



22 January 2018

**The General Manager
Clarence Valley Council
Locked Bag 23
Grafton NSW 2460**

Attn: Carmen Landers

**Request for further Information - DA2017/0173
Health Services Facility (Hospital & Medical Centre)
201 Queen Street & 174 Arthur Street, Grafton
Lot A in DP904084 & Lot 2 DP125156**

Dear Carmen,

With reference to the above property and development application DA2017/0173, please find the additional information requested as follows. Please note that this cover letter and additional information **supersedes** information provided to council on 10 January 2018.

Clause 4.6 – Exception to Development Standards (Height)

A revised assessment/justification against Clause 4.6 – Exception to Development Standards is attached, having particular regard to the specific objectives of Clause 4.3 – Height of Buildings within the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) and the potential overshadowing impacts as a result of the proposed height variation. The additional assessment/justification is summarized below:

Objectives of Clause 4.3 – Height of Buildings

- (a) *to achieve building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet,*

The proposal does not comply with objective (a), as the proposed development exceeds the specified maximum height. The subject site is mapped with a maximum building height of 9m. The proposal provides built form of varying height with a maximum roof height of 15.89m and lift overrun height of 17.92m.

The encroachment above the maximum building height relates to the overall floor to ceiling height for the safe and efficient operation of a Health Services Facility on site and the need to achieve an appropriate level of flood immunity for the Hospital. Without this increased height, the use of a Health Service Facility would be drastically restricted and limit/prevent the delivery of specialist services to Grafton and the wider Clarence Valley Shire Community.

- (b) *to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,*

The development is located immediately adjacent to an established medical precinct and the encroachment above the maximum building height will not generate any significant impact on the amenity of the locality. Stage 1 of the development will see an extension to and fitout of the existing Albion Hotel. The retention of such a prominent character building facade on a landmark corner ensures that the streetscape will remain easily identifiable. The design of the Stage 1 and 2 extensions have been carefully curated to complement & enhance the existing streetscape.

- (c) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*



The design of the proposed development has attempted to minimize visual impact and potential loss of views as much as is practicable whilst still retaining a viable layout and operation. Solar access and potential overshadowing has been examined in great detail in order to mitigate impacts where possible.

Detailed shadow diagrams have been provided to show the hourly breakdown between 9am and 3pm mid-winter for each site, having particular regard to the existing areas of principle private open space. The individual building footprints and roof designs of buildings on the affected lots have been shown. Please note that the shadows cast by all existing buildings and fences are shown in black, while the additional shadows cast by the proposed development on site are shown in yellow. Refer Drawings DA7000³, DA7001¹, and DA7002¹.

Due to the orientation and existing setbacks of the buildings at 203, 205, 205A and 207 Queen Street, there is significant shadow across these lots, particularly across 203, 205 and 205A Queen Street. These dwellings and the private open space areas are already impacted on by the shadow cast by the buildings themselves, as well as existing fencing, patios and the like.

It is also noted that were the Grafton Private Hospital be constructed to the permitted building height of 9.0m, the extent of the overshadowing would largely remain. That is, the difference in the amount of overshadowing between the proposed development and a permitted 9m building height with the same building footprint, between 9am and 3pm in mid-winter is largely negligible. This can be seen in the additional shadow diagrams provided (Drawing Nos. DA7003³, DA7004¹ and DA7005¹).

As can be seen in these diagrams, a building of the same footprint but of a 9.0m height limit in accordance with the provisions of Clause 4.3 would still result in a similar extent of overshadowing across all four affected lots. This, coupled with the existing orientation of the dwellings, setbacks from side boundaries and existing fencing, means that much of the private open space areas, particularly that of the Rear dwelling of No. 205 and Unit 3 of No. 203 would be overshadowed regardless of any proposed height variation.

It is noted that a building of 9m height would not be a viable option given the need for safe and efficient operation of a Health Services Facility on site and the need to achieve an appropriate level of flood immunity for the Hospital.

It is considered that the proposal would be in the public interest because it is consistent with the objectives of the particular standards and the objectives for development within the zone in which the development is proposed to be carried out. It will also add to the capacity of the Clarence Valley Shire in regard to the availability of private hospital beds and other specialist medical services not currently available.

It is contended that the integrity of Clause 4.3 would not be impacted upon via the approval of the proposed development, based upon the merit of the proposal.

Refer to the revised **Appendix I – Clause 4.6 Statutory Variation** for more detail.

Overshadowing Justification

As detailed above, further clarification and detail of overshadowing has been provided upon request. Whilst it is acknowledged that the development will cause overshadowing of varying extents over Nos. 203, 205, 205A and 207, the overshadowing is not solely the result of the height variation proposed.

As can be seen in Drawing Nos. DA7003³, DA7004¹ and DA7005¹, a compliant 9m building height would still cause extensive overshadowing to the same areas of the affected lots. In particular, Unit 3 at the rear of No. 203 and the dwelling to the rear of No. 205 would have the respective primary private open space areas overshadowed regardless of a compliant building height proposal.

It is noted also that the existing orientation of the dwellings, setbacks from side boundaries and existing fencing, means that much of the private open space areas, particularly that of the Rear dwelling of No. 205 and Unit 3 of No. 203 would be overshadowed regardless of any proposed height variation. Unit 3 of No. 203 has its primary private open space oriented to the north/north-eastern corner of the site, with an enclosed patio roof to boundary. This not only restricts existing solar



access to this particular unit, but also means that the dwelling is further overshadowed by existing shadow from the fence line and adjoining development at no. 205.

In light of the above, and having particular regard to (a) the existing extent of overshadowing and (b) the extent of overshadowing that would result from a compliant 9m height building of the same footprint, it is considered that the extent of overshadowing is justifiable. It is respectfully requested that the proposal be considered on its merits.

Note: Both Planit Consulting and AVA Architects have verified that the shadow diagrams have been prepared using the latest iteration of the Grafton Private Hospital development plans, whereby the top of roof height is 15.89m and the lift overrun measures 17.92m in height. We confirm that the shadow diagrams provided and referenced above are based on the latest architectural plan set by AVA Architects and are accurate to the best of our ability.

Traffic Calming/ Linemarking

The impact of the development to the surrounding road network and safety of pedestrians moving to and from the site has been raised by the JRPP and Council. The applicants are happy to undertake linemarking and/or formalisation of car parking within the vicinity of the development site, being immediately adjacent to the subject site, and also to an extent of 50m on the opposite site of Arthur Street.

In regard to a pedestrian refuge, the applicant is again happy to consider the installation of a pedestrian refuge to facilitate the safe movement of pedestrians across Arthur Street; however, time constraints have not allowed us to investigate if the construction of a pedestrian refuge is physically possible in any location, or where the best location for the refuge is, if able to be installed.

It is requested that Council word the condition appropriately to request further investigation into the construction of a pedestrian refuge on Arthur Street prior to Construction Certificate. Again, should a refuge be able to be constructed on Arthur Street to the required safety specifications, the applicant has no objections to the full design and construction of such a refuge.

If you have any questions relating to the information submitted, please do not hesitate to contact our office on 02 6674 5001.

Regards,

Catriona Tatam
Senior Town Planner
Planit Consulting P/L