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| Subject | Briefing Note to Sydney North Planning Panel |
| Property | Nos. 43-47 Kenneth Street, Longueville |
| Description of Proposal | Alterations and additions to an existing private hospital |
| Council/Panel Application No. | DA72/2023 / PPSSNH-405 |
| Lodgement Date | 26 June 2023 |
| Indicative Determination Date | Fourth/final quarter of 2023 |
| Capital Investment Value | \$7,977,003.00 |
| Applicant / Owners | Richard Dib (Macquarie Health) (Applicant) Thomas and David Wenkart (Owners) |

1. Strategic Planning Context

The subject development site is located within the Longueville locality which is predominantly an established low-density residential area containing mainly detached dwelling developments.

2. Subject Site

The subject site is known as Nos. 43-47 Kenneth Street, Longueville (Lot 10 DP 1221098) with a total site area of 2,647m². The site has a frontage to Kenneth Avenue (to the southeast), Christina Street (to the southwest) and Lorna Leigh Lane (to the northwest). The site is zoned R2 Low Density Residential under Lane Cove Local Environmental Plan 2009. The site presently contains predominantly a single storey private hospital building, a part basement level and two administration or medical type buildings which were former dwelling houses. The site is adjoined by detached dwellings and a place of worship building. There is vehicular access from Christina Street adjacent to the lane at the rear.



Figure 1 – Aerial of Subject Site

The consolidated allotment has primary frontage to Kenneth Street of 57.91m, secondary frontage to Christina Street of 45.720m and frontage to Lorna Leigh Lane of 57.91m. The property shares a common boundary with an adjacent two storey detached dwelling house No. 41 Kenneth Street to the north-east. A row of 90° car parking spaces is provided along the Christina Street frontage with established canopy trees softening and screening the existing buildings as viewed from the street.



Figure 2 – View from Kenneth Street



Figure 3 – Existing Ambulance Bay from Kenneth Street

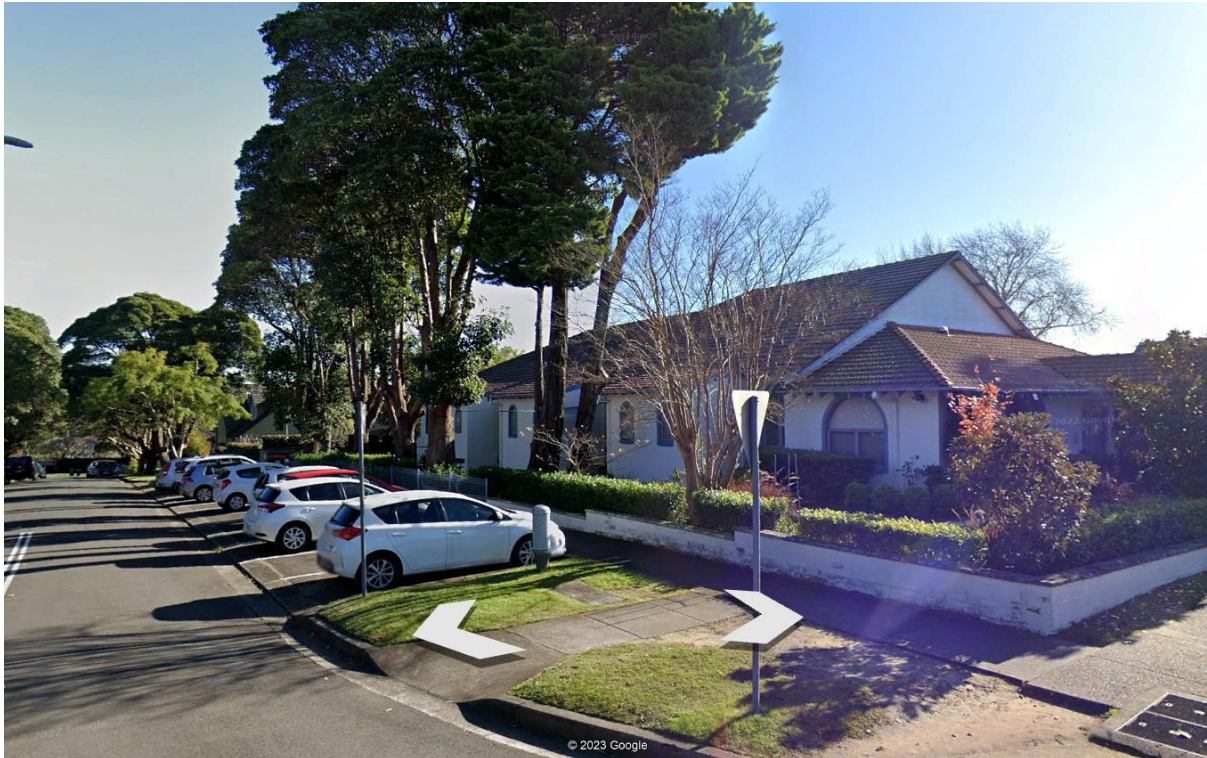


Figure 4 – View from Christina Street

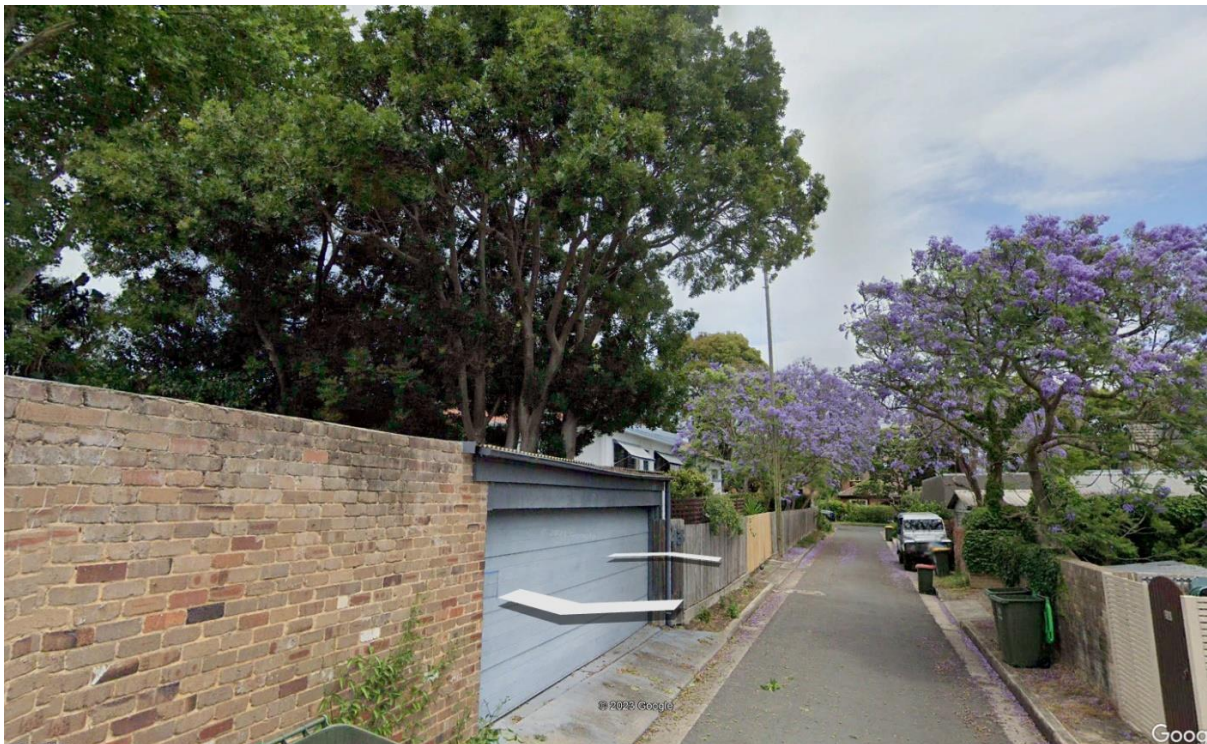


Figure 5 – View from Lorna Leigh Lane Cove Council



Figure 6 – Adjoining 2 Storey Dwelling House at No. 41 Kenneth Street



Figure 7 – St Andrews Uniting Church Directly Opposite the Subject Site on Christina Street

The subject property has no off-street carparking other than an ambulance bay accessed from the Kenneth Street frontage. The property falls across its surface in a south westerly direction. The property contains trees as detailed within the accompanying arborist report lodged.

3. Proposal Timeline

The proposal timeline (to date and forecast) is provided in **Table 1** as follows:

| Table 1 – Proposal Timeline | |
|------------------------------------|--|
| Date | Description |
| 26 June 2023 | Subject Development Application lodged. |
| 29 June 2023 | Public notification of Development Application commenced. |
| 15 July 2023 | Public notification of Development Application concluded (Approx. 40 submissions received). |
| 7 August 2023 | Meeting held with the applicant/owners to discuss the concerns Council had with the subject proposal. |
| 16 August 2023 | <p>A withdrawal and request for additional information letter sent to the applicant raising the following concerns with:</p> <ul style="list-style-type: none"> • FSR; • Built Form (setbacks); • Car Parking/Traffic; • Landscaped Areas; • Tree Impacts/Removal; • Engineering; and • Waste Management. <p>The letter requested withdrawal of the proposed Development Application where the applicant was advised that based on the above matters and significant non-compliances with both LCLEP and LCDCP, the proposal represented as an overdevelopment and an over-intensification of use on the subject site which would adversely impact on the existing local low-density residential locality. The subject site would not be suitable to accommodate such a large upgrade to the existing private hospital usage.</p> <p>The cumulative impact of the proposal would be unreasonable, and the proposed development would not be in the public interest.</p> |
| 5 September 2023 | <p>A further request for additional health and environment information in relation to:</p> <ul style="list-style-type: none"> • A Construction Noise & Vibration Management Plan; • A Construction & Demolition Waste Management Plan; and • The noise impacts from the proposed hydrotherapy pool filter and pool pump. |
| 4 October 2023 | Briefing of the Sydney North Planning Panel. |
| Fourth/Final quarter of 2023 | Determination by the Sydney North Planning Panel. |

4. Proposal

The Development Application is for alterations and additions to an existing private hospital over part two and three levels to primarily include an additional 19 beds. Four additional at-grade car parking spaces including one accessible and an ambulance/service bay underneath the hospital at the north-western corner of the site is proposed. A new rehabilitation gym and

hydrotherapy pool is also proposed. The works would result in a total of 48 beds/ patients on the property, up to four registered medical practitioners and 12 employees on the site at any one time. A new lift and other facilities are to be provided for under the proposed upgrade. Tree removal is proposed under the subject Development Application.

The justification for the proposed works, in particular the increase in bed numbers, would meet a clear demand for private patient beds within the Lane Cove area.

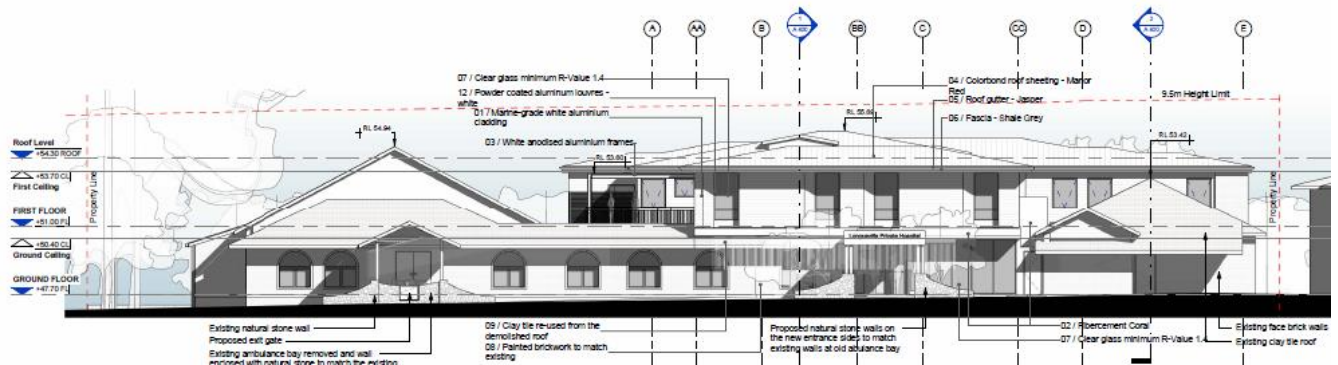


Figure 8 – Front Kenneth St East Elevation

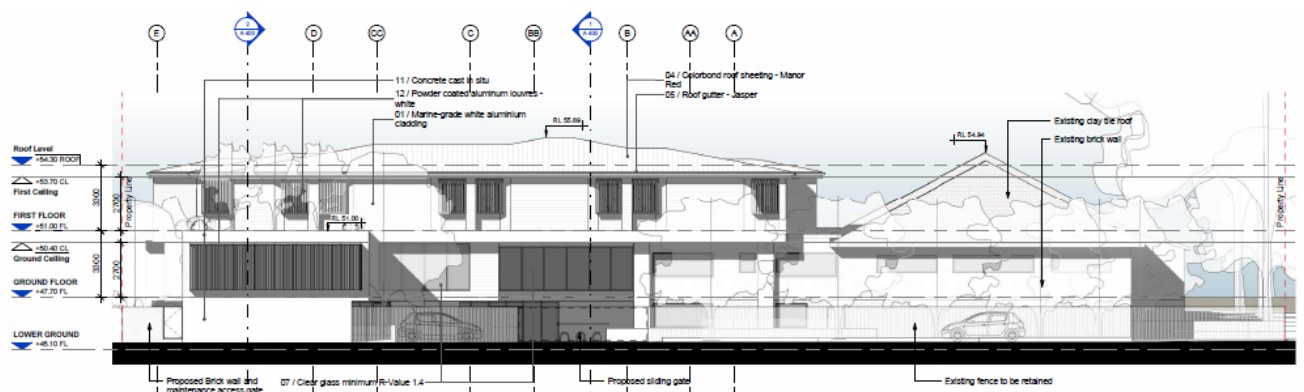


Figure 9 – Rear Lorna Leigh Lane West Elevation

5. Preliminary Assessment

A. Lane Cove Local Environmental Plan (LCLEP) 2009

The proposal has been assessed against the relevant provisions of LCLEP 2009 and the following matters are relevant:

Floor Space Ratio (FSR) Development Standard

The proposed development is not compliant with the relevant numerical **0.5:1** and **0.6:1** FSR Development Standards of Lane Cove LEP 2009 affecting the subject site by a maximum of **80.5%**.

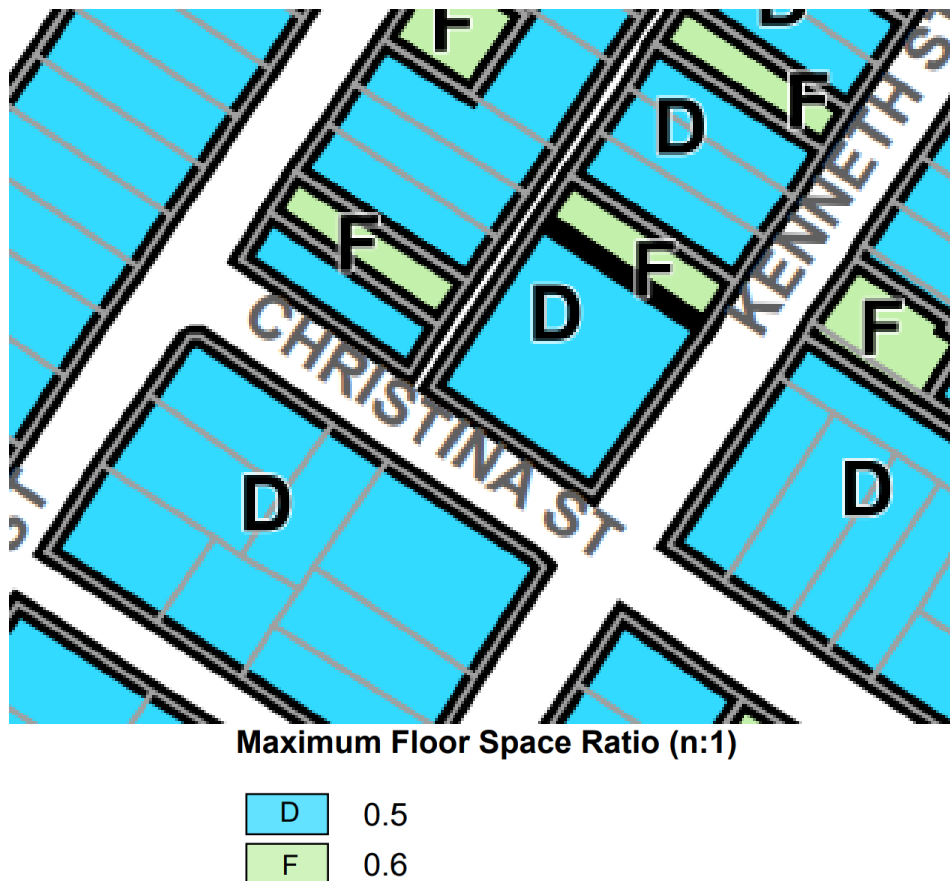


Figure 10 – FSR Map Indicating FSR Ratio Split on the Subject Site (Corner of Kenneth St and Christina St)

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 (1045.15m²) the development proposes 1886.6m² GFA representing an FSR of 0.9:1. This exceeds the standard by 841.45m² 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 (334.44m²) the development proposes 554.8m² GFA representing an FSR of 1:1. This exceeds the standard by 220.36m² or 65.8%.

The proposed substantial non-compliances are unreasonable and unnecessary in this instance. The submitted Clause 4.6 written submission is not supported. The proposed bulk and scale of the proposal would not be compatible with the existing low density residential character of the immediate Longueville locality. It is considered that the proposed FSR would be far too excessive which would indicate that the existing facility is at its maximum bulk/scale which had been already appropriately established.

The proposed large variation is not supported by Council due to the excessive bulk/scale proposed on a site located within a low-density residential locality and would be contrary to the relevant LCLEP aims, zone and FSR objectives.

B. Lane Cove Development Control Plan (LCDCP)

The proposal has been assessed against the relevant provisions of LCDCP and it does not achieve full compliance in relation to:

- building setbacks;
- excavation;
- numbers of storeys;
- car parking; and
- landscaping

The proposed non-compliances with the above DCP requirements which is in part due the above large variation being proposed to FSR are not supported on this basis.

Built Form

The proposed built form would have significant adverse visual impacts onto adjoining and surrounding residential properties to the north and west of the subject site.

There would be a significant adverse impact on the immediate property to the north due to the extent of the proposed works along the entire northern boundary towards the rear lane at the northwest corner of the site. This is primarily due to the substantial non-compliance with the required rear building setbacks under Lane Cove Development Control Plan (LCDCP) Part C – Residential Development Part 1.3.4 – Rear setbacks. The proposed rear setbacks are not supported as it would not be consistent with other rear setbacks in the locality and with the existing rear setback of the adjoining dwelling at No. 41 Kenneth Street.

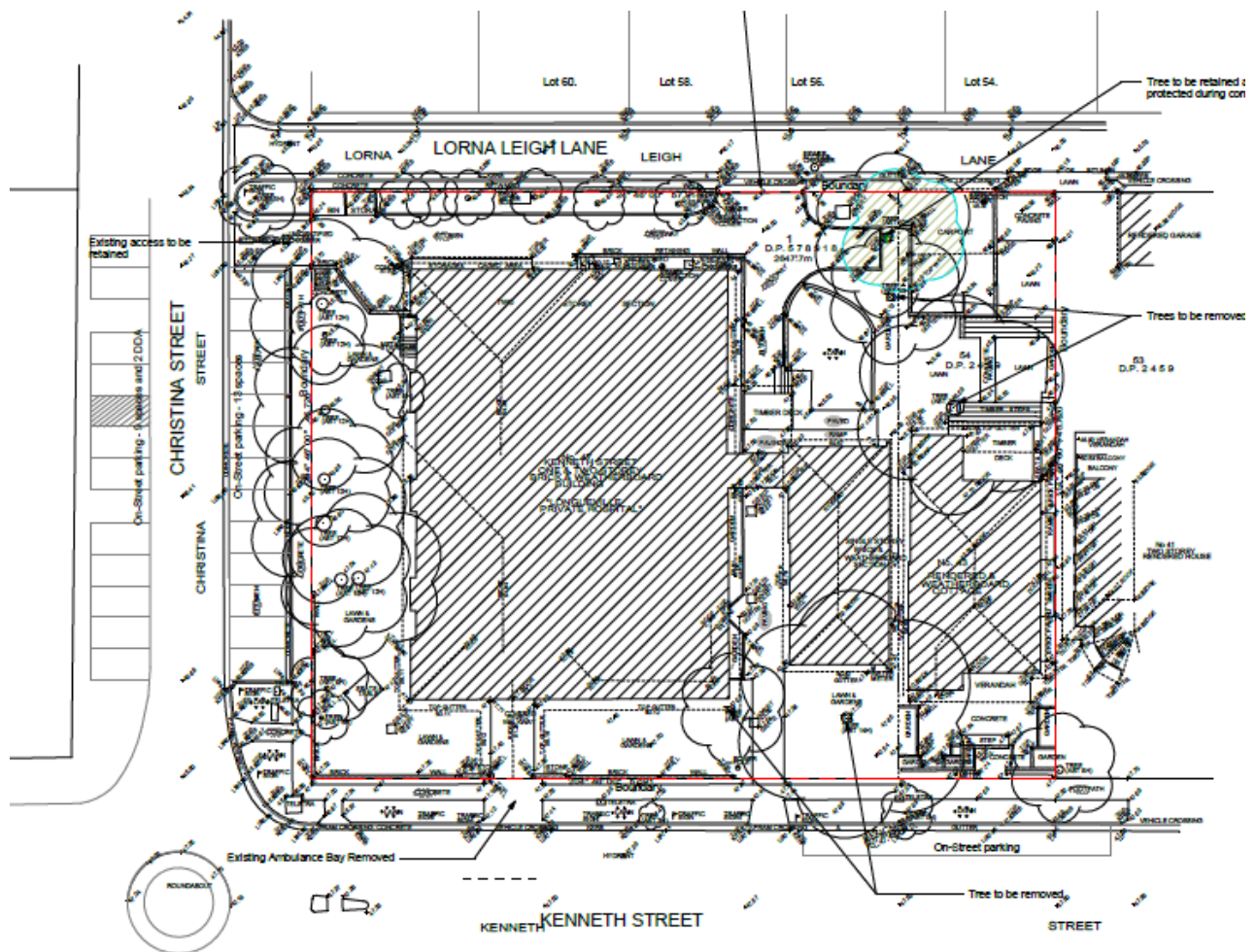


Figure 11 – Existing Predominant Single Storey Scale of the Hospital Facility

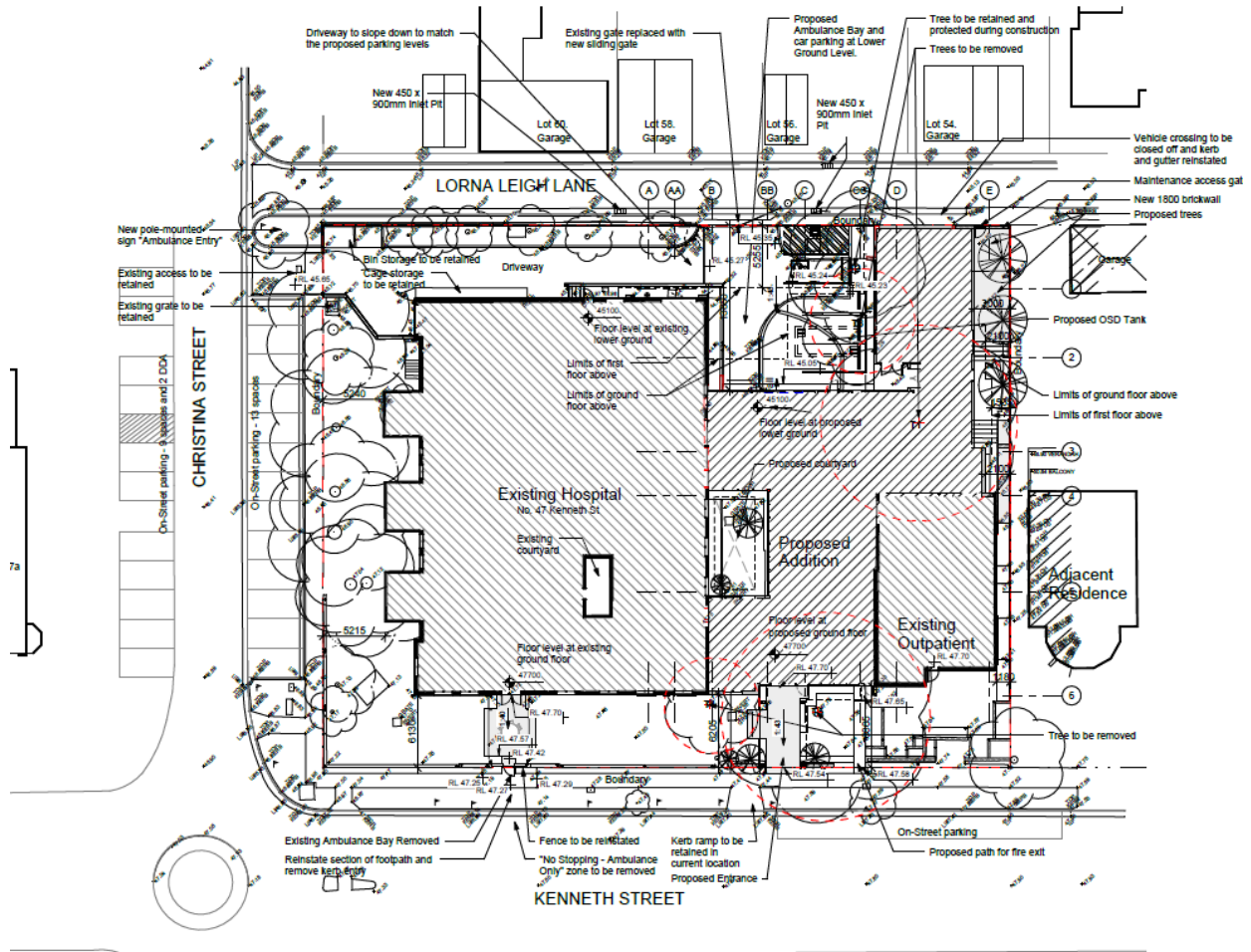


Figure 12 – Proposed Increase in Scale of the Hospital Facility with Reduced Building Setbacks and Landscaped/Garden Setting

It is considered that the proposed excavation to extend the minor portion of the existing lower-level ground floor area and the new works would create or introduce a new three-storey component to the existing facility to the rear lane/northern boundary and to the adjoining dwellings (see Figure 9 above). This component of the proposal would be contrary to the predominant single/two storey character of the locality and laneway. The proposal breaches Part 1.6(d) which restricts excavation to a maximum of 1m and to Part 1.7.1(e) Height which restricts developments to a maximum of two storeys on relatively flat sites.

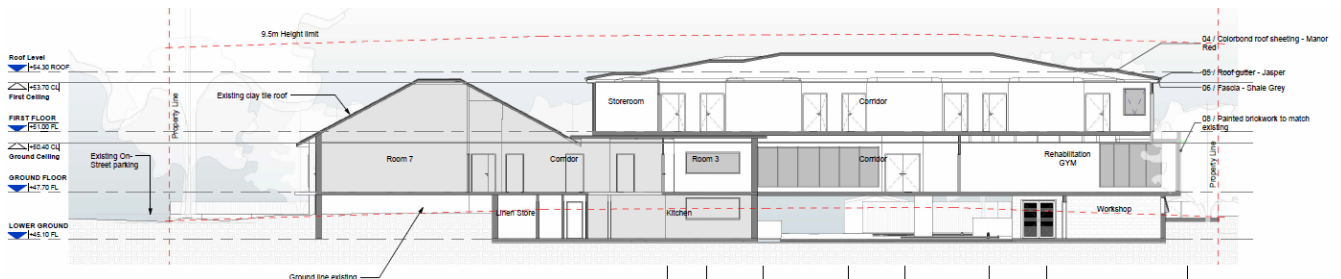


Figure 13 – Proposed Excavation to Extend the Lower Ground Level and to Create a Newly Introduced Three Storey Component (New Works in White/Existing Facility Shaded in Grey)

Landscaping and Tree Impacts

This impact is further exacerbated by the removal of existing rear trees and the existing garden setting of its rear yard. The above outcomes have contributed to the proposed variation to LDCP Part C Part 1.5 – Landscaped Area where the proposed landscaped area is below the **minimum 35%** area required where a total of approximately **20.16%** is proposed. The existing landscaped area is at approximately **26.43%**. This clear reduction in the amount of existing landscape areas occurs within the front Kenneth Street and rear yard areas to accommodate the new works. The proposed variation is not supported in this instance.

Further, this reduction in landscaped areas would involve adverse impact on existing trees which establish the low density character of the site and locality. Council Tree Officer has assessed the proposal and made the following comments:

The supplied plans and supporting documentation have been reviewed. The proposal requests the removal of four trees on site to facilitate additions and alterations to the existing hospital. Demolition plan details the following trees to be removed (numbers taken from Arborist report). Tree 1 Platanus acerifolius (London Plane), 3 Harpephyllum caffrum (Kaffir Plum), 4 Eucalyptus botryoides (Bangalay) and 5 Callistemon viminalis (Weeping Bottlebrush).

There is an inconsistency between the supplied plans and supporting documentation. Trees #4 and #5 are scheduled for retention on the proposed Landscape Plan and within the supplied Arborist report.

T5 is a significant, locally indigenous Eucalyptus botryoides (Bangalay) in good health and condition, with a pronounced root crown; this tree has been proposed for removal. Using a Leica disto x4 laser measure, the existing building was measured to be 4.2m from the centre of the trunk. Supplied plans show the extension of the structure to be 2m from the centre of the trunk, with a garden bed / retaining structure intruding to within 50cm. This is well within the 3.27m Structural Root Zone as stated within the supplied Arborist report. To the west of the tree, the entrance pathway has been relocated to within 1.5m to centre of the trunk, with the retaining structure offset 50cm.

The supplied Arborist report details protection methodology for tree 5 in the event it is retained, subject to no roots greater than 50mm diameter are severed. With two sides of the Structural Root Zone compromised, and with no area contiguous to the TPZ free from development. The likelihood the tree will not be compromised due to the introduction of structures within the SRZ is low. The removal of T5, Eucalyptus botryoides (Bangalay) is in contravention of the following provisions / objectives outlined within the LCC DCP Part J:

- 1.4 (3)
- 2.2.1 (1)
- 2.2.5 (i)
- 3.1 (1,2)

The proposal is not supported in its current form, and it is recommended that the proposal be refusal.

Car Parking/Traffic

The subject Development Application proposes a substantial variation to the minimum required car parking under LCDCP Part R – Traffic, Transport and Parking and this is also not supported. The DCP has the following car parking rates:

- 1 space per registered medical practitioner + 1 space per 2 employees;
- 1 space per 3 beds; and
- 1 disabled space per 25 car spaces (minimum 1 disabled space)

The proposed upgrade the hospital will now have a maximum of four medical practitioners and 1 employees at any one time. The proposed additional 19 beds will result in a total of 48 beds being provided for on the site. The proposed upgrade to the hospital would require all required total of **26 car parking spaces** to be provided on the subject site with only **four car parking spaces** including one accessible space being provided for on site. Three of the spaces would be allocated only to the practitioners only and there would be no visitor spaces provided for with exception of the one disabled space. Any continued reliance upon on-street parking to accommodate such a large upgrade is not supported in this instance.

Further, Council's Traffic Engineer has assessed the proposal and the made the following comments:

The proposed development does not satisfy Council's DCP car parking rates. In addition, there is no allocated ambulance bay. Swept paths are not provided to see if the parked ambulance in temporary bay is blocking the other car parking spaces. Council will not consider any new development or addition to the existing building can utilise the surrounding on-street car parking spaces. The required car parking spaces should be provided within the property boundary as per the Council's DCP.

The comments provided by Council's Traffic Engineer are supported and refusal of the subject application is recommended.

6. Submissions

The proposal was notified in accordance with Council policy and approximately 40 submissions have been received raising similar concerns to the matters raised above in this briefing note.

7. Next Steps

The next step is to obtain a determination date from the Sydney North Planning Panel from the briefing meeting and to report to the panel for determination with a likely **recommendation of refusal** (tentatively scheduled within the fourth/final quarter of 2023).