject site and the Major project approval. The Major Project approved Wollongong Private Hospital building has a proposed setback of 4m to the common boundary.

Major Project Site	Photomontage
	
Ground Floor	First Floor
	

### Property conditions

Council records list the site as being affected by the following constraints:

- road widening proposals

There are no restrictions on the title that would restrict the development.

## 1.5 BACKGROUND

The southern portion of the site (354-358 Crown Street) contains the existing Wollongong Day Surgery and has an extensive history of development applications relating to medical uses dating back to 1979. The existing Day Surgery was completed in 1990. The northern portion of the site (7 Urunga Parade) has been used for residential purposes dating back to 1958.

Council has previously considered an application to extend the Wollongong Day Surgery via DA-2008/1447. The proposed development incorporated two properties being 7 Urunga Parade and 354-358

Crown Street. The proposal was for the construction of a new two storey wing above semi-basement parking to the north of the existing Day Surgery, accessed from Urunga Parade.

This application was refused on the 15 July 2009 for numerous reasons mainly relating to non-compliant setbacks and amenity impacts on the adjoining property at 5 Urunga Parade. These issues are not present with the subject proposed development.

## 1.6 PROPOSAL

The proposal is for the expansion of the Wollongong Day Surgery located at 354-358 Crown Street. The expansion involves the demolition of the two existing dwellings and associated structures located on 5 and 7 Urunga Parade and the construction of a 4 storey building over to level of basement parking.

Currently the Wollongong Day Surgery operates with 2 surgical theatres, 3 beds pre-operation and 5 beds post operation. The proposed development will increase this to 5 surgical theatres, 9 beds pre-operation and 15 beds post-operation (recovery stage 1) and 14 chairs post-operation (recovery stage 2).

The construction of the development will occur over 2 stages.

### Stage 1

- Demolition of the existing building and associated structures at 7 Urunga Parade and the hardstand area to the rear of 5 Urunga Parade. The existing building at 5 Urunga Parade is not being demolished as part of stage 1 and will continue to be used as a medical practice suite.
- Construction of that part of the building to be built on 7 Urunga Parade and part of 5 Urunga Parade comprising a 4 storey building over 2 levels of basement parking.
  - Basement A is to be connected to the existing basement currently utilised for the day surgery containing 13 car parking spaces and provides for an 11 additional parking spaces bringing the combined number of spaces available to patients and visitors to 24.
  - Access to the basement parking is via the existing entry located on New Dapto Road. As part of the Stage 1 works the existing egress to Crown Street is to be closed and all cars are exit via a ramp down to Urunga Parade located along the western boundary.
  - Basement B, which is located below basement A, will be accessed only via Urunga Parade and will be for staff only and contains 10 car parking spaces.
  - The ground floor of the new building will contain 2 new surgical theatres and the post-operation recovery areas consisting of beds for stage 1 recovery and chairs for stage 2 recoveries. The new building will be linked to the existing day surgery by the removal of the common wall in part.
  - The first level (ground floor) of the existing day surgery which contains reception and main waiting area, 2 surgical theatres and 7 pre-operation beds is to be altered slightly to accommodate the openings in the wall to connect the buildings. Access to the day surgery for patients and visitors will still occur via the existing entry on New Dapto Road.
  - The second level contains a reception area, a surgical theatre, 2 pre-operation beds, 3 post-operation beds (recovery stage 1) and 2 post-operation chairs (recovery stage 2). This floor also incorporates office spaces, storage area and a laboratory.
  - The third level contains a reception area, office suites, work stations, staff change rooms and bathrooms, staff lunch room and kitchenette and seminar room.
  - The fourth level contains a large plant room.
  - Associated landscape works.

### Stage 2

- Demolition of the existing building at 5 Urunga Parade
- Construction of the remaining component of the 4 storey building comprising the following:
  - Construction of the remaining area of Basement A comprising pedestrian access including accessible ramp from Urunga Parade and security desk. The vehicle ramp located on the western side of the building created as part of Stage 1 is to be removed and located within the building of the building adjoining the ramp accessing Basement B.

- Construction of storage and loading areas within Basement B.
- The ground floor (level 1) and levels 2 and 3 will create more floor space to the day surgery. Subject to future floor layout design.
- The construction of the 4 level subject to future floor layout design.
- Associated landscape works
- At the completion of stage 2 a total of 10 practitioners and 49 support staff will be on site at any one time.

The plans of the proposed development can be found at Attachment 3 to this report.

## **1.7 CONSULTATION**

### **1.7.1 INTERNAL CONSULTATION**

#### Scat

Council's Safe Community Action Team has reviewed the application and given a satisfactory referral subject to conditions of consent.

#### Traffic

Council's Traffic Engineer has reviewed the application and given a satisfactory referral subject to conditions of consent.

#### Stormwater

Council's Stormwater Engineer has reviewed the application and given a satisfactory referral subject to conditions of consent.

#### Heritage

The site of the proposed development is located in the vicinity of the Wollongong Hospital Site, which comprise two separately listed heritage items in the Wollongong LEP 2009:

- 348-352 Crown Street - Group of fig trees (of local significance); and
- 366 Crown Street - Nurses' Home (of State significance).

It is considered that neither of the two items is immediately affected by the proposal and as such the proposal is satisfactory. No conditions are required.

The proposal also includes demolition of two extant cottages, which may potentially be creations of the 1940s decade. However, based on the results of an external site inspection, it would appear that these cottages would not meet the criteria for heritage listing.

#### Geotechnical

Council's Geotechnical Engineer has reviewed the application and given a satisfactory referral subject to conditions of consent.

### **1.7.2 EXTERNAL CONSULTATION**

#### RMS

The RMS has assessed the application and after a have provided conditions

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### SECTION 79C ASSESSMENT

#### (1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) <i>the provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	See section 2.1
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	See section 2.2
(iii) <i>any development control plan, and</i>	See section 2.3
(iiia) <i>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, and</i>	See section 2.4
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	See section 2.5
(v) <i>any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i>	See section 2.6
<i>that apply to the land to which the development application relates,</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	See section 2.7
(c) <i>the suitability of the site for the development,</i>	See section 2.8
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	See section 2.9
(e) <i>the public interest.</i>	See section 2.10

## 2.1 SECTION 79C 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

#### 7 Contamination and remediation to be considered in determining development application

Under Clause 7 of *State Environmental Planning Policy No.55 – Remediation of Land*, a consent authority is required to consider whether a proposed development site is affected by soil or other contaminants before granting consent. The subject site is zoned for Hospital related services and is currently being used for residential purposes. There is no previous history of other uses that could be considered to be potentially contaminating. It is considered that the subject site has a low contamination risk. The site is considered unlikely to be contaminated and is suitable for the proposed development. Therefore the proposal is considered to be consistent with SEPP 55.

### 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY – INFRASTRUCTURE

The proposed development is subject to the provisions of Clause 57 of the SEPP which allows for ‘health services facility’ or more specifically ‘day surgeries’ as development permitted with consent on land located within a prescribed zone. The SEPP defines ‘health service facility’ as follows:

***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.

The subject site is zoned SP1 – Special Activities which is nominated a prescribed zone in Clause 56 of the SEP and as such a ‘day surgery’ is permissible with consent.

The proposed development is also subject to the provisions of Clause 101 of the SEPP in that Crown Street is identified as a classified road. The original submitted application proposed to keep the existing access arrangement from Crown Street. The application was forwarded to the Roads and Maritime Service (RMS) for assessment who indicated that the access from Crown Street was considered unacceptable particularly given the existing access from New Dapto Road is to remain and new access from Urunga Parade is proposed.

Specifically, clause 101(2) of the SEPP states the following:

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - i. the design of the vehicular access to the land, or*
  - ii. the emission of smoke or dust from the development, or*
  - iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Accordingly, the applicant amended the plans and the access from Crown Street is to be closed as part of Stage 1 works. Entry to the site for patients/visitors will be via New Dapto Road with exit to Urunga Parade. The staff car park is access only from Urunga Parade.

The proposal does not trigger the provisions of Clause 104 being traffic generating development. Whilst the site has access within 90m of a classified road the day surgery is not of the size or capacity listed in Schedule 3 of the SEPP.

## 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Part 2 Permitted or prohibited development

#### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned SP1 Special Activities – Wollongong Hospital Precinct

#### Clause 2.3 – Zone objectives and land use table

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 proposal is satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone:

*The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; Advertising structures; Child care centres; Community facilities; Information and*

*education facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres*

The Land Zoning Map permits the following uses in the zone:

*Boarding houses, dwelling houses, food and drink premises, helipads, neighbourhood shops, funeral chapels, funeral homes, hostels, mortuaries, multi dwelling housing, place of public worship, residential flat buildings, seniors housing, shop top housing.*

The proposal is categorised as a 'health services facility' as described below:

#### Clause 1.4 Definitions

**health services facility** means a building or place 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 any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital

Whilst the SP1 – Wollongong Hospital Precinct zoning table and additional uses do not list 'health services facility' as being a permissible use within WLEP the SP1 zone is prescribed zone subject to SEPP Infrastructure. As indicated earlier within this report 'health services facility' is permissible within the SP1 zone pursuant to the provisions of SEPP Infrastructure.

### **Part 4 Principal development standards**

#### Clause 4.3 Height of buildings

The proposed building height of 19.23m does not exceed the maximum of 32m permitted for the site.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 1.5:1

Gross Floor Area - 4,215sq.m

Site Area – 2,859.8sq.m

FSR provided:  $4,215 / 2,859.8 = 1.47:1$

#### Clause 4.4A Floor Space Ratio – Wollongong City Centre

The maximum allowable floor space ratio (FSR) on the Floor Space Ratio Map is 1.5:1 and whilst the proposed development is below this maximum the buildings within then the Wollongong City Centre that are not to be used for residential purposes have an increased maximum FSR of 3:1.

### **Part 5 Miscellaneous provisions**

#### Clause 5.10 Heritage conservation

The subject site is located in the vicinity of the Wollongong Hospital Site, which comprise two separately listed heritage items in the Wollongong LEP 2009:

- 348-352 Crown Street - Group of fig trees (of local significance); and
- 366 Crown Street - Nurses' Home (of State significance).

Neither of the two items are immediately affected by the proposal. The proposal also includes demolition of two extant cottages, which may potentially be creations of the 1940s decade. However, based on the results of an external site inspection, it would appear that these cottages would not meet the criteria for heritage listing.

In this regard the proposal is satisfactory from the heritage perspective and no conditions are required.

### **Part 6 Urban release areas**

N/A

### **Part 7 Local provisions – general**

N/A



## **Part 8 Local provisions—Wollongong city centre**

### Clause 8.1 Objectives for development in Wollongong city centre

The proposed health services facility will provide employment opportunities and additional commercial space within the Wollongong City Centre and is consistent with objectives for the Wollongong City Centre.

### Clause 8.5 Design excellence

Consent must not be granted unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

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. In relation to (a), it is considered that the development provides for a high standard of design, materials and detailing appropriate for the building type and its location. In relation to (b), it is considered that the form and appearance of the development will improve the quality of the public domain. In relation to (c), the development does not detrimentally impact on view corridors and is significantly lower than the 32m building height control allowable within this area. In relation to (d), the development will not overshadow any part of MacCabe Park. In relation to (e), the site is considered to be suitable for the development, it provides for appropriate uses, there are no heritage issues which constrain the site and the height, form and design is considered to appropriately relate to the streetscape.

The building has a reasonable relationship with the neighbouring buildings. It is also consistent with the proposed Wollongong Private Hospital buildings located on the western boundary and the upgraded hospital faced to the Wollongong Public Hospital located on the opposite side of New Dapto Road. The bulk, mass and modulation of the building is considered to be reasonable. The street frontage height of the building complies with relevant controls. In relation to (vii), the proposal will not have an unreasonable environmental impact. Overshadowing impacts are not unreasonable.

## **2.2 SECTION 79C 1(A)(II) ANY PROPOSED INSTRUMENT**

### Merge of Wollongong Local Environmental Plan (West Dapto) 2010 with Wollongong Local Environmental Plan 2009

This planning proposal seeks to transfer all land currently under the Wollongong (West Dapto) LEP 2010 (to be repealed) to the Wollongong LEP 2009 so that there will be a single principal Local Environmental Plan covering the Wollongong Local Government Area.. The planning proposal was publicly exhibited

from 29 September 2012 until 29 November 2012. This matter has been considered and has no bearing on the proposal.

## 2.3 SECTION 79C 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

### 2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

#### CHAPTER D13 – WOLLONGONG CITY CENTRE

The site is located within the Wollongong City Centre, as defined in WLEP 2009 and WDCP 2009. Chapter D13 applies to the development and prevails over other parts of the DCP where there is any inconsistency.

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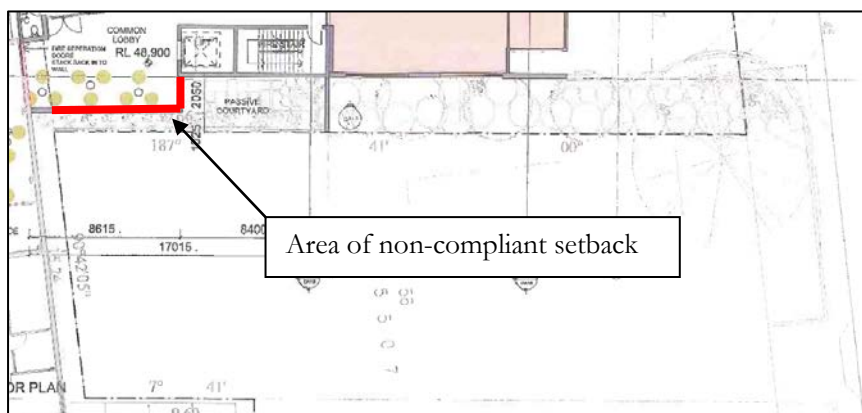
The application generally complies with the controls contained within this chapter. The table of compliance can be found at Attachment 4 to this report. However, variations have been sought to the side setback control and driveway width which are discussed below. Other relevant matters relating to the assessment are also discussed below:

#### Section 2.5 Side and Rear Setbacks

##### Side Setback - Eastern

As specified in WDCP 2009 the side setback is required to be 3m. The proposed development has a point encroachment that extends for 7.4m perpendicular to the boundary with 3 Urunga Parade. The setback for this portion of the ground floor is reduced to 1m and then extends to 3m.

The plan below shows the extent of the setback encroachment.



The applicants justification for the variation is as follows:

- *The length of the wall which is non-compliant is only approximately 8.0m in length;*
- *The variation to the setback extends over only one level, with setbacks compliant at other levels;*
- *The common lobby is of lightweight construction with a high level of glazing to minimise its impact;*
- *Clumping bamboo and a laser cut privacy panel is provided on the eastern side of this lobby to provide for privacy.*

The setbacks are consistent with the future built form of the area identified in the approved Major Project adjoining the subject site to the west being the Wollongong Private Hospital. It is considered that the reduced setback in this instance is acceptable. This portion of the building does not add bulk to the building or increase any overshadowing impact. Suitable screening of the building has also been provided to reduce the impact of overlooking and improve privacy. The building complies on all other levels with the required setback.

### Side setback - Stage 1 west

As part of the changes involving the RMS requirements for the closure or the Crown Street egress for stage 1 a temporary access point is proposed along the western boundary. Whilst the building complies with 3m setback a driveway is to be located along the boundary for a length of 13.4m. As this is a result of a safer outcome for Crown Street the driveway located along the boundary is considered acceptable.

It should also be noted that this portion of the building adjoins the waste area and loading zone of the approved Wollongong Private Hospital which is proposed to be located on the boundary in this part.

### Rear Setback

The retention of the existing building located on 5 Urunga Parade, as part of stage 1, creates a non-compliant rear setback (Crown Street being the frontage to this portion of the building) between the proposed building and the detached dwelling. The rear setback is required to 9m pursuant to the DCP however is reduced to 4.8m in this case. Once stage 2 occurs and the existing building is demolished and the remaining component of the 4 storey building is constructed the non-compliance will no longer exist. To ensure that the existing dwelling at 5 Urunga Parade is kept within the same development lot consolidation of all three lots will be required. A condition requiring lot consolidation will be placed on the consent prior to the issue of the construction certificate.

Whilst the remaining component of 5 Urunga Parade containing the dwelling will not meet the minimum Torrens title lot size for subdivision a 'restriction as to user' will also be required in the form of an 88B Instrument removing the ability to strata subdivide the detached dwelling from the overall lot.

### Overshadowing

Whilst the section of the DCP which relates to overshadowing impacts on adjoining properties is contained within the residential development standards, which is not applicable to this building, an assessment of the overshadowing has been undertaken to demonstrate the impacts. The proposed shadows cast from the 4 storey building impact mainly the existing day surgery itself which is located directly south. The proposed Wollongong Private Hospital located to the west of the subject site will be affected by some shadow in the morning however by midday the shadow no longer affects this property. The overshadowing impacts are considered minimal and the proposed development is considered acceptable in this regard. The shadow diagrams can be seen below:



### Driveway width and Access

Discussed below in Chapter E3

## **CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY**

This application has been considered against the requirements of this chapter and found to be acceptable. The application will be conditioned to comply with the BCA and relevant Australian Standards in regards to access.

## **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

Council's Safe Community Action Team has assessed the application and provided conditions. In this regard the requirements contained within this chapter have been considered.

## **CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT**

### Car parking assessment:

The car parking requirements for the hospital use are based on the following:

*1 space per medical practitioner plus 1 car parking space per 2 employees plus 1 car parking space per 2 beds.*

The overall proposal generates parking be provided at the following rate:

12 GP's – 12 spaces

53 staff – 26.5 spaces

9 pre-op beds – 4.5 spaces

15 post-op beds – 7.5 spaces

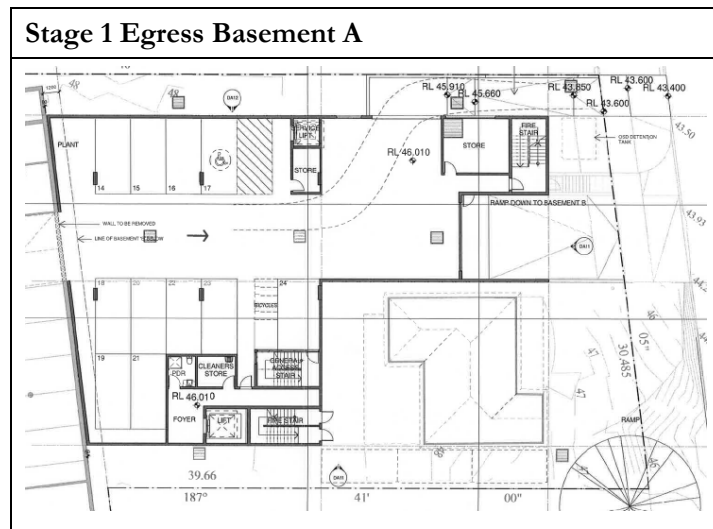
Equating to a total of 51 car parking spaces required for the overall proposed development.

Within Clause 7.4 of Chapter E3 in the WDCP2009 a reduction in the number of spaces required is applied if a bus stop is located within 400m of the site (10%), and if the site is located within 800m of a rail station (20%). As the site is located within the specified distances from a bus stop and rail station the site benefits from the allowable 30% reduction of parking. Therefore the total car parking required after the 30% reduction is applied is 36 car parking spaces.

The development provides 42 spaces and such is in excess of this requirement and therefore complies.

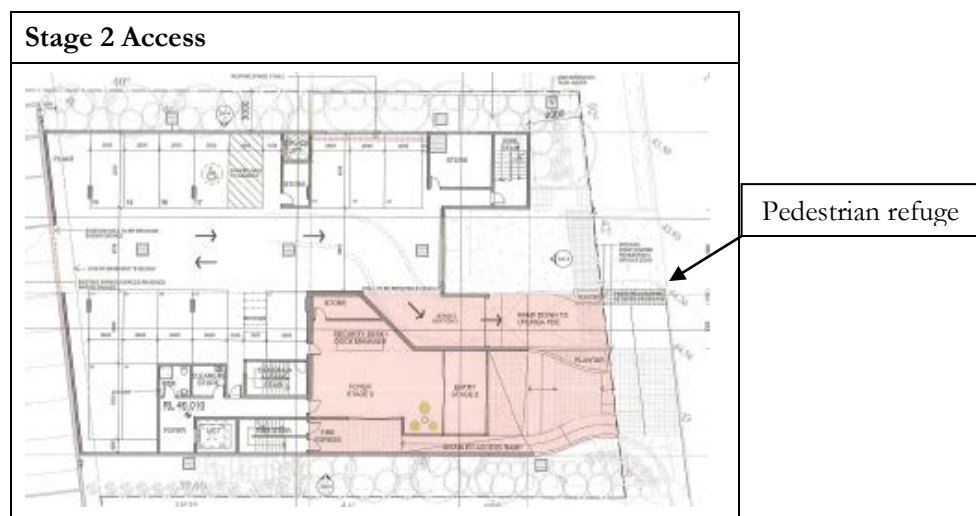
### Access

The original submitted stage 1 application did not allow for access to occur between the existing basement and the proposed basement thereby requiring the egress onto to Crown Street via the existing driveway. As part of their assessment the RMS indicated that keeping the egress onto Crown Street as part of stage 1 was not acceptable. The applicant amended the plan which removed the common wall between the basements and created a stage 1 egress alongside the western side of the building as can be seen below.



### Driveway width

As part of the Stage 2 changes the egress driveway for Basement A is placed alongside the combined access/egress driveway for Basement B. Giving the driveway a total width of 10.3m which does not comply with the WDCP2009 limiting driveways to a maximum of 6m crossover width. In this case the double driveway is 6m in width and the singular driveway is 3.2m in width. To allow for the safe crossing of pedestrians a 1.19m wide pedestrian refuge has been located between the two driveways. This can be seen in the plan below.



Whilst the overall width is non-compliant to location of the pedestrian refuge has removed any potential pedestrian and vehicular conflict. In this regard the variation is considered acceptable.

## **CHAPTER E6: LANDSCAPING**

Council's Landscape section has assessed the application and provided conditions. In this regard the requirements contained within this chapter have been considered.

## **CHAPTER E7: WASTE MANAGEMENT**

The waste management arrangement within the basement is considered satisfactory in regards to the requirements of this chapter. Council's Traffic Section has assessed the application and found it to be satisfactory.

## **CHAPTER E9 HOARDINGS AND CRANES**

Application has been conditioned for appropriate site enclosure and WorkCover requirements during construction. Draft conditions of consent can be seen at Attachment 5 to this report.

## **CHAPTER E11 HERITAGE CONSERVATION**

The site of the proposed development is located in the vicinity of the Wollongong Hospital Site, which comprise two separately listed heritage items in the Wollongong LEP 2009:

- 348-352 Crown Street - Group of fig trees (of local significance); and
- 366 Crown Street - Nurses' Home (of State significance).

Neither of the two items is immediately affected by the proposal. The proposal also includes demolition of two extant cottages, which may potentially be creations of the 1940s decade. However, based on the results of an external site inspection, it would appear that these cottages would not meet the criteria for heritage listing.

In this regard it is considered that all matters contained within this chapter of the DCP are satisfactory

## **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended.

## **CHAPTER E14 STORMWATER MANAGEMENT**

Council's stormwater section has assessed the application and provided conditions. In this regard the requirements contained within this chapter have been considered.

## **CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)**

Council's Geotechnical Engineer has reviewed the application and found it be acceptable subject to conditions being imposed if consent is granted. In this regard the requirements contained within this chapter have been considered and the proposal is compliant.

## **CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT**

The application involves demolition and as such the provisions of AS 2601-1991 apply. Conditions have been recommended for imposition in relation to demolition and asbestos management.

## **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

Application has been conditioned for appropriate erosion and sediment control during construction. Draft conditions of consent can be seen at Attachment 5 to this report.

## **2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2012)**

The proposal has been assessed against this plan and a contribution fee of \$87,085.26 applies to the proposal.

## **2.4 SECTION 79C 1(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.

## **2.5 SECTION 79C 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

92 What additional matters must a consent authority take into consideration in determining a development application?

- (1) *For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*
  - (a) *in the case of a development application for the carrying out of development:*
    - (i) *in a local government area referred to in the Table to this clause, and*
    - (ii) *on land to which the Government Coastal Policy applies,*  
*the provisions of that Policy,*
  - (b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

The application involves demolition and as such the provisions of AS 2601-2001: The Demolition of Structures apply. A condition will be attached to the consent in this regard.

93 Fire safety and other considerations

- (1) *This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.*
- (2) *In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.*
- (3) *Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.*  
*Note. The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.*
- (4) *Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).*
- (5) *The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.*

Council's BCA Officer has reviewed the application and recommended appropriate conditions with regard to fire safety issues for the existing building.

94 Consent authority may require buildings to be upgraded

*(cf clause 66B of EPA Regulation 1994)*

- (1) *This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:*
  - (a) *the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or*
  - (b) *the measures contained in the building are inadequate:*
    - (i) *to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or*
    - (ii) *to restrict the spread of fire from the building to other buildings nearby.*
  - (c) *(Repealed)*
- (2) *In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*  
*(2A), (2B) (Repealed)*
- (3) *The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.*

Council's BCA Officer has reviewed the application and recommended appropriate conditions with regard to the existing building.

## **2.6 SECTION 79C 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT)**

The subject site is not affected by the coastal zone.

## **2.7 SECTION 79C 1(B) THE LIKELY IMPACTS OF DEVELOPMENT**

### Context and Setting:

The scale of the development as viewed from the street is comparable to other developments in the locality, notably Wollongong Public Hospital on the opposite side of New Dapto Road and the approved Wollongong Private Hospital adjoining the site to the west.

The proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

### Access, Transport and Traffic:

Access and traffic related matters have been discussed above. The proposal has been assessed by Council's Traffic Engineer and found to be acceptable subject to conditions.

### Public Domain:

The development will not have an unreasonable impact on the public domain.

### Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

### Heritage:

As discussed earlier within the report 2 heritage items listed within the WLEP 2009 are located within the vicinity of the subject site. Council's heritage advisor has assessed the application and has indicated that the impact on this item will be minimal and as such is considered satisfactory.

### Other land resources:

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

### Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

### Soils:

Impacts on soil resources through erosion and sedimentation during construction can be mitigated. Conditions have been imposed in relation to the implementation of erosion and sedimentation controls.

### Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

### Flora and Fauna:

There is no vegetation removal or landscaping proposed or required.

### Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

### Energy:

The proposal is not envisaged to have unreasonable energy consumption.



Noise and vibration:

The proposal will only generate noise and vibration impacts during construction. These will be limited in duration and can be mitigated through compliance with consent conditions. Conditions have been imposed on the draft consent in this regard.

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.

Safety, Security and Crime Prevention:

The application was considered by Council Safe Community Action Team who have provided conditions to the application

Social Impact:

The proposal is not expected to create any negative social impact.

Economic Impact:

The proposal is not expected to result in any negative economic impacts. The proposal will provide additional medical facilities within the CBD of Wollongong which will support economic growth and the creation of additional employment opportunities.

Site Design and Internal Design:

The application seeks consent for a number of departures from the Wollongong LEP and DCP 2009, as outlined previously within this report. The variations sought relate to building separation, building depth, setbacks and internal solar access. The variations sought are considered to be reasonable in this instance.

A condition is within the draft consent that all works are to be in compliance with the Building Code of Australia.

Sufficient arrangements appear to have been made in relation to access/egress, car parking, servicing and waste management.

Construction:

Construction impacts are likely to be significant given the size of the site and the scale of development proposed. Construction impacts can be managed however and conditions have been imposed in relation to matters such as excavation, hours of work, implementation of erosion and sedimentation controls, impacts on the road reserve, protection of excavations, impacts on neighbouring buildings, and the like.

If consent is granted, an additional condition will be attached to any consent granted that WorkCover be contacted for use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

## **2.8 SECTION 79C 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

## 2.9 SECTION 79C 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The application was notified to adjoining and adjacent properties from the 23 November to 9 December 2012. The application was also notified in the local paper (Advertiser) on the 5 December 2012. The notification has been undertaken in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising.

During the notification period 2 submissions were received. Neighbourhood Forum 5 indicated that they were in support of the application and raised no objection. 1 objection was received from the owner of the adjoining property 1-3 Urunga Parade. The main issues identified are discussed below:

### 1. Car Parking

“Schedule 1 of Chapter E3Car parking DCP requires the following parking spaces be provided for hospitals:

*Hospitals: City Wide: 1 car parking spaces per medical practitioner plus 1 carparking space plus 2 employee plus 1 car parking space per 2 beds.*

We highlight the statement of environmental effects and the traffic and Assessment both has allowed parking in the stage 2 proposal for the following staff numbers; the proposal will consist of a maximum of 12 practitioners, 53 staff, 7 pre-op beds and 12 post op beds.

The traffic Assessment has not accounted parking spaces for the number of beds proposed in the development. They have stated ‘the code also specifies 1 space per 2 beds however this apparently relates to ‘overnight beds’ which generates visitors unlike day surgery beds’. This is unacceptable as a Day Surgery will generate as much visitors and will have impacts on the demands for parking to the locality as a hospital would.

The amount of parking provided in the proposal will therefore be inadequate for 12 practitioners, 53 staff members and 15 post op-beds”.

#### Planners Comment:

Council’s assessment of the parking has been based on the nominated number of beds being 9 pre-operation beds and 15 post-operation beds. The applicant has indicated that at the completion of stage 2 they will have a total of 10 practitioners and 49 staff. However, to allow for flexibility for the future users of the floor space created by stage 2 parking has been increased and provides for 12 practitioners and 53 staff.

Council has calculated the rate of parking required as per the WDCP2009 being *Hospitals: City Wide: 1 car parking spaces per medical practitioner plus 1 carparking space plus 2 employee plus 1 car parking space per 2 beds.*

Based on Council’s assess the overall application (stage 1 and 2) a total of 36 car parking spaces are required including the 30%allowable reduction. The application has provided 42 car parking spaces and as such complies with Council’s requirements.

### 2. Side Setback

“Under part 2.5 of the DCP side and rear building setbacks and building separation. The development has not provided the minimum 3m side setback on the eastern boundary. This will clearly impact on our adjoining property of 1-3 Urunga Parade”.

#### Planners Comment:

This is discussed in detail at 3.3.1 above

### 3. Inconsistent plan and SoEE

“The proposed plans clearly indicate 9 pre-op beds and 15 post-op beds which are inconsistent with what are outlined in the SoEE and Traffic Assessment”.

#### Planners Comment:

Whilst the Statement of Environmental Effects lists the overall day surgery as containing 7 pre-operation beds and 12 post-operation beds assessment of the application has been based on the plans containing 9 pre-operation beds and 15 post-operation beds.

4. Future fit out of stage 2

“The proposed plans does not clearly show what the stage 2 fitout will entail as this may have additional impacts that cannot be properly assessed as present. This may have further implications on parking to be provided for the development, which currently is clearly insufficient”.

Planners Comment:

As indicated above the proposal at the end of stage 2 is envisaged to have 10 practitioners and 49 staff. However to allow for flexibility and other future users parking has been provided at a higher rate being for 12 practitioners and 53 staff to allow for worst case scenario. The applicant has advised that the future users are to be hospital related.

It should be noted that is zoned SP1 – Wollongong Hospital Precinct service related activities are permissible in the zone. If the building was to be used for a use other than a ‘health service facility’ a new application would be required with further assessment of the use and car parking being undertaken at that stage.

Submissions from public authorities

The RMS was forwarded the application for consideration as Crown Street is a Classified Road. After amendments made by the applicant the RMS has provided conditions to the application. These conditions have been incorporated within the draft consent.

## **2.10 SECTION 79C 1(E) THE PUBLIC INTEREST**

The application is not expected to have any negative 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 is therefore considered to be in the public interest.

## **3 RECOMMENDATION**

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This application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed development has regard to the objectives of the SP1 Special Activities zone and is permissible with consent.

The proposal complies with the objectives of Wollongong DCP 2009. Variations have been sought with regard to setbacks/ driveway width. The variations sought have been assessed within this report and are considered to be reasonable as these variations do not lead to significant adverse impacts. The concerns raised in the submissions have been addressed in the body of the report.

It is recommended that the application be approved subject to conditions

### **Attachments**

1. Aerial photograph
2. Wollongong Local Environmental Plan 2009 zoning map
3. Plans
4. DCP Compliance Table
5. Draft conditions



