

Regional Planning Panel

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| RPP No | PPSSTH-4 |
| DA Number | DA-2019/534 |
| Local Government Area | Wollongong City Council |
| Proposed Development | Medical Centre and Child Care Centre - Stage 1 of concept approval MP10_0147 medical centre, day surgery, respite care centre, specialists rooms, child care centre including construction of access roads and carparking, tree removal and drainage works |
| Street Address | Lot 4 Warwick Street, Berkeley Lot 2 York Street, Berkeley Lot 2 Nottingham Street, Berkeley |
| Applicant/Owner | Mohamad Rashid |
| Number of Submissions | 3 |
| Regional Development Criteria (Schedule 4A of the Act) | The proposal is regionally significant development to be determined by the Regional Planning Panel pursuant to clause 2.15 of the Act and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. The proposal is a private infrastructure and community facility project with a capital investment value over \$5 million. |
| List of All Relevant s 4.15(1)(a) Matters | <p><u>s4.15 (1)(a)(i) Any environmental planning instruments:</u></p> <ul style="list-style-type: none"> • Biodiversity Conservation Act 2016 – Division 2 Biodiversity assessment requirements • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • Wollongong Local Environmental Plan 2009 <p><u>s4.15(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority:</u></p> <ul style="list-style-type: none"> • None applicable <p><u>s4.15 (1)(a)(iii) Any development control plan:</u></p> <ul style="list-style-type: none"> • Wollongong Development Control Plan 2009 <p><u>s4.15 (1)(a)(iia) 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:</u></p> <ul style="list-style-type: none"> • None applicable <p><u>s4.15 (1)(a)(iv) the regulations: e.g Regs 92, 93, 94, 7.12, 288</u></p> <ul style="list-style-type: none"> • None applicable |
| List all documents submitted with this report for the panel's consideration | <ol style="list-style-type: none"> 1. Aerial photograph 2. WLEP 2009 zoning map 3. Architectural, landscape and engineering plans 4. Concept Instrument of approval 5. Bushfire Safety Authority 6. Design Review Panel notes 7. Traffic Impact Assessment 8. Biodiversity Development Assessment Report 9. Flora and Fauna Report 10. Childcare Planning Guideline assessment 11. Wollongong Development Control Plan 2009 assessment 12. Draft conditions of consent |
| Recommendation | DA-2019/534 be approved subject to the draft conditions contained within Attachment 12 . |
| Report by | Nigel Lamb, Senior Development Project Officer |

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| Summary of s4.15 matters | |
| Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | Yes |
| Legislative clauses requiring consent authority satisfaction | |
| Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP | Yes |
| Clause 4.6 Exceptions to development standards | |
| If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | N/A |
| Special Infrastructure Contributions | |
| Does the DA require Special Infrastructure Contributions conditions (S7.24)? | No |
| Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions | |
| Conditions | |
| Have draft conditions been provided to the applicant for comment? | Yes |
| Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report | |

Assessment Report and Recommendation Cover Sheet

Executive Summary

Reason for consideration by Regional Planning Panel

The proposal is regionally significant development to be determined by the Regional Planning Panel pursuant to clause 2.15 of the Act and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. The proposal is a private infrastructure and community facility project with a capital investment value over \$5 million.

Proposal

The current development application seeks approval for Stage 1 of a 6 stage concept plan originally approved by the Planning Assessment Commission on 13 June 2014. The first stage comprises a Medical Centre, Day Surgery, Respite Care Centre, Specialists Rooms and Child Care Centre, as well as construction of access roads/car parking, tree removal and drainage works.

Permissibility

The site is zoned R2 Low Density Residential and E3 Environmental Management pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a child care centre / medical centre / hospital and is permissible in the R2 zone with development consent. The concept approval authorised car parking associated with stage 1 within E3 zoned part of the land.

Consultation

The proposal was notified in accordance with Council Policy and received two objections and one letter of support. The concerns raised are discussed at section 1.5 of the assessment report.

Main Issues

There are no outstanding issues.

Conclusion

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979. The proposed development is consistent with the major projects concept approval and the applicable provisions of relevant planning instruments.

The proposed development is considered acceptable with regard to the likely impacts and will provide a facility to service the local government area and locality.

RECOMMENDATION

It is recommended that the proposal be approved subject to the conditions outlined at **Attachment 12**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

- Biodiversity Conservation Act 2016 – Division 2 Biodiversity assessment requirements

State Environmental Planning Policies

- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Local Environmental Planning Policies

- Wollongong Local Environmental Plan 2009

Development Control Plans

- Wollongong Development Control Plan 2009

Other Policies

- Wollongong City-Wide Development Contributions Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The current development application seeks approval for Stage 1 of a 6 stage Concept Plan approved by the Planning and Assessment Commission. It comprises a Medical Centre, Day Surgery, Respite Care Centre, Specialists Rooms and Child Care Centre, as well as construction of access roads/carparking, tree removal and drainage works.

More specifically, the proposal can be described as follows:

Medical centre

- Medical Centre/Day Surgery/Specialist Rooms/Café/Chemist: 8am to 6pm Monday to Saturday
- Respite Centre: Open 8am to 6pm Monday to Saturday, with 24 hour stays for patients and their carer

Lower Ground Floor:

- Diagnostic rooms including radiology, MRI, X-ray, mammography, ultrasound, pathology, reception/waiting area, storage rooms and amenities;
- A respite care centre with separate entrance including five (5) bedrooms, one (1) carer bedroom, rehabilitation pool, rehabilitation area, treatment rooms, office spaces, activity spaces and amenities;

Ground Floor:

- Medical centre incorporating reception/waiting area, twenty four (24) consultant rooms, staff room, administration, storage rooms, rehabilitation room and amenities;
- Café, with kitchen and outdoor terrace;
- Chemist;
- Waste room and adjoining loading dock.

First Floor:

- Day surgery incorporating four (4) theatres, recovery ward, sterilising room, scrub room, pre-op room, patient changing rooms, pre-consultation room, administration, equipment area, discharge lounge, waiting area/reception, amenities, storage rooms and roof terrace.

Child care centre

- Operating hours: 7am to 6pm Monday to Friday
- 70 children, consisting of 3 separate rooms for babies, toddlers and pre-schoolers to accommodate a total of:
 - 15 x 0-2 year old children;
 - 25 x 2-3 year old children;
 - 30 x 3-5 year old children.
- A kitchen, staff rooms, office, storage spaces and amenities.
- Outdoor play spaces located on the north-western decks and at ground level.

Site preparation

- Vegetation removal
- Bulk earthworks.

Traffic, parking and servicing

- Access to the Stage 1 development will be provided from Warwick Street.

Car parking

- 162 car parking spaces are provided with 142 to be allocated to the medical centre and 20 to the child care centre. This includes 4 accessible parking spaces and two large ('parents with pram') spaces. A total of 7 motorcycle and 22 bicycle spaces are also proposed.
- An 'at grade' carparking area located to the south-west of the child care centre with a total of 10 spaces, inclusive of one loading bay for a small rigid vehicle. Two of the carparking spaces are large spaces for 'parents with prams' and one space is a disabled space.
- Parking for 29 cars, at the Lower Ground Floor of the medical centre with one ambulance bay;
- An 'at grade' carparking area located to the north of the medical centre for a total of 14 cars, including one disabled space ('Car Park No. 2' - to be utilised by medical centre and child care centre);
- An 'at grade' carparking area located to the west of the medical centre for a total of 36 cars, including one disabled space ('Carpark 3');
- An 'at grade' carparking area located off 'Road No. 5' which contains a total of 73 carparking spaces.

1.3 BACKGROUND

On the 13 June 2014, the Planning Assessment Commission of NSW approved a 6 stage concept plan under [MP 10 0147](#) for construction of the following development:

High-Tech Holistic Cancer and Medical Hospital Facility, known as Life City, to be constructed over six stages, comprising: medical centre; day surgery; child-care centre; respite centre; medi hostel and medi serviced apartments; high-tech holistic cancer and medical hospital; self-care seniors housing; residential care facility and hostel; holistic health care course; internal roads including an access road from Nolan Street; and landscape works and native plant regeneration.

The key components of the Concept Approval are as follows:

- a medical centre, day surgery, respite care centre and specialist rooms;
- a child care centre for 70 children;
- accommodation for patients, visitors of patients, nurses, medical students and resident medical officers totalling 24 "Medi" hostel rooms and 18 apartments;
- a 320 bed hi-tech holistic cancer and medical hospital facility;
- construction of the proposed Nolan Street access road;

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- independent seniors living accommodation;
- a residential aged care facility and hostel;
- a holistic health care course suitable for a range of healing therapies (yoga etc.);
- 580 car spaces; and
- landscaping and native bushland regeneration works.

The proposal had a nominated capital investment value of \$287 million and was estimated to create 2,300 fulltime operational jobs and 200 construction related jobs.

The approved concept master plan is contained at Figure 1 below.

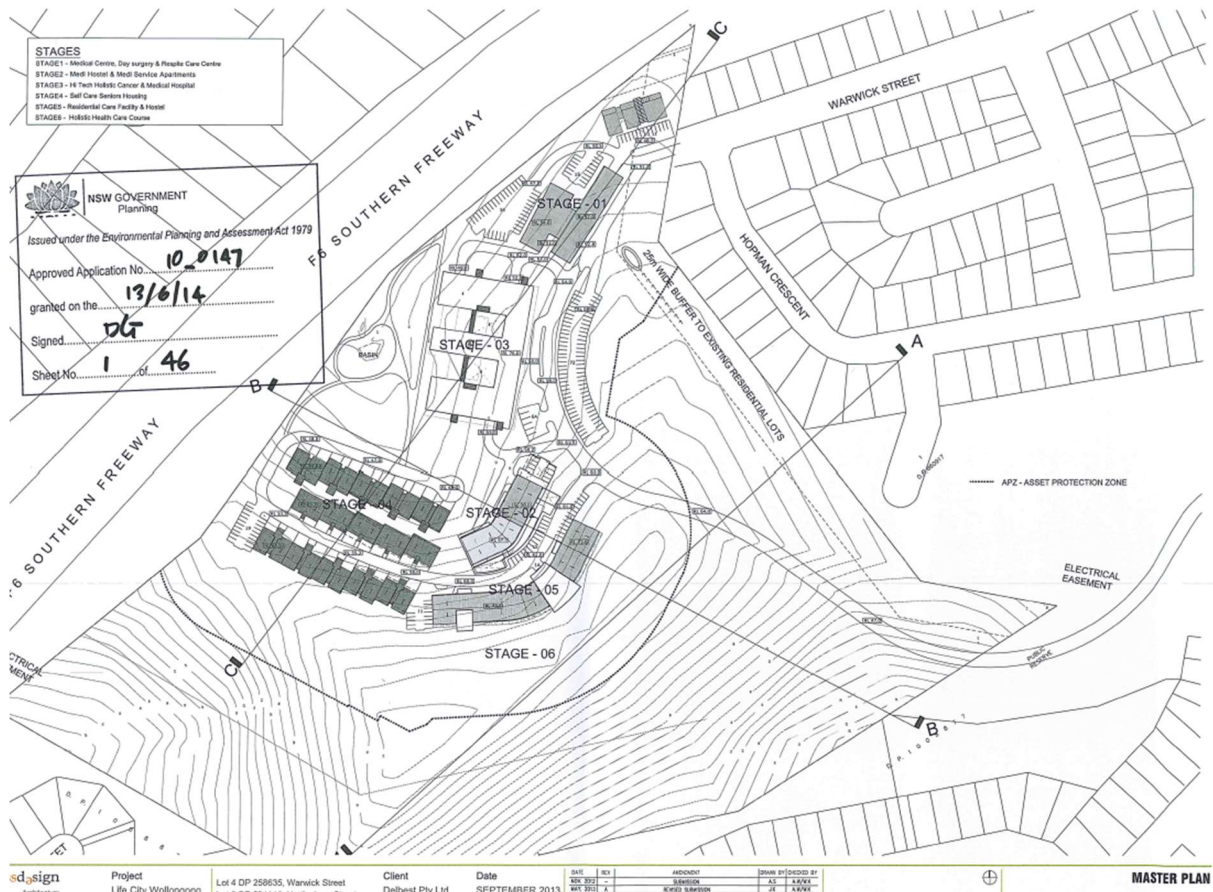


Figure 1: Master plan -

The 6 stages of that concept approval are as follows:

- Stage 1 – Current DA
- Stage 2:
 - 'Medi' Hostel and Serviced Apartments providing ancillary on site accommodation for patients, visitors of patients, nurses, medical students and resident medical officers totalling 24 hostel rooms and 18 apartments; and
 - Construction of the Nolan Street access road.
- Stage 3:
 - A 320 bed hi-tech, tertiary teaching, referral, inpatient holistic cancer and medical hospital; and
 - Parking for 260 cars and six ambulances.

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- Stage 4:
 - Independent senior's living accommodation in the form of 60 x one, two and three bedroom apartments.
- Stage 5:
 - A residential aged care facility and hostel with 139 beds to cater for dementia care, high care and low care.
- Stage 6:
 - Use of the land for a holistic health care course suitable for a range of healing therapies (yoga etc.) and associated outdoor structures and parking.

The Environmental Assessment (EA) was publicly exhibited from 6 March 2013 until 12 April 2013. A total of 17 submissions were received comprising 12 public submissions (11 objections, including a petition with 61 signatures, and one letter of support), and five submissions from Local and State government authorities. Wollongong City Council (council) objected to the proposal.

Issues raised in the submissions included: traffic and access; amenity of the surrounding locality; overdevelopment of the site; inappropriate land use in the E3 Environmental Management zone; proximity of the proposal to electricity transmission towers/easement; clearing of vegetation, excessive cut and fill and landslip; flooding; noise and dust; visual impact; and ecological issues.

In response to the issues identified during the exhibition period, the proponent submitted a Preferred Project Report (PPR) in October 2013. Key amendments made in the PPR included:

- a 15,251.91 sqm reduction in gross floor area of the project (equivalent to 25 per cent of the original floor area proposed) from 61,889.54 sqm to 46,637.63 sqm;
- a reduction in the overall scale of the proposal,
- clarification of the access arrangements, whereby Warwick Street would only provide access to the Stage 1, with the Nolan Street access to be constructed prior to the operation of Stage 2 and servicing Stages 2-6;
- relocation of proposed building footprints and site layout to avoid a regenerating Endangered Ecological Community (Illawarra subtropical rainforest) and removal of all proposed buildings from the ridgelines so that the development is no longer visible from residential areas to the south and east;
- reconfiguration of the Concept Plan layout so that the footprints of all the proposed buildings are now contained within the R2 Zone, with only a small portion of the seniors housing and the residential care facility being located within the E3 Zone; and
- a reduction in excavation from 78,191 m³ of cut to 14,000 m³ of cut.

The PPR was publicly exhibited from 13 November 2013 until 12 December 2013. A total of seven submissions were received comprising two public submissions in the nature of objections and five submissions from local and State government agencies. Issues raised in the public submissions included traffic and access. The submissions from the State government agencies indicated that their concerns identified in submissions to the EA have been substantially addressed by the PPR. The submission from council acknowledged the significant changes outlined in the PPR in response to previous issues raised by council. However, council still objected to the proposal with a number of concerns including:

- the suitability of the site for the proposed development;
- the height of the proposed hospital and the visibility of the proposed development from nearby residential areas; and
- issues relating to the main access road through the E3 Environmental Management zone.

The concept approval included the following lapse detail:

A4 Lapsing of Approval

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Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless a Development Application is submitted to Council for approval to carry out all or part of the project the subject of this Concept Plan Approval.

The development application was submitted on the 29 May 2019 prior to the lapse date of 13 June 2019.

Future development applications are required to satisfy the environmental assessment and statement of commitments outlined in schedule 3 and 4 of the Concept Approval (as at **Attachment 4**). The development application has satisfied these requirements.

1.4 SITE DESCRIPTION

The site is located at Lot 4 Warwick Street, Berkeley and the title references are Lot 4 DP 258635 (Lot 2 DP 534116 and Lot 2 DP 249814)

The site is vacant and irregular in shape with an overall area of approximately 16.88 hectares.

The proposal occupies the northern tip of the site.

Adjacent to the site to the north and west is the M1 Princes Motorway.

To the east and south of the site are low density residential neighbourhoods.

Property constraints

Council records identify the land as being impacted by the following constraints:

Unstable land

- A Geotechnical Report has been provided and reviewed by Council's Geotechnical Officer as satisfactory subject to conditions.

Bushfire

- The land is variously identified as being within vegetation buffer, vegetation category 1 and 2. A Bushfire report has been provided and the application referred to the Rural Fire Service for concurrence under the Integrated provisions of the Act. The RFS have issued a Bushfire Safety Authority as contained at **Attachment 5**.

Acid Sulfate Soils (class 5)

- Stage 1 of the development does not contain potential Acid Sulfate Soils. An area of Class 5 soils only affects a small portion the southwestern part of the site where no development is occurring. An Acid Sulfate Soils Management plan was therefore not required.

Ecological Sensitive Land - NR Biodiversity

- Parts of the site are identified as mapped as Natural Resource Sensitivity – Biodiversity under this clause. The proposal is supported by a Biodiversity Development Assessment Report and Flora and Fauna Assessment, consistent with the requirements of the concept approval. These documents have been reviewed by Council's Environment Officer and found to be satisfactory subject to conditions of consent.

Flooding

- The site is identified as being flood affected. Council's Stormwater Officer has reviewed the proposal in this regard and has provided conditions of consent.

Easement for transmission line

- There is an easement for a transmission line running across the northern tip of the site. An Electromagnetic Field (EMF) Survey has been submitted that found the EMF measurements across the site were low and significantly below the exposure limit in the international guidelines with respect to the electricity transmission line.

1.5 SUBMISSIONS

The application was notified in accordance with Council policy. Two objections were received and one letter of support. The concerns raised are discussed in the table below.



Figure 2: Notification map

| Concern | Comment |
|---|---|
| Concern that the flora and fauna report did not include deer. There is a large herd of deer, including stags, does and fauns inhabiting that parcel of land. These regularly enter adjoining land to graze on lawns and garden foliage. | The flora and fauna assessment has been undertaken by a qualified consultant in accordance with statutory requirements. The report concluded that the development was not likely to have a significant impact on flora and fauna. An area of significant vegetation is identified for retention and rehabilitation including preparation of a vegetation/habitat management plan. |
| Concern that with diminishing land for them to inhabit they are likely to cause further harm to residential property and could potentially become a hazard on the surrounding roads. | Management of feral deer populations is an issue to be managed outside of the current DA. |
| No detail of possums in flora and fauna report. | |
| No detail provided of how rabbits and foxes will be managed. | |
| No detail of impacts to Hawk populations. | |
| There are Yellow Tailed Black Cockatoos on the site. Therefore there must be hollow logs in existence as this is where they lay their eggs. The report states there are no hollow logs on the site. | |

| Concern | Comment |
|--|--|
| <p>Ability of adjoining street to be able to cope with an increase in traffic?</p> | <p>A Traffic and Transport Assessment prepared by a suitably qualified consultant has been submitted with the application. That report undertook intersection analysis for Warwick and Hopman Street intersections with Nolan Street and found that these intersections would continue to operate with an acceptable level of service post development.</p> <p>In regard to traffic generation more generally, based on the estimated peak traffic generation, the adjoining road network would continue to operate effectively.</p> <p>The Traffic Impact Assessment estimates a peak traffic generation of 167 vehicles in the peak (8.00 to 9.00am and 3.15 to 4.15pm) which equates to approximately 1,670 vehicles per day (peak traffic representing approximately 10% of the total daily traffic).</p> <p>This would be split to some degree between Hopman Crescent and Warwick Streets.</p> <p>Both roads are approximately 9m wide and can accommodate two way traffic with parked vehicles either side.</p> <p>These roads are nominated as “Major Local Roads” and Council controls in Chapter B2 describe local roads as having a safe operating capacity of up to 3,000 vehicles per day (vpd).</p> <p>Warwick Street has approximately 60 houses and Hopman Crescent has approximately 43. There are an additional 23 dwellings located on Newcombe Street and Rosewall Place, traffic from which would be split generally between Warwick Street and Hopman Crescent. Traffic from Hunt Place and Hoad Place is excluded due to the close proximity of those streets to the intersection with Nolan Street.</p> <p>The total number of dwellings utilising Warwick Street and Hopman Crescent are therefore 72 and 55 respectively.</p> <p>Residential properties generate around 9 daily trips per day (RTA Guide to Traffic Generating Development). Based on this figure, the existing expected daily traffic for Warwick Street and Hopman Crescent is 648 vpd and 495 vpd respectively.</p> <p>The expected daily traffic generation for the proposal is 1,670 vpd (167 two-way peak hour trips), which would be split between Hopman and Warwick (approximately 835 vpd each).</p> <p>When added to the existing traffic, the proposal would not cause the daily traffic generation on adjoining streets to exceed the nominal 3,000 vpd operating capacity.</p> |

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Heritage, Landscape, Geotechnical, Traffic, Environment, and Stormwater officers have provided recommended conditions of consent. Concerns raised by Council's Health Officer regarding detail of the food preparation area fit-out are addressed through conditions of consent. Council's Community Safety Officer raised a number of concerns which are considered to have been addressed.

1.6.2 EXTERNAL CONSULTATION

Rural Fire Service

The proposal is on bushfire affected land and the use if a special bushfire protection purpose. The Rural Fire Service have accordingly issued their Bushfire Safety Authority under the integrated development provisions of the Act as contained at **Attachment 5**.

Design Review Panel

A voluntary Design Review Panel meeting was held on 30 July 2019 the notes of which are contained at **Attachment 6**. Concerns raised by the Panel at that meeting are considered to have been suitably addressed in the amended plans as follows:

- *The level and clarity of documentation provided was lacking, the proposed aesthetic of the buildings where poorly described and drawing legends where unclear / missing, making very difficult to fully understand the proposal.*
 - **Response:** Detailed plans have been provided.
- *The stage one proposal lacks a meaningful site analysis to describe the context of the site and outline an appropriate design strategy. The proposal should be better informed / developed in response to a more detailed analysis of the site and its immediate context.*
 - **Response:** A detailed site analysis has been provided.
- *The access and address of this stage, from the corner of Warwick St & Hopman Crescent needs design refinement to address multiple intersections, conflicts and wayfinding.*
 - **Response:** The access and parking has been amended to improve legibility.
- *Further detail development of the following issues is recommended:*
 - *Medical Centre Entries Multiple entries/egresses are proposed to the centre. Basement: North Carpark, ambulance, West: Pathology/Radiology, Respite from west carpark*
 - *Ground Floor: North Main Entry from small carpark, East via ramp from main carpark, South: Service Dock*
 - *First Floor: via ramp from main carpark.*

Response: The first floor of medical centre has provided wider more inviting forecourt to northern elevation, and a wide direct stair access to eastern façade with improved accessible ramp access.
- *The panel is concerned with the physical adequacy, safety and visual impact of circulation generally and strongly recommends the involvement of an accredited access consultant in the design development.*
 - **Response:** An NCC Assessment Report prepared by a qualified consultant has been submitted that addresses the Access to Premises Standards.
- *The first floor of the medical Centre is accessed by a long (approximately 18m) 1:14 ramp that leads to a narrow landing. The ramp reads as a major element in the eastern façade of the building, contributing to signifying the level 1 entry it serves, as the centre's main entrance. However, the landing to this entrance is very tight, the door swings shown on the drawing, indicate that when the doors swing open, there will be no room on the landing. A more generous functional entrance should be developed. Consideration should be given to:*
 - *Recessing the ramps and / or the landing into the form of the building.*

- *Incorporating a generously proportioned set of steps at the northern end of the ramp*
- *Increasing the setback between the adjacent road and the building to create more space for ramps, steps and landings.*
- *The requirements of a passing bay at the mid-point of the entry ramp should be checked with an access consultant and must comply with their recommendation and AS1428.*

Response: The eastern entry now has a wide direct stair entry and a shorter switch back accessible ramp that doesn't dominate that façade. The landing at the threshold has been made more generous. A passing bay has also been incorporated into the longer ramp section.

- *The childcare centre will have a very immediate connection to Warwick street, the location of the car park servicing this building relates poorly to the suburban landscaped setting of this street. It is recommended that a large portion of these spaces could be relocated to the west of the childcare centre allowing the forecourt to be dedicated to deep soil landscaping, helping to form a more appropriate interface with the adjoining residential street. The general street arrangement within this area should be reviewed as part of any such change, with particular thought to setting up a hierarchy or wayfinding strategy. This area currently requires up to six decisions to be made by any driver within a very small space.*
 - **Response:** The car park has been repositioned to the western elevation of the building. The road has been reconfigured to remove the t-intersection.
- *The three individual forms of the childcare only became apparent upon the review of perspectives tabled at the meeting. This breakup of forms, as opposed to what appeared upon first review to be a single large floorplate and built form, could be developed to ensure the childcare centre reads as an appropriate extension of the residential character ascending Warwick Street by expressing the breaks along the front facade, not only the rear.*
 - **Response:** The childcare centre is generally low profile and has a varied palette and materials for the façade. There is additional significant landscaping to the frontage. The proposal is considered to have an acceptable presentation to the street.
- *The childcare centre appears to be built on fill raising the ground levels up to 3m above existing ground levels. It is hard to understand the justification for this, particularly in consideration of how this relates to the lower residential properties further down Warwick St.*
 - **Response:** Filling has been reduced from a maximum of approximately 3m down to 1m adjacent to the childcare centre.
- *The childcare building has been expressed with three large skillion roofs. The roof forms work against the topography of the site increasing the perceived bulk of the building. Consideration should be given to developing the building with a crisp linear flat roofed aesthetic, similar in style to the Medical Centre, helping to unify, and reinforce a cohesive 'campus' design theme for the development.*
 - **Response:** Roof form has been amended to address this. The building is also substantially under the maximum 9m height plane.
- *The current roof forms and window configuration do not appear to be providing controlled solar access or an appropriate balance of intimate and open spaces. Further detail development should seek to provide controlled solar access and more intimately scaled spaces for children.*
 - **Response:** The design incorporates louvres to the western elevation and a recessed terrace area to minimise heat load.
- *The extensive required plant and equipment for such a development needs to be evident in documents to assess physical and visual impacts.*
 - **Response:** Service location has been shown and is integrated into the design.
- *Opportunities to harvest rainwater for use in maintaining any plantings established on the building or the site should be explored. Other water minimization measures (reuse of rainwater for toilet flushing and washing machines) should also be considered. The use of photovoltaic cells and solar panels is also encouraged. The requirements of Concept Approval Schedule 3-10 are noted.*
 - **Response:** Rainwater tanks will be utilised for irrigation purposes.

- *The landscape plans are not coordinated with the architectural plans. They show different resolution for several areas particularly the medical centre entry and adjacent carpark. The Stage 1 site is intensely developed with buildings, roads and car parks. Substantial bulk earthworks will be required. The panel strongly recommends the use of planted embankments in lieu of structural retaining walls wherever possible.*
 - **Response:** These plans were amended and are now consistent.
- *The childcare centre in particular appears to have a retaining wall along its boundary up to 1.8m high, with a 1.8m high acoustic wall above this. These walls appear to be set back substantially from the site boundary. Given that the childcare centre is raised significantly above natural ground, and that retaining walls are not desired the following is suggested:*
 - *The floor level of the childcare centre be re-evaluated to reduce it to an appropriate level that balances the cut and fill of the site.*
 - *The reduction of the FFL should allow the retaining walls to be removed or significantly reduced (this should occur regardless of FFL). Any remaining overall level change within the play area should be exploited to help divide the space into smaller zones for different uses via low walls, sloped walkways and steps/terraces.*
 - *The play area should take advantage of as much of the available space by extending to the site boundary wherever possible.*

Response: Retaining walls have been significantly reduced in height and now do not exceed approximately 1m. splitting of levels within the play area is not necessary and would be considered to further reduce the usable space. The play area complies with that required under the Childcare Planning Guideline.

- *The childcare centre should endeavour to create a series of exciting and usable spaces that promote imaginative play, opportunities for passive and active play, and opportunities for carers to teach/interact with small and larger groups. A good reference document to review in consideration of this may be: 'Belonging, Being & Becoming - The Early Years Learning Framework for Australia', Department of Education and Training, 2009.*
 - **Response:** The landscape plan for the childcare centre outdoor area illustrates a variety of surfaces and treatments that provide for imaginative, passive and active play as well as opportunities for larger or smaller interactions.
- *Further detail refinement of the childcare center should seek to improve the variety and quality of spaces provided (refer to comments above, Built form). Detail development of the lower levels of the Medical Centre should seek to maximise natural lighting and rationalize the entry process.*
 - **Response:** Skylights and reconfiguration of spaces have been incorporated.
- *Consideration should be given to introducing a generously proportioned sky light in the ground floor entry (to the west of the reception area). Notwithstanding the panel's minimal expertise in medical centre planning it also questions the rationale of:*
 - *The location and orientation of the cafe and outdoor terrace to the south west. This is possibly the worst aspect for such potentially spirit-raising facility which ideally would enjoy sun and wind protection all day.*
 - *The location of the chemist, with blank shelf -lined walls to the north adjacent to the forecourt.*
 - *Respite care rooms oriented to south, no sun.*
 - *Windowless operating theatres monopolising best solar access and outlook.*
 - *180mm high stairs and overly long ramps provide difficult and problematic access to facilities.*

Response: A large skylight has been incorporated into the ground floor level lobby entry area. The café is now located on the northern façade with a generous outdoor terrace area. The chemist now has an open northern elevation with a terrace area to better take advantage of aspect.

- *Motorway noise impacts to mental wellbeing of patients but particularly children at the childcare centre*
 - **Response:** The accompanying Acoustic Assessment prepared by Harwood Acoustics has undertaken an assessment of the potential noise intrusion from road traffic into the various proposed rooms and outdoor play areas of both the child care centre and medical centre. This report provides a range of recommendations to ensure the internal and external design goals are met. These include erecting a sound barrier screen around the outdoor play areas of the child care centre, an upgrade to thicker than standard glazing in some windows in each building, as well as advice on the construction of external walls and ceilings.
- *Extremely large drops via retaining walls, especially at the rear of the childcare centre present problems if fencing not properly maintained.*
 - **Response:** The height of retaining walls has been reduced from approximately 3m to approximately 1m.
- *- Overly complicated road networks at key entry points.*
 - **Response:** The road network has been amended to remove a t-intersection and provide a more legible circulation for traffic.
- *Facility access directly off street/from carpark – no pedestrian network is provided.*
 - Pedestrian access into both the medical centre and childcare centre has been improved. This includes improved separation of travel paths for pedestrians into the childcare centre and removal of direct access from car park areas.
- *More three-dimensional studies (perspectives and modelling) of the building form should be provided.*
 - **Response:** Three dimensional analysis has now been provided.
- *The Panel favoured the simple linear approach applied to the medical facility as opposed to the skillion roofs of the Childcare Centre which was jarring and clashed with the topography of the site.*
 - **Response:** The childcare centre incorporates two low profile skillion roofs. This is at a point closer to the residential development and is considered to provide a more sympathetic response to the predominantly pitched roofs of the residential street.
- *Servicing of the building must be considered at this stage of the design process. The location of substations, service risers, car park exhausts, AC condensers, down pipes and fire hydrant boosters should be accommodated.*
 - **Response:** Service locations are shown on the plans.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

S1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

Biodiversity Conservation Act 2016

Division 2 Biodiversity assessment requirements

7.9 Biodiversity assessment for State significant development or infrastructure

An application for State significant development is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The overall project's status as an SSD, triggers the Biodiversity Offsets Scheme (BOS), and an assessment is required in accordance with the NSW Biodiversity Assessment Method (BAM) (OEH 2017a) and the Biodiversity Conservation Act 2016 (BC Act). A BDAR has been prepared to support the Development Application (DA) for Stage 1. Impacts to biodiversity have been also been assessed for Stages 1-6 in the report to ensure a comprehensive assessment of impacts has been provided.

The BDAR has been reviewed by Council's Environment Officer who has provided recommended conditions of consent.

S4.16 Integrated Development

Rural Fires Act 1997: Clause 100B of the Rural Fires Act states (1) the Commissioner may issue a bush fire safety authority for: (b) development of bush fire prone land for a special fire protection purpose. A child care centre is identified as a special fire protection purpose under Clause 100B(6) and therefore the application is 'Integrated Development'. The RFS have issued a Bushfire Safety Authority as contained at **Attachment 5**.

S4.24 Status of concept development applications and consents (cf previous s 83D)

3 (1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.

4 (2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

5 (3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.

6 The Concept approval for Stage 1 comprises a Medical Centre, Day Surgery, Respite Centre and Child Care Centre. The current development application for Stage 1 is consistent with the approved Concept Plan (MP10_1047) with respect to land use, building footprint, building height, parking location and vehicular access location as outlined in this report.

6.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

6.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Council records do not indicate the site as being contaminated and there are no prior uses of the land that would indicate a risk of contamination. A Limited Stage 2 Contamination Assessment was undertaken, the results of which found no contamination higher than the NEPM Health Based Investigation Levels for residential use. A Site Management Plan and Remediation Action Plan was also prepared to provide guidelines for managing any site contamination during construction. Council's Environment Officer has reviewed the proposal in this regard and is satisfied any risk can be managed through conditions of consent.

The proposal is considered satisfactory with regard to clause 7 of this policy and will be suitable for the proposed use.

6.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

101 Development with frontage to classified road

The proposal does not propose access to the M1 Motorway and will not impact on the operation of that road.

102 Impact of road noise or vibration on non-road development

An Environmental Noise Assessment report prepared by a suitably qualified consultant has been submitted with the application addressing the requirements of this clause. Suitable noise attenuation measures are recommended including appropriate glazing and construction of a sound barrier to the child care centre outdoor area.

103 Excavation in or immediately adjacent to corridors

The proposal does not involve penetration of ground to a depth of at least 3m below ground level (existing) adjacent to the M1 Motorway.

Division 10 Health services facilities

57 Development permitted with consent

The medical facility component of the proposal is categorised as a health services facility and is permitted in the R2 zone pursuant to this policy.

6.1.3 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The proposal is Regionally Significant Development to be determined by the Regional Planning Panel pursuant to clause 2.15 of the Act and Schedule 7 of this policy

6.1.4 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

Part 3 Early education and care facilities—specific development controls

22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development

The development complies with the indoor and outdoor space requirements.

23 Centre-based child care facility—matters for consideration by consent authorities

See detailed assessment at Attachment 10.

25 Centre-based child care facility—non-discretionary development standards

The development meets these standards.

26 Centre-based child care facility—development control plans

Relevant matters under Chapter C5 of WDCP 2009 are addressed in attachment 11.

6.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

centre-based child care facility means:

- (a) *a building or place used for the education and care of children that provides any one or more of the following:*
 - (i) *long day care,*
 - (ii) *occasional child care,*
 - (iii) *out-of-school-hours care (including vacation care),*
 - (iv) *preschool care, or*
- (b) *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)), or*

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include:

- (c) *a building or place used for home-based child care or school-based child care, or*
- (d) *an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*
- (e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*

- (g) *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

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.*

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned R2 Low Density Residential/E3 Environmental Management. The proposal is primarily located within the R2 zoned portion of the site however a section of the car parking for the proposal falls within the E3 zoned portion. This was approved by the Planning Assessment Commission in the concept approval as outlined below.

Clause 2.3 – Zone objectives and land use table

The objectives of the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal has regard to the above objectives.

The land use table permits the following uses in the zone.

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; **Centre-based child care facilities**; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals*

The proposal is categorised as a *centre-based child care facility* and *health services facilities* as defined above. Centre based child care facilities are permissible in the zone with development consent and health services facilities are permitted in the R2 zone under the Infrastructure SEPP. The chemist and café are ancillary to the medical facility.

In respect of the E3 zone, neither centre-based childcare or health services facilities are permitted however approval was given to this under the concept approval as detailed in the extract of that approval below.

Within the E3 Environmental Management zone, the proposed uses are prohibited. However, the Director General has confirmed that the Concept Plan for Life City Wollongong – Hi Tech Holistic Cancer and Medical Hospital Facility falls within the provisions of a Major Project under Part 3A, with the Clause 6 declaration confirming that the development is captured by Schedule 1, Group 7 Clause 18 of SEPP (Major Development) 2005 being a hospital development valued at more than \$15 million. The Minister may grant approval to the proposed development as a State Significant project as the project addresses the requirements of clause 8N of the Environmental Planning and Assessment

Regulation, 2000 as it is not located within an environmentally sensitive area of state significance nor a sensitive coastal location, as discussed in Section 6.1.3 of this Environmental Assessment.

Further, Section 3B (which details the provisions which apply to development which has been the subject of a concept plan approval under Part 3A) confirms that following approval of a concept plan under Part 3A, if Part 4 applies to the carrying out of development, the development is taken to be permitted with consent, despite anything to the contrary in an environmental planning instrument.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The maximum permitted building height of 9m is not exceeded.

Clause 4.4 Floor space ratio

The maximum FSR permitted for the R2 zoned portion is 0.5:1. The development complies with an approximate FSR of approximately 0.087:1.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

Conditions are recommended in respect of connection to the relevant utilities.

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by “Natural Resource Sensitivity – Biodiversity”. Supporting documentation was provided in the form of a Flora and Fauna Assessment and Biodiversity Development Assessment Report. The application was referred to Council’s Environment Officer in respect to this clause and appropriate conditions of consent recommended.

It is considered that the development is consistent with the objectives of this clause and that the development is designed, sited and managed to avoid adverse environmental impacts where possible and potential adverse environmental impacts are suitably mitigated.

Clause 7.3 Flood planning area

The site is identified as being within an uncategorised flood risk precinct. Council’s stormwater engineer has reviewed the proposal in this regard and has recommended conditions of consent.

Clause 7.4 Riparian lands

The Riparian Land Map indicates the site contains riparian land. The development footprint is not in close proximity to the area identified as riparian land and no concerns are raised in respect of this clause.

Clause 7.5 Acid Sulfate Soils

The site is identified as being potentially impacted by class 5 acid sulfate soils however the development footprint is distant from the affected area.

6.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

6.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

6.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The proposal is satisfactory with regard to the applicable chapters of the development control plan as detailed at **Attachment 11**.

6.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The Quantity Surveyors Report has been provided which identifies a capital investment value of \$15,312,161. A levy of 1% is applicable under this plan.

6.4 SECTION 4.15(1)(A) (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

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

6.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

The proposal is satisfactory with regard to this clause.

6.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

As discussed in the body of this report, the proposal is considered to be acceptable with regard to the likely impacts.

6.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

The proposal is consistent with the concept approval which determined that the proposal was a suitable fit for the locality.

Are the site attributes conducive to development?

The site attributes are considered to be conducive to the proposal.

6.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Submissions are discussed at section 1.5 of this report.

6.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is considered to be in the public interest.

7 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policies, Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposed development is consistent with the concept approval, zoning and applicable development standards under WLEP 2009. Internal and external referrals are satisfactory (subject to conditions) and submissions have been considered in the assessment of the application. The proposal reasonably responds to the site constraints and will provide a facility to service the community and local government area and positively contribute to health and employment generation outcomes.

8 RECOMMENDATION

It is recommended that the development application be approved subject to the draft conditions contained at **Attachment 12**.

Attachments

1. Aerial photograph
2. WLEP 2009 zoning map
3. Plans
4. Concept Instrument of approval
5. Bushfire Safety Authority
6. Design Review Panel notes
7. Traffic Impact Assessment
- 8 Biodiversity Development Assessment Report
- 9 Flora and Fauna Report
- 10 Childcare Planning Guideline assessment
- 11 Wollongong Development Control Plan 2009 assessment
- 12 Draft conditions of consent