

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-125 - DA/63014/2021
PROPOSAL	Alterations to Health Services Facility and Additional Car Parking
ADDRESS	9 Vidler Avenue, Woy Woy 2256 - Lot 1 DP787109 16 Dwyer Avenue Woy Woy 2256 - Lot 3 DP778360 20 Vidler Avenue, Woy Woy 2256 - Lot 2 DP778281
APPLICANT	Health Care Australia C/- SLR Consulting Australia Pty Ltd
OWNER	Australian Unity
DA LODGEMENT DATE	07/09/2021
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 7 of the SRD SEPP: Health services facilities over \$5 million capital investment value.
CIV	\$8,990,000 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	• <i>Environmental Planning and Assessment Act 1979</i> • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> (repealed) • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (repealed) • <i>State Environmental Planning Policy (Infrastructure) 2007</i> (repealed) • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>Draft Central Coast Local Environmental Plan 2018;</i> • <i>Gosford Local Environmental Plan 2014</i> • <i>Gosford Development Control Plan 2013</i>

TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	One (1) • Setbacks, height, and impact on neighbours to the west • Overlooking and privacy • Overshadowing • Incremental and cumulative impact of hospital extensions • Noise impacts from driveway, plant and machinery
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plan (D15085434) Landscape Plans (D15139871)
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	9 June 2022
PLAN VERSION	21 January 2022 Version No A
PREPARED BY	Senior Development Planner – Erin Murphy
DATE OF REPORT	30 May 2022

EXECUTIVE SUMMARY

The development application DA/63014/2021 seeks consent for alterations to health services facility known as the Brisbane Waters Private Hospital, including the construction of a first floor extension to the northern hospital ward, other minor alterations to the main hospital building, the demolition of two existing single dwelling buildings located on hospital grounds and provision of additional car parking in their place and associated landscaping works. The proposal will result in an additional 1,731sqm of Gross Floor Area, 26 new hospital beds, 11 new car parking spaces and 12 additional staff.

The subject site consists of three separate lots:

- 9 Vidler Avenue, Woy Woy 2256 - Lot 1 DP787109
- 16 Dwyer Avenue Woy Woy 2256 - Lot 3 DP778360
- 20 Vidler Avenue, Woy Woy 2256 - Lot 2 DP778281

9 Vidler Avenue is located on the western side of Vidler Avenue and contains the existing main private hospital building. The site area of 9 Vidler Avenue is 10,170sqm.

16 Dwyer Avenue is located on the north eastern corner of Vidler Avenue and Dwyer Avenue and contains hospital car parking areas as well as two single storey building (former dwellings) currently being used as health consulting rooms. The site area of 16 Dwyer Avenue is 2,087sqm.

No. 20 Vidler Avenue is located on the south eastern corner of Vidler Avenue and Dwyer Avenue and contains hospital car parking areas. No works are proposed to this lot as part of this development application. It is noted that this site was not originally included as part of the Development Application site. The owner and applicant confirmed and provided owners consent, via a letter dated 27 May 2022, to amend the Development Application to include this Lot. This was requested to ensure the conditions in regard to parking would capture the parking provided on all 3 sites.

The site is zoned SP2 Infrastructure (Health Services Facility) under the *Gosford Local Environmental Plan 2014*. The proposal is considered to be consistent with the zone objectives. The proposal expands the existing medical services by providing a new ward at the hospital to further increase the ability of the hospital to service the growing Central Coast region. The extension is two storey in nature and presents as a modern design that is appropriate within the streetscape and is compatible with the desired future character of the area.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Clause 7(1) of *State Environmental Planning Policy No 55—Remediation of Land* for consideration of whether the land is contaminated.

The application was placed on public exhibition from 17 September 2021 until 18 October 2021 with one public submission being received. This submission raised issues relating to setbacks, height, and impact on neighbours to the west, overlooking and privacy, overshadowing, cumulative impact of hospital extensions and noise impacts from driveway, plant and machinery. These issues are considered further in this report.

The application is referred to the Hunter and Central Coast Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Clause (5)(b) of Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* as the proposal is development for *Health services facilities* with a CIV over \$5 million.

A briefing was held with the Panel on 31 March 2022 where key issues were discussed including:

- Amended landscaping plans required to include canopy trees in car parking area
- Privacy for adjoining residential properties – windows on second storey to include privacy mitigation measures
- Mechanism to link the properties – can be included as a condition
- Boundary interfaces – adjoining residential development and relationship with proposed built form
- Existing site functions to continue to work adequately (ie. capacity of waste management with additional demand)

These issues have been addressed by the applicant and discussed throughout this report and are summarised as follows:

- Updated landscape plans were provided - included 7 shade trees to be planted around the new carparking areas.
- Privacy between the proposed rooms and the adjoining properties is facilitated through frosted glass to a height of 1.7m. Amended landscape plans include additional area of planting between the new addition and the adjoining residential properties.
- The first floor extension has a height of 8.7m at the western boundary, which is not out of scale with the surrounding residential development. Additional planting will soften and screen the additions to the adjoining properties and provide a further privacy measure as well as provide an appropriate interface to the residential properties.
- The current waste collection points are large enough to manage the extra waste and linen for removal, and delivery/collection access is adequate to manage increased deliveries of supplies. Collections are dispersed across the weekdays to ensure minimal impacts to the site and the surrounding areas.
- In relation to a mechanism to link the properties, this is to ensure the car parking spaces provided on 16 Dwyer Avenue, cannot be removed, as they provide car parking for the main hospital building located on the separate lot, 9 Vidler Avenue. A condition of consent is recommended, see Condition 6.1:

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State environmental planning policies, in particular Gosford LEP 2012 and the Gosford DCP 2013, the proposal can be supported.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA/63014/2021 is recommended for approval subject to the conditions contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site consists of three separate lots:

- 9 Vidler Avenue, Woy Woy 2256 - Lot 1 DP787109
- 16 Dwyer Avenue Woy Woy 2256 - Lot 3 DP778360
- 20 Vidler Avenue, Woy Woy 2256 - Lot 2 DP778281

16 Dwyer Avenue is located on the north eastern corner of Vidler Avenue and Dwyer Avenue and contains hospital car parking areas as well as two single storey building (former dwellings) currently being used as health consulting rooms. The site area of 16 Dwyer Avenue is 2,087sqm.

9 Vidler Avenue is located on the western side of Vidler Avenue and contains the existing main private hospital building. The site area of 9 Vidler Avenue is 10,170sqm.

No. 20 Vidler Avenue is located on the south eastern corner of Vidler Avenue and Dwyer Avenue and contains hospital car parking areas. No works are proposed to this lot as part of

this development application. It is noted that this site was not originally included as part of the Development Application site. The owner and applicant confirmed and provided owners consent, via a letter dated 27 May 2022, to amend the Development Application to include this Lot. This was requested to ensure the conditions in regard to parking would capture the parking provided on all 3 sites.

The site is largely free of vegetation and generally flat. The site is not bushfire prone. The site is identified as being affected by Woy Woy Peninsula Flood Study but is not affected by the 1% Annual Exceedance Probability (AEP).

The site is zoned SP2 Infrastructure (Health Services Facility) under the *Gosford Local Environmental Plan 2014*. The site has a maximum FSR of 2:1 and a maximum building height control of 11.5m



Figure 1 – Aerial Photo of the site

1.2 The Locality

The subject site is adjoined by residential premises to the east and west, north and north east, which are zoned R1 General Residential. A mix of warehouses are located to the north and north west within the IN1 General Industrial Zone. The Woy Woy Public Hospital is located to the south, within the SP2 Infrastructure (Health Services Facility) zone.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for alterations to existing health services facility and additional car parking. Specifically, the proposal involves:

16 Dwyer Avenue

- Demolition of two existing single dwelling buildings located on hospital grounds
- Removal of five (5) car parks adjoining dwellings proposed to be demolished
- Construction and use of new car park expansion replacing the two dwellings proposed to be demolished
- Planting of 7 x shade trees (Tuckeroo 5-8m) within new carparking areas.

9 Vidler Avenue

- Partial demolition works of the existing hospital building to facilitate alterations and additions proposed (demolition of 8 existing hospital beds)
- Demolition of existing car park areas (5 spaces)
- Internal reconfiguration resulting in the removal of a kiosk and two rejuvenation rooms and the establishment of five new patient rooms;
- Construction of new addition at the southern corner of the existing hospital building facilitating the addition of two patient rooms; and
- Addition of a new floor to the northern hospital ward resulting in an additional 27 patient rooms, 6 group rooms, 4 consulting rooms, gym, art room, breakout space, and staff rooms.
- Minor landscaping works and planting of 9 x Lilly Pilly trees (*Acmena smithii* 3-5m and/or *Syzigium leuhmanii* 2-15m) on the western boundary

Overall operational details such as operating hours, deliveries, and waste collection are not proposed to be changed. The key development data is provided in **Table 1**.

Table 1: Development Data

Control	Proposal	
	Existing	Proposed
Site area	9 Vidler Avenue - 10,170sqm	
GFA	7,670sqm	9,401sqm - Additional 1,731sqm
FSR	0.75:1	0.92:1
Clause 4.6 Requests	No	
No of hospital beds	109	135 - Additional 26 beds
No. of Staff	79	91 – Additional 12 staff
Max Height	10.1m (general parapet height 8.7m)	
Landscaped area	Generally maintained with some areas of increased /improved landscaping	
Car Parking spaces	118 (including hospital car parking on 20 Vidler Ave)	129 (additional 11) (including hospital car parking on 20 Vidler Ave)
Setbacks	First Floor extension is setback: 1.9-3.2m from eastern rear boundary 11-13m from the northern side boundary. 3.3 – 3.6m from the eastern Vidler Avenue boundary	

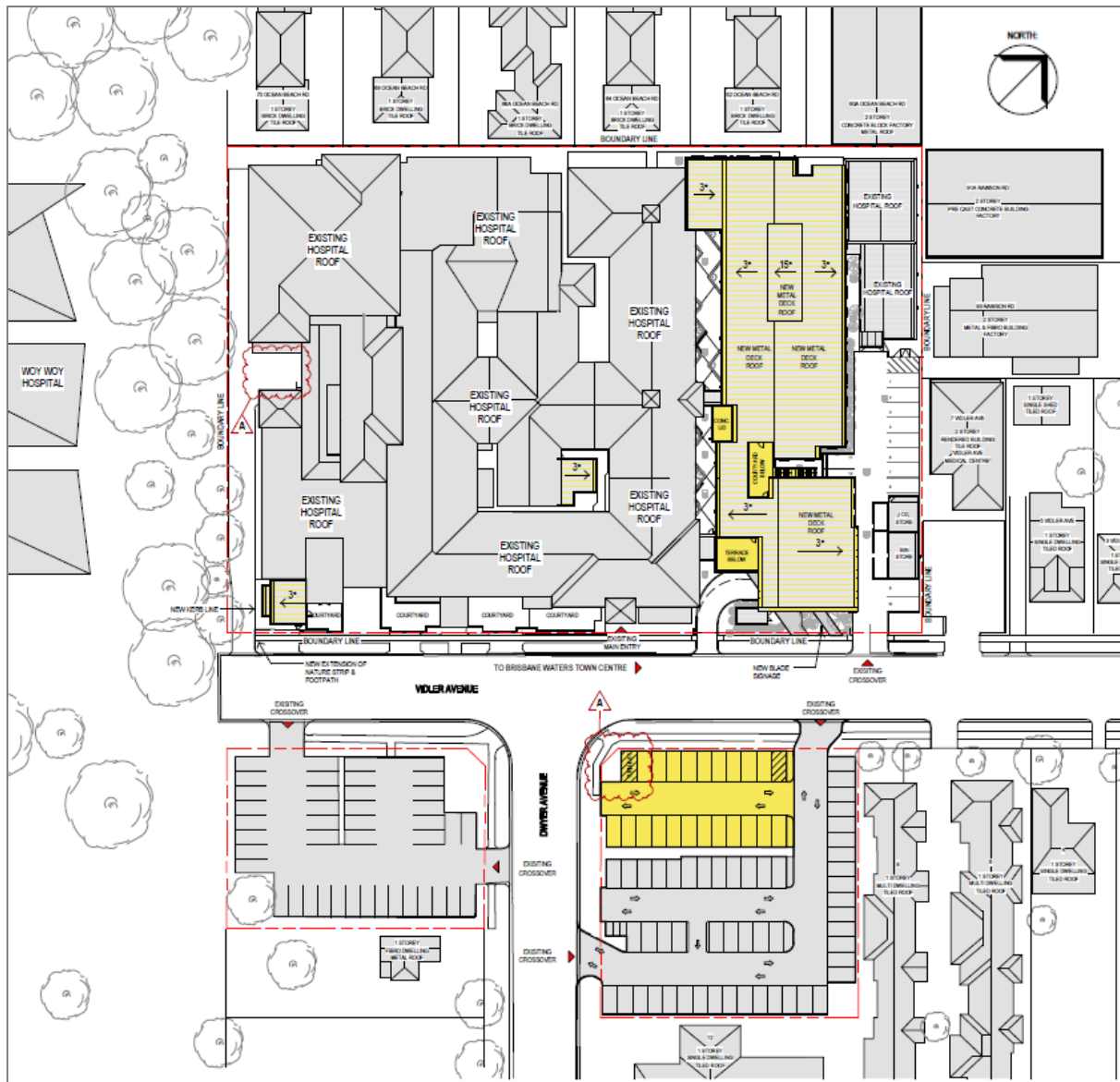


Figure 2 – Proposed Site plan



Figure 3 – Photomontage, view from Vidler Avenue of 2 storey extension

2.2 Background

No pre-lodgement meeting was held.

The development application was lodged on **7 September 2021**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
17 September 2021	Exhibition of the application
9 September 2021	DA referred to external agencies
17 January 2022	Request for Information from Council to applicant (engineering)
10 February 2022	Amended plans and information lodged
21 February 2022	Further request for updated landscape plans from Council to applicant (engineering sight lines)
25 February 2022	Amended landscape plans lodged
31 March 2022	Panel briefing
21 April 2022	Amended Landscape plans was received from applicant to address panel briefing comments –with an additional of 7 trees in new car park area, as well as the addition of 9 x Lilly Pilly trees on the western boundary to address interface with residential properties to the north west. The applicant also provided more information about waste general and capacity. The plans were accepted by Council under CI 55 of the Regulation on 21 April 2022.

The request for information from Council dated 17 January 2022 requested the following:

- Updated engineering plans to address access and car parking
- Details of Covenant
- Water Cycle Management Plan
- Updated Landscape plans to provide pedestrian Sight triangles
- Erosion and Sediment Control Plan

The applicant provided the requested information on 10 February 2022. The applicant clarified the following:

Covenant (A) G 934164 DP 787109 relates to the erection of fence within an area of Lot 1 DP787109 along the southern boundary. The proposed development does not include the provision of a fence within the covenant area and as a result the proposed development will not be impacted by the covenant.

The information was reviewed by Councils Engineering and Environmental Planning Officer and was acceptable with the exception of the updated landscape plans, which did not fully demonstrate clear sightlines. Updated plans were provided on 28 February 2022 and Councils Engineering Officer has confirmed they are now acceptable.

Regional Planning Panel Briefing

The briefing held with the Panel on 31 March 2022 raised the following key issues:

- Amended landscaping plans required to include canopy trees in car parking area
- Privacy for adjoining residential properties – windows on second storey to include privacy mitigation measures
- Mechanism to link the properties – can be included as a condition
- Boundary interfaces – adjoining residential development and relationship with proposed built form
- Existing site functions to continue to work adequately (ie. capacity of waste management with additional demand)

Updated landscape plans were provided and included for 7 shade trees to be planted around the new carparking areas.

The applicant noted that privacy between the proposed rooms and the adjoining properties is facilitated through frosted glass, to ensure no overlooking impacts between the sites. The lower portion of the window provides screening to a height of 1.7m, with the upper window portion providing amenity to the rooms through unfiltered natural light. The amended landscape plans also included an additional area of planting between the new addition and the adjoining residential properties. This planting will soften and screen the additions to the adjoining properties and provide a further privacy measure.

The first floor extension has a height of 8.7m at the western boundary, The height is well under the 11.5m maximum building height control applicable to the site. A 1.9m setback is proposed, for a length of 19.5m, with a further section setback 3.3m - 4.9m for a length of 8.3m. This arrangement is not unusual or unreasonably out of scale with the surrounding residential development. Additional planting will soften and screen the additions to the adjoining properties and provide a further privacy measure as well as provide and appropriate interface to the residential properties. The interface is reasonable given the established health services facility site.

In regard to waste, the applicant noted that with the majority of the beds being mental health, the clinical waste, cardboard and co-mingled waste collection is not anticipated to increase, and currently those bins are rarely full when collected. However, the site can readily increase collections if required. Linen collections can occur within the capacity of the existing provider, who attends the site daily.

The main increase in waste demand would be from catering, however general waste would only be anticipated to increase by a maximum of two collections per week, if required when ward is at full capacity.

The current collection points are large enough to manage the extra waste and linen for removal, and delivery/collection access is adequate to manage increased deliveries of supplies. Collections are dispersed across the weekdays to ensure minimal impacts to the site and the surrounding areas.

In relation to a mechanism to link the properties, this is to ensure the car parking spaces provided on 16 Dwyer Avenue, cannot be removed, as they provide car parking for the main hospital building located on the separate lot, 9 Vidler Avenue. A condition of consent of consent is recommended, see **Condition 6.1:**

6.1 A minimum of 133 off-street car parking for the health services facility must be provided and maintained. Of these, a minimum of 46 must be allocated to staff and 68 for visitors. The spaces must not at any time be allocated to any other individual or group and must be strictly retained in connection with the use by the health services facility.

The applicant has also provided confirmation and owners consent to amend the DA to include all 3 lots, so to add No. 20 Vidler Avenue (Lot 2/DP778281). It is noted that no works are proposed to this lot, but it does form part of the hospital site and contributes to the overall parking numbers.

This condition and approach was discussed with external Legal Counsel to Council (Wilshire Webb Staunton Beattie Lawyers) who confirmed this would achieve the intent of 'tying in' the car parking numbers across all three sites.

2.3 Site History

DA/48744/2015

On the 9th August 2015 the Hunter and Central Coast Joint Regional Planning Panel granted Development Consent 48744/2015 – Part 1 for alterations and additions to Brisbane Waters Private Hospital on Lot 1 DP 787109, No. 9 Vidler Avenue, Woy Woy, comprising:

- Demolition of various existing single storey structures, driveways and hardstand located within the area of the proposed hospital additions and minor internal demolition of part of the existing fitout within the main hospital building in order to provide additional ward beds;
- Construction of a new single storey building at the northern end of the site to consolidate existing administrative offices and medical consulting suites already located within the hospital precinct, incorporating ancillary facilities such as gym; diagnostic medical imaging; kiosk café providing light snacks pre-prepared off-site; staff and patient amenities; and provision of illuminated hospital identification signage (5m wide x 1.5m high) on the street front elevation of the new building;
- Internal alterations to the fit-out of the existing hospital to provide 18 additional general hospital and 8 mental health beds (total of 26 additional beds);
- Reconfigure the car parking layout within Lot 1 DP 787109 for greater efficiency and to provide one additional disability space;

- Provision of new hospital set down/pick up and pedestrian areas fronting Vidler Avenue; and Site landscaping works.

On 23 December 2016, Council determined DA 48744 Part 2, Section 96 (1a), by way of approval, wherein consent was granted to the following modifications:

- Modify the approved single storey medical consulting rooms to a 24 bed medical ward.
- Increase in gross floor area by 1,315m² to a total GFA of 6,930m².
- Increase in FSR from 0.55:1 to 0.679:1.
- Increase in beds from 89 to 115.
- Increase in peak staff numbers from 55 to 58.
- No change to existing 120 car parking spaces except for alterations to convert one space to a disabled space.

On 20 April 2017, Council determined DA 48744 Part 3, Section 96 (1a), by way of approval, wherein consent was granted to the following modifications:

- Reconfigure the footprint/internal layout of the new main entry reception/cafe;
- Redesign the front entry canopy;
- Reconfigure the internal layout of approved 24 bed ward;
- Reconfigure the adjacent car parking layout to suit; and
- Relocate the existing liquid air tank adjacent to the northern boundary to behind the building line.

NOTE: The proposal did not seek to alter the previously approved staff numbers and number of ward beds. It is noted the car parking allocation was reconfigured under Part 3, however no change was sought to the provision of car parking.

DA/51304/2016

On 3 May 2017 consent was granted under Council's delegation for Alterations & Additions to Brisbane Water Private Hospital Over Two (2) Stages:

Stage 1:

- Demolition of a single storey services building located in the northern corner of the subject land;
- Construction of a new building addition for use as a Gym/ADL Suite; and
- Site landscaping.

Stage 2:

- Demolition of the existing bin store and reconfiguration of car parking adjacent to the northern property boundary resulting in a loss of seven (7) car spaces. A total of 119 car spaces will be provided, wherein 3 will be accessible;
- Construction of a new building addition to provide a hydrotherapy pool;
- Relocate the waste materials bin store; and
- Site landscaping.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33)

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy No. 55 – Remediation of Land (repealed)*
- *State Environmental Planning Policy (State and Regional Development) 2011 (repealed)*
- *State Environmental Planning Policy (Infrastructure) 2007 (repealed)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Gosford Local Environmental Plan 2014*
- *Draft Central Coast Local Environmental Plan 2018*
- *Gosford Development Control Plan 2013*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies (Preconditions in **bold**)

EPI	Matters for Consideration	Comply (Y/N)
SRD SEPP	Clause 20(1) declares the proposal as regionally significant development pursuant to Clause 5 of Schedule 7.	Yes
SEPP 65	N/A	N/A
SEPP 55	Clause 7 - The proposed development does not propose a change of use to the existing health services facility and will remain acceptable having regard to the considerations of SEPP 55.	Yes
Infrastructure SEPP	Clause 45 (Determination of development applications—other development) – electricity transmission – Ausgrid noted there was no impact to Ausgrid equipment or assets Clause 104(3) – the proposal does reach the threshold of being a Traffic-generating development	Yes
Seniors Housing SEPP	N/A	N/A
Coastal Management SEPP	N/A	N/A
ARH SEPP	N/A	N/A
BASIX SEPP	N/A	N/A
Vegetation SEPP	N/A	N/A
Draft EPIs	No compliance issues identified.	Yes
LEP	Gosford LEP 2014 Clause 2.3 Permissibility and zone objectives Clause 4.3 Building Height Clause 4.4 - Floor Space Ratio Clause 7.1 Acid Sulfate Soils	Yes
DCP	Gosford DCP 2013 Part 2 Scenic Quality and character Part 6 Environmental Controls; and Part 7 General Controls. Car parking - rates for a hospital are 1 space is required per 2 beds and 1 space is required per 2 employees 114 spaces are required – 129 are provided	Yes

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 ('SRD SEPP') applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 20(1) of SRD SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 5(b) of Schedule 7 of the SRD SEPP as the proposal is development for *Health services facilities* over \$5 million capital investment value. Accordingly, the Hunter and Central Coast Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of *State Environmental Planning Policy 55 - Remediation of Land* ('SEPP 55') have been considered in the assessment of the development application. Clause 7(1) of SEPP 55 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject land has been used for hospital and car parking purposes for a considerable period of time and has not been used for a purpose referred to in Table 1 of the "Contaminated Land Planning Guidelines". It is evident therefore that the land has not been contaminated by previous land use. The proposal is considered to be consistent with SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 (Determination of development applications—other development) applies where development is to be carried out within are adjacent to electricity infrastructure. Ausgrid noted there was no impact to Ausgrid equipment or assets affected by the development.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) provides that development for the purpose of health services (including hospitals) may be carried out with consent on land in a prescribed zone. The subject land is zoned SP2 Infrastructure (Health Services Facility) under *Gosford Local Environmental Plan 2014*. Infrastructure SEPP confirms the permissibility of the proposed development with approval of the consent authority.

Clause 104 of the Policy requires development specified in Schedule 3 to be referred to RMS. The proposed development is not of a size or capacity identified in Schedule 3 and consequently does not require referral to the RMS.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 came into force on 1 March 2022 and replaces / consolidates *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy 33 – Hazardous and Offensive Development* and *State Environmental Planning Policy (Coastal Management) 2018*. However, it is noted that no policy changes have been made. All savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 came into force on 1 March 2022 and replaces / consolidates *State Environmental Planning Policy (Infrastructure) 2007* and three other SEPPs. However, it is noted that no policy changes have been made. All savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

Gosford Local Environmental Plan 2012

- *Aims of the Plan*

The relevant local environmental plan applying to the site is the *Gosford Local Environmental Plan 2014* ('the LEP'). The aims of the LEP include

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Gosford,*
- (b) *to foster economic, environmental and social well being so that Gosford continues to develop as a sustainable and prosperous place to live, work and visit,*
- (c) *to provide community and recreation facilities, maintain suitable amenities and offer a variety of quality lifestyle opportunities to a diverse population,*
- (d) *(Repealed)*
- (e) *to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,*
- (f) *to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (g) *to conserve, protect and enhance the environmental and cultural heritage of Gosford,*
- (h) *to protect and enhance the natural environment in Gosford, incorporating ecologically sustainable development,*
- (i) *to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,*
- (j) *to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,*
- (k) *to promote design principles in all development to improve the safety, accessibility, health and well being of residents and visitors,*
- (l) *to encourage the development of sustainable tourism that is compatible with the surrounding environment.*

The proposal is consistent with these aims as the proposal enhances the existing medical services of the hospital by providing a new modern ward to service the growing Central Coast region.

- *Zoning and Permissibility*

The site is located within the SP2 Infrastructure (Health Services Facility) pursuant to Clause 2.2 of the LEP.

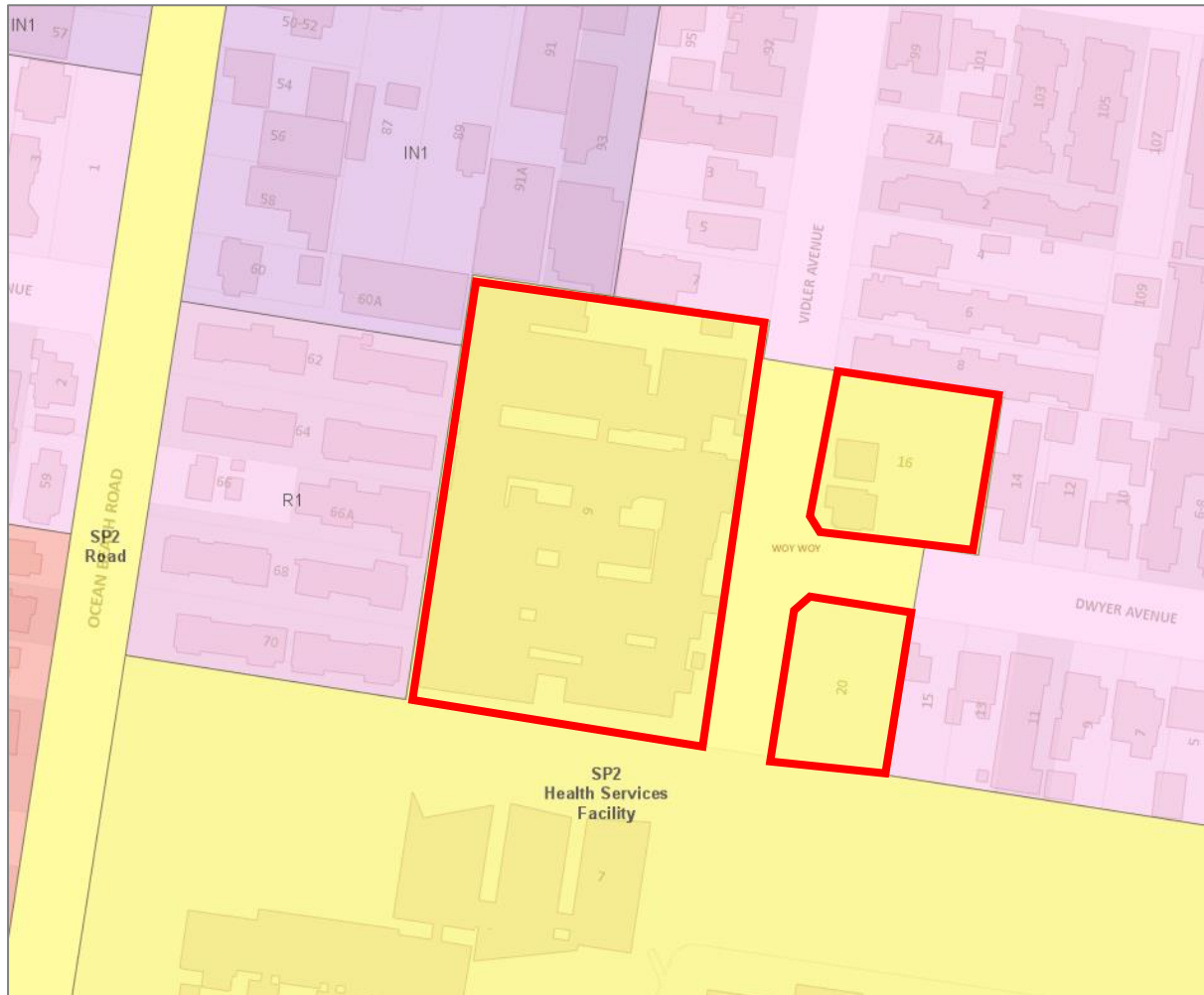


Figure 4 - Zone map extract of GLEP 2014

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of Health Services Facility which is a permissible use with consent in the Land Use Table in Clause 2.3.

The proposal is for an extension to the existing Health Services Facility, including any development that is ordinarily incidental or ancillary to development for that purpose, is permissible with consent.

State Environmental Planning Policy (Infrastructure) 2007 – Part 3 (Division 10) provides that development for the purpose of health services (including hospitals) may be carried out with consent on land in a “prescribed zone”. The site is zoned SP2 Infrastructure under Gosford Local Environmental Plan 2014. This is a “prescribed” zone for the purposes of the Infrastructure SEPP and consequently the SEPP confirms the permissibility of the proposed development.

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—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To ensure that development is compatible with the desired future character of the zone*

The proposal is considered to be consistent with these zone objectives. The proposal expands the existing medical services by providing a new modern ward at the hospital to further increase the ability of the hospital to service the growing Central Coast region. The extension is two storey in nature and presents as a modern design that is appropriate within the streetscape and is compatible with the desired future character of the area.

- *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	11.5m	10m	Yes
FSR (CI 4.4(2))	2:1 / 20,340sqm GFA (9 Vidler Ave only)	0.92:1 / 9,401sqm GFA (9 Vidler Ave only)	Yes
Acid sulphate soils (CI 7.1)	Class 3 – ASS management require if works more than 1m below natural ground	No works below 1m	Yes
Floodplain risk management (CI 7.3)	Site not identified as flood prone	N/A	N/A

The proposal is considered to be generally consistent with the LEP.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

The following proposed instrument, which has been the subject of public consultation under the EP&A Act, is relevant to the proposal:

- *Draft Central Coasts Local Environmental Plan 2018*

Draft Central Coast Local Environmental Plan was adopted by Council at its meeting of 14 December 2020 and has been considered under the assessment of the application. There is no change to the zoning of the site or significant change to other relevant statutory matters as they apply to the proposal under the draft LEP, that require specific discussion in relation to the proposal.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Gosford Development Control Plan 2014 ('the DCP')*
 - *Part 2.1 Character*
 - *Part 6.3 Erosion Sedimentation Control*
 - *Part 7.1 Car Parking*
 - *Part 7.2 Waste Management*
- *Part 2.1 Character*

Gosford Development Control Plan 2013 Chapter 2.1 - Character, requires development applications to demonstrate consistency or compatibility with development objectives contained within the relevant "Statements of Desired Character" provided in Part 2.

The subject land is located in Woy Woy 9 Sandplain Mixed Density character area. The desired character is that this area should remain leafy mixed-density residential neighbourhoods that retain some mid-twentieth century bungalows. The desired character statement is set out below:

These areas should remain leafy mixed-density residential neighbourhoods that retain some of the original mid-Twentieth Century bungalows which remain distinctive elements of the Woy Woy Peninsula's identity, and future developments achieve significantly improved standards of amenity and urban design quality by reflecting features of those traditional bungalows, as well as providing a variety of low-rise dwellings that include apartments, town houses and villas.

Surround each development with leafy gardens to conserve existing visually-prominent trees, particularly along back fences and street frontages or verges, as well as to provide space for shady trees and shrubs planted as backdrops to new buildings. Maintain the informal qualities of existing wide grassy street verges and conserve existing shady street trees. Complement the surviving canopy by planting a combination of trees and shrubs that are mostly-indigenous along all property boundaries, and use hedges or fences that are low or see-through rather than tall and opaque in order to maintain the informal character of existing street frontages.

Ensure that new developments complement the siting, form and scale of surviving traditional bungalows upon nearby properties, as well as maintaining reasonable levels of sunlight, privacy and amenity for neighbouring dwellings plus their private open spaces. Maintain street setbacks that are similar to surrounding properties, and minimise the extent of hard-paved surfaces. Avoid the appearance of long or continuous buildings facing any front or side boundary by stepping the shape of visible facades, by providing at least one wide landscaped setback that varies in width, and lining driveways with avenues of trees and shrubs.

Reflect the modest scale of traditional mid-Twentieth Century bungalows, for example by dividing new developments into individual dwelling pavilions with a varied form or orientation, separated by landscaped courtyards and verandahs or parking structures. Any facades that are taller or longer than neighbouring buildings should be disguised by a combination of extra setbacks, stepped forms, and balconies or verandahs. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale and bulk of exterior walls. Parking is preferable in open carports or part-basements, rather than in wide garages that would accentuate building bulk or dominate visible facades.

In order to complement the scale and design character of traditional bungalows, a "light-weight appearance" is preferable for all visible facades, incorporating walls of windows that are shaded by framed balconies or verandahs plus exterior sunscreens, painted finishes and some sheet or board cladding rather than extensive plain masonry. Where facades face a street, a laneway or a driveway, provide a traditional "street address" with visible verandahs, living rooms and front doors.

Screen driveways, terraces, courtyards and balconies to protect the privacy and amenity of neighbouring dwellings.

This character statement is not readily applicable to the hospital site, which does not have a residential character. It is noted that the site is located directly adjacent to the 'Woy Woy 14: Community Centres + Schools' character area, which provides for a more applicable character.

The proposed addition to the hospital provides community health services to the surrounding residential population. As the proposal relates to an established developed site there will be no impacts on vegetated backdrops, remnant bushland or any other ecological features.

The extension will result in part of an existing single storey wing of the hospital being 2 storeys. The proposed design is consistent with the land use and is generally consistent with the bulk and scale of the site and streetscape and lower rise residential surroundings.

It is noted that the first-floor extension results in 4 new hospital rooms (single occupancy) adjacent to the residential properties the west, with the setback of 1.9m. The windows propose frosted glazing to a height of 1700mm above FFL to mitigate any direct overlooking. Further landscape tree plantings are proposed within this setback which will soften and screen the additions to the adjoining properties and provide a further privacy measure.

Given the orientation of the site some marginal additional overshadowing will occur in the morning hours, however the shadows will be complete confined to the subject site and have no impact on neighbouring properties by midday.

The proposed landscaping has been designed to integrate and soften the proposed new elements and canopy trees are included within the new car parking area.

The proposal results in high quality, architecturally designed additions that makes a positive contribution to the surrounding area. The proposal provides a front setback that is generally consistent with the approved scheme. The health facility will continue to contribute to the character of the area.

- *Part 6.3 - Erosion and Sedimentation Control*

Gosford Development Control Plan 2013 - Chapter 6.3 applies to any activity that involves, or could involve:

- Disturbance of, or placing fill on, the soil surface, and/or changes to the contours of the land; or
- Changing the rate and/or volume of runoff flowing over land or directly/indirectly entering receiving waters.

The proposed development will involve minor ground disturbance within the footprint of the proposed works. Appropriate sedimentation control measures can be implemented through the imposition of Council's standard consent condition requiring a Sedimentation Control Plan to accompany the application for a Construction Certificate, adopting sediment control measures in accordance with Gosford DCP 2013 Chapter 6.3 – *Erosion Sedimentation and Control*.

- *Part 7.1 - Car Parking*

The car parking requirement for hospitals as set in this section of the Gosford DCP 2013 are as follows:

- 1 space is required per 2 beds and
- 1 space is required per 2 employees

The proposed extension increased the beds from 109 to 135 and staff from 79 to 91. This results in a requirement of 113 car parking spaces. 129 car parking spaces are provided

The parking requirements and standards for off-street parking for People with Disabilities as set out in the Australian Standards and 3 spaces are provided to meets these standards.

- *Part 7.2 – Waste Management*

Council's Waste Services Officer has reviewed the proposed alterations and additions and has conformed the submitted Waste Management plans is acceptable.

The applicant has advised that as the majority of the additional beds are for mental health patients, the clinical waste, cardboard and co-mingled waste collection is not anticipated to increase.

Linen collections can occur within the capacity of the existing provider, who attends the site daily.

The main increase in waste demand would be from catering, however general waste would only be anticipated to increase by a maximum of two collections per week, if required when ward is at full capacity.

The current collection points are large enough to manage the extra waste and linen for removal, and delivery/collection access is adequate to manage increased deliveries of supplies. Collections are dispersed across the weekdays to ensure minimal impacts to the site and the surrounding areas.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *S7.11 Development Contribution Plan CP 31 Peninsula*

The subject site is located within Development Contribution Plan CP 31 Peninsula.

The proposed development is a development type that is not subject to S7.11 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

3.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. These provisions have been considered in the assessment of the application.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and Setting and the Built Environment

The impacts of the proposal have been considered in the assessment of the application.

The proposal will introduce further health care services, on an established hospital site, to serve the local population.

The proposed first floor extension has been designed to integrate with existing building and proposes improved landscaping around the site. The proposed development utilises a range

of materials and presents as a modern design that is compatible with the site and wider streetscape context.

- Access and Transport

No new hospital driveway access arrangements are proposed. The proposed development does not generate additional levels of traffic beyond the capacity of the local road system.

- Natural Environment

The site is within the established urban area and the development will not result in any unacceptable impacts on the natural environment.

- Social and Economic Impacts

The proposal provides for an increase in private medical/hospital services to serve the area, which will have generally positive economic and social benefit to local and wider area.

- Noise

Operational details such as operating hours, deliveries and waste collection are not proposed to change for the site. The alterations will result in an increase of 35 patient rooms/beds and an additional 12 staff. The most affected residential receivers are to the west at 62 Ocean Beach Road, Woy Woy, however the proposed design of the upper floor does not include any noise generating activities or plant which will negatively impact on these residential receivers. The existing machinery plant room is located on the existing ground floor. The existing access point to the main building is to remain unchanged. As such there are not expected to be any unreasonable operational noise impacts.

- Residential Interface

The first floor extension has a height of 8.7m at the western boundary. A 1.9m setback is proposed, for a length of 19.5m, with a further section setback 3.3m - 4.9m for a length of 8.3m.

The height is well under the 11.5m maximum building height control applicable to the site. While there are no setbacks control specified for health care facility uses, the setbacks are consistent with the nature of the use and also generally consistent with, and provide a reasonable interface with, the adjacent residential properties which are a mix of one and two storey multi dwelling housing developments with rear setbacks of 1.3m - 2.4m.

It is noted that the first-floor extension results in 4 new hospital rooms (single occupancy) adjacent to the residential properties the west, with the setback of 1.9m. The windows propose frosted glazing to a height of 1700mm above finished floor level to mitigate any direct overlooking. Further landscape tree plantings are proposed on the western boundary within this setback which will soften and screen the additions to the adjoining properties and provide a further privacy measure. 9 x Lilly Pilly trees are proposed, a mix of 'Acmena smithii' which reach a height of 3-5m and 'Syzigium leuhmanii', which reach a height of 2-15m, are proposed.

Given the nature of the use of single hospital rooms, the fitted glazing and landscaping, there are no unreasonable privacy impacts.

Shadow diagrams for midwinter have been provided which demonstrate the shadowing impacts associated with the proposal. The only residential property affected by additional overshadowing will be No. 62 and No. 64 Ocean Beach Road. Given the orientation of the site some marginal additional overshadowing will occur in the morning hours, however the shadows will be complete confined to the subject site and have no impact on neighbouring properties by midday.

- Construction Impacts

Construction of the proposal is not expected to cause any adverse impacts and can be managed by industry guidelines and standard conditions of consent. A Construction Traffic and Pedestrian Management Plan (CTPMP) and a Construction Site Management Plan (CMP) will be required prior to the commencement of work. No significant impacts are expected.

- Cumulative impacts

The proposal will facilitate the intensification of development on the existing hospital site. The development remains significantly below the FSR and building height controls for the site and provides an appropriate built form in the context of the streetscape and character of the area. The extension will not have any significant impact on the operational impacts and noise and privacy impacts are appropriately mitigated. The developments impacts are reasonable and will not create or contribute significantly towards any adverse cumulative impact within the locality

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.7 Section 4.15(1)(c) - Suitability of the site

The site has been used as hospital for many years and is zoned SP2 Infrastructure (Health Services Facility) under the *Gosford Local Environmental Plan 2014*. The site is considered to be suitable for the use and is of sufficient size to enable the upgrade of the existing health facility without any significant adverse impacts on the neighbours or the character of the locality.

3.8 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.9 Section 4.15(1)(e) - Public interest

The proposal is generally consistent with the relevant heads of consideration pursuant to Section 4.15 of the EPA Act 1979, and the identified impacts are mitigated to an acceptable level. The proposal provides for an increase in private medical/hospital services to serve the area. The provision of permanent infrastructure will provide an enhanced health care facility, resulting in a wider community benefit. The proposal is unlikely to impact on any Federal, State and Local Government or community interests. The proposal is therefore in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment, Energy & Science Group within DPIE	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	Concurrence not required.	N/A
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	The site is not in bushfire prone land	N/A
Ausgrid	Clause 45 (Determination of development applications— other development) – electricity infrastructure	Ausgrid noted there was no impact to Ausgrid equipment or assets	Y
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	The site is not in bushfire prone land	N/A
Transport for NSW	S138 - Roads Act 1993 for works in the road reserve.	N/A	N/A
Heritage NSW	S58 of the Heritage Act 1977 for demolition or works etc to an item listed on State Heritage Register or with an interim heritage order.	N/A	N/A

4.2 Council Referrals (internal)

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the application, including the civil plans, architectural and landscape plans, access and parking arrangements and the Water Cycle Management Plan, which are acceptable. The application is supported subject to conditions.	Yes
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raises no concerns	Yes
Building	No referral required.	N/A
Environmental Health	Supported subject to conditions.	Yes
Waste	Waste Management Plan has been reviewed. Supported subject to conditions.	Yes
Public Domain/ Assets (Water and Sewer	No major impact to the existing water and sewer infrastructure as the proposed works are within the existing building. Supported subject to conditions.	Yes
Heritage	No heritage referral required.	N/A

4.3 Community Consultation

The proposal was notified in accordance with the Gosford DCP 2013 from 17 September 2021 until 18 October 2021. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (approx. 50)
- Notification on the Council's website.

A total of one (1) unique submission, objecting to the proposal was received. The issues raised in these submissions included the following

- Setbacks, height, and impact on neighbours to the west
- Overlooking and privacy
- Overshadowing
- Incremental and cumulative impact of hospital extensions
- Noise impacts from driveway, plant and machinery

It is noted that the submission was received from a property at the western corner of the site (70 Ocean Beach Road), some 60m from the proposed first floor extension.

Table 7: Community Submissions

Issue	Council Comments
Setbacks, height, overlooking and privacy	This is discussed in more detail under the 'Likely Impacts - Residential Interface' heading above. The first-floor extension has a height of 8.7m at the western boundary. A 1.9m - 3.3m setback is proposed The height is well under the 11.5m maximum building height control. The setbacks are consistent with the nature of the use and provide a reasonable interface with the adjacent residential properties which are a mix of one and two storey multi dwelling housing developments with rear setbacks of 1.3m - 2.4m. The new first floor windows, to 4 single rooms, include frosted glazing to a height of 1700mm above finished floor level to mitigate any direct overlooking. Further landscape tree plantings are proposed on the western boundary within this setback which will soften and screen the additions to the adjoining properties and provide a further privacy measure. Given the nature of the use of single hospital rooms, the frosted glazing and landscaping, there are no unreasonable privacy impacts.
Overshadowing	Shadow diagrams for midwinter have been provided which demonstrate the shadowing impacts associated with the proposal. The only residential property affected by additional overshadowing will be No. 62 and No. 64 Ocean Beach Road. Given the orientation of the site some marginal additional overshadowing will occur in the morning hours, however the shadows will be complete confined to the subject site and have no impact on neighbouring properties by midday.
Incremental and cumulative impact of hospital extensions	The proposal will facilitate the intensification of development on the existing hospital site, which is considered a reasonable and expected form of development for the site. The development remains significantly below the FSR and building height controls for the site and provides an appropriate built form in term of impacts to neighbour and on the context of the streetscape and character of the area.

	Servicing, waste and plant requirements have been considered and will not unreasonably increase impacts.
Noise impacts from driveway, plant and machinery	Operational details such as operating hours, deliveries and waste collection are not proposed to change for the site. The alterations will result in an increase of 35 patient rooms/beds and an additional 12 staff. The most affected residential receivers are to the west at 62 Ocean Beach Road, Woy Woy, however the proposed design of the upper floor does not include any noise generating activities or plant which will negatively impact on these residential receivers. The existing machinery plant room is located on the existing ground floor. The existing access point to the main building is to remain unchanged. As such there are not expected to be any unreasonable operational noise impacts.

It is noted that the proposal was amended to include the third hospital Lot, being 20 Vidler Avenue. No works are proposed to this Lot and the properties immediately adjoining this lot were notified, see Figure 5 below. As such re-notification was not considered necessary as per the Gosford DCP 2013.

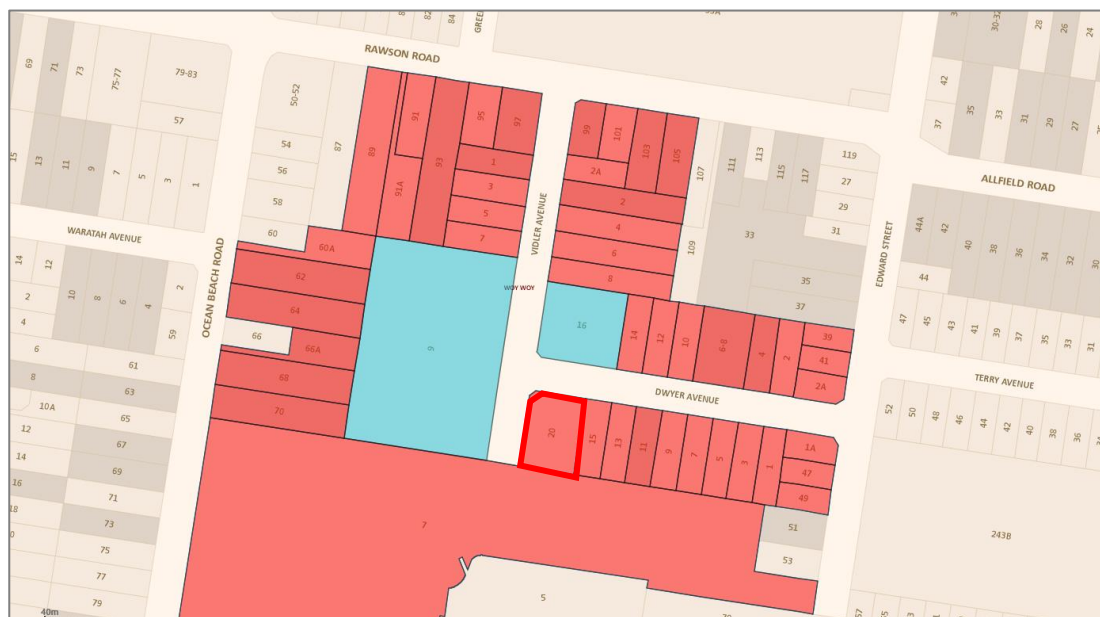


Figure 5 – Map of notified properties - 20 Vidler Ave outlined in red

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. The site is suitable for the proposed development and the proposal is compatible with the site and locality. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported subject to the recommended draft conditions at **Attachment A**.

6. RECOMMENDATION

That the Development Application DA/63014/2021 for Alterations to Health Services Facility and Additional Car Parking at:

- 9 Vidler Avenue, Woy Woy 2256 - Lot 1 DP787109
- 16 Dwyer Avenue Woy Woy 2256 - Lot 3 DP778360
- 20 Vidler Avenue, Woy Woy 2256 - Lot 2 DP778281

be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent (D15156608)
- Attachment B: Architectural Plans (D15085434)
- Attachment C: Landscape Plans (D15139871)