

JRPP No:	2012SYE112
DA No:	DA.405/12
PROPOSED DEVELOPMENT	Four storey addition to the Mater Hospital located at the main entrance to the hospital and over the existing loading docks – 35 Rocklands Road Wollstonecraft
APPLICANT:	Keith Lapthorne
REPORT BY:	Geoff Mossemeneer, Executive Planner, North Sydney Council

Assessment Report and Recommendation

EXECUTIVE SUMMARY

This development application seeks approval for a four storey addition to the Mater Hospital located at the main entrance to the hospital and over the existing loading docks. The loading docks remain and the building will contain a plant room and 3 new levels of wards, operating theatre and special care nurseries.

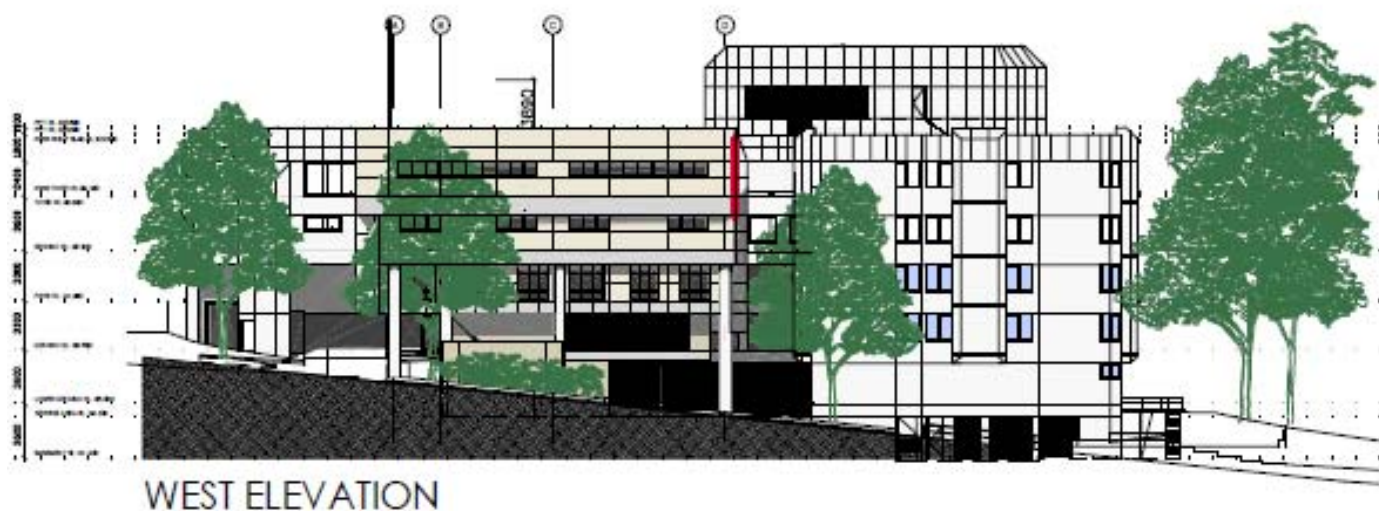
Council's notification of the proposal has attracted 5 submissions raising particular concerns about traffic, parking, noise from the loading area, removal of large tree, design and loss of views. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

An initial assessment and consideration by Council's Design Excellence Panel revealed a number of concerns with the original proposal and the applicant was requested to address the concerns. Amended plans were submitted on 1 February 2013.

Following assessment of the amended plans, the development application is recommended for **approval**.

DESCRIPTION OF PROPOSAL

This development application seeks approval for a four storey addition to the Mater Hospital located at the main entrance to the hospital and over the existing loading docks. The loading docks remain and the building will contain a plant room and 3 new levels of wards, operating theatre and special care nurseries.



STATUTORY CONTROLS

North Sydney LEP 2001

- Zoning – Special Use Hospital
- Item of Heritage - No
- In Vicinity of Item of Heritage - Yes
- Conservation Area - No

Environmental Planning & Assessment Act 1979

SEPP 1 Objection

SEPP 55 - Contaminated Lands

SREP (2005)

Local Development

Draft North Sydney LEP 2012

POLICY CONTROLS

DCP 2002

Draft North Sydney DCP 2012

CONSENT AUTHORITY

As this proposal has a Capital Investment Value (CIV) of greater than \$5million for private infrastructure and community facilities, the consent authority for the development application is the Joint Regional Planning Panel, Sydney East Region (JRPP).

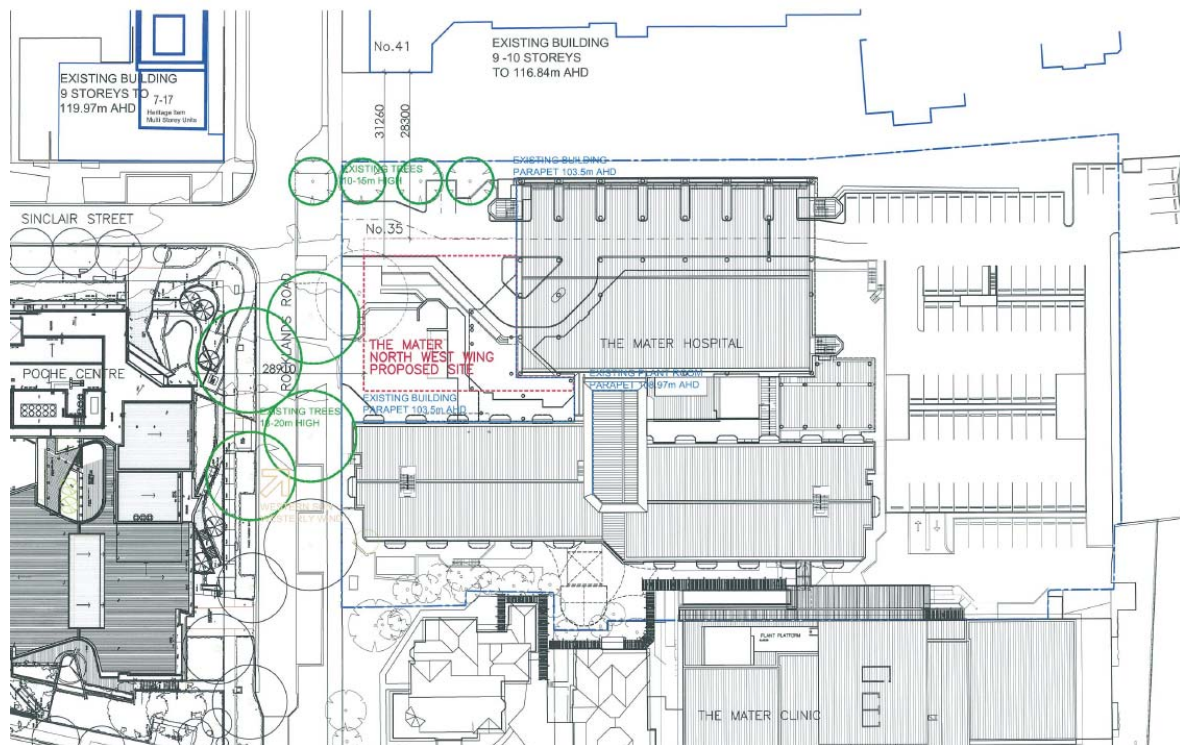
DESCRIPTION OF LOCALITY

The site is known as the Mater Hospital and is located on the eastern side of Rocklands Road between the Pacific Highway and Gillies Street. The site has an area of 10,186m².

The site is occupied 3 to 4 storey main building and car park at rear. The Rocklands Road frontage contains the main 2-way driveway entry into the site, with a service driveway to a loading dock on the western side of the frontage.

The site is adjoined to the west and northwest by hospital and healthcare related uses at No's. 3-9, 11 & 13 Gillies Street, and the Poche Centre at No.40 Rocklands Road. The building at No.13 Gillies Street, known as "Claverton", is heritage listed.

The area is otherwise predominantly residential in character, including the east adjoining apartment complex at No.41 Rocklands Road, and a multi-storey heritage listed residential flat building at No's.7-17 Sinclair Street, with detached and attached dwellings further to the north.

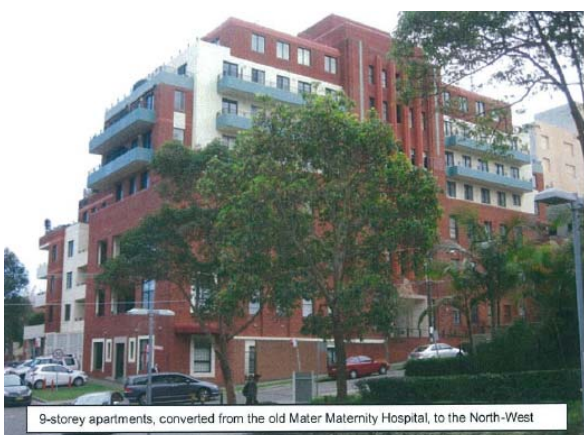




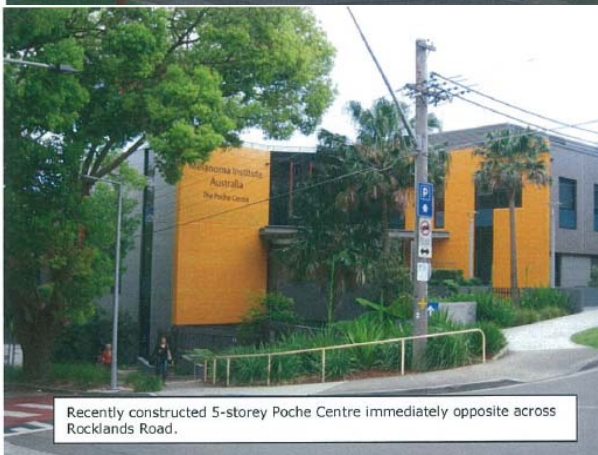
Existing Hospital surrounding site



10 storey residential apartments to the North-East



9-storey apartments, converted from the old Mater Maternity Hospital, to the North-West



Recently constructed 5-storey Poche Centre immediately opposite across Rocklands Road.

RELEVANT HISTORY

The Mater Hospital is a private hospital established on the current site in 1991.

DA434/03 was approved in January 2004 to convert a lower ground courtyard into a Radiation Oncology treatment room.

DA452/05 was approved in November 2005 for the following works:

- Relocation of the existing administration facilities on the first floor, and provision of a new 15 bed ward within the existing hospital floor space;
- Upgrading of the existing maternity ward on level 3. This upgrade involves the construction of a new wing of 160m², attached to the existing maternity wards and comprising 7 x single bed wards. One existing bed is lost at level 3 with the construction of the new wing;
- Rationalisation of 6 x 4 bed wards on ground level. The rationalisation of existing wards means that the total number of maternity beds remains as existing
- Relocation of the engineer's office and plan storage from within the hospital, to a new building situated along the north eastern boundary of the site. This building is over the existing gatehouse and below the hospital operating theatres;
- Relocation of the educational facility currently located within the administration area on level 1;
- Provision of 4 additional parking spaces in the existing staff carpark;
- Introduction of a carpark management plan to better control on site parking.

There have been a number of minor applications since 2005 that are not relevant to the current proposal. The hospital currently has 211 beds.

An initial assessment of the original proposal (that included a large plant room and garden on the roof) had raised concerns with the following elements of the current development application:

Height

There was a considerable breach of the height control under the current LEP (14m above the 8.5m height). Council had asked the Hospital with regard to past applications to provide a master plan to allow the controls for the overall site to be thoroughly considered and supported after Community consultation, however no master plan has been submitted. Council practice is not to support the use of SEPP 1 objections to substantially vary development standards. A Planning Proposal should be submitted and endorsed by Council to increase the height to the level proposed.

A SEPP 1 objection would only be supported under the circumstances if the breach had no impact on surrounding residents. The proposal includes a substantial plant room that is above the height of the current hospital building (excluding the plant room) that will impact on current views. The height needs to be no higher than the roof of the existing hospital building and the plant room should be relocated to a lower level.

Loss of Views

The location of the large plant room over the roof will impact on views and a submission has been received with regard to loss of views from an adjoining resident. An inspection has been carried out and the initial assessment was that the view should be protected. This would not be an issue if the height was more in keeping with the controls and the plant room could be located to a lower level.

Noise

The proposal retains the Hospital's loading docks without enclosing the area or having regard to any acoustic treatment. The docks are the subject of complaints from neighbours with regard to accessing the site (not entering in a forward motion) and the noise from reversing vehicles at all hours. The location of the open loading facilities next to existing/proposed wards and the Hospital entrance will result in noise problems for staff, visitors and patients. No acoustic report was submitted with the application in regard to the noise from the proposed plant room.

Design

The application was referred to Council's Design Excellence Panel for comment. The Panel had concern with the overall bulk of the addition, the external design, colours and materials. The Panel felt that the design did not fit within the context of the existing hospital building. Concern was raised about the pedestrian entrance to the hospital. The colonnade formed by the columns and building was narrow and quite low. More generous dimensions and planting were recommended.

Having regard to the concerns from the Panel, concerns about height, loss of views and noise, it was considered that a redesign was necessary before the application could be supported.

Parking

The proposed extension will include an increase of 25 beds, including general beds and high dependency beds. A new neo-natal ward is proposed. A number of the new beds would be provided in the existing neo-natal ward, which is being replaced. Up to 18 additional employees are proposed. No additional on-site parking is proposed.

The North Sydney Development Control Plan (NSDCP) 2002 outlines a maximum car parking provision rate as follows:

Hospitals – 1 space for 6 beds + 1 space for 4 staff

Based on the NSDCP the proposed extension would require a maximum of nine additional parking spaces – four car parking spaces for visitors and five car parking spaces for staff.

It must be demonstrated that there are five spare, unallocated car parking spaces in the areas which are signposted for doctors/ staff. If this is not possible then five additional parking spaces within the existing car park should be allocated for staff.

The applicant was advised of the above concerns in letter dated 11 January 2013.

Amended plans were lodged by the applicant on 1 February 2013 in response to Council's concerns by making the following changes to the plans:

- Re-design to match existing wall colours and finishes
- Loading dock will be enclosed by a full height wall on the side facing residential areas and a concrete slab over
- Existing pedestrian entrance pathway will be widened to accommodate full height planting; height of colonnade will be 4.0 m at the Rocklands Road boundary, decreasing to 3.0 m at the main entry
- Roof plant room relocated to the Ground Floor; roof garden and associated stair, etc, deleted and overall height of extension reduced below parapet level of existing hospital building
- The Hospital has contacted all delivery companies to limit deliveries out of hours and the dock will be enclosed as described above
- Five additional parking spaces will be designated for Staff within the car park

The amended plans are the subject of this assessment report.

REFERRALS

Building

The application has not been assessed specifically in terms of compliance with the Building Code of Australia (BCA). It is intended that if approved, Council's standard condition relating to compliance with the BCA be imposed and should amendments be necessary to any approved plans to ensure compliance with the BCA, then a Section 96 application to modify the consent may be required.

Engineering/Traffic

Council's Traffic Manager (A Lindaya) provided the following comments in relation to the development application:-

I refer to your request for comments on the development application at 35 Rocklands Road, Crows Nest (Mater Hospital) (DA405/12). I have read the Traffic Report, prepared by Colston Budd Hunt and Kafes (CBHK) Pty Ltd, dated November 2012 (ref 8780). My comments are as follows:

Existing Site

The existing site incorporates a hospital which provides 211 beds and a medical clinic which provides 12 consulting suites. It provides services in cancer care, joint replacement, bone and sports injuries, maternity and women's health and heart, lung and vascular services. The hospital site includes the Melanoma Institute and Poche Centre at 40 Rocklands Road, the Mater Day Therapy at 11 Gillies Street and the Patricia Ritchie Centre at 13 Gillies Street. The main vehicular access to the site is from Rocklands Road with minor access from Gillies Street.

Proposed Development

The proposed extension will include an increase of 25 beds, including general beds and high dependency beds. A new neo-natal ward is proposed. A number of the new beds would be provided in the existing neo-natal ward, which is being replaced. Up to 18 additional employees are proposed. No additional on-site parking is proposed.

Car Parking

The North Sydney Development Control Plan (NSDCP) 2002 outlines a maximum car parking provision rate as follows:

Hospitals – 1 space for 6 beds + 1 space for 4 staff

Based on the NSDCP the proposed extension would require a maximum of nine additional parking spaces – four car parking spaces for visitors and five car parking spaces for staff.

As detailed above, no additional parking spaces are proposed as part of this development.

CBHK have undertaken a parking demand survey of the existing on-site car parking spaces in order to gauge the parking conditions. The survey revealed that the total parking demands on the hospital/ clinic/ Poche centre site ranged from 110 spaces (at 7.00am) in the day to 357 spaces (at 2.00pm). The total number of spaces available to the hospital/ clinic/ Poche centre site is 420 spaces. Therefore, there was a minimum of some 63 spaces available over the day.

Given the above, CBHK consider that the additional requirement of nine spaces for the proposed development would therefore be readily accommodated within the existing parking supply on the site. CBHK consider that parking provision is therefore considered appropriate.

Anecdotal evidence indicates that some visitors/patients to the hospital site choose to park on the street and walk to the hospital rather than park within the on-site car park. To ensure the proposed hospital extension does not adversely impact on the existing on-street parking supply, on-street parking turnover surveys are to be undertaken in the vicinity of the hospital. The on-street parking supply should be capable of handling a proportion of additional parking generated by the proposed extension.

In addition, it must be demonstrated that there are five spare, unallocated car parking spaces in the areas which are signposted for doctors/ staff. If this is not possible then five additional parking spaces within the existing car park should be allocated for staff. The spaces should be pavement marked, signposted and/or controlled similarly to other staff parking spaces within the site.

Existing Traffic Conditions

The main vehicular access is via Rocklands Road with minor access via Gillies Street.

CBHK have undertaken two-way peak hour traffic counts:

Location		Vehicles per hour (two way)	
		AM Peak	PM Peak
Pacific Highway	North of Rocklands Road	2840	2545
	North of Hazelbank Road	2795	2465
Rocklands Road	West of Pacific Hwy	565	450
	West of Sinclair Street	390	325
	West of Gillies Street	275	215
Sinclair St	North of Rocklands Road	250	120
Mater Access	South of Rocklands Road	130	155
Gillies Street	North of Rocklands Road	275	100
	South of Rocklands Road	195	90

From the above table, it can be seen that the hospital/clinic access point of Rocklands Road generates some 130 and 155 vehicles per hour two-way during the surveyed morning and afternoon peak hours respectively.

CBHK undertook an SIDRA analysis of a number of intersections and found they were operating with the following level of service:

Intersection	Level of Service	Average Delay (seconds)
Pacific Highway and Rocklands Road	B	< 20
Rocklands Road & Gillies Street	A/B	<15
Sinclair Street & Mater access	A/B	<15

Proposed Traffic Generation

The existing main access to the hospital and clinic in Rocklands Road generates some 130 and 155 vehicles per hour two-way during the surveyed morning and afternoon peak hours respectively. This represents some 0.6 and 0.7 vehicles per bed/consulting suite on this part of the site during morning and afternoon peak hours respectively.

Based on this rate, the proposed additional 25 beds would generate an additional 15 and 18 vehicles per hour two-way during the morning and afternoon peak hours respectively.

CBHK consider the additional traffic generated by the proposed extension to be low and state that the additional traffic generation will have a negligible effect on the operation and amenity of the surrounding road network. Surrounding intersections would continue to operate at their existing good levels of service, with similar average delays per vehicle.

Loading and Unloading

As part of the proposed development, minor modifications will be made to the exit from the Porte cochere at the front of the hospital and to the loading dock from Rocklands Road. CBHK have undertaken vehicle swept path analysis.

Concerns are raised with the swept path analysis for the proposed modifications to the porte cochere. It appears that the changes incorporate the extension of the porte cochere traffic island in a northerly direction and altering the egress alignment (so that it meets the main vehicular access at right angles). There is currently a central median island, along the main vehicular access, which provides separation between the traffic lanes. The central median island has not been identified in swept path plan design (Figure 4) and will most likely prevent vehicles from turning left out of the porte cochere. This design issue must be addressed.

Swept path analysis indicates that the additional columns proposed for the loading dock will not adversely affect turning manoeuvres for an 8.8m Medium Rigid Vehicle. Notwithstanding, from the swept path design plans it appears that some of the loading bay is dependant on others.

An Operational Transport Management Plan for heavy vehicles including garbage vehicles and delivery vehicles to the site should be prepared and submitted to Council for approval by the Council's Director Engineering and Property Services prior to the issue of an Occupation Certificate.

Driveway Access

The existing driveways to both the hospital/clinic car park and loading dock from Rocklands Road do not have adequate "STOP" control treatments. Observations indicate that motorists leaving this driveway regularly fail to stop/slow down for pedestrians crossing the footpath.

This issue should be addressed as part of this development application.

Green Travel Planning

Given that the development is not providing any additional parking spaces, a workplace green travel plan is to be developed to highlight to staff and visitors the available public and alternative transport options for travelling to the site. This is to be developed by a suitably qualified transport planner in accordance with best practice standards and codes of practice.

Conclusion

It is recommended that a further traffic report be provided which includes the following:

- An on-street parking turnover survey is to be undertaken of streets in the vicinity of the site and it must be demonstrated that the on-street parking supply is capable of handling a proportion of additional parking generated by the proposed extension.
- Further details are to be provided of the minor modifications to the porte cochere. Such details are to include existing proposed kerb-lines, existing traffic devices and indicate that vehicular swept paths that do not interfere with existing traffic islands and any other traffic device.

Should the development be approved, the following conditions of consent are recommended.

1. That a workplace green travel plan is to be developed to highlight to staff the available public and alternative transport options for travelling to the site. This is to be submitted to Council for approval by the Director of Engineering and Property Services prior to the issue of an Occupation Certificate.
2. That the five parking spaces within the existing car park should be allocated for the additional staff increase. The spaces should be pavement marked, signposted and/or controlled similarly to other staff parking within the site.
3. That all aspects of the loading dock, including heights, comply with the Australian Standard AS2890.2.
4. That all vehicles, including delivery vehicles and garbage collection vehicles must enter and exit the site in a forwards direction.
5. That all aspects of the loading dock/ courier bay comply with the Australian Standard AS2890.2.
6. That a loading dock which accommodates a Medium Rigid Vehicle which is 8.8 metres long and 4.5 metres high as per Australian Standard 2890.2 be provided on-site.
7. That "STOP" control treatment be installed at the exit to the main access driveway and

loading dock driveway in Rocklands Road. The "STOP" line is to be marked in accordance with Australian Standards and the Sign is to include the text "Stop – Give Way to Pedestrians".

8. That a Construction Traffic Management Plan be prepared by a suitably qualified Traffic Engineer and submitted to Council for approval by Council's Development Engineers.
9. That an Operational Transport Management Plan for heavy vehicles including garbage vehicles, retail deliveries and residential removalists to the site be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of an Occupation Certificate.

Planning Comment: The applicant has advised that five spaces will be allocated to staff use only in the existing car park. The amended plans have resolved the concern with vehicle sweep paths from exiting vehicles from the port cochere. The requirement for a further study of on street parking is not considered necessary. Parking is not likely to be an issue fatal to the application. There appears to be adequate spaces available on site (paid parking). Should there be no on street parking available in surrounding streets, visitors would be forced to pay and it seems that there are enough spaces.

Engineering/Stormwater Drainage/Geotechnical

Council's Development Engineer (Z Cvetcovic) assessed the proposed development and advised that the proposed development can be supported subject to imposition of a number of standard and site specific conditions relating to damage bonds, new crossing and path in front of the loading docks, dilapidation reports, construction management plan and stormwater management. These conditions of consent should be imposed should the development application be approved.

Heritage

The works to 35 Rocklands Road Wollstonecraft have been assessed in terms of Clause 50 (Development in the Vicinity of Heritage Items) of the North Sydney LEP 2001 and Section 8.8 (Heritage Items and Conservation Areas) of the North Sydney DCP 2002.

The proposal is considered to be acceptable. It should be noted that the proposal is not located within a conservation area but is in the vicinity of heritage items. There is no physical impact on any of the heritage items in the vicinity.

Landscaping

Council's Landscape Development Officer (B Smith) has provided the following comments:

It is advised that I have inspected the property in relation to the proposed redevelopment and the following observations were made:

- The proposed works should not threaten any existing street trees growing outside the property. However it would be prudent to place a monetary bond on them to ensure that the builders act with prudence when working in their vicinity.
- Whilst the proposal will reduce quite substantially the existing garden area at the front of the property, the most valuable trees i.e.: The 3 mature Brush Boxes growing along the northern boundary are proposed to be retained. Whilst the works does pose some threat to their integrity, provided the protective measures from the submitted Arborists Report are implemented the integrity of the trees should not be impacted in any serious way.

- The Landscape Plan does include the planting of a number of small to medium trees such as Blueberry Ash and Cheese Trees as feature trees at the front of the property, thus providing some screening of the building from the street in the medium term.

In the light of the above information, I raise no objections to the approval of the application provided that the following conditions form part of the consent.

Health

Environmental Health require a Remedial Action Plan as per the recommendations made in the EIS report dated October 2012.

DESIGN EXCELLENCE PANEL

The application was referred to Council's Design Excellence Panel at its meeting of 11 December 2012.

The Panel had concern with the overall bulk of the addition, the external design, colours and materials. The Panel felt that the design did not fit within the context of the existing hospital building.

The Panel did not consider that the addition had to match the existing building but be more consistent with the colours and wall treatments. The Panel felt that the angled upper wall was unnecessary and inconsistent and that any required sun shading of windows could be achieved with sun shades over the windows.

The Panel also raised concern about the openness of the loading area and questioned whether it would be acoustically treated and enclosed to improve neighbourhood (and hospital patient) amenity.

The Panel suggested that tall planting in the front setback and/or a green wall be provided up to the height of the first floor ward. Concern was raised about the pedestrian entrance to the hospital. The colonnade formed by the columns and building was narrow and quite low. More generous dimensions and planting were recommended. The entry would also be vulnerable to noise from the adjoining loading dock.

The proposed treatment of the large area adjacent to the entrance and under the existing and the proposed extension is very unclear and looked to be an unpleasant space that would be difficult to landscape.

The Panel then considered the impact of the large plant on the roof. It would be highly visible from Rocklands Road towards the Highway adding bulk to the addition. The Panel was unable to comment on view impacts without photos of the actual view but noted that about 20% of available view would be affected from apartments to the north and north east.

The Panel did not comment on the internal layout of the proposal but noted that the location of the facilities were dictated by the existing hospital layout.

The Panel appreciated the challenges of providing this extent of additional accommodation on a restricted site and accepts the basic planning and location of the new development. However there are strong reservations as to its architectural

character and relationship to the existing hospital buildings and does not support the proposal in its current form.

The applicant was advised of the Panel's concerns and responded to the comments in their amended plans.

The amended plans were discussed at the Design Excellence Panel's meeting of 5 February 2013. The Design Panel supported the changes and requested a schedule of materials and finishes and an updated landscape plan for the ground level landscaping.

This information was submitted on 19 February 2013 and forms part of the modified application.

External Referrals

The application was forwarded to Roads and Maritime Services on 5 October 2012 in accordance with Clause 104 of the SEPP (Infrastructure) 2007 for consideration and advice. There was no response from RMS.

SUBMISSIONS

The application was notified to surrounding owners and residents and all precincts from 7 December until 28 December 2012. Five (5) submissions were received and are summarised as follows:

122/41 Rocklands Road

- The roof top plant room will significantly affect my view
- Would have no other objections provided the structure does not project above the existing parapet at RL103.5

5/10 Gillies Street

- The application is misleading
- The hospital is significantly large development on a small site for its purpose.
- It is within a residential area without a buffer unlike other hospitals
- The expansion will benefit non residents rather than residents
- Proposal does not enhance and is imposing
- Increased traffic
- Roof garden will impinge on privacy of local residents
- Site has reached its limit for expansion of facilities
- Landscaping will be inadequate to screen building

4/8 Gillies Street

- Increased traffic and further congestion in the streets
- Loss of amenity
- Increased truck movements
- Public safety with trucks reversing onto site

Anonymous (requests confidentiality of personal information)

- Increased noise for trucks reversing into loading docks

- Removal of Camphor Laurel tree
- Bulk and scale combined with materials that will clash with existing building
- Loading area remaining open so piping of building is seen from street
- Traffic report is unbelievable saying there is no increase in patient numbers
- Light spill from new building into units opposite

Anonymous

- Removal of Camphor Laurel tree

Amended plans have been submitted to Council during the assessment period in response to the Design Excellence Panel's comments and the issues raised by Council. Further amended plans were lodged on 1 February 2013 to make some design changes to the building including a reduction in the overall height by relocating a roof top plant room that had caused a loss of views to nearby residents.

Section 4.2 of the North Sydney Development Control Plan (NSDCP) 2002 provides that

'if, in Council's opinion, the amendments are considered likely to have a greater adverse effect on or a different adverse effect on adjoining or neighbouring land, then Council will renotify:

- *Those persons who made submissions on the original application;*
- *Any other persons who own adjoining or neighbouring land and in the Council's opinion may be adversely affected by the amended application.*

Where the amendments in the Council's opinion do not increase or lessen the adverse affect on adjoining or neighbouring land, Council may choose not to notify or advertise the amendments.

Where the amendments arise from a Council-sponsored mediation, and it is considered that the amendments reflect the outcome of the mediation and do not otherwise increase the application's environmental impact, the amendments will not be notified or advertised.'

In this instance, it is considered that the amendments would be unlikely to materially affect adjoining or neighbouring land compared to the originally notified development and as such, re-notification is not required. The amended plans have been assessed with regard to the submissions received. All submitters were advised in writing of the amendments made to the proposal.

A briefing report was before Council at its meeting of 4 February 2013 with regard to the original plans. Council resolved:

A. **THAT** Council urge the JRPP to consider amended plans addressing the following matters:

- compliance with Council's height controls;*
- protection of views from adjoining residential properties;*
- acoustic measures to ameliorate noise impacts from loading docks;*
- consider additional parking in response to the proposed additional 25 beds;*

- e) *encourage the applicant to work with Council towards a suitable Masterplan for the site.*

B. *THAT Council invite the Mater Private Hospital to enter into discussions with Council regarding future development of the hospital campus with a view to establishing a Masterplan and appropriate planning controls.*

CONSIDERATION

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

The application has been assessed against the relevant numeric controls in NSLEP 2001 and DCP 2002 as indicated in the following compliance tables. More detailed comments with regard to the major issues are provided later in this report.

Compliance Table

STATUTORY CONTROL – North Sydney Local Environmental Plan 2001				
Site Area – 10186m ²	Existing	Proposed	Control	Complies
Residential				
Building Height (Cl. 17) (max)	NA	18.7	8.5m	NO*
Building Height Plane (Cl.18)				
• NW Elevation (street)	NA	14m	Can be varied	NO*
• Sth Elevation	NA	Nil	with a	YES
• East Elevation	NA	Nil	SEPP 1	YES
• West Elevation	NA	Nil	objection	YES
Landscape Area (Cl. 20) (min)	29.1%	28.1%	60%	NO*

*See SEPP 1 objection

NORTH SYDNEY LEP 2001

Permissibility within the zone:

The proposed alterations and additions to the hospital are permissible with consent under the Special Uses Hospital zoning.

Objectives of the zone

The particular objectives of the Special Uses zone are to:

- Identify land on which special land uses are carried out, and
- Minimise the impact of the use of that land on adjoining land

The proposal would have minimal impact on adjoining land and the proposal satisfies the objectives of the zone.

Clause 34 Special Uses Controls

Buildings within the Special Use zone are subject to building controls under Clause 34. This clause states a building must not be erected on land to which this clause applies

unless:

- a) *The building is consistent with the objectives and permissible uses that apply to the land adjoining the site; and*
- b) *The building complies with the relevant development standards, for the particular type of building, that apply to the land adjoining the site.*

The subject site adjoins Residential B and Residential C zones, therefore the most restrictive controls are Residential B. Relevant controls are height, building height plane and landscaping.

Building Height

The specific objectives of the building height controls are to:

- (a) *limit the height of buildings in residential zones to:*
 - (i) *one storey, at the street façade, where that is the characteristic building height, or*
 - (ii) *subject to subparagraph (i), heights which are the same as or similar to the characteristic building heights, or*
 - (iii) *if neither subparagraph (i) nor (ii) applies, two storeys, or*
 - (iv) *despite subparagraphs (i)-(iii), in the case of apartment buildings in the residential C zone, three storeys or the height indicated on the map, and*
 - (b) *promote pitched roofs in all residential zones, unless another roof form is identified in a character statement as being, or as being compatible with, the characteristic roof form for the neighbourhood, and*
 - (c) *promote the retention of and, if appropriate, sharing of existing views, and*
 - (d) *maintain solar access to new and existing dwellings, public reserves and streets, and promote solar access to new buildings, and*
 - (e) *maintain privacy for residents of existing dwellings and promote privacy for residents of new buildings, and*
 - (f) *prevent the excavation of sites for building works, other than for garages and car parking.*
- (3) *Building height controls*
Except as otherwise provided in this clause, a building must not be erected, in a residential zone, in excess of 8.5 metres in height.
- (4) *Where the characteristic building height is one storey, a building must not be erected, in a residential zone, in excess of 5.5 metres in height at the street façade or 8.5 metres in height otherwise.*

- (5) *An apartment building in the residential C zone must not be erected in excess of 12 metres in height, where no other maximum height is specified in this plan or on the map.*
- (6) *Where a maximum height is specified on the map, a building must not be erected, in a residential zone, in excess of that height.*

The height control for the applicable Residential B zone is 8.5m. The proposal has a height of 18.7m above ground level. Under the Draft NSLEP 2012, the height control is 12m which is more in keeping with the apartment development in Gillies Street.

The applicant has submitted a SEPP 1 objection to justify that the standard is unreasonable and unnecessary under the circumstances of the site.

The proposed additions is below the height of the adjacent hospital buildings which is consistent with existing buildings on site. The adjacent apartment buildings in Rocklands Road are taller than the proposal so the additions are in context with the characteristic height of this part of Rocklands Road. In addition, the works are well separated from residential development and would have no adverse impacts caused by the building. The original proposal included a large roof top plant room and garden that caused view loss to nearby apartments and accordingly was not supported. Although the maximum breach is almost 2 floors above the 12m height, the breach varies due to the slope of the site. The slope is the equivalent of about one floor so the breach at the driveway entry end is only one level.

Under the circumstances of this site, the control is considered to be unreasonable and unnecessary. The SEPP 1 objection is well founded and supported.

Building Height Plane

Clause 18(3) of NSLEP 2001 states that a building must not be erected in the residential B zone if any part of the building will exceed a building height plane commencing at 1.8m above existing ground level, projected at all points from each of the boundaries of the site. The subject development fails to comply with the Building Height Plane control along its north western boundary that adjoins the road.

In respect of Clause 18(5) of NSLEP 2001, it states that consent must not be granted pursuant to State Environmental Planning Policy No. 1 - Development Standards for the erection of a building any part of which exceeds a building height plane set by this clause if the building would materially:

- (a) *overshadow any existing or new property, or*
- (b) *reduce the level of privacy to any existing or new property, or*
- (c) *obstruct views from any existing or new property, or*
- (d) *obstruct daylight or ventilation to existing or new property.*

The applicant has submitted a SEPP 1 objection to justify that the standard is unreasonable and unnecessary under the circumstances of the site.

The consent authority can consider varying the development standard provided the stated objectives of the building height plane requirement are achieved. The objectives of the standard can be summarized as follows:

- *Control the bulk and scale of buildings*
- *Provide separation between buildings*
- *Preserve the amenity of existing buildings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.*

The applicant has provided reasons why strict compliance with the development standards of Clause 18 of the NSLEP 2001 is unreasonable in the circumstances. In this instance the bulk and scale of the proposal and the separation of buildings is not affected by the breach of the building height plane. There is ample separation by the road way and an additional setback of between 3.4m and 4.4m from the street boundary.

The impact of the non-compliance with the building height plane with respect to the amenity issues listed above is discussed as follows:

Materially overshadow any existing or new property

The breaches will not cause material overshadowing. The shadow will fall on the hospital buildings and road.

Materially reduce the level of privacy to any existing or new property

The breaches do not cause any material privacy impacts as there is a substantial distance to any residential building.

Materially obstruct views from any existing or new property

The application will not have a material, detrimental impact on adjoining properties in terms of loss of views. The roof of the additions will be below the parapet of the existing building.

Materially obstruct daylight or ventilation to existing or new property

The building will not obstruct daylight or ventilation to the surrounding properties.

The non-compliance with the building height plane will not result in any material impacts. The bulk/scale and separation of buildings is satisfactory. Accordingly the SEPP 1 objection can be supported.

Landscaping

The proposed works will reduce existing landscaping on the site by 1% of the site area. The applicant has lodged a SEPP 1 objection with regard to variation of the standard.

The proposed variation to the development standard still meets the objectives as follows:

- The character of the neighbourhood will be continued with the proposed new planting of shrubs and ground covers.
- The removal of the Camphor Laurel tree will be replaced with a more appropriate native tree to exceed 15m in height.
- The landscape buffer to adjoining property is not affected.
- Retention and absorption of the surface water is only marginally affected.
- Site disturbance is minimal as there is no change to existing surface levels.
- Street planting is proposed to improve the public domain and presentation of the streetscape.

The landscape setting will be maintained and the objectives of the landscape control are met. The SEPP 1 objection is considered to be well founded and supported.

Heritage

The proposal has been assessed and considered satisfactory on heritage grounds.

The large Federation dwelling located at 13 Gillies St is listed as a heritage item and is not in a Conservation Area. No objection is raised to the proposed works, as it is considered that they will have negligible impact upon the heritage significance and curtilage of 13 Gillies St. The existing Mater Hospital building already overscales the dwelling and has removed the suburban context of the dwelling.

The former Mater Misericordiae Maternity Hospital is a building of substantial size and architectural character which is located uphill from the proposed works. The proposed addition will be largely screened by the camphor laurel street trees. These trees are unaffected so the proposal will have no adverse impact on the fabric, setting or significance of the former Mater Misericordiae Maternity Hospital.

Draft North Sydney Local Environmental Plan 2012

The Draft North Sydney Local Environmental Plan 2009 was on public exhibition from 20 January 2011 to 31 March 2011, following certification of the plan by the Director-General of the Department of Planning. It is therefore a matter for consideration under S.79C of the Environmental Planning and Assessment Act 1979. The Draft Plan was amended and is now known as Draft North Sydney Local Environmental Plan 2012. It was re-exhibited in November 2012 and was adopted by Council at its meeting of 18 February 2013. The plan will be sent to the Minister for gazettal, however at this stage little weight can be given to the plan since the final adoption of the plan is neither imminent nor certain.

The provisions of the draft plan have been considered in relation to the subject application, Draft LEP 2012 is the comprehensive planning instrument for the whole of Council's area which has been prepared in response to the planning reforms initiated by the NSW state government.

The provisions of the Draft Plan largely reflect and carry over the existing planning objectives, strategies and controls in the current NSLEP 2001 in relation to this site.

The site is identified under Draft LEP 2012 as being included within the SP2 Health Services Facility zone. The proposed development is permissible in the draft zone.

The development standards applicable to the site under the Draft LEP (DLEP) 2012 generally reflect those which currently apply to the site under the current North Sydney Local Environment Plan 2001 (NSLEP) 2001 with the height control being 12m.

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory with regard to the provisions of the Draft North Sydney Local Environmental Plan 2012.

SEPP 55 and Contaminated Land Management Issues

The subject site has been considered in light of the Contaminated Lands Management Act and a preliminary contamination assessment has been undertaken by EIS Consultants dated October 2012. This report noted that a gas cylinder storage area was located in the south east section of the site and a potential underground storage tank (UTS) may be located in this section of the site. The EIS report concludes:

"Based on the scope of works undertaken, EIS are of the opinion that the contamination encountered at the site poses a low risk to human health and the environment if the site remains in its current condition. The risk to both human health and the environment would increase if the existing pavement were removed. As this is likely as part of the proposed development works, EIS consider that the site can be made suitable for the proposed development provided that the following recommendations are implemented to minimise these risks:

- *Further investigation should be undertaken to better assess the nature and extent of the B(a)P contamination and the potential for contamination associated with the UST.*
- *A Remediation Action Plan (RAP) should be prepared for the proposed development. The RAP will include remedial measures to be implemented to render the site suitable for the proposed land use;*
- *A validation assessment report should be prepared to document the remediation action undertaken at the site;*
- *Prepare an appropriate work, health and safety plan (WHS) for the contaminants encountered at this site; and*
- *Undertake inspections during demolition and excavation works to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. This should facilitate appropriate adjustment of the works programme and schedule in relation to the changed site conditions. Inspections should be undertaken by experienced environmental personnel."*

SREP (Sydney Harbour Catchment) 2005

The subject site is not within part of North Sydney that is required to be considered pursuant to SREP (Sydney Harbour Catchment) 2005.

DEVELOPMENT CONTROL PLAN 2002

Relevant Planning Area (Waverton/Wollstonecraft Area – The Upper Slopes)

The character statement makes specific mention of the hospital site under Building typology:

Hospital development on the Mater Hospital land or school development on the Bradfield College land is residential in scale, similar to attached dwellings and smaller apartment buildings – with bulk and scale of larger buildings broken down into a number of elements

The application has been assessed against the relevant controls in DCP 2002. There is no increase in the bulk and scale of the hospital building. The addition is located away from the small apartment buildings in Gillies Street and adjacent to the larger apartment building fronting Rocklands Road.

Relationship to Adjoining Development

Privacy

There will be no additional impact on privacy on residential properties.

Views

There will be no impact on views with the amended proposal.

Overshadowing

There is no shadowing on residential properties.

Scale/Bulk

There is no significant increase the scale/bulk of the hospital building.

Residential Amenity

The proposal would not materially impact on residential amenity. Traffic would be increased to a minor degree that would not affect the service of nearby intersections.

SECTION 94 CONTRIBUTIONS

Hospitals are exempt under Council's Contribution Plan.

DESIGN & MATERIALS

The design and materials of the buildings have been assessed as being acceptable.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL

CONSIDERED

1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

CLAUSE 14 NSLEP 2001

Consistency With The Aims Of Plan, Zone Objectives And Desired Character

The provisions of Clause 14 of NSLEP 2001 have been examined.

It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and of the controls.

As such, consent to the development may be granted.

SUBMITTORS CONCERNS

The concerns raised were in regard to the original proposal and have been considered with the changes to the proposal and the above report. The issues are commented on as follows:

The roof top plant room will significantly affect my view. Would have no other objections provided the structure does not project above the existing parapet at RL103.5

Agreed. An inspection of the affected property revealed that the original proposal would impact on views and was not supported. The applicant removed the plant room from above the building and the roof level is now below the existing parapet height of the adjacent hospital building and views will be retained.

The hospital is significantly large development on a small site for its purpose. It is within a residential area without a buffer unlike other hospitals. Site has reached its limit for expansion of facilities.

There is little available space for further expansion. This issue was also raised with the applicant and Council has invited the Mater Private Hospital to enter into discussions with Council regarding future development of the hospital campus with a view to establishing a Masterplan and appropriate planning controls. The current application was only supported on the basis of minimal impact on the amenity of neighbours and an improvement in the loading facilities.

The expansion will benefit non residents rather than residents.

This is not a matter for consideration. Hospitals are established for the benefit of the community and accepted as a permissible use in residential zones. Where located within residential zones, amenity is a major issue to be considered. The amenity impacts are reasonable in this proposal.

Proposal does not enhance and is imposing.

Council's Design Excellence Panel also raised this concern and requested amendments to the design and finishes. The amended plans were acceptable to the panel and satisfactorily addressed this issue.

Increased traffic and parking

Council's Traffic Manager has assessed the proposal and considered the submitted traffic report. The increase in traffic was found to be acceptable. With regard to parking, it is noted that the amount of parking provided on site and the Mater Clinic in Gillies Street was approximately 20 spaces in excess of Council's requirements. The Traffic Report demonstrated a number in excess of 20 spaces being available at any time on site. Accordingly, the nine spaces generated by this proposal can be accommodated within the existing parking.

Roof garden will impinge on privacy of local residents

Agreed. The roof garden and access to the roof has been removed with the amended proposal.

Landscaping will be inadequate to screen building. Removal of Camphor Laurel tree.

The street trees will remain and will assist in screening the building. Additional planting at the boundary will also assist. The building is set back further than the existing building and the design is now more in keeping with existing rather than out of context as the original proposal was. Council's Landscape Development Officer has commented with regard to the removal of the tree and the proposed landscaping. The proposed facilities are constrained to the proposed location to allow for efficient linking with existing facilities. It is not practical to relocate the additions elsewhere on site.

Loss of amenity. Increased truck movements. Public safety with trucks reversing onto site. Increased noise for trucks reversing into loading docks.

This was a concern with the original proposal as the loading docks remained open. The amended plans will now enclose the loading facilities to reduce noise. Also the loading

area has been expanded in area to allow for onsite manoeuvring. The traffic report demonstrated that medium rigid vehicles to 8.8m can now enter and exit in a forward direction. The applicant has agreed to more control over deliveries. Suitable conditions can be imposed to improve the loading onsite.

Bulk and scale combined with materials that will clash with existing building.

Council's Design Excellence Panel also raised this concern and requested amendments to the design and finishes. The amended plans were acceptable to the panel and satisfactorily addressed this issue.

Loading area remaining open so piping of building is seen from street.

The loading area is now proposed to be enclosed to lessen impacts.

Traffic report is unbelievable saying there is no increase in patient numbers.

This was not the case. There is an increase in 25 beds and 18 staff. This has been assessed with regard to adequate parking.

Light spill from new building into units opposite

There is buffer landscaping on the common boundary with 41 Rocklands Road and 17 Sinclair Street (previous maternity hospital) is diagonally opposite with some distance between the proposed building and apartment buildings. This is not an issue.

CONCLUSION

The application has been assessed against the relevant statutory controls. The amended application was referred to Council's Design Excellence Panel for comment and there was support for the proposal by the DEP. The concerns raised with the original proposal were thoroughly addressed by the applicant with the amended plans. Amenity impacts have been minimised and the proposal will result in improved loading facilities for the Hospital and nearby residents. The application is recommended for favourable consideration by the Panel.

RECOMMENDATION

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the Joint Regional Planning Panel, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of SEPP 1 with regard to height, building height plane and landscaping and grant consent to 2012SYE112 – North Sydney - Development Application No.405/12 subject to the attached conditions.

Geoff Mossemeneer
EXECUTIVE PLANNER

Stephen Beattie
MANAGER DEVELOPMENT SERVICES