

## COUNCIL SUPPLEMENTARY REPORT

<b>Panel Reference</b>	2017SNH074
<b>DA Number</b>	359/17
<b>LGA</b>	North Sydney
<b>Proposed Development</b>	Alterations and additions to hospital including a 2 storey extension to the existing ward block, with two levels of clinical accommodation, an additional building of 2 levels, a landscaped courtyard between the buildings and two lower levels of car parking
<b>Street Address</b>	35 Rocklands Road Wollstonecraft
<b>Applicant/Owner</b>	Keith Lapthorne, St Vincent's Healthcare Ltd
<b>Date of DA lodgement</b>	6 October 2017
<b>Number of Submissions</b>	19 to original plans and 28 to amended plans received 16 May 2018
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	CIV > \$5M - Private infrastructure and community facilities
<b>List of all relevant s4.15(1)(a) matters</b>	North Sydney LEP 2013 <ul style="list-style-type: none"> <li>• Zoning – SP2 Infrastructure - Health Care Facility</li> <li>• Item of Heritage – No</li> <li>• In Vicinity of Item of Heritage – Yes</li> <li>• Conservation Area – No</li> </ul> SEPP 55 - Contaminated Lands SREP (Sydney Harbour Catchment) 2005 <ul style="list-style-type: none"> <li>• North Sydney DCP 2013</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Amended Conditions</li> <li>• Amended Plans</li> <li>• Assessment Report dated 4 September 2018</li> <li>• Clause 4.6 report</li> </ul>
<b>Report prepared by</b>	Geoff Mossemeneer, Executive Planner, North Sydney Council
<b>Report date</b>	23 October 2018

### EXECUTIVE SUMMARY

DA359/17 was lodged on 6 October 2017 for a 4 storey extension to the existing ward block, with three levels of clinical accommodation and two lower levels of car parking, with a plant room to service the proposed addition. Nineteen submissions were received against the proposal following notification of the application. Council's Design Excellence Panel considered the proposal at its meeting of 12 December 2017 and did not support the proposal. The applicant was advised on 19 December 2017 that Council could not support the proposal on the basis of height, design, view impacts and noise impacts from the carpark and the applicant was invited to withdraw the application. The applicant did not wish to withdraw but agreed to amend the proposal. Amended plans were received on 16 May 2018.

The development application is now for alterations and additions to the hospital including a 2 storey extension to the existing ward block, with two levels of clinical accommodation, an

additional building of 2 levels, a landscaped courtyard between the buildings and two lower levels of car parking.

The Council's notification of the amended proposal attracted twenty-eight (28) submissions; the concerns raised include: traffic; parking; overshadowing; overlooking; view loss; overdevelopment; breach of height control; site cover; light spillage; noise and need for the facility.

The proposed development has been assessed with respect to the objects and relevant Sections of the EP&A Act, as well as the objectives, merit based outcomes, development standards and prescriptive controls of various State Environmental Planning Policies, the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013.

The applicant submitted a Clause 4.6 request with regard to the height of the proposal exceeding the current height control of 12m by a maximum of 3.9m. The request is considered to be well founded under the circumstances.

There were a number of concerns with the proposal that needed to be satisfactorily resolved with regard to amenity issues. The development application was reported to the Sydney North Planning Panel at its meeting of 26 September 2018 recommended for a deferred commencement approval. The application was deferred:

#### **REASONS FOR DEFERRAL**

The Panel agreed to defer the determination of the matter to allow the applicant to submit amended plans that respond to the draft deferred commencement conditions in the assessment report.

The Panel believes the proposal takes into account community concerns and will provide a much-needed palliative care facility. However there remain areas of concern in relation to the built form relative to its neighbours. The request for amended plans to address these issues will allow a more definitive determination.

The applicant is requested to submit those plans by 19 October 2018 and the assessment planner is requested to prepare a supplementary report by 26 October 2018.

The amended plans should address the following:

- Lower parapets of both buildings as required by draft condition AA1(i)
- Set back northern Executive building to ensure a minimum separation distance (wall to wall) of 12 metres where it is opposite the closest building at 41 Rocklands Road;
- Additional privacy screening to all north and east facing windows opposite apartment buildings and along terrace edges;
- Screening trellises with climbing plants on the eastern edge below the courtyard;
- Window treatments to control light spillage;
- Amended landscape plans as required by draft deferred commencement condition AA1.

Following receipt of the supplementary report the Panel will determine the application by electronic means unless the Chair decides that a further public meeting is required.

When this information has been received, the panel will determine the matter electronically unless the Chair determines otherwise.

This report is to be read in conjunction with the previous assessment report dated 4 September 2018 and the attached Clause 4.6 request.

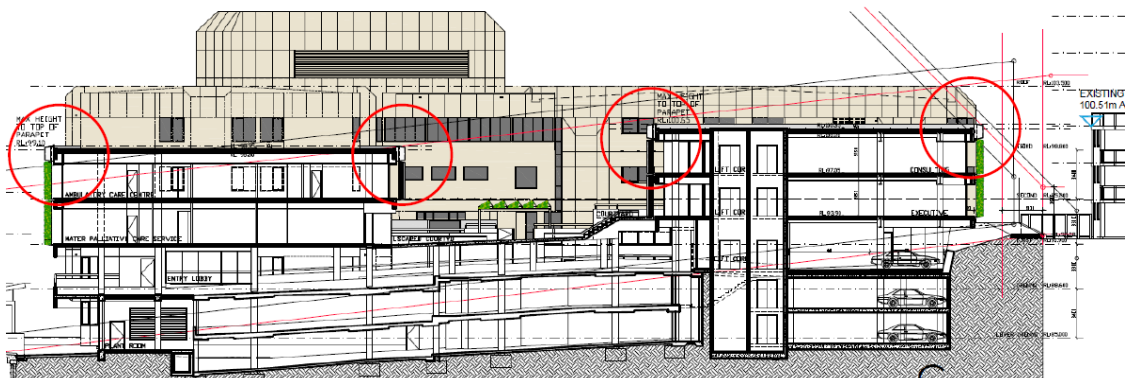
## AMENDED PLANS

Amended plans were received by Council on 19 October 2018. The proposed development remains the same description as “a 2 storey extension to the existing ward block, with two levels of clinical accommodation, an additional building of 2 levels, a landscaped courtyard between the buildings and two lower levels of car parking, with a plant room to service the proposed addition”.

The height of both buildings have been lowered and the Executive building has been altered with regard to the northern and southern wall (reduced Executive Courtyard). The changes do not affect the previous assessment with regard to shadow impacts or assessment of the Clause 4.6 request for variation of the height control (Palliative Care building).

For ease of reference to the Panel’s deferment of the application, the applicant’s response to each issue has been reproduced followed by the Assessment Planner’s comments.

**Lower parapets of both buildings as required by draft condition AA1(i)** Parapets of both buildings have been lowered so that the maximum height of the northern Executive building is RL100.65 and the maximum height of the southern Palliative Care building is RL99.1 (drawing DA 23.0/2 Section C)



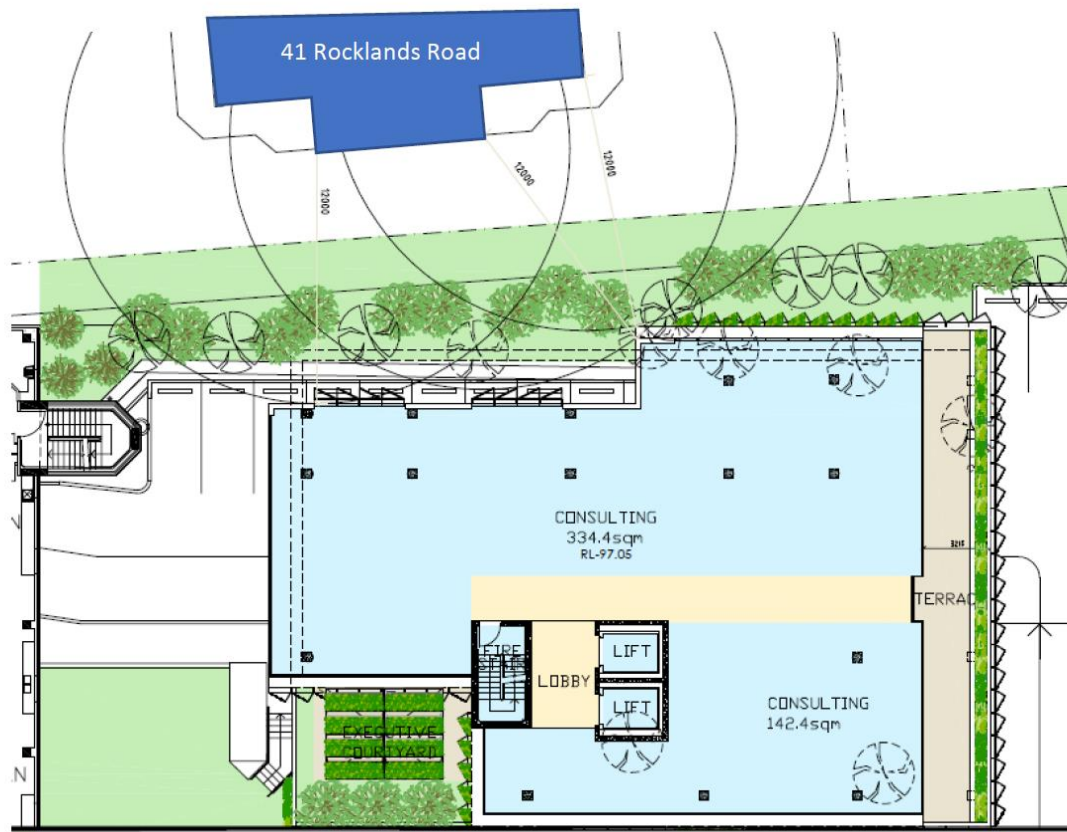
### ***Planner’s Comment:***

Heights have been lowered as requested to retain views across the site.

**Set back northern Executive building to ensure a minimum separation distance (wall to wall) of 12 metres where it is opposite the closest building at 41 Rocklands Road**

The Executive building has been stepped to provide a minimum separation of 12.0 metres to 41 Rocklands Road (drawings DA 12.4 Second Floor GA Plan 3 and DA 12.0/2 Second Floor).

The drawings rely on the survey drawing 04100-13 for the location of 41 Rocklands Road to determine the set back; a check survey will be carried out prior to construction to set out the Executive building.



***Planner's Comment:***

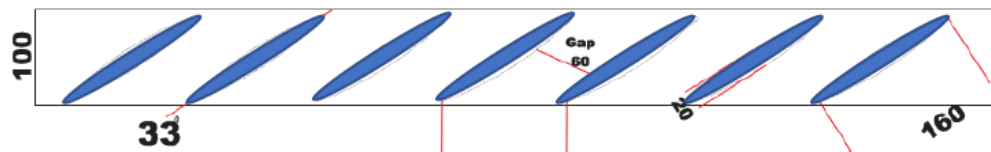
The building has been stepped to provide for a minimum of 12m separation as required. The applicant has retained the same floor space. The stepping of the wall is a positive response as it will reduce the apparent bulk and scale of the building when viewed from the nearest apartments.

**Additional privacy to all north and east facing windows opposite apartment buildings and along terrace edges.**

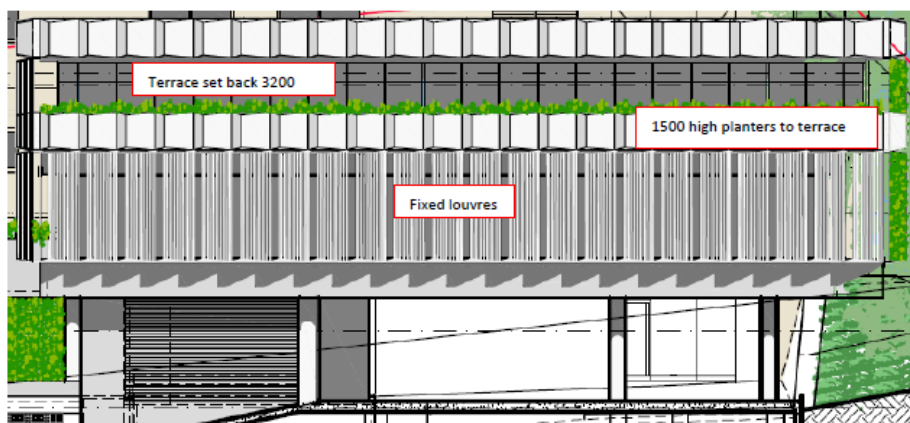
A combination of blank walls and fixed aluminium louvres will be provided on the North facing windows opposite 41 Rocklands Road (see locations on drawing DA 12.4 Second Floor GA Plan 3). The louvres will prevent direct line of sight into opposite windows but allow angled views from the Executive building. The louvres will have a different angled profile to the standard angled screen used on site to minimise oblique lines of sight.



The louvres will consist of 160 x 20mm elliptical fixed powder coated aluminium blades set at a 33 degree angle in a 100 x 50 box frame with internal welds. Each panel will be made to suit the windows and location and will be approximately 800mm wide by 2500mm high. The louvres will be similar to the fixed louvre system by Eco Awnings.

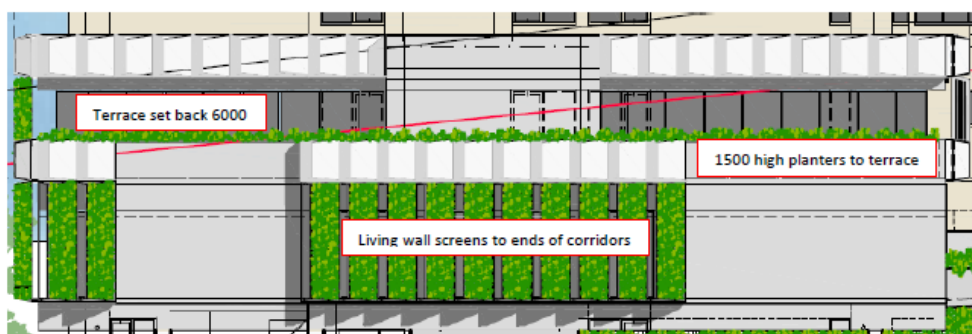


On the East facing windows of the Executive building privacy will be maintained by fixed angled aluminium louvres similar to the above on the first floor and 1100mm high planter boxes, giving a 1500mm high barrier with planting, along the edge of the terrace to the second floor (see drawing DA 28.2/1 East Elevation). The terrace is 3200 mm wide which cuts off the external view from the lower levels and the windows to the consulting suites will be fitted with blinds. It should be noted that the East elevation of the Executive building mainly faces Sinclair Street and the windowless elevation of 20 Hazelbank Street. There is only a view of the Executive building from the northern balconies of 20 Hazelbank Street (see drawing DA12.0/2).



**East elevation of Executive building**

The only East facing windows on the first floor of the Palliative Care building are at the ends of unoccupied corridors which have controlled low level light at night. Consequently, privacy and light spill are adequately met by covering them with living wall screens (see drawing DA 28.2/1 East Elevation). The terrace above on the second floor is set 6000mm back from the East face of the building and protected by a 1500 high planter along the East edge.



**East elevation of Palliative Care building**

**Planner's Comment:**

The modifications to the screens and the planters along the edge of the terraces and the introduction of fixed aluminium louvres as shown above will resolve the privacy concerns with the previous plans. No objections are raised to the proposed changes.

**Window treatments to control spillage**

In the unlikely event that the above measures fail to prevent light spill from our buildings into adjoining apartments, SVHA proposes to institute a Light Spill Management Plan to enable concerned neighbours to contact the Hospital in the event of an annoying light spill. A simple solution to spot fix such complaints would be the addition of automatic roller blinds to the offending windows linked to light sensors to close them at dusk.

**Planner's Comment:**

Light spillage is significantly reduced with the changes to the screening and the additional detailing provided. It is agreed that light spill will be minimal when you consider the angle of the screening, the setback and height of the terraces and the location of the nearest residential balconies and windows. The following condition is proposed with regard to outdoor lighting:

**Outdoor Lighting**

*C20. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.*

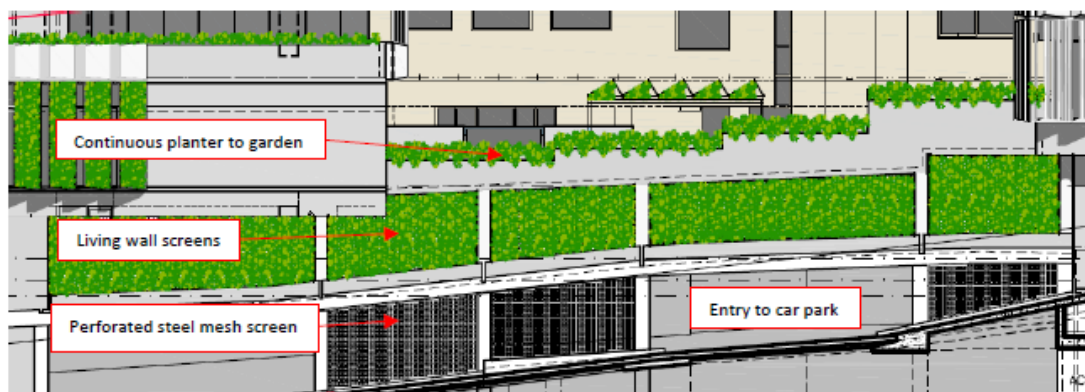
*(Reason: To maintain the amenity of adjoining land uses)*

Conditions with regard to the screening are also recommended to ensure that the residential amenity is adequately protected (condition I1). Some amount of light spill is likely to occur with any development. Only light spill that actually annoy residents needs to be addressed. Automated blinds are an option but may only be required on a small number of openings or not at all. The applicant's suggestion is supported. An ongoing condition requiring a Light Spill Management Plan should be imposed to provide a mechanism for concerned neighbours to contact the Hospital in the event of an annoying light spill (condition I2). A condition requiring a light spill report prior to the Occupation Certificate is also included in the recommended conditions (condition G6).

**Screening trellises with climbing plants on the eastern edge below the courtyard**

Living wall screens will be provided to the eastern face of the upper car park level and a perforated steel mesh screen to face of the lower car park level (see drawing DA 28.2/1 East Elevation). As the face of the car parks form the edge of the access driveway all of the screens will have to be located within the depth of the structure to avoid damage from passing cars. The eastern side the Palliative Care garden will have a continuous planter containing vines to soften the edge.



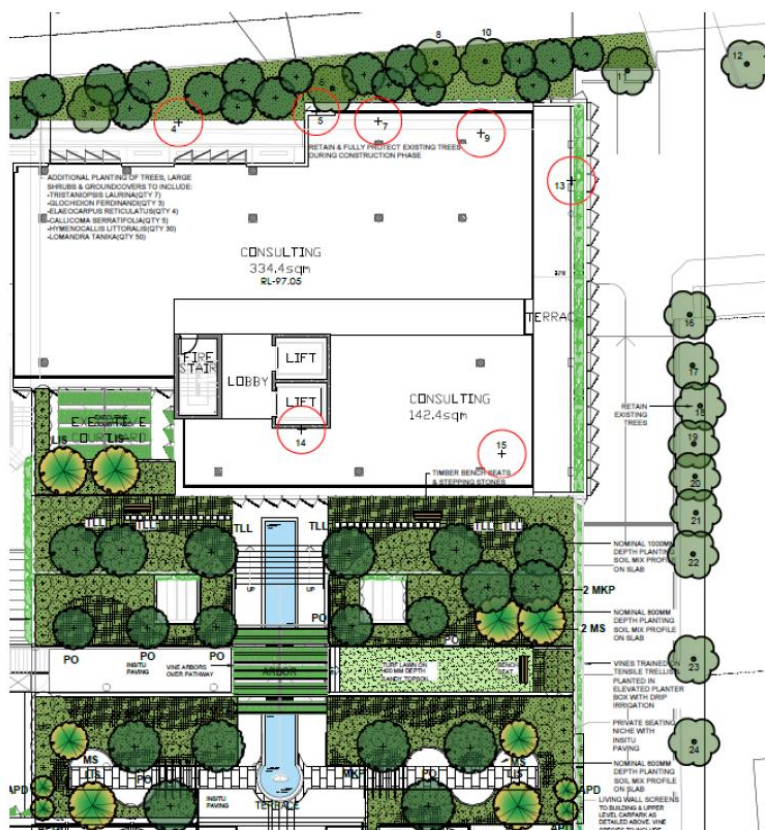


East elevation of car parks

### Planner's Comment:

The applicant has provided adequate detailing to ensure screening of the lower car parks to improve the aesthetics and further reduce noise from the carpark. Council's Landscape Officer is satisfied with the additional details submitted.

**Amended landscape plans as required by draft deferred commencement condition AA1** The Landscape Plan LDA-1 Issue D has been amended to accurately reflect the location and height of all trees to be retained, to be removed and the additional ones to be added. Judicial retention of trees has been based on characteristics and status, for example the large Brush Box (tree #3) is retained and enhanced by stepping the northern Executive building whereas the distressed Lilli Pilli (tree #4) is to be removed and replaced by more appropriate trees.

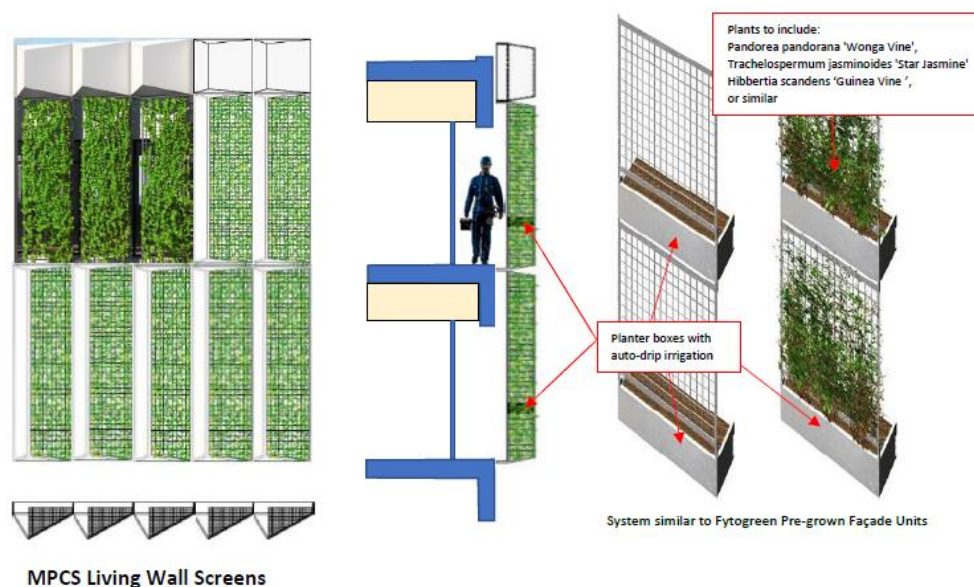


An arborist has been retained to prepare an arboricultural report on the 31 trees shown on the landscape plan and to advise on the protection of the trees during construction.

**Planner's Comment:**

Council's Landscape Officer is satisfied with the additional details submitted.

**Design of the living wall system** The living wall proprietary system will be tendered and a specific design for the Mater developed with the successful tenderer. The elements of the system will be: -- Aluminium angled frames to provide shading from the low westerly and easterly sun and softening of the building -- Integrated plant containers with automatic drip irrigation -- Variety of climbing plants selected for coverage, appearance, maintenance and longevity -- Walkway for maintenance staff to access the plants and planters -- Annual maintenance contract -- On-site horticulturists



Our current research favours the use of the Fytogreen pre-grown façade units: --On site experience with Fytogreen walls (used in the Healing Garden for the last 8 years) --Existing maintenance contract with Fytogreen which can be extended --Pre-grown façade units allow sun shading on installation without a two-year delay while plants grow to provide the required cover. The re-use of rainwater for irrigation was evaluated but found to be uneconomic due to unacceptably long payback times on equipment.

**Planner's Comment:**

Council's Landscape Officer is satisfied with the additional details submitted.

**S.4.15(1)(b) Likely Impacts of the Development**

**Views**

There will be impacts to the views currently enjoyed by the upper levels of residents of the residential flat building at 41 Rocklands Road. A reduction in the height of the roof parapet lessens the impact on the upper level apartment. The views of the Parramatta River and Iron Cove Bridge will be blocked by the upper levels of both buildings from the lower level apartments. It would not be reasonable for the two upper levels of the development to be removed to retain the view of a few. It is unlikely that the same development potential that would meet the needs of the Hospital could be provided with a more skilful design to retain the view.



**Solar**

The solar and shadow analysis indicates that the living areas of the neighbouring buildings will enjoy sunlight in excess of the minimum three hours between 9am and 3pm as required by the NSDCP 2013.

**Privacy and light spill**

The amended plans have sufficiently addressed the concerns with the previous plans.

**Social and Economic Impact**

No adverse social or economic impacts have been identified that could warrant a refusal of the application.

There is no doubt about the need for the Palliative Care facility for the Hospital and the community. The additional demand for more day only surgery and procedures within the Hospital is to be addressed with the provision of a new Ambulatory Care Service on Level 2 of the proposed Palliative Care building. Offices and meeting areas proposed on the lower level of the Executive building for the Hospital Executive are to be relocated from accommodation in the existing Hospital. This in turn will allow expansion of the existing patient admission and waiting areas on the Ground Floor of the Hospital. The specialist consulting suites on level 1 will be leased exclusively to the specialist consultants required for palliative care including gerontologists, geriatricians, oncologists, neurologists and palliative medicine physicians.

The proposal is providing a public benefit to the community whether the Hospital is private or public.

**S.4.15(1)(c) Suitability of the Site to the Proposed Development**

Having regard to the characteristics of the site and its location, the proposed development, is considered appropriate in that:

- the proposal is consistent with the relevant zone objectives;
- the scale and form of the building is compatible with the surrounding development;
- the proposal will not result in any significant impacts to adjoining and nearby properties in terms of privacy, view loss, overshadowing and visual impacts that would warrant rejection of the application (subject to further modification);
- the proposed development will provide for improved health care services to the community.

**S.4.15(1)(d) Public Submissions**

The issues raised by the submitters have generally been addressed in the assessment report or may be resolved by condition should consent be granted. The amended plans do not require further notification as no additional adverse impacts are created. The amended plans also address the amenity concerns previously identified.

#### **S.4.15(1)(e) The Public Interest**

The proposal will improve the function of the site by providing a broad range of health services, including Palliative Care Services, Day Surgery, Ambulatory Services and access to a range of specialist consultants. The proposal is considered to be in the public interest.

#### **CONCLUSION AND REASONS FOR RECOMMENDATION**

The development application has been assessed against all applicable environmental planning instruments and was found to be generally satisfactory, including the North Sydney LEP 2013 and North Sydney DCP 2013. The application was referred to Council's Design Excellence Panel for comment and there was support for the proposal by the DEP. The concerns raised with the original proposal were addressed by the applicant with the amended May 2018 plans.

The applicant has submitted a Clause 4.6 request with regard to the height of the proposal exceeding the current height control of 12m. The proposed variation does not result in any unreasonable or significant adverse environmental impacts. The variation does not affect the redevelopment potential of any adjoining land. The proposed scale and visual impact of the proposal is acceptable in the locality and provides an appropriate contextual fit. Under the circumstances, the objection is considered well founded.

The assessment has taken into account community views and addresses the concerns raised in submissions. The proposal will not result in any unreasonable adverse effect on the local built and natural environment and will not result in any unreasonable adverse social or economic impact.

The proposal would promote the orderly and economic use and development of land and its approval is in the public interest. The concerns identified in the previous assessment report with regard to the amenity impacts on the residential neighbours have been satisfactorily resolved with the latest plans and additional details.

Having regard to the provisions of Section 4.15 of the EP&A Act 1979 (as amended) the application is considered to be satisfactory and is recommended for **approval**.

#### **RECOMMENDATION**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the Sydney North Planning Panel, as the consent authority, assume the concurrence of the Secretary of the Department of Planning and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for height and grant consent to 2017SNH074 – North Sydney - Development Application No.359/17 subject to the attached conditions.

Geoff Mossemeneer  
Executive Planner

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