



northern  
beaches  
council

**SYDNEY NORTH PLANNING PANEL  
SUPPLEMENTARY REPORT**

<b>Panel Reference</b>	2017SNH045
<b>DA Number</b>	DA2017/0446
<b>LGA</b>	Northern Beaches Council
<b>Proposed Development</b>	Alterations and Additions to an existing Hospital
<b>Street Address</b>	Lot 1 DP 836109, 14 Patey Street DEE WHY NSW 2099 Lot 12 DP 8270, 9 Patey Street DEE WHY NSW 2099 Lot 93 DP 8139, 64 Quirk Street DEE WHY NSW 2099 Lot 94 DP 8139, 66 Quirk Street DEE WHY NSW 2099
<b>Applicant/Owner</b>	Applicant: CDP Services Pty Ltd Owner: Delmar Private Hospital Pty Ltd
<b>Date of DA lodgement</b>	12 May 2017
<b>Number of Submissions</b>	51
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Private infrastructure and community facilities over \$5 million Total Cost of the Development is \$15,999,995.00
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li><li>• Environmental Planning and Assessment Regulation 2000</li><li>• State Environmental Planning Policy No. 55 – Remediation of Land</li><li>• State Environmental Planning Policy – Infrastructure 2007</li><li>• Warringah Local Environmental Plan 2011</li><li>• Warringah Development Control Plan 2011</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"><li>• Attachment 1: Amended Plans</li><li>• Attachment 2: Amended Clause 4.6 written request to vary Clause 4.3 Height of Buildings Development Standard</li><li>• Attachment 3: - Draft conditions of consent</li></ul>
<b>Report by</b>	David Kerr– General Manager Planning, Place & Community
<b>Report date</b>	1 November 2017

## Background

The Sydney North Planning Panel considered an application (2017SNH045) for Alterations and Additions to an existing Hospital (Delmar Private Hospital) at 9 Patey Street, 14 Patey Street, 64 Quirk Street and 66 Quirk Street Dee Why at its public meeting on Thursday, 19 September 2017.

In considering the Council Assessment Report and Recommendation, the Panel resolved to defer its decision on the matter for the following reasons:

*'The Panel heard from surrounding neighbours and their concerns in relation to the expansion of the existing hospital into existing low scale residential area.*

*The Panel notes the concerns, specifically of the neighbour at 7 Patey Street, in relation to the breach of the height control on the northern boundary. Whilst the Panel considers the proposal will generally improve not only the facilities of the hospital but also its relationship to surrounding residences, the Panel is not minded to allow the extent of the height breach proposed on the northern boundary.*

*Concerns were also raised relating to service vehicles using Patey Street and the Panel notes that the proposal would improve manoeuvrability if vehicles accessing the hospital.*

*Accordingly, the Panel defers determination of the application in order to allow the applicant to submit amended plans which increase the setback of the upper level (marked 'first floor' on plan DA 13) to a minimum of 13.7 metres from the northern boundary. Amended floor plans and elevations shall be prepared and submitted to Council no later than 20 October 2017. This should be accompanied by an amended Clause 4.6 variation.*

*Council shall prepare a supplementary report to the Panel by 3 November 2017. The supplementary report should also amend condition 16 to read as follows:*

*Fixed horizontal external louvres are to be erected on the external face of all windows on the northern and southern elevation of the building. Fixed horizontal louvres are also to be erected on the external face of all windows on the eastern elevation adjacent to No. 16 Carew Street, Dee Why. The louvres are to have a minimum width of 100mm and have a maximum spacing of 100mm.*

*Details of these louvres are to be shown on the plans prior to the issue of construction certificate.*

*Condition 20 Construction Management Plan be amended to include (k) to read as follows:*

*The proposed methods of reducing dust and noise during construction.*

*Following receipt of this information, the Panel will determine the matter electronically, unless the Chair determines that a further public meeting is required.'*

The purpose of this report is to assess the applicant's submission of amended plans and Clause 4.6 variation in accordance with the Panels reasons for deferral and request for amendments made above.

## Applicant's submission

The applicant submitted amended plans and an amended Clause 4.6 variation on 17 October 2017.

### Amended Plans (Attachment 1)

The Panel made the following comments in relation to the submission of amended plans:

*'Accordingly, the Panel defers determination of the application in order to allow the applicant to submit amended plans which increase the setback of the upper level (marked 'first floor' on plan DA 13) to a minimum of 13.7 metres from the northern boundary. Amended floor*

*plans and elevations shall be prepared and submitted to Council no later than 20 October 2017.'*

The amended plans submitted by the applicant demonstrate that the first floor of the proposed building has been setback a minimum 14.7 metres from the northern boundary.

This amendment is consistent with that requested by the Panel and therefore the applicant has satisfactorily addressed this matter.

#### Clause 4.6 variation (Attachment 2)

The applicant has submitted an amended Clause 4.6 variation based upon the amendments made to the architectural plans discussed above.

Clause 4.3 Height of Buildings Development Standard under Warringah Local Environmental Plan 2011 (WLEP 2011) permits a maximum height of 8.5m for the subject site.

The proposed development, as amended, reaches a maximum building height of 10.23m representing a variation of 20.35% or 1.73m.

It is noted that Council's original assessment of the development application considered a maximum building height of 10.7m which represented a variation of 25.88% or 2.2m.

The assessment of the original variation proposed to the height of buildings development standard found that the development achieved consistency with the underlying objectives of Clause 4.3 and Clause 4.6 of WLEP 2011 and that there was sufficient environmental planning grounds to justify and support the variation supported in that instance.

The amendments made to the proposed development result in a reduction in the height of the building by 0.47m. The amendments made will result in a lesser environmental impact and do not change the conclusions reached in Council's assessment of the variation proposed to the development standard made in Council's Assessment Report considered by the Panel on 19 September 2017.

Therefore, the proposal as amended satisfies the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the R2 Low Density Residential zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011.

#### Conditions (Attachment 3)

The Panel made the following comments regarding amendments to the draft conditions of consent:

*'The supplementary report should also amend condition 16 to read as follows:*

*Fixed horizontal external louvres are to be erected on the external face of all windows on the northern and southern elevation of the building. Fixed horizontal louvres are also to be erected on the external face of all windows on the eastern elevation adjacent to No. 16 Carew Street, Dee Why. The louvres are to have a minimum width of 100mm and have a maximum spacing of 100mm.*

*Details of these louvres are to be shown on the plans prior to the issue of construction certificate.*

*Condition 20 Construction Management Plan be amended to include (k) to read as follows:*

*The proposed methods of reducing dust and noise during construction.'*

These amendments have been made (refer to Condition No 16 and No. 20) and are included in the draft conditions of consent attached to this supplementary report.

## **Conclusion**

THAT Sydney North Planning Panel as the consent authority grant Development Consent to DA2017/0446 for Alterations and Additions to an existing Hospital on land at Lot 1 DP 836109, 14 Patey Street, DEE WHY, Lot 12 DP 8270, 9 Patey Street, DEE WHY, Lot 93 DP 8139, 64 Quirk Street, DEE WHY, Lot 94 DP 8139, 66 Quirk Street, DEE WHY, subject to the conditions outlined in Attachment 3.