

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

Alterations and additions to  
an existing private hospital

43-47 Kenneth Street,  
Longueville

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# **Statement of Environmental Effects**

**Alterations and additions to an existing private hospital**

**Longueville Private Hospital**

**43-47 Kenneth Street, Longueville**

May 2023

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## ATTACHMENTS

1. Clause 4.6 variation request – Floor space ratio

# 1 Introduction

This document forms a component of a development application that proposes alterations and additions to the existing private hospital incorporating the provision of 19 additional beds over two levels, a rehabilitation gym, hydrotherapy pool and at grade car parking for four vehicles including one accessible space and a shared ambulance bay/service vehicle bay. The works will result in up to 4 registered medical practitioners and 12 employees on the site at any one time. The increase in bed numbers will meet a clear demand for private patient beds within the Lane Cove area.

The project architect has responded to the client brief to provide increased patient bed numbers on the subject site in a contextually appropriate manner and in doing so facilitate a general building upgrade having regard to the Building Code of Australia, the Ministry of Health design and construction requirements and the provisions of the Private Health Facilities Act 2007, the Private Health Facilities Regulations 2017 and the Australasian Health Facility Guidelines.

This application represents a highly considered response to the minutes arising from formal pre-DA discussions with Council on 28<sup>th</sup> April 2022. Particular attention has been given to providing appropriately for the off-street carparking demand generated by the additional beds and improving the servicing of the existing hospital through the creation of a dedicated ambulance bay/service vehicle bay whilst maintaining appropriate streetscape and residential amenity outcomes in relation to views, privacy and solar access. In this regard, the patient rooms have been designed to prevent direct overlooking into the adjoining properties through the use of integrated fixed screening devices with light spill controlled by spatial separation, room design and bed orientation.

Whilst the application requires the removal of a number of trees on the site such tree loss facilitates the orderly and economic use and development of the land consistent with its long-established health service facility use. The accompanying landscape plans prepared by Vision Dynamics nominates the provision of screen plantings along the northern boundary of the property adjacent to the existing residential dwelling house together with the retention of all existing trees within the Christina Street frontage.

In addition to this Statement of Environmental Effects, the application is accompanied by the following:

- Architectural plans
- Survey
- Landscape plans
- Traffic and Parking Impact Assessment
- Drainage Plans
- Cost Summary Report
- NCC and Accessibility Report
- Noise Impact Assessment

In preparation of this document, consideration has been given to the following statutory planning regime:

- Environmental Planning and Assessment Act, 1979,
- Lane Cove Local Environmental Plan 2009,
- Lane Cove Development Control Plan,
- State Environmental Planning Policy (Transport and Infrastructure) 2021,

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The height, form, massing and density of development, as reflected by FSR, are contextually appropriate and provide for the orderly and economic use and development of the land in accordance with its long-established health services facility land use.
- The proposed development has been designed to maintain appropriate residential amenity to surrounding development and will not be perceived as inappropriate or jarring in a streetscape context.
- The proposal will increase the supply and amenity of private health service facilities within the Lane Cove area and to that extent approval is not antipathetic to the public interest.

## 2 Site Analysis

### 2.1 Site Description and location

The subject property known as Lot 10, DP 1221098, 43 – 47 Kenneth Street, Longueville is rectangular in shape having primary frontage to Kenneth Street, secondary frontage to Christina Street and tertiary frontage to Lorna Leigh Lane. A row of 90° car parking spaces is provided along the Christina Street frontage with a number of established canopy trees softening and screening the existing buildings as viewed from Street. An aerial photograph showing the subject site and its immediate surrounds is at Figure 1.



**Figure 1** - Aerial photograph of the consolidated site and the adjoining properties (SIX Maps)

### 2.2 Site – Key Features

Key features of the site are noted as follows:

- The subject property is occupied by a 1 and 2 storey hospital and administration building with no off-street carparking other than an ambulance bay accessed from the Kenneth Street frontage.
- The consolidated allotment has primary frontage to Kenneth Street of 57.91 metres, secondary frontage to Christina Street of 45.720 metres, tertiary frontage to Lorna Leigh Lane of 57.91 metres and an area of 2647.7sqm.
- The property shares a common boundary with an adjacent 2 storey detached dwelling house 41 Kenneth Street to the north-east.



- The property falls across its surface in a south westerly direction.
- The property contains a number of trees as detailed within the accompanying arborist report prepared by Growing My Way Tree Consultants.

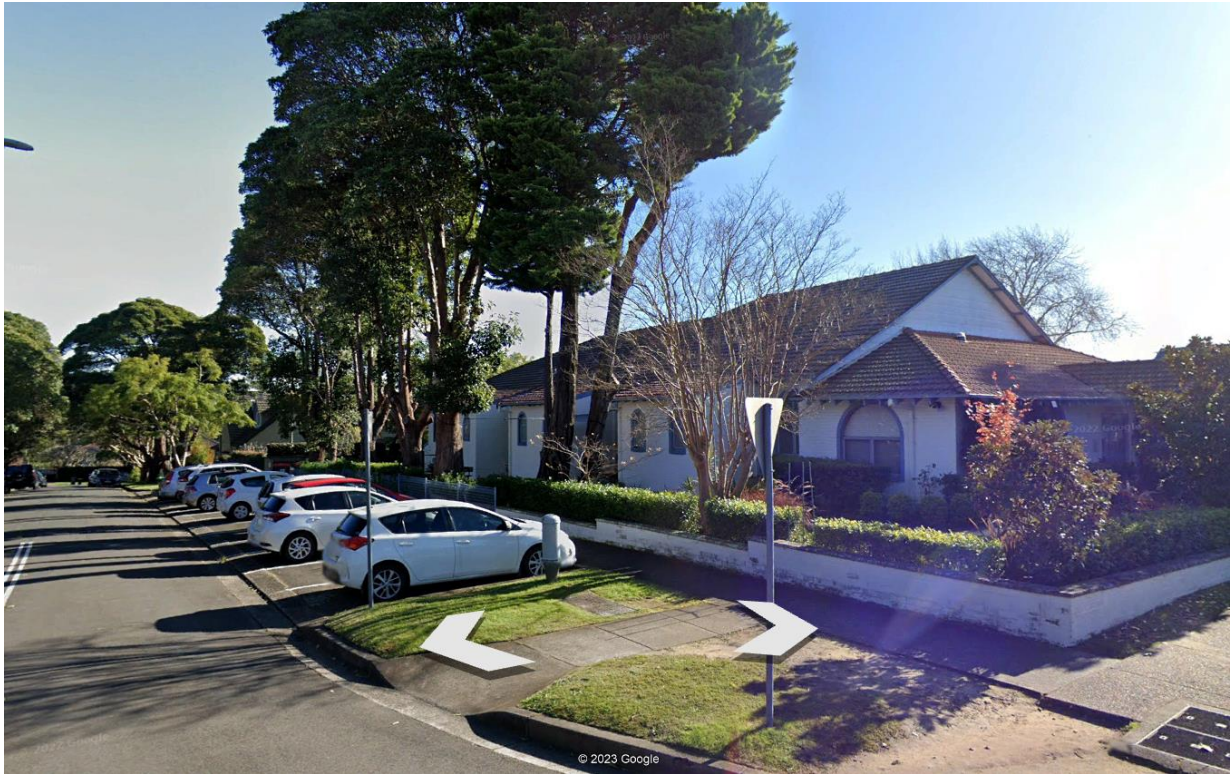


**Figure 2** – Subject property as viewed from Kenneth Street



**Figure 3** – Existing ambulance bay accessed from Kenneth Street





**Figure 4** – Subject property as viewed from Christina Street



**Figure 5** – Subject property as viewed from Lorna Leigh Lane





**Figure 6** – Adjoining 2 storey dwelling house 41 Kenneth Street



**Figure 7** – St Andrews Uniting Church directly opposite the subject site on Christina Street

## 2.3 Zoning and key environmental considerations

- The site is zoned R2 Low Density Residential pursuant to Lane Cove Local Environmental Plan 2009 as is the land surrounding the property.
- Health services facilities (hospitals) are prohibited in the zone however permissible pursuant to Division 10 of State Environmental Planning Policy (Transport and Infrastructure) 2021.
- The site is not affected by any known hazards.
- The development is able to gravity drain to the street drainage system.
- Potential tree impacts are addressed in the accompanying arborist report.

## 3 Description of Proposed Development

### 3.1 Details of the proposed development

The application proposes alterations and additions to the existing private hospital incorporating the provision of 19 additional beds over two levels, a rehabilitation gym, hydrotherapy pool and at grade car parking for four vehicles including one accessible space and a shared ambulance bay/service vehicle bay. The works will result in a total of 48 beds/ patients on the property and up to 4 registered medical practitioners and 12 employees on the site at any one time. The increase in bed numbers will meet a clear demand for private patient beds within the Lane Cove area.

The proposed works are depicted on the following plans prepared by Imagescape Design Studios:

Drawings List		
Sheet Number	Sheet Name	Current Revision
A 001	TITLE SHEET	11
A 003	GFA CALCULATIONS	11
A 005	HEIGHT LIMITS ANALYSIS	11
A 020	SITE ANALYSIS	11
A 021	SITE ANALYSIS RESPONSE	11
A 030	SHADOW DIAGRAMS - EXISTING PROPOSED SUMMER 9AM	11
A 031	SHADOW DIAGRAMS - EXISTING PROPOSED SUMMER NOON	11
A 032	SHADOW DIAGRAMS - EXISTING PROPOSED SUMMER 3PM	11
A 033	SHADOW DIAGRAMS - EXISTING PROPOSED WINTER 9AM	11
A 034	SHADOW DIAGRAMS - EXISTING PROPOSED WINTER NOON	11
A 035	SHADOW DIAGRAMS - EXISTING PROPOSED WINTER 3PM	11
A 050	SITE PLAN EXISTING	11
A 051	SITE PLAN PROPOSED	11
A 100	LOWER GROUND PLAN EXISTING	11
A 101	GROUND FLOOR PLAN EXISTING	11
A 104	LOWER GROUND PLAN PROPOSED	11
A 105	GROUND FLOOR PLAN PROPOSED	11
A 106	FIRST FLOOR PLAN PROPOSED	11
A 111	LOWER GROUND FIRE STRATEGY PLAN	11
A 112	GROUND FLOOR FIRE STRATEGY PLAN	11
A 113	FIRST FLOOR FIRE STRATEGY PLAN	11
A 114	LOWER GROUND ACCESSIBILITY PLAN	11
A 115	GROUND FLOOR ACCESSIBILITY PLAN	11
A 116	FIRST FLOOR ACCESSIBILITY PLAN	11
A 300	ELEVATIONS – EAST	11
A 301	ELEVATIONS – NORTH	11
A 302	ELEVATIONS – WEST	11
A 303	ELEVATIONS – SOUTH	11
A 304	EXTERIOR FINISHES	11
A 400	SECTIONS - SHEET 1	11
A 401	SECTIONS - SHEET 2	11
A 604	ACCESSIBLE PUBLIC TOILET DETAILS	11
A 605	ACCESSIBLE PATIENT TOILET - CHANGING RM. DETAILS	11
A 606	ACCESSIBLE ENSUITE DETAILS	11



The scope of proposed works can be summarised as follows.

#### Lower ground floor plan

The existing kitchen, laundry, storeroom and staff facilities are retained this level. The application proposes the construction of a new ambulance and loading bay together with 4 off-street carparking spaces accessed from the existing driveway. Additions are proposed at this level including a new lift lobby, staffroom and associated bathroom facilities, plant room, and cleaners room with internal stair and lift access provided to the level above. The existing workshop located in north-western corner of the property is demolished to facilitate the provision of a new hydrotherapy pool above. The existing access gate from Lorna Leigh Lane is replaced with a new sliding gate with construction in this area managed to facilitate the retention of Tree 2 as detailed within the accompanying arborist report prepared by Growing My Way Tree Consultants.

#### Ground Floor Plan

The existing administration building is demolished to accommodate alterations and additions to the existing hospital and outpatients building. The alterations and additions include the removal of the existing ambulance bay and its replacement with an outdoor seating area, the provision of a new reception and administration area accessed from a new accessible pathway from the Kenneth Street Frontage. An additional patient room is proposed adjacent to the reception area together with a new meeting/education room and lounge/dining room.

The application proposes the expansion of the existing rehabilitation gymnasium located to the rear of the existing outpatients building and the provision of additional public and patient bathroom facilities. A new hydrotherapy pool and associated patient change room is proposed adjacent to the Lorna Leigh Lane frontage. Internal stair and lift access is provided to the new level above.

#### First Floor Plan

This new floor plate incorporates 19 additional patient rooms each with ensuite, staff station, utility/cleaner/storage/medication rooms, public WC, staff WC and an external patio located to the south of the proposed additions. A green landscaped roof is located over the hydrotherapy pool below.

The accompanying arborist report prepared by Growing My Way Tree Consultants confirms that the proposal requires the removal of two (2) trees being Tree 1 - London Plane Tree and Tree 3 – Kaffir Plum Tree both of which are exotics and supported for removal due to their incompatibility with the health services facility use established on the site. Such tree loss is appropriately compensated for through the implementation of the site landscape regime as depicted on the landscape plans prepared by Vision Dynamics. These landscape plans incorporate deep soil landscaping adjacent to the rear yard of 41 Kenneth Street, on slab planting above the proposed hydrotherapy pool and additional tree plantings adjacent to the Kenneth Street frontage.

The acceptability of the proposed access and parking arrangement is detailed in the accompanying Transport and Parking Impact Assessment prepared by Transport Strategies with NCC and accessibility compliance detailed in the report prepared by Trevor R Howse. All stormwater will be gravity drained through an on-site stormwater detention system to the existing Council drainage infrastructure within Lorna Leigh Lane as detailed in the accompanying drainage concept proposal prepared by Paul Bekker. Potential noise intrusion impacts have been addressed in the accompanying Acoustic Report prepared by Pulse White Noise Acoustics Pty Limited with no objection is raised to the recommendations contained within the report forming appropriately worded conditions of consent.

## 4 Environmental Assessment

The following sections of the report assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 (the Act).

Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

In summary assessment of the proposal reveals the following:

- The proposed development is permissible pursuant to Division 10 of State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Strict compliance with the FSR standard has been found to be unreasonable and unnecessary under the circumstances with sufficient environmental planning grounds to justify the variation sought.
- The proposed development will not result in any unacceptable off-site impacts including streetscape and residential amenity consequences.
- The proposal is in the public interest.

In coming to this view, the following detailed assessment of the proposal is provided having regard to the heads of consideration contained in Section 4.15 of the Act.

### 4.1 Planning Controls Overview

The proposal has been designed with regard to the objectives and standards of the relevant planning instruments and policies that apply to the site.

Under the provisions of the Act, the key applicable planning policies are:

- Lane Cove Local Environmental Plan 2009
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Lane Cove Development Control Plan

The application of the above plans and policies is discussed in detail in the following section of this SoEE.

## 5 Environmental Planning Instruments (S. 4.15)

The principal Environmental Planning Instrument applicable to the proposal is the LLEP. The provisions of the LLEP and other relevant EPI's are assessed below.

### 5.1 Lane Cove Local Environmental Plan 2009

The LLEP is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

#### 5.1.1 Zoning and permissibility

The site is zoned R2 Low Density Residential pursuant to Lane Cove Local Environmental Plan 2009 (LLEP) as is the land surrounding the property. Health services facilities (hospitals) are prohibited in the zone however permissible pursuant to Division 10 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

#### 5.1.2 Height of buildings

Pursuant to clause 4.3 LCLEP development on the land is not to exceed 9.5 m in height. The stated objectives of this standard are as follows:

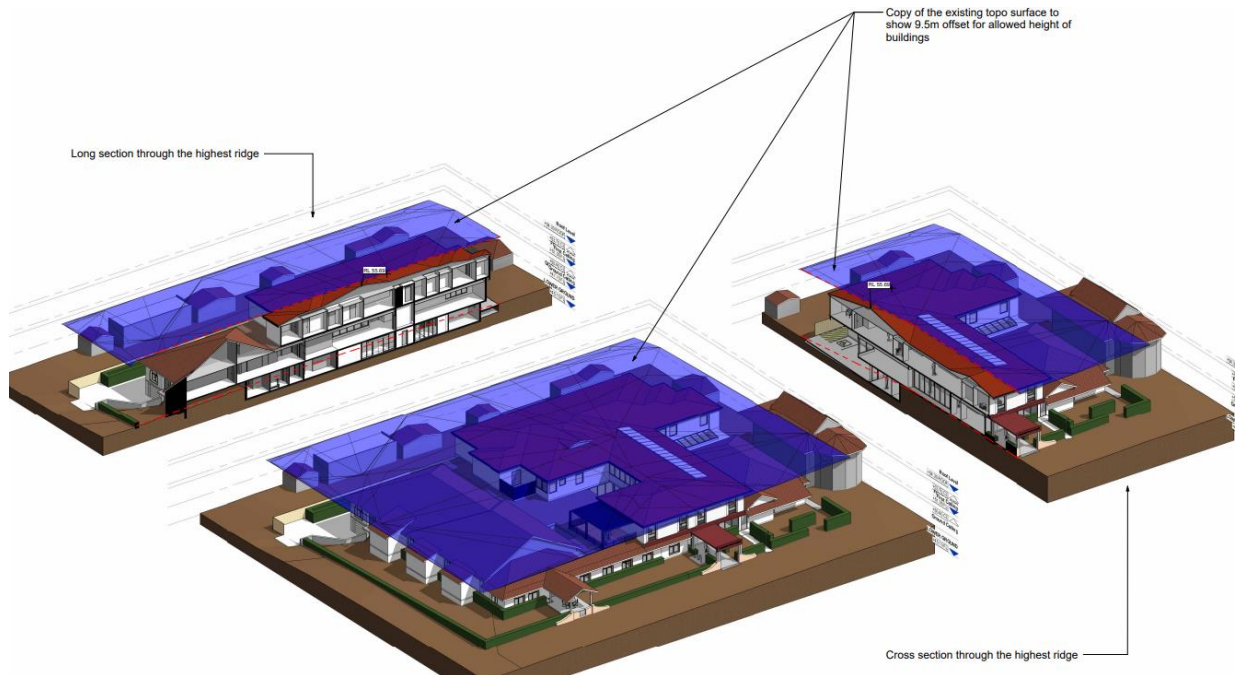
- (a) *to ensure development allows for reasonable solar access to existing buildings and public areas,*
- (b) *to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable,*
- (c) *to seek alternative design solutions in order to maximise the potential sunlight for the public domain,*
- (d) *to relate development to topography.*

**building height** (or **height of building**) means:

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*  
*including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

It has been determined that the proposed works have a maximum building height of 9.4 metres as depicted on the accompanying architectural plans and the height blanket diagrams at Figure 8 over page.





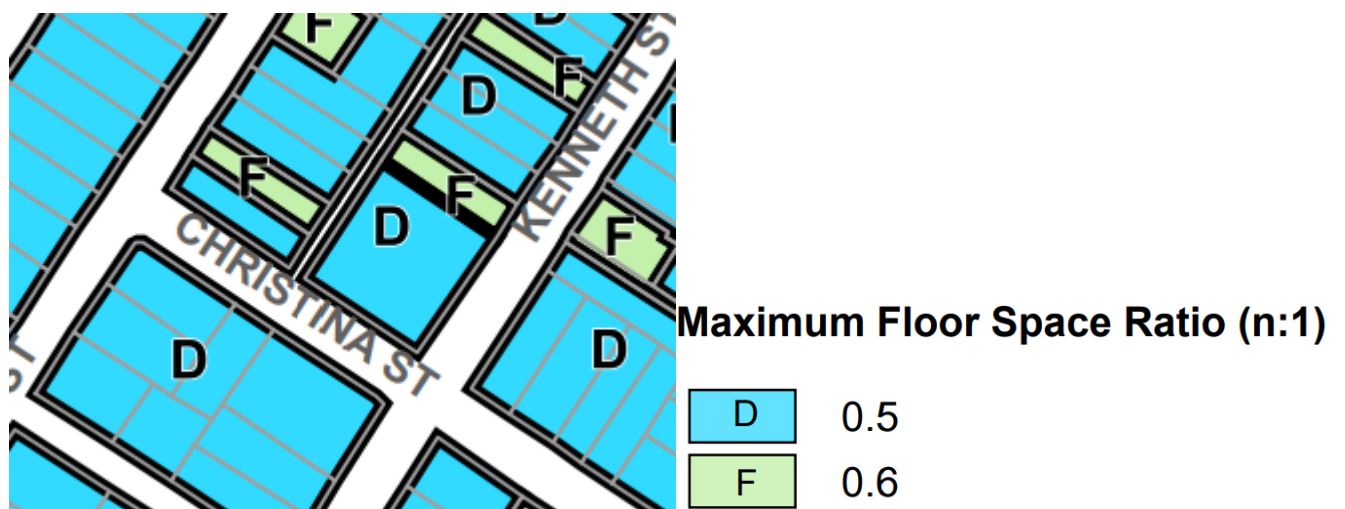
**Figure 8** - Plan extract showing compliance with the 9.5 metre height of buildings standard.

As the proposal complies with the numerical standard it is also deemed to comply with the associated objectives.

### 5.1.3 Floor Space Ratio

Pursuant to clause 4.4 of LCLEP the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The subject property has a split floor space ratio is identified on the map as depicted in Figure 9 below:



**Figure 9** - FSR map extract showing split FSR ratio applying to the land.

In this regard, the northern portion of the site has a maximum prescribed FSR of 0.6:1 with the balance of the site having a maximum prescribed FSR of 0.5:1.

It has been determined that the proposed development results in the following GFA/ FSR within the 2 FSR sub zones as follows:

Proposed GFA and FSR No. 47				
Level	Name	Area	Site Area	FSR
LOWER GROUND	Proposed Lower No. 47	224.3 m <sup>2</sup>		
GROUND FLOOR	Proposed Ground No. 47	1135.0 m <sup>2</sup>		
FIRST FLOOR	Proposed First No. 47	527.2 m <sup>2</sup>		
		1886.6 m <sup>2</sup>	2090.3 m <sup>2</sup>	0.90

Proposed GFA and FSR No. 43				
Level	Name	Area	Site Area	FSR
LOWER GROUND	Proposed Lower No. 43	67.6 m <sup>2</sup>		
GROUND FLOOR	Proposed Ground No. 43	371.5 m <sup>2</sup>		
FIRST FLOOR	Proposed First No. 43	115.6 m <sup>2</sup>		
		554.8 m <sup>2</sup>	557.4 m <sup>2</sup>	1.00

Accordingly, in relation to the component of the development located on the portion of the site having a maximum prescribed FSR of 0.5:1 (1045.15m<sup>2</sup>) the development proposes 1886.6m<sup>2</sup> GFA representing an FSR of 0.9:1. This exceeds the standard by 841.45m<sup>2</sup> or 80.5%.

In relation to the component of the development located on the portion of the site having a maximum prescribed FSR of 0.6:1 (334.44m<sup>2</sup>) the development proposes 554.8m<sup>2</sup> GFA representing an FSR of 1:1. This exceeds the standard by 220.36m<sup>2</sup> or 65.8%.

Clause 4.6 of LCLEP provides a mechanism by which this development standard can be varied. This submission is accompanied by a clause 4.6 variation request prepared in support of the FSR variation with such variation request found to be well-founded on the basis that strict compliance is unreasonable and unnecessary with sufficient environmental planning grounds to justify the variation sought. The clause 4.6 variation request is at Attachment 1.

#### 5.1.4 Earthworks

Pursuant to clause 6.1A(3) LCLP before granting development consent for earthworks, the consent authority must consider the following matters:

(a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

Response: The proposed works require relatively modest excavation and to that extent are unlikely to disrupt or detrimentally affect existing drainage patterns and soil stability in the locality.

(b) *the effect of the proposed development on the likely future use or redevelopment of the land,*

Response: The earthworks proposed will not impact on the likely future use or redevelopment of the land.

(c) *the quality of the fill or the soil to be excavated, or both,*

Response: We do not anticipate any excavated material to be contaminated. That said no objection is raised to the imposition of an appropriately worded condition pertaining to the management of potential contamination during construction works.

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*

Response: The extent of earthworks proposed will not impact the amenity of adjoining properties either during construction or post construction. It is anticipated that the consent authority will impose standard conditions in relation to pre-and post construction dilapidation reporting on the immediately adjoining property 41 Kenneth Street.

*(e) the source of any fill material and the destination of any excavated material,*

Response: The proposal does not require the importation of any fill material with all excavation material going to landfill.

*(f) the likelihood of disturbing relics,*

Response: Given the historical use of the site the likelihood of disturbing relics is extremely low.

*(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Response: Given the location of the site the excavation proposed will not adversely impact any watercourse, drinking water catchment or environmentally sensitive area subject to the installation of appropriate erosion and sediment control measures. This issue could be address by way of condition.

Under such circumstances, the consent authority can be satisfied that the proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

## 5.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Health services facilities (hospitals) are prohibited in the zone however permissible pursuant to Division 10 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Pursuant to clause 2.60(1) development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone. The R2 Low Density Residential zone is a prescribed zone for the purpose of this clause.



## 6 Development Control Plans (S. 4.15(1)(a)(iii))

### 6.1 Lane Cove Development Control Plan – Overview

The Lane Cove Development Control Plan (the DCP) is applicable to the proposal.

The following sections of this SoEE will demonstrate that the proposed development is contextually appropriate and consistent with the applicable objectives of the DCP.

The proposal displays compliance with the objectives and / or numerical requirements of the DCP. An assessment of the applicable development controls and the manner in which the proposal responds is provided in the table below.

### 6.2 Development Control Plan– Assessment

Tables demonstrating compliance with the relevant provisions of the Lane Cove DCP are detailed as follows:

Part B – General Controls		
Provision	Comment	Complies
<b>B.3 – Site Amalgamation and Development on Isolated Sites</b>	These provisions relate to development involving residential flat development.	N/A
<b>B.4 – View Sharing</b> <i>Buildings on steeply sloping sites should adjust the height of the building envelope to follow the natural topography of the site.</i>	Having inspected the site and its immediate surrounds to identify potential view corridors over and across the site we have formed the considered opinion that the development will not give rise to unacceptable, or unanticipated, public or private view affectation.	Yes
<b>B.5 – Development in Foreshore Areas</b>	The development is not within a foreshore area.	N/A
<b>B.6 – Environmental Management</b> <b>Energy and Water Efficiency for Buildings</b>	The proposal is not BASIX affected development.	N/A
<b>B.7 – Development Near Busy Roads and Rail Corridors</b>	The subject site is not located near a busy road (40,000 vpd) or near a rail corridor.	N/A
<b>B.8 – Safety and Security</b> <i>a) All ground floor apartments, villas, townhouses and attached or detached dwellings that have a street frontage other than battle axe blocks are to have direct</i>	The main pedestrian entry to the building is located in the centre of the building with direct access from Kenneth Street.	Yes

<p><i>access or entries from the street and at least one habitable room with windows facing the street.</i></p> <p><i>a) All development at ground level is to offer passive surveillance for safety and security of residents and visitors.</i></p> <p><i>All development is to contribute to the safety of any public domain areas.</i></p> <p><i>Development is to optimise the visibility, functionality and safety of building entrances.</i></p> <p><i>Development is to improve at least some these opportunities for casual surveillance.</i></p> <p><i>Minimise opportunities for concealment in all development.</i></p> <p><i>Control access to residential flats, commercial and mixed use development.</i></p>	<p>The site offers passive surveillance opportunities for the safety and security of patients, visitors and staff including security doors, alarm systems, adequate lighting of the parking area, stairs, lifts, lobbies and hallways.</p> <p>The design of the development minimises concealment opportunities.</p>	
<p><b>B.9 - Heritage</b></p>	<p>The site is not a heritage listed item, is not located within a heritage conservation area and is not in the vicinity of any heritage item.</p>	<p>N/A</p>

## Part C.– Residential Development

Note: In circumstances where there are no specific controls applicable to health service facilities within a residential zone the built form controls applicable to permissible forms of residential development on the land have been adopted to enable an assessment in relation to the built form outcome proposed. In this regard, there can be no reasonable expectation that a permissible health services facility (hospital) will take the appearance of a single detached dwelling house nor comply with the applicable built form controls. Such controls must be applied with a degree of flexibility having regard to the design and operational requirements of a contemporary hospital and having regards to the long established hospital use on this particular site.

Provision	Comment	Complies
<b>1.2 Streetscape</b> <i>The objectives for streetscape are to:</i> <b>1</b> Achieve development of a scale and appearance which is in keeping with the predominant traditional or emerging street and neighbourhood character. <b>2</b> Ensure the existing landscape character of the area is maintained and enhanced. <b>3</b> Ensure the existing topography of the site is reinforced by dwelling design. <b>4</b> Ensure that dwellings provide passive surveillance, resident interaction and address the street or adjacent public open space. <b>5</b> Ensure that garages, carports and driveways do not dominate the dwelling or streetscape. <b>6</b> Ensure that satellite dishes do not visually detrimentally affect the streetscape. <b>a)</b> Developments on sites with two or more frontages should address both frontages to promote interaction and add diversity to the streetscape. <b>b)</b> All housing is to address the street and offer passive surveillance to the street.	<p>The proposed development has been designed to address all street frontages with the built form outcome contributing positively to the diversity of the streetscape. The development provides appropriately for casual surveillance opportunities to each street frontage.</p>	Yes
<b>1.3 Setbacks</b> <i>The objectives of setbacks are to:</i> <b>7</b> Maintain the predominant street setback.		



<p>8 To enhance and maintain vegetation corridors through landscaping within front and rear gardens and side boundaries.</p> <p>9 Side and rear setbacks are to provide building separation, sunlight, landscaping, ventilation, public views (if appropriate) for the dwelling and its neighbours.</p>		Yes
<p><b>Front setbacks</b></p> <p>a) The front setback of the building shall be consistent with the prevailing setback along the street (refer Diagram No. 1). Where there is no predominant setback within the street, the setback should be a minimum of 7.5m. Irregular sites may be considered on their merits.</p> <p>b) The secondary street setback for corner allotments is to be a minimum of 2.0m (refer Diagram No. 1).</p> <p>c) The front setback is to be free of structures such as swimming pools and ancillary elements such as rainwater tanks and air conditioning units. In certain circumstances carports and garages may be permitted in the front setback (see Section 1.9 Car Parking).</p> <p>d) In general, no part of a building or above ground structure may encroach into a setback zone. Exceptions are awnings, balconies, blade walls, bay windows and other articulation elements up to a maximum of 500mm.</p>	<p>The proposed works maintain the established setbacks to both the Kenneth Street and Christina Street frontages. The proposed additions also maintain the setbacks established by the existing development on the site from the Lorna Leigh Lane frontage with the proposed hydrotherapy pool located in the area currently occupied by the existing garage structure. In this regard, the development maintains the predominant street setbacks in accordance with these provisions.</p>	Yes
<p><b>Side setbacks</b></p> <p>a) Side setbacks are to be a minimum of:</p> <p>I. 1.2m for a single storey dwelling</p> <p>II. 1.5m for a two storey dwelling.</p> <p>Irregular sites may be considered on their merits.</p>	<p>The proposed additions maintain a variable setback to the only side boundary of the allotment of between 1.535 and 3 metres. The setbacks are consistent with the setbacks applicable to 2 storey dwelling house development on the subject property. The setbacks provide for a deep soil landscape zone to enable the establishment of screen landscaping adjacent to this boundary interface as nominated on the accompanying landscape plans. Given the orientation of the allotment relative to the adjoining residential property the proposed works will not give rise to unacceptable shadowing impacts nor will it impact public or private views.</p>	Yes

	In this regard, the proposed setbacks satisfy the objectives associated with the control.	
<p><b>1.5 Landscaped Area</b></p> <p><b>The objectives for landscaped area are:</b></p> <p><i>1 To provide privacy and amenity.</i></p> <p><i>2 To retain and provide for significant vegetation, particularly large and medium sized trees and to provide continuous vegetation corridors.</i></p> <p><i>3 To conserve significant natural features of the site.</i></p> <p><i>4 To assist with on-site stormwater management</i></p> <p><i>a) A minimum of 35% of the site is to be landscaped area. A minimum width of 1m is required for inclusion as landscaped area.</i></p> <p><i>b) Proposals should seek to retain significant natural features on the site including mature trees, rocky outcrops and other major vegetation stands (including continuous vegetation corridors to the rear) by careful design of the dwelling and other structures.</i></p> <p><i>c) The landscaped area should be effectively distributed on the site to minimise the dominance of buildings, structures and paving when viewed from the street, public places and surrounding properties.</i></p> <p><i>d) Landscape plans for dual occupancies are to show any vegetation being replaced, and screening for privacy and visual amenity.</i></p> <p><i>e) Landscaping at front boundaries shared with bicycle routes should be less than 900mm in height and should not impede pedestrian and bicycle routes or reduce visibility to these pathways.</i></p>	<p>The proposal provides for a total landscaped area as defined of 804.77m<sup>2</sup> or 30.39%.</p> <p>Although non-compliant with the 35% landscaped area control the proposal satisfies the associated objectives by providing deep soil landscape opportunity adjacent to the only immediately adjoining residential property which will assist in the maintenance of appropriate privacy and amenity. The extent of landscaping proposed will not prevent the appropriate on-site management of stormwater with there being no significant natural features on the site. The company landscape plan demonstrates that the landscaped area is proposed provide for the provision/ retention of significant vegetation including large and medium sized trees.</p> <p>Accordingly, it can be demonstrated that the quantum and quality of the landscaped area proposed achieves the objectives of the control without strict compliance with the numerical provision. Such variation succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.</p> <p>The accompanying arborist report prepared by Growing My Way Tree Consultants confirms that the proposal requires the removal of two (2) trees being Tree 1 - London Plane Tree and Tree 3 – Kaffir Plum Tree both of which are exotics and supported for removal due to their incompatibility with the health services facility use established on the site. Such tree loss is appropriately compensated for through the implementation of the site landscape regime as depicted on the landscape plans prepared by Vision Dynamics.</p>	<p>No</p> <p>Acceptable on merit</p>

	These landscape plans incorporate deep soil landscaping adjacent to the rear yard of 41 Kenneth Street, on slab planting above the proposed hydrotherapy pool and additional tree plantings adjacent to the Kenneth Street frontage.	
<p><b>1.6 Cut and Fill</b></p> <p><i>The objectives for cut and fill in low density residential developments are to:</i></p> <p><i>1 Retain the natural ground levels as much as possible of a site and its existing landforms particularly in relation to the street or adjacent private open space areas.</i></p> <p><i>2 To achieve reasonable landscaping within development.</i></p> <p><i>3 To minimise the extent of cut and fill and its impact along side boundaries.</i></p> <p><i>4 To create a consistent relationship between the dwelling and the street.</i></p> <p><i>5 To ensure that excavation and filling of a site does not result in unreasonable amenity impacts to adjoining dwellings.</i></p> <p><i>6 To minimise change to water run-off patterns.</i></p> <p><i>a) All dwellings are to relate to the existing topography of the land at the time of the adoption of this DCP.</i></p>	<p>The proposal has been designed to minimise excavation and retain natural ground levels adjacent to the property boundaries. As previously indicated, the application is a company by a landscape plan which provides appropriately for site landscaping capable of softening and screen the development and providing appropriate landscape treatments to the side boundary interface with the adjoining residential dwelling.</p>	Yes

<p><b>1.7 Building Design</b></p> <p><i>The objectives are to:</i></p> <p><i>1 Ensure new dwellings and alterations and additions to existing dwellings reinforce the typical bulk and scale of existing dwellings within the street and the area.</i></p> <p><i>2 Ensure that alterations and additions to existing dwellings maintain the integrity of the design and style of the existing building.</i></p> <p><i>3 Ensure elevations to the street and public domain are well proportioned and designed.</i></p> <p><i>4 Minimise impact in terms of overshadowing, loss of privacy, light spillage to adjoining properties, loss of views and amenity</i></p> <p><b>Height</b></p> <p><i>a) The maximum wall height to the underside of eaves for any floor above ground level (existing) is 7.0m to minimise the bulk and massing.</i></p> <p><i>b) The maximum height to the underside of undercroft areas above ground level (existing) is to be 1.0m. Refer to controls relating to cut and fill for additional requirements.</i></p> <p><i>c) The maximum height of a parapet roof is to be 600mm above the maximum wall height of a dwelling.</i></p> <p><i>d) The maximum height for a pitched roof house is 9.5m above ground level (existing).</i></p> <p><i>e) A maximum of 2 storeys plus basement is permissible at any point above ground level (existing). No building will be permitted to have an appearance (in elevation) exceeding three storeys in height.</i></p> <p><i>f) In the case of a detached dual occupancy, the dwelling furthest from the street is to be single storey.</i></p> <p><b>Architectural character and articulation</b></p> <p><i>a) Dwellings should provide a minimum of one major window from a habitable</i></p>	<p>The development maintains a predominantly 1 and 2 storey built form presentation to the public domain with the proposed 3 storey element a consequence of the topographical characteristics of the site.</p> <p>There can be no reasonable expectation that a permissible health services facility (hospital) will take the appearance of a single detached dwelling house nor comply with the applicable built form controls. Such controls must be applied with a degree of flexibility having regard to the design and operational requirements of a contemporary hospital and having regards to the long established hospital use on this particular site.</p> <p>Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we are of the opinion that the bulk and scale of the development is acceptable given the design initiatives adopted including appropriate spatial separation, deep soil perimeter landscape opportunity, fixed privacy screening and the highly articulated and modulated building facades proposed.</p> <p>Further, we are of the opinion that most observers would not find the development offensive, jarring or unsympathetic in a streetscape context. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings and able to coexist in harmony.</p>	<p>Yes</p>
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<p><i>room directly overlooking the street or public open space area.</i></p> <p><i>b) Skylights within roofs are to be located so that they are not visible from the street.</i></p> <p><i>c) Attics will only be considered within existing roof forms. Attics in Mansard roofs are prohibited.</i></p> <p><i>d) Where habitable attic space is provided within a roof form then minor dormer windows are to be provided located away from the street frontage. Dormers are to be proportioned vertically and not horizontally.</i></p> <p><i>e) Metal deck roofs are to be a mid to dark range colour.</i></p>	<p>Further to the commentary above, the alterations and additions adopt a characteristically pitched roof form.</p>	
<p><b>1.8 Amenity</b></p> <p>The objectives for amenity are to:</p> <p><i>1 To provide reasonable solar access to habitable rooms and recreational areas of new and existing developments.</i></p> <p><i>2 To provide reasonable acoustic and visual privacy for neighbouring properties.</i></p> <p><i>3 Minimise overlooking between adjoining dwellings and their private open spaces</i></p> <p><b>Solar access and overshadowing</b></p> <p><i>a) Dwellings or additions shall be so designed and orientated so as to give reasonable sunlight to the habitable rooms and recreational areas of the subject site and adjoining premises between 9.00am and 3.00pm on 21st June. In particular, dwellings are to be so located and designed that a portion of windows of neighbouring dwellings receive at least 3 hours of sun between 9am and 3pm on 21st June.</i></p> <p><i>b) Council may accept reduction in solar access for the subject site and adjacent</i></p>	<p>The accompanying shadow diagrams demonstrate that a minimum of three hours of direct sunlight will be maintained to the living room windows and adjacent private open space of the adjoining dwelling house at 41 Kenneth Street between 9 AM and 3 PM on 21<sup>st</sup> of June.</p>	<p>Yes</p>

<p>development if the topography and lot orientation is such that the 3 hour standard is considered unachievable.</p> <p>c) Where adjacent dwellings and their open space already receive less than 2 hours of sun then new development should seek to maintain this solar access where practicable.</p> <p><b>Privacy – Visual and Acoustic</b></p> <p>a) Dwellings or additions shall be designed and orientated so that windows, balconies and decks are not situated directly opposite windows of the habitable rooms of any adjoining dwellings, unless privacy can be addressed.</p> <p>b) Roof terraces and decks above the upper storey are prohibited.</p> <p>c) Elevated decks, terraces or balconies greater than 1m above ground level (existing) to living areas are not to exceed a maximum depth of 3.0m. Deeper decks may be considered if privacy to adjoining properties is addressed.</p> <p>d) The noise generated by mechanical equipment of any sort must not exceed the background noise level by more than 5dB (A) when measured in or on the lot adjacent to the equipment. Where sound levels are exceeded, sound proofing measures will be required.</p>	<p>The patient rooms have been designed to prevent direct overlooking into the adjoining properties through the use of integrated fixed screening devices with light spill controlled by spatial separation, room design and bed orientation. The elevated patio is located where it will not give rise to any direct overlooking into any surrounding properties and to that extent will not give rise to adverse visual or acoustic amenity impacts.</p> <p>Potential noise intrusion impacts have been addressed in the accompanying Acoustic Report prepared by Pulse White Noise Acoustics Pty Limited with no objection is raised to the recommendations contained within the report forming appropriately worded conditions of consent.</p>	<p>Yes</p>
<p><b>1.9 Carparking</b></p> <p>1 To provide off street parking for residents.</p> <p>2 To ensure that the design of car parking structures is consistent with the dwelling and has minimal impact on the streetscape.</p>	<p>The acceptability of the proposed access and parking arrangement is detailed in the accompanying Transport and Parking Impact Assessment prepared by Transport Strategies with the report concluding:</p> <p><i>There is an increasing demand for medical centre facilities as a consequence of ongoing urban development and population aging in the Lane Cove area.</i></p> <p><i>The existing Longueville Private Hospital at 43-47 Kenneth Street, Longueville presents an ideal opportunity for the expansion of services to provide for these needs.</i></p>	<p>Yes</p>

	<p><i>The transport and parking assessment provided in this report confirms that:</i></p> <ul style="list-style-type: none"> <li>❖ <i>there will be very accessible and frequent public transport services available for staff, patients, and visitors</i></li> <li>❖ <i>the proposed development will present negligible traffic impacts on the surrounding road network</i></li> <li>❖ <i>the proposed car parking provision will be suitable and appropriate given the location of the Hospital and the ample on-street carparking</i></li> <li>❖ <i>the existing vehicle access and internal circulation arrangements will be suitable and appropriate</i></li> <li>❖ <i>the proposed car parking layout has been designed in accordance with AS2890.1 and 6 requirements</i></li> <li>❖ <i>the proposed loading/servicing arrangement will be suitable and adequate for the proposed development.</i></li> </ul>	
<b>Part O – Stormwater Management</b>		
<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
<b>Onsite Stormwater Detention Systems</b>  <i>All developments with more than two dwellings proposed on the site and the proposed impervious area of the site exceeds 35% will require OSD.</i>	All stormwater will be gravity drained through an on-site stormwater detention system to the existing Council drainage infrastructure within Lorna Leigh Lane as detailed in the accompanying drainage concept proposal prepared by Paul Bekker.	Yes
<b>Part Q – Waste Minimisation and Management</b>		
<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
<i>A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.</i>	The application is accompanied by completed Site Waste Minimisation and Management Plan with operational waste continuing to be collected by a commercial waste contractor.	Yes
<b>Part R – Traffic, Transport and Parking</b>		
<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
<b>2.1 Parking Generally</b>	The acceptability of the proposed access and parking arrangement is detailed in the accompanying Transport and Parking Impact	Yes

<p><i>The objectives of parking controls are to:</i></p> <ol style="list-style-type: none"> <li><i>1. Ensure that reasonable parking needs are met.</i></li> <li><i>2. Ensure that developments do not impose excessive demand for on-street parking on surrounding streets.</i></li> <li><i>3. Ensure that car parking spaces are convenient and accessible so that they are utilised for their intended purpose</i></li> <li><i>4. Provide a lower level of car parking in areas with good access to public transport and services</i></li> </ol>	<p>Assessment prepared by Transport Strategies with the report concluding:</p> <p><i>There is an increasing demand for medical centre facilities as a consequence of ongoing urban development and population aging in the Lane Cove area.</i></p> <p><i>The existing Longueville Private Hospital at 43-47 Kenneth Street, Longueville presents an ideal opportunity for the expansion of services to provide for these needs.</i></p> <p><i>The transport and parking assessment provided in this report confirms that:</i></p> <ul style="list-style-type: none"> <li><i>❖ there will be very accessible and frequent public transport services available for staff, patients, and visitors</i></li> <li><i>❖ the proposed development will present negligible traffic impacts on the surrounding road network</i></li> <li><i>❖ the proposed car parking provision will be suitable and appropriate given the location of the Hospital and the ample on-street carparking</i></li> <li><i>❖ the existing vehicle access and internal circulation arrangements will be suitable and appropriate</i></li> <li><i>❖ the proposed car parking layout has been designed in accordance with AS2890.1 and 6 requirements</i></li> <li><i>❖ the proposed loading/servicing arrangement will be suitable and adequate for the proposed development.</i></li> </ul>	
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## 7 Matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to S4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in italic) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

### ***(i) Any Environmental Planning Instrument***

The proposal is permissible and in conformity with the development controls contained within LLEP and the planning guidelines as outlined in the DCP. The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of the Environmental Planning and Assessment Act, 1979 as amended and compliant with controls applicable to this form of development on this particular site.

***(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and***

N/A

### ***(iii) Any Development Control Plan***

Lane Cove DCP applies and has been comprehensively addressed in the statement.

***(iiia) 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, and***

N/A

***(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and***

N/A

***(v) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and***

N/A

***(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,***

### ***Context and Setting***

i. What is the relationship to the region and local context in terms of:

- The scenic qualities and features of the landscape
- The character and amenity of the locality and streetscape
- The scale, bulk, height, mass, form, character, density and design of development in the locality
- The previous and existing land uses and activities in the locality

The proposed residential flat building is entirely commensurate with that established by development generally within the site's visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

*Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The proposal provides safe, convenient and compliant of street parking with no unmanageable traffic generation proposed.

*Public Domain*

The proposed works will have no adverse impact on the public domain.

*Utilities*

Existing utility services will continue to service the development site.

*Flora and Fauna*

Some removal of trees is required. An arborist report accompanies this application. Landscaping is provided for as detailed on the accompanying landscape plans.

*Waste Collection*

Operational waste will continue to be collected by a private waste contractor.

*Natural Hazards*

N/A

*Economic Impact in the Locality*

The proposed works will not have any significant impact on economic factors within the area other than short term employment opportunities during construction. Additional employment opportunities will be afforded through the ongoing operation of the expanded hospital facility.

### *Site Design and Internal Design*

- i) *Is the development design sensitive to environmental considerations and site attributes including:*
- *size, shape and design of allotments*
  - *The proportion of site covered by buildings*
  - *the position of buildings*
  - *the size (bulk, height, mass), form, appearance and design of buildings*
  - *the amount, location, design, use and management of private and communal open space*
  - *Landscaping*

These matters have been discussed in detail earlier in this report.

- ii) *How would the development affect the health and safety of the occupants in terms of:*
- *lighting, ventilation and insulation*
  - *building fire risk – prevention and suppression*
  - *building materials and finishes*
  - *a common wall structure and design*
  - *access and facilities for the disabled*
  - *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as detailed within the accompanying report prepared by Trevor R Howse. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

### *Construction*

- i) *What would be the impacts of construction activities in terms of:*
- *The environmental planning issues listed above*
  - *Site safety*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

### ***(c) The Suitability of the Site for the Development***

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

***(d) Any submissions received in accordance with this Act or the regulations.***

It is envisaged that Council will appropriately consider any submissions received.

***(e) The Public Interest***

It is considered that the development is sensitive both to the natural and built environments and is consistent with existing character of the area and the planning controls as they reasonably apply.



## 8 Conclusion

This document forms a component of a development application that proposes alterations and additions to the existing private hospital incorporating the provision of 19 additional beds over two levels, a rehabilitation gym, hydrotherapy pool and at grade car parking for four vehicles including one accessible space and a shared ambulance bay/service vehicle bay. The works will result in up to 4 registered medical practitioners and 12 employees on the site at any one time. The increase in bed numbers will meet a clear demand for private patient beds within the Lane Cove area.

The project architect has responded to the client brief to provide increased patient bed numbers on the subject site in a contextually appropriate manner and in doing so facilitate a general building upgrade having regard to the Building Code of Australia, the Ministry of Health design and construction requirements and the provisions of the Private Health Facilities Act 2007, the Private Health Facilities Regulations 2017 and the Australasian Health Facility Guidelines.

This application represents a highly considered response to the minutes arising from formal pre-DA discussions with Council on 28<sup>th</sup> April 2022. Particular attention has been given to providing appropriately for the off-street carparking demand generated by the additional beds and improving the servicing of the existing hospital through the creation of a dedicated ambulance bay/service vehicle bay whilst maintaining appropriate streetscape and residential amenity outcomes in relation to views, privacy and solar access. In this regard, the patient rooms have been designed to prevent direct overlooking into the adjoining properties through the use of integrated fixed screening devices with light spill controlled by spatial separation, room design and bed orientation.

Whilst the application requires the removal of a number of trees on the site such tree loss facilitates the orderly and economic use and development of the land consistent with its long-established health service facility use. The accompanying landscape plans prepared by Vision Dynamics nominates the provision of screen plantings along the northern boundary of the property adjacent to the existing residential dwelling house together with the retention of all existing trees within the Christina Street frontage.

The identified minor non-compliances with the landscaped area controls have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15 of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The height, form, massing and density of development, as reflected by FSR, are contextually appropriate and provide for the orderly and economic use and development of the land in accordance with its long-established health services facility land use. The clause 4.6 variation request is well-founded.
- The proposed development has been designed to maintain appropriate residential amenity to surrounding development and will not be perceived as inappropriate or jarring in a streetscape context.

- The proposal will increase the supply and amenity of private health service facilities within the Lane Cove area and to that extent approval is not antipathetic to the public interest.

**Boston Blyth Fleming Pty Limited**

A handwritten signature in black ink, appearing to be 'M. Blyth', written over a horizontal line.

**Director**