
JOINT REGIONAL PLANNING PANEL (Hunter Central Coast Region)

JRPP No	2016HCC011
DA Number	535/2017
Local Government Area	Central Coast
Proposed Development	Hospital and signage, including ancillary works and demolition of existing structures
Street Address	645-647 Pacific Highway Kanwal Lot 1 DP 1223721, Lot 1 DP 650180
Applicant/Owner	Applicant - Doug Sneddon Planning Pty Ltd Owner – Perpetual Nominees Limited
Number of Submissions	Four
Regional Development Criteria (Schedule 4A of the Act)	Private Infrastructure (Health Services Facility) over \$5 million. <ul style="list-style-type: none"> Value of works = \$15.18m
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <i>State Environmental Planning Policy (State and Regional Development) 2011</i> <i>State Environmental Planning Policy 55 – Remediation of Land</i> <i>State Environmental Planning Policy 64 – Advertising and Signage</i> <i>State Environmental Planning Policy (Infrastructure) 2007</i> <i>Wyong Local Environmental Plan 2013</i> <i>Wyong Shire Development Control Plan 2013</i> <ul style="list-style-type: none"> <i>Chapter 2.6 - Signage</i> <i>Chapter 2.11 - Parking and Access</i> <i>Chapter 2.15 - Public Art</i> <i>Chapter 3.1 - Site Waste Management</i> <i>Chapter 6.15 - Craigie Avenue Precinct</i>

List all documents submitted with this report for the panel's consideration	Annexure A – Assessing Officers Report Annexure B – Recommended Conditions of Consent Annexure C – Development Plans
Recommendation	Approval subject to conditions
Report by	Julie Garratley - Development Planner Emily Goodworth – Section Manager – Development Assessment Tanya O'Brien – Unit Manager - Development Assessment
Report date	31 August 2017

Assessment Report and Recommendation

CENTRAL COAST COUNCIL

For The Hunter Central Coast Joint Regional Planning Panel (JRPP)

SUMMARY

A development application has been received for a hospital and signage, including ancillary works and demolition of existing structures at 645 and 647 Pacific Highway, Kanwal. The application has been assessed having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements.

Applicant	Doug Sneddon Planning Pty Ltd
Owner	Perpetual Nominees Limited
Application No	DA/535/2017
Description of Land	Lot 1 DP 1223721, Lot 1 DP 650180 645 & 647 Pacific Highway, Kanwal
Proposed Development	Hospital including signage and demolition of existing structures
Site Area	3928 m ²
Zoning	B6 Enterprise Corridor
Existing Use	Vacant
Employment Generating	Yes
Estimated Value	\$15.18 million

RECOMMENDATION

- 1. That the JRPP grant consent to DA/535/2017 at Lot 1 DP 1223721 and Lot 1 DP 650180, for a private hospital including signage and demolition of existing structures subject to conditions of consent.***
- 2. That the JRPP advise those who made written submissions of the decision.***
- 3. That the JRPP advise those Government Authorities who made written submissions.***

PRECIS

Proposed Development	Hospital and signage, including ancillary works and demolition of existing structures
Permissibility and Zoning	The hospital and signage, including ancillary works and demolition of existing structures is permissible under Wyong Local Environmental Plan 2013 (WLEP)
Relevant Legislation	<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act)
Current Use	Vacant

Integrated Development	No
Public Submissions	Four

INTRODUCTION

The Site and Surrounding Development

The site is located on the corner of Pacific Highway and Craigie Avenue Kanwal (see Figure 1). The development is proposed over two existing lots that were previously used for a car sales and bus rental business. The site is irregularly shaped with a frontage to Pacific Highway of approximately 142 metres and frontage to Craigie Avenue of approximately 95 metres. The existing driveway access is via Craigie Avenue and the site has a moderate fall from north east to south west of approximately 7 metres. The site is mostly bitumen sealed and contains some vegetation consisting of 16 trees and grass cover.



Figure 1: Aerial photo of subject site

The site is adjacent to a four-way signalised intersection which provides access to Wyong Public Hospital and Kanwal Medical Centre which is located on the western side of the Pacific Highway (see Figure 2).

Kanwal Public School is located approximately 75 metres to the east fronting Craigie Avenue. Surrounding the site to the north, southeast and east is the Kanwal residential area. Wiowera Road located to the east contains a veterinary clinic and motor mechanic workshop. There is a large parcel of land on the opposite corner to the south which is mostly vacant and a service station is located on the corner of Craigie Avenue and Pearce Road.

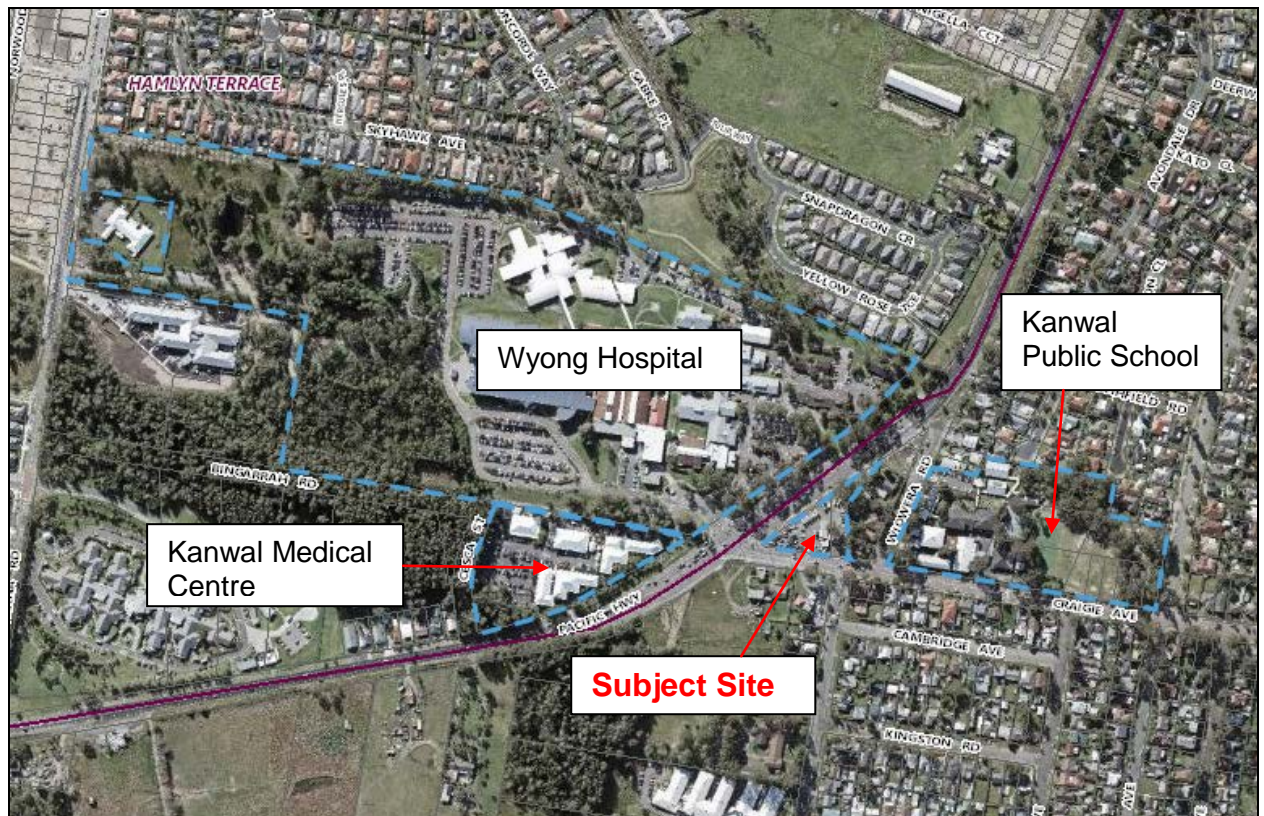


Figure 2: Aerial photo showing the subject site and surrounding properties

The site is located on a major bus route with bus access south to Wyong which includes Wyong Train Station and north to the Lake Haven Shopping Centre. Bus stops are located within walking distance of the site on Craigie Avenue and Pacific Highway.

The site is located within the Wyong Development Control Plan 2013 (WDCP) Craigie Avenue Precinct (see Figure 3) which encourages development that compliments Wyong Hospital.



Figure 3: Craigie Avenue Precinct boundary

History

The subject site is currently vacant and was previously used for a car sales and bus rental business. The site has previously been approved for the display and sales of pools and ancillary products (1992) and prior to this, approved as a motor showroom and ancillary vehicle rentals (1988).

Under the previous planning instrument (WLEP 1991) the land was rezoned from 1(c) Rural Holding to 10(a) Investigation Precinct which created a non-conforming use as a motor showroom. As such, the site has previously had the benefit of existing use rights. The zoning of the site became B6 Enterprise Corridor under the WLEP 2013.

A pre-lodgement meeting was undertaken in relation to a proposed private hospital/day surgery on 14 March 2017.

The Proposed Development

The application seeks approval for the construction of "Tuggerah Lakes Private Hospital", car parking, building identification signage, site landscaping and the demolition of existing structures.

The proposed hospital involves the construction of a basement car park and four levels above ground in the following arrangement:

- Basement Car Park – staff car parking consisting of 39 car spaces.
- Ground Floor – hospital reception, medical imaging room, medical suite consisting of 4 rooms, café/shop, plant room/services, back of house, lifts, stairs, loading dock and ground level car parking for 32 car spaces.

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- Level 1 – four pre-operation bays, four operating suites (2 which are initially empty for the provision of future theatres) and recovery facilities (total of 14 recovery bays and 6 recovery chairs).
 - Level 2 – in-patient medical ward comprising 20 beds in a single bed/en-suite private room arrangement.
 - Level 3 – Rooftop plant room.

The proposal includes illuminated building identification signage and landscaping.

The building is to be of concrete and metal construction (see Figures 4 and 5). The following is a summary of the external finishes:

- Metal panelling with vertical ribs in a silver colour
- Lightweight cladding in grey and white for the base building cladding
- Lightweight cladding in metallic green for the fascia of the roof and awning and main entry feature blade wall
- Tinted glazing
- Lightweight glazing in grey
- Pre-finished plywood for the soffit of roof overhang and awning
- Grey wall paint, louvres and window frames



Figure 4: Photomontage looking west down Craigie Avenue



Figure 5: Photomontage looking north from Pacific Highway

The site requires excavation for the basement carpark and earthworks at the ground level to facilitate the development and create a carpark at an acceptable grade. The construction of a retaining wall adjacent to the northern and eastern boundaries is required to establish the development site. The retaining wall varies in height from 1.0 metre along the Pacific Highway and has heights of approximately 3.0 metres along the eastern boundary.



Figure 6: Site Plan showing proposed Ground Floor



Figure 7: Landscape Plan



Figure 8: Pacific Highway Elevation with Landscaping



Figure 9: Craigie Avenue Elevation with Landscaping

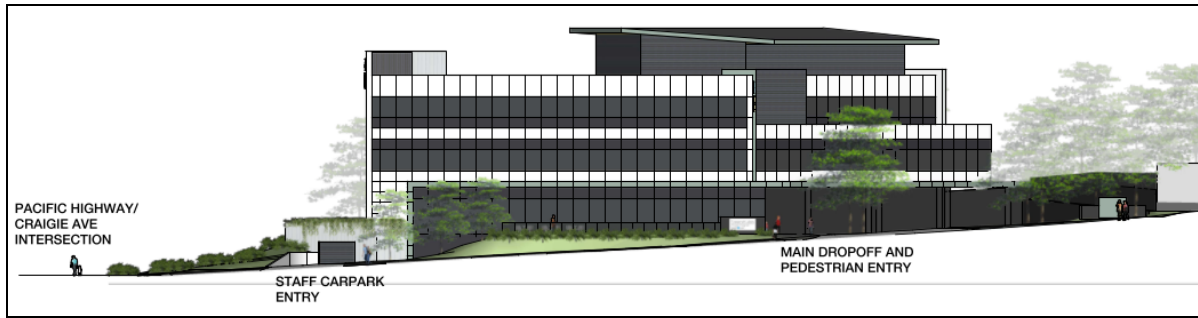


Figure 10: Craigie Avenue Elevation



Figure 11: East Elevation

Applicable Planning Controls

The following planning policies and control documents are relevant to the development and considered as part of the assessment.

- Environmental Planning & Assessment Act 1979
- State Environmental Planning Policy (State and Regional Development)
- State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)
- State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)
- State Environmental Planning Policy (Infrastructure) 2007
- Wyong Local Environmental Plan 2013 (WLEP 2013)
- Wyong Development Control Plan 2013 (WDCP 2013)

VARIATIONS TO POLICIES

WDCP 2013	Chapter 6.15 Kanwal – Craigie Avenue Precinct
Clause	2.3 Building Setbacks
Standard	The minimum setback of any building from the Pacific Hwy boundary shall be 15m for buildings in excess of 12m in height.
Departure basis	The proposed Pacific Hwy setback to the building is 4m. A maximum variation of 73% is required and is supported.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Clause 149 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

Relevant State Environmental Planning Policies (SEPPs)

SEPP 55 – Remediation of Land

Clause 7 of SEPP 55 states that contamination and remediation must be considered in determining a development application to ensure that the land is suitable for the purpose for which the proposed development is to be carried out.

The site was previously used as a motor showroom and bus rental business and contained an underground petrol storage tank located in the southern portion of the site. As such a contamination assessment was undertaken by KPMG SGA Property Consultancy Pty Limited dated 10 November 2016. At the time of groundwater testing there were elevated levels of petroleum hydrocarbons and heavy metals identified in the groundwater, but there were no chemicals of concern identified within the soil samples analysed from the site. The location of the impacted groundwater was mostly along the southern boundary, with the northern portion of the site.

The underground storage tank was removed in May 2017 and remediation undertaken. A further report by KPMG SGA Property Consultancy Pty Limited dated 22 June 2017 was submitted addressing the decommissioning of the underground petrol storage tank. The report was considered by Council's Senior Environmental Health Officer who confirmed the report is satisfactory and the remediation undertaken has made the site suitable for re-use.

SEPP 64 – Advertising and Signage

The proposed hospital includes signage consisting of:

- internally lit building identification signage in colours of blue and orange on the south-west corner façade and the east building elevation (2.675m high x 4.940m wide); and a
- ground level externally lit hospital identification sign (2.220m high x 1.00m wide) on the Craigie Avenue frontage.



Figure 12: Craigie Avenue frontage showing proposed building signage



Figure 13: Pacific Highway frontage showing proposed building signage

SEPP 64 applies to all signage which can be displayed with or without consent and is visible from a public place. The WLEP permits signage with consent. The provisions of SEPP 64 are applicable as the proposed signage is visible from a public place. Clause 8 requires a consent authority to be satisfied that the signage is consistent with the objectives of the policy as per clause 3 (1) (a) and that the signage satisfies the assessment criteria specified in Schedule 1 before granting consent.

The aim of Clause 3 (1) (a) is to ensure that signage is:

- (i) *compatible with the desired amenity and visual character of an area, and*
- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high quality design and finish.*

The proposed signage is considered to be of low visual impact, integrated into the design and compatible with the desired amenity and visual character of the area. The desired character of the Craigie Avenue Precinct is to present as an activity centre based around the special uses of the Wyong Hospital with an attractive presentation to the Pacific Highway corridor. The signage provides effective communication of the building's use and is considered to be of high quality.

The application includes an assessment against Schedule 1 of SEPP 64 for the signs. The following table addresses the matters for consideration under Schedule 1.

	Matters for Consideration	Proposed
1	Character of the area <ul style="list-style-type: none">Is the proposal compatible with the existing desired future character of the area or locality in which it is proposed to be located?Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is compatible with the existing and desired future character of a health services precinct. There is no particular theme for outdoor advertising in the area. The proposed signage is of an appropriate scale to adequately identify the hospital and is incorporated into the proposed façade in an appropriate manner.
2	Special areas <ul style="list-style-type: none">Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will be located within a precinct specifically identified for health services facilities. The signage will not detract from the amenity or visual quality of the residential areas to the east and is commensurate with the signage for Wyong Hospital which is located directly opposite the subject site.
3	Views and vistas <ul style="list-style-type: none">Does the proposal obscure or compromise important views?Does the proposal dominate the skyline and reduce the quality of vistas?Does the proposal respect the viewing rights of other advertisers?	The signage will not obscure or compromise any important views or vistas and will not dominate the skyline. The size and scale of the signs is suitable for the building.
4	Streetscape, setting or landscape <ul style="list-style-type: none">Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?Does the proposal contribute to the visual interest of the streetscape, setting or landscape?Does the proposal reduce clutter by rationalising and simplifying existing	<p>The scale and form of the proposal is appropriate for the streetscape, setting and landscape. The signage will not cause clutter and will provide identification for passing motorists and visitors.</p> <p>The signage will not protrude above the building roofline and is appropriate for the built form of the proposed development.</p>

	advertising? <ul style="list-style-type: none"> • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? 	In terms of design, the signage is of an appropriate scale and is not located within the landscaped area, such that it will be obstructed into the future.
5	Site and building <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	The proposed signage is compatible with the scale, proportion and characteristics of the area. Surrounding development does not have significant features that require protection. The proposed signs are suitably designed to complement the building design.
6	Associated devices and logos with advertisements and advertising structures. <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	The proposed signage does not require the provision of any associated safety devices, platforms or additional lighting devices.
7	Illumination <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	The proposed illuminated signs will not result in any unacceptable glare or adversely affect safety for pedestrians or motorists. The signage will not detract from the residential amenity of the nearby residences due to the nature of the signage being for building identification and its location which faces the busy intersection of the Pacific Highway and is opposite a petrol station. The illuminated signage would not require any curfew due to its location.
8	Safety <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring • Sightlines from public areas? 	The proposed signage does not obscure sightlines from public areas and does not flash, cause distraction or reduce the safety of any public road or for pedestrians, cyclists or children.

The proposed building identification signage is considered suitable for the building and is consistent with the required provisions of the SEPP 64.

SEPP (Infrastructure) 2007 (ISEPP)

The ISEPP includes provisions for health services facilities under Division 10 Health services facilities. The ISEPP permits development for the purpose of health services facilities to be carried out by any person with consent on land in a prescribed zone. The B6 Enterprise Corridor zone is a prescribed zone. While the proposal is consistent with the ISEPP, the proposal has been submitted under the provisions of the WLEP. The use is noted to be permissible within the B6 Enterprise Corridor zone.

Clause 104 Traffic-generating development applies to those developments specified in Column 1 of the Table to Schedule 3. A review of Schedule 3 was undertaken and found that the proposed hospital is not of a size that is considered to be a traffic generating development.

Draft SEPP (Infrastructure) 2007

The proposed development was considered against the requirements of the Draft SEPP (Infrastructure). There were no details in the draft SEPP that would need to be applied to the proposed development.

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP SRD)

The proposal constitutes regional development under Part 4 of SEPP SRD and as identified under Schedule 4A of the EP&A Act due to the development being for a Community Facility (Health Services Facility) with an estimated value of the development being over \$5 million (value of works = \$15.18m). As such, the determining authority for the development application is the JRPP.

Wyong Local Environmental Plan 2013

Permissibility

The subject site is zoned B6 Enterprise Corridor under the WLEP 2013.

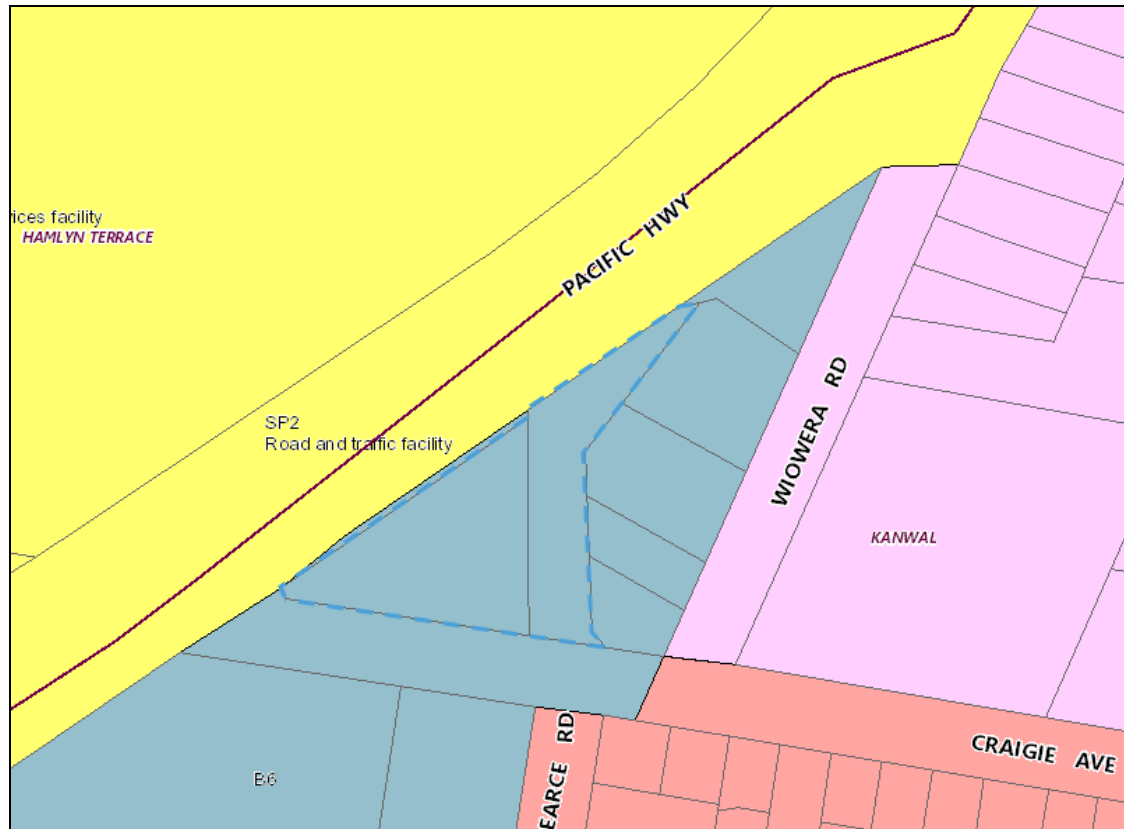


Figure 14: WLEP 2013, subject site and surrounding properties

The proposed development is defined under WLEP 2013 as a “hospital” which means:

“a building or place used for the purpose of providing professional health care services to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for any of the following:

- a) day surgery, day procedures or health consulting rooms*
- b) accommodation for nurses or other health care workers*
- c) accommodation for persons receiving health care or for their visitors*
- d) shops, kiosks, restaurants or cafes or take away food and drink premises*
- e) patient transport facilities, including helipads, ambulance facilities and car parking*
- f) educational purposes or any other health-related use*
- g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes)*
- h) chapels*
- i) hospices*
- j) mortuaries”*

The objectives of the B6 Enterprise Corridor zone are the following:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*
- *To provide primarily for businesses along key corridors.*

The proposal is consistent with the zone objectives. The proposed hospital is located on a main road and is compatible with the existing uses of Wyong Hospital and specialty health services within Kanwal Medical Centre. The proposed development will provide for a broader range of medical services in the local area.

Height of Buildings

Clause 4.3 (2C) of WLEP permits buildings to a height of 20m on land identified as "Area 4" on the buildings height map if:

- the site area is 2,000 square metres or more, and*
- the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.*

The site area is 3,928m² and the proposed building is for the purpose of a hospital which falls within the definition of a health services facility. Therefore, the development can utilise the height requirements relating to Area 4 on the height of buildings map. The maximum height proposed is 17.5m therefore; the proposed development complies with the maximum height provision.

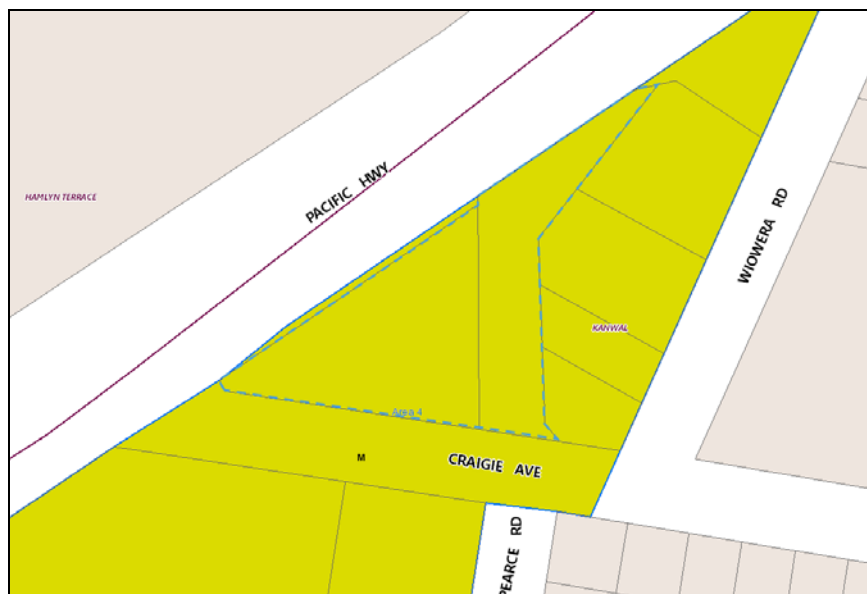


Figure 15: WLEP 2013 height of buildings map

Floor Space Ratio (FSR)

Clause 4.4 (2C) of WLEP permits a maximum FSR of 2:1 on land identified as "Area 3" on the Floor Space Ratio map if:

- a) *the site area is 2,000 square metres or more, and*
- b) *the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.*

The site area is 3,928m² and the proposed building is for the purpose of a hospital which falls within the definition of a health services facility. The proposed development can utilise the FSR requirements relating to Area 3 on the FSR map.

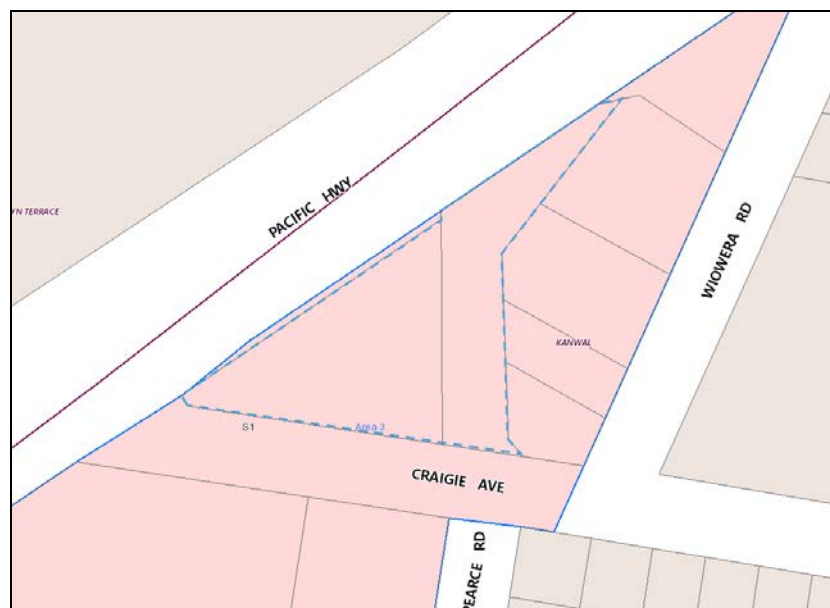


Figure 16: WLEP 2013 FSR map

The proposed FSR is 0.8:1 and therefore, complies with the maximum FSR provision.

Preservation of Trees or Vegetation

Clause 5.9 requires consideration of trees and vegetation on the site where provided for in a DCP. The tree removal is permissible with consent under the provisions of the WDCP. The site contains several trees required to be removed for the proposed development.

The site is not mapped in Council's EEC, threatened flora and fauna mapping. The proposed landscaping is considered to be in accordance with the objective of the clause which seeks to protect amenity.

Essential Services

Clause 7.9 of WLEP states that development consent must not be granted to a development application unless the consent authority is satisfied that the services that are essential for the development are available or that adequate arrangements have been made to make them

available. The site can access the required essential services including sewer, water, electricity, roads etc.

Relevant DCPs

Wyong Development Control Plan 2013 (WDCP)

There are no specific development provisions under WDCP for health service facilities or hospitals. However, WDCP Chapter 6.15 Kanwal - Craigie Avenue Precinct contains numerical controls for setbacks, building heights, floor space ratio (FSR) as well as character considerations. Development that falls within the definition of Health Services Facilities attract bonus height and FSR provisions in addition to the numerical standards found in the WLEP height and FSR maps. In this instance the proposed development is consistent with the height and FSR controls, but requires a variation to the setback controls.

The desired future character statement in WDCP Chapter 6.15 seeks to create an attractive precinct through street presentation to the Pacific Highway and Craigie Avenue. In relation to character consideration, the DCP Chapter 6.15 states:

"The desired future character of the Craigie Avenue Precinct is to present as an activity centre with an attractive presentation to the Pacific Highway corridor and provide a clear differentiation from the residential development to the east. The Precinct should be recognisable as part of the Special Centre based around the Wyong Hospital.

Activation of the Craigie Avenue frontage may be used to contribute to this character. Taller building elements should be used to provide variable roofscape to define the precinct."

The proposal is considered to be consistent with the desired character of the locality. The scale, form, and density of the development comply with the development controls of the WDCP.

WDCP Chapter 2.6 – Signage

The proposed development includes signage for the purpose of building identification. Under this Chapter, a *building identification sign* means a sign that:

"identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services."

WDCP Chapter 2.6 establishes that most forms of business and building identification signage are dealt with under SEPP Exempt and Complying 2008 or SEPP 64. The WDCP Chapter refers to the provisions of SEPP 64 to assess signage proposals.

An assessment of the proposed signage against SEPP 64 was undertaken earlier in this report.

WDCP Chapter 2.11 – Parking and Access

The objective of the Chapter is to provide guidance in relation to development for the:

- *provision of parking*
- *the design of parking, delivery, access and associated traffic facilities*
- *the provision of traffic and transport infrastructure, including facilities for public transport, cyclists and pedestrians.*

The development is considered in three parts for the purpose of calculating the required car parking - the hospital, the consulting suites and delivery/service requirements. The following table details the required parking for the various uses in accordance with the requirements of Chapter 2.11.

Land Use	Parking Requirements	Proposed	Parking Spaces required under WDCP for this Development	Parking Spaces provided
Consulting Rooms	3 spaces per room plus 1 space employee (including professional staff)	4 consulting rooms 6 employees	12 6	39 staff only spaces in basement carpark. 32 spaces provided in ground level carpark
Hospital	1 space per 2 beds plus 1 space per 2 employees plus adequate spaces to be provided for staff.	20 beds 39 employees	10 19.5	
Service Requirements (including ambulance)	1 space per 2000m ² GFA	2 service spaces	2	2
		Total Parking Spaces	48 (47.5) + 2 (service) = 50	71 car spaces + 2 service spaces = 73

There are a total of 71 car spaces and 2 service spaces proposed within the development. The basement carpark is for staff only and contains 39 car spaces plus 2 motor cycle spaces and bicycle parking. The external car park contains 32 car spaces with designated staff and visitor parking. The car park includes two accessible car parking spaces which is greater than the required amount of 1 space per 100 car spaces. The accessible car spaces are clearly marked and are located in close proximity to the building entry. The proposed car parking is greater than the minimum requirements under WDCP Chapter 2.11 and considered satisfactory.

The site is to be accessed via a driveway from Craigie Avenue approximately 85 metres to the east of the intersection of Craigie Avenue and the Pacific Highway. Entry and exit from the basement car park is located at the northern end of the ground level car park. The basement ramp will operate as a one-way system with lights to control entry and exit. Staff vehicles will be required to wait at the top of the ramp if a car is exiting. Line marking and signage is proposed to restrict visitors from continuing to the loading area and basement entry. This area is to be used by staff and delivery vehicles that are familiar with the traffic movements in the restricted area.

The on-site ground level carpark has been designed to circulate in a forward direction. The one-way direction minimises potential for conflict and allows clear sight distances. The carpark design is considered to be consistent with the relevant Australian Standards. The driveway access is located to provide suitable sight distance for exiting vehicles and those turning into the driveway from Craigie Avenue.

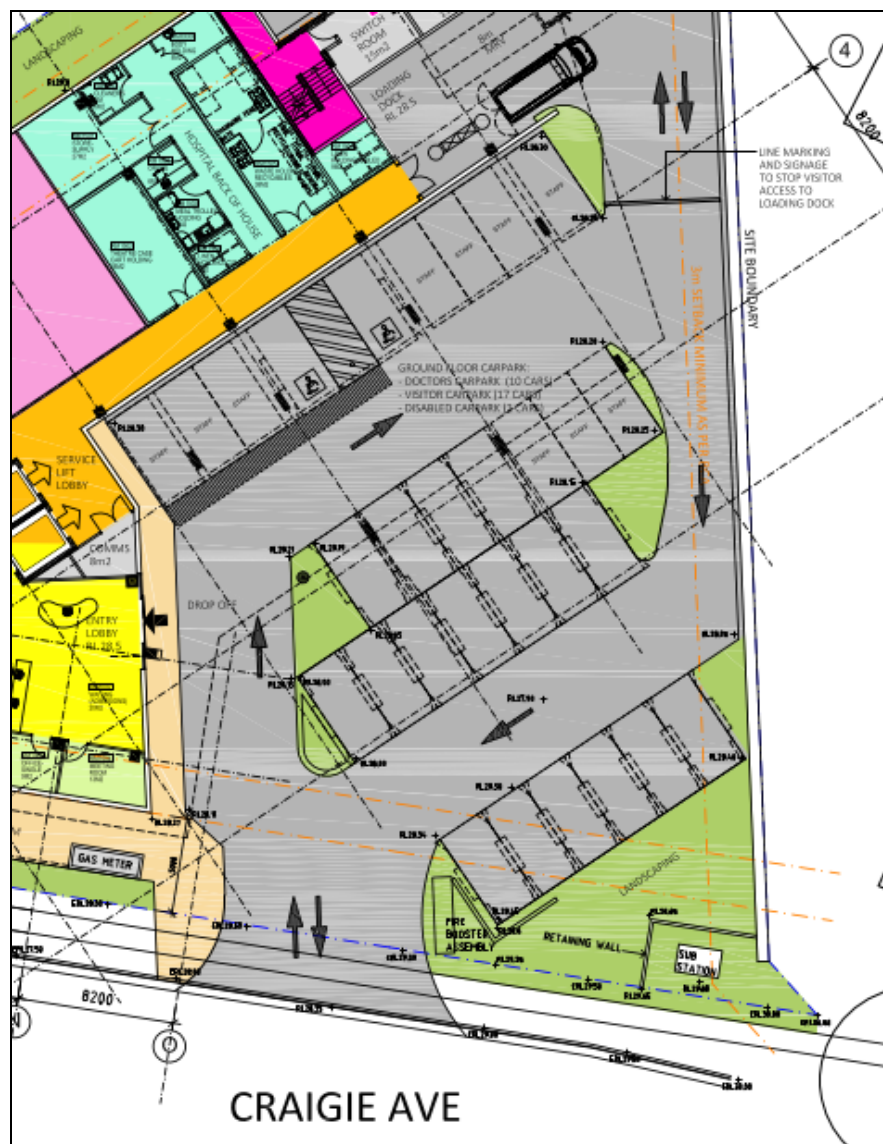


Figure 17: Diagram showing carpark circulation

Adjacent to the entry area of the hospital, a drop off zone has been designated which is offset from the main path of travel.

Suitable pedestrian access is provided to ensure the safe movement of pedestrians on the site. Pedestrian access is well defined and includes the main pedestrian entry from the existing public footpath in Craigie Avenue and the main ground level carpark. A secondary pedestrian entry to the site is from the existing public footpath from the Pacific Highway.

The traffic generation of the development was considered to determine if the development will impact on the surrounding street network. The proposal is not classified as a traffic generating development in accordance with Schedule 3 of SEPP Infrastructure.

Kanwal Primary Public School is located on the next block to the east with a school entry gate approximately 135 metres east of the site on Craigie Avenue and another gate in Wiwera Road which is the school's "kiss and drop" area. The peak school traffic is between 8:30am to 9:30am in the morning and between 2:30pm and 3:30pm in the afternoon while school zone speed restrictions are in place.

A site visit on the morning of 3 August 2017 found that the majority of the school traffic came from the residential areas to the east and southeast and minimal school traffic arrived via the Pacific Highway. While traffic to the proposed hospital can arrive from any direction, it is likely that the majority of traffic will enter from the Pacific Highway. It is further suggested in the Statement of Environmental Effects (SEE) that the peak drop offs for day surgery is likely to be before the peak school times and patients of the imaging service or consulting rooms will be scattered throughout the day. It is considered that the hospital traffic will have minimal impact on the school traffic and this has been supported by the Traffic Report prepared for the application.

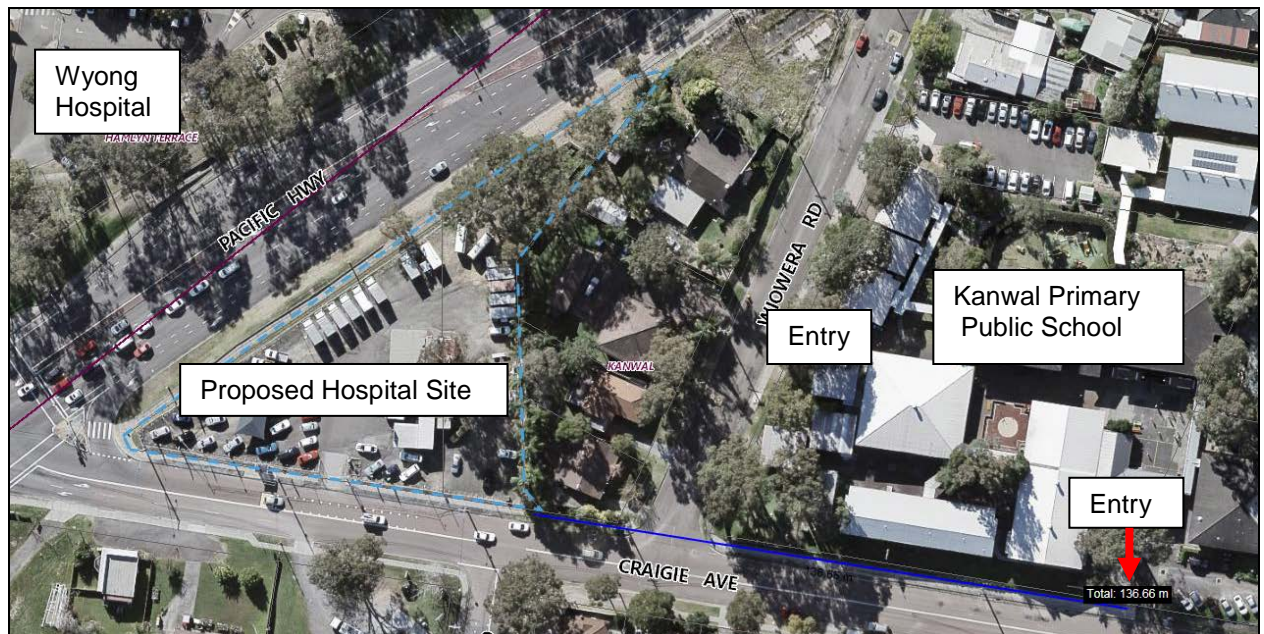


Figure 18: Aerial photo showing distance from subject site to the nearest entries to the school



Figure 19: Aerial photo showing subject site, Kanwal Public School and surrounding residential area

The traffic distribution was based on the arrival and departure directions to and from Wyong Hospital to determine the impact on the local street network. The results of the modelling indicated minor increases to the waiting and queuing compared with the existing situation currently found at the intersection. The additional traffic from the development will be minimal and have no adverse impacts on the street network operation. The modelling showed that the intersection performance remained satisfactory.

WDCP Chapter 2.15 – Public Art

WDCP Chapter 2.15 requires major development to implement public art as part of the development. The WDCP defines 'major development' as referring to commercial, public administration, and retail (shops) development valued at \$5 million or greater in terms of total development cost. The value of the proposal triggers the requirement for the provision of public art.

Public art in the form of a sculpture is proposed to be provided adjacent to the pedestrian entrance along Craige Avenue. The piece is strategically located to be visual and mark the pedestrian and vehicular access to the site. The sculpture will be procured in accordance with WDCP Chapter 2.15 and will be unique to the site. An artist will be engaged for the artwork and draft design submitted to Council for review and confirmed details submitted prior to the release of the Construction Certificate.

Conditions of consent are proposed to ensure that the public artwork is designed and delivered (conditions 8 and 50).

WDCP Chapter 3.1 - Site Waste Management

The WDCP Chapter 3.1 requires the preparation of a Site Waste Management Plan which provides the following information:

- a *type and amount of waste / recyclable materials which will be generated,*
- b *how waste / recyclable materials will be stored and treated on site,*
- c *how disposal of waste / management or resale of recyclable materials will take place, and*
- d *how ongoing waste management will be accommodated in the design of the building or use.*

A Waste Management Plan has been submitted which identifies appropriate waste management proposals for the development including storage, handling and disposal of waste and recyclable materials. The ground level includes an internal garbage room with 3x1100L bulk bins which are considered suitable for a development of this size. The facility will be serviced by a private waste contractor and waste trucks are capable of entering and leaving in a forward direction.

WDCP Chapter 3.6 – Tree and Vegetation Management

WDCP Chapter 3.6 sets out the requirements with respect to the management and preservation of trees and vegetation for the purpose of Clause 5.9 of the WLEP 2013. The site contains 16 trees with 15 to be removed. The removal of the trees is required for the development of the site and is permissible with consent. One tree at the northern end of the site will be incorporated into the landscape plan.

WDCP Chapter 6.15 - Craigie Avenue Precinct

The subject land is located within the Craigie Avenue Precinct. The objectives of Chapter 6.15 are:

- *To appropriately integrate development with the existing built and natural environment*
- *To ensure development includes a high quality of architectural design and consistency with the principles of ecological sustainable development*
- *To enable development of the land to proceed in a manner that is sensitive to the environmental characteristics of the area*
- *To ensure that the land is adequately serviced*
- *To ensure that any development on the land complies with the principles of water sensitive urban design*

The proposed development is considered to be consistent with the objectives of the Chapter. Below is an assessment against the development principles of the Chapter.

Site Specific Provisions

Regarding building height and FSR, the Chapter provides a maximum FSR of 1.5:1 and height of 12 metres in the B6 zone. A bonus on FSR to 2:1 and height to 20m is available if the proposal falls within the definition of Health Services Facilities or is in the opinion of the

determining authority a use which complements the special centre role of a hospital precinct. The FSR and height bonus is only available to sites with an area greater than 2000m².

Response

The development site has an area of 3,928m² and the proposed use is for a hospital therefore the bonus FSR and height provisions can be applied. The proposed development complies with the maximum height and FSR with a height of 17.5m and FSR of 0.8:1.

Character Consideration

The desired future character of the Craigie Avenue Precinct is to present as an activity centre with an attractive presentation to the Pacific Highway corridor and provide a clear differentiation from the residential development to the east. The Precinct should be recognisable as part of the Special Centre based around the Wyong Hospital.

Activation of the Craigie Avenue frontage may be used to contribute to this character. Taller building elements should be used to provide variable roofscape to define the precinct.

Response

The proposal is considered to be commensurate with the desired future characteristics of the Craigie Avenue Precinct. The development is an attractive building which presents well to the Pacific Highway and Craigie Avenue and clearly differentiates from the residential area to the east. The building is architecturally designed and includes taller building elements and vertical design to complement the topography and provide a local landmark.

The ground level forms a base with the upper levels stepped in to reduce bulk and scale. The building design includes a mix of materials and planes to provide visual interest and articulation which also contributes to reducing the perceived bulk and scale of the building. The building and site landscaping presents an attractive frontage to the Pacific Highway and the Craigie Avenue frontage is activated through the proposed development. The proposed development and reduced setback to the Pacific Highway increases the prominence of medical uses in the locality adding to the identity of the medical services precinct.

Building Setbacks

The building setbacks are required to provide for adequate spatial separation from surrounding areas and provide sufficient area for quality landscaping, noise attenuation measures and appropriate solar access. The minimum setback requirements for development within the Craigie Avenue precinct are as follows:

- *The minimum setback of any building from the Pacific Highway boundary shall be 10m for buildings up to 12m in height and 15m for buildings in excess of 12m.*
- *The minimum setback from the Craigie Avenue boundary of any building element greater than 8m in height shall be 7.5m and not more than 50% of the Craigie Avenue frontage of any site shall have a setback of less than 5m.*

Response

The building design complies with the setbacks to Craigie Avenue with setbacks of:

- 5m to the ground level
- 7.5m to the second and third level
- approximately 14m to the roof top plantroom

The required setback distance to the Pacific Highway is 15m as the building is over 12m in height. The proposal is non-compliant and provides a setback of:

- 4m on the ground level and level one
- 8m on levels three and four with the exception of a small portion of level three (approx. 40m²) in the south western corner of the building which is 4m.

A variation has been requested due to the irregular shape and area of the site. The Architectural Design Statement submitted with the application includes the following as justification for the non-compliant building setbacks to the Pacific Highway:

".....due to the shape of the site it is not possible to adhere to the setback along the Pacific Highway as stipulated by the WDCP.

According to the setback in the WDCP out of the total site area of 3928m²:

- *1928m² would be included in the setback zone;*
- *A further 582m² would be included in the setback zone of the upper floor.*

Therefore a total of 2527m² would be impacted by the setback zone reducing the useable area of the site to 1401m² which is 35.5% of the site.

The proposed design has allowed for a 4m building setback along the Pacific Highway for quality landscaping and in keeping with the principle of a stepping elevation as per the DCP, the upper levels of the hospital is pushed back to allow for an 8m setback along the Pacific Highway on the upper levels.

The western tip of level 2 is exempted from the 8m setback to maintain architectural consistency of the feature wall bounding Pacific Highway that anchors the Pacific Highway/Craigie Avenue intersection.

The reduced setback allows an architectural opportunity to frame the Pacific Highway which curves outward gently along the site with a prominent element to establish the site as a landmark announce the presence of the local health facility precinct and assisting in wayfinding to both the proposed hospital and the public hospital across the road.

The WDCP Chapter 6.15 objective regarding building setbacks is:

- *To ensure building setbacks provide for adequate spatial separation from surrounding areas and provide sufficient area for quality landscaping, noise attenuation measures and appropriate solar access.*

Despite the reduced western setback of 4m to the building, the proposed development is considered to achieve an adequate separation from the Pacific Highway.

The design of the western façade is well articulated and uses a combination of lightweight cladding and tinted glazing. The design incorporates a pedestrian access along this frontage, with the building entry framed with accent planting. The proposed setback seeks to cluster the development toward the corner, reinforcing the visual prominence of the corner, and supporting the creation of a distinctive Craigie Avenue medical precinct in line with the character statement.

The design retains suitable space for landscaping and the landscape plan nominates a mix of trees, shrubs and low grasses and groundcovers to soften the development. The reduced Pacific Highway setback allows for the shadowing impacts of the development on neighbouring properties to be minimised.

The proposal complies with all other development controls.

The proposed development is for a private hospital which has considerable benefit to the community. The applicants request is considered reasonable and adherence to the proposed setbacks would unnecessarily limit the development potential of the site.

Public Transport, Site Access and Car Parking

In relation to public transport, site access and car parking WDCP Chapter 6.15 has the following objectives:

- *To provide safe, efficient and convenient access to and egress from the site, having regard to the existing street network.*
- *To ensure pedestrian access, including that to public transport, is sufficiently provided for.*

The proposed development complies with the site access and car parking requirements. The site includes landscaping to provide visual amenity and buffer the carpark view from the street. The carpark and circulation movements provide a safe and efficient path of travel and the driveway location to the street is conveniently located to integrate with the existing street network. Public transport is available to the site with existing bus stops located in Craigie Avenue and the Pacific Highway. Council's Engineers have confirmed that the location of the bus stop does not need to change as a result of this development.

External Presentation and Visual Appearance

The objective of this requirement is to provide a development that is compatible with the existing and likely future character of the area and make a positive contribution to the existing streetscape. The WDCP Chapter 6.15 requires the following:

-
- e *Suitable architectural features shall be incorporated in the building designs to provide visual relief and to minimise the bulk and scale of development.*
 - f *Awnings provide visual interest to buildings and protect pedestrians from weather elements.*
 - g *Entrances should be clearly expressed through porticos or other devices.*
 - h *Roof structures and form is to be interesting and varied to avoid a flat monotonous roof profile, to be consistent with adjoining development roof form.*
 - i *Any roof materials used should be non-reflective and blend in with the local context.*
 - j *Roof top structures such as cooling towers and the like, shall not detract from the architectural merit of the building. All such structures are to be appropriately screened or integrated within the roof design.*
 - k *All outdoor storage areas, including areas for waste and bulk bins, are to be screened by fencing and landscaping. Outdoor storage will not be permitted where it can be seen from the public domain. Any proposed storage and waste areas are to be clearly defined.*
 - l *A landscape area minimum 3m wide shall be provided adjacent the Pacific Highway boundary within building setbacks.*
 - m *Building elevations visible from the Pacific Highway corridor shall present an interesting visual appearance including articulation to break up large wall areas or other architectural means to add interest and variety to any large building facade.*

The accompanying Architectural Design Statement provides the following analysis of building form and façade:

"The design of the Pacific Highway façade acknowledges the changing natural contour by its terraced façade, which steps down from the south.

The strip windows and cladding are oriented vertically as a reference to the changing verticality of the site along the Pacific Highway, as well as ensuring visual prominence along this busy highway.

The Craigie Avenue façade is designed to be read in the context of the surrounding low-rise buildings along Craigie Avenue and suggest horizontality.

The building steps back on the eastern half of the site and the form terraces down to minimise bulk and scale adjacent to the eastern boundary.

The site contour naturally assists in reducing the bulk of the building as the ground floor recedes below the ground level towards the eastern boundary.

At the Pacific Highway/Craigie Avenue intersection, the design strategy has been to continue and wrap the Pacific Highway façade as a blade for consistency, while stepping the building down with terraced planting and a rolling hill covered with accent plantings, to reduce the perceived height of the building at the intersection.

The wrapped around blade wall is interrupted with a wide central vertical strip window to reduce the bulk and scale of the building at this intersection.

The plantroom with its overhanging roof line is also intentionally set back from this intersection to shift the building's perceived centre of mass towards the east, creating visual depth and reduced perceived massing of the building at this crucial intersection."

The design of the building is considered to meet the requirements of the WDCP in regards to external presentation and visual appearance. The building includes suitable architectural features to provide visual relief, minimise bulk and scale and present an interesting visual appearance to both street frontages.

The entries to the building are clearly defined and easily accessed. The roof top plant room is located to assist with the visual appearance of the building and does not detract from the architectural merit of the building. The development of the site includes landscaping along the Pacific Highway building setback and the site is suitably landscaped to screen the outdoor storage/loading dock. The building utilises a mix of materials and colours with roof materials being non-reflective.

The building elevations that are visible from the Pacific Highway are visually interesting and the design has included elements to reduce the bulk and scale of the building. The use of the blade wall identifies the building as a landmark and the design includes terracing which assists the development to integrate and transition to the low rise buildings to the east. The slope of the land further assists the development to integrate without dominance. The land slopes to the south west and results in a cut of approximately 2 metre towards the eastern boundary. The slope of the land naturally assists in reducing the bulk of the building as the ground floor recedes below the ground level towards the eastern boundary.

Energy and Water Efficiency

Energy and water efficiency initiatives are to be incorporated in the design and construction of the built elements of a development.

At the Construction Certificate stage, Section J of the Building Code of Australia will be applied to all resource and energy efficiency requirements. Any proposed glazing will not be able to exceed 20% reflectivity. The proposed development includes water sensitive design in the stormwater management.

The site is located central to the local population and on a major transport corridor. The co-location with the Wyong Hospital and allied health facilities minimises transport and promotes a central health precinct.

Acoustic and Lighting Controls

The development is required to have due consideration for the nearby residential amenity by ensuring that there are no undue noise or lighting impacts from the developed land. The development is required to provide noise attenuation where necessary and external lighting is to comply with the relevant Australian Standards.

The development application includes a Noise Impact Assessment. The assessment considers the noise impact of the proposal at the nearest residential receivers having regard for the proposed site activities. The assessment also considered the occupants of the hospital having regard for the Pacific Highway and external noise.

The assessment concluded that the site is suitable for the proposed hospital providing the recommendations of the report are implemented into the design. With the recommendations in place, the noise from the site will be within the criteria or below the existing background noise levels.

The proposed development does not include any lighting which would be directed at neighbouring residences. There will be night lighting provided for security which will be installed in accordance with the relevant Australian Standard.

Relevant Conditions have been included.

Design Safety and Security

The objectives of design safety and security are:

- *To design the built environment to increase the perception of risk to persons engaged in crime, by increasing the possibility of detection, challenge and capture*
- *To contribute to the safety of the public domain*
- *To reduce the actual perceived crime rewards and excuse making opportunities*

The proposed design incorporates the principles of Crime Prevention Through the Environmental Design (CPTED) to achieve safety and security. The applicant submits the following:

Surveillance

Passive/ natural surveillance to the public realm is maximised with the fully glazed lobby on ground floor, maximising vantage into the public realm along Craigie Ave. The secondary entrance from Pacific Highway increases pedestrian traffic and activity along the Pacific Highway.

Screening shrubs are planted only alongside walls away from the footpath with the wide swath of landscaping covered with low lying native grasses thus reducing hiding spots along the pedestrian thoroughfare.

Outward facing windows on the upper floor along the perimeter of the building further reinforce the natural surveillance around the building.

Access Control

Access to the hospital is strictly controlled with a hierarchy of security privileges defined and attributed through an electronic key tag system which is also reinforced with a CCTV system and full time security patrol. Fire stair doors are locked to disallow travel into the floor from within and discharge doors to the fire stairs are locked from street access thereby preventing unauthorised entry into the building from the perimeter.

Territorial Reinforcement

The two pedestrian entrances will be finished with quality pavers which imply the hospital entry is a semi-private space. The Craigie Ave entrance wraps around the front façade of the building to an outdoor seating area which is elevated and also partially enclosed with glass balustrade to further reinforce the notion of the semi-private external space.

The carpark and dropoff will also be well maintained with adequate signage furnished with the operator's logo, to serve as additional reminders as to the ownership of the external territory.

Space management

Urban furniture and utilities in the external area will be attractive and robust, thus discouraging the presence of vandals and maintaining the quality of the public space.

The proposed development is considered to provide adequate measures in the design to provide safety and security for occupants of the building and visitors to the site. It also provides for passive surveillance opportunities of the public domain.

Landscaping

The development is to incorporate landscaping that will contribute to the attractiveness and character of the development and assist to integrate with adjoining land uses. The development includes landscaping of the site as shown in the submitted landscape plans (see figure 20). The Pacific Highway and Craigie Avenue setbacks are suitably landscaped with a mix of trees, shrubs and groundcovers to soften the building and provide an attractive streetscape. The Craigie Avenue landscaped setback also provides an outdoor seating area. The landscaping will screen storage areas from public view and assist with the visual amenity of the carpark.



Figure 20: Landscape Plan

Water Cycle Management Requirements

Any proposed development is to suitably manage the quality and quantity of stormwater runoff, flow and volumes from urban development. The proposed development incorporates a number of devices and measures aimed at providing adequate and responsible stormwater management. The stormwater measures will incorporate retention through the use of a water re-use tank to be used for irrigation purposes. Stormwater treatment devices such as rainwater harvesting tank, detention storage and SPEL Filters are included to minimise adverse impacts on downstream watercourses. On-site detention will be required to limit post development flows from the development site to less than or equal to pre development flows. Suitable conditions have been provided.

SUBMISSIONS

Submissions from the public

The application was notified in accordance with WDCP 2013 – Chapter 1.2 Notification of Development Proposals from the 12 May 2017 to 16 June 2017 with four submissions received. The general issues raised in relation to the proposal are discussed below.

Traffic

Concern has been raised regarding the additional traffic generation as the immediate street network is already busy. Kanwal Public School is in close proximity to the subject site and attracts a large amount of traffic in the morning and afternoon. Accidents could occur at the driveway near the intersection.

Comment

The proposed hospital contains a 20 bed in-patients ward which is not considered a traffic generating development under Schedule 3 of SEPP Infrastructure.

A traffic report was submitted with the application. The majority of traffic movements for the hospital would be in the morning and afternoon with less throughout the day. The report utilised the existing arrival and departure times of Wyong Hospital and directions to and from Wyong Hospital to establish a model of traffic distribution.

The results of traffic modelling indicate that there will be minor impacts to the Craigie Avenue/Pacific Highway intersection and the intersection will maintain its satisfactory performance level. The submitted traffic report demonstrated that the additional traffic from the proposed development will have no negative impacts on the local street network operation.

The traffic report was considered by Council's Traffic and Transport Engineer and was found to be satisfactory.

The majority of the school traffic arrives from the residential areas to the east, north and south with a large number of parents using Wiowera Road to drop off. The school is also serviced with a traffic control person who manages the pedestrian crossing. The school traffic circulates around the school between Wiowera Road and Walker Avenue. It is considered that the majority of hospital traffic will arrive from the Pacific Highway therefore minimal impact to school traffic should occur.

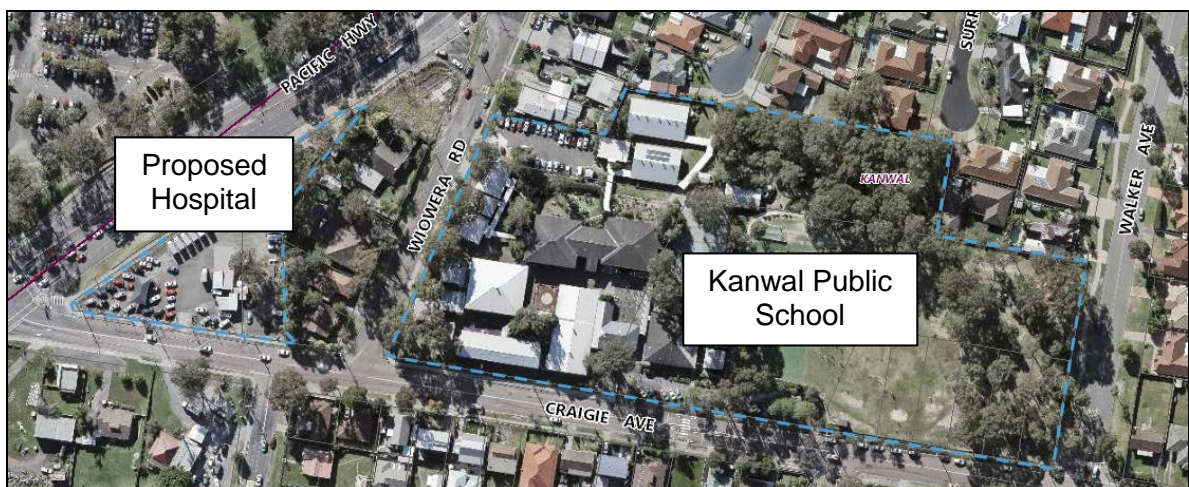


Figure 21: Aerial photo showing hospital site in relation to the Pacific Highway and Kanwal Public School

Parking

Concern is raised over the provision of parking for staff, patients and visitors. Parents of students currently park in side streets around Craigie Avenue as there is not enough parking in Craigie Avenue when dropping off in the morning and afternoon.

Comment

The proposed hospital includes basement parking for 39 car spaces for staff and a further 32 external car spaces at ground level for patients and visitors. The on-site car parking provided is in excess of the parking spaces required under WDCP Chapter 2.11 Parking and Access. Chapter 2.11 requires that 48 car spaces be provided for the development and 71 car spaces are proposed.

The nature of the hospital is a day surgery where patients are in and out in the same day, therefore minimal visitors will attend the site. The hospital does include a 20-bed in-patient facility but as demonstrated, the parking provided is adequate. An ambulance bay is also located at ground level, providing for patient transfer if required.

The rate of parking provision on site is considered appropriate.

Stormwater Disposal

The stormwater drainage from No.5 Wiowera Road Kanwal currently disposes to the rear across the subject site. Concern is raised regarding how stormwater will be disposed of once the subject site is redeveloped. Consideration should be given to the creation of a drainage easement through the development site favouring No.5 Wiowera Road.

Comment

The stormwater management plan submitted with the application has considered the existing overland flow from the adjoining properties. The overland flow from the adjoining properties will be disposed of through the proposed stormwater management system.

External Consultation

Department of Primary Industries – Water (DPI Water)

The application was referred to the Department of Primary Industries – Water as integrated development having regard for the potential impacts on the groundwater table as a result of the construction of the basement car park. DPI Water advised via correspondence dated 9 August 2017 that a controlled activity approval was not required as the proposed works were not located on waterfront land. However it was acknowledged that dewatering activities will be required and a condition has been imposed accordingly.

Roads and Maritime Service (RMS)

The application was referred to the RMS for comment on the proposed hospital given they are an adjoining land owner.

The RMS raised concerns with the basement parking egress that was identified on the original plans which was located within close proximity to the Pacific Highway/Craigie Avenue intersection. The developer subsequently removed the egress ramp to have basement traffic enter and exit internally to the site. The RMS had no objection to the eastern access onto Craigie Avenue or the development based on the amended plans.

The RMS also suggested that Council should:

- Ensure appropriate traffic measures are provided during the construction phase of the development
- Ensure the driveway will have appropriate sight line distances
- Consider potential noise impacts from the Pacific Highway
- Ensure the discharged stormwater not exceed the capacity of the Pacific Highway stormwater drainage system

These items have been considered as follows:

- The conditions of consent require that appropriate approvals under the Roads Act are obtained for works within the road reserve and a Construction and Environment Management Plan is to be submitted which includes traffic management during construction.
- Councils engineers have considered the site lines for the proposed driveway and have confirmed that the location of the driveway is such that it meets the relevant sight lines and Australian Standard (AS2890:1:2004).
- The application is supported by a noise impact assessment and the recommendations of this report are to be implemented (via condition) prior to release of the occupation certificate.
- Councils engineers have also considered the stormwater discharge and have identified a number of drainage options, a condition requires the preparation of a detailed stormwater management system prior to release of the construction certificate.

The RMS also suggested that the signs should meet the criteria contained in Section 3.25 of the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) – Illumination and Reflectance*.

Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007)

The signage is wholly within the subject site and will not obstruct any road regulatory, safety or directional signage in the vicinity. The signage is static and identifies the building on approach from the south. The signage's location on the upper portion of the façade also assists in minimising conflict with traffic signals and brake lights. Section 3.2.5 (d) (ii) of the Guidelines restricts the level of light output of the sign to no greater than that of a 65W

incandescent bulb in accordance with 3.2.5 (d) (ii). A condition of consent will be included requiring the signage to be consistent with the criteria of Section 3.2.5.

The Guidelines advise that the amount of information on each sign should be minimised to reduce driver distraction. The RMS stated that a maximum of 6 units should be allowed calculated in accordance with the *Transport Corridor Outdoor Advertising and Signage Guidelines* which allocates units to words and symbols. The proposed signs contain 4.5 units and therefore comply with this guideline. The proposed building identification signage is considered to be consistent with Section 3.2.5 of the Transport Corridor Outdoor Advertising and Signage Guidelines.

Subsidence Advisory NSW

The application was referred to Subsidence Advisory NSW for comment as the site is located in a mines subsidence area. Subsidence Advisory NSW granted approval under Section 15 of the *Mines Subsidence Compensation Act 1961* on 7 June 2017 subject to conditions of consent.

Internal Consultation

Council's Principal Development Engineer

Council's Principal Development Engineer reviewed the stormwater management concept and supporting documentation. The proposal was found to be satisfactory and no objection was raised, subject to recommended conditions of consent.

Council's Section Manager Wyong Water

Council's Section Manager reviewed the proposal in regards to water and sewer requirements. The proposal was found to be satisfactory with Council's existing water and sewer systems adequate to accommodate the proposed development.

Council's Traffic & Transportation Engineer

Council's Traffic and Transportation Engineer reviewed the submitted traffic details and the location of the proposed private hospital in regards to proximity of the Pacific Highway. The original design included a basement carpark exit ramp which was not supported by staff or the RMS. The design was subsequently amended to remove the ramp and provide entry and exit to the basement carpark within the site. There was no objection to the amended layout subject to appropriate conditions of consent.

Council's Waste Officer – no objection subject to appropriate conditions of consent.

Council's Contribution Officer – reviewed the proposal and provided the required contribution levy which will be included as a condition of consent.

Council's Senior Environmental Health Officer

Council's Senior Environmental Health Officer reviewed the submitted Noise Impact Assessment. No objection was raised regarding noise and vibration subject to the development being constructed in accordance with the recommendations in the report. A condition of consent has been included requiring certification from a suitably qualified professional that the development has been constructed in accordance with the report prior to the issue of an Occupation Certificate.

Council's Senior Environmental Health Officer also reviewed the submitted Contamination Assessment and confirmed that the proponent has addressed the requirements under the State Environmental Planning Policy 55 Remediation of Land and *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* by undertaking remediation works to a standard that is suitable for reuse.

Council's Senior Environmental Health Officer has no objection to the proposed private hospital subject to recommended conditions of consent.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

Site Context and Local Setting

The site is located on the corner of the Pacific Highway and Craigie Avenue across the road from the Wyong Hospital. The local area has a mix of uses which includes a veterinary clinic, motor mechanic, Kanwal Public School and residential dwellings. The school is located between the Craigie Avenue Precinct and the residential properties to the east. The desired character for the Craigie Avenue Precinct includes health service facilities. The private hospital will complement the public hospital and other existing medical services within the hospital grounds. The size of the development is consistent with the desired uses and character for the area. Although there will be some additional traffic, the proposal is not envisaged to impact on the amenity of the existing area in a substantial manner.

The proposed setbacks on the Pacific Highway frontage are less than required under the WDCP development controls; however it has been established that the shape and area of the site does not lend itself to large setbacks to the Pacific Highway. The architectural appearance of the building is modern with an interesting facade and will improve the scenic qualities of the local setting. The development will assist to further encourage development in the precinct, consistent with the Craigie Avenue Precinct chapter of the WDCP.

Access and Parking

The proposed development includes adequate car parking and the car park layout is suitably designed to facilitate traffic flow. The driveway access is located approximately 80 metres from the Pacific Highway/Craigie Avenue intersection and approximately 40 metres from the corner of Wiowera Road. The Traffic and Parking Impacts Report submitted with the

application has demonstrated that the location of the driveway is satisfactory and clear sight distance is available upon egress.

Concern was raised regarding the potential traffic impacts to the school. The traffic report concluded that the hospital traffic is unlikely to impact on the school and a site visit found that majority of school traffic travelled from the east. The traffic assessment concluded that the proposal will not adversely affect existing traffic conditions or overburden on-street parking facilities.

Amenity

The proposed hospital will not have an adverse impact on the neighbouring properties or the residential neighbourhood nearby. Due to the location of the hospital building on the site generous separation distances are created to the adjoining properties. The shadow diagrams submitted with the application show that the shadowing on 21 June from the hospital building will mostly fall across the road with afternoon shadowing across the carpark and some into the adjoining property on the corner of Wiowera Road and Craigie Avenue. The afternoon shadow does not result in an undue impact of overshadowing as the property will retain suitable solar access throughout the remainder of the day.

The building is designed and will be constructed with acoustic measures in place to reduce noise emanating from the building. The carpark will generate noise from vehicles entering and leaving however the noise generated is not expected to be greater than the background noise in the area. The location of the retaining wall adjacent to the boundary will assist to minimise noise emanating from the site.

The acoustic mitigation measures are proposed to reduce the impacts of external noise particularly from the Pacific Highway or occupants of the hospital.

Retaining Wall

The development site includes the construction of a retaining wall around the northern end of the site and adjacent to the eastern boundaries. The retaining wall will vary in height from 1.0m adjacent to the Pacific Highway frontage to around 3.0 metres along the eastern boundary. Due to the height of the retaining wall it is recommended that the wall be finished with a decorative treatment to provide visual interest internally to the site. The retaining wall will not be viewed by adjoining residences to the east. The boundary fence between the hospital and the adjoining residences will sit on top of the wall restricting any view into the carpark and ground level. A condition of consent will be included requiring the retaining wall to be decorative.

Drainage, Water and Sewer

The site currently falls to the south western corner. The stormwater is directed to a pit located in the corner of the property which then flows to Council's stormwater drainage system. The application indicates a pump line from within the basement. The basement level is proposed to be RL 25.5m AHD and it is preferred that it drains by gravity to the drainage pit in Craigie Avenue which has an invert level of RL 23.04m AHD. Where drainage by gravity is not

achievable then full details of the holding tank is to be provided in accordance with Section 9 of AS/NZS 3500.3. These details will be included in a condition of consent.

The stormwater drainage system incorporates rainwater re-use, retention and on-site detention. The stormwater design includes water quality management through the use of SPEL Filters which are to be implemented to filter the water for sediment and particles before entering Council's stormwater drainage system.

All water and sewer requirements will be included in the Section 306 letter of the *Water Management Act 2000*. There is sufficient capacity in the water and sewerage systems to service the proposed development and appropriate conditions are imposed.

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of WDCP compliance and in terms of the submissions received.

The proposed development is considered to be satisfactory in terms of impacts on the built environment. A development of this nature is encouraged on this site, to enhance the medical precinct. The design is considered to create a landmark and is appropriate for this site.

b) Natural Environment

The site is substantially cleared and sealed with bitumen. There is limited vegetation currently on site.

Trees

An arborist report was submitted with the application to assess the trees on the site and adjoining the site. The development of the site requires the removal of 16 trees on the site. A condition of consent will be included requiring the removal and treatment of remaining trees in accordance with the recommendations of the arborist report.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for a hospital subject to conditions.

There will be no significant impact upon the natural environment as a result of the proposal.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have

any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Sustainable building design: A Section J sustainability report which deals with energy efficiency requirements of the BCA will be prepared and submitted prior to release of Construction Certificate.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's Land Information mapping has identified no site constraints. The site is therefore, considered suitable for development.

THE PUBLIC INTEREST (s79C(1)(e)):

The public interest is best served by the orderly and economic use of land for which it is zoned. The proposed development is permissible with consent and generally complies with the relevant policies and controls of the relevant planning instruments and policies. The proposal is considered to be in the public interest by providing a private hospital to assist with the current demand for medical services. Council has identified the area as a health services precinct through WDCP Chapter 6.15 Craigie Avenue Precinct. The wider interests of the public are served through access to additional health facilities.

OTHER MATTERS FOR CONSIDERATION

Contributions

The proposal requires a contribution under Council's Section 94A Plan. The Section 94A contribution will be requested with the issue of the consent and is required to be paid prior to the issue of the Construction Certificate.

The proposal requires water and sewer contributions to be levied under the *Water Management Act 2000*. The contributions will be requested in the 306 letter to be issued for the development.

CONCLUSION

The proposal has been assessed using the heads of consideration in Section 79C of the *Environmental Planning and Assessment Act 1979*. The proposed variation to the setback to the Pacific Highway frontage is considered reasonable and will not hinder the proposed development or create an adverse impact to the street and passing motorists. The proposed private hospital is an architecturally designed building which will improve the streetscape and complement the existing health services precinct of Wyong Hospital. The proposed development is suitable for approval subject to conditions.