

**SUPPLEMENTARY
STATEMENT OF ENVIRONMENTAL EFFECTS**

**AMENDED DA 2015/10349 FOR PROPOSED ALTERATIONS & ADDITIONS TO
LINGARD PRIVATE HOSPITAL (STAGE 5) ON LOT 100 DP 1168197
NO. 23 MEREWETHER STREET, MEREWETHER.**

PREPARED FOR HEALTHE CARE AUSTRALIA PTY LTD.

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in association with
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AUGUST 2016

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1. INTRODUCTION.

Doug Sneddon Planning Pty Ltd has been engaged by Healthe Care Australia Pty Ltd (PO Box 21297, World Square, 1400) to prepare this Supplementary Statement of Environmental Effects to accompany amended Development Application No. 2015/10349 to Newcastle City Council for alterations and additions (Stage 5) to Lingard Private Hospital involving:

- removal of the existing doctor's carpark located adjacent to the northern boundary and construction of a two storey hospital addition (1,700 m²) comprising ground floor operating theatre suite and 26 bed Level 1 Medical Ward;
- provision of 3 car parking spaces at the rear of the proposed additions;
- provision of 'Lingard Private Hospital' identification signage; and
- part internal refurbishment of the existing hospital (455 m²).

The proposed amended development application has a capital value of \$9.35m and is identified under Schedule 4A of the EPA Act as 'Regional Development'. The Hunter and Central Coast Joint Regional Planning Panel is therefore authorised to exercise consent authority functions for the proposed development.

2. BACKGROUND.

2.1 Original DA 2015/10349.

On the 9th December 2015 DA 2015/10349 was lodged with Newcastle City Council for alterations and additions (Stage 5) to Lingard Private Hospital to

- construct a three storey addition on the western side of the existing hospital site on Lot 100 DP 1168197, No. 23 Merewether Street, to provide a new ground floor theatre suite (3 operating theatres); two general ward levels providing 49 additional beds and 'Lingard Private Hospital' identification signage placed on the northern and western building elevations; and
- provide a new car park (50 spaces) fronting Merewether and Lingard Streets on Lots 1-3 DP 1027546, Nos. 22 & 24 Merewether Street and No. 6 Lingard Street.

2.2 Consent No. 2016/394 – Approved 50 space car park.

Due to uncertainty as to when DA 2015/10349 would be submitted to the Joint Regional Planning Panel for determination, it was decided to make separate application (DA 2016/394) to Newcastle City Council for approval to construct the proposed 50 space car park on Lots 1 – 3 DP 1027546, Nos. 22 & 24 Merewether Street and No. 6 Lingard Street, Merewether.

DA 2016/394 for the 50 space car park was approved by Council on the 21st June 2016.

2.3 DA 2015/10349 – Council Request for Additional Information.

On the 14th June 2016 Newcastle City Council advised that additional information was required to be submitted before further assessment and processing of the development application could proceed. A copy of Council's letter is provided in Appendix A. Council advised that there were concerns regarding the degree of the requested Clause 4.6 variations and that a smaller proposal without the topmost floor may be more readily supported.

3. SITE DESCRIPTION.

Amended DA 2015/10349 is now confined to Lot 100 DP 1168197, No. 23 Merewether Street, Merewether, upon which the existing Lingard Private Hospital is located. The hospital site has an area of 1.03ha:

- a Locality Aerial Photograph is at Figure 1;
- a Zoning plan is provided at Figure 2;
- a Site Survey Plan is provided in Appendix B; and
- site photographs are provided in Appendix C.

The existing hospital is bounded to the north and west by a mix of 2-3 storey medium density residential development and to the south-east by light industrial uses.

Lingard Hospital currently accommodates 98 general hospital beds and offers a comprehensive range of specialist health services including on-site cardiac, medical, surgical and allied health services. There are two on-site car parks accommodating a total of 78 cars, accessed via 4 driveways located on Merewether, Lingard and Tye Streets. Service vehicles access the hospital via Lingard and Tye Streets. All utility services are available to the subject land and have the capacity to service the proposed development.

The subject land is located within the Newcastle Mine Subsidence District.

4. DESCRIPTION OF AMENDED DA 2015/10349.

4.1 Summary of Amended Application.

The proposed amended development involves the following reduced scope of works:

- removal of the existing doctors car park (26 spaces) to make way for the construction of a two storey addition (1,700m²) at the western side of the existing hospital site to provide a new ground floor operating theatre suite containing 4 new operating theatres (overall + 3 theatres as 1 is lost in the internal alterations to the existing hospital) and a Level 1 Medical Ward providing 25 beds (overall + 24 additional beds as 1 bed is lost in the internal alterations to the existing hospital) and 3 new car spaces located at the rear of the proposed additions, accessed from Tye Street; and
- part internal refurbishment of the existing hospital (existing theatres and administration/amenities - 455m²).



Figure 1: Locality Aerial Photograph.

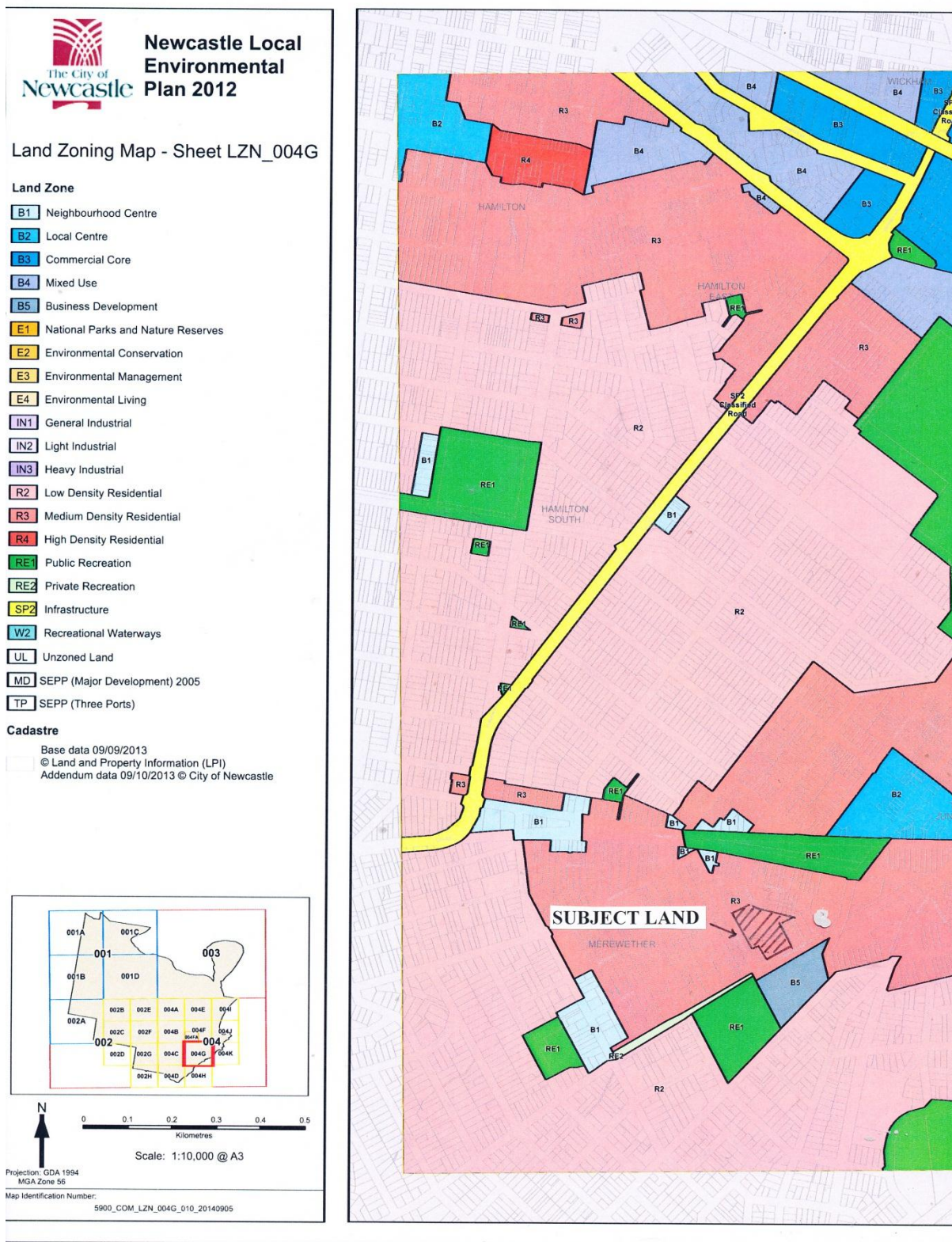


Figure 2: Zoning Plan (LEP 2012).

The cost of the proposed works is \$9,350,000 (excluding GST). A Detailed Cost Report is provided in Appendix D.

4.2 Amended Architectural Plans.

Details of the amended development application are indicated in Figures 3 - 19 prepared by Health Science Planning Consultants:

- Figure 3: Architectural Drawings Cover Sheet (Drawing DA00 – Revision D).
- Figure 4: Existing Site Context Plan (Drawing DA001 – Revision C);
- Figure 5: Materials Schedule (Drawing DA003 – Revision C)
- Figure 6: Existing Site Plan (Drawing DA-010 – Revision C);
- Figure 7: Existing Ground Level Floor Plan (Drawing DA-011 – Revision C);
- Figure 8: Existing Level 1 Floor Plan (Drawing DA-012 – Revision C);
- Figure 9: Proposed Site Plan (Drawing DA020 – Revision C);
- Figure 10: Proposed Ground Floor Plan (Drawing DA021 – Revision D);
- Figure 11: Proposed Level 1 Floor Plan (Drawing DA022 – Revision C);
- Figure 12: Proposed Roof Plan (Drawing DA023 – Revision C);
- Figure 13: Proposed Elevations – North & East (Drawing DA030 - Revision D);
- Figure 14: Proposed Elevations – South & West (Drawing DA031 – Revision C);
- Figure 15: Proposed Sections (Drawing DA040 – Revision D); and
- Figure 16: Shadow Diagrams (Drawing DA050 – Revision C).

4.3 Amended Landscape Plans.

Details of amended site landscaping are indicated in the Landscape Design Report (provided in Appendix E) and Figures 17 - 19 prepared by Moir Landscape Architecture, dated 27th July 2016:

- Figure 17: Cover Page (Drawing LP01 – Revision C);
- Figure 18: Site Analysis (Drawing LP02 – Revision C); and
- Figure 19: Proposed Landscape Concept (Drawing LP03 – Revision C).

4.4 Amended Erosion and Sedimentation Control and Stormwater Management.

The following amended Erosion and Sediment Management Plans and Concept Stormwater Management Plans, prepared by Northrop (dated 15th July 2016 – Revision C), are provided in Appendix F:

- Drawing C00DA – Cover Sheet and Drawing Index;
- Drawing C02DA – Proposed Extension – Erosion and Sediment Management Plan;
- Drawing C03DA – Erosion and Sediment Control Standard Details;
- Drawing C06DA – Proposed Extension Concept Stormwater Management Plan; and
- Drawing C07DA – Civil Details – Sheet 1.

LINGARD PRIVATE HOSPITAL - STAGE 5

23 MEREWETHER STREET, MEREWETHER NSW

DEVELOPMENT APPROVAL DRAWING



EXISTING	LOST	NEW	NET TOTAL
BED	98	1	24
THEATRE	7	1	4
CARPARK	78	26	53*
* 50 ADDITIONAL CAR PARK APPROVED UNDER CONSENT 2016/394 AT 6 LINGARD ST, MEREWETHER			

SITE INFORMATION	
SITE AREA	10,323 m ²
EXISTING GROSS FLOOR AREA	8,598 m ²
PROPOSED GROSS FLOOR AREA	1,700 m ²
REFURBISHMENT	455 m ²
EXISTING SITE COVERAGE	62%
PROPOSED SITE COVERAGE	69%

DRAWING #	DRAWING NAME	SCALE @
DA000	COVER SHEET	A1
DA001	EXISTING SITE CONTEXT PLAN	-
DA003	MATERIALS BOARD	-
DA010	EXISTING FLOOR PLAN - LEVEL GROUND	1:500
DA011	EXISTING FLOOR PLAN - LEVEL 1	1:200
DA020	PROPOSED FLOOR PLAN - LEVEL 1	1:500
DA021	PROPOSED FLOOR PLAN - LEVEL 1	1:200
DA022	PROPOSED FLOOR PLAN - LEVEL 1	1:200
DA023	PROPOSED FLOOR PLAN - NORTH, EAST	1:200
DA031	PROPOSED ELEVATION - SOUTH, WEST	1:200
DA040	PROPOSED SECTIONS	1:200
DA050	PROPOSED SHADOW DIAGRAMS	1:750

DA DRAWING SHEET SCHEDULE

SCALE @
A1

healthcare

NO.	DATE	REVISION
1	2016/08/16	ISSUED FOR TENDERS
2	2016/08/16	ISSUED FOR TENDERS
3	2016/08/16	ISSUED FOR TENDERS
4	2016/08/16	ISSUED FOR TENDERS
5	2016/08/16	ISSUED FOR TENDERS
6	2016/08/16	ISSUED FOR TENDERS
7	2016/08/16	ISSUED FOR TENDERS
8	2016/08/16	ISSUED FOR TENDERS
9	2016/08/16	ISSUED FOR TENDERS
10	2016/08/16	ISSUED FOR TENDERS

CONTRACT NAME

HEALTHY SCIENCE

APPROVAL

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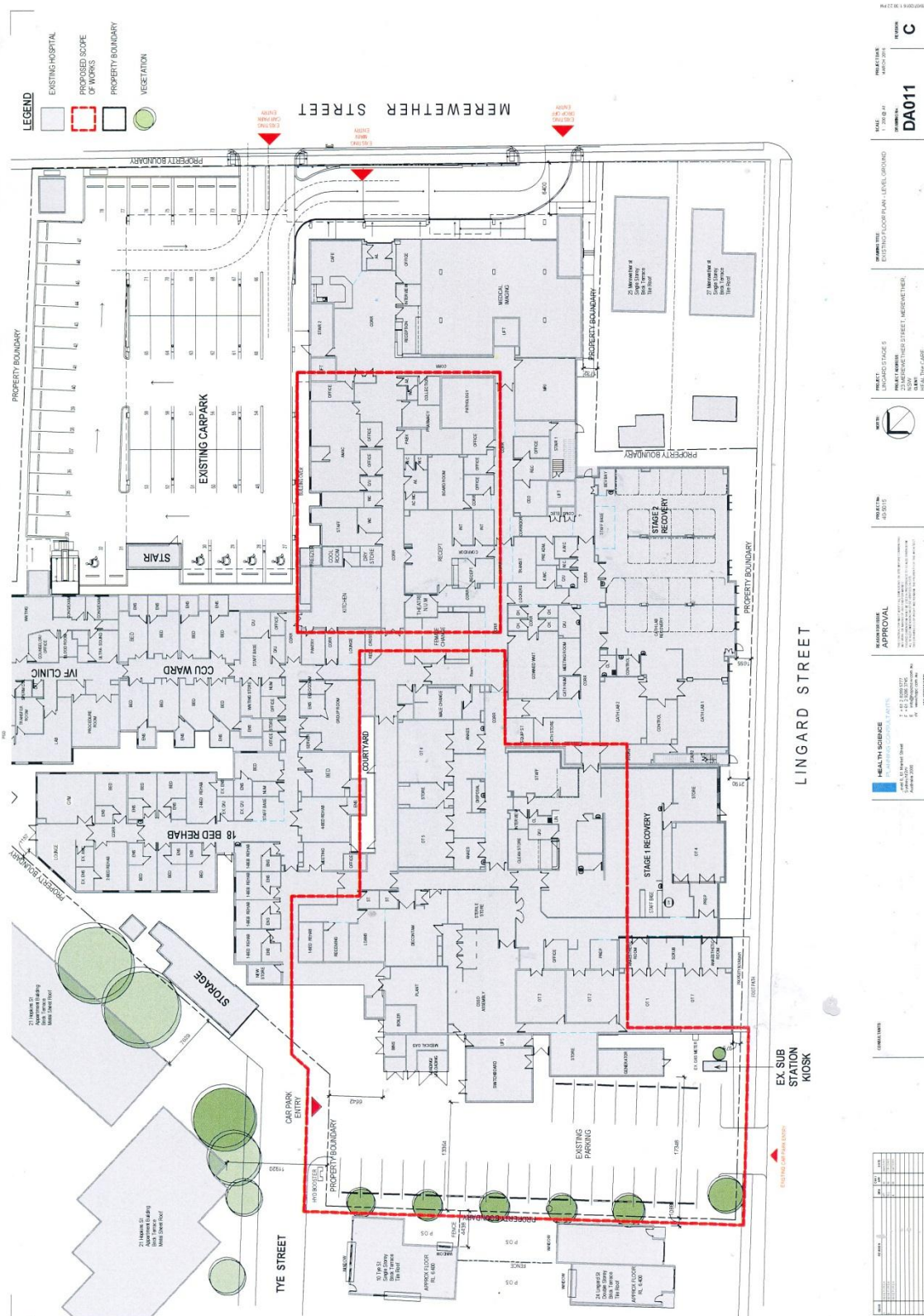


Figure 7: Existing Ground Level Floor Plan.

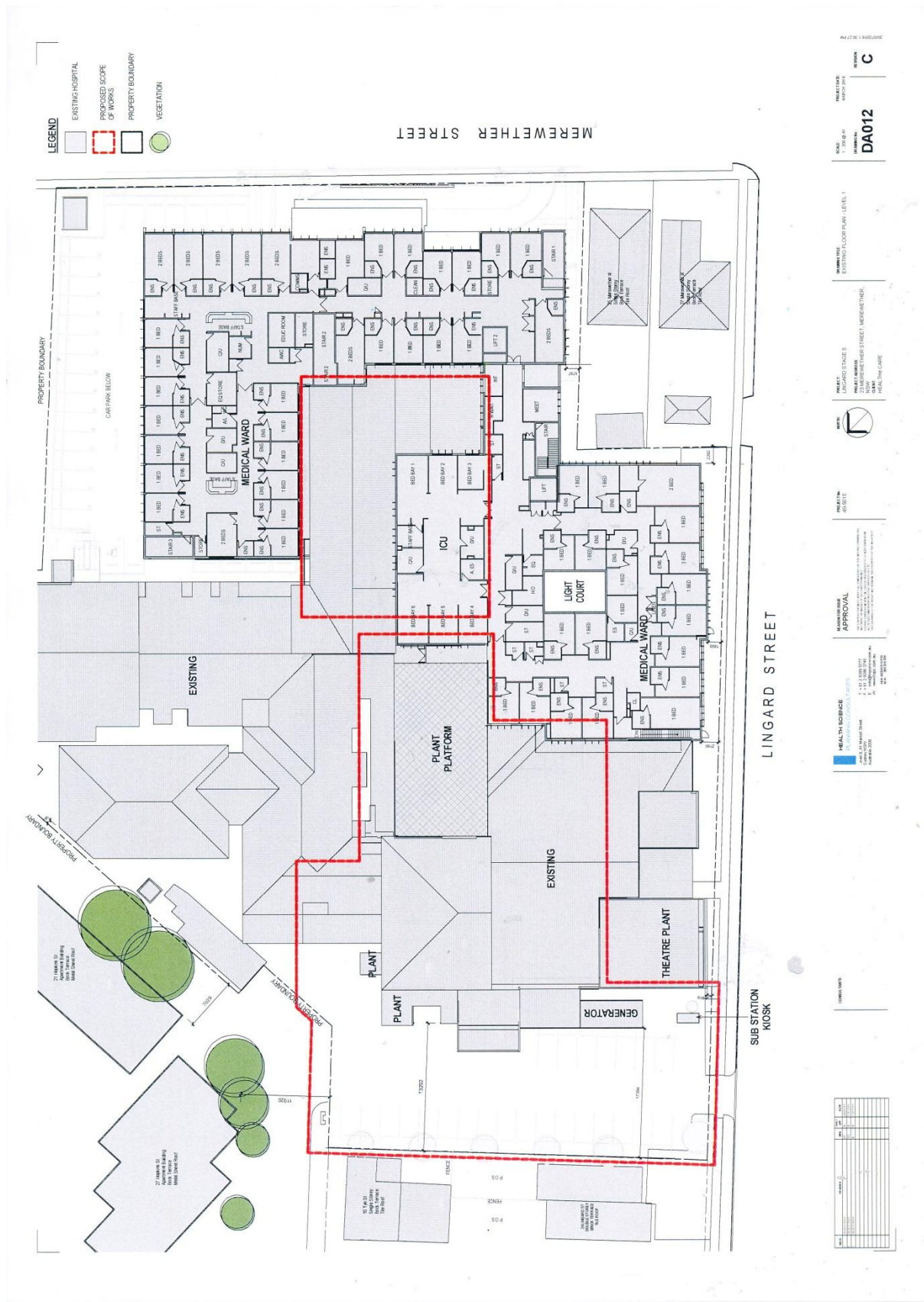


Figure 8: Existing Level 1 Floor Plan.

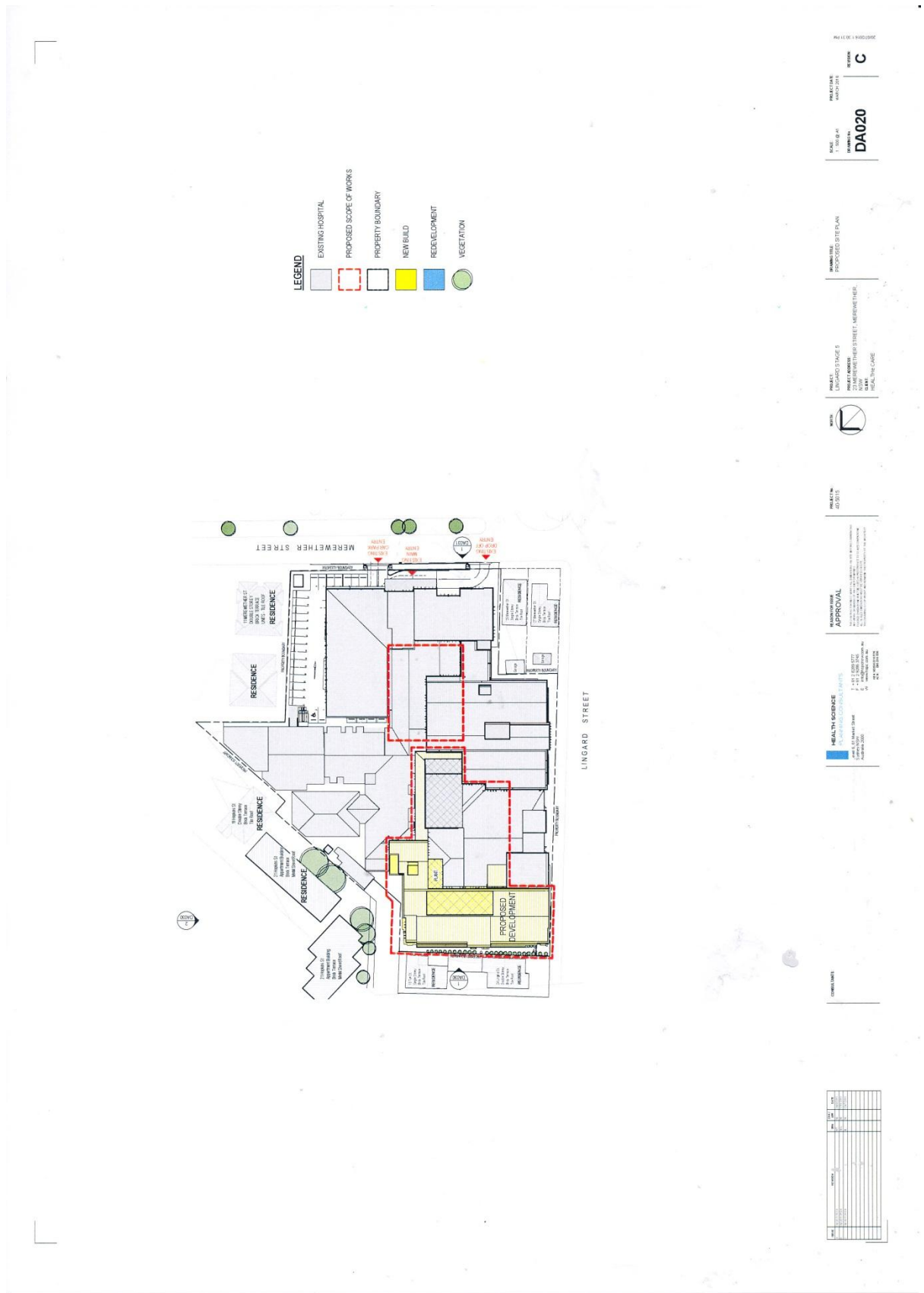


Figure 9: Proposed Site Plan.

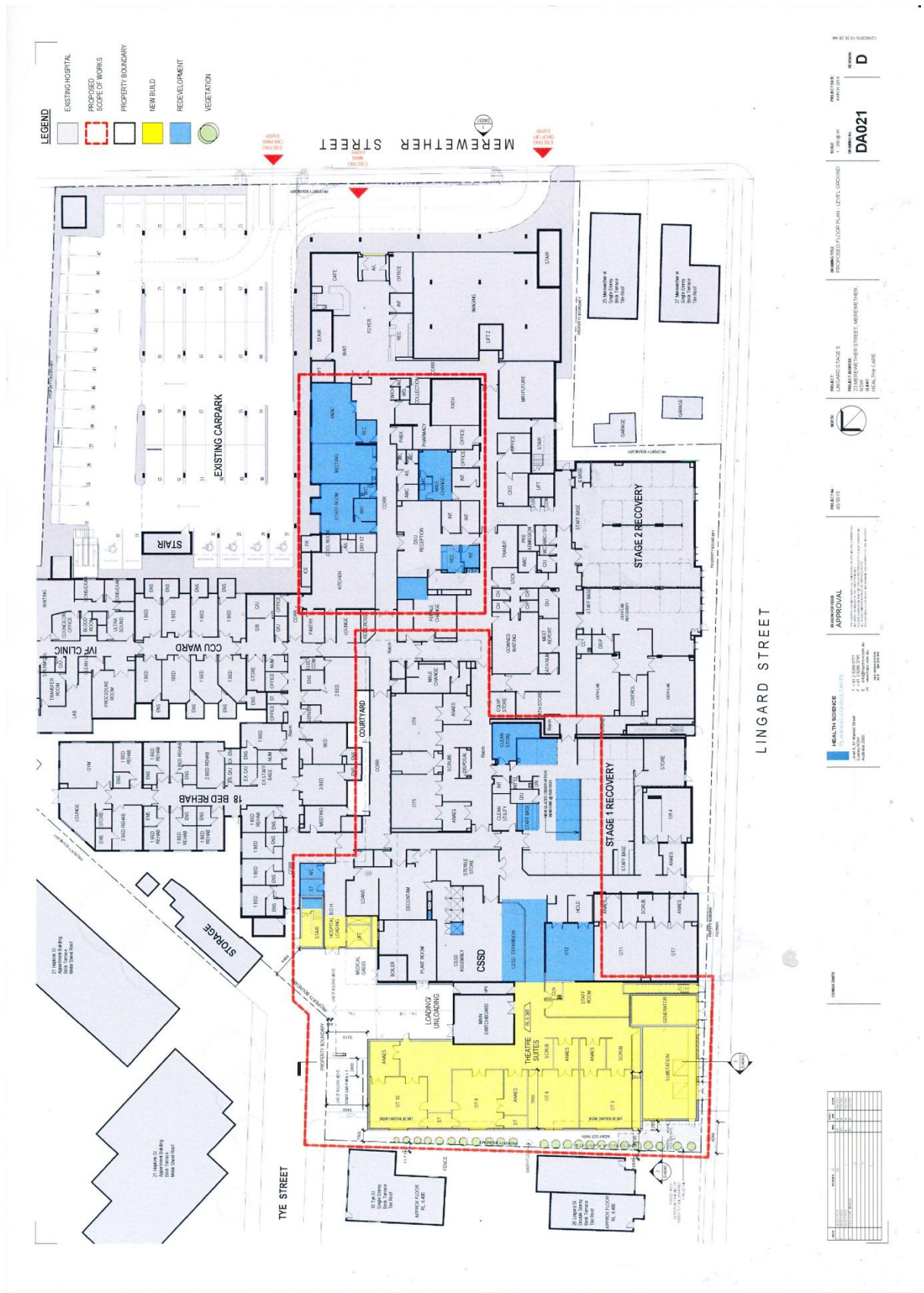


Figure 10: Proposed Ground Floor Plan.

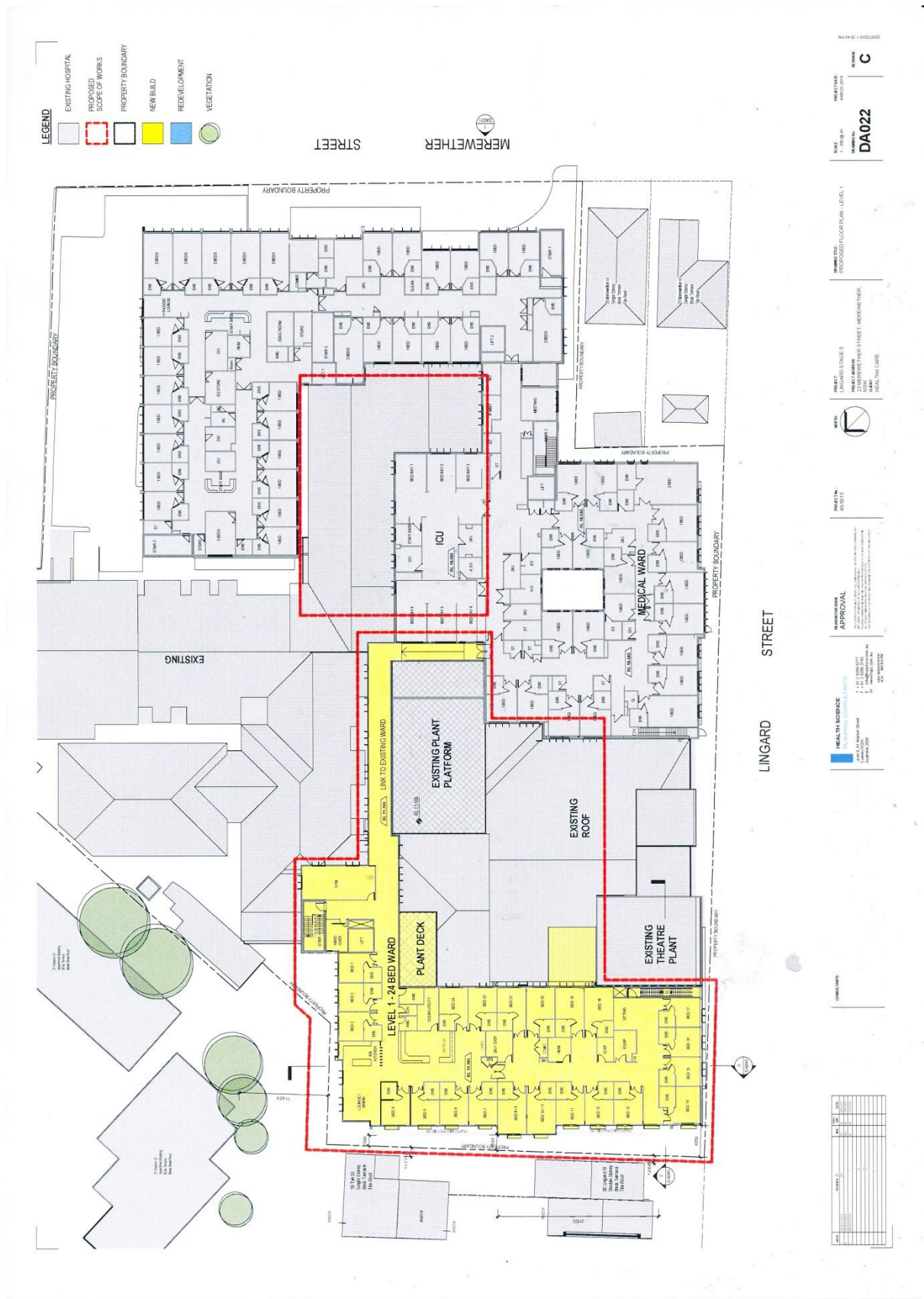


Figure 11: Proposed Level 1 Floor Plan.

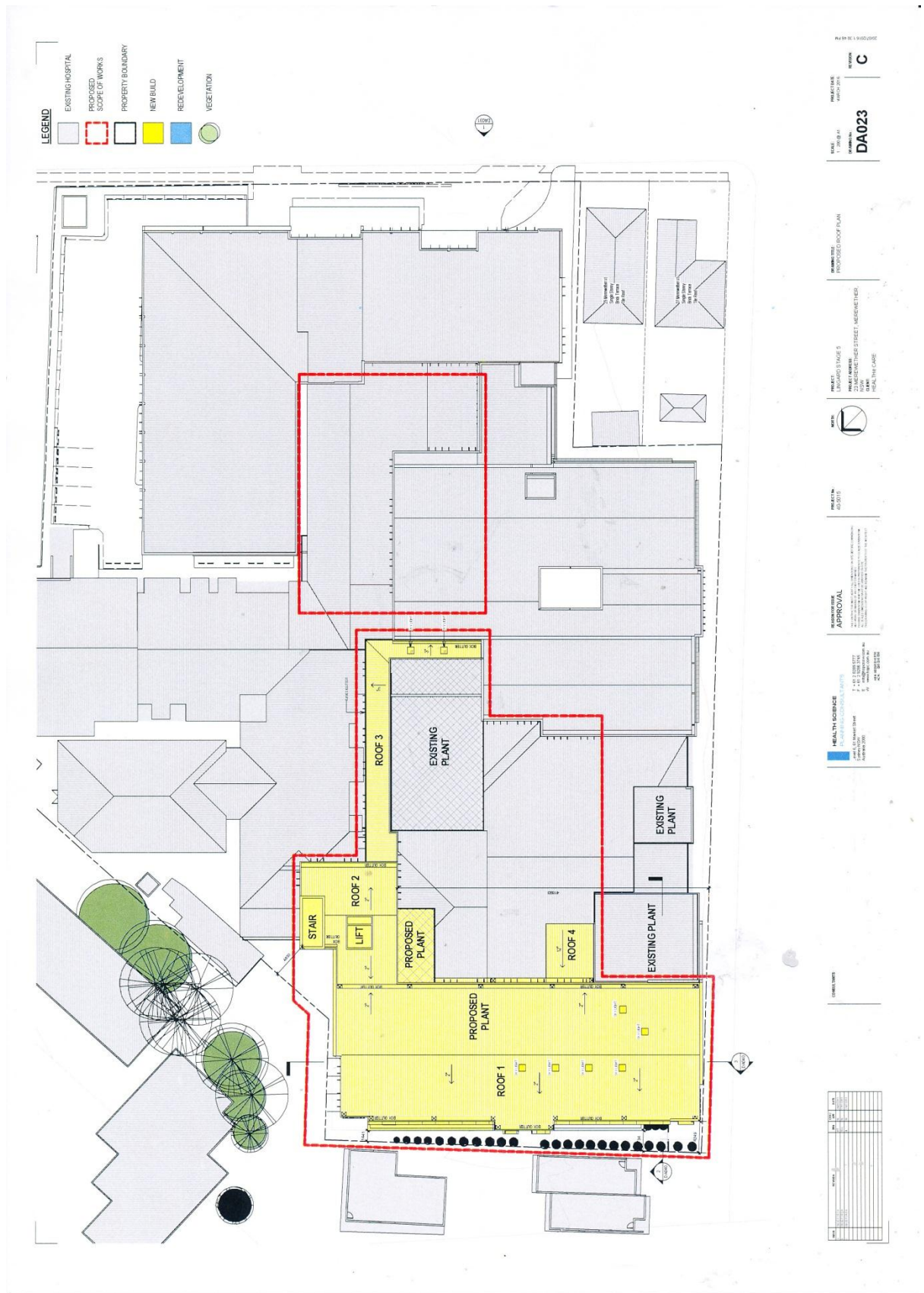
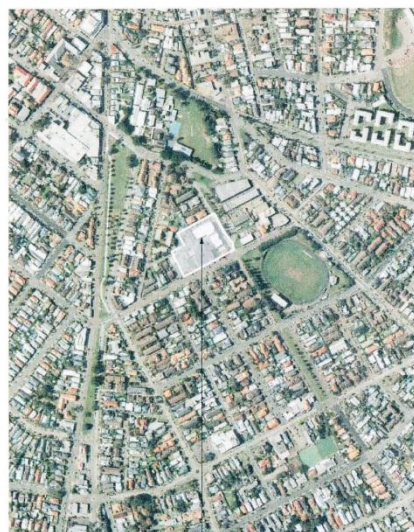


Figure 12: Proposed Roof Plan.

LANDSCAPE DEVELOPMENT APPLICATION DOCUMENTATION
23 MEREWETHER ST, MEREWETHER, NSW.

DWG NO.	DRAWING TITLE	ISSUE	DATE
L01	COVER PAGE	REV C	27.07.2016
L02	SITE ANALYSIS	REV C	27.07.2016
L03	LANDSCAPE PLAN AND DETAILS	REV C	27.07.2016



LOCATION PLAN NTS (Source: Six Maps, OCTOBER 2015)

[illegible]

Figure 17: Landscape Cover Page.

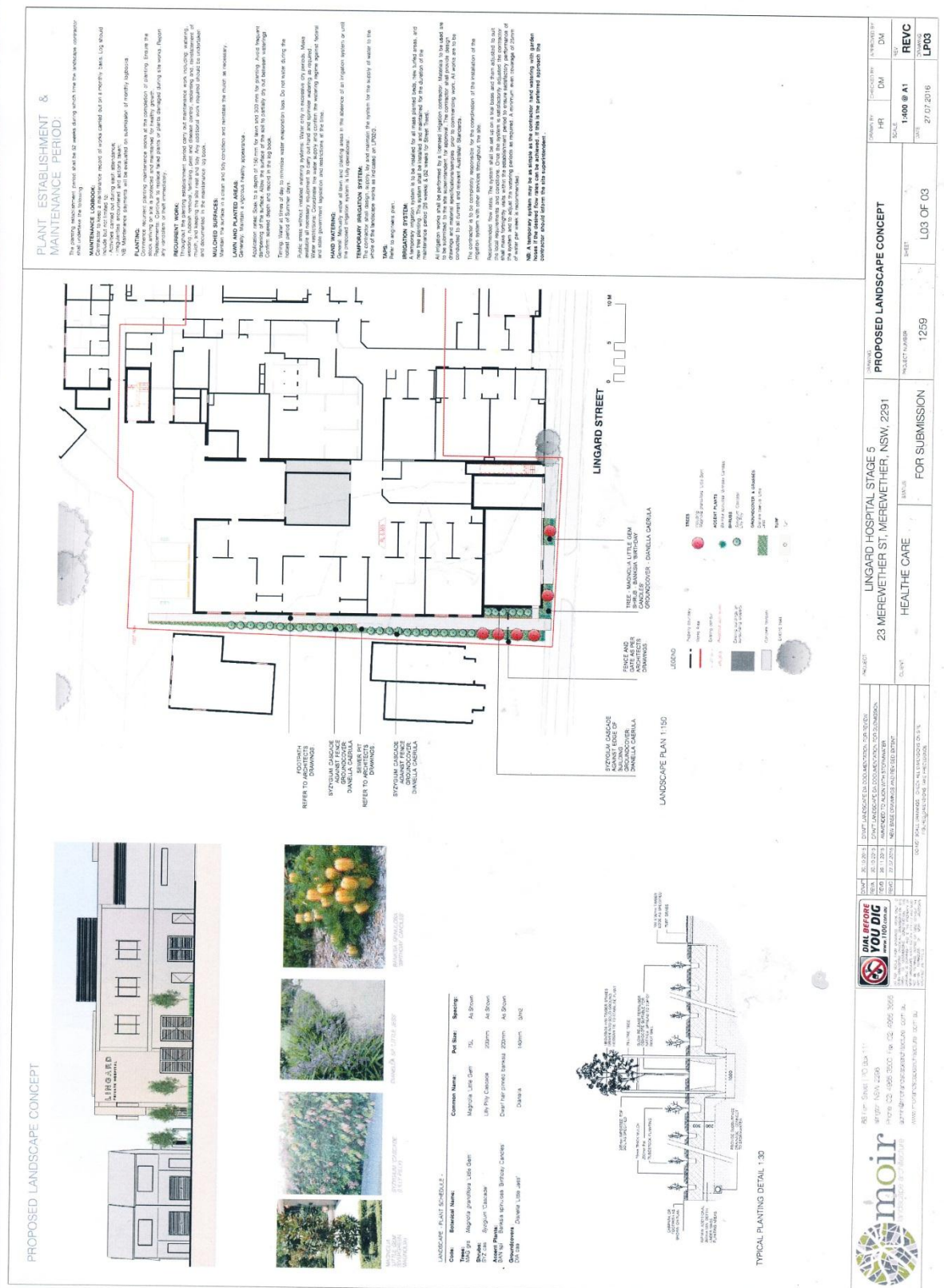


Figure 19: Proposed Landscape Concept.

4.5 Site Calculations.

The principal site calculations associated with the proposed amended development are:

- Existing hospital site area (Lot 100 DP 1168197 – 10,323m² (1.0323ha);
- Existing hospital gross floor area – 8,598m²;
- Proposed hospital ward/theatre additions – 1,700m²;
- Total existing & proposed GFA – 10,299m²;
- Proposed internal refurbishment area – 455m²;
- Existing Floor Space Ratio – 0.85:1;
- Proposed Floor Space Ratio – 0.997:1;
- Existing hospital site coverage – 62%;
- Proposed hospital site coverage – 67%;
- Existing hospital beds – 98;
- Existing beds lost – 1;
- Proposed new beds - 24;
- Total number (existing & proposed) licensed beds – 121;
- Existing peak shift staff – 101;
- Proposed peak shift staff – 114 (i.e. + 13 staff);
- Existing car spaces – 78;
- Existing car spaces proposed to be removed – 26 spaces;
- Proposed new on-site spaces – 3 spaces;
- Additional hospital car spaces approved under Consent 2016/394 – 50 spaces; and
- Total hospital car spaces (existing and approved) – 105 spaces (i.e. + 24 spaces).

5. MINE SUBSIDENCE BOARD – REQUIREMENT FOR APPROVAL.

The subject land is located within the Newcastle Mine Subsidence District, within which the approval of the Mine Subsidence Board is required for any surface development.

Consequently, this amended development application is submitted as ‘Integrated Development’. Newcastle City Council will forward the development application to the Mine Subsidence Board for its consideration.

Previous development applications for Lingard Private Hospital have received the approval of the Mine Subsidence Board.

6. COMPLIANCE OF THE PROPOSAL WITH PLANNING CONTROLS.

6.1 STATE ENVIRONMENTAL PLANNING POLICIES.

6.1.1 State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007).

State Environmental Planning Policy 2007 (SEPPP 2007) – Part 3 (Division 10) provides that development for the purpose of health services (including hospitals) may be carried out with consent on land in a ‘prescribed zone’.

The land upon which the proposed amended hospital alterations and additions are proposed, is zoned “*R3 Medium Density Residential*” under Newcastle Local Environmental Plan 2012. This is a ‘prescribed’ zone for the purposes of SEPP 2007 and consequently SEPP 2007 confirms the permissibility of the proposed development on the subject land with the consent of the council.

No other provision of SEPP 2007 is applicable to the proposed development. Clause 104 of the Policy requires development specified in Schedule 3 to be referred to Roads and Maritime Services (RMS). The proposed development is not of a size (having 121 beds) identified for hospitals in Schedule 3 as requiring referral to RMS. The site does not have direct or connecting access to a ‘classified road’.

6.1.2 State Environmental Planning Policy (State and Regional Development) 2011.

Part 4 – Clause 21 (1) of State Environmental Planning Policy (State and Regional Development) 2011 provides that a regional panel may exercise the consent authority functions for development described in Schedule 4A to the EPA Act 1979.

Under Section 6 (b) of **Schedule 4A** of the Environmental Planning and Assessment Act 1979 the consent authority’s functions may be exercised by the relevant Regional Planning Panel in relation to *health services facilities* having a capital investment value of over \$5m.

The proposed hospital alterations and additions have a capital investment value of \$9,350,000 (excluding GST) and consequently the Hunter and Central Coast Regional Joint Planning Panel may determine this development application. A Detailed Cost Report is provided in Appendix D.

6.1.3 State Environmental Planning Policy No. 55 – Remediation of Land.

Under the provisions of SEPP 55 a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

The subject land has been used for hospital purposes for a considerable period of time and has not previously been used for a purpose referred to in Table 1 of the “Contaminated Land Planning Guidelines”. It is evident therefore that the land has not been contaminated by previous land use and the proposed development does not require the preparation of a Preliminary Contamination Assessment.

6.1.4 State Environmental Planning Policy No. 64 – Advertising and Signage.

The proposed development includes placement on the proposed hospital additions of a 1.200m high x 4.000m wide (non-illuminated) “Lingard Private Hospital” identification sign on the northern building elevation and a 0.800m high x 2.750m wide “Lingard Private Hospital” illuminated identification sign on the western building elevation, as shown in Figures 13 and 14.

The provisions of Part 2 of SEPP 64 (Clause 8) require that a consent authority must not grant consent to an application to display signage unless it is satisfied that:

- the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

The following assessment demonstrates that the proposed amended development application is consistent with the applicable provisions of the Policy.

(i) Objectives of the Policy

The following assessment is provided of the consistency of the proposed signage with the aims/objectives of the Policy:

- ***“(1) This Policy aims:***
 - (a) to ensure that signage (including advertising):***
 - (i) is compatible with the desired amenity and visual character of an area,***
 - (i) is compatible with the desired amenity and visual character of an area,***
and
 - (ii) provides effective communication in suitable locations; and***
 - (iii) is of high quality design and finish”***

Response: The proposed signage is consistent with these objectives. The proposed signage is to be located within an established health services precinct where the visual character of building facades prominently display signage in order to provide effective patient identification for the location of medical services.

“(b) to regulate signage (but not content) under Part 4 of the Act”.

Response: The proposed signage is permissible, with the consent of Newcastle City Council. An assessment of the proposed signage against the assessment criteria specified in Schedule 1 of the Policy is provided in section (ii) below.

“(c) to provide time-limited consents for the display of certain advertisements”.

Response: That part of the Policy which regulates the duration of consents for certain signage to 15 years, does not apply to building/business identification signs of the type proposed by this application.

“(d) to regulate the display of advertisements in transport corridors”.

Response: The subject land is not within a transport corridor, as defined by the Policy.

“(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors”.

Response: This Policy objective has no practical application to building or business identification signs.

Summary Assessment: The proposed building/business identification signage is consistent with the relevant objectives of SEPP 64.

(ii) Schedule 1 – Assessment Criteria.

The following assessment is provided of the consistency of the proposed signage with the assessment criteria provided in Schedule 1 of the Policy:

- **Character of the area:**

“Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?”

“Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?”

Response: The proposed signage is compatible with the established health services precinct within the locality. There is no particular theme adopted for outdoor advertising in the area.

- **Special areas:**

“Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?”

Response: The proposed signage is located within an established health services precinct and does not detract from the amenity of any “special area”.

- **Views and vistas.**

“Does the proposal obscure or compromise important views?”

“Does the proposal dominate the skyline and reduce the quality of vistas?”

“Does the proposal respect the viewing rights of other advertisers?”

Response: The proposed signage does not obscure any important view; does not dominate the skyline; and does not adversely impact the viewing rights of any other advertiser.

- **Streetscape, setting or landscape.**

“Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?”

“Does the proposal contribute to the visual interest of the streetscape, setting or landscape?”

“Does the proposal reduce clutter by rationalizing and simplifying existing advertising?”

“Does the proposal screen unsightliness?”

“Does the proposal protrude above buildings, structures or tree canopies in the area or locality?”

“Does the proposal require ongoing vegetation management?”

Response: The proposed signage is integrated into the design of the proposed development and the proportions of the proposed signage are appropriate to the scale and built form of the proposed development.

The proposed signage does not require any ongoing vegetation management.

- **Site and building.**

“Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?”

“Does the proposal respect important features of the site or building, or both?”

“Does the proposal show innovation and imagination in its relationship to the site or building, or both?”

Response: The proposed signage is compatible with the scale and proportions of the proposed development.

- **Associates devices and logos with advertisements and advertising structures.**

“Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?”

Response: The proposed signage does not require the provision of any associated safety devices, platforms or lighting devices.

- **Illumination.**

“Would illumination result in unacceptable glare?”

“Would illumination affect safety for pedestrians, vehicles or aircraft?”

“Would illumination detract from the amenity of any residence or other form of accommodation?”

“Can the intensity of the illumination be adjusted, if necessary?”

“Is the illumination subject to a curfew?”

Response: The illuminated sign proposed for the western building elevation will not result in unacceptable glare; will not affect safety for pedestrians, vehicles or aircraft; will not detract from any residential amenity due to its location within the site; and the proposed illumination is not required to be subject to any curfew. The proposed sign on the northern building elevation is not illuminated.

- **Safety.**

“Would the proposal reduce the safety of any public road?”

“Would the proposal reduce the safety for pedestrians or bicyclists?”

“Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?”

Response: The location of the proposed signage does not obscure sightlines from public areas and does not reduce the safety of any public road; or reduce the safety for pedestrians, bicyclists, or children.

Summary Assessment: The proposed signage is consistent with the applicable provisions of State Environmental Planning Policy No. 64 – Advertising and Signage.

6.1.5 State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71).

SEPP 71 applies to the subject land and the proposed development and requires the council to have regard to the matters set out in Clause 8 of the Policy when it determines a development application.

An assessment of the consistency of the proposed amended development with the aims of the Policy and the matters for consideration set out in Clause 8 of the Policy is provided in Appendix G. This assessment demonstrates that the proposed development is consistent with the relevant aims and provisions of the Policy.

6.1.6 Other State Environmental Planning Policies.

No other State Environmental Planning Policies apply to the subject land or the proposed development:

- there are no State Environmental Planning Policy No. 14 – Coastal Wetlands on the subject land;
- there are no State Environmental Planning Policy No. 26 – Littoral Rainforests on the subject land; and
- there is no State Environmental Planning Policy No. 44 – Koala Habitat on the subject land.

6.2 REGIONAL STRATEGY.

The *Lower Hunter Regional Strategy 2006 – 2031* does not impose any prohibitions, restrictions or development standards on amended DA 2015/10349.

6.3 NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012.

Amended DA 2015/10349 is made under the provisions of Newcastle Local Environmental Plan 2012.

6.3.1 Zoning.

Under Newcastle Local Environmental Plan 2012 (LEP 2012), the subject land is zoned *R3 Medium Density Residential*. For the purposes of LEP 2012 the proposed development is categorised as a *'Health Services Facility'*, a use which is permitted with consent in the *R3 Medium Density Residential* zone.

6.3.2 Zone Objectives.

Clause 2.3 (2) of LEP 2012 provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect to land within the zone.

The following assessment demonstrates that the proposed amended development application is consistent with the applicable objectives of the *R3 Medium Density Residential* zone applying to the subject land and the proposed development:

Objectives - R3 Medium Density Residential Zone:

- ***“To provide for the housing needs of the community within a medium density residential environment.”***

Not Applicable: The proposed development does not provide any residential accommodation.

- ***“To provide a variety of housing types within a medium density residential environment.”***

Not Applicable: The proposed development does not provide any housing.

- ***“To enable other land uses that provide facilities or services to meet the day to day needs of residents.”***

Consistent: The proposed additions to Lingard Private Hospital will provide health services to the community.

- ***“To allow some diversity of activities and densities if:***

- (i) the scale and height of proposed buildings is compatible with the character of the locality, and***
- (ii) there will be no significant adverse impact on the amenity of any existing nearby development.”***

Consistent: The proposed development is compatible with the character of development in the locality and will not have an adverse impact on the amenity of neighbouring properties.

- ***To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development:***

- (i) has regard to the desired future character of residential streets, and***
- (ii) does not significantly detract from the amenity of any existing nearby development.***

Not Applicable: The proposed development does not provide any residential accommodation.

6.3.3 Development Standards.

(i) Clause 4.3 - Maximum Permissible Building Height.

Clause 4.3 (2) of LEP 2012 provides that the height of any development shall not exceed the maximum height shown for the land on the Height of Buildings Map.

The maximum permissible building height indicated for the subject land on the Height of Building Map is 10m.

The proposed amended DA 2015/10349 reduces the height of the originally proposed development (three levels) to two levels.

The proposed amended development has varying building heights:

- a predominant main roof parapet of RL 15.665 at the Lingard Street frontage resulting in a building height of 9.3m and a predominant roof parapet along the mid northern elevation facing neighbouring residential properties of RL14.965 resulting in a building height of 8.6m;
- various building articulation elements along the Lingard street front and northern building elevations have a height of between RL 15.965 and RL 16.215 resulting in a building height of 9.6m and 9.85m respectively at these points;
- the roof top plant screen has a height of between RL 17.557 and RL 17.644 resulting in a building height of between 11.192m and 11.279m.

Consequently, the proposed amended development complies with the 10m maximum permissible building height development standard applicable to the subject land and the proposed development under Clause 4.3 (2) of Newcastle LEP 2012, except for the proposed roof plant enclosure screen which has a height of between 11.192m and 11.279m.

Clause 4.6 (2) of LEP 2012 allows the consent authority to exercise an appropriate degree of flexibility in applying certain development standards to particular development. The assessment provided in Appendix H of this Supplementary Statement addresses the matters required by Clauses 4.6 (3) and (4) in order to satisfy the Council that any requirement for the proposed development to strictly comply with the the 10m maximum permissible building height development standard is unreasonable or unnecessary in the circumstances of the case.

Council is requested to agree to the proposed roof top enclosure screen's minor non-compliance with the the 10m maximum permissible building height development standard having regard to the written request provided in Appendix H.

(ii) Clause 4.4 - Maximum Permissible Floor Space Ratio.

Clause 4.4 (2) of LEP 2012 provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The maximum permissible floor space ratio for any building on the subject land as indicated on the Floor Space Ratio Map is 0.9:1.

The proposed amended DA 2015/10349 reduces the originally proposed development (three levels) to two levels and hence reduces the resulting gross floor area and floor space ratio from the floor space ratio of the original application (1.1:1).

The proposed hospital additions (1,700m²) will result in a total GFA of 10,298m² and a floor space ratio of 0.997:1 and will therefore result in a minor exceedence of the maximum 0.9:1 floor space ratio development standard applicable to development on the subject land.

Clause 4.6 (2) of LEP 2014 allows the consent authority to exercise an appropriate degree of flexibility in applying certain development standards to particular development. The

assessment provided in Appendix H of this Statement addresses the matters required by Clauses 4.6 (3) and (4) in order to satisfy the Council that any requirement for the proposed amended development application to strictly comply with the maximum permissible floor space ratio development standard is unreasonable or unnecessary in the circumstances of the case.

Council is requested to agree to the proposed development's minor contravention of the applicable 0.9:1 maximum floor space ratio development standard having regard to the matters addressed in the written request provided in Appendix H.

6.3.4 Clause 5.5 - Development within the coastal zone.

Clause 5.5 of Newcastle LEP 2012 provides that consent must not be granted to development within the *Coastal Zone* unless the consent authority has considered the matters referred to in Clauses 5.5 (1) - (3). The subject land is located within the Coastal Zone for the purposes of this clause.

The assessment provided in Appendix I demonstrates that the proposed development is consistent with the objectives of Clause 5.5 (1) and the matters listed for consideration in Clauses 5.5 (2) - (3).

6.3.5 Clause 5.10 - Heritage Conservation.

The subject land is not identified in Schedule 5 of Newcastle LEP 2012 as containing an item of environmental heritage and the subject land is not identified as being located within a heritage conservation area.

6.3.6 Clause 6.1 - Acid Sulfate Soils.

The subject land is identified as 'Class 4' land on the acid sulfate soils map, within which Clause 6 (2) requires development consent for works more than 2 metres below the natural ground level. As the proposed development does not involve any such works an Acid Sulfate Soils Management Plan is not required to accompany the amended development application.

It is considered sufficient in this case for the Council to apply standard consent conditions in the unlikely event that acid sulfate soils are exposed by site works.

6.4 NEWCASTLE DEVELOPMENT CONTROL PLAN 2012.

6.4.1 SECTION 3.11 – Community Services.

This section of DCP 2012 applies to the development of *health services facilities*.

The advisory applicable environmental planning instruments, legislation and sections of DCP 2012, where they apply, are addressed in this Statement of Environmental Effects.

- Section 3.11.01 provides the following building design objectives and controls:

“Objectives:

1. Ensure community facilities integrate with the surrounding environment and built form.

Controls

General controls applying to all development to which this section applies

1. When designing and siting community facilities consideration is given to, but not limited to:

- (a) location and use of surrounding buildings*
- (b) views to and from the site*
- (c) access to the site*
- (d) existing vegetation and topography of the site.”*

The amended development application is consistent with these objectives and controls, as the architectural design of the proposed hospital additions adopts the architectural themes of the existing hospital and will be suitably landscaped; the bulk and scale of the proposed additions has due regard to the 2 – 3 storey character of neighbouring medium density housing and the existing hospital; and the proposed development does not obstruct any valued views from neighbouring residential areas.

6.4.2 SECTION 5 – Environmental Protection Provisions.

(i) Section 5.01 - Soil Management.

The proposed development involves relatively minor soil disturbance.

Erosion and Sediment Management Plans, prepared by Northrop (copies provided in Appendix F) accompany the development application and achieve the aims of section 5.01 to prevent the export of sediments from the site during construction.

(ii) Section 5.02 - Land Contamination.

The subject land has been used for hospital purposes for a considerable period of time and has not previously been used for a purpose referred to in Table 1 of the “Contaminated Land Planning Guidelines”. It is evident therefore that the land has not been contaminated by previous land use.

The proposed development satisfies the objectives and controls in Part E of section 5.02 to ensure that the development does not increase the risk to human health or the environment.

(iii) Section 5.03 – Tree Management.

This section applies to all prescribed trees located on private land, or prescribed trees within 5m of a development site, or that are likely to be affected by infrastructure works carried out

in association with a development proposal.

This section of DCP 2012 has no practical application to the proposed development as there are no prescribed trees located on the subject land.

(iv) Section 5.04 – Aboriginal Heritage.

This section applies to development that will, or is likely to affect, the heritage significance of an Aboriginal place or object.

The subject land has been extensively modified by the existing hospital development. Consequently, it is highly unlikely that there are any items of Aboriginal Cultural Heritage on the land.

(v) Section 5.05 - Heritage Items.

The subject land is not identified in Schedule 5 of Newcastle LEP 2012 as containing an item of environmental heritage and the subject land is not identified as being located within a heritage conservation area.

(vi) Section 5.06 – Archaeological Management.

This section applies to all development consisting of excavation or site disturbance. Whilst the proposed development involves minor site disturbance in conjunction with construction of the proposed hospital additions, the subject land is considered to have no potential archaeological significance in view of its historic and current land use.

(vii) Section 5.06 – Heritage Conservation Areas.

This section applies to land shown as Heritage Conservation Area on the Heritage Map of Newcastle Local Environmental Plan (LEP) 2012 and described in Schedule 5 of Newcastle LEP 2012.

The subject land is not identified as being located within a Heritage Conservation Area.

6.4.3 SECTION 6.00 – Locality Specific Provisions.

This section of DCP 2012 has no application to the proposed development as the subject land is not located within any area subject to the “Locality Specific Provisions” of section 6.00.

6.4.4 SECTION 7.00 – Development Provisions.

(i) Section 7.01 – Building Design Criteria:

- **Section 7.01.01 – Height of Buildings:** Refer to section 6.3.3 (i) of this Statement of Environmental Effects.

- **Section 7.01.02 – Density – floor space ratio:** Refer to section 6.3.3 (ii) of this Statement of Environmental Effects.
- **Section 7.01.03 - Minimum street frontage – R3 Medium Density Residential zone and R4 High Density Residential zone:** Requires a minimum site frontage of 15m for redevelopment of lots within the R3 Medium Density Residential zone.

The proposed development complies as the existing hospital site has a frontage to both Merewether and Lingard Streets exceeding 15m.

- **Section 7.01.04 - Streetscape and front setbacks:** Requires that within established areas the front setback is to be consistent with those of adjoining development.

The proposed development complies as it maintains the building alignment of the existing hospital to Lingard Street and increases the front setback at the north-western corner of the proposed additions to provide a staggered setback towards that of the adjoining residential development at 20 Lingard Street.

The existing hospital car park driveway to Lingard Street will be removed.

The presentation of the proposed development to Lingard Street reflects the architectural themes of the existing hospital streetscape presentation.

- **Section 7.01.05 - Side and rear setbacks:** Requires a minimum side or rear setback of 1m for walls of up to 3m in height and 2m for walls over 3m in height (unless built to the boundary).

The proposed development partly complies:

- the ground level building element adjoining the northern side boundary has a building height of 4.8m and a variable side boundary setback of between 1.5m and 2.7m, which partly complies with the DCP requirement for a side boundary setback of 2m for walls over 3m in height. Council is requested to agree to this departure from the side boundary setback control as the design of the ground level northern building elevation has no amenity impacts on the neighbouring residential properties;
- proposed Level 1 adjoining the northern side boundary has an upper wall height of 9.3m above ground level and a variable setback to the side boundary of between 2.25m and 3.45m, complying with the DCP requirement for a minimum 2m side boundary setback for walls above 3m in height; and
- Level 1 at the rear of the proposed hospital extension has a variable setback to Tye Street of between 440mm and 1.5m, which is inconsistent with the DCP requirement for a minimum rear setback of 2m for walls over 3m in height. The design setback to Tye Street is considered appropriate having regard to the particular circumstances of the specialist

nature of the proposed development; the existing streetscape presentation of the existing hospital to this section of Tye Street; and the proposed development having no amenity impacts on neighbouring residential properties given the degree of separation afforded by Tye Street. Council is requested to agree to this departure from the 2m DCP minimum rear boundary setback control.

- **Section 7.01.07 Building design and appearance:** Requires all development within a residential zone to achieve the following objectives:

“1. Ensure the design of new development responds to and contributes to its context: and

2. Encourage the creation of attractive well designed development.”

The design controls contained within this section are primarily applicable to residential development and have no application to the architectural design of a specialist infrastructure facility such as a hospital.

The architectural design of the proposed hospital additions adopts the architectural themes of the existing hospital and has regard to minimising any amenity impacts on neighbouring residential development.

- **Section 7.01.08 - Solar access:** Requires that new developments do not significantly overshadow living rooms and private open spaces of adjacent dwellings.

The proposed development complies. The shadow diagrams provided in Figure 16 indicate that the proposed development does not result in any overshadowing of the residences or private open space adjoining the northern property boundary.

- **Section 7.01.09 - Views and privacy:** Requires that existing views from dwellings are not to be significantly affected by new development and that adequate visual and acoustic privacy is maintained for existing dwellings.

The proposed development complies:

- there are no scenic or landmark views available from neighbouring properties that would be impacted by the proposed development;
- there are no direct views from a window within the proposed development to a living area/habitable area window within a neighbouring residence: and
- the proposed development will have no acoustic impacts that would adversely impact the amenity of neighbouring residences. An Acoustic Impact Assessment accompanies the amended development application and is provided in Appendix J.

(ii) Section 7.02 – Landscape, Open Space and Visual Amenity:

For the purposes of Section 7.02 the proposed development is classified as ‘Category 3 – Large Scale Development’.

As required by DCP 2012, this amended development application is accompanied by a Landscape Design Report, prepared by Moir Landscape Architecture (copy provided in Appendix E) and Landscape Plans provided in Figures 17 – 19, satisfying the objectives and controls of Section 7.02.

(iii) Section 7.03 – Traffic, Parking and Access.

A Transport Impact Assessment prepared by GTA Consultants (copy provided in Appendix K) accompanies this amended development application.

The principal findings of this Traffic Impact Assessment are:

- the existing hospital has frontages to Merewether and Lingard Streets and has approximately 101 staff during the busiest day shift. The proposed hospital additions will increase staff during the peak day shift to 114 (i.e. + 13 staff);
- Lingard Street, Merewether Street and Hopkins Street are local roads surrounding the Hospital and allow for two way traffic and kerbside parking within a 50km/h speed environment;

There are two on-site car parks accommodating a total of 78 cars, accessed via 4 driveways located on Merewether, Lingard and Tye Streets. The main visitor car park is located on the eastern side of the site and is accessed from Merewether Street.

There are also approximately 55 on-street parking spaces along Merewether Street and approximately 30 spaces along Lingard Street in the vicinity of the hospital;

- Emergency vehicles access the site via the dedicated ambulance bay at the main front entry in Merewether Street. Service vehicles access the hospital via Lingard and Tye Streets;
- recent DA Consent 2016/394 granted approval for a proposed 50 space hospital car park adjoining the hospital site;
- peak hour traffic movements are within the capacity of the local road system;
- typical weekday afternoon parking demand is up to 60 vehicles, or 60% of the total on-site car parking supply;
- Busways currently operate four bus routes along Glebe Road and Union Street in close proximity to the hospital;

- well established pedestrian footpaths are provided on both sides of Lingard Street connecting with Glebe Road bus stops;
- the existing Merewether Street emergency vehicle, car park and set down/pick up access arrangements are to be retained. The proposed new building will necessitate closure of the existing doctors car park accessed from Lingard Street;
- bicycle and motorcycle parking is able to be provided within the existing main car park;
- all service vehicles requiring access to the hospital are rigid trucks and vans no larger than 8.8m in length and are generally limited to afterhours access only. All loading and service activities will remain at the rear of the new building and access to this area will remain via Tye Street;
- application of the DCP car parking rate to the proposed development indicates a total peak demand for the hospital of 97 spaces based on the following:
 - 114 staff (1 space/2 staff) = 57 spaces; and
 - 121 beds (1 space/3 beds) = 40 spaces.

The hospital currently has 78 car spaces, but this will be reduced to 52 spaces as a consequence of the proposed development. However the proposed amended development proposes to add 3 new spaces at the rear of the proposed additions, accessed from Tye Street and 50 spaces will be added on an adjacent site under Consent 2016/394, which will bring total car spaces to 105 spaces. This will exceed the DCP requirement for 97 spaces.

- the RMS traffic generation rates indicate that the proposed additions are likely to generate 21 additional vehicle trips per hour during the hospital's operational peak period (10.00am to 12.00pm and 2.00pm to 4.00pm).

The post development operation would result in minor increases to vehicle trips during the weekday AM and PM peak traffic hours. This equates to 12 vehicle trips during the AM peak and 11 vehicle trips during the PM peak, being spread over Lingard and Merewether Streets.

On the basis above and taking into consideration the performance of the surrounding road network, the additional traffic generated by the proposed development is not expected to impact on the function and operation of the surrounding roads and intersections, or parking areas in the immediate vicinity;

- existing/proposed service vehicle access arrangements have sufficient capacity to accommodate the minor additional demand resulting from the proposed development; and
- construction traffic management arrangements are proposed in section 5.4 of the Transport Impact Assessment.

(iv) Section 7.06 – Stormwater.

The development application is accompanied by Erosion and Sediment Management Plans and Concept Stormwater Management Plan prepared by Northrop (Copies of which are provided in Appendix F), indicated that the proposed development complies with the applicable objectives and controls of section 7.06.

(v) Section 7.09 – Outdoor Advertising and Signage.

The proposed development includes the placement of a 0.800m high x 2.750m wide “Lingard Private Hospital” illuminated identification sign on the western building elevation and a 1.200m high x 4.000m wide (non-illuminated) “Lingard Private Hospital” identification sign on the northern building elevation, as shown in Figures 13 and 14.

Refer to section 5.1.4 of this Statement of Environmental Effects for an assessment of the consistency of the proposed signage with the provisions of SEPP 64 - Advertising and Signage.

6.4.5 – SUMMARY ASSESSMENT – CONSISTENCY WITH APPLICABLE PROVISIONS OF NEWCASTLE DCP 2012.

The proposed development is consistent with the applicable development guidelines of Newcastle DCP 2012 with the exception of the required side and rear boundary setbacks as described in section 6.4.4 (i) above.

Council is requested to approve the proposed development’s departures from these particular development guidelines for the reasons given in section 6.4.4 (i) above.

7. MATTERS FOR CONSIDERATION UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

The proposed amended development has the potential to impact the environment in a number of ways. These impacts may be either short term, limited to the period of demolition and construction, or longer term associated with the completion and occupation of the proposed buildings.

This section of the Statement of Environmental Effects assesses the potential development impacts in accordance with the provisions of Section 79C (1) (b – e) of the Environmental Planning and Assessment Act, 1979.

7.1 Section 79C (1) (b): The Likely Impacts of the Development, Including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality.

7.1.1 Topography.

The subject land is relatively flat and presents no topographical constraints to the proposed development.

7.1.2 Flora and Fauna.

There is no remnant native vegetation located on the subject land and the proposed development therefore has no adverse impact on native flora, fauna, wildlife corridors or critical habitat.

7.1.3 Soil Disturbance and Sediment Control.

The proposed development involves site soil disturbance.

Erosion and Sediment Management Plans, prepared by Northrop (copies provided in Appendix F) have been prepared to mitigate potential erosion and sedimentation impacts of the proposed development.

7.1.4 Drainage and Stormwater Management.

The amended development application is accompanied by a Concept Stormwater Management Plan prepared by Northrop (copy in Appendix F).

The principal features of stormwater management for the proposed hospital additions are:

- roof rainwater is to flow into a combined detention (15m³) and reuse (10m³) tank located adjacent to the north-western corner of the site at the Lingard Street frontage;
- there are limited reuse opportunities as hospital guidelines restrict reuse internally); and
- the detention/reuse tank will discharge into an existing stormwater pit and then into council's existing kern inlet pit located in Lingard Street.

7.1.5 Access, Traffic Generation and Car Parking.

A Transport Impact Assessment prepared by GTA Consultants (copy provided in Appendix K) accompanies this amended development application.

The principal findings of this Traffic Impact Assessment are:

- the existing hospital has frontages to Merewether and Lingard Streets and has approximately 101 staff during the busiest day shift. The proposed hospital additions will increase staff during the peak day shift to 114 (i.e. + 13 staff);
- Lingard Street, Merewether Street and Hopkins Street are local roads surrounding the Hospital and allow for two way traffic and kerbside parking within a 50km/h speed environment;

There are two on-site car parks accommodating a total of 78 cars, accessed via 4 driveways located on Merewether, Lingard and Tye Streets. The main visitor car park is located on the eastern side of the site and is accessed from Merewether Street.

There are also approximately 55 on-street parking spaces along Merewether Street and approximately 30 spaces along Lingard Street in the vicinity of the hospital;

- Emergency vehicles access the site via the dedicated ambulance bay at the main front entry in Merewether Street. Service vehicles access the hospital via Lingard and Tye Streets;
- recent DA Consent 2016/394 granted approval for a proposed 50 space hospital car park adjoining the hospital site;
- peak hour traffic movements are within the capacity of the local road system;
- typical weekday afternoon parking demand is up to 60 vehicles, or 60% of the total on-site car parking supply;
- Busways currently operate four bus routes along Glebe Road and Union Street in close proximity to the hospital;
- well established pedestrian footpaths are provided on both sides of Lingard Street connecting with Glebe Road bus stops;
- the existing Merewether Street emergency vehicle, car park and set down/pick up access arrangements are to be retained. The proposed new building will necessitate closure of the existing doctors car park accessed from Lingard Street;
- bicycle and motorcycle parking is able to be provided within the existing main car park;
- all service vehicles requiring access to the hospital are rigid trucks and vans no larger than 8.8m in length and are generally limited to afterhours access only. All loading and service activities will remain at the rear of the new building and access to this area will remain via Tye Street;
- application of the DCP car parking rate to the proposed development indicates a total peak demand for the hospital of 97 spaces based on the following:
 - 114 staff (1 space/2 staff) = 57 spaces; and
 - 121 beds (1 space/3 beds) = 40 spaces.

The hospital currently has 78 car spaces, but this will be reduced to 52 spaces as a consequence of the proposed development. However the proposed amended development proposes to add 3 new spaces at the rear of the proposed additions, accessed from Tye Street and 50 spaces will be added on an adjacent site under Consent 2016/394, which will bring total car spaces to 105 spaces. This will exceed the DCP requirement for 97 spaces.

- the RMS traffic generation rates indicate that the proposed additions are likely to generate 21 additional vehicle trips per hour during the hospital's operational peak period (10.00am to 12.00pm and 2.00pm to 4.00pm).

The post development operation would result in minor increases to vehicle trips during the weekday AM and PM peak traffic hours. This equates to 12 vehicle trips during the AM peak and 11 vehicle trips during the PM peak, being spread over Lingard and Merewether Streets.

On the basis above and taking into consideration the performance of the surrounding road network, the additional traffic generated by the proposed development is not expected to impact on the function and operation of the surrounding roads and intersections, or parking areas in the immediate vicinity;

- existing/proposed service vehicle access arrangements have sufficient capacity to accommodate the minor additional demand resulting from the proposed development; and
- construction traffic management arrangements are proposed in section 5.4 of the Transport Impact Assessment.

7.1.6 Utility Services.

All urban utility services (including reticulated water and sewer services) are currently provided to the subject land and have the capacity to service the proposed development.

7.1.7 Scenic Quality/Streetscape/Visual Impact.

The proposed hospital building additions are of two storey construction and are integrated with the architectural design of the existing hospital building. The proposed development will result in the replacement of an open car park located adjacent to the northern hospital boundary with an architecturally designed and landscaped hospital addition, which will enhance the visual appearance of the streetscape elevation of the hospital.

The presentation of the proposed development to Lingard Street reflects the architectural themes of the existing hospital streetscape presentation

There are no scenic or landmark views available from the public domain or neighbouring properties that would be impacted by the proposed development and the proposed development will not be visually dominant in the landscape.

7.1.8 Potential Impact on Neighbouring Properties.

The proposed hospital additions adjoin residential development along its northern boundary (No. 22 Lingard Street and No. 10 Tye Street and has the potential to adversely impact the amenity of neighbouring dwellings by overshadowing; loss of privacy; noise generation or causing view loss.

(i) Overshadowing: The Shadow Diagrams presented in Figure 16 indicates that the proposed development does not overshadow the neighbouring dwellings along its northern boundary.

(ii) Privacy/noise: Neither the existing hospital, or the proposed additions would generate operational noise impacts which would cause nuisance to residential neighbours. The proposed separation of the existing loading dock from neighbours as a consequence of the proposed additions will provide for an improvement over the existing situation, where the loading dock adjoins the existing open car park.

The accompanying Acoustic Impact Assessment provided in Appendix J concludes that the proposed development will have no acoustic impacts that would adversely impact the amenity of neighbouring residences.

(iii) Loss of views:

There are no scenic or landmark views available from neighbouring properties that would be impacted by the proposed development.

7.1.9 Cultural Heritage.

As the subject land has been extensively modified by the existing hospital development it is highly unlikely that there are any items of Aboriginal Cultural Heritage on the land.

The subject land is not identified in Schedule 5 of Newcastle LEP 2012 as containing an item of environmental heritage and the subject land is not identified as being located within a heritage conservation area.

7.1.10 Social and Economic Effects.

The proposed development will make a significant contribution to improving the city's health care infrastructure, meeting the community's health care requirements. The site is well located in terms of accessibility by private and public transport and all utility services are available to the proposed development without the need for the upgrading of any public infrastructure by a public authority.

The proposed development will also provide economic/employment benefits for the region in terms of both initial construction multipliers and future economic activity associated with the operation of the hospital.

7.2 Section 79C (1) (c): The suitability of the site for the proposed development.

The Local Government (Ecologically Sustainable Development) Act 1997 (NSW) requires the Council to give consideration to the overarching principles of Ecologically Sustainable Development, namely the adoption of the precautionary principle, intergenerational equity, the conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms. The proposed development does not raise any matters contrary to the principles of Ecologically Sustainable Development.

In terms of the Environmental Protection and Diversity Conservation Act (1999) the proposed development will not have any impact on any matter of national environmental significance.

7.3 Section 79C (1) (d): Any Submissions Made in Accordance With the Act or the Regulations.

The following responses are made to the issues raised in public submissions made in response to the public notification of the original development application and as summarised in Council's request for additional information dated 14th June 2016:

(i) Height/Character, Bulk & Scale/Setbacks.

The amended development now complies with the 10m building height development standard (except for the roof top plant screen) and the design boundary setbacks do not result in unreasonable amenity impacts on neighbouring properties.

(ii) Parking.

Hospital parking to be provided under this application and as approved under Consent 2016/394 will exceed the parking rate required for the hospital by Newcastle DCP 2012.

(iii) Privacy.

The particular nature of the proposed development (ground floor operating theatres and Level 1 medical ward) would have less impact on the amenity of neighbours than would a complying medium density residential development. No particular privacy impacts are identified in submissions.

(iv) Overshadowing.

The shadow diagrams provided in Figure 16 show that the proposed development does not cause any overshadowing of neighbouring properties.

(v) Traffic & Loading Impacts.

The accompanying Transport Impact Assessment demonstrates that the proposed hospital additions will not result in any significant increase in traffic, safety or amenity impacts. The reconfigured loading area will be enclosed by building on three sides, which will reduce potential noise impacts on neighbouring properties adjacent to the northern boundary. This is an improvement over the existing loading bay arrangement.

(vi) Noise/Emission Impacts.

The proposed development does not generate any air quality impacts.

The accompanying acoustic impact assessment concludes that the proposed development will have no acoustic impacts that would unreasonably impact the amenity of neighbouring residences.

(vii) Smoking/Amenity Impacts.

This is not a relevant consideration as the proposed development does not provide any entry/exit points, or outdoor staff areas adjacent to neighbouring dwellings.

(viii) Property Values.

This is not a relevant consideration.

7.4 Section 79C (1) (e): The Public Interest.

Approval of the proposed alterations and additions to Lingard Private Hospital is in the public interest as they are essential to providing city residents with improved health/medical care infrastructure and services.

8. CONCLUSION.

This Supplementary Statement of Environmental Effects demonstrates that proposed Amended Development Application No. 2015/10349 for alterations and additions to Lingard Private Hospital, located on Lot 100 DP 1168197, No. 23 Merewether Street, Merewether, has minimal environmental impact and the subject land is suitable for the proposed development.

Newcastle City Council is requested to grant consent to the proposed development pursuant to the provisions of Newcastle Local Environmental Plan 2012.

Doug Sneddon
12th August 2016.

**APPENDIX A: NEWCASTLE CITY COUNCIL REQUEST FOR ADDITIONAL
INFORMATION (14th June 2016).**

REQUEST FOR ADDITIONAL INFORMATION

14 June 2016

Doug Sneddon Planning Pty Ltd
2/101 Excelsior Street
LISAROW NSW 2250



PO Box 489, Newcastle
NSW 2300 Australia
Phone: 4974 2000
Fax: 4974 2222
Email: mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au

Dear Sir/Madam

Development Application No:	DA2015/10349
Land:	Lot 1 DP 1027546 Lot 3 DP 1027546 Lot 2 DP 1027546 Lot 100 DP 1168197
Property Address:	23 Merewether Street Merewether NSW 2291 6 Lingard Street Merewether NSW 2291 6 Lingard Street Merewether NSW 2291 6 Lingard Street Merewether NSW 2291
Proposed Development:	Alterations and additions to Lingard Private Hospital

Reference is made to the abovementioned application lodged with Council. The following advice is provided for your attention. A further assessment and processing of the application cannot proceed until the following information has been submitted to Council for consideration.

The issues raised below are such that it is recommended that design changes are made for the development to be supported. A design which provided the additional height and floor space central to the site may be more readily supported. Alternatively, a smaller proposal in this current location without the topmost floor may be more readily supported.

1. **Height/Bulk/Scale & Visual Impact** - The overall height and size of the proposal is a concern having regard to the residential character of the area and the R3 - Medium Density zoning under the Newcastle LEP 2012. The visual appearance, bulk and scale of the proposal relative to its setback to the boundary and residential interface is not considered to be acceptable and needs to be modified.

It is advised that the general massing needs to be reduced and the top most floor needs to be removed.

It is further advised that the Joint Regional Planning Panel (JRPP) were not supportive of the proposal in this regard. Furthermore, the JRPP were concerned

Page 1 of 3

regarding the size of the Clause 4.6 variations (ie height and floor space ratio) be requested in this instance.

2. **FSR (Floor Space Ratio)** - The proposal exceeds the allowable FSR of 0.9:1 being approximately 1.1:1 (ie 9288m² vs 11376m²). Having regard to the issues raised above, concern is raised regarding the FSR exceedence proposed under the Clause 4.6 variation proposed and the current impacts that arise.
3. **Clause 4.6 Variation** - The proposal requests a variation for height (ie 15.43m vs 10m) and FSR (ie 1.1:1 vs 0.9:1) under Clause 4.6 of the Newcastle LEP 2012.

It is considered that there is not sufficient basis to support the requested Clause 4.6 variations.

4. **Mine Subsidence Board** - The Mines Subsidence board have requested that a desktop geotechnical investigation report be submitted prior to MSB finalising their comments.
5. **Building Issues** - It is necessary to submit a Building Code of Australia (BCA) Report addressing the proposal's compliance and alternative solutions/fire engineered solutions that are proposed. It is also necessary to submit an access report.
6. **Environmental Issues** - The application has been assessed by Council's Senior Environment Protection Officer and the following needs to be addressed:

Noise

The Elevation Plans prepared by Health Science Planning Consultants dated 17 November 2015 show an increased rooftop plan platform and additional mechanical plant areas on the western (Lingard Street) elevation. The additional mechanical plant proposed as part of the development has the potential to generate adverse noise impacts for surrounding residential receivers along Lingard Street and Hopkins/Tye Street. Therefore, Council requires an acoustic assessment be undertaken to address the potential impact of noise from mechanical plant on residential receivers. This assessment is required to be submitted to Council prior to further review of this application.'

Summary of Submissions

The application was notified in accordance with the Newcastle DCP and 8 submissions have been received. The summaries and extracts below outline the issues raised. It would be appropriate to address the issues raised within the submissions.

1. **Height/Character, Bulk & Scale/Setbacks** - The proposal will have unacceptable impacts due to its height and exceeds the height limits by 50% being 15.43 compared to the allowable 10m. The development needs to comply with the height standards. Concern regarding the combined overall setbacks, height, bulk and scale of the proposed addition has unreasonable impacts on neighbouring properties.
2. **Parking** - Concern that the proposal will result in unacceptable parking impacts on surrounding properties and that insufficient parking has been provided. There is already of lack of parking in the area with the surrounding streets normally 'parked out'.
3. **Privacy** - Concern that the proposal will have unreasonable privacy impacts on adjoining properties.
4. **Overshadowing** - Concern that the proposal will result in unreasonable shadowing impacts.
5. **Traffic & Loading Area Impacts** - Concern that the proposal will result in an increase in traffic, safety and amenity impacts due to increase in traffic and also the proposed loading area.
6. **Noise/Emission Impacts** - Concern that the proposal will have an unreasonable impact in terms of acoustic impacts and air emissions.

Page 2 of 3

7. **Smoking/Amenity Impacts** - Existing staff and visitors to the site typically congregate smoking which impacts residents and concern is raised that the proposal will exacerbate this situation.
8. **Property Values** - Concern that the proposal will negatively impacts property values.

You are required to submit the abovementioned information by **14 July 2016** to enable Council to complete the assessment of your application. All documents submitted to Council should be provided as both **hard copies** (eg three copies in full scale 1:100 or 1:200 and colour where applicable) plus accompanied by a **pdf formatted electronic copy**, submitted either on a non-returnable CD or USB stick. If the electronic copy is being emailed, please use mail@ncc.nsw.gov.au. If an electronic copy of the document/s is not submitted, additional fees will be charged to format the document/s.

Should you have any further inquiries in relation to this matter please contact me on 4974 2768 during normal business hours.

Yours sincerely

Damian Jaeger
SENIOR DEVELOPMENT OFFICER

APPENDIX B: SITE SURVEY PLAN.

APPENDIX C: SITE PHOTOGRAPHS.



PHOTOGRAPH 1: LINGARD PRIVATE HOSPITAL – MEREWETHER STREET FRONTAGE.



PHOTOGRAPH 2: LINGARD PRIVATE HOSPITAL – LINGARD STREET
FRONTAGE.



PHOTOGRAPH 3: SITE OF PROPOSED ADDITIONS – VIEW TOWARDS
LINGARD STREET.

APPENDIX D: COST REPORT.

Jf.15813.EstimateReport.sa.ce

27 July 2016

Healthe Care Australia
PO Box 21297
WORLD SQUARE NSW 2002

Attention: Jenna King
Email: Jenna.King@healthecare.com.au

Dear Jenna

**DA ESTIMATE
LINGARD PRIVATE HOSPITAL – STAGE 5**

Please find attached our DA Estimate for the proposed redevelopment for the Lingard Private Hospital Stage 5.

Should you have any queries or require any further information or comment, please do not hesitate to contact us.

Yours faithfully

Mark Hocking

Mark Hocking
Director
Rider Levett Bucknall
mark.hocking@au.rlb.com

Att.



ISO 9001
FS 548756

www.rlb.com

DIRECTORS: MJ Harris (Managing), SM Mee, SP Ballestry, RJ Rigby, MJ Sims, PM Skinner, NA Ferrara, MW Hocking (Newcastle).
SENIOR ASSOCIATES: RE Berger, SA Fry, JP Gall, G Nowak, RH Streifler, M Swords, JP Vitter.
ASSOCIATES: SE Bassilious, T Lai, SJ McConkey, O Nichols, M Rooseno, V Seretis, TH Williams.

1.0 Executive Summary

1.1 Introduction

This report provides a DA Estimate for the proposed redevelopment of the Lingard Private Hospital Stage 5. The purpose of this estimate is to provide an estimate of the possible construction cost based on the current design documentation for submission as part of the Development Application. Due to the preliminary nature of the design documentation, this report should not be relied upon for project budgeting or cost planning purposes. We suggest that further cost planning be undertaken in order to guide the project within budget parameters.

1.2 Cost Summary

The costs can be summarised as follows:

Element	Cost
Construction Cost	\$8,657,340
Professional Fees	\$692,660
Project Contingency	Excl
Authority Fees and Charges	Excl
Land and Legal Fees	Excl
Finance Costs and Interest Charges	Excl
Interest Charges	Excl
Staging / Phasing / Decanting Costs	Excl
Escalation	Excl
Goods and Services Tax (GST)	Excl
Total Project Costs (excluding GST)	\$9,350,000

1.3 Major Assumptions

Cost report has been prepared using preliminary design documentation listed in Section 3.5 and as such is based on a number of assumptions, as per Section 3.6 further within this report.

The following assumptions are of particular note:

- Architectural specifications and finishes
- Ground conditions
- Building structure
- Demolition scope of works
- Hydraulic, mechanical and electrical services
- FF&E, fittings and equipment
- External works including landscaping and pavements
- Incoming site services

1.4 Statement of Reliance

This report is prepared for the reliance for the party/parties for whom it is prepared. Rider Levett Bucknall accepts neither responsibility nor liability to any third party who might use or rely upon this report, or any portion of this report, without our prior written consent and approval.

Schedule 6 (PART B Clause 5)

Registered Quantity Surveyor's* Detailed Cost Report
Newcastle City Centre development cost in excess of \$1,000,000
 *A member of the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Development Application No: _____ **Date:** _____

Complying Development Application No: _____

Applicant's Name: _____

Applicant's Address: _____

Development: Lingard Private Hospital – Stage 5

Development Address: 23 Merewether Street, Merewether

ESTIMATE DETAILS:

Professional Fees	\$ 761,926	Excavation	\$ -
% of Development Cost	7%	Cost per m ³ or tonne of excavated area	\$ - m ³
% of Construction Cost	8%	Car Park	\$ -
Demolition and Site Preparation	\$ 206,773	Cost per square metre of carpark area	\$ - /m ²
Cost per square metre of site area	\$ - /m ²	Cost per Space	\$0 /space
Construction – Commercial	\$ 9,316,301	Fit-out – Commercial	\$ -
Cost per square metre of floor area	\$ 3,528.90 /m ²	Cost per m ² of commercial area	\$ - /m ²
Construction – Residential	\$ -	Fit-out – Residential	\$ -
Cost per square metre of residential area	\$ - /m ²	Cost per m ² of residential area	\$ - /m ²
Construction – Retail	\$ -	Fit-out – Retail	\$ -
Cost per square metre of retail area	\$ - /m ²	Cost per m ² of retail area	\$ - /m ²
Construction – Industrial	\$ -	Fit-out – Industrial	\$ -
Cost per square metre of floor area	\$ - /m ²	Cost per m ² of industrial area	\$ - /m ²

DEVELOPMENT DETAILS:

Gross Floor Area – Commercial	2,640.00 m ²	Gross Floor Area – Other	- m ²
Gross Floor Area – Residential	- m ²	Total Gross Floor Area	- m ²
Gross Floor Area – Retail	- m ²	Total Site Area	- m ²
Gross Floor Area – Car Parking	- m ²	Total Car Parking Spaces	0
Total Development Cost	\$ 10,285,000		
Total GST	\$ 935,000		

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- Calculated the development costs in accordance with the definition of development costs in clause 25J of the *Environmental Planning and Assessment Regulation 2000* at current prices.
- Included GST in the calculation of development cost.
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed: 

Name: Syidah Arnold

Position and Qualifications: Quantity Surveyor, BConMgt(Hons1) MAIQS

Date: 27 July 2016

Contact Number: 02 4940 0000

APPENDIX E: LANDSCAPE DESIGN REPORT
(Moir Landscape Architecture – 27th July 2016).



Landscape Design Report:
Lingard Private Hospital

Prepared for:
Newcastle City Council
Date: 27.07.2016
REV B



Moir Landscape Architecture Pty Ltd, Studio 1, 88 Fern Street, PO Box 111, Islington NSW 2296 admin@moirla.com.au
Ph.(02) 4965 3500 Fax.(02) 4965 3555 www.moirla.com.au ACN: 097 558 908 ABN: 48 097 558 908

1.0 Introduction

1.1 Background

The primary goal of this report is to communicate the ideas, principles and opportunities incorporated into the Landscape DA Documentation for the Lingard Private Hospital situated on corner of Merewether Street and Lingard Street, NSW. The proposal comprises of an extension to the existing hospital building through the redevelopment of an existing car park. The site is located within the City of Newcastle Council, the existing carpark site is zoned High Density Residential, under the Newcastle City Local Environment Plan (NCC 2012).

Health Care Australia Pty Ltd has commissioned Moir Landscape Architecture Pty Ltd to prepare the landscape documentation and report to outline the key landscape design elements and treatments to support the proposal. The landscape DA documentation: LP01-LP03 and report have been prepared to comply with the requirements of City of Newcastle's DCP by accredited Landscape Architecture practice, Moir Landscape Architecture Pty Ltd.

1.2 Site Description

The site is located in Merewether. The site is bounded to the North and West by a mix of established detached residential dwellings and some 2-3 storey unit blocks. To the South- East by light industrial warehouses and directly south Townson Oval. Lingard Street is a busy connector road running NW-SE. Merewether Street consists of two separate carriageways separated by a large median strip. Carparking dominates this road. The main hospital site is already highly developed and has minimal falls across the site.

Planting beds in the existing carpark site include low ground covers and some young Cupaniopsis anacardioides- Tuckeroo.

1.0 Introduction

THE SITE



Figure 1: Site locality plan
Source: Six Maps Viewer 2015

2.0 Site Photographs



1. Existing site southern entry off Lingard Street. Looking South-East.



2. Existing Carpark condition.

3.0 The Proposal

3.1 Proposed Development

The proposed development comprises an extension at the northern side of the existing hospital building through the redevelopment of an existing carpark. The landscape component includes the planting of two garden beds on Lingard Street, and planting along the north-western side of the new building.

The landscaped areas will be planted with feature trees, shrubs, accent plants and ground covers to soften the facade of the new building and provide screening where possible.

3.2 Landscape Design Intent

The intent of the landscape design for the development is to:

- Address the requirements of City of Newcastle's DCP's Landscape Technical Manual, April 2015.
- Provide high quality landscape treatments that complement the local landscape character and relate to the surrounding street scape.
- Provide landscaping that is appropriate for the local soil and climatic conditions, low in maintenance and self-sustaining.
- Establish a monitoring and maintenance program ensuring continued success of the landscape works.

3.0 The Proposal

3.3 Proposed Landscape

The proposed landscape is intended to provide a safe, functional and attractive environment. The design is driven by key principles specific to hospital facilities and to the site responding to its unique qualities and environmental attributes.

Screen planting along the northern boundaries against the new hospital wing will provide some softening of the building surface to neighbouring residence. This is a narrow garden bed, trees have only been incorporated where there is sufficient space between the adjoining property buildings and the new buildings.

It is proposed that the landscape works associated with the development will assist in softening areas of hard surface and ultimately provide a low maintenance and self-sustaining landscape.

Proposed plants

A mix of feature trees, accent planting and mass planting will create interest and character for the development. The species proposed for use in the landscape works consist of a combination of Australian native and exotic species. Plant species are proposed to complement the surrounding street scape. Species have been selected for their appropriateness to the site conditions, hardiness, minimal maintenance requirements and availability.

4.0 Landscape Management

4.1 Soil Testing

Substrates suitable for landscape works should be identified and tested during site investigations for their suitability to support plant growth. Substrate materials should be stockpiled on site and protected from erosion for later placement to newly formed batters and revegetation areas. Soil will be tested and the nutrient levels and pH adjusted as required. Fertilisers and soil ameliorants should also be used where soil tests indicate the need. It is proposed the existing site soil be improved by incorporating organic matter and soil conditioner to improve its capacity to store and retain water. Carry out soil tests in accordance with the guidelines recommended in AS4419 – 2003 (Soils for Landscaping).

4.2 Mulch

Mulch specified for the landscape areas should be a locally sourced, recycled product.

4.3 Weed Management

Weeds are to be removed from garden beds and mulch topped up. Weed removal in landscaped areas is to be carried out for the life of the maintenance period. Identified weed species should be removed by hand, taking care not to dislodge seeds, off cut limbs, or leave rootstock in the ground. Weed removal should be timed to minimize weed germination and seed dispersal. Care should be taken to minimise disturbance to existing juvenile natives and any disturbance to the soil.

Acceptable methods may include:

Spraying actively growing leaves with herbicide.

Hand removal of the entire plant taking care not to leave plant material or dislodge seeds.

Displaced weed material is to be disposed of off site where there is no potential of seed dispersal. Where areas of ground are disturbed from the weed removal the soil shall be tamped into place and covered with site leaf litter or site mulch (free from weed seed) to avoid erosion.

Follow up weeding is essential to ensure the success of the initial weeding activities and should be carried out at regular intervals throughout the maintenance period. Weed germination may occur in areas to be planted. This can be controlled by light scarification.

Herbicide application shall only be used where there is no possibility of damage to native vegetation from overspray or wind drift. Herbicide should be used in accordance with the manufacturers' recommended rates. A follow up treatment, two weeks after the initial spray is required to kill any regrowth of seed.

Approved herbicide: Glyphosate.

4.0 Landscape Management

4.4 Plant Establishment & Maintenance

During plant establishment the landscape works should be checked regularly for plant health and weed invasion. Regular inspections will reduce the potential for minor infestations becoming major problems. Weed control and ongoing plant maintenance will be carried out for a minimum of 12 months. All rubbish related to landscape works shall be removed by the landscape contractor before it is allowed to accumulate.

During the maintenance period the landscape contractor shall undertake the following:
Regular watering, weeding, mulching and other activities as required to promote healthy growth. Replace any dead or dying plants within this period. Contingency funds should be made to replant failed areas. The landscape areas should also be monitored to document such things as growth rates, success and failures. Monitoring of the growth, root distribution and transpiration rates of establishing species will help identify species that are successful and suitable for use in future stages or as replacement plantings.

Landscape contractors responsible for the construction and ongoing maintenance of the landscape works should have experience in plant identification and in work of a similar nature.

APPENDIX F: EROSION & SEDIMENT MANAGEMENT PLANS AND CONCEPT STORMWATER MANAGEMENT PLANS

(Northrop – 15th July 2016)

LINGARD PRIVATE HOSPITAL - STAGE 5 23 MEREWETHER STREET, MEREWETHER NSW 2291

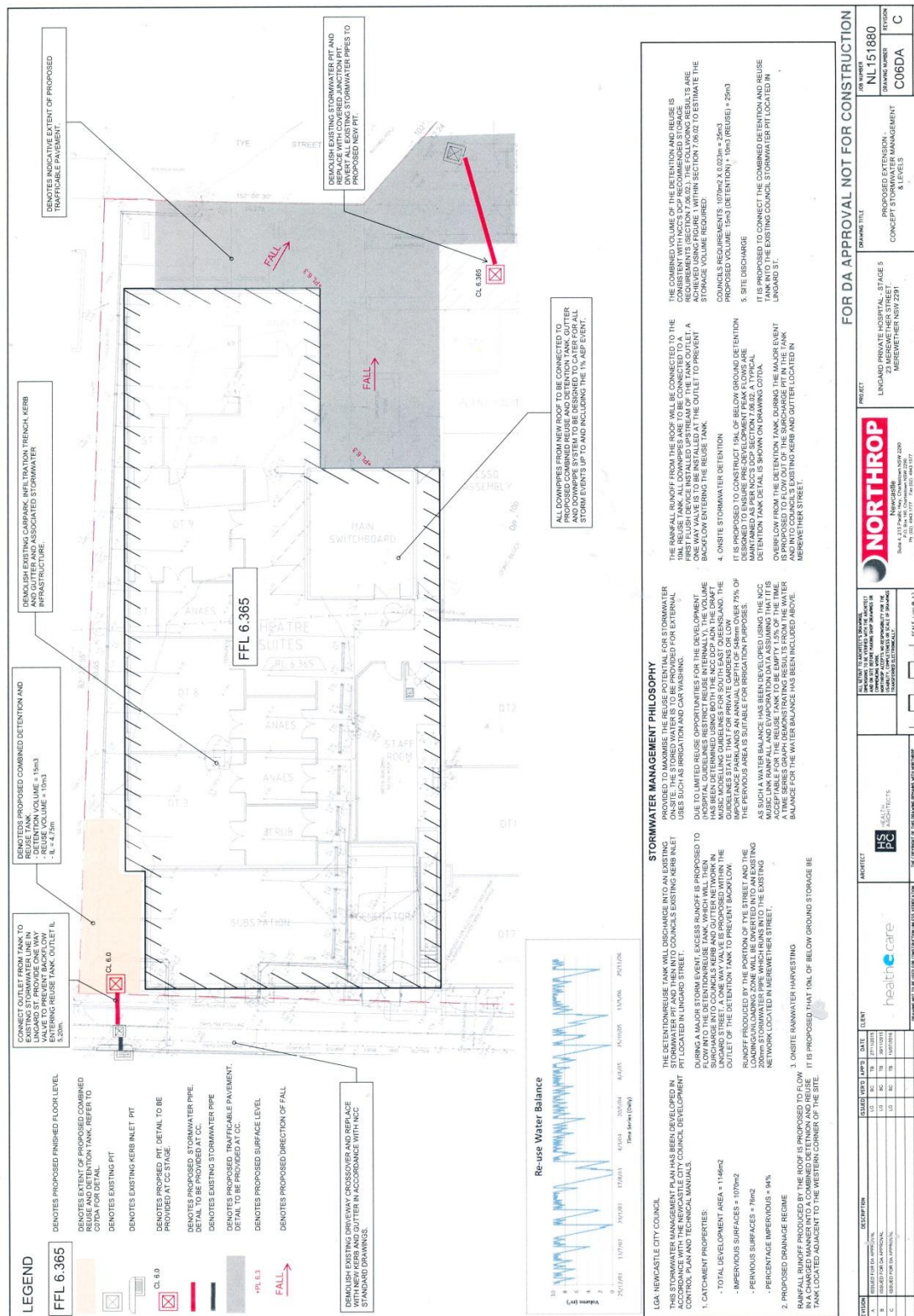


DRAWING INDEX
DRAWING No. DRAWING TITLE
C00DA LINGARD PRIVATE HOSPITAL - STAGE 5
C00DA PROPOSED EXTENSION - EROSION AND SEDIMENT MANAGEMENT PLAN
C00DA EROSION AND SEDIMENT CONTROL STANDARD DETAILS
C00DA CONCEPT'S EROSION AND SEDIMENT MANAGEMENT PLAN & LEVELS
C00DA CIVIL DETAILS - SHEET 1

REVISION		ISSUED		DATE		CLIENT	
NO.	DESCRIPTION	DATE	BY	DATE	BY	NAME	COMPANY
A	ISSUED FOR DA APPROVAL	15/08/2016	NS	15/08/2016	NS	HEALTHCARE	HEALTHCARE
B	REVISION FOR DA APPROVAL	15/08/2016	NS	15/08/2016	NS	HEALTHCARE	HEALTHCARE
C	REVISION FOR DA APPROVAL	15/08/2016	NS	15/08/2016	NS	HEALTHCARE	HEALTHCARE

HEALTHCARE 100 DP 1168197, No. 23 Merewether Street, Merewether NSW 2291		HSC 100 DP 1168197, No. 23 Merewether Street, Merewether NSW 2291		NORTHROP 100 DP 1168197, No. 23 Merewether Street, Merewether NSW 2291	

PROJECT LINGARD PRIVATE HOSPITAL - STAGE 5 23 MEREWETHER STREET, MEREWETHER NSW 2291		DRAWING TITLE COVER SHEET & DRAWING INDEX		JOB NUMBER NL151880	
REGION C00DA		REGION C		DRAWING SHEET 1 OF 1	



**APPENDIX G: ASSESSMENT - STATE ENVIRONMENTAL PLANNING
POLICY NO. 71 (COASTAL PROTECTION).**

STATE ENVIRONMENTAL PLANNING POLICY NO. 71 – COASTAL PROTECTION

AMENDED DA 2015/10349: ASSESSMENT OF PROPOSED ALTERATIONS & ADDITIONS TO LINGARD PRIVATE HOSPITAL (STAGE 5) ON LOT 100 DP 1168197, NO. 23 MEREWETHER STREET, MEREWETHER.

1. SUBJECT LAND/COASTAL ZONE.

The subject land is described as Lot 100 DP 1168197, No. 23 Merewether Street, Merewether, having an area of 1.03 ha

The land is located within the “Coastal Zone” for the purposes of State Environmental Planning Policy No. 71 – Coastal Protection and the NSW Coastal Policy 1997. The land is not identified as being affected by coastal processes.

2. PROPOSED DEVELOPMENT.

The amended development involves the following works:

- removal of the existing doctors car park (26 spaces) for the construction of a two storey addition (1,700m²) at the western side of the existing hospital site to provide a new ground floor operating theatre suite containing 4 new operating theatres (overall + 3 theatres as 1 is lost in the internal alterations to the existing hospital) and a Level 1 Medical Ward providing 25 beds (overall + 24 additional beds as 1 bed is lost in the internal alterations to the existing hospital); and
- part internal refurbishment of the existing hospital (existing theatres and administration/amenities - 455m²).

A detailed description of the proposed development is provided in Section 4 of the accompanying Supplementary Statement of Environmental Effects.

3. MATTERS FOR CONSIDERATION.

Clause 7 of SEPP 71 requires the matters set out in clause 8 of the Policy to be taken into account by the consent authority when it determines a development application on land to which the Policy applies.

The following assessment of the proposed development is provided in relation to the matters identified in clause 8 of the Policy.

3.1 “(a) *The aims of the Policy*”.

- “(a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales Coast, and*”

Assessment: The proposed development is located on privately owned

land and does not have an adverse effect upon the natural, cultural, recreational and economic attributes of the New South Wales Coast.

- ***“(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and”***

Assessment: The proposed development does not impede any existing public access to, or along, the coastal foreshore.

- ***“(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and”***

Assessment: The subject land is privately owned and the proposed development has no adverse implications for the identification of new opportunities for public access to the foreshore.

- ***“(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and”***

Assessment: The subject land has been used for hospital purposes for an extensive period of time and has been significantly altered as a consequence of historical development. Consequently, it has no significance for Aboriginal cultural heritage.

- ***“(e) to ensure that the visual amenity of the coast is protected, and”***

Assessment: As demonstrated in the accompanying Statement of Environmental Effects, the proposed development is visually compatible with the bulk/scale/character of development within the locality and will not result in any adverse impact on the scenic amenity of the coast as the subject land and the proposed development is located a considerable distance from the coastline.

- ***“(f) to protect and preserve beach environments and beach amenity, and”***

Assessment: The proposed development has no impact on beach amenity.

- ***“(g) to protect and preserve native coastal vegetation, and”***

Assessment: The subject land contains no native coastal vegetation.

- ***“(h) to protect and preserve the marine environment of New South Wales, and”***

Assessment: The proposed development has no adverse impact on the marine environment.

- ***“(i) to protect and preserve rock platforms, and”***

Assessment: The proposed development has no impact on local rock platforms.

- ***“(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the Protection of the Environment Administration Act 1991), and”***

Assessment: The proposed development has no adverse impact on biodiversity or ecological integrity and does not interfere with, nor will be damaged by, coastal processes.

- ***“(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and”***

Assessment: The proposed development is demonstrated in the accompanying Statement of Environmental Effects to be compatible with the intended bulk and scale of development within the locality and does not adversely impact the scenic quality of the area.

- ***“(l) to encourage a strategic approach to coastal management.”***

Assessment: As demonstrated in the accompanying Statement of Environmental Effects, the proposed development is consistent with the intended future character of the locality and has no adverse consequences for coastal management.

3.2 “(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved”.

Assessment: The proposed development has no adverse impact on any public access to the coastal foreshore by pedestrians or persons with a disability.

3.3 “(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability”

Assessment: The subject land is privately owned and currently used for hospital purposes. The site is not identified as being required for the provision of any new point of public access to the coastal foreshore.

3.4 “(d) the suitability of development given its type, location and design and its relationship with the surrounding area”

Assessment: The proposed development is appropriate to the site having regard to its existing use as a hospital and its consistency with the outcomes sought by the Councils local planning controls, as demonstrated in the accompanying Statement of Environmental Effects.

3.5 “(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore”

Assessment: The proposed development does not have an adverse impact upon the visual amenity of the coastal foreshore; does not cause overshadowing of the coastal foreshore; and will not result in any loss of views of the coastal foreshore gained from any public place.

3.6 “(f) any scenic qualities of the New South Wales Coast, and means to protect and improve these qualities”

Assessment: The subject land is located within a long established urban area and the proposed development has no adverse impact on the scenic quality of the New South Wales Coast, being well removed from the coastline.

3.7 “(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats”

Assessment: The subject land does not contain habitat for threatened flora or fauna.

3.8 “(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats”

Assessment: The subject land does not contain aquatic/marine habitat.

3.9 “(i) existing wildlife corridors and the impact of development on these corridors”

Assessment: The subject land does not comprise part of a wildlife corridor.

3.10 “(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards”

Assessment: Due to its physical separation from the coastal foreshore, the proposed development will not be effected by, and will not impact upon, coastal processes/hazards.

3.11 “(k) measures to reduce the potential for conflict between land-based and water-based coastal activities”

Assessment: The proposed development does not present any potential conflict between land based and water based activities.

3.12 “(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals”

Assessment: The subject land does not have Aboriginal cultural heritage significance in view of its physical modification and historic use for urban purposes.

3.13 “(m) likely impacts of development on the water quality of coastal waterbodies”

Assessment: The proposed development will not result in sedimentation or stormwater discharges which would adversely impact the water quality of coastal waterbodies.

3.14 “(n) the conservation and preservation of items of heritage, archaeological or historic significance”

Assessment: The subject land contains no items of heritage, archaeological or historic significance identified under Newcastle Local Environmental Plan 2012.

3.15 “(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities”

Assessment: This proposal does not involve the preparation of a draft local environmental plan.

3.16 “(p) only in cases in which a development application in relation to proposed development is determined:

- (i) the cumulative impacts of the proposed development on the environment, and**
- (ii) measures to ensure that water and energy usage by the proposed development is efficient.”**

Response: Approval of the proposed development will not generate adverse cumulative impacts on the environment as a consequence of the approval of similar applications given the categorisation of the proposed development (i.e. hospital).

4. SIGNIFICANT COASTAL DEVELOPMENT.

The proposed development is not ‘*Significant coastal development*’ for the purposes of the Policy.

5. DEVELOPMENT CONTROL (PART 4 OF THE POLICY).

5.1 Clause 14 – Public Access: “*Public Access: A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land based right of access of the public to or along the coastal foreshore*”

Assessment: The proposed development will not impede or diminish the right of public access to the coastal foreshore.

5.2 Clause 15 – Effluent Disposal: “ *The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform*”.

Assessment: The proposed development will be serviced by the existing reticulated sewage system.

5.3 Clause 16 – Stormwater: “*Stormwater: The consent authority must not grant consent to a development application on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform*”

Assessment: The proposed development will incorporate stormwater treatment and detention devices which will adequately treat runoff for pollutants prior to being reused, or discharged to the council stormwater system. The proposed development will not result in the discharge of untreated stormwater to the sea, onto a beach, or rock platform.

6. CONCLUSION.

This assessment demonstrates that the proposed alterations and additions to Lingard Private Hospital located on Lot 100 DP 1168197, No. 23 Merewether Street, Merewether is consistent with the aims and relevant provisions of State Environmental Planning Policy No. 71 – Coastal Protection.

Doug Sneddon
15th August 2016.

**APPENDIX H: CLAUSE 4.6 (NEWCASTLE LEP 2012) – REQUEST FOR
CONTRAVENTION OF THE 10M MAXIMUM PERMISSIBLE
BUILDING HEIGHT & 0.9:1 FLOOR SPACE RATIO
DEVELOPMENT STANDARDS.**

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1. INTRODUCTION.

(i) **Clause 4.6** of Newcastle Local Environmental Plan 2012 (LEP 2012) provides for an appropriate degree of flexibility in applying certain development standards to particular development and seeks to achieve better town planning outcomes by allowing flexibility in particular circumstances.

(ii) **Clause 4.6 (3)** of LEP 2012 provides that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(iii) **Clause 4.6 (4)** provides that development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(iv) **Request for Exceptions to development standards:** This request for approval of amended DA 2015/10349 in a manner which contravenes the maximum permissible building height and floor space ratio development standards applicable to development on the subject land addresses:

- the requirements of Clauses 4.6 (3) - (5) of LEP 2012; and
- the considerations set out in *Wehbe v Pittwater Council (2007) NSWLEC 827* and *Four2FivePtyLtd v Ashfield Council (2015) NSWLEC90*.

This request demonstrates that in respect to amended DA 2015/10349 for proposed alterations and additions to Lingard Hospital on Lot 100 DP 1168197, No. 23 Merewether Street, Merewether, as described in section 4 of the accompanying Supplementary Statement of Environmental Effects (August 2016):

- contravention of the maximum permissible building height and floor space ratio development standards of Newcastle Local Environmental Plan 2012 applicable to the

subject land and the proposed development, is reasonable having regard to the particular circumstances;

- that there are sufficient environmental planning grounds to justify contravening the development standard; and
- the proposed development is in the public interest because it is consistent with the objectives of the particular standards and the objectives for development within the *R3 Medium Density Residential* zone.

2. SUBJECT LAND & PROPOSED DEVELOPMENT.

2.1 Subject Land.

The subject land is described as Lot 100 DP 1168197, No. 23 Merewether Street, Merewether, upon which the existing Lingard Private Hospital is located. The hospital site has an area of 1.03ha.

2.2 Proposed Development.

The proposed (amended) development is described in section 4 of the accompanying Statement of Environmental Effects (August 2016).

In summary, the proposed development involves:

- removal of the existing doctors car park (26 spaces) for the construction of a two storey addition (1,700m²) at the western side of the existing hospital site to provide a new ground floor operating theatre suite containing 4 new operating theatres (overall + 3 theatres as 1 is lost in the internal alterations to the existing hospital) and a Level 1 Medical Ward providing 25 beds (overall + 24 additional beds as 1 bed is lost in the internal alterations to the existing hospital) and 3 new car spaces located at the rear of the proposed additions, accessed from Tye Street; and
- part internal refurbishment of the existing hospital (existing theatres and administration/amenities - 455m²).

3. DEVELOPMENT STANDARDS PROPOSED TO BE VARIED.

3.1 Maximum Permissible Building Height Development Standard (10m).

Clause 4.3 (2) of LEP 2012 provides that development on the subject land shall not exceed the maximum building height shown on the "Height of Buildings Map".

The "Building Heights Map" shows that the maximum permissible building height indicated for the subject land on the Height of Building Map is 10m.

The proposed amended development complies with the 10m maximum permissible building height development standard under Clause 4.3 (2) of Newcastle LEP 2012, except for the roof plant enclosure screen which has a height of between 11.192m and 11.279m.

Clause 4.6 (2) of LEP 2012 allows the consent authority to exercise an appropriate degree of flexibility in applying certain development standards to particular development. This request addresses the matters required by Clauses 4.6 (3) and (4) in order to satisfy the Council that any requirement for the proposed development to strictly comply with the the 10m maximum permissible building height development standard is unreasonable or unnecessary in the circumstances of the case.

Council is requested to agree to the proposed roof top enclosure screen's minor contravention of the 10m maximum permissible building height development standard having regard to the matters addressed in section 4 of this request.

3.2 Maximum Permissible Floor Space Ratio Development Standard (0.9:1).

Clause 4.4 (2) of LEP 2012 provides that development on the subject land shall not exceed the maximum permissible floor space ratio shown on the "Floor Space Ratio Map".

The "Floor Space Ratio Map" shows that the maximum permissible floor space ratio for any building on the subject land is 0.9:1.

The proposed hospital additions (1,700m²) will result in a total hospital GFA of 10,298m² (existing + proposed) and a floor space ratio of 0.997:1. This will result in a minor exceedence of the maximum 0.9:1 floor space ratio development standard applicable to development on the subject land.

Clause 4.6 (2) of LEP 2014 allows the consent authority to exercise an appropriate degree of flexibility in applying certain development standards to particular development. This request addresses the matters required by Clauses 4.6 (3) and (4) in order to satisfy the Council that any requirement for the proposed amended development application to strictly comply with the maximum permissible floor space ratio development standard is unreasonable or unnecessary in the circumstances of the case.

Council is requested to agree to the proposed development's contravention of the 0.9:1 maximum permissible floor space ratio development standard having regard to the matters addressed in section 5 this request.

4. CONSIDERATION AS TO WHETHER THE PROPOSED CONTRAVENTION OF THE APPLICABLE 10M MAXIMUM PERMISSIBLE BUILDING HEIGHT DEVELOPMENT STANDARD IS REASONABLE IN THE CIRCUMSTANCES AND SATISFIES THE REQUIREMENTS OF CLAUSE 4.6 OF NEWCASTLE LEP 2012.

4.1 Objectives of Clause 4.6 of Newcastle LEP 2012.

The objectives of Clause 4.6 (1) are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The proposed contravention of the 10m maximum permissible building height development standard complies with these objectives as the minor height exceedence in this case is confined to a relatively small part of the proposed hospital additions roof area occupied by the proposed roof plant and its screen enclosure and the proposed development otherwise complies with the 10m building height development standard.

4.2 Clause 4.6 (3) (a) – Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Clause 4.6 (3) (a) requires that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that “*compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*”.

Any requirement for the proposed development to strictly comply with the maximum permissible building height development standard applicable to the subject land would be unreasonable or unnecessary in the circumstances of the case for the following reasons:

- the proposed contravention of the 10m maximum permissible building height development standard complies with these objectives as the minor height exceedence in this case is confined to a relatively small part of the proposed hospital additions roof area occupied by the proposed roof plant and its screen enclosure; and
- the proposed roof plant is located so that it has a substantial setback from the external walls of the proposed hospital addition which mitigates its visual impact and will not result in any significant amenity impacts on neighbouring properties.

As demonstrated in section 4.6 (i) of this request (‘Wehbe five part test), any requirement for strict compliance with the 10m building height development standard would be unreasonable or unnecessary in the particular circumstances because the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.

4.3 Clause 4.6 (3) (b) – Environmental Planning Grounds to justify contravening the development standard.

Clause 4.6 (3) (b) requires that the applicant to demonstrate that there *are sufficient environmental planning grounds to justify contravening the development standard*.

There are sufficient environmental planning grounds in this case to justify the proposed development’s contravention of the maximum permissible height development standards applying to the subject land:

- the proposed contravention of the 10m maximum permissible building height development standard complies with these objectives as the minor height exceedance in this case is confined to a relatively small part of the proposed hospital additions roof area occupied by the proposed roof plant and its screen enclosure;
- the proposed roof plant is located so that it has a substantial setback from the external walls of the proposed hospital addition which mitigates its visual impact and will not result in any significant amenity impacts on neighbouring properties; and
- the proposed building height exceedance does not reduce the opportunity for neighbouring properties or public areas to receive satisfactory exposure to sunlight. The shadow diagrams provided in Figure 16 of the accompanying Supplementary Statement of Environmental Effects show that the proposed development does not have any adverse impacts on the public domain, or neighbouring residential properties.

4.4 Clause 4.6 (4) (a) (ii) – Consistency with the objectives of the standard and the objectives of the zone.

Clause 4.6 (4) (a) (ii) requires the consent authority to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone within which the development is proposed to be carried out.

(i) Objectives of the Height of Buildings Development Standard.

The objectives of the height of buildings development standard applicable to the subject land and the proposed development are stated in Newcastle LEP 2012 - Clause 4.3 (1) (a) – (b):

(a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,

(b) to allow reasonable daylight access to all developments and the public domain.

The following assessment demonstrates that the proposed development will be consistent with the objectives of the height of buildings development standard of Newcastle LEP 2012:

- ***"(a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,"***

Compliance: Whilst the subject land is not located within an established centre, the scale of the proposed hospital additions is consistent with the desired scale of development within the *R3 Medium Density Residential* zone and the existing hospital.

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- *"(b) to allow reasonable daylight access to all developments and the public domain,"*

Compliance: The proposed contravention of the roof plant screen enclosure with the maximum permissible building height development standard does not reduce the opportunity for neighbouring properties or public areas to receive satisfactory exposure to sunlight. The shadow diagrams provided in Figure 16 of the accompanying Supplementary Statement of Environmental Effects show that the proposed development does not have any adverse impacts on the public domain, or neighbouring residential properties

(ii) Objectives for development within the R3 Medium Density Residential Zone.

The objectives for development within the *R3 Medium Density Residential zone* are provided in Newcastle LEP 2012 – Clause 2.3 (Zone Objectives and Land Use Table):

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow some diversity of activities and densities if:*
 - (i) the scale and height of proposed buildings is compatible with the character of the locality, and*
 - (ii) there will be no significant adverse impact on the amenity of any existing nearby development.*
- *To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development:*
 - (i) has regard to the desired future character of residential streets, and*
 - (ii) does not significantly detract from the amenity of any existing nearby development.*

The following assessment demonstrates that the proposed development will be consistent with the objectives of the *R3 Medium Density Residential Zone*:

- ***"To provide for the housing needs of the community within a medium density residential environment."***

Not Applicable: The proposed development does not provide any residential accommodation.

- ***“To provide a variety of housing types within a medium density residential environment.”***

Not Applicable: The proposed development does not provide any housing.

- ***“To enable other land uses that provide facilities or services to meet the day to day needs of residents.”***

Consistent: The proposed additions to Lingard Private Hospital will provide health services to the community.

- ***“To allow some diversity of activities and densities if:***

- (i) the scale and height of proposed buildings is compatible with the character of the locality, and*
- (ii) there will be no significant adverse impact on the amenity of any existing nearby development.”*

Consistent: The proposed development is compatible with the character of development in the locality and will not have an adverse impact on the amenity of neighbouring properties.

- ***To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development:***

- (i) has regard to the desired future character of residential streets, and*
- (ii) does not significantly detract from the amenity of any existing nearby development.*

Not Applicable: The proposed development does not provide any residential accommodation.

4.5 Clause 4.6 (5) (a) – (c): Matters for consideration by the Secretary.

Clause 4.6 (5) (a) – (c) requires that ‘the Secretary’, in deciding whether to grant concurrence under Clause 4.6 (4) (b) to the proposed contravention of the building height development standard, must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The following assessment demonstrates that the proposed minor contravention of the 10m building height development standard does not raise any matter of significance for State or regional planning:

- ***"Whether contravention of the development standard raises any matter of significance for State or regional environmental planning".***

It is demonstrated in the accompanying Statement of Environmental Effects and in this request, that the amended development application is consistent with State and regional planning policies/strategic directions seeking to provide facilities and services to meet the health needs of the community.

Approval of the proposed development and the proposed contravention of the applicable maximum permissible building height development standard in this particular case would not raise any matter of significance for State or regional planning.

- ***"The public benefit of maintaining the development standard".***

The accompanying Statement of Environmental Effects demonstrates that the proposed contravention of the maximum building height development standard does not have any significant adverse scenic/visual impacts, or amenity impacts on either the public domain, or neighbouring properties; and will not undermine the maintaining of the maximum building height development standards applicable elsewhere within the R3 Medium Density Residential zone.

- ***"Any other matters required to be taken into consideration by the Director-General before granting concurrence."***

There are no other matters currently specified to be taken into consideration by the Director-General before granting concurrence.

4.6 Considerations arising from 'Wehbe' and 'Four2Five Pty Ltd'.

4.6.1 'Wehbe' five part test.

Preston CJ in *Wehbe v Pittwater Council* (2007) NSWLEC 827 identified five ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary in a particular case.

The proposed development invokes the first way to establish that compliance with the building height development standard is unreasonable or unnecessary in the particular circumstances:

(i) "The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved, notwithstanding non-compliance with the standard."

Comment: As demonstrated in section 4.4 (i) above, the proposed development is compliant with the objectives of the building height development standard, notwithstanding non-compliance with the standard.

Having regard to the consistency of the proposed contravention of the building height development standard with both the objectives of the development standard and the objectives of the *R3 Medium Density Residential Zone* and in consideration of the environmental planning grounds addressed in section 4.3 above, it is established that compliance with the development standard is unreasonable or unnecessary in the particular circumstances.

(ii) “A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.”

Comment: In relation to the subject land and the proposed development, the underlying objective or purpose of the development standard is considered to be relevant to the proposed development and consequently this second way to establish that compliance with the standard is unnecessary, is not invoked for this particular application.

(iii) “A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required, with the consequence that compliance is unreasonable.”

Comment: While the objectives of the building height development standard would not be thwarted if strict compliance with the development standard was required, the objectives of the *R3 Medium Density Residential zone* to provide for diversity of activities within the zone (such as Health Services Facilities) would not be achieved if the proposed contravention of the building height development standard was not approved. It is demonstrated elsewhere in this request that the proposed contravention of the building height development standard is required in this case to facilitate the provision of health services facilities on the subject land.

(iv) “A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.”

Comment: It is not proposed in this case to attempt to establish that the development standard has been virtually abandoned or destroyed by the Council’s own actions.

(v) “A fifth way is to establish that the zoning of particular land was unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.”

Comment: In relation to the subject land, the *R3 Medium Density Residential zone* is considered to be inappropriate given its existing developed character. Lingard Hospital is a significant component of the community’s health services infrastructure and it would be more appropriate for the subject land to be zoned *SP2 Infrastructure (Health Services)*. The development standards currently applied to the site are intended to control the bulk, scale and density of residential development and have the effect of restricting the future efficient use of the subject land for hospital/health services, which typically result in multi-level buildings exceeding 10m in height.

It is noted that John Hunter Hospital is zoned *SP2 Infrastructure (Health Services Facility)* under Newcastle LEP 2012 and has no applicable building height or floor space ratio development standards. A similar planning framework would be appropriate to the site of Lingard Private Hospital.

Consequently, the fifth way to establish that compliance with the standard was unreasonable or inappropriate could also be applicable to the particular circumstances of the subject land, but is not invoked for this particular application.

4.6.2 Additional considerations arising from *Four2Five Pty Ltd*.

The following additional considerations arise from *Four2Five v Ashfield Council (2015) NSWLEC 90* in relation to the operation of Clause 4.6:

(i) Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP’.

Comment: It is demonstrated in sections 4.1 – 4.5 of this request for contravention of the building height development standard that the proposed variation to the standard satisfies the particular requirements of Clause 4.6 of Newcastle LEP 2014.

(ii) That there are sufficient environmental planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may occur to similar development on the site or in the locality).

Comment: It is demonstrated in section 4.3 of this request that there are sufficient environmental planning grounds in relation to the subject land and the proposed development to justify contravening the development standard in this case.

(iii) That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.

Comment: Whilst it is demonstrated in this request that the design height of the proposed development is consistent with the objectives of the building height development standard and the *R3 Medium Density Residential Zone*, there are also sufficient planning grounds to support the proposed contravention of the standard. The proposed contravention in building height will not adversely impact neighbouring properties and will not be contrary to the public interest.

5. CONSIDERATION AS TO WHETHER CONTRAVENTION OF THE APPLICABLE 0.9:1 MAXIMUM PERMISSIBLE FLOOR SPACE RATIO DEVELOPMENT STANDARD IS REASONABLE IN THE CIRCUMSTANCES AND SATISFIES THE REQUIREMENTS OF CLAUSE 4.6 OF NEWCASTLE LEP 2012.

5.1 Objectives of Clause 4.6 of Newcastle LEP 2012.

The objectives of Clause 4.6 (1) are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The proposed development's contravention of the maximum permissible 0.9:1 floor space ratio development standard (i.e. resulting in a FSR of 0.997:1) complies with these objectives for the following reason:

- the 0.9:1 maximum floor space ratio development standard is principally aimed to control residential density/amenity generally within the *R3 Medium Density Residential* zone and does not have any particular relevance to the 'institutional' character of hospital development on the subject land or the specific built form and building requirements for hospital construction; and
- in view of the limited capacity of the site to provide additional health services for the community, it is necessary to make the most efficient use of the land currently available for hospital expansion, by providing multiple level hospital facilities in a manner consistent with the built form of hospital facilities located elsewhere in the City.

The particular nature of hospital development therefore warrants an appropriate degree of flexibility in applying the 0.9:1 maximum permitted floor space ratio development standard in this particular case.

5.2 Clause 4.6 (3) (a) – Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Clause 4.6 (3) (a) requires that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that "*compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*".

Any requirement for the proposed development to strictly comply with the maximum permissible 0.9:1 floor space ratio development standard applicable to the subject land would be unreasonable or unnecessary in the particular circumstances of the proposed development for the following reasons:

- the 0.9:1 maximum floor space ratio development standard is principally aimed to control residential density/amenity generally within the *R3 Medium Density Residential* zone and does not have any particular relevance to the ‘institutional’ character of hospital development on the subject land or the specific built form and building requirements for hospital construction;
- in view of the limited capacity of the site to provide additional health services for the community, it is necessary to make the most efficient use of the land currently available for hospital expansion, by providing multiple level hospital facilities in a manner consistent with the built form of hospital facilities located elsewhere in the City; and
- as indicated in the accompanying Statement of Environmental Effects the proposed exceedence of the maximum permissible floor space ratio development standard in this case does not result in any adverse impacts on the public domain generally, or the residential amenity of neighbouring properties.

As demonstrated in section 5.6 of this request (‘Wehbe five part test), any requirement for strict compliance with the 0.9:1 floor space ratio development standard is unreasonable or unnecessary in the particular circumstances because the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.

5.3 Clause 4.6 (3 (b) – Environmental Planning Grounds to justify contravening the development standard.

Clause 4.6 (3) (b) requires that the applicant to demonstrate that *there are sufficient environmental planning grounds to justify contravening the development standard.*

There are sufficient environmental planning grounds in this case to justify the proposed development’s contravention of the 0.9:1 maximum permissible floor space ratio development standards applying to the subject land:

- as indicated in the accompanying Statement of Environmental Effects the proposed exceedence of the 0.9:1 maximum permissible floor space ratio development standard does not result in any adverse impacts on the public domain generally, or the residential amenity of neighbouring properties;
- the visual presentation of the proposed development to Lingard Street reflects the architectural themes and established bulk and scale of the existing hospital;
- other than for the minor exceedence of the roof top plant screen enclosure, the proposed hospital additions are compliant with the applicable 10m maximum permissible building height development standard;
- the bulk and scale of the proposed development does not have any significant amenity impacts on neighbouring properties:

- there are no scenic or landmark views available from neighbouring properties that would be impacted by the proposed development;
 - there are no direct views from a window within the proposed development to a living area/habitable area window within a neighbouring residence; and
 - the proposed development will have no unreasonable acoustic impacts on neighbouring residences.
- as demonstrated in the accompanying Statement of Environmental Effects the provision of hospital car parking will comply with the provision for car parking required by Newcastle DCP 2012 and the minor increase in traffic generated by the proposed development will not adversely impact the performance, capacity or safety of the surrounding road network; and
 - it is considered that the scale and architectural presentation of the proposed hospital additions will make a positive contribution to the built character of the locality and will not result in any adverse visual or amenity impacts. It is in the public interest for the proposed development to be approved in order to provide additional specialist medical facilities/services to the community.

5.4 Clause 4.6 (4) (a) (ii) – Consistency with the objectives of the standard and the objectives of the zone.

Clause 4.6 (4) (a) (ii) requires the consent authority to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone within which the development is proposed to be carried out.

(i) Objectives of the Floor Space Ratio Development Standard.

The objectives of the floor space ratio development standard applicable to the subject land and the proposed development are stated in Newcastle LEP 2012 - Clause 4.4 (1) (a) – (b):

(a) to provide an appropriate density of development consistent with the established centres hierarchy,

(b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.

The following assessment demonstrates that the proposed development's contravention of the 0.9:1 floor space ratio development standard in this particular case will be consistent with the objectives of the floor space ratio development standards of Newcastle LEP 2012:

- *"(a) to provide an appropriate density of development consistent with the established centres hierarchy,"*

Response: The subject land is not located within a centre.

The 0.9:1 maximum floor space ratio development standard is principally aimed to control residential density generally within the *R3 Medium Density Residential* zone and does not have any particular relevance to the 'institutional' character of hospital development on the subject land or the specific built form and building requirements relevant to hospital construction.

As indicated in the accompanying Statement of Environmental Effects the proposed exceedence of the maximum permissible floor space ratio development standard does not result in any adverse impacts on the public domain generally, or the residential amenity of neighbouring properties.

- ***"(b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy"***

Response: In view of the limited capacity of the site to provide additional health services for the community, it is necessary to make the most efficient use of the land currently available for hospital expansion (i.e. the current doctors car park at the north-western corner of the site) and provide for the construction of a building of two levels, comprising ground floor theatre suites and Level 1 Medical Ward above.

The visual presentation of the proposed development to Lingard Street reflects the architectural themes and bulk and scale of the existing hospital.

The bulk and scale of the proposed development does not have any significant amenity impacts on neighbouring properties:

- there are no scenic or landmark views available from neighbouring properties that would be impacted by the proposed development;
- there are no direct views from a window within the proposed development to a living area/habitable area window within a neighbouring residence; and
- the proposed development will have no unreasonable acoustic impacts on neighbouring residences.

It is considered that the scale and architectural presentation of the proposed hospital additions make a positive contribution to the built character of the locality and do not result in any adverse visual or amenity impacts. It is in the public interest for the proposed development to be approved in order to provide additional specialist medical facilities/services to the community.

(ii) Objectives for development within the R3 Medium Density Residential Zone.

The objectives for development within the *R3 Medium Density Residential* zone are provided in Newcastle LEP 2012 – Clause 2.3 (Zone Objectives and Land Use Table):

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow some diversity of activities and densities if:*
 - (i) the scale and height of proposed buildings is compatible with the character of the locality, and*
 - (ii) there will be no significant adverse impact on the amenity of any existing nearby development.*
- *To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development:*
 - (i) has regard to the desired future character of residential streets, and*
 - (ii) does not significantly detract from the amenity of any existing nearby development.*

The following assessment demonstrates that the proposed development will be consistent with the objectives of the *R3 Medium Density Residential Zone*:

- ***“To provide for the housing needs of the community within a medium density residential environment.”***

Not Applicable: The proposed development does not provide any residential accommodation.

- ***“To provide a variety of housing types within a medium density residential environment.”***

Not Applicable: The proposed development does not provide any housing.

- ***“To enable other land uses that provide facilities or services to meet the day to day needs of residents.”***

Consistent: The proposed additions to Lingard Private Hospital will provide health services to the community.

- ***“To allow some diversity of activities and densities if:***

(i) the scale and height of proposed buildings is compatible with the character of the locality, and

(ii) there will be no significant adverse impact on the amenity of any existing nearby development."

Consistent: The proposed development is compatible with the character of development in the locality and will not have an adverse impact on the amenity of neighbouring properties.

- *To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development:*

*(i) has regard to the desired future character of residential streets, and
(ii) does not significantly detract from the amenity of any existing nearby development.*

Not Applicable: The proposed development does not provide any residential accommodation.

5.5 Clause 4.6 (5) (a) – (c): Matters for consideration by the Secretary.

Clause 4.6 (5) (a) – (c) requires that ‘the Secretary’, in deciding whether to grant concurrence under Clause 4.6 (4) (b) to the proposed contravention of the floor space ratio development standard, must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The following assessment demonstrates that the proposed contravention of the 0.9:1 floor space ratio development standard does not raise any matter of significance for State or regional planning:

- *"Whether contravention of the development standard raises any matter of significance for State or regional environmental planning".*

It is demonstrated in the accompanying Statement of Environmental Effects and in this request, that the amended development application is consistent with State and regional planning policies/strategic directions seeking to provide facilities and services to meet the health needs of the community.

Approval of the proposed development and the proposed contravention of the applicable maximum permissible floor space ratio development standard in this particular case would not raise any matter of significance for State or regional planning.

- ***"The public benefit of maintaining the development standard".***

The accompanying Statement of Environmental Effects demonstrates that the proposed contravention of the maximum permissible floor space ratio development standard does not have any significant adverse scenic/visual impacts, or amenity impacts on either the public domain, or neighbouring properties; and will not undermine the maintaining of the floor space ratio development standard applicable elsewhere within the R3 Medium Density Residential zone throughout the City, in view of the unique circumstances applying to the existing hospital and the proposed development.

- ***"Any other matters required to be taken into consideration by the Director-General before granting concurrence."***

There are no other matters currently specified to be taken into consideration by the Director-General before granting concurrence.

5.6 Considerations arising from 'Wehbe' and 'Four2Five Pty Ltd'.

5.6.1 'Wehbe' five part test.

Preston CJ in *Wehbe v Pittwater Council* (2007) NSWLEC 827 identified five ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary in a particular case.

The proposed development invokes the first way to establish that compliance with the building height development standard is unreasonable or unnecessary in the particular circumstances:

(i) "The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved, notwithstanding non-compliance with the standard."

Comment: As demonstrated in section 4.4 (i) above, the proposed development is compliant with the objectives of the floor space ratio development standard, notwithstanding non-compliance with the standard.

Having regard to the consistency of the proposed contravention of the floor space ratio development standard with both the objectives of the development standard and the objectives of the *R3 Medium Density Residential Zone* and in consideration of the environmental planning grounds addressed in section 5.3 above, it is established that any requirement for compliance with the floor space ratio development standard in this case would be unreasonable or unnecessary in the particular circumstances.

(ii) “A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.”

Comment: In relation to the subject land and the proposed development, the underlying objective or purpose of the development standard is considered to be relevant to the proposed development and consequently this second way to establish that compliance with the standard is unnecessary, is not invoked for this particular application.

(iii) “A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required, with the consequence that compliance is unreasonable.”

Comment: While the objectives of the floor space ratio development standard would not be thwarted if strict compliance with the development standard was required, the objectives of the *R3 Medium Density Residential zone* to provide for diversity of activities within the zone (such as Health Services Facilities) would not be achieved if the proposed contravention of the floor space ratio development standard was not approved. It is demonstrated elsewhere in this request that the proposed contravention of the floor space ratio development standard is required in this case to facilitate the provision of health services facilities on the subject land.

(iv) “A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.”

Comment: It is not proposed in this case to attempt to establish that the development standard has been virtually abandoned or destroyed by the Council’s own actions.

(v) “A fifth way is to establish that the zoning of particular land was unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.”

Comment: In relation to the subject land, the *R3 Medium Density Residential zone* is considered to be inappropriate given its existing developed character. Lingard Hospital is a significant component of the community’s health services infrastructure and it would be more appropriate for the subject land to be zoned *SP2 Infrastructure (Health Services)*. The development standards currently applied to the site are principally intended to control the bulk, scale and density of residential development and have the effect of restricting the future efficient use of the subject land for hospital/health services, which typically result in much higher floor space ratios.

It is noted that John Hunter Hospital is zoned *SP2 Infrastructure (Health Services Facility)* under Newcastle LEP 2012 and has no applicable building height or floor space ratio development standards. A similar planning framework would be appropriate to the site of Lingard Private Hospital.

Consequently, the fifth way to establish that compliance with the standard was unreasonable or inappropriate could also be applicable to the particular circumstances of the subject land, but is not invoked for this particular application.

5.6.2 Additional considerations arising from *Four2Five Pty Ltd*.

The following additional considerations arise from *Four2Five v Ashfield Council (2015) NSWLEC 90* in relation to the operation of Clause 4.6:

(i) *Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP*’.

Comment: It is demonstrated in sections 5.1 – 5.5 of this request for contravention of the 0.9:1 floor space ratio development standard that the proposed variation to the standard satisfies the particular requirements of Clause 4.6 of Newcastle LEP 2012.

(ii) *That there are sufficient environmental planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may occur to similar development on the site or in the locality).*

Comment: It is demonstrated in section 5.3 of this request that there are sufficient environmental planning grounds in relation to the subject land and the proposed development to justify contravening the 0.9:1 floor space ratio development standard in this case.

(iii) *That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.*

Comment: Whilst it is demonstrated in this request that the design of the proposed development is consistent with the objectives of the floor space ratio development standard and the *R3 Medium Density Residential Zone*, there are also sufficient planning grounds to support the proposed contravention of the standard. The proposed contravention in the floor space ratio development standard will not adversely impact the amenity of neighbouring properties and will not be contrary to the public interest.

6. CONCLUSION.

Amended DA 2015/10349 proposes to:

- include a roof top plant enclosure screen having a height of between 11.192m and 11.279m, thereby contravening the 10m maximum permissible building height development standard applicable to the subject land. The proposed development otherwise complies with the 10m building height development standard; and
- contravene the 0.9:1 maximum floor space ratio development standard applying to the subject land, resulting in the proposed and existing hospital development having a floor space ratio of 0.997:1.

Newcastle City Council is requested to exercise its discretion under Clause 4.6 (2) of Newcastle Local Environmental Plan 2012 for development consent to be granted to amended DA 2015/10349 for proposed alterations and additions to Lingard Private Hospital on Lot 100 DP 1168197, No. 23 Merewether Street, Merewether, as described in section 4 of the accompanying Supplementary Statement of Environmental Effects (August 2016), even though the proposed development would contravene the applicable 10m maximum permissible building height development standard and the 0.9:1 maximum permissible floor space ratio development standard applying to the subject land.

This request addresses the matters required by Clauses 4.6 (3) – (5) of Newcastle Local Environmental Plan 2012 and demonstrates that any requirement for the proposed development to strictly comply with the applicable building height and floor space ratio development standards is unreasonable or unnecessary in the circumstances of the site and the proposed development because:

- the objectives of the building height and floor space ratio development standards and the objectives of the *R3 Medium Density Residential Zone* are achieved by the proposed development, notwithstanding non-compliance with the development standards; and
- there are sufficient environmental planning grounds to justify the proposed development contravening the building height and floor space ratio development standards.

This request for contravention of the applicable maximum permissible building height and floor space ratio development standards is well founded and the requested variations to the particular development standards are considered appropriate in the circumstances.

There is no public benefit to be derived or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable maximum permissible building height and floor space ratio development standards of Newcastle LEP 2012.

Doug Sneddon
15th August 2016.

APPENDIX I: CLAUSE 5.5 (LEP 2012) – DEVELOPMENT WITHIN THE COASTAL ZONE.

NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012.

CLAUSE 5.5 – DEVELOPMENT WITHIN THE COASTAL ZONE:

PROPOSED ALTERATIONS & ADDITIONS TO LINGARD PRIVATE HOSPITAL (STAGE 5) ON LOT 100 DP 1168197 NO. 23 MEREWETHER STREET, MEREWETHER.

1. INTRODUCTION.

The subject land is described as Lot 100 DP 1168197, No. 23 Merewether Street, Merewether, having an area of 1.03 ha (the site of the existing Lingard Private Hospital and the proposed hospital additions and alterations).

The land is located within the “coastal zone” for the purposes of the *NSW Coastal Policy* and *Newcastle Local Environmental Plan 2012*, but is not identified as being affected by coastal processes.

2. PROPOSED DEVELOPMENT.

In summary, the proposed development involves:

- removal of the existing doctors car park (26 spaces) for the construction of a two storey addition (1,700m²) at the western side of the existing hospital site to provide a new ground floor operating theatre suite containing 4 new operating theatres (overall + 3 theatres as 1 is lost in the internal alterations to the existing hospital) and a Level 1 Medical Ward providing 25 beds (overall + 24 additional beds as 1 bed is lost in the internal alterations to the existing hospital) and 3 new car spaces located at the rear of the proposed additions, accessed from Tye Street; and
- part internal refurbishment of the existing hospital (existing theatres and administration/amenities - 455m²).

A detailed description of the proposed development is provided in Section 4 of the accompanying Supplementary Statement of Environmental Effects.

3. MATTERS FOR CONSIDERATION.

Clause 5.5 of Newcastle Local Environmental Plan 2012 requires the following matters to be considered by the consent authority when it determines a development application, wholly or partly in the coastal zone:

3.1 “(1) *The objectives of the clause*”:

- *(a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,*

Assessment: The subject land does not possess any coastal environmental attributes requiring protection.

- (b) *to implement the principles in the NSW Coastal Policy, and in particular to:*

(i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and

Assessment: The subject land does not exhibit any natural characteristics of the coastal environment; associated ecosystems; ecological processes; or biological diversity.

(ii) protect and preserve the natural, cultural, recreational and economic attributes of the New South Wales Coast, and

Assessment: The proposed development is located on privately owned land and does not have an adverse effect upon the natural, cultural, recreational and economic attributes of the New South Wales Coast.

(iii) provide opportunities for pedestrian access to and along the coastal foreshore, and

Assessment: The subject land is privately owned and is located well away from the coastal foreshore. The proposed development has no adverse implications for public access to existing foreshore reserves, or for the identification of new opportunities for public access to the foreshore.

(iv) recognise and accommodate coastal processes and climate change, and

Assessment: The subject land is well removed from the coastal foreshore and is not adversely impacted by coastal processes.

(v) protect amenity and scenic quality, and

Assessment: As demonstrated in the accompanying Supplementary Statement of Environmental Effects, the proposed development is visually compatible with neighbouring development and will not adversely impact the scenic quality of the coast.

(vi) protect and preserve rock platforms, beach environments and beach amenity, and

Assessment: The proposed development does not impact any rock platform or beach environment.

(vii) protect and preserve native coastal vegetation and

Assessment: The subject land does not contain any native coastal vegetation.

(viii) protect and preserve the marine environment, and

Assessment: The proposed development has no adverse impact on the marine environment and incorporates suitable measures for connection to the reticulated sewerage system; the management of stormwater impacts; and the mitigation of off-site sedimentation impacts.

(ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and"

Assessment: As demonstrated in the accompanying Supplementary Statement of Environmental Effects, the bulk and scale of the proposed development is compatible with the built form character of the locality.

(x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and

Assessment: The proposed development is demonstrated in the accompanying Statement of Environmental Effects to be consistent with the development outcomes sought by the Newcastle LEP 2012 and will not result in any adverse cumulative impacts on the public domain generally.

(xi) protect Aboriginal cultural places, values and customs, and

Assessment: The subject land has been historically used for urban purposes and has not been identified as being significant for Aboriginal cultural heritage.

(xii) protect and preserve items of heritage, archeological or historical significance.

Assessment: The subject land is not identified in Schedule 5 of Newcastle LEP 2012 as containing an item of environmental heritage and the subject land is not identified as being located within a heritage conservation area.

3.2 Clause 5.5 (2): Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:

- *"(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*

(i) maintaining existing public access and, where possible, improving that access, and

(ii) identifying opportunities for new public access, and"

Assessment: The proposed development has no implications for any public access to the coastal foreshore by pedestrians or persons with a disability as the site is distant from the coastal foreshore.

- *"(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*

(i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and

(ii) the location, and

(iii) the bulk, scale, size and overall built form design of any building or work involved, and"

Assessment: The proposed development is appropriate to the site having regard to the character of the surrounding area and its consistency with the outcomes sought by the Council's bulk, scale and building design controls as demonstrated in the accompanying Supplementary Statement of Environmental Effects.

- *"(c) the impact of the proposed development on the amenity of the coastal foreshore, including*
 - (i) any significant overshadowing of the coastal foreshore, and*
 - (ii) any loss of views from a public place to the coastal foreshore, and"*

Assessment: The proposed development does not have any impact upon the visual amenity of the coastal foreshore; does not cause any overshadowing of the coastal foreshore; and will not result in any loss of views of the coastal foreshore gained from any public place.

- *"(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and"*

Assessment: The proposed development does not impact upon the visual amenity of any coastal headland, or the coast generally.

- *"(e) how biodiversity and ecosystems, including:*
 - (i) native coastal vegetation and existing wildlife corridors, and*
 - (ii) rock platforms, and*
 - (iii) water quality of coastal water bodies, and*
 - (iv) native animals, fish, plants and marine vegetation, and their habitats,**can be conserved, and"*

Assessment: The subject land does not contain any coastal ecosystem and does not form part of any wildlife corridor requiring conservation.

- *"(f) the cumulative impacts of the proposed development and other development on the coastal catchment".*

Assessment: The proposed development will not result in, or lead to, adverse cumulative impacts on the coastal catchment as the subject land is remote from the coastal foreshore and does not have any adverse visual impact on the coastal catchment.

3.3 Clause 5.5 (3): Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:

- *"(a) the proposed development will not impede or diminish, where practicable, the physical, land based right of access of the public to or along the coastal foreshore, and"*

Assessment: The subject land is well removed from the coastal foreshore and consequently the proposed development will not prevent any public right of access to the coastal foreshore.

- *"(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and"*

Assessment: The proposed development will be serviced by the existing reticulated sewerage system and proposed onsite stormwater management measures will ensure that the proposed development will not adversely impact the water quality of coastal water bodies.

- *"(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and"*

Assessment: The proposed development will not discharge untreated stormwater into any coastal water body or rock platform

- *"(d) the proposed development will not:*
(i) be significantly affected by coastal hazards, or
(ii) have a significant impact on coastal hazards, or
(iii) increase the risk of coastal hazards in relation to any other land."

Assessment: The proposed development is well removed from the coastal foreshore and will not be impacted by coastal hazards, or have any impact on coastal hazards, or increase the risk of coastal hazards to any other land.

4. CONCLUSION.

This assessment demonstrates that the proposed alterations and additions to Lingard Private Hospital located on Lot 100 DP 1168197, No. 23 Merewether Street, Merewether is consistent with the objectives and relevant provisions of Clause 5.5 of Newcastle Local Environmental Plan 2012 in relation to development within the coastal zone.

Doug Sneddon
15th August 2016

APPENDIX J: ACOUSTIC ASSESSMENT
(Robert Carr & Associates Pty Ltd – August 2016)
(Under Separate Cover)

APPENDIX K: TRAFFIC & PARKING ASSESSMENT REPORT.

(GTA Consultants – 5th August 2016)

(Under Separate Cover)