



DATE OF DETERMINATION	24 November 2016
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Michael Leavey, Cllr Brad Luke
APOLOGIES	Cllr Sharon Waterhouse and Cllr Allan Robinson
DECLARATIONS OF INTEREST	None

Public meeting held at Travelodge Newcastle on Thursday 24 November 2016, opened at 4.00 pm and closed at 5.00 pm.

MATTER DETERMINED

2015HCC030 – Newcastle City Council, DA2015/10349, Construction of two storey addition to an existing hospital, including new theatres and beds, 23 Merewether Street and 6 Lingard Street, Merewether.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at Item 6, the material listed at Item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

- a) The Panel considered the written variation requests to the maximum Height of Buildings and Floor Space Ratio development standards for the site and considered that compliance with the development standards was unnecessary in this instance, and that there were sufficient environmental planning grounds to support the proposed variations, as the proposal was considered consistent with the zone objectives and consistent with the objectives of the height standard and FSR standard within Clauses 4.3 of and 4.4 of Newcastle LEP 2012. Further, the specific nature of the site, including the limited interface with adjoining land, relative flatness of the site and appropriate setbacks to the rooftop plant which exceeded the height limit, together with the placement of the building bulk in relation to surrounding land, resulted in a development that suited the site and did not cause any significant impacts on neighbouring land from the height and FSR non-compliance.
- b) There were a number of benefits associated with the proposal, including an appropriate service for the community, as well as streetscape and overall parking benefits, while the impacts to neighbouring land were acceptable in the context of the applicable controls and design measures adopted (further enhanced through conditions).
- c) In terms of the wider consideration of the proposed development, the Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment report, although took the view that certain aspects of the proposed development warranted further regulation and mitigation measures through additional conditions of consent relating to: hospital staffing and bed numbers (to appropriately regulate proposed staffing,

given parking demand and parking provision is linked to staffing and bed numbers); parking management (to ensure appropriate on-site parking allocation and management of access); landscaping (to appropriately address the relationship with adjoining land); window and façade treatment facing neighbouring land (to appropriately mitigate privacy impacts); façade treatment (to ensure a high quality finish); service vehicle hours (to reasonably protect neighbour amenity in evening hours while allowing appropriate delivery times); and consistency with a Mine Subsidence approval (to meet requirements of another Act).

CONDITIONS (AS AMENDED)

The development application was approved subject to the draft conditions recommended within the Council staff assessment report, as amended below:

New Conditions 2A – 2C as follows:

- 2(A) *The approved plans are to include the removal of the formal footpath on the north-western side of the development (adjoining the side boundary) to maximise the provision of landscaping (while still allowing constrained informal access). A revised Landscaping plan is to be submitted with the Construction Certificate detailing the retention of existing trees and ensuring that all new trees along the North Western boundary are to be of a species to reach a minimum height of 5 metres, to be planted at a size of at least 25 litres and to be planted prior to the issue of the first Occupation Certificate.*
- 2(B) *The windows on the first floor of the North-Western Elevation are to be amended to include the provision of vertical fins on both sides of each window (to match the front elevation), to minimise the overlooking of adjoining properties. The provision of a top "hood" element as shown on the plans is an optional element.*
- 2(C) *The front ground floor elevation is to include additional Architectural treatment to the ventilation openings, generator and sub-station grills with the intention to soften its appearance from the streetscape and incorporate high quality and durable materials, of appropriate colour and finish.*

Condition 4 be replaced as follows:

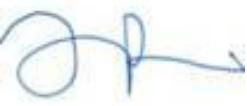
- 4(A) *Total number of on-site site car parking is to be a minimum of 105 spaces, including existing on-site parking, proposed new parking with the extension (excluding loading) and the new carpark approved via DA 2016/0394 and a bicycle rack with a minimum capacity of 3 bicycles and such being set out generally in accordance with minimum parking layout standards in Element 7.03 "Traffic, Parking and Access" of Newcastle Development Control Plan 2012 and applicable Australian Standards. Full details are to be included in the application for a Construction Certificate.*
- 4(B) *A Parking Management Plan is to be provided to Council for approval prior to the release of the Construction Certificate detailing a breakdown and the location of the allocated staff, patients and visitors car parking spaces for the whole development (including the new carpark approved via DA 2016/0394). The Plan is to also include ongoing maintenance, on-site signage and management measures, communication measures and incentives to actively encourage staff to park on-site and not in the surrounding residential streets.*
- 4(C) *The maximum permitted total number of staff on site at one time is 114 and the maximum total number of beds is 121. This is not to increase without prior*

approval of Council due to the relationship of these factors with the car parking spaces required.

Delete Condition 5, as the condition incorrectly requires all spaces to be designed to meet disabled dimensions and as revised conditions above refer to Australian Standards.

Condition 64 (Loading Dock Hours) be amended, to restrict the hours of operation to 7am to 8pm daily.

Incorporate a new condition to require the Terms and conditions from the Mine Subsidence Board to be adhered to.

PANEL MEMBERS	
	
Jason Perica (Chair)	Kara Krason
	
Michael Leavey	Brad Luke

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2015HCC030 – Newcastle City Council, DA2015/10349
2	PROPOSED DEVELOPMENT	Construction of two storey addition to existing hospital, including new theatres and beds
3	STREET ADDRESS	23 Merewether Street and 6 Lingard Street, Merewether
4	APPLICANT/OWNER	Applicant: Doug Sneddon Planning Pty Ltd Owner: Vital Healthcare Australian Property Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private Infrastructure and Community Facility that has a capital investment value of more than \$5 million.
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ol style="list-style-type: none"> 1. State Environmental Planning Policy (Infrastructure) 2007 2. State Environmental Planning Policy No. 55 – Remediation of Land 3. State Environmental Planning Policy No. 64 – Advertising and Signage 4. State Environmental Planning Policy No. 71 – Coastal Protection 5. Newcastle Local Environmental Plan 2012 6. SEPP (State and Regional Development) 2011 <p>Draft environmental planning instruments: Nil</p> <p>Development control and Contribution plans:</p> <ul style="list-style-type: none"> • Newcastle Development Control Plan 2012 • Section 94A Development Contributions Plan 2009 <p>Planning agreements: Nil</p> <p>Regulations:</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act Regulation 2000 <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment Report;</p> <p>Appendix A - Conditions of consent</p> <p>Appendix B – Documents submitted with the application</p> <p>Appendix C – Copy of applicant's request for Clause 4.6 variation</p> <p>Appendix D – Copy of Ausgrid advice</p> <p>Written submissions during public exhibition: Ten</p> <p>Verbal submissions at the panel meeting:</p>

		<ul style="list-style-type: none"> • Support – nil • Object – nil • On behalf of the applicant – Doug Snedden and Mark Sweeney
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	24 November 2016 – Site Inspection 24 November 2016 – Final Briefing Meeting 31 March 2016 – Briefing Meeting
9	COUNCIL RECOMMENDATION	Approve with conditions
10	DRAFT CONDITIONS	Attached to the council assessment report. Further addendum report from Council staff provided at the meeting addressing a late submission from the applicant regarding conditions (and also addressing the submissions to the original proposal).