

STATEMENT OF ENVIRONMENTAL EFFECTS

**APPLICATION PURSUANT TO SECTION 96 (2) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT, 1979 TO MODIFY GOSFORD
DEVELOPMENT CONSENT NO. 47372/2015 – PART 1 FOR PROPOSED
ADDITIONS & INTERNAL ALTERATIONS (STAGE 4B) TO GOSFORD PRIVATE
HOSPITAL LOCATED ON LOT 1 DP 1064130, NO. 9 BURRABIL AVENUE,
NORTH GOSFORD.**

PREPARED FOR HEALTHE CARE AUSTRALIA PTY LTD.

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in association with
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&
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Doug Sneddon Planning Pty Ltd – February 2016.

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Doug Sneddon Planning Pty Ltd – February 2016.

1. INTRODUCTION.

Doug Sneddon Planning Pty Ltd has been engaged by Healthe Care Australia Pty Ltd (PO Box 21297, World Square NSW 2002) to prepare this Statement of Environmental Effects to accompany an application to Gosford City Council pursuant to Section 96 (2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. 47372/2015 - Part 1 for additions and internal alterations to Gosford Private Hospital located on Lot 1 DP 1064130, No. 9 Burrabil Avenue, North Gosford.

The purpose of the proposed consent modification is to provide an additional medical floor level (+ 900m²) above the originally approved development in order to provide for a 20 bed orthopaedic ward and to permit a minor expansion of the CSSD area (Central Sterile Services Department) located at the rear (southern elevation) of the existing hospital.

This Statement of Environmental Effects addresses relevant matters under Section 79C (1) of the Environmental Planning and Assessment Act; State Environmental Planning Policies; Regional Strategies; Gosford Local Environmental Plan 2014; and Gosford Development Control Plan 2013

2. SUBJECT LAND.

Gosford Private Hospital and North Gosford Medical Centre are located on Lot 1 DP 1064130, No. 9 Burrabil Avenue, North Gosford, having an area of 2.39 hectares:

- a Locality Aerial Photograph is provided in Figure 1;
- a Site Aerial Photograph is provided in Figure 2;
- a Zoning Plan (LEP 2014) is provided in Figure 3;
- a Bushfire Prone Land Map is provided in Figure 4; and
- site photographs are provided in Appendix A.

Under Gosford Local Environmental Plan 2014 the subject land is zoned *SP2 Infrastructure (Health Services Facility)*, as indicated on the zoning plan at Figure 3 and the land is mapped as Bushfire Prone Land (Figure 4).

The hospital site has frontages to Henry Parry Drive, Burrabil Avenue, Jarrett Street and Etna Street. The principal vehicular/pedestrian access to the hospital is via Burrabil Avenue, with a secondary access from Jarrett Street.

The proposed development site contains an existing overland flow path detention basin.

Vegetation within the proposed development site consists of landscaped gardens and parkland, with five mature trees located along the Burrabil Avenue street frontage.



Figure 1: Locality Aerial Photograph.

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Figure 2: Site Aerial Photograph.

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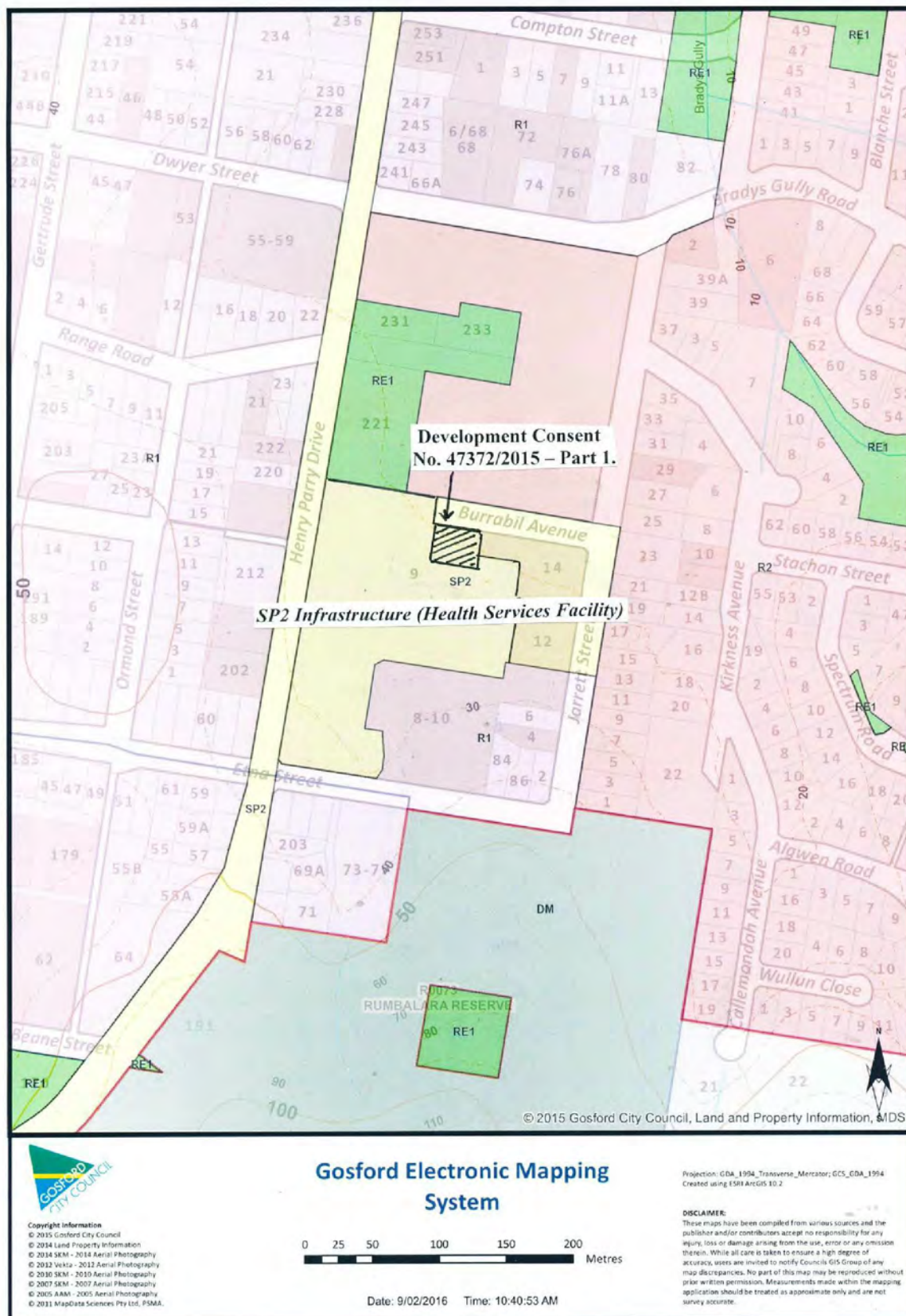


Figure 3: Zoning Map (LEP 2014).

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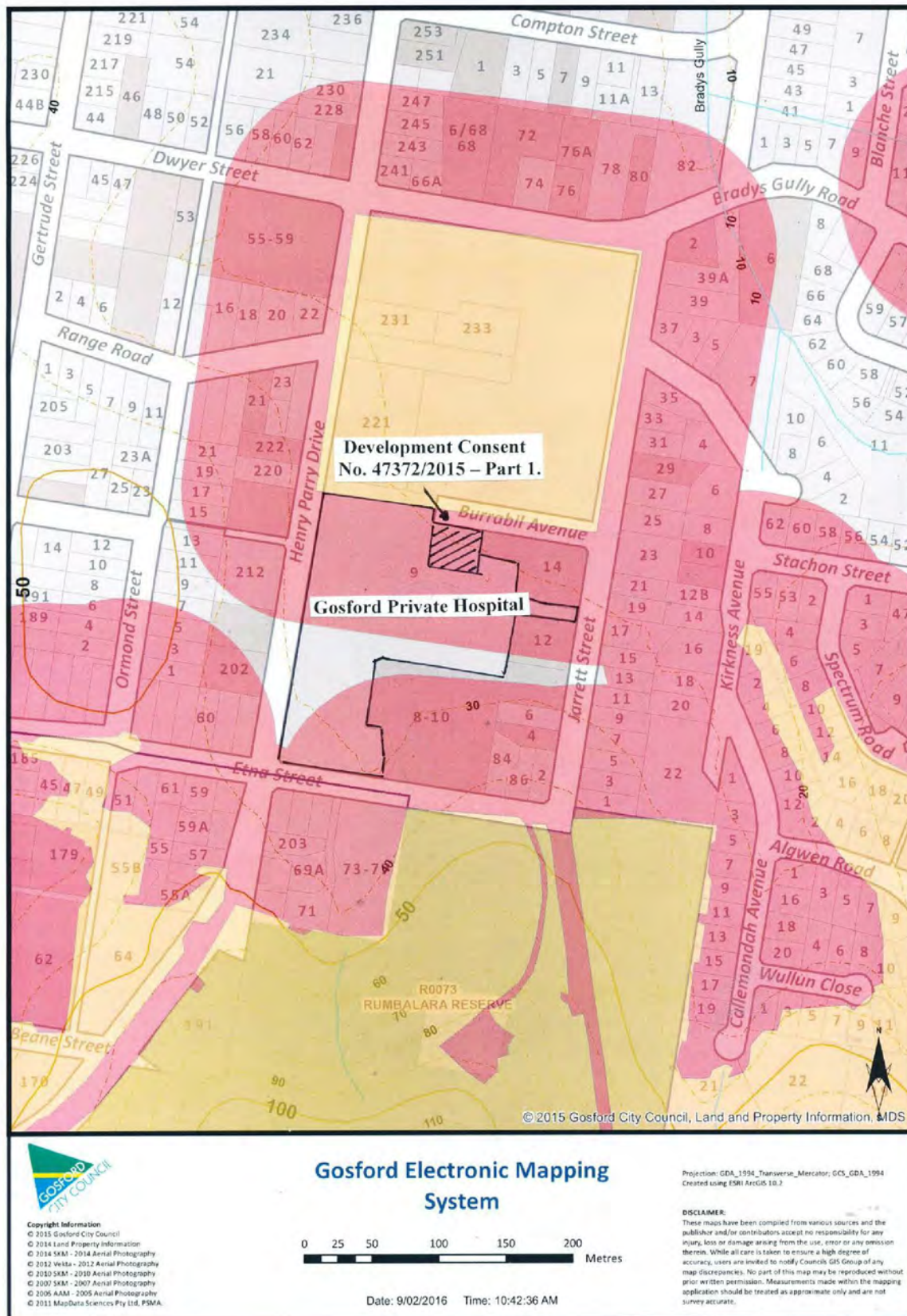


Figure 4: Bushfire Prone Land Map.

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3. DEVELOPMENT CONSENT NO. 47372/2015 – PART 1.

On the 6th August 2015 the Hunter and Central Coast Joint Regional Planning Panel granted Development Consent 47372/2015 – Part 1 for additions and internal alterations to Gosford Private Hospital on Lot 1 DP 1064130, No. 9 Burrabil Avenue, North Gosford, comprising:

- a new three storey addition to the north-eastern corner of the existing hospital building, comprising a basement car park (21 spaces); Level 1 day surgery reception/theatre expansion; a Level 2 empty shell for a future CCU (Cancer Care Unit); and revised driveway entries/exit in Burrabil Avenue providing vehicular access to the hospital and the proposed new day surgery Level 1 patient admission area;
- minor internal alterations/refurbishment of the existing hospital day surgery (Level 1); maternity ward (Level 2); and medical ward (Level 3) areas; and
- site landscaping.

A copy of Consent No. 47372/2015 - Part 1 is provided in Appendix B.

4. PROPOSED MODIFICATIONS TO CONSENT NO. 47372/20158 – PART 1.

4.1 Application Overview.

Application is now made to Gosford City Council pursuant to Section 96 (2) of the Environmental Planning and Assessment Act 1979 to modify Consent No. 47372/2015 – Part 1 so as to provide an additional medical floor level (+900m²) above the originally approved development in order to provide for a 20 bed orthopaedic ward and a minor expansion of the existing CSSD (Central Sterile Services Department) area located at the rear (southern elevation) of the existing hospital.

4.2. Proposed Modifications to the approved drawings.

The proposed modification to the physical form of the approved hospital addition is detailed in the following set of replacement drawings prepared by Health Science Planning Consultants, dated 4th February 2016:

- Figure 5: Title Page/Drawing Schedule (Drawing DA-000);
- Figure 6: Existing Site/Roof Plan (Drawing DA-010);
- Figure 7: Existing and Demolition Ground Floor Plan (Drawing DA-011);
- Figure 8: Existing and Demolition Level 1 (Drawing DA-012);
- Figure 9: Existing and Demolition Level 2 (Drawing DA-013);
- Figure 10: Existing and Demolition Level 3 (Drawing DA-014);
- Figure 11: Proposed Site Plan (Drawing DA-020);
- Figure 12: Proposed Ground Floor Plan (Drawing DA-021);
- Figure 13: Proposed Level 1 Plan (Drawing DA-022);

- Figure 14: Proposed Level 2 Plan (Drawing DA-023);
- Figure 15: Proposed Level 3 Plan (Drawing DA-024);
- Figure 16: Proposed CSSD Expansion (Drawing DA-025);
- Figure 17: Proposed Roof Plan (Drawing DA-026);
- Figure 18: Proposed Elevations (Drawing DA-035);
- Figure 19: Proposed Sections (Drawing DA-036);
- Figure 20: Shadow Diagrams (Drawing DA-050); and
- Figure 21: Proposed Building Height Variation Diagram (Drawing DA-060).

4.3 Proposed modifications to consent conditions.

The proposed consent modifications outlined in section 4.1 and detailed in the drawings presented in section 4.2 above will require modification to the list of approved drawings nominated in Consent Condition 1.1, so as to refer to the modified Architectural Plans prepared by Health Science Planning Consultants provided at Figures 5 - 19.

4.4 Proposed Amended Site Calculations.

The site calculations associated with the proposed modified development are:

- Site area (Lot 1 DP 787109) – 2.39 ha;
- Existing Hospital GFA – 13,855m²;
- Original Consent No. 47372/2015 – Part 1 GFA – 3,305m²;
- Proposed S.96 Modification GFA - + 900m²;
- Total Hospital GFA with proposed modified Consent No. 47372/2015 – 18,060m²;
- Existing FSR – 0.57:1;
- Proposed FSR – 0.75:1;
- Existing bed numbers - 143 beds;
- Proposed new beds - 25 beds;
- Proposed lost beds – 4 beds;
- Proposed total beds (existing/lost/new) - 164 beds;
- Existing car spaces - 217 spaces;
- Proposed new car spaces – 21 spaces; and
- Total car spaces with additions – 238 spaces.

5. SECTION 96(2) - MODIFICATIONS OF CONSENT – OTHER MODIFICATIONS.

Section 96 (2) of the Environmental Planning and Assessment Act 1979 provides that a consent authority may, on application being made by the applicant, modify a development consent if it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted. The proposed consent modifications detailed in section 4 above are of minimal environmental impact and the development to which the consent as modified relates is substantially the same development for which the consent was originally granted. Consequently, the council is able

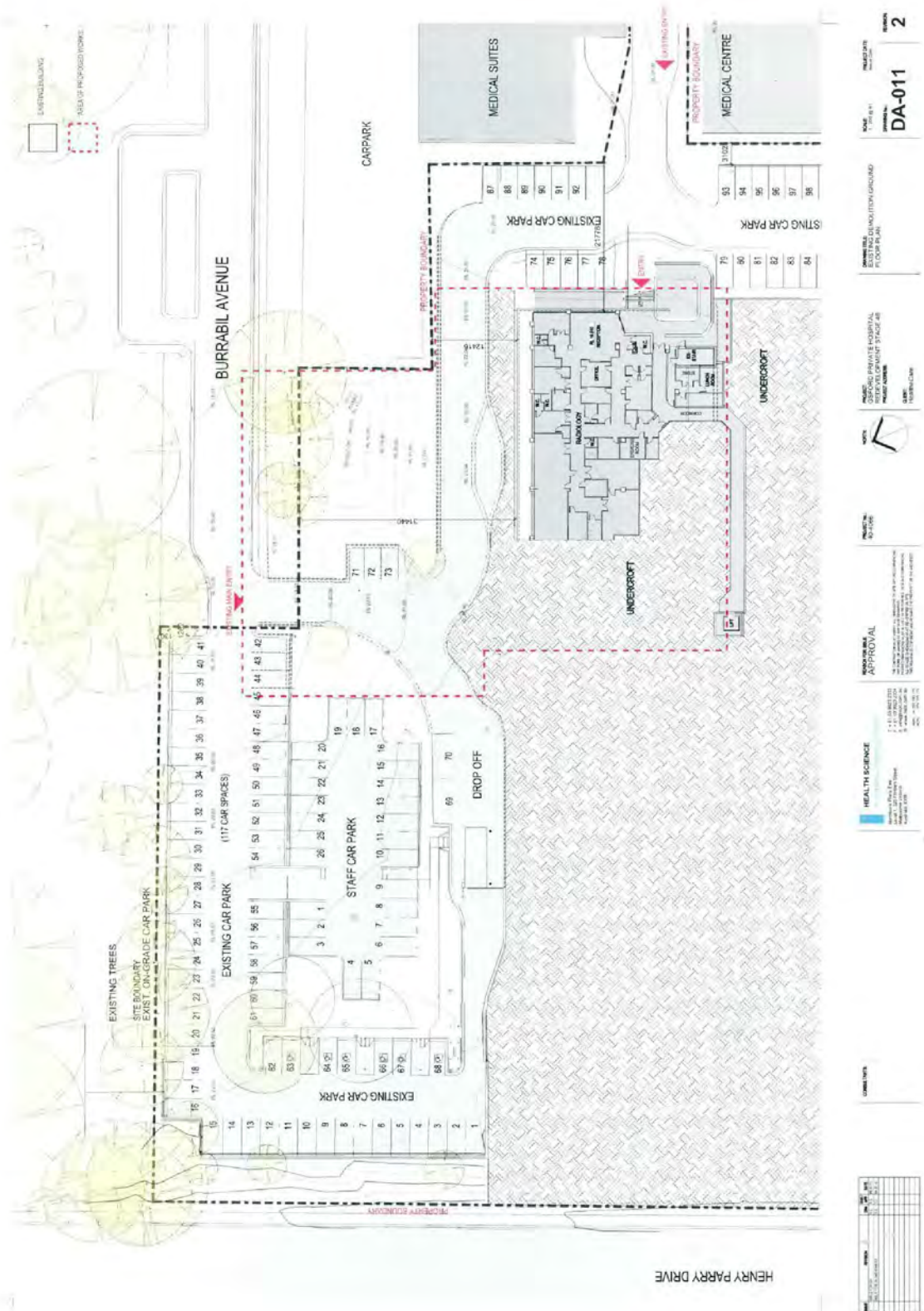


Figure 7: Existing and Demolition Ground Floor Plan.

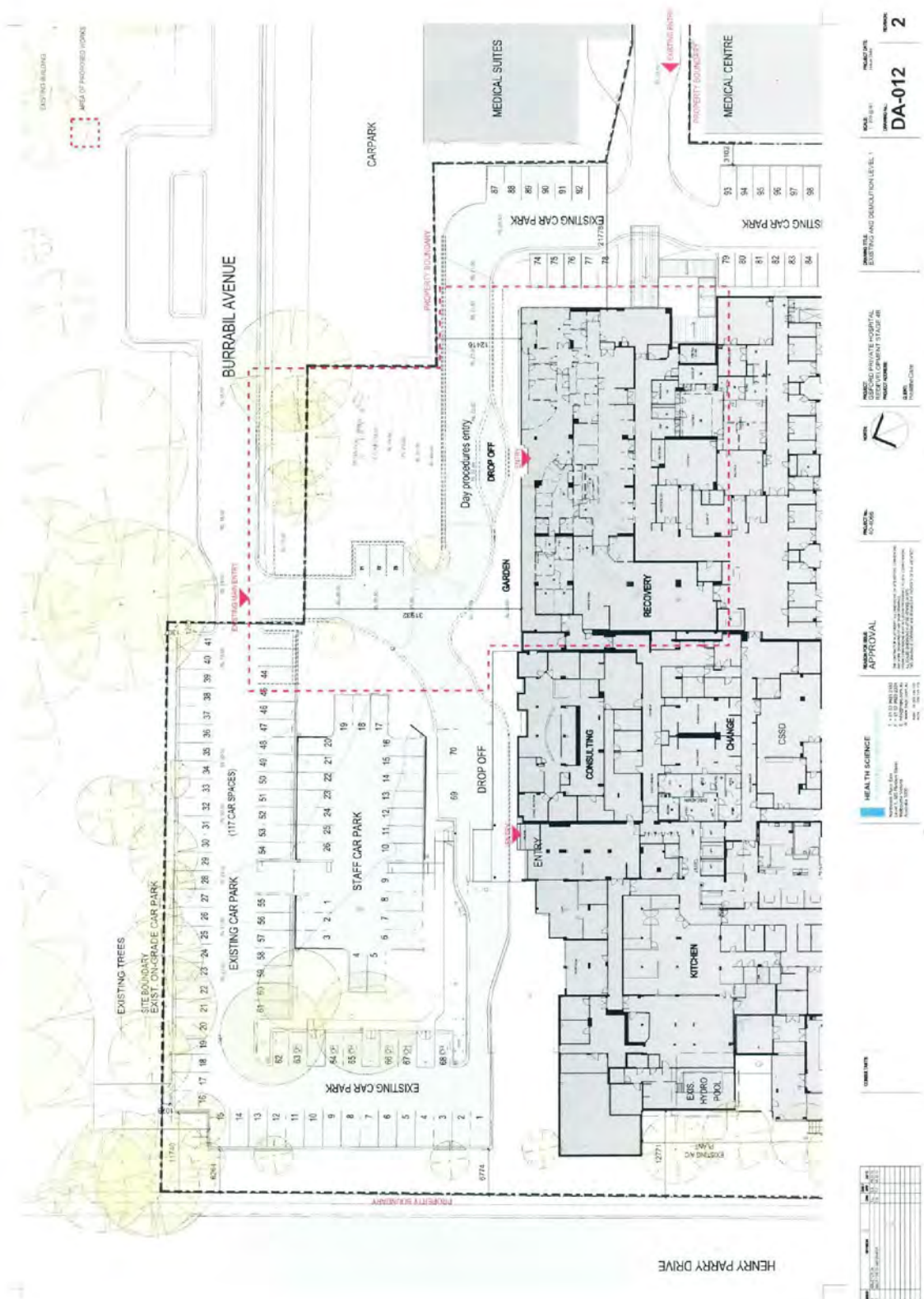


Figure 8: Existing and Demolition Level 1.

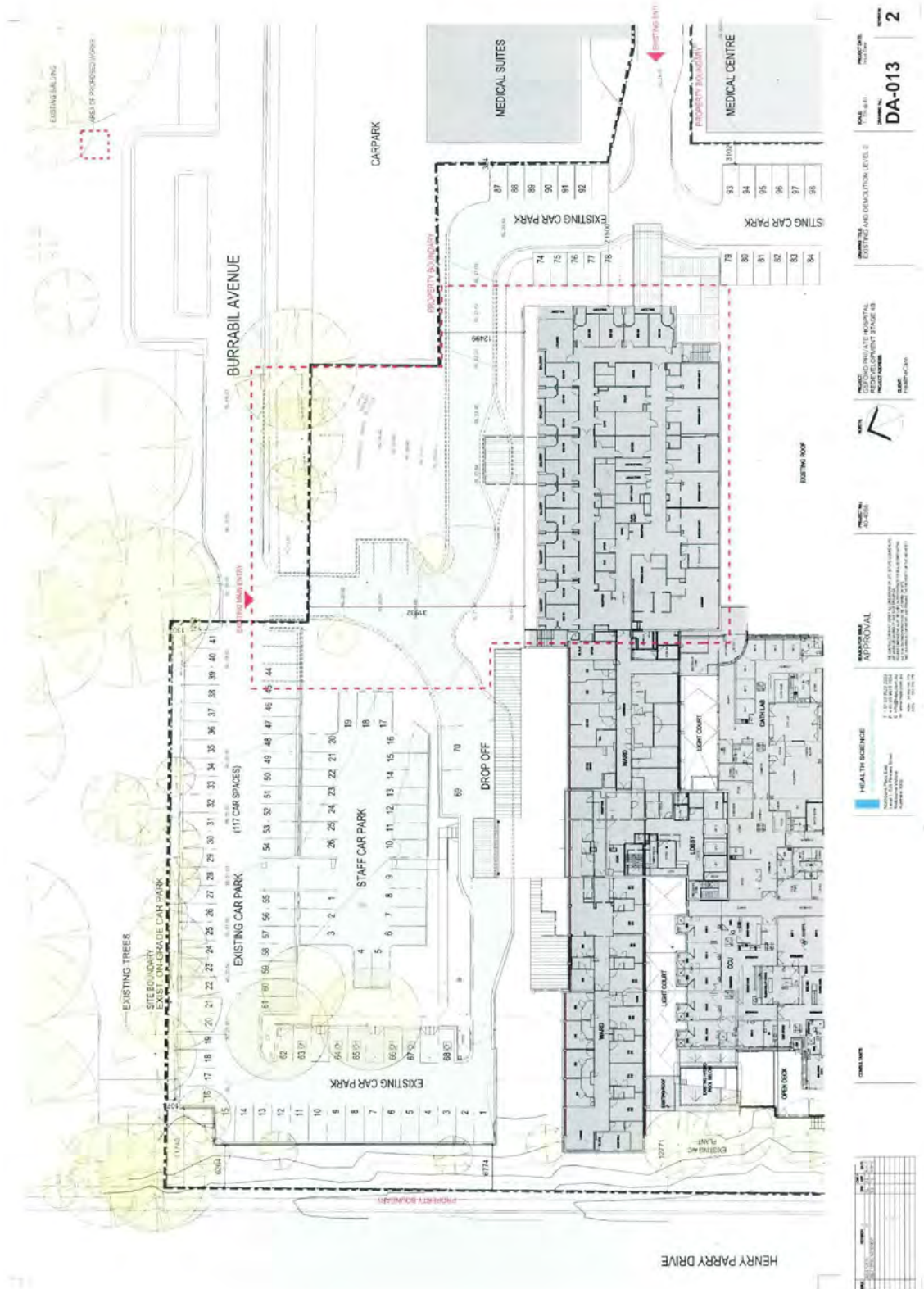


Figure 9: Existing and Demolition Level 2.

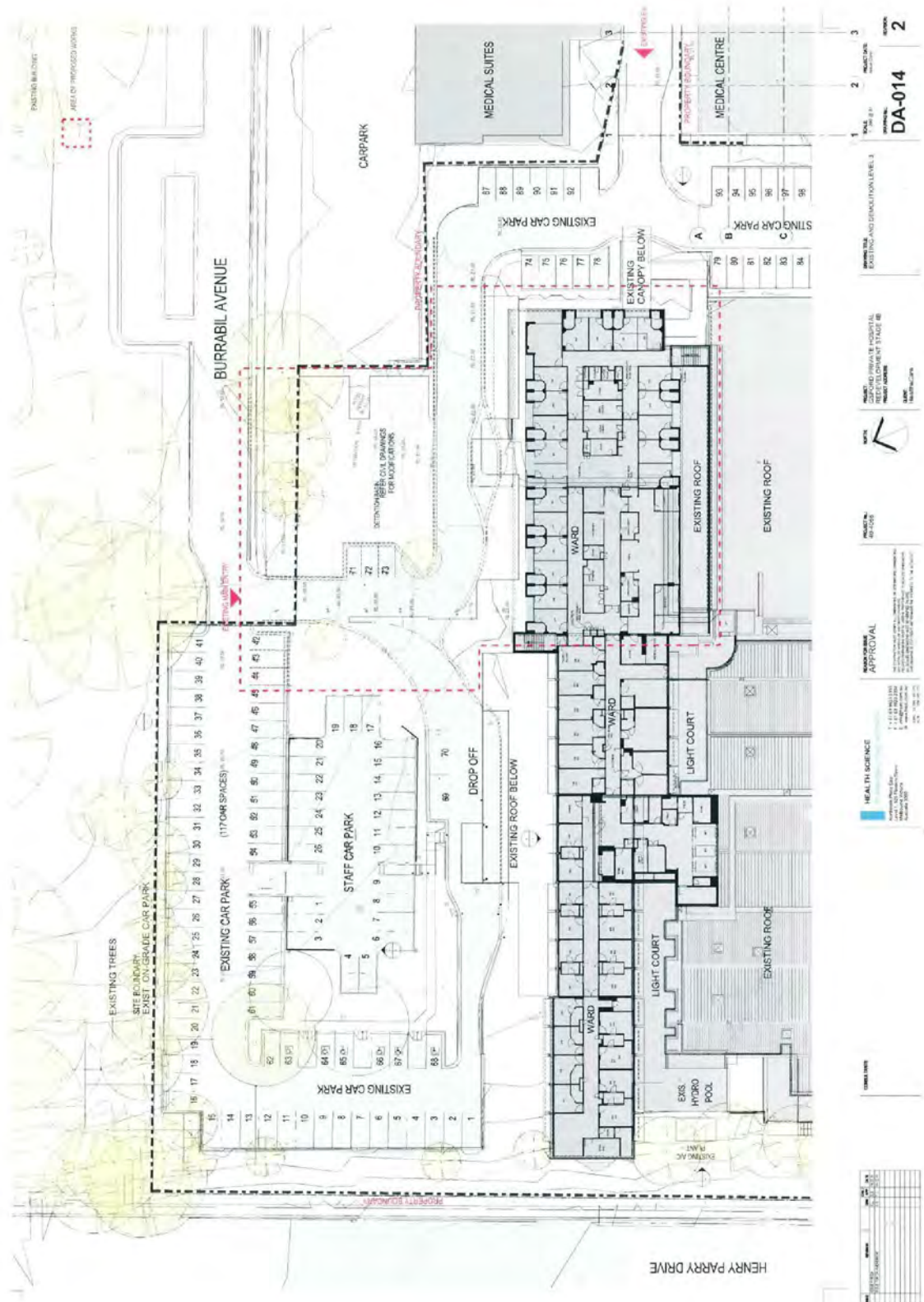


Figure 10: Existing and Demolition Level 3.



Figure 11: Proposed Site Plan.

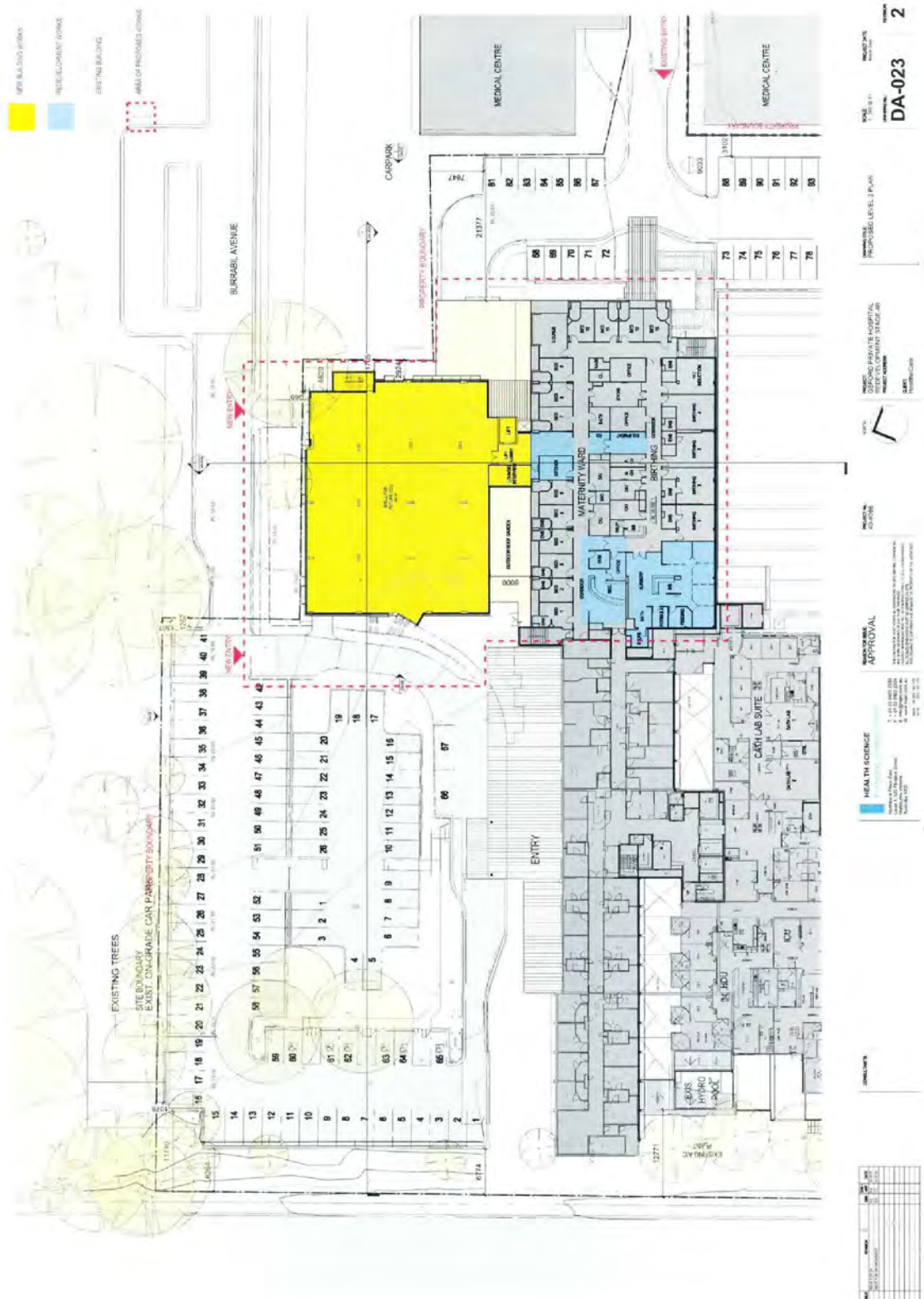


Figure 14: Proposed Level 2 Plan.

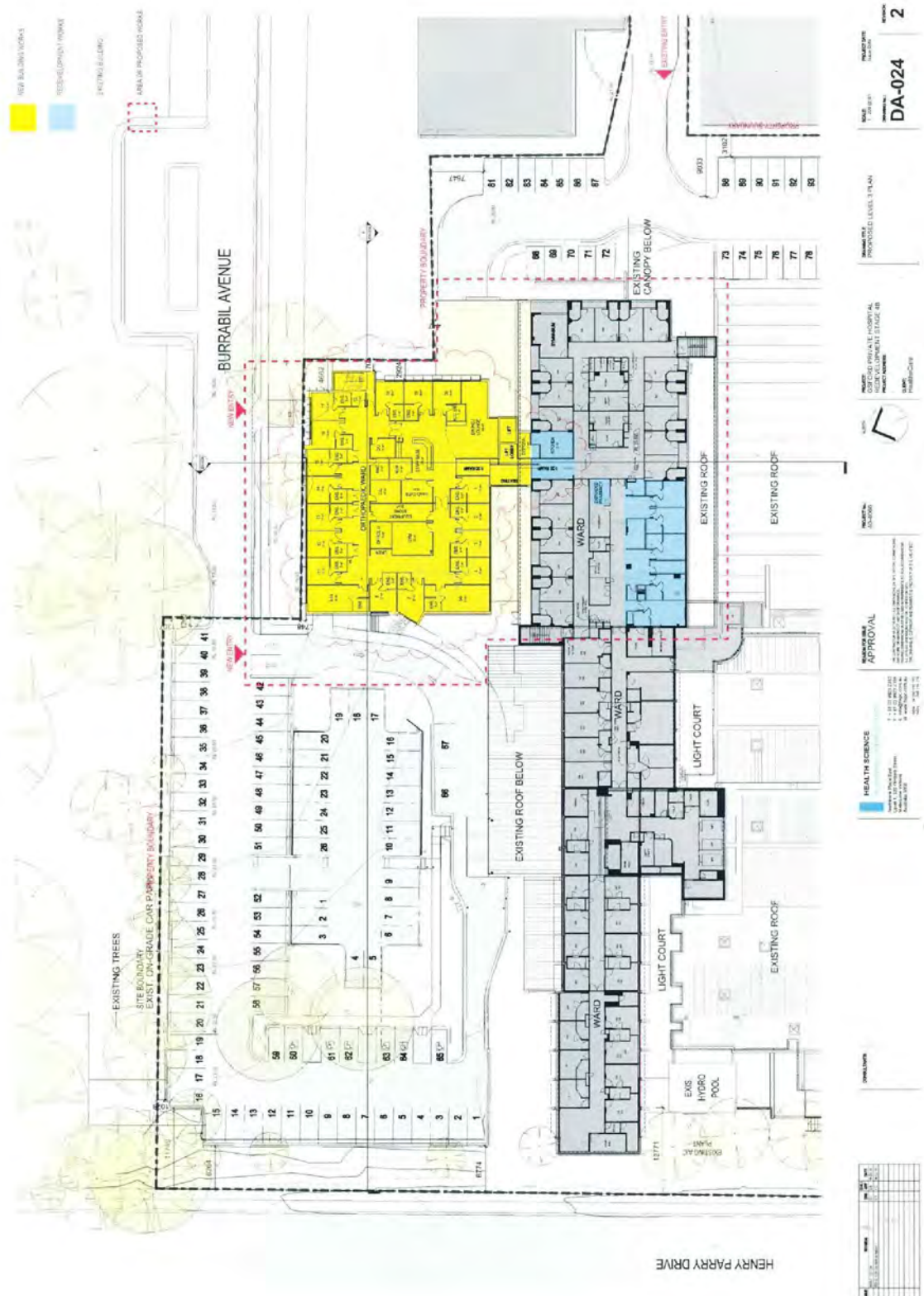


Figure 15: Proposed Level 3 Plan.

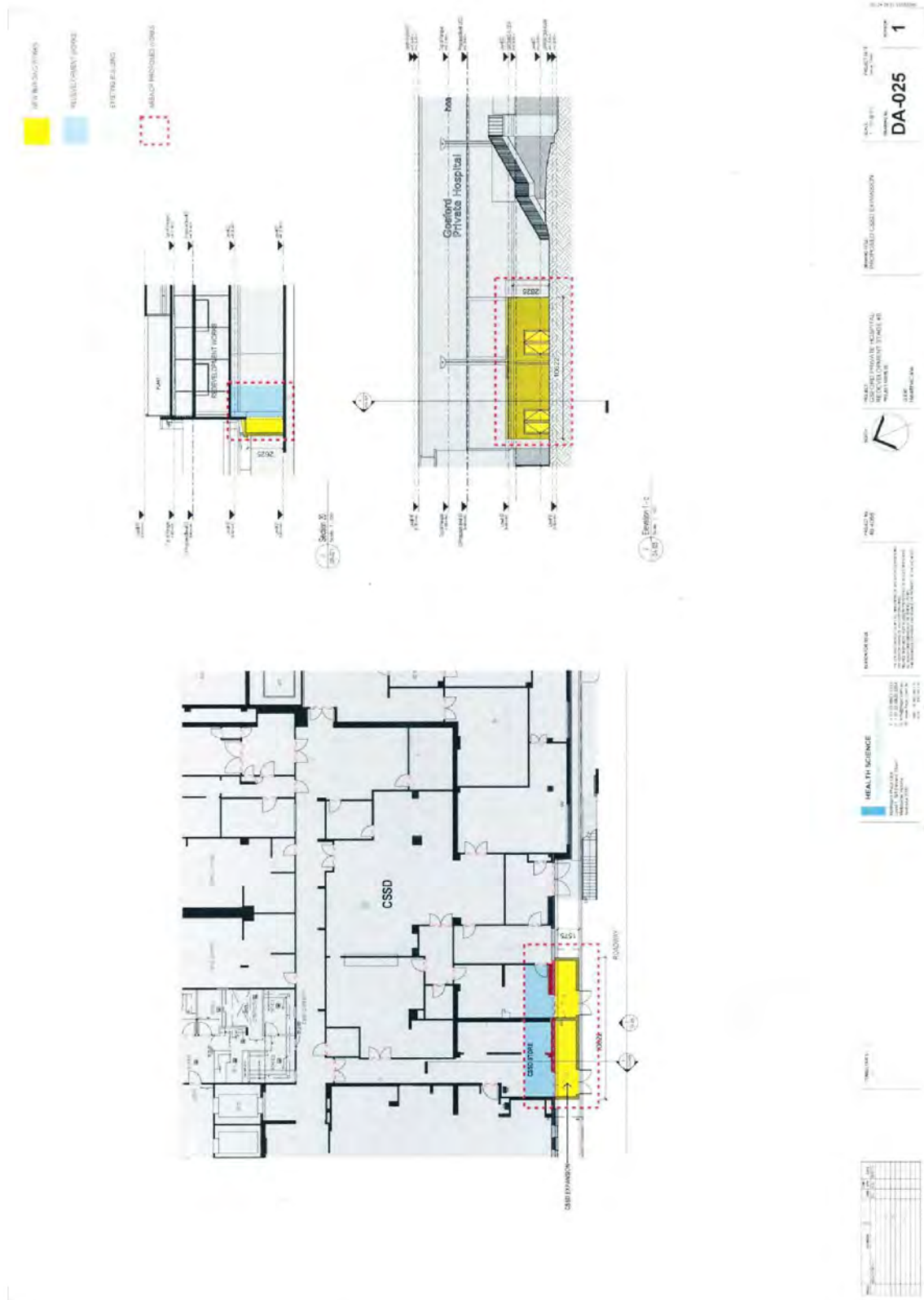


Figure 16: Proposed CSSD Expansion.

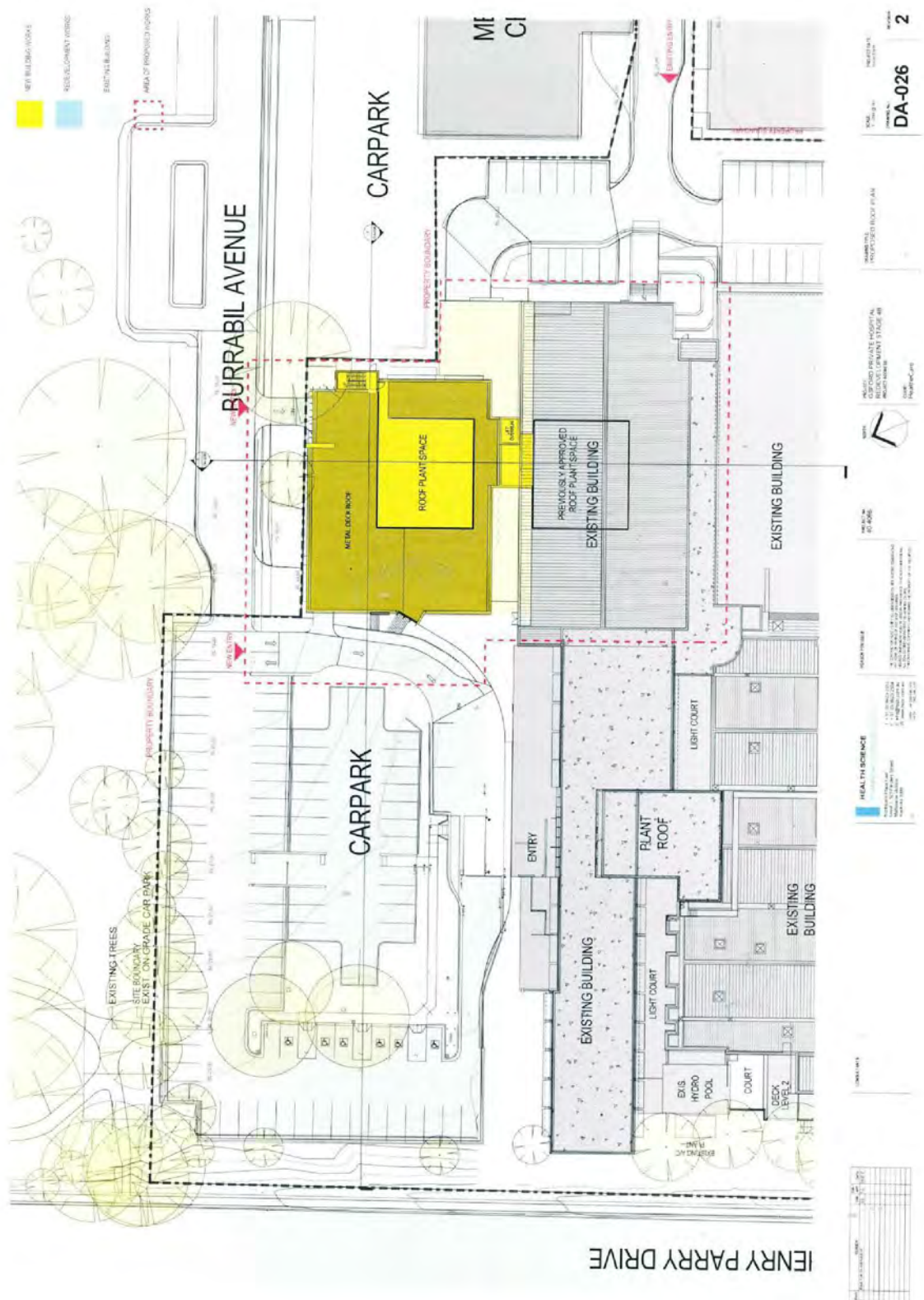


Figure 17: Proposed Roof Plan.

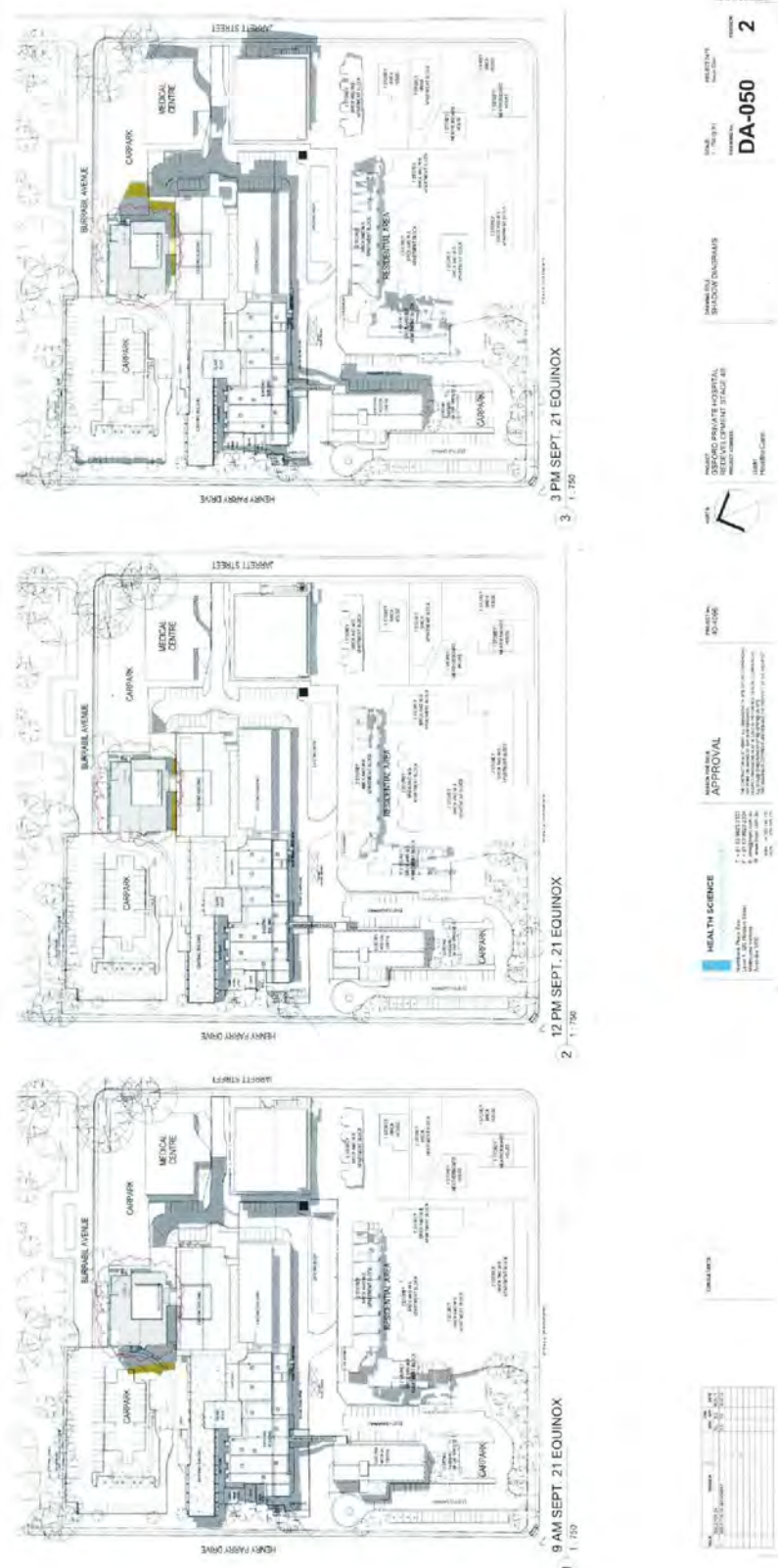


Figure 20: Shadow Diagrams.

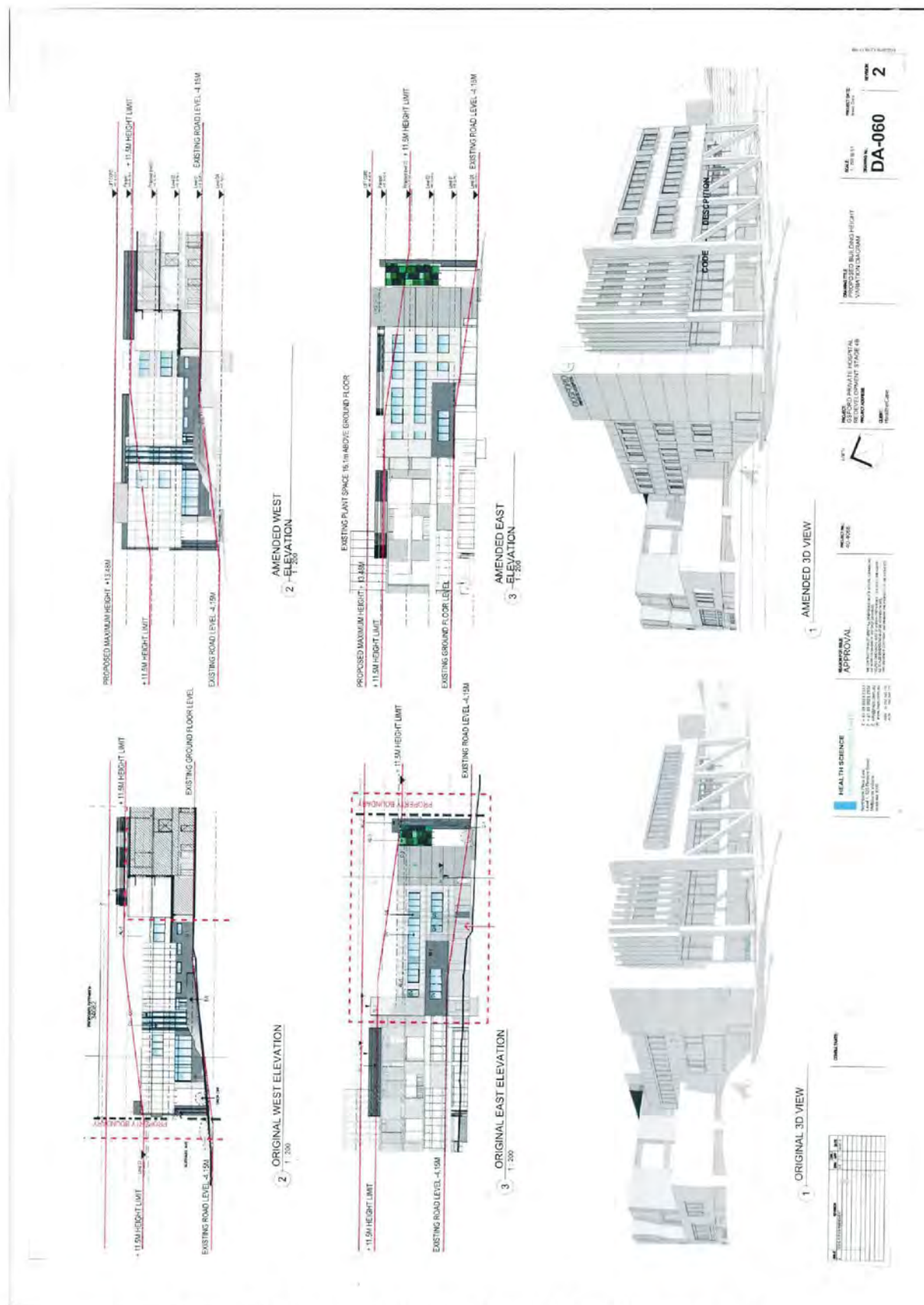


Figure 21: Proposed Building Height Variation Diagram.

to approve this application for modification of Development Consent No. 47372/2015 – Part 1 under S.96 (2) of the Act.

6. ASSESSMENT – SECTION 79C (1) OF THE ACT.

The provisions of Section 79C (1) (a), (b), (c) and (e) of the Environmental Planning and Assessment Act, 1979 are relevant to the Council’s consideration of this S.96 (2) application.

6.1 “Section 79C (1) (a): The provisions of an environmental planning instrument or Development Control Plan that apply to the land”.

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

SEPP 2007 provides that development for the purpose of health services (including hospitals) may be carried out with consent on land in a prescribed zone. The subject land is zoned *SP2 Infrastructure (Health Services Facility)* under Gosford Local Environmental Plan 2014. SEPP 2007 confirms the permissibility of the proposed development with the approval of the consent authority.

(i) “**Clause 101 – Development with frontage to classified road**” seeks to ensure that new development does not compromise the effective and ongoing operation and function of classified roads. Whilst the land to which Consent No. 47372/2015 – Part 1 relates does not have direct frontage to a classified road, it is located on Lot 1 DP 1064130, which has a frontage to Henry Parry Drive, which is State Road 673, offering an alternative route of travel to the Pacific Highway between Wyoming and East Gosford.

Clause 101 provides that a consent authority must not grant consent to development on land that has frontage to a classified road (Henry Parry Drive) unless it is satisfied that:

- “(a) where practicable, vehicular access to the land is provided by a road other than the classified road.”

Response: The proposed modified development complies. Vehicular access to the existing hospital and the proposed modified development is provided from Burrabil Avenue and Jarrett Street. No vehicle driveway access is proposed to Henry Parry Drive.

- “(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or
(ii) the emission of smoke or dust from the proposed development, or
(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and”

Response: The accompanying supplementary Traffic Assessment Report, prepared by Intersect Traffic Pty Ltd (copy provided in Appendix C) demonstrates that the

proposed modified development will not adversely affect the safety, efficiency and ongoing operation of Henry Parry Drive.

- *“(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

Response: The proposed modified development is not sensitive to traffic noise or vehicle emissions.

(ii) Clause 104 - Referral to RMS: Clause 104 of the Policy requires development specified in Schedule 3 to be referred to RMS. The proposed modified development is not of a size or capacity identified in Schedule 3 as requiring referral to RMS.

6.1.2 State Environmental Planning Policy No. 19 – Urban Bushland (SEPP 19).

The subject land adjoins bushland zoned *RE1 Public Recreation* and consequently SEPP 19 requires the council to consider a number of matters when determining a development application in relation to the subject land.

Policy Aims/Objectives: The aims of SEPP 19 are contained within Clauses 2 (1) and 2 (2) of the Policy. The general aim (Clause 2(1)) is to protect and preserve bushland within urban areas of the City of Gosford.

As it is proposed to confine the impacts of the proposed development entirely within the subject land and the footprint of the originally approved development, which is zoned *SP2 Infrastructure (Health Services Facility)*, the proposed modified development will have no adverse impact on the adjoining public reserve zoned *RE1 Public Recreation*. The bushland within the public reserve currently protected under the *RE1 Public Recreation* zone will continue to be protected and preserved by that zone.

Matters for Consideration: Clause 9 (2) (b) of SEPP 19 requires the Council to consider the following matters when considering a development application in respect of land which adjoins *“bushland zoned or reserved for public open space purposes”*:

“(c) The need to retain bushland on the land”.

Assessment: The subject land is developed as a private hospital/ medical centre, set within managed lawns and gardens. There is no existing bushland on the land subject to consent No. 47372/2015 to be retained or protected.

“(d) The effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland”

Assessment: Bushland within the public reserve located to the north of the subject land consists of managed parkland, which has had some trees removed, the shrub layer almost completely removed and the ground layer regularly slashed or mown.

The proposed modified development does not involve the removal of any vegetation within the *RE1 Public Recreation* zone or cause any change to the natural ecology of that bushland. As indicated in the Bushfire Assessment Report prepared by Conacher Consulting and lodged with the original development application, all required bushfire protection measures (including ‘asset protection zones’) are able to be accommodated within the curtilage of the subject land and do not require any vegetation modification or management within the adjoining public reserve.

The proposed modified development is located upslope of the public reserve and incorporates substantial building setbacks from the reserve, being separated by Burrabil Avenue and car parking areas. The proposed modified development does not involve any additional ground disturbance. Erosion and siltation control measures will be implemented in accordance with the Sedimentation and Erosion Control Plans prepared by Northrop and forming part of the approved development.

Consequently, the proposed modified development will not result in any siltation or sedimentation impacts on the adjoining bushland zoned *RE1 Public Recreation* or the spread of weeds or exotic plants within the bushland.

The proposed modified development will not have any adverse impact on bushland located within the *RE1 Public Recreation* zone.

“(e)Any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes”

Assessment: The proposed modified development does not raise any additional matters relevant to the protection and preservation of bushland located within the adjacent *RE1 Public Recreation* zone, to those considered by the Council and the JRPP when approving the original application.

Summary Assessment: The proposed modified development will not have an adverse impact on adjoining bushland zoned *RE1 Public Recreation* and is demonstrated by this assessment to be consistent with the aims/objectives and relevant provisions of State Environmental Planning Policy No. 19 – Urban Bushland.

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 been used for a purpose referred to in Table 1 of the “Contaminated Land Planning

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Guidelines". It is evident therefore that the land has not been contaminated by previous land use.

The proposed modified development does not raise any additional matters to those considered by the Council and JRPP when approving the original development application.

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

SEPP 71 applies to the subject land and the proposed modified 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.

As the proposed consent modifications do not result in any significant change to the physical form of the approved development and raise no additional matters to those considered by the Council when granting Development Consent No. 47372/2015 – Part 1, the proposed consent modifications are considered to be also consistent with the aims and relevant provisions of SEPP 71.

6.1.5 Other State Environmental Planning Policies.

There are no other State Environmental Planning Policies applicable to the proposed consent modifications.

6.1.6 Gosford Local Environmental Plan 2014.

(i) Zoning.

Under Gosford Local Environmental Plan 2014 (LEP 2014), the subject land is zoned *SP2 Infrastructure (Health Services Facility)*. A copy of the zoning map is provided at Figure 3.

For the purposes of LEP 2014 the proposed development is defined as a '*health services facility - hospital*', development which is permissible with the consent of council within the *SP2 Health Services Facility* zone applying to the subject land.

As the development approved under Consent No. 47372/2015 - Part 1 is permissible in the zone, the proposed modifications to Consent No. 47372/2015 - Part 1 are also permissible with the consent of the Council.

(ii) Zone Objectives.

Clause 2.3 (2) of LEP 2014 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 modified development is consistent with the objectives of the *SP2 Health Services Facility* zone applying to the subject land and the proposed development:

- ***“To provide for infrastructure and related uses”.***

Assessment: The proposed modified development will enable Gosford Private Hospital to provide additional health services to the community.

- ***“To prevent development that is not compatible with or that may detract from the provision of infrastructure”.***

Assessment: The proposed modified development is compatible with the provision of health services infrastructure on the subject land.

- ***“To ensure that development is compatible with the desired future character of the zone”.***

Assessment: As demonstrated in section 6.1.7 (i) of this Statement of Environmental Effects, the proposed modified development is compatible with the desired future character of the zone.

(iii) Development Standards.

(a) Maximum Permissible Building Height: Clause 4.3 (2) of LEP 2014 provides that development on the subject land shall not exceed the 11.5m maximum building height shown on "Height of Buildings Map" HOB_ 015CA.

The Building Height Variations Diagrams provided in Figure 21 show that the proposed development exceeds the maximum permitted building height by up to 5.25m (45.65%) at the highest point of the internal located at the north-eastern corner of the building. The roof parapet at the northern elevation (Burrabil Avenue) exceeds the 11.5m maximum building height development standard by 3.5m (30.43%).

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 D of this Statement addresses the matters required by Clauses 4.6 (3) and (5) in order to satisfy Council and the Director-General that any requirement for the proposed modified development to strictly comply with the maximum permissible building height is unreasonable or unnecessary in the particular circumstances.

Council is requested to agree to the proposed development's non-compliance with the maximum permissible building heights of 11.5m of Clause 4.3 (2) of LEP 2014, having regard to the matters addressed in the assessment provided in Appendix D.

(b) Maximum Permissible Floor Space Ratio: Clause 4.4 (2) of LEP 2014 provides that development on the subject land shall not exceed a maximum floor space ratio of 2:1.

The proposed development complies with the maximum permissible floor space ratio. The existing hospital (GFA 13,855m²) has a floor space ratio of 0.57:1. The proposed modified

Consent No. 47372/2015 (+ 4,205m² floor space) will result in the hospital having a GFA of 18,060m² and a FSR of 0.75:1.

6.1.7 Gosford Development Control Plan 2013.

(i) Chapter 2.1 - Character.

Chapter 2.1 - Character, requires development applications to demonstrate consistency or compatibility with development objectives contained within the relevant “Statements of Desired Character” provided in Part 2.

The subject land is located within character place “North Gosford 7 – Community Centres and Schools”. The character statement recognizes the existing hospital building’s contribution to the established character of the area:

“One school, an adjoining reserve plus a substantial private hospital in a garden setting facing a major road, providing significant gathering places for the community or green backdrops.

Scattered across the school and reserve, corridors and copses of tall trees that are mostly bushland remnants provide continuous shady backdrops to playing fields and classroom buildings. The school incorporates substantial pavilion structures of one or two storeys that are screened from the road frontage behind corridors of near-natural bushland.

The hospital building sits behind an open turfed garden and forecourt parking, adjacent to a bushland reserve and a school. A mix of one and two storey buildings, this single structure extends along almost its entire street frontage.”

Assessment: The following assessment is provided of the consistency of the proposed modified development with relevant ‘desired character’ statements of DCP 159 (Amendment No. 1).

- *“These properties should continue to provide community, educational and recreation services.....”*

Consistent: The proposed modified development is part of the ongoing expansion of Gosford Private Hospital and is compatible with the intention to continue to provide community services to residents of the City.

- *“Protect the habitat and scenic values of remnant bushland.....by retaining natural slopes and by avoiding further fragmentation of the tree canopy....”*

Consistent: The proposed modified development does not have any adverse impact on the retention of remnant bushland in the locality.

- *Enhance the recreation and scenic potentials of playing fields by master planned improvements that satisfy a wide range of recreation needs, including clustered shelter plantings around existing ovals and pitches, walking trails and seating, and amenities buildings. Around car parks and along street frontages in general, protect the safety of children by footpaths that are flanked by landscaped barriers to channel pedestrian traffic towards defined road crossings.*

Not Applicable: The proposed modified development is not co-located with playing fields and does not adversely impact the safety of children using footpaths in the vicinity of playing fields.

- *“Ensure that new developments (including alterations to existing buildings and infrastructure works) do not dominate their natural or landscaped settings, or their predominantly low-rise residential surroundings. Surround buildings with landscaped settings that maintain the scenic quality of prominent bushland backdrops or existing corridors of planted trees. Ensure that the height and siting of new structures also preserve levels of privacy, sunlight and visual amenity that are enjoyed by neighbouring dwellings and their private pen spaces. Complement the bushland canopy by planting all setbacks, courtyards and parking areas with shrubs and trees that are predominantly indigenous. Also along front boundaries, provide for surveillance and safety by planting hedges or using fences that are low or see-through”.*

Consistent: As indicated in the Elevation diagrams in Figure 18, the bulk and scale of the proposed modified hospital additions are visually compatible with the existing bulk and scape of Gosford Private Hospital, being of similar building height. The proposed development does not have any amenity impacts on any residence as there are no dwellings located adjacent to, or in close proximity to the proposed modified development.

- *Promote high levels of visible activity around buildings by adopting elements of traditional “mainstreet” shopping villages, including extensive windows and building entrances that are located to reveal indoor activity. Incorporate footpaths, verandahs or colonnades to concentrate pedestrian access between clearly-identified building entrances and surrounding streets or car parks.*

Not Applicable. Burrabil Avenue has an established “institutional” streetscape comprising medical consulting and hospital buildings; extensive ground level car parking; and the North Gosford Learning Centre (school). The desired character statement is not relevant to the particular institutional requirements of a hospital facility.

- *Minimise the scale and bulk of new buildings and avoid the appearance of uniform building heights along any street by well-articulated forms. Divide floorspace into separate pavilion structures that are surrounded by landscaped courtyards, and vary the shape and height of facades, particularly to identify major entrances. For visually-prominent facades, incorporate extensive windows that are shaded by framed*

verandahs or exterior sunscreens, and display some variety of materials or finishes rather than expanses of plain masonry or metal cladding. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves or verandahs that disguise the scale of exterior walls.

Not Applicable: This desired character statement is not relevant to the particular institutional requirements of a hospital facility.

Summary Assessment: The proposed modified development is demonstrated to be consistent with the statement of *desired character* for character precinct “North Gosford 7 – Community Centres and Schools”.

(ii) Chapter 6.3 - Erosion and Sedimentation Control.

DCP 2013 - Chapter 6.3 applies to any activity that involves, or could involve:

- disturbance of, or placing fill on, the soil surface, and/or changes to the contours of the land; or
- changing the rate and/or volume of runoff flowing over land or directly/indirectly entering receiving waters.

The proposed modified development does not involve any additional ground disturbance to that of the originally approved development. Consequently, there are no additional soil disturbance and erosion and siltation control measures required to those to be implemented in accordance with the Sedimentation and Erosion Control Plans prepared by Northrop and forming part of the originally approved development.

(iii) Chapter 6.7 - Water Cycle Management.

The purpose of DCP 2013 - Chapter 6.7 is to minimise the impact of development on the natural predevelopment water cycle.

As the proposed modified development does not involve any additional roof or impervious areas to that of the originally approved development, there are no additional stormwater management measures required to those to be implemented in accordance with the Concept Stormwater Management Report prepared by Northrop and forming part of the originally approved development.

(iv) Chapter 7.1 – Car Parking.

The proposed modified development does not involve any change to the vehicular access and car parking arrangements approved under the original development consent. However, the proposed additional 20 bed orthopaedic ward will generate additional traffic and parking demand at Gosford Private Hospital

A supplementary Traffic and Parking Impact Assessment, prepared by Intersect Traffic Pty Ltd accompanies this S.96 application, a copy of which is provided in Appendix C. The report concludes:

- the additional traffic generated by the proposed modified development is estimated to be an additional 14 vtpd, a minor increase which will result in no noticeable impact on average delay or queuing/congestion on the local road network;
- the car parking demand analysis concludes that on the basis of the completion of the works proposed in the modified development, the total on-site hospital parking required under DCP 2013 (231 spaces) will be satisfied by the available 238 on-site car spaces; and
- the proposed Level 2 ‘empty shell’ fit-out will be the subject of a future development application, at which time a suitable strategy to address visitor/staff parking will have to be developed to accommodate parking demand associated with the future use of Level 2. Presently, this level does not generate a demand for car parking.

(v) Chapter 7.2 – Waste Management.

The proposed modified development does not involve any change to the waste management arrangements approved under Consent No. 47372/2015 – Part 1.

6.2 “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”.

6.2.1 Topography and Drainage.

There are no site topographical or drainage impediments which would prevent the proposed modification to Consent No. 47372/2015 - Part 1 from being approved.

6.2.2 Flora and Fauna.

There is no native vegetation or fauna habitat on the subject land and consequently the proposed consent modification will not have an adverse impact on any native flora, fauna, wildlife corridors or critical habitat in the locality.

6.2.3 Soil Disturbance and Sediment Control.

The proposed modification to Consent No. 47372/2015 - Part 1 will not result in any additional soil disturbance to that approved under the original consent. The approved Erosion and Sedimentation Control Plan will adequately control soil disturbance and mitigate off-site sedimentation impacts.

6.2.4 Natural Hazards - Bushfire.

The Council's Bushfire Prone Land Map for the subject locality shows that the subject land is located within a 100m buffer area. Category 1 vegetation adjoins the northern boundary of the subject land. However this vegetation comprises parkland with a canopy of eucalypts, which has low bushfire hazard

Section 79BA of the Environmental Planning and Assessment Act provides that development consent cannot be granted for the carrying out of development for any purpose on bushfire prone land unless the consent authority is satisfied the development conforms with the specifications and requirements of *Planning for Bushfire Protection*", or has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken to protect persons, property and the environment from danger that may arise from a bushfire.

The proposed modification to Consent No. 47372/2015 – Part 1 does not raise any additional bushfire hazard matters to those considered by the Council when it originally granted this development consent. The bushfire hazard mitigation measures recommended in the Bushfire Hazard Assessment Report prepared by Conacher Environmental Group and submitted with the original development application also ensure that the overall aims and objectives of *Planning for Bushfire Protection (2006)* can be achieved by the proposed modified development.

6.2.5 Access, Traffic Generation and Car Parking.

The proposed consent modifications do not involve any alteration to the vehicle access arrangements approved under Consent No. 47372/2015 - Part 1.

A supplementary Traffic and Parking Impact Assessment, prepared by Intersect Traffic Pty Ltd accompanies this S.96 application, a copy of which is provided in Appendix C. The report concludes:

- the additional traffic generated by the proposed modified development is estimated to be an additional 14 vtpd, a minor increase which will result in no noticeable impact on average delay or queuing/congestion on the local road network;
- the car parking demand analysis concludes that on the basis of the completion of the works proposed in the modified development, the total on-site hospital parking required under DCP 2013 (231 spaces) will be satisfied by the available 238 on-site car spaces; and
- the proposed Level 2 'empty shell' fit-out will be the subject of a future development application, at which time a suitable strategy to address visitor/staff parking will have to be developed to accommodate parking demand associated with the future use of Level 2. Presently, this level does not generate a demand for car parking.

6.2.6 Scenic Quality/Visual Impact/Streetscape.

The proposed modifications to Consent No. 47372/2015 are located within the established hospital health services precinct and due to screening afforded by the existing hospital/medical centre buildings and remnant vegetation within the bushland located on the northern side of Burrabil Avenue, will not have a significant visual impact on the locality. As Burrabil Avenue currently presents an 'institutional' built character, the proposed development will be compatible with this character. Proposed site landscaping will 'soften' the resulting streetscape.

The proposed consent modification to add an additional storey to the approved development will be compatible with the bulk and scale of the main hospital building as shown in the elevations drawings in Figure 18 and the Building Height Variation Diagrams in Figure 21 and will therefore not have an adverse impact on the visual character of the locality.

6.2.7 Amenity Impacts on Neighbours.

The proposed consent modifications do not raise any additional amenity impacts on neighbouring properties to those considered by the Council when granting Development Consent No. 47372/2015 - Part 1.

The approved and proposed modified development has no proximity or visual exposure to any residential property in the immediate vicinity and consequently does not have any amenity impacts on residential properties in the broader locality.

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

The proposed modification to the approved development is demonstrated to be minor and raises no adverse impacts or consequences in regard to the principles of Ecologically Sustainable Development. The site is demonstrated to be suitable for the proposed development as proposed to be modified by this application.

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

No public submissions have been received in relation to the proposed development as it has not yet been publicly notified.

6.5 *"Section 79C (1) (e): The Public Interest"*.

The proposed modification to Development Consent No. 47372/2015 - Part 1 does not raise any matter which may be regarded as contrary to the public interest and which would prevent the application from being approved. It is in the public interest for the proposed modification to provide an additional floor for the provision of a 20 bed orthopaedic ward to meet the community's health care requirements.

7. CONCLUSION.

This Statement of Environmental Effects demonstrates that the proposed modification to Development Consent No. 47372/2015 Part 1 for additions and internal alterations to Gosford Private Hospital, located on Lot 1 DP 1064130, No. 9 Burrabil Avenue, North Gosford, in order to provide an additional storey to contain a future medical ward is consistent with relevant State and local planning frameworks for the locality and have minimal environmental impact.

The development to which the proposed modification relates is substantially the same development for which consent was originally granted. Gosford City Council is therefore requested to modify Development Consent No. 47372/2015 – Part 1 pursuant to the provisions of section 96 (2) of the Environmental Planning and Assessment Act 1979 so as to modify the consent in the manner detailed in Sections 4.1 - 4.3 of this Statement.

Doug Sneddon
12th February 2016.

APPENDIX A: SITE PHOTOGRAPHS.

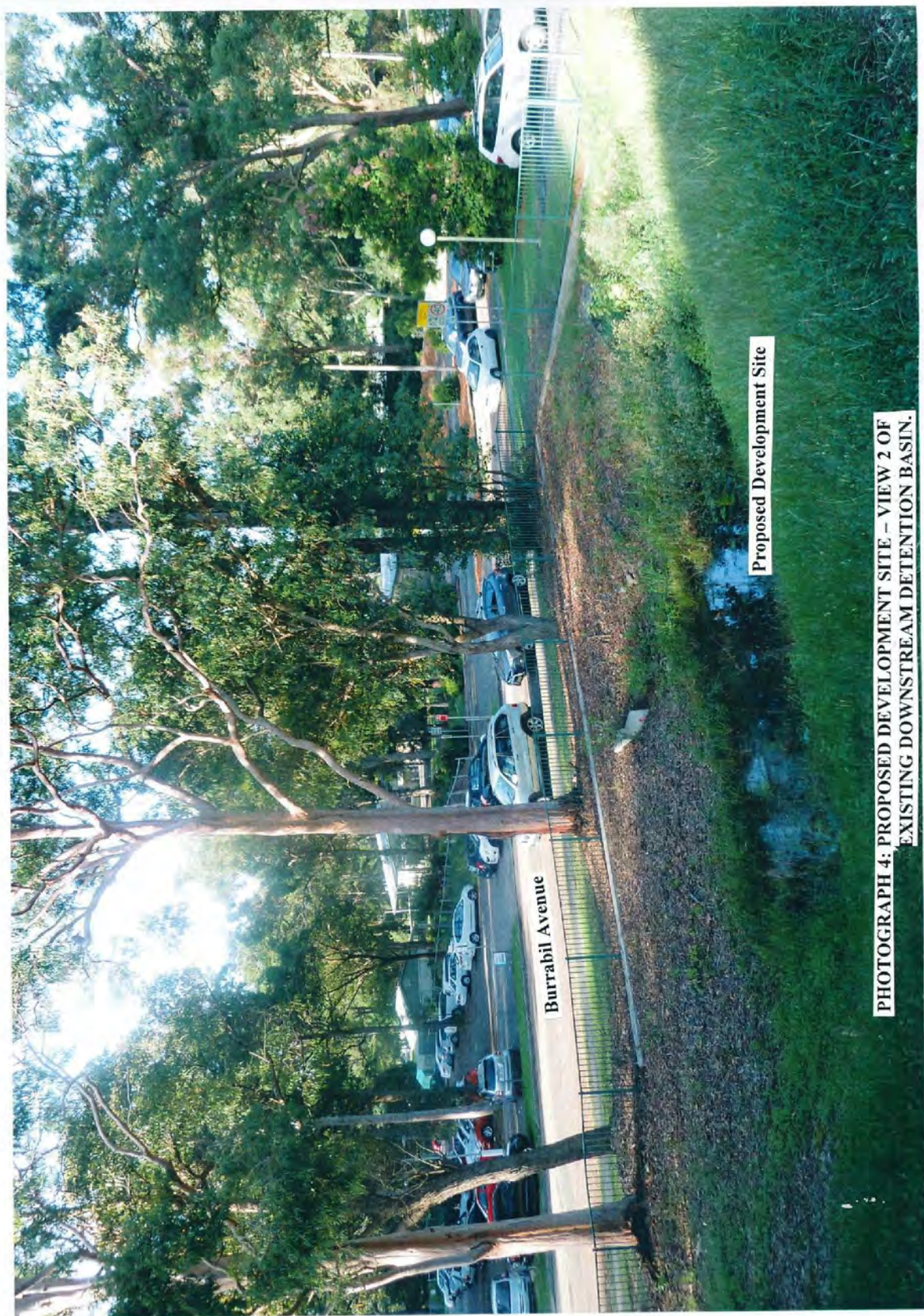


PHOTOGRAPH 1: PROPOSED DEVELOPMENT SITE - VIEW FROM
BURRABIL AVENUE



PHOTOGRAPH 2: PROPOSED DEVELOPMENT SITE - VIEW FROM
INTERNAL HOSPITAL ROADWAY





APPENDIX B: DEVELOPMENT CONSENT NO. 47372/2015 - PART 1.



Telephone (02) 4325 8222

Please Quote DA 47372/2015
6 August 2015

Gosford City Council

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www.twitter.com/gosford_council
ABN 78 303 458 861

Notice of Determination of a Development Application
issued under the *Environmental Planning and Assessment Act, 1979*
section 81(1)(a)

Development Application No: 47372/2015 Part 1

Applicant: Doug Sneddon Planning Pty Ltd

Property: LOT: 1 DP: 1064130 No 9 Burrabil Avenue NORTH
GOSFORD

Proposal: Additions & Internal Alterations to Existing Private
Hospital - Stage 4B (JRPP)

Date from which this consent operates

Subject to Section 83 of the Act this consent becomes effective and operates from 6 August 2015.

Consent to Lapse on

Five (5) Years from date of Consent.

Imposition of Conditions

Subject to the provisions of Section 80A of the Act this Consent has been granted subject to conditions annexed to this consent.

On behalf of the consent authority
Paul Anderson
Chief Executive Officer

Per: *Diane Spithill*

Date: 6 August 2015

1.. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

Architectural Plans by Health Science Landscape Plans by Moir Landscape Architecture

Drawing	Description	Sheets	Issue	Date
40-4066 DA-000	Drawing Schedule	0	1	06.03.2015
DA-010	Existing Site/Roof Plan	1	1	06.03.2015
DA-011	Existing Demolition Ground Floor Plan		1	06.03.2015
DA-012	Existing and Demolition Level 1		1	06.03.2015
DA-013	Existing and Demolition Level 2		1	06.03.2015
DA-014	Existing and Demolition Level 3		1	06.03.2015
DA-020	Proposed Site Plan		1	06.03.2015
DA-021	Proposed Ground Floor Plan		1	06.03.2015
DA-022	Proposed Level 1 Plan		1	06.03.2015
DA-023	Proposed Level 2 Plan		1	06.03.2015
DA-024	Proposed Level 3 Plan		1	06.03.2015
DA-035	Proposed Elevations		1	06.03.2015
DA-036	Proposed Sections		1	06.03.2015
DA-050	Shadow Diagrams		1	06.03.2015
LP01	Landscape Cover Sheet & Location Plan		A	30.03.2015
LP02	Landscape Plan		A	30.03.2015
LP03	Tree Removal Plan		A	30.03.2015
LP04	Landscape Theming, Plant Schedule and Section		A	30.03.2015

Supporting Documentation

Document	Title	Date
	Concept Stormwater Management Report (Northrop)	26.03.2015
	Arboricultural Impact Assessment (Moir Landscape Architecture)	27.03.2015
DA-050	Shadow Diagrams	06.03.2015
	Waste Management Plan (D.Sneddon)	01.04.2015
	Traffic and Car Parking Assessment (Intersect Traffic)	30.03.2015
	Bushfire Hazard Assessment (Environmental and Land Management Consultants)	
NL150106 C01 to C03	Sediment and Erosion Control Plans, Concept Stormwater and Management Plans	26.03.2015
C04 to Co5	Concept Stormwater and Management Plans and Civil Details	26.03.2015

1.2. Building Code of Australia

All building works must be carried out in accordance with the Building Code of Australia.

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. No activity is to be carried out on site until any Construction Certificate has been issued. Other than:
- a Site investigation for the preparation of the construction, and/or
 - b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

- 2.2. The payment to Council of a total contribution amount of **\$251,518.00** in accordance with the relevant Council Contribution Plans No. 164 – **Gosford Regional Centre**

The contributions are calculated from Councils adopted Section 94 Contributions Plans No. 164 – **Gosford Regional Centre** and the applicable amounts are as follows:

Recreation Facilities - Embellishment	A	(Key No 851)	\$68,968.00
Roadworks - Capital	A	(Key No 850)	\$97,193.00
Community Facilities - Capital	A	(Key No 852)	\$56,677.00
Environmental Protection	A	(Key No 853)	\$28,680.00
TOTAL AMOUNT			\$251,518.00

The total amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Gosford City Council Section 94 Contributions Plans No. 164 – **Gosford Regional Centre**. The basis of the calculation and the total amount is to be indexed quarterly in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

The total contribution amount is to be paid prior to the issue of any Construction Certificate.

Any Construction Certificate is not to be issued by a certifying authority until the developer has provided the certifying authority with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid in accordance with the wording of this condition. A copy of this receipt is to accompany the documents required to be submitted by the certifying authority to Council under Clause 104 of the Environmental Planning and Assessment Regulation 2000.

A copy of the Contribution Plan may be inspected at the office of Gosford City Council, 49 Mann Street Gosford or on Council's website

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

- 2.3. All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and "Policy 'D6.46 Erosion Sedimentation Control'".

The required works to be designed are as follows:

- a. Heavy-duty vehicle crossing in Burrabil Avenue, that has a minimum width of 4m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- b. All redundant vehicular crossings to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
- c. The piping of stormwater from within the site to Council's drainage system located in Burrabil Avenue.
- d. Stormwater drainage works in Burrabil Avenue generally in accordance with Northrop's "Concept Stormwater Management Plan" Ref NL150106, drawing C04 revision A and dated 26.03.15.

The engineering plans must be approved by Council prior to the issuing of any Construction Certificate required under this consent.

- 2.4. A dilapidation report must be submitted to Council prior to issue of any Construction Certificate and/or approval of engineering plans under the Roads Act. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.5. A security deposit of \$15,000 must be paid into Council's trust fund prior to the issue of any Construction Certificate. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.6. Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000, must be obtained from the Water Authority (Council) prior to the issue of any Construction Certificate. Contributions may be applicable to the Section 307 Certificate.
- 2.7. Design of the following engineering works within private property:
 - a. Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.
 - b. A stormwater detention system must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management and Council's 'GCC Design Specification for Survey, Road and Drainage Works'. The stormwater detention system shall limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event. A runoff routing method is to be used. An on-site stormwater detention report including an operation and maintenance plan shall accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths.
 - c. Nutrient/pollution control measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
 - d. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Burrabil Avenue.

The design of these details and any associated reports shall be included in any construction certificate.

- 2.8. Preparation of a Construction Traffic Management Plan (CTMP) including a Vehicle Movement Plan and Traffic Control Plan. The CTMP shall be prepared with the intention of causing minimal impact on the operation of the road network during construction of the development. The Construction Traffic Management Plan (CTMP) shall be prepared and approved by the Principal Certifying Authority and provide for:
- Delivery and storage of materials
 - Worker's parking and amenities
 - Hours of construction
 - Noise and dust mitigation
 - Process of handling complaints
 - Crane permits (crane location plan) if required
- 2.9. Submission of a revised waste management plan (signed and dated), prepared in accordance with the Gosford City Council Development Application Guide and Chapter 7.2 - Waste Management of Gosford DCP 2013 for all site preparation, demolition, construction, use of premises and on-going management of waste. Such plan to be submitted to Council, prior to the issue of a construction certificate, to the satisfaction of Council's Waste Management Officer.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Any construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a Principal Certifying Authority prior to the commencement of any building works.

The Principal Certifying Authority (if not the Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than 2 days before the building work commences.

- 3.2. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 3.3. Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 3.4. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- a The name, address and telephone number of the principal certifying authority for the work; and
 - b The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 3.5. Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures must be in accordance with the NSW WorkCover publication titled, '*Site Security and Public Access onto Housing Construction Sites*' and installed prior to the commencement of any demolition, excavation or building works and be maintained

throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

- 3.6. A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place.

If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the *Roads Act 1993* will need to be lodged with Council together with the associated fee.

- 3.7. The Principal Certifying Authority must ensure that all parties/trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.8. Tree Protection measures are to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment, prepared by Moir, dated March 2015.

4.. DURING WORKS

- 4.1. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

a No work is permitted on Sundays and Public Holidays

b No work is permitted on:

- Saturdays when a public holiday is adjacent to that weekend.
- Construction industry awarded rostered days off.
- Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i Minor renovation or refurbishments to single dwelling construction.
- ii Owner occupied renovations or refurbishments to single dwelling construction.
- iii Owner builder construction of single dwelling construction; and/or
- iv Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

- 4.2. Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Erosion Sedimentation Control Policy D6.46.
- 4.3. Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.
- 4.4. This development is subject to DCP 2013 Chapter 7.2 – Waste Management. The Waste Management Plan submitted in accordance with condition 2.9 of this development consent is required to be implemented during all stages of demolition and construction.
- 4.5. Buildings are to be demolished in a safe and systematic manner in accordance with the requirements of Australian Standard AS 2601-2001 - *Demolition of Structures*, and disposed of in an approved manner.
- 4.6. The works within the road reserve that required approval under the *Roads Act* shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design

Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.

- 4.7. The Engineering works within private property that formed part of any construction certificate shall be constructed in accordance with the plans and details approved with any construction certificate.
- 4.8. Public Tree Removal - Any tree located on Council managed land that requires removal due to works approved by a Development Application must be undertaken at the full cost and responsibility of the developer/owner using a Pre-qualified Tree Contractor.
- 4.9. Trees to be removed shown on the approved plan must be removed in a manner so as to prevent damage to those trees that are to be retained.

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Application for any Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
- 5.2. The premises not being occupied until any occupation certificate has been issued.
- 5.3. A concrete kerb, or alternative of similar standard, must be provided to the driveways and around areas of landscaping to prevent encroachment of vehicles.
- 5.4. The driveway, vehicle manoeuvring area and car parking spaces as shown on the approved plan must be properly constructed, graded, drained, sealed and line marked including directional arrows with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking.
- 5.5. Prior to the issue of any Occupation Certificate an instrument under the Conveyancing Act 1919 must be created on the Certificate of Title establishing a restrictive covenant detailing the areas to be maintained as a Asset Protection Zone in accordance with the Bushfire Report prepared by Conacher consulting and condition 8.1 of this consent. The restriction shall ensure the owner continually maintains the Asset Protection Zone in accordance with the recommendation and findings detailed in the Bushfire Report. The restriction is to be created at the applicants cost with the Council having the sole authority to release or modify.
- 5.6. A material or device is to be installed to prevent the build up of flammable material (such as leaf matter) within the roof gutters. The material or device must have a flammability index of not greater than 5 when tested in accordance with AS1530.2.
- 5.7. Works within the road reserve that required approval under the Roads Act are to be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', and documentary evidence for the acceptance of such works obtained from the Roads Authority prior to the issue of any Occupation Certificate.

Note 1: A maintenance bond shall be paid on completion of the works in accordance with Section 1.07 Maintenance of the 'Civil Construction Specification'.

- 5.8. Any damage not shown in the dilapidation report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of any Occupation Certificate.

5.9. Prior to the issue of any occupation certificate, the internal engineering works within private property that formed part of any construction certificate shall be completed in accordance with the plans and details approved with any construction certificate.

5.10. Prior to the issue of any Occupation Certificate the Deposited Plan (DP) must be amended to:

- Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants shall be defined by bearings and distances shown on the plan.
 - a To create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

And,

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
 - a To ensure on any lot containing on-site stormwater detention system and/or a nutrient/pollution facility that:
 - (i) The facility will remain in place and fully operational.
 - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.

Registered title documents showing the restrictive and positive covenants must be submitted to and approved by the Principal Certifying Authority prior to the issue of any occupation certificate.

6.. ONGOING OPERATION

- 6.1. No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
- 6.2. Provision must be made for illumination of the common areas in the front of the site, throughout the hours of darkness.
- 6.3. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.
- 6.4. All car parking areas and spaces required by this consent are to be maintained and periodically reline-marked. Such spaces are to be made available to all users of the site at all times during hours of operation.
- 6.5. The operation of all mechanical plant equipment and machinery (i.e. air conditioning unit and/or heat pump) shall not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.
- 6.6. Maintenance of the on-site stormwater detention facility in accordance with the operation & maintenance plan.

- 6.7. Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.
- 6.8. To ensure the survival and establishment of the landscaping, all works associated with the approved Landscape Plans are to be maintained for a period of 12 months from the date of the issue of an Occupation Certificate.
- 6.9. At the completion of the landscaping maintenance period any areas of lawn and plantings, including adjoining road reserve areas that are in a state of decline, damage or missing are to be replaced or restored to a healthy and vigorous condition and compliant with the approved detailed Landscape Plans and Development Consent Conditions.

7.. OTHER APPROVALS

RFS Integrated Approval for the issue of a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997

- 7.1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- 7.2. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

8.. ADVICE

- 8.1. The public authorities may have separate requirements and should be consulted in the following aspects:
 - a *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - b *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - c *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - d *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - e *Gosford City Council* in respect to the location of water, sewerage and drainage services.
- 8.2. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property

via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- 8.3. All work carried out under this Consent should be done in accordance with WorkCover requirements including the Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 8.4. Separate application being made for connection to Council's sewerage system.
- 8.5. It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies with the requirements of the *Disability Discrimination Act*.
NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law. The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current *Building Code of Australia*, it does not indicate nor confirm that the application complies with the requirements of the DDA.
- 8.6. A fee for the approval of engineering plans under the Roads Act 1993 applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.
- 8.7. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 8.8. Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Council's web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.
- 8.9. The internal fitout and use of the hospital building addition for the purpose of a future Cancer Care Unit (CCU) on Level 2 is not subject of this consent. Such use and proposed future building works may require further development consent, unless such works are classified as exempt development. Details of staff to be employed in connection with the proposed use and cost of construction will be required to determine whether any additional car parking or section 94 contribution is generated by the proposed future addition.

9.. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

10.. RIGHT OF APPEAL

10.1. Section 97 of the Act, confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.

10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

APPENDIX C: SUPPLEMENTARY TRAFFIC/ PARKING IMPACT ASSESSMENT

(Intersect Traffic – 2nd February 2016).

Ref: 16/008

2nd February 2016

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

Attention: - Mr Doug Sneddon

Dear Doug,

RE: Supplementary Traffic and Parking Impact Assessment – Gosford Private Hospital Alterations and Additions Stage 4B – additional 20-bed orthopaedic ward – 9 Burrabil Avenue, North Gosford.

I have reviewed the plans for the additional level and the information provided by Healthcare in regard to staffing numbers and provides the following assessment to supplement my original traffic and parking assessment report for the Gosford Private Hospital Stage 4B alterations and additions. This report needs to be read in conjunction with the Traffic and Parking Assessment Report prepared by Intersect Traffic (March 2015) for the approved Gosford Private Hospital Stage 4B alterations and additions.

Introduction

Intersect Traffic undertook a traffic and parking assessment of the proposed Gosford Private Hospital Stage 4B alterations and additions and provided a final report dated March 2015. It is understood the development as proposed at that stage was approved by the Joint Regional Planning Panel.

Healthcare have now advised they wish to include an additional level to the proposed hospital additions (level 3) to house a 20 bed orthopaedic ward with ancillary staff and patient facilities. The additional ward will generate additional traffic and parking demand at the Gosford Private Hospital site therefore the impacts of the additional orthopaedic ward on the local road network and on-site car parking supply needs to be assessed within this supplementary assessment report.

Traffic Generation

The original traffic and parking assessment (Intersect Traffic March 2015) identified the Stage 4B alterations and additions would generate the following additional traffic;

Peak Vehicle Trips	$= 14.69 + 0.69 \times 17 + 0.31 \times 22 = 34 \text{ vtp/h}$
Morning Vehicle Trips	$= 10.21 + 0.47 \times 17 + 0.06 \times 22 = 20 \text{ vtp/h}$
Evening Vehicle Trips	$= 11.96 + 0.69 \times 17 + 0.4 \times 22 = 33 \text{ vtp/h}$

This is based on the RMS traffic generation model for private hospitals reproduced below;

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$$PVT = -14.69 + 0.69 B + 0.31 ASDS (R^2 = 0.74)$$

$$MVT = -10.21 + 0.47 B + 0.06 ASDS (R^2 = 0.64)$$

$$EVT = -2.84 + 0.25 B + 0.40 ASDS (R^2 = 0.69)$$

Noting the additional orthopaedic ward will provide an additional 20 beds and 10 on-site staff (at shift changes) and that the latest advice from the hospital is that the proposed CCU ward in the approved development is likely to result only in additional 10 on-site staff not 16 on-site staff as included in the original traffic and parking assessment (Intersect Traffic March 2015) the additional traffic generated by the Stage 4B additions and alterations can now be calculated as follows;

Peak Vehicle Trips	= 14.69 + 0.69 x 37 + 0.31 x 26 = 48 vtp/h;
Morning Vehicle Trips	= 10.21 + 0.47 x 37 + 0.06 x 26 = 29 vtp/h;
Evening Vehicle Trips	= 11.96 + 0.69 x 37 + 0.4 x 26 = 48 vtp/h.

This traffic generation being an additional 14 vtp/h on the approved development is still considered minor and less than 10 % of the current road network traffic volumes during peak periods. Therefore it would be expected that such a minor increase in traffic would alone result in no noticeable impact on average delay and queuing / congestion on the local road network. Further analysis of the road network and intersection capacity is not considered warranted.

Observation of the local road network indicated no major capacity concerns even during peak periods and intersection control measures currently in place are considered appropriate for the current levels of traffic.

On-site car parking

Under Gosford City Council's DCP (2013) the proposal is required to provide the following car parking requirements;

Hospital 1 car space per 2 beds and 1 space per 2 employees;

Medical Centres & Consulting Rooms

3 car spaces per surgery or consulting room, plus 1 space for each professional practitioner and other staff present at any one time.;

The resulting Gosford DCP (2013) parking requirement for the completed development can then be calculated as shown in **Table 1** below.

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Table 1 - Gosford DCP (2013) Parking requirements

Land Use Type	Item	Existing Development		Approved Development		Proposed Development	
		Quantity	Spaces	Quantity	Spaces	Quantity	Spaces
Hospital Beds	beds	143	71.5	144	72	144	72
Employees	staff	150	75	150	75	150	75
Medical Centre - Radiology Unit	staff	6	6	6	6	6	6
Medical Centre - Pathology Unit	staff	20	20	20	20	20	20
Medical Centre - Professional Suites	suites	8	24	8	24	8	24
Medical Centre - Professional Suites	staff	16	16	16	16	16	16
Theatre Expansion	staff			6	3	6	3
CCU - Hospital Beds	beds			16	8	16	8
CCU - staff	staff			16	8	10*	5
Orthopaedic Ward - beds	beds					20	10
Orthopaedic Ward - staff	staff					10	5
Subtotal Spaces			212.5		232		
Projected Total Spaces						244	

* Latest estimate from client (amended from approved application).

The new proposal for the Gosford Private Hospital with the Stage 4B alterations and additions included therefore is required to provide a total of 244 car parks under the current Gosford DCP 2013. On completion of these Stage 4B alterations and additions however, the hospital will only provide a total of 238 car spaces therefore represents a 9 car space deficiency on the DCP requirements (2.5 % deficiency).

It is noted however that at this stage the level 2 CCU fit-out is not included within the current development application and as such will require a future development application. The CCU area, which is to be left as a shell and not operating, will for the purposes of this application not generate additional traffic or an on-site car parking demand. Therefore on completion of the Stage 4B works as proposed in the current development application the on-site parking supply required would only be 231 car parks (244 – 13 spaces) and thus effectively comply with the DCP requirement as 238 on-site car parks are being provided.

It would then mean that Health Care would have some time to look at further increasing the on-site car parking supply on the site to be considered at the development application stage for the CCU fit-out or look at measures such as Green Travel Plans or off-site shuttles to reduce the required site parking supply. A suitable strategy would need to be included within the future fit-out development application for the CCU.

Overall it is concluded the Gosford Private Hospital site will have sufficient and suitable on-site car parking supply to cater for the expected peak parking demand following completion of the Stage 4B alterations and additions as proposed within the current application.

Additional Matters

The proposed additional level (20 bed orthopaedic ward) to the Gosford Private Hospital Stage 4B alterations and additions does not alter or change any of the other traffic related issues previously discussed within Intersect Traffic's *Traffic and Parking Assessment Report (March 2015)* i.e. alternate transport modes and access. Therefore the conclusions relating to these issues do not change from those identified in the original report. No further discussion is therefore considered necessary.

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Conclusions

Having considered the proposed additional level (20 bed orthopaedic ward) within the Gosford Private Hospital Stage 4B alterations and additions the following conclusions have been drawn;

- The additional traffic generated by the proposed additional orthopaedic ward will be in the order of 14 vph during peak periods and will not adversely impact on the operation of the local road network.
- The proposed additional orthopaedic ward would require the provision of 15 on-site car parking spaces to comply with Gosford Council's DCP (2013).
- The overall on-site parking requirement for the completed Stage 4B alterations and additions would be 231 spaces on the basis that the proposed CCU level will not be fitted out or operate under this application. As a total of 238 car spaces are proposed on the site post this development sufficient on-site car parking is provided to meet the Gosford DCP (2103) requirements.
- A future development application for the fit-out of the proposed CCU (to remain a shell in this application) will need to further review and address on-site car parking by either providing an additional 6 on-site car parks or implementing suitable strategies such as Green Travel Plans or off-site parking / bus shuttles to reduce the on-site car parking demand at the site.

Recommendation

Having carried out this supplementary traffic and parking assessment for the proposed additional 20 bed orthopaedic ward within the Gosford Private Hospital Stage 4B alterations and additions it is recommended that the proposed additional building level can be supported from a traffic perspective as it will not adversely impact on the local and state road network and complies with all relevant Gosford City Council, Australian Standard and NSW Roads and Maritime Services requirements.

If you require further information or clarification please do not hesitate to contact me on 02 4993 36200 or 0423 324 188.

Yours sincerely



Jeff Garry

**Director
Intersect Traffic**

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**APPENDIX D: CLAUSE 4.6 (LEP 2014) - REQUEST FOR EXCEPTION TO
THE MAXIMUM 11.5M PERMISSIBLE BUILDING HEIGHT
DEVELOPMENT STANDARD.**

1. INTRODUCTION.

Clause 4.6 (2) of Gosford Local Environmental Plan 2014 provides for flexibility in the application of planning controls operating by virtue of development standards, in circumstances where strict compliance with those standards would in a particular case be unreasonable or unnecessary and where there are sufficient environmental planning grounds to justify contravening the development standard.

This objection demonstrates that the proposed modification of Development Consent No. 47372/2015 - Part 1 for additions and internal alterations to Gosford Private Hospital, located on Lot 1 DP 1064130, No. 9 Burrabil Avenue, North Gosford, in order to provide an additional storey to contain a future medical ward in a manner which contravenes the 11.5m maximum permissible building height development standard, is justified having regard to the circumstances of the case.

2. SUBJECT LAND & PROPOSED CONSENT MODIFICATION.

2.1 Subject Land: The land the subject of this request comprises Lot 1 DP 1064130, No. 9 Burrabil Avenue, North Gosford, having an area of 2.39ha and upon which is erected Gosford Private Hospital.

The hospital site has frontages to Henry Parry Drive, Burrabil Avenue, Jarrett Street and Etna Street. The principal vehicular/pedestrian access to the hospital is via Burrabil Avenue, with a secondary access from Jarrett Street.

2.1 Development Consent No. 47372/2015 – Part 1: On the 6th August 2015 the Hunter and Central Coast Joint Regional Planning Panel granted Development Consent 47372/2015 – Part 1 for additions and internal alterations to Gosford Private Hospital on the subject land comprising:

- a new three storey addition to the north-eastern corner of the existing hospital building, comprising a basement car park (21 spaces); Level 1 day surgery reception/theatre expansion; a Level 2 empty shell for a future CCU (Cancer Care Unit); and revised driveway entries/exit in Burrabil Avenue providing vehicular access to the hospital and the proposed new day surgery Level 1 patient admission area;
- minor internal alterations/refurbishment of the existing hospital day surgery (Level 1); maternity ward (Level 2); and medical ward (Level 3) areas; and
- site landscaping.

2.3 Proposed Modifications to Consent No. 47372/2015 – Part 1: Application is made to Gosford City Council pursuant to Section 96 (2) of the EPA Act 1979 to modify Consent No. 47372/2015 – Part 1 so as to provide an additional storey to contain a future medical ward, in the manner indicated in Figures 5 – 20 of the accompanying Statement of Environmental Effects.

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Statement of Environmental Effects: Application pursuant to Section 96(2) to modify Development Consent No. 47372/2015 – Part 1 for additions and internal alterations to Gosford Private Hospital (Stage 4B) - Lot 1, DP 1064130, No. 9 Burrabil Avenue, North Gosford.

3. DEVELOPMENT STANDARD TO BE VARIED (11.5m MAXIMUM PERMISSIBLE BUILDING HEIGHT).

Clause 4.3 (2) of LEP 2014 provides that development on the subject land shall not exceed the 11.5m maximum building height shown on "Height of Buildings Map" HOB_015CA.

The Building Height Variations Diagrams provided in Annexure A show that the proposed development exceeds the maximum permitted building height by up to 5.25m at the topmost point of the internal stairwell located at the north-eastern corner of the building and 3.5m at the Burrabil Avenue façade roof parapet.

The degree of exceedence of the proposed modified development from the 11.5m maximum permissible building height is indicated in the Proposed Building Height Variation Diagram provided in Annexure A.

4. CONSIDERATION AS TO WHETHER NON COMPLIANCE WITH THE MAXIMUM PERMISSIBLE BUILDING HEIGHT STANDARD OF CLAUSE 4.3 (2) OF GOSFORD LEP 2014 IS REASONABLE UNDER THE CIRCUMSTANCES OF THE CASE.

4.1 "Is the planning control in question a development standard"?

The 11.5m maximum permissible building height requirement of Clause 4.3 (2) of Gosford LEP 2014 is a development standard for the purposes of Clause 4.6 (Exceptions to development standards) and may therefore be varied by the consent authority pursuant to the provisions of Clauses 4.6 (2) - (4) of LEP 2014.

4.2 "What are the underlying objectives or purpose of the development standard"?

The underlying objective or purpose of the maximum permissible building height development standard is expressed in the objectives to Clause 4.3 (Height of Buildings) of Gosford Local Environmental Plan 2014.

The following assessment demonstrates that the proposed consent modifications are consistent with the objectives of the maximum building height development standard as expressed in Clause 4.3 (1) of LEP 2014:

"(a) To establish maximum height limits for buildings,"

Response: As indicated in the Building Height Variation Diagram in Annexure A, the existing hospital development exceeds the 11.5m maximum permissible building height development standard applicable to the subject land. The height of existing hospital development effectively establishes maximum height limits for buildings on the subject land rather than the 11.5m numerical standard of LEP 2014, which is actually less than the established building height.

"(b) To permit building heights that encourage high quality urban form,"

Response: The proposed modified development is of high quality architectural design, suitably integrated with, and compatible with the bulk and scale of the existing hospital.

"(c) To ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,"

Response: As indicated in the Shadow Diagrams provided in Figure 20 of the accompanying Statement of Environmental Effects, the shadows resulting from the proposed additional level do not have any impact on neighbouring medical centres, or the public domain generally.

"(d) To nominate heights that will provide an appropriate transition in built form and land use intensity,"

Response: As indicated in the Proposed Elevations drawings provided in Figure 18 of the accompanying Statement of Environmental Effects and the Building Height Variation Diagram provided in Annexure A, the proposed modified development has a height that is commensurate with the existing height of Gosford Private Hospital and the neighbouring medical centre located at No. 12 Jarrett Street.

Within the context of existing hospital and medical centre development within this 'health services institutional precinct', the proposed modified development provides for an appropriate built form and land use intensity.

"(e) To ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,"

Response: The proposed modified development does not impact upon any view corridor.

As the proposed modified building height is commensurate with the existing height of Gosford Private Hospital, it will not be visually dominant.

"(f) To protect public open space from excessive overshadowing and to allow views to identify natural topographical features".

Response: The proposed modified development does not overshadow any public open space and does not obstruct any views of natural topographical features from any public open space.

4.3 "What are the objectives for development within the subject zone".

The subject land is zoned *SP2 Infrastructure (Health Services Facility)* under Gosford Local Environmental Plan 2014.

The following assessment demonstrates that the proposed consent modifications are consistent with the objectives of the zone provided under Gosford LEP 2014:

- ***"To provide for infrastructure and related uses".***

Consistent: The proposed consent modifications are intended to facilitate the provision of additional health services to the community.

- ***"To prevent development that is not compatible with or that may detract from the provision of infrastructure".***

Consistent: The proposed consent modifications are compatible with the provision of health services from the existing Gosford Private Hospital.

- ***"To ensure that development is compatible with the desired future character of the zone".***

Consistent: As demonstrated in the accompanying Statement of Environmental Effects, the proposed consent modifications are compatible with the statements of desired future character of the locality and the zone.

4.4 "Matters of Consideration by the Director-General".

Clause 4.6 (4) (b) of Gosford LEP 2014 requires the concurrence of the Director-General to be obtained for development that contravenes a development standard.

Under Clause 4.6 (5), the Director -General is required to consider the following matters in deciding whether to grant concurrence.

4.4.1 "Whether contravention of the developments 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 objection, that the proposed consent modifications are consistent with State and regional planning policies/strategic directions applicable to the locality.

Council's approval of the proposed consent modifications would not raise any matter of significance for State or regional planning.

4.4.2 "The public benefit of maintaining the development standard".

The circumstances relating to the subject land and the proposed development are unique to this application to modify Consent No. 47372/2015 - Part 1.

The accompanying Statement of Environmental Effects demonstrates that the proposed consent modifications do not have adverse scenic/visual impacts or amenity impacts on either the public domain, or neighbouring buildings.

As the proposed consent modifications are intended to facilitate the provision of additional health services to the community, it is considered that there is no public benefit to be derived

in requiring the proposed consent modifications to strictly comply with the maximum 11.5m building height development standard applicable to the subject land.

4.4.3 "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. CONCLUSION.

It is considered that any requirement for the proposed modification of Consent No. 47372/2015 - Part 1 for additions and internal alterations to Gosford Private Hospital, located on Lot 1 DP 1064130, No. 9 Burrabil Avenue, North Gosford, in order to provide an additional storey to contain a future medical ward in a manner which contravenes the 11.5m maximum permissible building height development standard of Clause 4.3 (1) of Gosford Local Environmental Plan 2014, is unreasonable or unnecessary in the circumstances of this case:

- the proposed consent modifications are in the public interest as they are intended to facilitate the provision of additional health services for the community;
- the proposed consent modifications are consistent with the objectives for development within the *SP2 Infrastructure (Health Services Facility)* zone under Gosford Local Environmental Plan 2014;
- the proposed consent modifications are consistent with the applicable objectives of the maximum building height development standard as expressed in Clause 4.3 (1) of LEP 2014;
- there are sufficient environmental planning grounds to justify contravening the development standard as the maximum height of the proposed modified development is of similar height to the existing Gosford Private Hospital and Jarrett Street Medical Centre as shown in the Proposed Elevations drawings provided in Figure 18 of the accompanying Statement of Environmental Effects and the Building Height Variation Diagram provided in Annexure A; it is suitably integrated into the architectural design of the existing hospital; it does not have any amenity impacts on neighbouring buildings; and does not adversely impact the public domain, or any public open space;
- the circumstances relating to the subject land and the proposed modified development are unique to this application and will not lead to similar development applications which would cumulatively undermine the planning objectives for the locality. There is no public benefit to be derived in requiring the proposed consent modifications to strictly comply with the maximum 11.5m building height development standard applicable to the subject land;

- the proposed consent modifications raise no matters of significance for State and regional environmental planning; and
- no planning purpose would be served by strictly applying the 11.5m maximum permissible building height development standard in this case.

Gosford City Council is therefore requested to modify Development Consent No. 47372/2015 - Part 1 for additions and internal alterations to Gosford Private Hospital, located on Lot 1 DP 1064130, No. 9 Burrabil Avenue, North Gosford, in order to provide an additional storey to contain a future medical ward in the manner indicated in Figures 5 - 21 of the accompanying Statement of Environmental Effects, thereby contravening the 11.5m maximum permissible building height applying to development on the subject land..

Doug Sneddon
12th February 2016.

ANNEXURE A: PROPOSED BUILDING HEIGHT VARIATION DIAGRAM.

