

**JOINT REGIONAL PLANNING PANEL
(Hunter Central Coast)**

Council Report

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| JRPP No | 2018HCC023 |
| DA Number | DA/535/2017/A |
| Local Government Area | Central Coast |
| Proposed Development | Private Hospital |
| Street Address | 645 Pacific Highway Kanwal |
| Date lodged: | 31 May 2018 |
| Applicant: | Doug Sneddon Planning Pty Ltd |
| Architect: | Health Projects International – Architects and Health Facility Planners |
| Value of Works | \$15.18m |
| Reason for JRPP Determination | Section 4.6(b) of the Environmental Planning and Assessment Act 1979 requires Section 4.55 modifications to be referred to JRPP for determination that were originally determined by JRPP. |
| Council's Planner | Julie Garratley |
| Date Prepared: | 12 June 2018 |

Project Description:

The application seeks approval for a Section 4.55 1(A) modification to the private hospital approved under DA/535/2017. The modifications are considered minor in nature and involve the following:

- Level 3 Floor Plan:
 - Reduction of plant room size on Level 3 and change of roof from concrete slab to metal roof over level 2.

- Level 2 Floor Plan:
 - The mechanical duct along the southern façade (Craigie Avenue) is to be removed and replaced with additional windows.
- Level 1 Floor Plan:
 - New plant room to be included on level1 east of Grid K.
 - Floor Plan: Reconfiguration of internal layout on Level1 to reduce the number of operating theatres from 4 to 3 and show the Central Sterile Services Department.
 - Levels 1 and 2 Floor Plans: New external stair connecting level 2 to level 1 for access to level plantroom along Grid 2 between Grid K and L.
 - Levels 1 and 2 Floor Plans: Changes to stair 5 between Grid C and D along the Pacific Highway which is necessary to allow for adequate fire egress from the building due to further refinement of site levels.
- Ground Floor Plan:
 - Electrical switch room adjacent to loading dock revised with minor changes to the fire stair from Lower Ground behind. Switchboard relocated as an external switchboard to the retaining wall for the sub-station.
 - External generator now shown between Grid N & P and Grid 1 & 2. One (1) ground level staff car park is omitted due to this change.
 - Changes to the internal layout of the main hospital entrance lobby. Lobby entrance is to be relocated from the internal car park facade to the Craigie Avenue façade. This façade is fully glazed, providing excellent visual connection between the lobby and the street.
 - Refinement to the main entrance due to refinement of levels. The proposed modified hospital entrance complies with AS1428 and the overland flow design of the originally approved DA.
- a) Lower Ground Floor Plan:
 - Stair 4 for fire egress from Lower Ground to Craigie Avenue is shown on the floor plan.

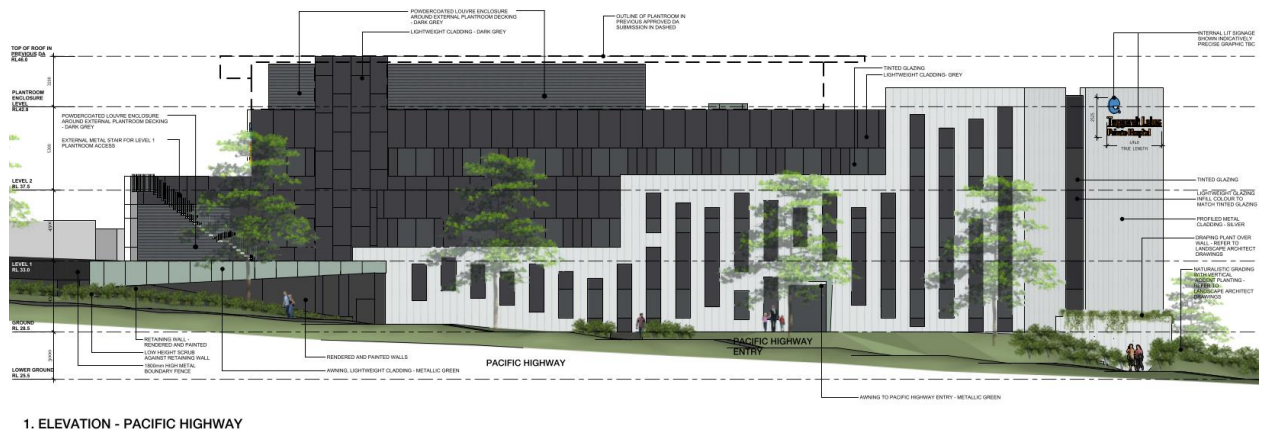


Figure 1: Elevation - Pacific Highway.

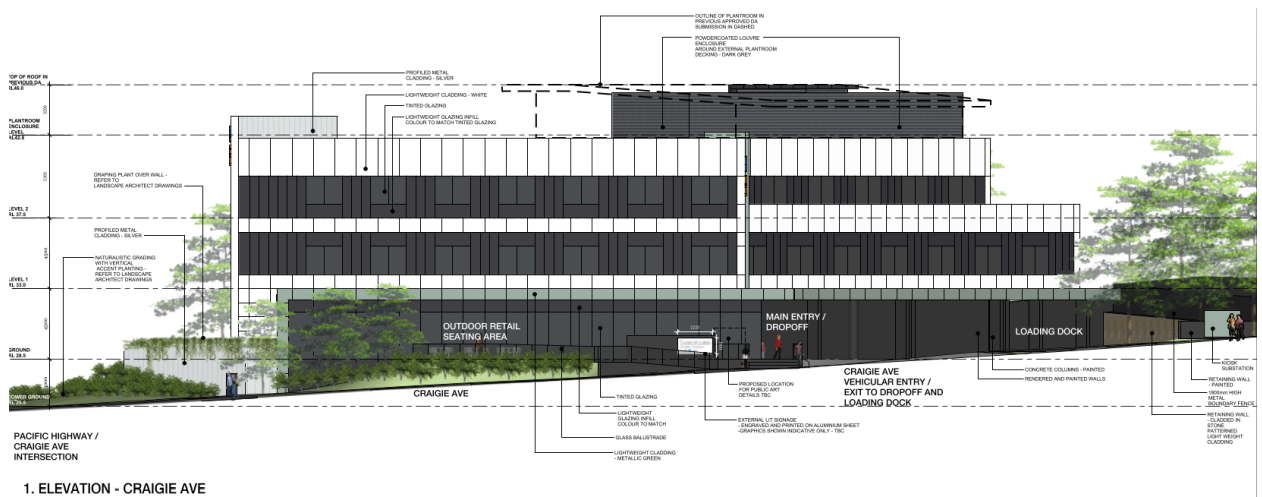


Figure 2: Elevation – Craigie Avenue.

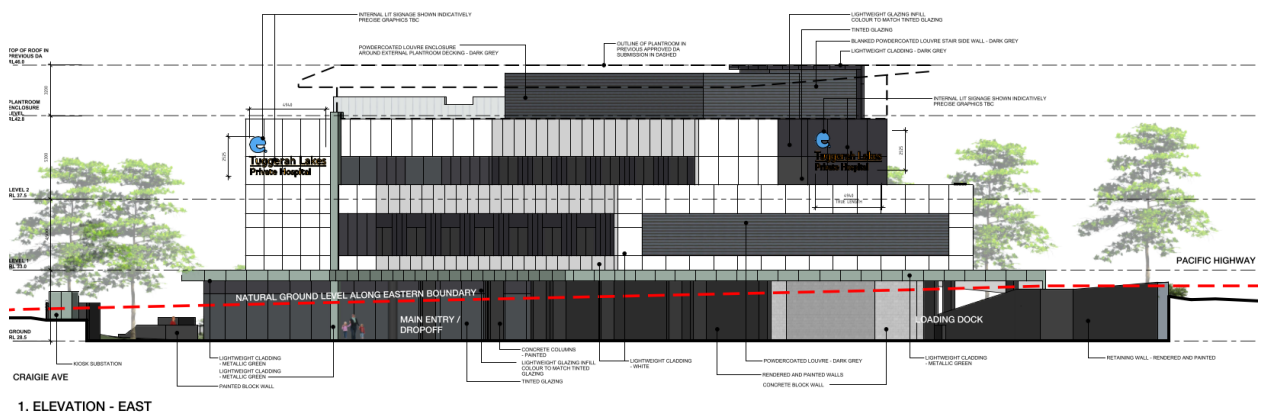


Figure 3: Elevation – East

Relevant Background:

DA/535/2017 was approved by the Hunter Joint Regional Planning Panel on 21 September 2017 and has a lapse date of 21 September 2022.

The Site:

The proposed development is located on the corner of Pacific Highway and Craigie Avenue which is a four-way signalized intersection. The development is proposed over two (2) existing lots. The site is irregularly shaped with the frontage to Pacific Highway of approximately 142 metres and frontage to Craigie Avenue of approximately 95 metres. The existing driveway access is via Craigie Avenue and the site has a moderate fall from north east to south west of approximately 7 metres.

The site is located opposite Wyong Hospital and Kanwal Medical Centre to the west and Kanwal Public School is located to the east. The east and north contains existing residential dwellings and a few light industrial uses are found nearby in Wiowera Road. The land to the south is predominantly vacant.



Figure 4: Aerial photo of subject site.

The site is located within the Craigie Avenue Precinct which encourages development that compliments Wyong Hospital. The desired future character is to create an attractive precinct through attractive street presentation to Pacific Highway and Craigie Avenue.

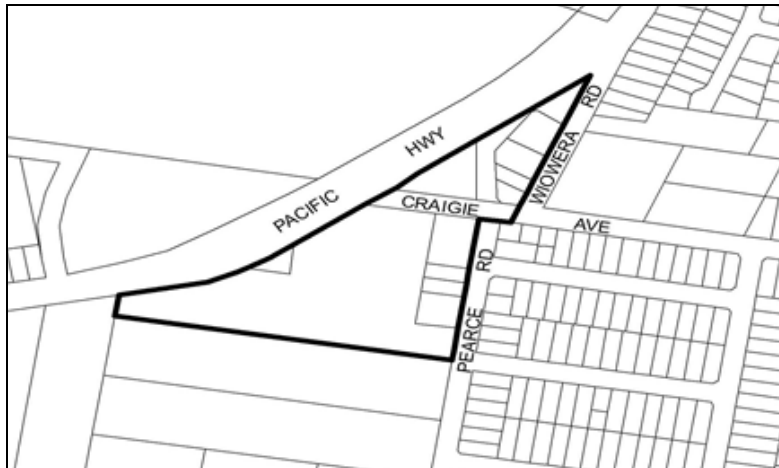


Figure 5: *Craigie Avenue Precinct boundary.*

Environmental Planning and Assessment ACT, 1979

1. Section 4.55 – Modification of Consents

Section 4.55 (1A)

In accordance with Section 4.55(1A), Council may consider a modification of development consent provided:

- a) it is satisfied that the proposed modification is of minimal environmental impact, and
- b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The applicant suggests that the proposed modification is substantially the same as the development that was approved and provides the following:

“The proposed modifications to Development Consent No. 535/2017 are of minimal environmental impact as they do not result in any significant change to the external or internal form of the originally approved development, other than to:

- reconfigure the rooftop plant enclosure and make minor changes to electrical switch rooms;*
- provide a new plant room on Level 1;*
- provide additional windows to the Craigie Avenue façade;*
- make minor changes to external stairways;*
- re-orient the entrance lobby to face Craigie Avenue; and*
- provide an external generator at the north-east corner of the site.*

Council Response:

The power to modify an approved consent is to “alter without radical transformation”. A qualitative and quantitative assessment between the development as approved and the proposed modifications is required and the findings of that comparison must be that the development is “essentially” or “materially” the same as the approved development (*Moto Projects (No 2) Pty Ltd v North Sydney Council* (1999) 106 LGERA 298 at 309).

In addition, the specific elements and impacts of the approved development and the proposed modification must be compared. It is not enough to consider the general description of the modification as being substantially the same. The way the development is carried out is relevant to the outcome and a proposal that is substantially the same would result in little or no impact to the surrounding locality (*Vacik Pty Ltd v Penrith City Council* [1992] NSWLEC 2).

Quantitatively, the proposed modifications do not alter the approved FSR and building height. The plant room originally approved on level 3 is reduced in size and one staff car space is removed resulting in 70 car spaces on site. Qualitatively, the minor changes will not alter the built form, are mostly internal and will not impact the surrounding locality.

Based on a quantitative and qualitative comparison of the application as approved and the proposed modifications, it is considered that the proposed modifications result in a development that is substantially the same as that originally approved.

Zoning & Land Affectation:

The subject site is zoned B6 Enterprise Corridor under the Wyong Local Environmental Plan 2013 (WLEP). The approved development remains permissible under the WLEP 2013.

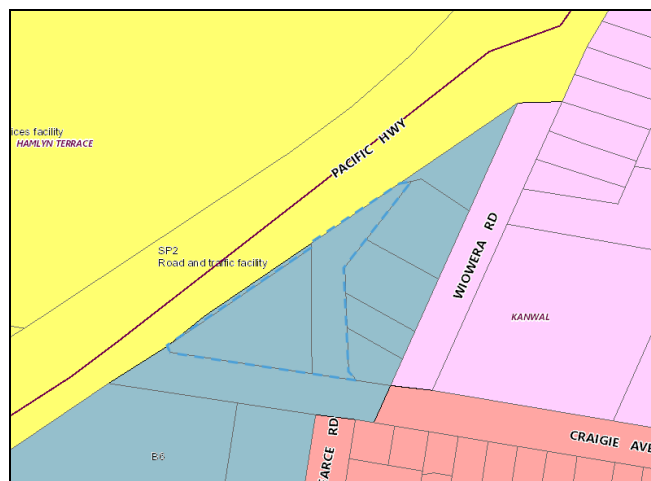


Figure 6: Wyong Local Environmental Plan 2013, subject site and surrounding properties.

Height of Buildings

Clause 4.3 (2C) permits buildings to a height of 20m on land identified as “Area 4” on the buildings height map if:

- (a) the site area is 2,000 square metres or more, and*
- (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.*

The site area is 3,928m² and the proposed building is for the purpose of a hospital which is a health services facility. The maximum height proposed is 17.5m. The uppermost level is reduced in floor area, but remains at a maximum height of 17.5m and compliant with the height requirements.

Floor Space Ratio (FSR)

Clause 4.4 (2C) permits a maximum FSR of 2:1 on land identified as “Area 3” on the Floor Space Ratio map if:

- (a) the site area is 2,000 square metres or more, and*
- (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.*

The site area is 3,928m² and the proposed building is for the purpose of a hospital which is a health services facility. The proposed development was approved with a FSR of 0.8:1. The proposed amendments do not change the approved FSR therefore remaining compliant with the maximum FSR.

Relevant Statutory Controls:

The approved development was assessed against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy No. 64 Advertising and Signage
- Wyong Local Environmental Plan 2013
- Wyong Shire Development Control Plan 2013 (DCP)

Chapter 1.2 - Notification of Development Proposals

Chapter 2.11 - Parking & Access

Chapter 2.15 – Public Art

Chapter 3.1 - Site Waste Management

Chapter 6.15 – Craigie Avenue Precinct

- Section 7.11 Contribution Plan

WDCP Chapter 2.11 - Parking & Access

The reduction of one car parking space reduces the number of parking spaces from 71 to 70. The total number of car spaces required for the development was 48 + 2 service spaces. The number of spaces provided after the reduction of one space is 70 + 2 service spaces remaining compliant with the car parking requirements.

WDCP Chapter 6.15 - Craigie Avenue Precinct

The proposed modifications are minor in nature and considered to remain consistent with the objectives of Chapter 6.15. The additional windows placed on the Craigie Avenue façade are a minor change to the elevation and the design remains of high architectural quality. The additional windows will increase the natural surveillance of the local area.

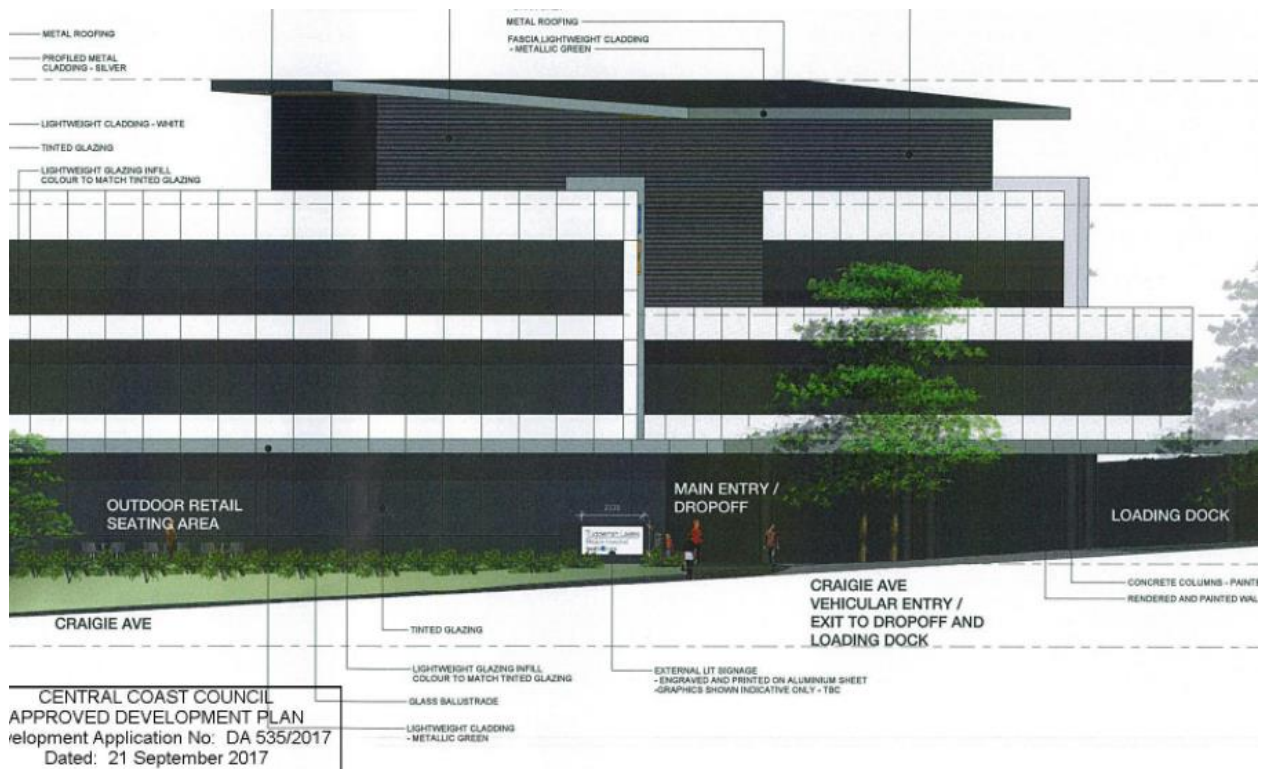


Figure 7: Craigie Avenue façade – as approved with louvre screens on level 3 and showing larger plant room on roof.



Figure 8: Craigie Avenue façade – proposed amendment to façade showing additional windows and reduced plant room on roof.

Referrals:

The application was not referred to external authorities as the amendments are minor in nature and would not alter previous comments.

Public Notification:

The application was not notified in accordance with DCP 2013 Chapter 1.2 - Notification of Development Proposals. The proposed amendments are minor in nature and not considered to impact on adjoining properties.

The original application was notified with four submissions received. The general concerns related to car parking and traffic in relation to the proximity of Kanwal Public School. The proposed amendments will not result in a change to the previous assessment of the items of concern. The development continues to provide greater than the number of car parking spaces required under Council's development controls and there will be no change to traffic movements previously assessed.