

APPLICATION REFERENCES	
DA Number:	DA/443/2018
Assessing Officer:	Georgie Williams, Senior Development Planner
Property Description:	Lake Macquarie Private Hospital 3 Sydney Street (Lot 90 DP1233497) 2 Casey Street (Lot 7 DP 24268) 38 Pacific Highway (Lot 8 DP 24268)
Application Description:	Alterations and additions to an existing hospital
Owner's Consent?:	Provided (Ramsay Health Care Limited)
Capital Investment Value:	\$14,382,806

Site Inspection

A site inspection was carried out on 6 June 2018. This inspection has been carried out in accordance with all relevant procedures for site inspections.

Environmental Planning and Assessment Act 1979

CLASSIFICATION OF DEVELOPMENT	Y/N
Is the development proposal <u>Local</u> Development?	YES
Is notification necessary?	YES
Have all adjoining and affected owners been notified (two week period)?	YES
Is the development proposal <u>State Significant</u> Development?	NO
Is the development proposal <u>Advertised</u> Development?	NO

DESIGNATED DEVELOPMENT	Y/N
Is the development proposal <u>Designated</u> Development ?	NO

INTEGRATED DEVELOPMENT ASSESSMENT			
Integrated development is development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals -			
Is the development Integrated Development?			Y/N
ACT		APPROVAL	
<i>Coal Mine Subsidence Compensation Act 2017</i>	Part 3	<i>Approval to alter or erect improvements within a mine subsidence district or to subdivide land therein</i>	YES
Have all integrated referrals been sent?			YES
Have General Terms of Approval been received?			YES
Subsidence Advisory NSW issued their General Terms of Approval (GTA) on 30 May 2018. Subject to approval, a draft condition will be recommended for imposition to ensure these GTA's are included on any development consent issued.			

INTERNAL REFERRAL ASSESSMENT
DAC – Building DAC – Subdivision DAC – Landscape / Urban Streetscape CP – Social Impact CP – Senior / Disabled Access CP – CPTED WER – Environmental Management Asset Management – Traffic Development Contributions
Internal referral comments are discussed under relevant sections of the report.

SECTION 1.7 CONSIDERATIONS	Y/N
Having regard to Section 1.7 of the Environmental Planning and Assessment Act, do any issues require further consideration?	NO

SECTION 4.15 EP&A ACT 1979 – POTENTIAL MATTERS FOR CONSIDERATION	
(a)(i) the provisions of any environmental planning instrument (EPI)	
State Environmental Planning Policies	
Do any SEPP's apply?	Y/N
State Environmental Planning Policy (Infrastructure) 2007	YES

Ausgrid

Pursuant to Clause 45(2) of the SEPP Infrastructure, the proposal was referred to Ausgrid for comment. Ausgrid provided their comments on 24 April 2018 as follows:

“Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid’s infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.”

Subject to approval, a condition of consent will be imposed requiring compliance with Ausgrid requirements.

Permissibility

Under Lake Macquarie Local Environmental Plan (LMLEP) 2014, the site is zoned R3 Medium Density Residential, which does not permit Hospitals or Health Care Facilities (Refer to permissibility discussion in the LEP section of the report).

Under Clause 57 of SEPP (Infrastructure), Health Services Facilities (which includes Hospitals) are permissible with consent in prescribed zones, which includes the R3 Medium Density Residential zone, by any person with development consent.

The application complies with the definition of a *health service facility* under Clause 56 of the Policy.

The proposal does not conflict with the State Policy.

Roads and Maritime Services (RMS)

Pursuant to Clause 101 (Development with frontage to classified road) and Clause 104 (Traffic-generating development) of SEPP Infrastructure, the proposal was referred to the RMS for comment on 27 March 2018. RMS advised Council in writing on 11 May 2018 of the following:

“In accordance with the Roads Act 1993, Roads and Maritime has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. The Pacific Highway (HW10) is a classified (State) road and Sydney Street is a local road. Council is the roads authority for these roads and all other public roads in the area.

Roads and Maritime has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.

Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- *Roads and Maritime has no proposal that requires any part of the property.*

Comment: Noted

- *Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.*

Comment: A draft condition is recommended for imposition to ensure a Traffic Management Plan is prepared and approved by Council prior to the issue of the first Construction Certificate. This is to ensure appropriate measures have been considered

<p>for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community.</p> <ul style="list-style-type: none"> <i>Discharged stormwater from the development shall not exceed the capacity of the Pacific Highway stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.</i> <p>Comment: Council's Senior Development Engineer has considered the above. Refer to Section 2.8 (Stormwater Management) in the DCP section of the report.</p> <ul style="list-style-type: none"> <i>Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the Pacific Highway, a classified State road. In this regard, the developer, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water. If the external noise criteria cannot feasibly or reasonably be met, Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.</i> <p>Comment: Council's Principal Environmental Officer has considered the above. Refer to Section 8.7 (Noise & Vibration) in the DCP section of the report.</p>	
<p>State Environmental Planning Policy (State and Regional Development) 2011</p> <p>The proposal has a capital value of \$14,382,806.</p> <p>Schedule 1 (State significant development – general) stipulates the following:</p> <p><i>14 Hospitals, medical centres and health research facilities</i> <i>Development that has a capital investment value of more than \$30 million for any of the following purposes:</i></p> <p>(a) hospitals,</p> <p>(b) <i>medical centres,</i></p> <p>(c) <i>health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).</i></p> <p>The proposed development is therefore not identified as 'State Significant' for the purposes of this Policy.</p> <p>Schedule 7 (Regionally significant development) stipulates the following:</p> <p><i>5 Private infrastructure and community facilities over \$5 million</i> <i>Development that has a capital investment value of more than \$5 million for any of the following purposes:</i></p> <p>(a) <i>air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,</i></p> <p>(b) <i>affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.</i></p>	YES

<p>Health services facilities are defined as:</p> <p><i>health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:</i></p> <p>(a) <i>a medical centre,</i></p> <p>(b) <i>community health service facilities,</i></p> <p>(c) <i>health consulting rooms,</i></p> <p>(d) <i>patient transport facilities, including helipads and ambulance facilities,</i></p> <p>(e) hospital.</p> <p>The proposed development is therefore identified as 'Regionally significant development' for the purposes of this Policy and will be referred to the Regional Planning Panel (RPP) for determination.</p>	
<p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>The provisions of SEPP 55 require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. In particular, this Policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. The subject site is not known to be contaminated.</p>	YES

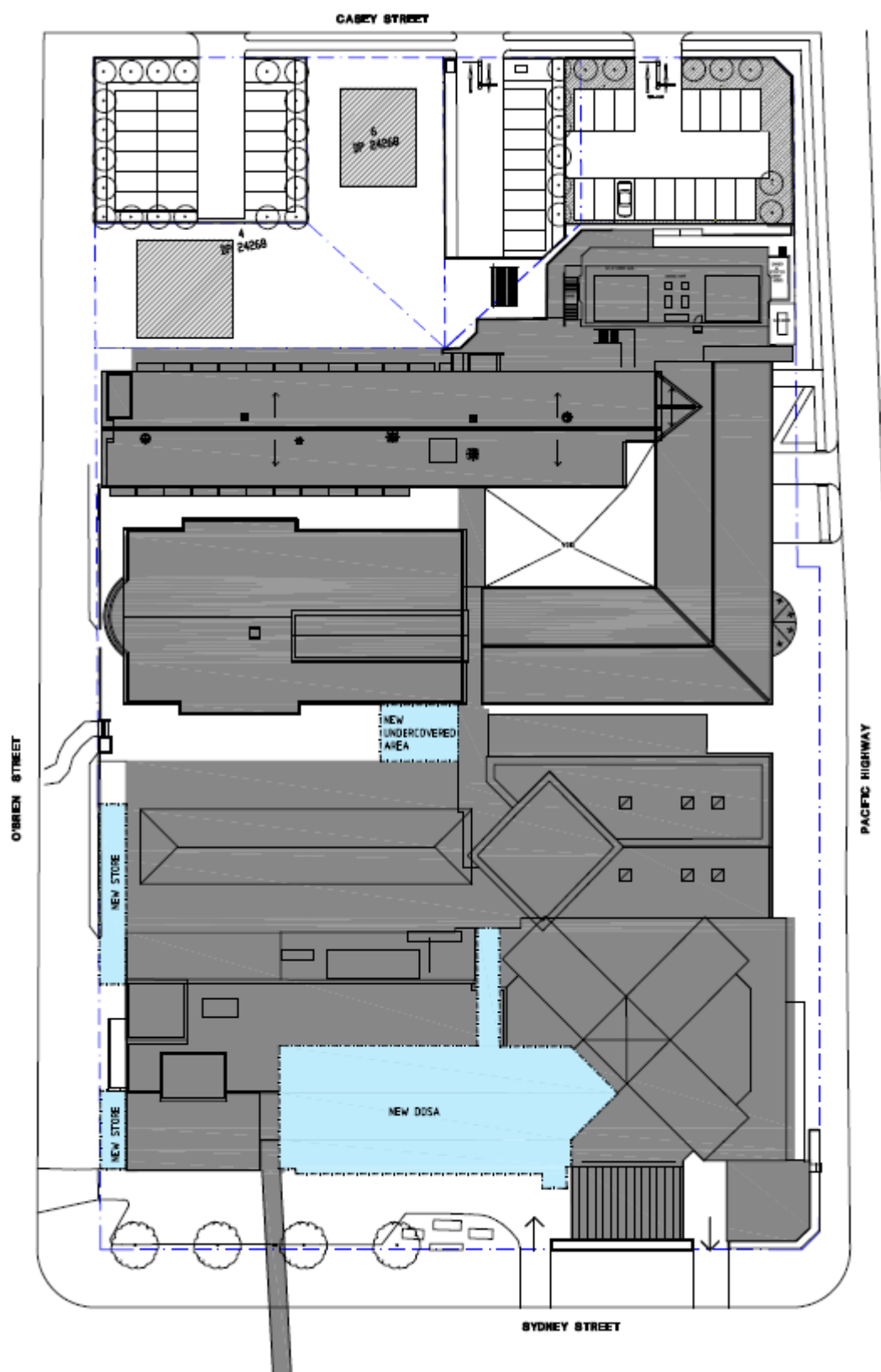
Lake Macquarie Local Environmental Plan 2014		
Part 1 - Preliminary		
1.9A	Suspension of covenants, agreements or instruments	There are no covenants, agreements or instruments over the land that will impact the development.
Part 2 – Permitted or Prohibited Development		
What is the land zoned?		R3 Medium Density Residential
What is the proposal for?		
Alterations and additions to an existing hospital (Refer to Table 1 and Figures 1-3 below), known as the Lake Macquarie Private Hospital at 3 Sydney Street, 2 Casey Street and 38 Pacific Highway, Gateshead including:		

Table 1 – Scope of proposed works

Level	Department	Scope of work in existing footprint	Scope of work – in addition to existing footprint
Lower Ground	CSSD	Larger decontamination wash area with one new washer	Loan set store
	Plantroom		Conversion of existing maintenance office to new plantroom
Ground	Operating Theatre Complex	<ul style="list-style-type: none"> • Demolition of existing day surgery unit • 2 new operating theatres, • 9 new Recovery stage 1 patient bays, • Sterile stock store rooms • Staff change facility • Theatre reception area • OT admin office • A patient lift to connect to level 1 new day surgery unit 	Sterile stock store room
	ICU	New staff wc, staff room and quiet room	
	Entrance/waiting/support	Modification of existing X-ray processing room	New visitor lift and waiting area
Level One (1)	Day Surgery (DOSA)		<ul style="list-style-type: none"> • new day surgery unit • pre-op holding and waiting area • recovery lounge (20 chairs) • support area • link corridors
	Operating Theatre Complex		Lounge for operating theatre and day surgery
	Other		<ul style="list-style-type: none"> • New link corridor to connect to the rest of level 1 hospital • New visitor waiting area with coffee cart

- Associated landscaping works including street trees.
- 2 additional car spaces on 38 Pacific Highway and 2 tandem spaces on 2 Casey Street.
- 16 staff will be employed on completion of the proposed development.

Figure 1 – Site Plan



Note: Light blue areas show additional footprint and grey indicates existing.

The amended architectural plans do not show the additional car spaces on 38 Pacific Highway and 2 Casey Street. These additional spaces are shown on the engineering plans.

Figure 2 – Sydney Street perspective eastern end



Figure 3 – Sydney Street perspective western end



Is this permissible within the zone?

Hospitals or Health Services Facilities (Parent Definition) are not listed as being permissible with consent in the R3 Medium Density Residential zone.

The proposal is considered to be permissible under the SEPP (Infrastructure). Refer to SEPP discussion above.

Does it meet the objectives of the zone?

- *To provide for the housing needs of the community within a medium density residential environment.*

- *To provide a variety of housing types within a medium density residential environment.*

Comment: Although the development does not provide for the housing needs of the community or provide a variety of housing types, it is noted that the existing hospital enjoys existing use rights and is a permissible use under SEPP Infrastructure.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: The development provides facilities or services to meet the day to day needs of residents and the community.

- *To maintain and enhance the residential amenity and character of the surrounding area.*

Comment: Subject to the imposition of draft conditions of consent, the development is not likely to adversely impact the existing residential amenity or character of the surrounding area.

The development is generally consistent with strategic directions, being infill development and contributing to the health sector in the area – a focus of both Regional and Local planning strategies. The proposal aligns with Direction 26 of the Hunter Regional Plan 2036 to ‘deliver infrastructure to support growth and communities’, in particular Action 26.2 to enable the delivery of health facilities and emergency services.

Strategic Direction 4 of Lifestyle2030 is for a ‘well serviced and equitable city’, with the desired outcome of providing infrastructure according to the suitability and capacity of the area to support it.

2.4	Unzoned Land	These Clauses are not applicable.
2.5	Additional Permitted Uses for Particular Land	
2.6	Subdivision – Consent Requirements	
2.7	Demolition requires development consent	Development consent is sought for demolition works.
2.8	Temporary Use of Land	This Clause is not applicable.
Part 4- Principal Development Standards		
4.1 to 4.2C inclusive		These Clauses are not applicable.
4.3	Height of buildings	<p>A height control of 10m applies to the site.</p> <p>The development measures a maximum height of 12.85m (28.5% variation).</p> <p>Clause 4.6 (Exceptions to development standards) of the LMLEP 2014 enables variations to development standards including the building height control. Accordingly, the applicant has submitted a Clause 4.6 (Exception to development standards) seeking to vary the numerical height control (refer to discussion below).</p>
4.4	Floor space ratio	Not adopted
4.5	Calculation of floor space ratio and site area	Not adopted

4.6	<p>Exceptions to development standards</p> <ul style="list-style-type: none"> • The objectives of Clause 4.6 of the LMLEP 2014 are: <ul style="list-style-type: none"> <i>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i> <i>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i> • Clause 4.6(2) of the LMLEP 2014 enables development consent to be granted for development even though the development would contravene a development standard imposed by the LEP. • Clause 4.6(3) of the LMLEP 2014 stipulates that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: <ul style="list-style-type: none"> <i>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i> <i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i> <p>A height control of 10m applies to the site.</p> <p>The proposed development measures a maximum height of 12.85m (28.5% variation), which exceeds the control by 2.85m.</p> <p>The applicant's Clause 4.6 Variation is included below:</p>
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4.1 OBJECTIVES OF THE CLAUSE 4.3 HEIGHT OF BUILDINGS STANDARD UNDER LMLEP2014

A key determination of the appropriateness of a Clause 4.6 Variation to a development standard is the proposed development's compliance with the underlying objectives and purpose of that development standard. Indeed, *Wehbe v Pittwater Council* recognized this as one of the ways in which a variation to development standards might be justified (refer to **Section 2.2**). In *Four2Five Pty Ltd v Ashfield Council*, it was found that the proponent must demonstrate compliance with these objectives (refer to **Section 2.2**).

Therefore, while the site is subject to a specified numerical control for building height, the objectives and underlying purpose behind the development standard are basic issues for consideration in the development assessment process.

The objectives of Clause 4.3 under the LMLEP2014 are as follows:

- (a) to ensure the height of buildings are appropriate for their location,*
- (b) to permit building heights that encourage high quality urban form.*

The height of the proposed development would be in keeping with the surrounding built form elements of this health and education precinct, including the Lake Macquarie Specialist Medical Centre immediately south across from the subject site, Wiripaang Public School further south down Pacific Highway, and St Mary's Catholic College to the east of the subject site across Pacific Highway.

4.2 OBJECTIVES OF THE ZONE

The site is currently zoned R3 Medium density residential under LMLEP2014. The proposed development is consistent with the following R3 zone objectives:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development would allow for further provision of facilities and services to meet the day to day needs of the residents within the immediate vicinity of the subject site and greater Hunter Region.

4.3 ESTABLISHING IF THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY

Subclause 4.6(3)(a) and the judgement in *Four2Five Pty Ltd v Ashfield Council* (refer to **Section 2.2**) emphasise the need for the proponent to demonstrate how the relevant development standard is unreasonable or unnecessary in the circumstances.

The proposed development is consistent with the existing (and desired) character of the site and the surrounding area. The proposed contravention of the development standard will not result in any built amenity impacts such as view loss or privacy loss or increased overshadowing.

The development will significantly retain the original built form, including roof form and massing of the building, whilst providing materials which are not considered to result in any adverse impact on the existing building materials.

The proposed exceedance of the building height will retain compatibility with the surrounding development and the environmental planning framework in terms to visual appearance, and adverse

environmental impacts as the proposed height non-compliance relates to works undertaken on the portion of the site with the lowest RL level.

No adverse environmental impacts onto the surrounding environment have been identified.

The abovementioned justifications are considered valid and in this instance the proposed Clause 4.6 Variation is considered to be acceptable. The proposed development is integrated within the existing Lake Macquarie Private Hospital precinct and represents a more efficient use of the site. The objectives of the relevant clause and R3 medium density residential zone would be upheld as a result of the proposed development.

4.4 SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD

The variation to the development standard for height of buildings is considered well founded in this instance as:

- The proposed development is consistent with the underlying objective or purpose of the standard as demonstrated in **Section 4.1**;
- The proposed contravention of the development standard results from an addition to the existing portion of the building for the purposes of a passenger lift shaft that contravenes the building height provision by 2.85m, pursuant to Clause 4.3 of the LMLEP 2014. In this regard, no adverse environmental impacts with regard to excessive bulk and scale, overshadowing, loss of views or privacy due to the physical composition of the lift shaft in relation to the rest of the buildings at the facility. It should be noted that the subject parcel of land falls from the west to the east, with the building height contravention located in the eastern portion of the site.
- The proposed development will remain compatible with existing adjoining residential land uses in light of the above;
- Compliance with the remaining development standards applicable to the site is achieved.

4.5 PUBLIC INTEREST

As outlined in **Section 2.2**, *Four2Five Pty Ltd v Ashfield Council* emphasised that it is for the proponent to demonstrate that the proposed non-compliance with the development standard is in the public interest. Subclause 4.6(4)(a)(ii) requires the proposed development be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Sections 4.1 and 4.2 have already demonstrated how the proposed development is consistent with the objectives of both Clause 4.3 and the R3 Medium density residential zone under the LMLEP2014.

In *Lane Cove Council v Orca Partners Management Pty Ltd (No 2)* [2015] NSWLEC 52, Sheahan J referred to the question of public interest with respect to planning matters as a consideration of whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development.

The public advantages of the proposed development are as follows:

- Attracting a greater number and diversity of medical practitioners into the locality;
- Making efficient use of a site consistent with the Lake Macquarie City Lifestyle 2030 Strategy;
- Enabling an opportunity for increased employment due to increased hospital capacity;
- Increased public benefit in the form of a day surgery;

	<p>There are no significant public disadvantages which would result from the proposed development.</p> <p>The proposed development is therefore considered to be justified on public interest grounds.</p> <p>4.6 PUBLIC BENEFIT IN MAINTAINING THE CLAUSE 4.3 HEIGHT OF BUILDINGS CONTROL</p> <p>Given that strict compliance with the Clause 4.3 building height control would result in the existing facility not being able to provide further required health care services in the locality, there is no genuine public benefit in maintaining this strict building height control at the site.</p> <p>4.7 SUMMARY</p> <p>For the reasons outlined above, it is considered that the objection to Clause 4.3 of LMLEP2014 is well-founded in this instance and the granting of a Clause 4.6 Variation to the development standard is appropriate in the circumstances. Furthermore, the objection is considered to be well founded for the following reasons as outlined in Clause 4.6 of the LMLEP2014, <i>Four2Five Pty Ltd v Ashfield Council</i> and <i>Wehbe v Pittwater Council</i>:</p> <ul style="list-style-type: none"> ▪ Compliance with the development standard is unreasonable and unnecessary in the circumstances; ▪ There are sufficient environmental planning grounds to justify contravening the development standard; ▪ The development is in the public interest; ▪ The development is consistent with the objectives of the particular standard; ▪ The development is consistent with the objectives for development within the zone; ▪ The objectives of the standard are achieved notwithstanding the non-compliance with the standard; ▪ The public benefit in maintaining strict compliance with the development standard would be negligible. <p>Overall, it is considered that the proposed Clause 4.6 Variation to the maximum building height control is entirely appropriate and can be clearly justified having regard to the matters listed within LMLEP2014 Clause 4.6.</p> <p>In regard to Clause 4.6(3) of LMLEP 2014, the applicant has submitted an acceptable Clause 4.6 variation to vary the building height development standard by 2.85m or 28.5%.</p> <p>In regard to Clause 4.6(3)(a) of LMLEP 2014, the applicant has clearly demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.</p> <p>In regard to Clause 4.6(3)(b) of LMLEP 2014, the applicant has reasonably argued that there are sufficient environmental planning grounds to justify contravening the development standard. Council can therefore use Clause 4.6 of the LMLEP 2014 as a mechanism to vary the development standard as strict compliance with the control is considered unreasonable and unnecessary given the circumstances of the case.</p> <p>In regard to Clause 4.6(4) of the LMLEP 2014, development consent must not be granted for development that contravenes a development standard unless:</p> <p style="padding-left: 40px;">(a) <i>the consent authority is satisfied that:</i></p> <p style="padding-left: 80px;">(i) <i>the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p> <p>Comment: Council staff are satisfied the applicant's Clause 4.6 Variation to vary the development standard has adequately addressed the matters required to be demonstrated by subclause (3). Refer to discussion above.</p> <p style="padding-left: 40px;">(ii) <i>the proposed development will be in the public interest because it is consistent</i></p>
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<p><i>with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i></p> <p>Comment: Council staff are satisfied the proposed development will be in the public interest and supports the objectives of the zone (refer to zone objectives discussion) and the objectives of the building height control, particularly (a) which aims to ensure the height of buildings are appropriate for their location and objective (b), which aims to permit building heights that encourage high quality urban form.</p> <p><i>(b) the concurrence of the Director-General has been obtained.</i></p> <p>Comment: Regional Planning Panels may assume the Secretary's concurrence where development standards will be contravened as provided by Planning Circular PS 18-003, dated 21 February 2018.</p> <p>In regard to Clause 4.6(7) of the LMLEP 2014, Council will keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p> <p>In summary, the proposed building height of 12.85 metres is therefore supported given the circumstances.</p>		
Part 5 – Miscellaneous provisions		
5.1 – 5.2 inclusive		These Clauses are not applicable.
5.3	Development near zone boundaries	Not adopted
5.4	Controls relating to miscellaneous permissible uses	This Clause is not applicable.
5.5	Development within the coastal zone	Repealed
5.6 to 5.8 inclusive		These Clauses are not applicable.
5.9	Preservation of trees or vegetation	Repealed
5.9AA	Trees or vegetation not prescribed by development control plan	Repealed
5.10 to 5.15 inclusive		These Clauses are not applicable.
Part 6 – Urban release areas		
This part is not applicable.		
Part 7 – Additional local provisions		
7.1	Acid sulfate soils	The development site is not identified as having potential Acid Sulfate Soils.
7.2	Earthworks	The development will involve some minor earthworks. Council's Senior Development Engineer has raised no concerns.
7.3 to 7.20 inclusive		These Clauses are not applicable.
7.21	Essential Services	<p>The site has essential services and infrastructure available and connected to the existing hospital.</p> <p>Hunter Water have stamped the plans, dated 9 March 2018.</p>

7.22 to 7.23 inclusive	These Clauses are not applicable.
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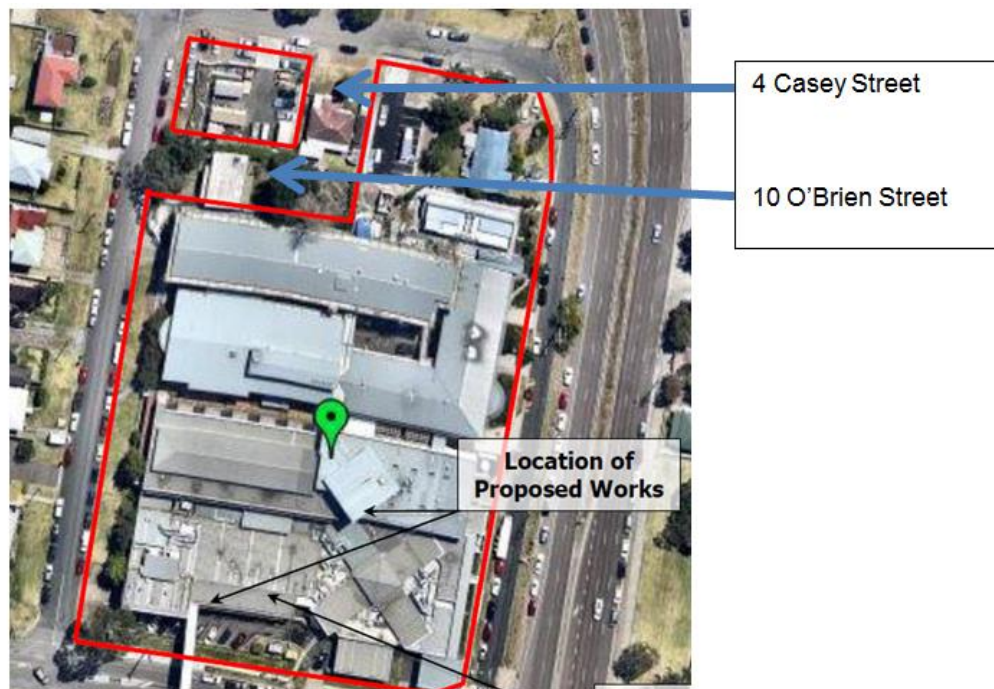
(a)(ii) the provisions of any draft environmental planning instrument (EPI)
There are no Draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) any development control plan		
Development Control Plan 2014		
Part 1 – Introduction		
Section 1.15 – Development Notification Requirements		
Does the application require notification?		YES
Have all adjoining and affected properties been properly notified?		YES
Has the application being subject to an extended notification period under Cl. 1.15.5?		YES
Part 3 – Development in Residential Zones		
Note: As the development is located within the R3 Medium Density Residential zone, an assessment is required under Part 3 (Development in Residential Zones) of Development Control Plan (DCP) 2014. Compliance with the relevant provisions of this chapter are detailed below.		
Section 2 – Context & Setting		
2.1	Site Analysis	The applicant has submitted a Site Analysis Plan, which is considered acceptable for DA purposes.
2.2	Scenic Values	A Visual Impact Assessment is not required to be submitted for this form of development.
2.3	Geotechnical	The site is located within a T4 and T5 geotechnical zone on Council's Geotechnical Maps. Council's Senior Development Engineer has advised that further geotechnical investigation is not required.
2.4	Mine Subsidence	Refer to Integrated Development.
2.5	Contaminated Land	Refer to SEPP 55 (Remediation of Land).
2.6	Acid Sulphate Soils	Refer to Clause 7.1 (Acid Sulfate Soils) in the LEP section of the report.
2.7	Stormwater Management	Council's Senior Development Engineer initially reviewed the submitted Stormwater Management Plan, prepared by Acor Consultants, and advised additional information was required to demonstrate where emergency overland flows will occur given construction will remove existing flow paths. Accordingly, a revised Stormwater

		Management Plan was submitted to the satisfaction of Council's Development Engineer on 28 June 2018.
2.8	Catchment Flood Management	These sections are not applicable.
2.9	Lake Flooding & Tidal Inundation	
2.10	Natural Water Systems	The development is not located within the vicinity of any natural water bodies, in addition the proposed development has provided appropriate discharge to the existing formed drainage system, therefore would have no direct impacts on any protected water bodies or ecosystems.
2.11	Bushfire	These sections are not applicable.
2.12	Flora & Fauna	
2.13	Preservation of Trees & Vegetation	
2.14	European Heritage	
2.15	Aboriginal Heritage	
2.16	Natural Heritage	
2.17	Social Impact	Council's Co-ordinator Social Planning has reviewed the development and advised that the provision of additional health services will have a significant positive social impact for the community, as it will provide a greater capacity and range of health services available.
2.18	Economic Impact	<p>Council's Integrated Planner (Economic Focus) has reviewed the development and advised Integrated Planning support the development on economic grounds.</p> <p>While the expansion is relatively minor (2,000m² GFA), it will assist in increasing highly desirable employment opportunities within the City, and improve healthcare outcomes through additional services and facilities.</p>
2.19	<p>Lot Amalgamation in the R3 Zone</p> <p>Concern was initially raised that the submitted Statement of Environmental Effects had failed to address lot isolation.</p> <p>Adjacent lots (10 O'Brien Street and 4 Casey Street, Gateshead) include two privately owned residential properties that are surrounded by hospital operations including two staff car parks (Refer to Figure 4 below)</p>	

Figure 4 – Adjoining isolated lots at 4 Casey Street and 10 O'Brien Street.

Note: Red outline depicts hospital site.



The applicant was advised that further intensification of the hospital should not occur until lot amalgamation is addressed.

The applicant was requested to provide documentation demonstrating that a recent offer to purchase had been made to the owners of the isolated lots (10 O'Brien Street and 4 Casey Street) and the owner has refused to negotiate. A Licensed Valuer must base the offer on at least one recent independent valuation.

The applicant submitted additional information via email, dated 7 May 2018, that included a conditional offer from the CEO of Lake Macquarie Private Hospital to the adjoining property owners, dated 14 May 2015. The applicant was advised that these offers are over three years old and not considered recent.

The applicant provided a further response to Council, dated 28 June 2018, detailing the below:

- *"The proposed development will not 'create' or 'result in' an isolated lot as that term is defined by DCP 2014.*
- *The two adjoining properties which do not form part of the hospital development do not satisfy the definition of an isolated lot provided for in DCP 2014 in the pre or post development scenario.*
- *DCP 2014 provides specific controls for amalgamation and offers to purchase adjoining properties in circumstances where site amalgamation and development which would result in the creation of an isolated lot is proposed – neither of which are proposed by the current application and form of development proposed.*
- *Section 4.15(3A) of the Environmental Planning and Assessment Act 1979 prevents a consent authority from applying standards more onerous than those contained within a Development Control Plan and precludes Council from requiring offers to be made to purchase the adjoining sites.*

Background

The potential isolation of the neighbouring properties was considered by the Council as part of the assessment of DA/698/2015 (the 2015 development application) which sought consent for alterations and additions to the existing to the existing hospital for a 20 bed in-patient ward and an interim car park for 14 spaces at 10A O'Brien Street.

Development consent was also granted under DA/1590/2016 for alterations and additions to the existing hospital, consisting of a 10-bed in-patient ward and an 8-space car park.

The 2015 development application sought to expand the footprint of the hospital, and proposed development on to the two lots adjacent to 10 O'Brien Street. This had the potential to cause 10 O'Brien Street to become an isolated lot in a planning sense but for the reasons set out below, not as that term is defined by DCP 2014.

In its assessment report and ultimate determination of the application, Council concluded that acquisition of the neighbouring properties was not required as part of the 2015 development application, as the controls regarding lot amalgamation in the R3 zone under the DCP had not been engaged. Specifically, the Council found:

Control 1 – Site amalgamation should not result in an isolated lot this is unviable for redevelopment to the scale and intensity desired for the locality.

Council Assessment Report Comment: The application proposes site amalgamation. Albeit, at this time the amalgamation plan does not include 10 O'Brien Street, Gateshead (the potential isolated lot).

Control 2 – Development that would result in the creation of an isolated lot must provide for future extension incorporating the isolated lot or demonstrate that the isolated lot can be developed independently.

*Council Assessment Report Comment: The applicant has undertaken master planning for the locality that includes redevelopment of the potentially isolated lot in a broader redevelopment of the land. However, this scheme is currently confidential and cannot be reproduced here. In this regard, this test cannot be taken to be wholly satisfied. However, this is not a reason to refuse the development application. Albeit, forms the basis for consideration of the matter with regard to the planning principles contained in NSW Land and Environment Court matter *Melissa Grech v Auburn Council* [2004] NSWLEC 40, *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189; *Karavellas v Sutherland Shire Council* [2004] NSWLEC 2, as discussed below at point 3.*

Control 3 - Development that would result in the creation of an isolated lot must be supported by documentation that demonstrates in writing that an offer to purchase has been made to the owner(s) of the isolated lot and the owner has refused to negotiate. A Licenced Valuer must base the offer on at least one recent independent valuation.

Council Assessment Report Comment: The applicant over time has progressively purchased properties in the area as the Hospital redevelops. The applicant, in agreement with the landowner of 10 O'Brien Street, has undertaken an independent valuation of the property and has offered the landowner an offer above market value. The offer has been considered by Council to be a reasonable offer. The landowner has rejected this offer. Under these circumstances it is considered that no further action is required to be undertaken by the proponent and that the application has

satisfied not only the test of the Plan but also the planning principles of the NSW Land and Environment Court specific to 'isolated lots'. Consequently, in this case the future use and or redevelopment of 10 O'Brien Street is not considered to be a constraint on the determination of the development, not have determining weight, having met the relevant planning principles laid down by the Court.

Assessment of DA/443/2018

Under the provisions of DCP 2014, Part 3, Clause 2.9, the definition of an isolated lot is:

an allotment that is bounded on all sides (excluding any road frontage) by existing (or approved) medium to high-density residential or commercial development that will preclude the development of the allotment beyond a dwelling house or dual occupancy dwelling or a two-storey commercial building. The following controls are provided which must be applied to determine if Clause 2.19 applies to a proposal in this respect:

- 1. Site amalgamation should not result in an isolated lot that is unviable for redevelopment to the scale and intensity desired for the locality.*
- 2. Development that would result in the creation of an isolated lot must provide for a future extension incorporating the isolated lot or demonstrate that the isolated lot can be developed independently.*
- 3. Development that would result in the creation of an isolated lot must be supported by documentation that demonstrates in writing that an offer to purchase has been made to the owner(s) of the isolated lot and the owner has refused to negotiate. A Licensed Valuer must base the offer on at least one recent independent valuation.*
- 4. Development that would result in the creation of an isolated lot must comply with the Planning Principles established by the Land and Environment Court in Melissa Grech v Auburn Council [2004] NSWLEC 40; Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189; Karavellas v Sutherland Shire Council [2004] NSWLEC 251; provide for a future extension incorporating the isolate lot, or demonstrate that the isolated lot can be developed independently.*

Of relevance, the DCP defines the term isolated lot which is relied upon by the balance of the provisions. In order to qualify as an isolated lot, DCP 2014 requires that two distinct elements to be present concurrently:

- a) That the relevant allotment be bounded on all sides by medium to high density residential or commercial development; and*
- b) That the surrounding development would prevent the redevelopment of the allotment for a more intense use than a dwelling house or dual occupancy.*

Applying Clause 2.19 of DCP 2014 (controls (2), (3) and (4)), the subject development application does not bring into existence an isolated lot. It is considered that, the bringing into existence is the creation for the first time of a lot which can satisfy the definition of an isolated lot – not because of subsequent development applications.

Additionally, neither lot is bounded on all sides (except a road frontage) by medium to

	<p><i>high density development. Both of the lots which council has identified share a common boundary with each other and accordingly do not satisfy the first element of the isolated lot test as each lot is not bounded on all sides by medium to high density development – both lots containing single dwelling houses.</i></p> <p><i>Accordingly, further consideration under Clause 2.19 is not warranted, and evidence of formal offers to acquire the properties in question is not required.</i></p> <p><i>The latest offer to the properties in question was 2016 which was declined. Ramsay Health Care do not require these properties now and do not want to pressure the current owners unnecessarily to move out of their homes. To date, the owners have not objected to the hospital or any development applications submitted, which is evidence of the well managed facility that presently exists on the site.</i></p> <p>Comment: Council's Assessing Officer generally concurs with the above advice and given the proposed scope of works and location of the works, there will be no adverse impacts on the adjoining residential lots. The applicant has also submitted a master plan which indicates future redevelopment of the potentially isolated lots in a broader redevelopment of the land.</p>	
2.20	Utilities	The development is not likely to adversely impact existing utility infrastructure.
Section 3 and Section 4 – Development Design		
3.1	<p>Streetscape</p> <p>Concern was initially raised regarding the proposed location of the loan set store and sterile stock on the western boundary, which results in the removal of established vegetation, which helps to reduce the visual bulk and scale of the hospital when viewed from residential properties to the west. The corner of Sydney and O'Brien Street is the area most impacted on the campus. The streetscape is largely devoid of any softening or shading with pedestrian footpath only along Sydney Street. The proposed works involve removal of existing vegetation that screens blank and service areas of the building.</p> <p>Accordingly, the applicant was requested to provide street tree planting along O'Brien Street and a pedestrian footpath if feasible.</p> <p>It was also recommended that tree plantings be provided along the Sydney Street frontage within the existing hedge planting area to provide canopy screening of expansive facades and provide shade and amenity at pedestrian scale within the streetscape.</p> <p>Planting street trees across the Sydney Street frontage is less feasible due to the presence of infrastructure. However, the height of the existing <i>Duranta</i> species hedge should be increased to approximately 1000mm to screen service areas of the building along this frontage.</p> <p>The applicant has submitted a revised landscape plan (Revision C) to the satisfaction of Council's Landscape Architect which adequately addresses previous concerns and results in good streetscape outcomes.</p> <p>The footpath issue is discussed under Section 4.7 (Traffic and Transport) below.</p>	
3.2	Street Setback	The development will result in portions of the hospital complex including the loan set store at lower ground level and the sterile stock at ground floor level built to the western boundary on O'Brien Street. However, as discussed

		<p>under Section 3.1 (Streetscape) above, the landscape response is considered to make a positive contribution to the streetscape. Furthermore, there are no adverse environmental impacts from the proposed setback.</p> <p>The ground floor addition (Link Bridge) to Sydney Street and first floor addition will maintain the existing street setback to Sydney Street.</p>
3.3	Side Setback	These sections are not applicable (refer to above discussion).
3.4	Rear Setback	
3.5	Site Coverage	<p>The maximum site coverage control for a residential development is 50%.</p> <p>Based on the submitted site plan, the existing site coverage is approximately 38%.</p> <p>The additions (144m²) result in a reduction of site coverage of to 37%, which although non-compliant with the control is considered acceptable for a hospital development.</p>
3.6	Building Bulk	<p>The building frontage has its main entry on Sydney Street and is located on the lowest elevation RL of the property. The remainder of the building exhibits a tiered structure as it rises with the slope. The proposal includes an additional storey that will increase the height of the building front and screen exposed features. The building design improves the general appearance of the hospital, matching the colour scheme of the updated main entrance and relieving the building bulk through colour variation and inclusion of windows.</p> <p>The bulk and scale of the development is considered contextually appropriate and the first floor addition has been designed to seamlessly integrate with the existing built form.</p> <p>As discussed under Section 3.1 (Streetscape) above, the amended landscape plan has adequately addressed street tree plantings to help reduce the visual impact of the hospital addition.</p>
3.7	Garage, Carports & Sheds	This section is not applicable.
3.8	Roofs	The proposed roof form is considered acceptable.
3.9	Views	Existing views are maintained.
3.10	Solar Access & Orientation	Given the orientation of the site, any additional

		shadow will be limited to falling upon O'Brien and Sydney Street. No concern is raised.
3.11	Energy Efficiency & Generation	BASIX not applicable. Council is satisfied that the development will comply with Part J of the Building Code of Australia.
4	Visual Privacy	There are no visual privacy concerns given the location of the additions.
4.1	Acoustic Privacy	Refer to Section 5.7 (Noise and Vibration) comments below.
4.2	Landscaped Area	Refer to Section 3.1 (Streetscape) discussion above.
4.3	Landscape Design	
4.4	Principal Private Open Space	These sections are not applicable.
4.5	Front Fences	
4.6	Side & Rear Fences	
4.7	<p>Traffic & Transport</p> <p>Refer to RMS comments under SEPP Infrastructure.</p> <p>The applicant has submitted a Traffic Impact Statement, which Council's Traffic Engineer has reviewed and provided the following comments:</p> <p>Road Design: O'Brien Street, Casey Street and Pacific Highway Access Road appear adequately designed to support this proposal.</p> <p>Pedestrians and Cyclists: O'Brien Street acts as a significant source of on-street car parking. Pedestrians must walk on either the narrow road or the grassed verge, both of which are potentially dangerous. A footpath along the eastern or western verge of O'Brien Street would be beneficial to address this issue, and increase pedestrian connectivity with the Sydney Street footpath, off-site car parks, and hospital entry points.</p> <p>The applicant was requested to further investigate the installation of a footpath along the eastern verge of O'Brien Street to improve pedestrian connectivity and safety. To expedite the process, the applicant has requested that this be conditioned. Accordingly, Council's Development Engineer has recommended imposition of the following condition of consent:</p> <p>Concrete Footpath</p> <p><i>A concrete footpath 1.2 metres wide shall be constructed along the full length of the O'Brien Street frontage on either the eastern or western side between Casey Street and Sydney Street at the cost of the person having the benefit of the consent. Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Councils website.</i></p> <p><i>An approval under s138 of the Roads Act 1993 shall be obtained from Council prior to the issue of any Construction Certificate for those works. No works shall commence prior to the issue of a Construction Certificate.</i></p> <p><i>The person having the benefit of the consent shall ensure that if construction is undertaken on the western side of O'Brien Street all private driveways that are altered due to the construction shall be compliant with AS2890.1 and Council's "Low Side"</i></p>	

	<p>footpath profile. Sufficient notice shall be given to residents affected by the construction. Batter slopes shall not exceed existing slopes. Warrant calculations shall be assessed with regards to safety fencing and provided to Council with the detailed design.</p> <p>Should the person having the benefit of the consent consider the eastern side of O'Brien Street then the same design requirements as noted above shall be required with the Council's "High Side" footpath profile used.</p> <p>It is considered construction in both cases will require the proposed footpath to be positioned directly behind the kerb which may require retaining walls on the eastern side. Detailed designs shall be submitted to and approved by Council for either solution prior to the issue of the First Construction Certificate.</p> <p>Prior to the issue of the final Occupation Certificate a certificate shall be issued by the Principal Certifying Authority stating that the work has been undertaken in accordance with the DCP 2014 Engineering Guidelines.</p> <p>Works within the Public Domain may only be certified by Lake Macquarie City Council.</p> <p>Public Transport: No additional public transport infrastructure is required.</p>	
4.8	Design of Parking & Service Areas	These sections are not applicable.
4.9	Design of Driveways	
4.10	Motorbike Parking & Bicycle Storage	
4.11	<p>Car Parking Rates</p> <p>The existing hospital car parking is detailed below:</p> <ul style="list-style-type: none">• Hughes Street car park (leased from Department of Education) – 148 spaces• Front Entrance on Sydney Street - 12 spaces• Hospital north east carpark - 24 spaces• 2 Casey Street - 8 spaces• 10A O'Brien Street - 18 spaces• 38 Pacific Highway - 16 spaces• Medical Centre - 85 spaces <p>The total existing spaces servicing the hospital equates to 311 spaces. This figure does not include the two leased spaces in Hughes St (referenced in previous approvals) nor the surrounding on-street parking spaces of approximately 85 spaces.</p> <p>The DCP car parking rate is included below (Refer to Table 2):</p>	

Table 2 – Car Parking Rate in Residential Zones**Hospitals (not including a day surgery facility – refer to Medical Centres)***Where a nursing home, hospice, or similar long-stay establishment*

One space per 2 beds, plus 1 space per 2 staff, plus Ambulance spaces

One space per 6 nursing home beds, plus 1 space per 2 staff.

Note – Calculate staff spaces on the maximum number of staff at any one time. Where a mixture of these activities occurs calculate vehicle parking requirements based on the activity mix

Medical centres*Where a health centre or diagnostic technology centre**Where a day surgery**Where a collection Centre**Where a laboratory*

One space per on-duty practitioner, plus 1 space per 2 full-time equivalent employees, plus 1.5 spaces per consulting room, plus 1 space for delivery and collection service

As above, plus 1 space per 2 operating theatres

One space, plus 1 space per collection room, plus 1 space for delivery and collection service

Two spaces, plus 1 space per 50m2 GFA

Note – Where a mixture of these activities occurs calculate vehicle parking requirements based on the activity mix

Health consulting rooms

One space per on-duty practitioner, plus 1 space per 2 full-time equivalent staff, plus 2 spaces per consulting room.

The applicant has calculated car parking numbers based on the current DCP controls and not previous approvals as follows:

DCP Requirement	Quantum	DCP Requirement	Parking Required for Proposal
Staff ¹	241	0.5/staff	121
Licensed Beds	205	0.5/bed	103
Theatres	10	0.5/theatre	5
Medical Centre ²	-	-	85
TOTAL			314 spaces

Note 1: The Hospital currently employs 225 staff with 187 beds, with a further 16 staff to be employed and additional 18 beds on completion of the proposed development applications DA/443/2018 and DA/2320/2017.

Note 2: The Medical Centre total reflects approval under DA/3965/2003/B – this property is StrataTitled and not owned by Lake Macquarie Private Hospital

Council's Traffic Engineer has reviewed the Traffic Report and letter prepared by Akalan, dated 12 June 2018, and advised that based on the current DCP rate, there is a deficiency of three car spaces at the hospital.

The applicant has proposed the provision of four additional car spaces to address this shortfall, which will result in a surplus of one space.

The tandem car spaces will be located on 2 Casey Street (2 spaces) with two additional car spaces on 38 Pacific Highway, which will not affect the design intent of the approved landscaping proposal and will be allocated to hospital staff, thus the spaces can be managed appropriately. It is noted that this approach has worked successfully at other hospitals owned and operated by Ramsay Health Care, including:

- Mitcham Private Hospital
- The Avenue Private Hospital
- Masada Private Hospital
- Donvale Private Hospital

	<ul style="list-style-type: none"> • Waverley Private Hospital • North Shore Private Hospital <p>Council has also supported the tandem spaces in the past, as evident in development consent issued for the medical centre units at 10A O'Brien Street.</p> <p>Council's Traffic Engineer has advised there are no objections to the proposed development from a traffic and transport perspective.</p> <p>The parking infrastructure is required to be designed and constructed in accordance with Australian Standards.</p> <p>It is noted that any further re-development of the hospital with additional floor space, will require additional car parking to be created. The applicant is strongly encouraged to start planning for the future.</p>	
4.12	Non-Discriminatory Access	<p>Council's Community Planner (Aging and Disabilities Services) initially reviewed the development and advised an Access Audit is required to be submitted. This information has been submitted to the satisfaction of Council's Community Planner, who supports the recommendations of the report. The report identified the non-compliance of the sliding doors to the interview room on Level one. Accordingly, it is recommended that the latch side clearance be amended to comply with AS 1428.1.</p> <p>Council's Community Planner has recommend directional signage at the car park to locate designated accessible parking bays. This was dealt with in the original assessment of DA/2320/2017.</p>
4.13	Safety & Security	<p>Council's Community Planner (Youth and Safety) initially reviewed the development and advised that whilst a full crime risk assessment is not required for this application, the presence of crime activity in this area would dictate the requirement to address the four principles of Crime Prevention through Environmental Design. Accordingly, the applicant was requested to demonstrate specific measures to minimise crime that may impact on the development. This information has been submitted to the satisfaction of Council's Community Planner. A draft condition is recommended for imposition to ensure the recommendations are implemented.</p>
4.14	Cut & Fill	<p>The development does not propose any significant cut or fill.</p>
Section 5 – Operational Requirements		

5.1	Demolition & Construction Waste Management	The applicant has submitted a Building Waste Minimisation Plan, which is considered acceptable for DA purposes.
5.2	Waste Management	The development will not significantly alter waste generation, and existing arrangements are considered suitable. A draft condition is recommended for imposition to ensure the approved Waste Management Plan for the hospital shall be modified to include the new works approved under this consent.
5.3	On-Site Sewerage Management	This section is not applicable.
5.4	Liquid Trade Waste & Chemical Storage	A draft condition is recommended for imposition to ensure liquid trade waste is appropriately dealt with.
5.5	Erosion & Sediment Control	Subject to approval, a draft condition is recommended for imposition to ensure erosion and sediment control is appropriately dealt with.
5.6	Air Quality	<p>The development is not:</p> <ul style="list-style-type: none"> • An activity listed in the Schedule of Licensed Activities of the Protection of the Environment Operations Act 1997. • A risk to the community and / or the environment through air pollution. • Any land use, that by the nature of its activities, generates particle/item dispersal and/or odour into the environment.
5.7	Noise & Vibration	<p>Council's Principal Environmental Officer has reviewed the development and submitted Acoustic Report, dated March 2018 and prepared by Wilkinson Murray, and advised the acoustic consultant has evaluated the potential noise impacts to the residential area in accordance with the EPA guidelines and has recommended attenuation measures to proposed mechanical plant to achieve compliance with the project specific noise levels.</p> <p>Subject to approval, draft conditions are recommended for imposition to ensure the recommendations contained in the acoustic report are implemented. The applicant is also required to obtain written acoustic certification from the consultant prior to the issue of a Occupation Certificate certifying compliance with the recommendations, in addition to an acoustic performance certificate at 90 days after occupation.</p> <p>Draft conditions have also been recommended for imposition in relation to permitted Construction site Noise operational times, and compliance with the EPA construction site vibration criteria.</p>

(a)(iia) - any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under

Section 7.4

There is no planning agreement that has been entered into under Section 7.4, and no draft planning agreement that a developer has offered to enter into under Section 7.4 of the Act that relates to this development.

(a)(iv) – any matters prescribed by the regulations

<i>Primary Matters</i>	<i>Specific Considerations</i>	<i>Y/N</i>
Clause 92 EP&A Regulation: Government Coastal Policy	<i>Does the policy apply to the coastal zone of the council area as specified in cl.92 of the EP&A Regulation?</i>	N/A
	<i>Is the proposal consistent with the 'strategic actions' and the 'design and location principles' for the development control in the Policy?</i>	N/A

(b) – the likely impacts of the development

The following matters were considered and where applicable have been addressed within this report:

Context & Setting	Waste
Access, transport & traffic	Energy
Public domain	Noise & vibration
Utilities	Natural hazards
Heritage	Technological hazards
Other land resources	Safety, security & crime prevention
Water	Social impact on the locality
Soils	Economic impact on the locality
Air & microclimate	Site design & internal design
Flora & fauna	Construction
Cumulative Impacts	

(c) – the suitability of the site for the development

Does the proposal fit the locality?	The alterations and additions are considered contextually appropriate to the existing hospital, and suitable to the character of the surrounding area.
Are the site attributes conducive to development?	As detailed in the assessment report, the development site is conducive to the development.

(d) – any submissions made in accordance with this Act or the regulations

How many submissions received?	Three
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Issue Raised	Comments
Support	The reasons in support of the development application are noted.
Integrated into the growing health care and education cluster at Gateshead, expansion works for the LMPH have been sympathetic to the exiting built environment, redevelopment of Hunter Sports High, and the surrounding landscape. The proposal as presented does not expand the existing footprint, does not significantly expand the visual impact, and is in keeping with previously approved and completed expansion works.	
An expanded range of services in line with market demand and community expectations will allow residents to receive treatment and undertake recovery in closer proximity to their home address.	
Expansion of services offered by LMPH will increase the ability for residents to access services otherwise previously constrained to the John Hunter Hospital.	
The Health Care and Social Assistance sector is the single largest employer in the Lake Macquarie LGA employing	
11,135 people (18% of local jobs). The sector contributes \$1.378 billion in output annually to the local economy making it the fourth largest sector (by output) behind 1- construction, 2- manufacturing, and 3- realestate. Growth in this sector serves to strengthen a diversified base and provide a foundation for follow-on health sector investment.	
Ramsay Health Care is at the forefront of innovation and have expanded their operational base from Sydney to include Asia, Europe, and the United Kingdom. The Health facilities at LMPH are connected to some of the leading facilities in the world, giving patients access to global best practice treatment.	
Expansion of the existing LMPH facility will further strengthen the underlying health sector employment base through the creation of 25 new jobs within the existing business.	
New capabilities offered by LMPH will bring new operators to the precinct and are forecast to create a further 9 new jobs and 2 businesses to Lake Macquarie City.	
Allied and specialist health care capability has been represented as a major competitive advantage for the city, particularly when considered against the areas other relative strengths. Dantia's ability to further promote the city's competitive point of difference is	

strengthened by the growing footprint and service offering of LMPH.	
Against	
The gated 'hospital staff' carpark that has been completed on the corner of Casey/O'Brien Street has been seen most days and times to have no more than 12 cars parked here. Where there is currently provision for almost double this, but maybe not all staff have access.	Council's Assessing Officer observed an empty car park upon inspection. Consequently, this issue was raised with the applicant who has brought it to the attention of the new CEO of Lake Macquarie Private Hospital. Council's Assessing Officer has been advised that the staff car park is now in full operation.
For and against	
Strongly supports the ongoing redevelopment and upgrades to the hospital, to provide a modern health facility to the local community as an invaluable asset, in a growing medical precinct. However, ongoing car parking difficulties and pedestrian amenity needs to be addressed.	Noted This issue is noted and concurred with.
It is acknowledged the development complies with Council's minimum parking requirements for hospitals. However, it is noted on-street parking is limited within the hospital precinct during standard business hours. The gated hospital staff car park located at 3 Sydney Street appears to be underutilised. It is also noted compliance with the required parking requirements is based on the use of car parking spaces that are leased from neighbouring property owners and not owned by the hospital (Ramsay Health Care Australia Pty Ltd), including nearly 50% (148) of the required car parking spaces on land presently owned by the NSW Department of Education and Communities. It is recommended parking should be provided above and beyond what is required by the DCP where it can be shown parking difficulties exist. Additional parking should also be provided on sites owned by the hospital to ensure their long term availability.	Noted There are approximately 85 on-street parking spaces in the surrounding area. The applicant has not included the use of these spaces in their calculations. This issue has been previously discussed above. The applicant has been put on notice that any further re-development of the hospital with additional floor space, will require additional car parking to be created. The applicant is strongly encouraged to start negotiations with the Department of Education to purchase this car park. It should be highlighted that Council previously approved the use of the Hughes Street car park to deal with car parking issues. As detailed under Section 2.19 (Lot Amalgamation) of the report, it is the hospitals long term plan to purchase 10 O'Brien Street and 4 Casey Street, Gateshead. The hospitals concept masterplan identifies potential basement car parking in the northern portion of the campus to accommodate future car parking.
Footpaths should be provided in the following locations: <ul style="list-style-type: none"> Entire western side of the site – the eastern side of O'Brien Street, between Casey and Sydney Streets; 	This issue is discussed under Section 4.7 (Traffic and Transport) of the report. It is also the recommendation of this report that a condition be imposed requiring the preparation of a Pedestrian Movement Plan for the entire hospital campus, which

<ul style="list-style-type: none"> • Entire western side of O'Brien Street, between Sydney and Hughes Streets, connecting the hospital to the leased car park; and • Upgrades to existing footpaths on the southern side of Hughes Street to bring them into line with present pavement standards, where required. <p>It is also strongly recommended that footpaths be provided by the applicant in the following locations:</p> <ul style="list-style-type: none"> • The western side of O'Brien Street, between Casey and Sydney Streets; • The northern side of Sydney Street, between O'Brien and Jamieson Streets; and • The southern side of Sydney Street, between O'Brien and Jamieson Streets. 	<p>encompasses all the existing and approved car parks. This is to facilitate improved pedestrian access and egress.</p>
<p>Integrated Development</p> <ul style="list-style-type: none"> • Subsidence Advisory NSW <p>External advisory referral under SEPPI:</p> <ul style="list-style-type: none"> • Ausgrid • RMS 	

(e) – the public interest	
Federal, State And Local Government Interests And Community Interests	No other Federal, State or Local Government submissions have been received. The development is in the broader public interest.

SECTION 4.17 CONSIDERATIONS	Y/N
Having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act, do any of the following issues require further assessment?	
Whether any consent/right should be modified/amended?	NO
Whether any development should be modified or ceased?	NO
Whether the period of the development should be limited?	NO
Whether any building/works should be removed after period?	NO
Whether any works should be carried out regarding S4.15?	NO

SECTION 4.17 CONSIDERATIONS	Y/N
Whether any application details should be modified?	NO

SECTION 7.11 – CONTRIBUTIONS	Y/N												
Are contributions required for the provision, extension or augmentation of public amenities and public services?	YES												
<p>No 1 City Wide – Charlestown Catchment (2004)</p> <p>Section 7.11 Contributions are required for the following purposes (applies to all residential, including Housing for Seniors and or People with a Disability, Tourist Accommodation, and some non-residential land uses):</p> <ul style="list-style-type: none"> ➤ Open Space and Recreation; ➤ Community Facilities; ➤ Roadworks and Traffic Management; ➤ Drainage, Stormwater and Water Quality Control; and ➤ Management. <p>The following fee information is calculated under the (2015) Charlestown Plan and is valid until the 14 August 2018. The fees are calculated using the following criteria:</p> <p>70m² + 85.3m² (plan 03) GLFA</p> <p>626.7m² + 50m² retail (for café/coffee area – plan 04) GLFA and retail</p> <p>24m² (plan 02) GLFA</p> <p>Total GLFA is 806m² which comes to 70.92 PVTs. Added to this is 50m² café/coffee area levied as retail space and 16 additional workers.</p> <p style="text-align: center;">CONTRIBUTION FEE SCHEDULE</p> <table> <thead> <tr> <th>DESCRIPTION</th><th>FEE AMOUNT</th></tr> </thead> <tbody> <tr> <td>CMH-Roads-Capital-R005/R006/R007-CPI</td><td>\$316,730.71</td></tr> <tr> <td>CMH-Roads-Land-R005/R006/R007-LVI</td><td>\$2,962.70</td></tr> <tr> <td>CMH-Public Transport Facilities-CPI</td><td>\$243.02</td></tr> <tr> <td>CMH-Plan Preparation & Administration-CPI</td><td>\$759.87</td></tr> <tr> <td style="text-align: right;">TOTAL</td><td>\$320,696.30</td></tr> </tbody> </table> <p>Subject to approval, a condition is recommended for imposition to ensure the contribution fee schedule is included.</p>	DESCRIPTION	FEE AMOUNT	CMH-Roads-Capital-R005/R006/R007-CPI	\$316,730.71	CMH-Roads-Land-R005/R006/R007-LVI	\$2,962.70	CMH-Public Transport Facilities-CPI	\$243.02	CMH-Plan Preparation & Administration-CPI	\$759.87	TOTAL	\$320,696.30	
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SECTION 4.65 – EXISTING USE RIGHTS	Y/N
Is the proposal prohibited under an environmental planning instrument in force?	YES
Was the existing use of the building, work or land granted development consent?	YES
Is the existing use of the building, work or land in accordance with the original	YES

SECTION 4.65 – EXISTING USE RIGHTS	Y/N
development consent granted?	
Has the use of the building, work or land ceased to be used continuously for a period of 12 months?	NO
Is the proposal for any alteration or extension to or rebuilding of a building or work?	YES
Is the proposal for an increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned?	YES
Is the proposal for the enlargement or expansion or intensification of the use therein mentioned?	YES
Comment: The applicant is not relying upon existing use rights rather the provisions of SEPP (Infrastructure), which enable permissibility (Refer to SEPP discussion).	

ECOLOGICALLY SUSTAINABLE DEVELOPMENT	Y/N
Having regards for the principles of ecologically sustainable development, do any of the following issues require further consideration?	
Precautionary principle?	NO
Intergenerational equity?	NO
Conservation of biological diversity and ecological equity?	NO
Improved valuation, pricing and incentive mechanisms?	NO

RECOMMENDATION:
Approval subject to conditions of consent

DETERMINATION
At what level should the application be determined? Regional Planning Panel

ENDORSEMENT
<p>The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application.</p> <p></p> <p>Georgie Williams Senior Development Planner Development Assessment and Compliance Date: 14 August 2018</p>

ENDORSEMENT

A handwritten signature in black ink, appearing to read "Elizabeth Lambert". The signature is stylized with a large, looping initial "E" and a cursive "Lambert".

Elizabeth Lambert
Chief Planner
Development Assessment & Compliance Department
Date: 14 August 2018