

09 May 2017

The General Manager
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Attention: Geoff Douglas and Priscilla Emmett

Dear Sir/Madam,

RE: Section 55 Amendment – Lingard Private Hospital, 23 Merewether Street, MEREWETHER NSW 2291 (S4.55(1A) – DA2015/10349.02)
OUR REF: 17226.1

1 Introduction

This letter is a request to amend the Section 4.55 (s4.55) modification to DA 2015/10349.02 to alter the scope of the development and wording of Condition 63 under Section 55 of *the Environmental Planning & Assessment Regulation 2000*.

Environmental Planning and Assessment Regulation 2000

55 What is the procedure for amending a development application?

(1) A development application may be amended or varied by the applicant (but only with the agreement of the consent authority) at any time before the application is determined.

(2) If an amendment or variation results in a change to the proposed development, the application to amend or vary the development application must have annexed to it written particulars sufficient to indicate the nature of the changed development.

The current s4.55 application before Council involves the modification of Condition 1 and Condition 63 pertaining to minor staff room internal alterations and parking respectively.

Once amended, the current application will include only the modification to Condition 63. It should be noted that the request to modify Condition 1 relating to amending plans to facilitate minor staff room alterations has been removed from this s4.55 modification to fast track the determination of parking amendment.

2 Background

Lingard Private Hospital offers a comprehensive range of specialist health services including cardiac, medical, surgical and allied health services.

The development application (DA2015/10349) pertaining to the following alterations and additions to Lingard Private Hospital was granted consent by Newcastle City Council on 6 December 2016:

- *'removal of the existing doctors car park (26 spaces) to make way for the construction of a two storey addition (1,700m²) at the western side of the existing hospital site to provide a new ground floor operating theatre suite containing 4 new operating theatres (overall + 3 theatres as 1 is lost in the internal alterations to the existing hospital) and a Level 1 Medical Ward providing 25 beds (overall + 24 additional beds as 1 bed is lost in the internal alterations to the existing hospital) and 3 new car spaces located at the rear of the proposed additions, accessed from Tye Street; and*

- *part internal refurbishment of the existing hospital (existing theatres and administration/amenities - 455m²).*

The current s4.55 modification to the above DA was lodged on 20 March 2018 (DA2015/10349.02). It sought to modify two conditions of consent relating to architectural plans and parking; Condition 1 and Condition 63 respectively. As outlined previously, this application is now requested to be amended subject to Clause 55 of the EP&A Regulation 2000.

3 Proposed Amendments

The current application is now proposed to modify Condition 63 of DA2015/10349 to alter the timing of the release of the Occupation Certificate based on the outcome of DA 2016/0394 for the car parking structure. The car park structure is currently under construction, and ground floor theatres will be ready for use as of 12 June 2018.

Condition 63 currently states:

63. *All works associated with the carpark approved under DA 2016/0394 shall be completed and Final Occupation Certificate issued prior to the issue of any Occupation Certificate and/or occupation of the additions proposed under this application.*

Due to difficulties encountered during construction, it was proposed to modify Condition 63 as follows:

63. *The 50 car parking spaces required under DA2016/0394 shall be completed within 8 months after the issue of any Occupation Certificate and/or occupation of the additions proposed under this application.*

It is now proposed to modify Condition 63 to the following:

63. ***Should the carpark approved under DA2016/0394 not be completed prior to issue of any Occupation Certificate for this application then satisfactory alternate interim car parking arrangements shall be submitted to Council for approval prior to the issue of an Occupation Certificate for this application. Such arrangements shall not extend beyond six (6) months post Council approval.***

Comment:

Table 1 below responses to Council's request for additional information dated 2 May 2018, providing additional details regarding the proposed alternative parking arrangement.

Table 1: Response to Council's Request for Further Information

Council's Question	Response
The amended S96 request formally be submitted and electronically for Council's records.	This letter is considered to be a formal submission to amend the s4.55 currently before Council to modify Condition 63 of DA2015/10349.02.
The location of the alternative parking needs to be provided (i.e. Gibson Street). Support would not be given to an alternative option without the alternative parking solution be confirmed and finalised.	<p>The alternative parking will be provided at Civic West Car Park, located on Gibson Street, Newcastle. The car park is owned and operated by Hunter Parking and Storage.</p> <p>The carpark is accessible 24 hours a day, 7 days a week; with controlled access between 5:00am and 8:00pm.</p>

<p>Evidence that a contract can be secured for the:</p> <ul style="list-style-type: none"> i) Alternative car parking (50 spaces); and ii) That these spaces would be readily available for parking (i.e. hours of availability) - preference would be that the contract has been secured and evidence submitted. 	<p>An interim parking arrangement has been established with Hunter Parking and Storage; staff with shifts between 6:00am to 10:00pm will be able to access the Civic West Car Park at the expense of Lingard.</p> <p>Up to 50 spaces will be reserved for Lingard staff to use, these spaces will be allocated as per Hunter Parking and Storage's normal car parking system and will be tracked by number plate recognition.</p>
<p>This contract needs to ensure these spaces are solely available for Lingard (i.e. reserved - not competing with the general public).</p>	<p>Up to 50 spaces will be reserved for Lingard staff to use, these spaces will be allocated as per Hunter Parking and Storage's normal car parking system and will be tracked by number plate recognition.</p> <p>The terms of the arrangement have been negotiated and settled upon. A formal signed letter will be provided to Council at the earliest convenience.</p>
<p>That these 50 spaces are used to relocate staff parking (i.e. likely to be a more practical outcome than visitors) and that these spaces will be available at no cost to staff.</p>	<p>The alternative car parking arrangement will be available to staff and will be provided at no cost.</p> <p>For safety reasons, night staff will be encouraged to continue to park on-site; this will be feasible as no visitors or day patients will be on-site due to restricted visitor and operating hours. No visitors will be able to utilise the alternate arrangement.</p>
<p>That a mini bus/bus is provided to shuttle staff between the alternative location and Lingard Hospital.</p>	<p>Staff will be transported via a Lingard mini bus to and from the hospital for a period of six (6) months whilst the carpark approved under DA2016/0394 is built, located at 6 Lingard Street, Merewether.</p>
<p>The hours of operation of the mini bus/bus and hours of availability of the parking needs to be demonstrate that it will operate and be adequate when compared to the staffing levels of shifts at the hospital. You should be able to demonstrate, based on shifts and staffing levels, when the likely parking demand would commence and correspondingly provide a matching parking/bus service. It is expected that this would likely be between 6am to 10pm but depending on staff levels and shift changes there would possibly be different peaks. It may be also possible that a larger bus might be appropriate for peaks, such as shift changes, and a smaller mini bus service at other times (i.e. there could be other ways to achieve a reasonable functionality).</p>	<p>The Lingard mini bus will be operational between 6:00am and 10:00pm, running shuttles to and from the hospital to the car park at the commencement and completion of shifts.</p> <p>Number plate recognition will be used to track the entry and exit of staff utilising the car park to ensure an adequate amount of parking is reserved for Lingard; and can be adjusted to reflect the staff utilisation.</p> <p>Due to the advanced scheduling of operations, it is not expected that peaks will occur. However, should a peak occur additional shuttle trips using the Lingard mini bus will be provided. It is not anticipated that a larger bus will be required to cater for the staff utilising the parking arrangement.</p>

<p>The operation on this basis would be limited to a 6 month period to allow for the parking at 6 Lingard Street to be completed.</p>	<p>Noted. It is agreed that the alternative arrangement will only be in place for a six (6) month period. It is anticipated that the carpark will be completed in Quarter 4 2018 to align with this timeframe.</p>
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4 Planning Assessment and Justification

Condition 63 notes that the Final Occupation Certificate for DA2015/10349 cannot be issued until the Final Occupation Certificate for DA2016/0394, the carpark structure has been issued. The carpark structure was scheduled for completion prior to the operating theatres, however, due to significant geotechnical findings during construction the carpark structure is not scheduled for completion until Quarter 4 2018.

The application to modify this condition is on the basis that due to the planned operations in the hospital, the timing for the completion of the carpark under DA2016/0394 will not occur until after the works under DA2015/10349 have been completed. Therefore, it would be literally impossible to meet condition 63.

In addition, due to changes in the EP&A Act 1979 preventing Council from approving s4.55 applications that were previously subject to JRPP approval; this matter has become time critical.

Due to staging of the overall development, two (2) existing operating theatres will be required to come offline to facilitate the development. Hence, only three (3) theatres will be operational instead of the whole five (5) theatres. Thereby, it is critical to deliver the ground floor theatres prior to June 12, 2018 to ensure all patients can receive their planned operations, align with surgeons' schedules and reduce potential waiting periods.

In accordance with the DCP parking requirements; the operating theatres will not increase Lingard's overall licensed bed count and will only marginally increase the staff on-site during the day by approximately 10 staff. The operating theatres themselves will only generate the need for approximately 5 car spaces; these spaces can be accommodated through the proposed interim parking measures.

The proposed new wording of the condition will ensure that interim parking measures are in place to deal with the operating theatres coming online for a six (6) month period, until the 50 parking spaces are provided as approved under DA 2015/10349.

5 Conclusion

The proposed amendment to Condition 63 is considered minor in nature and will not significantly change the overall design, use or function of the recently approved alteration and additions to Lingard Private Hospital.

In addition, the modification to the condition will result in a net public benefit, allowing planned operations to proceed whilst managing the car parking on-site through an off-site parking arrangement. This arrangement is considered appropriate for a short period of time.

It is considered that the changes are in accordance with the intent of the consent and there are no detrimental impacts resulting from this amendment. Therefore, given the merit of the proposal and the absence of any significant adverse impacts, the modification is considered to be worthy of Council's support.

Please don't hesitate to contact the undersigned or Naomi Weber on 0415 598 373 or at naomi@kdc.com.au.

Yours sincerely



Benjamin Young
Managing Director
KDC Pty Ltd