



SECTION 75W MODIFICATION, MACQUARIE PRIVATE HOSPITAL

MP 06_0172 (MOD 6)

Modification of Minister's Approval under section 75W
of the *Environmental Planning and Assessment Act*
1979

February 2010



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1. INTRODUCTION

This is a report on an application seeking to modify the Project Approval MP 06_0172 for the construction of Macquarie Private Hospital.

On 13 May 2007, the Minister for Planning approved a project application for the construction of a new private hospital at No. 3 Technology Place and the change of use of an office building at No. 2 Technology Place to be used as a clinic in conjunction with the private hospital.

On 18 January 2010, a modification application was submitted under Section 75W of the Environmental Planning and Assessment Act 1979, seeking approval for the installation of 15 signs at the site and the reconfiguration of the intersection at Technology Place and Research Park Road.

The application seeks approval to modify condition A1 and A2 to reflect the proposed modifications (**Tag B**).

Previously, the project has been modified as follows:

- Modification 1 – changes to pedestrian bridge, location of substation, elevation treatment and addition of 781.9m² for new medical facilities (ie PET radiopharmaceutical laboratory, biomedical laboratory, radiotherapy and brachytherapy bunker);
- Modification 2 – changes to the elevation treatment and modifications to building plant, services and stairs;
- Modification 3 – increase floor area by 44m² on level 2 by relocating external wall to achieve flush façade.
- Modification 4 (still under assessment) proposes the fitout of the radiopharmacy laboratory on Basement Level 2. It has not yet been determined and is the subject of a separate assessment report.
- Modification 5 – seeking stratum subdivision of the building.

2. THE PROPOSED MODIFICATIONS

The proponent is seeking approval to erect 15 signs and reconfigure the intersection at Technology Place and Research Park Road. The proponent has indicated that the signage was originally overlooked as part of the original Project Application, and that the signage is necessary to the functioning of the Hospital and Clinic. The signage comprises way-finding and directional signage for the public. Specifically the proposed signage includes:

- Main entry marker (internally illuminated) at the corner of Technology Place and Talavera Road (Figure 1 overleaf);
- Three free-standing directional markers (internally illuminated) on Technology Place and Research Park Road (Figure 2 overleaf);
- Four free-standing directional markers (internally illuminated) on Technology Place and within the Clinic and Technology Place sites (Figure 3 overleaf);
- Two building identification signs comprised of individually fabricated letters (internally illuminated) on the Clinic and Hospital Buildings (Figure 4 overleaf);
- Three wall mounted signs (internally illuminated) on the Clinic and Hospital Buildings (Figure 5 overleaf); and
- Two wall mounted signs (internally illuminated) on the Hospital buildings (Figure 6 overleaf).



Figure 1: Main Entry Marker



Figure 2: free-standing directional markers



Figure 3: free-standing directional markers



Figure 4: wall mounted signage

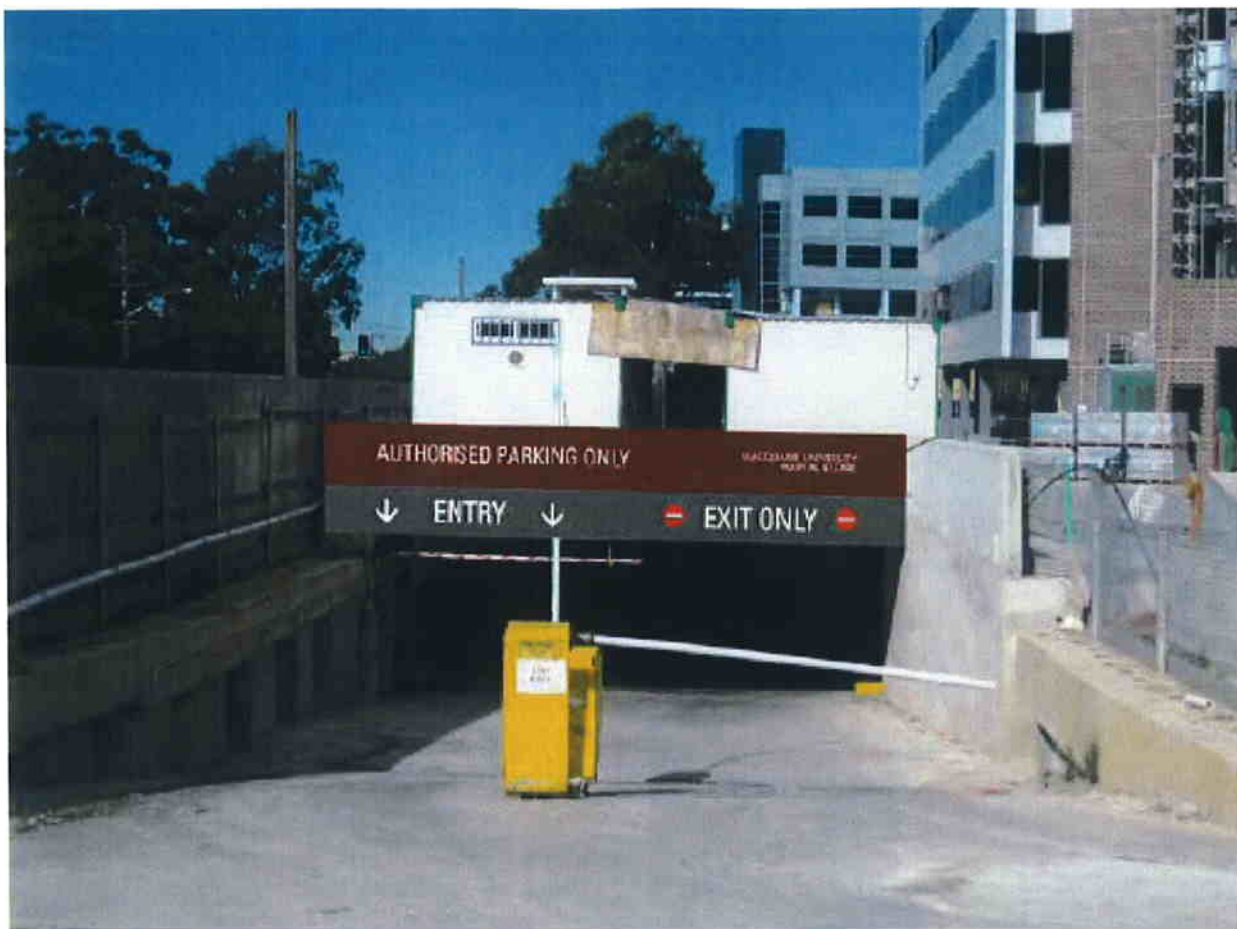


Figure 5: wall mounted signage



Figure 6: wall mounted signage

The proposed reconfiguration of Technology Place and Research Park Road involves increasing the width of the footpaths at the eastern (Research Park Road) end of Technology Place to create a single lane, one-way road. Both Technology Place and Research Park Road are private roads, owned by Macquarie University. The amended intersection will prevent vehicles turning right into Technology Place off Research Park Road, thereby ensuring that the road does not become a thoroughfare for general and University traffic. The amended intersection is illustrated below

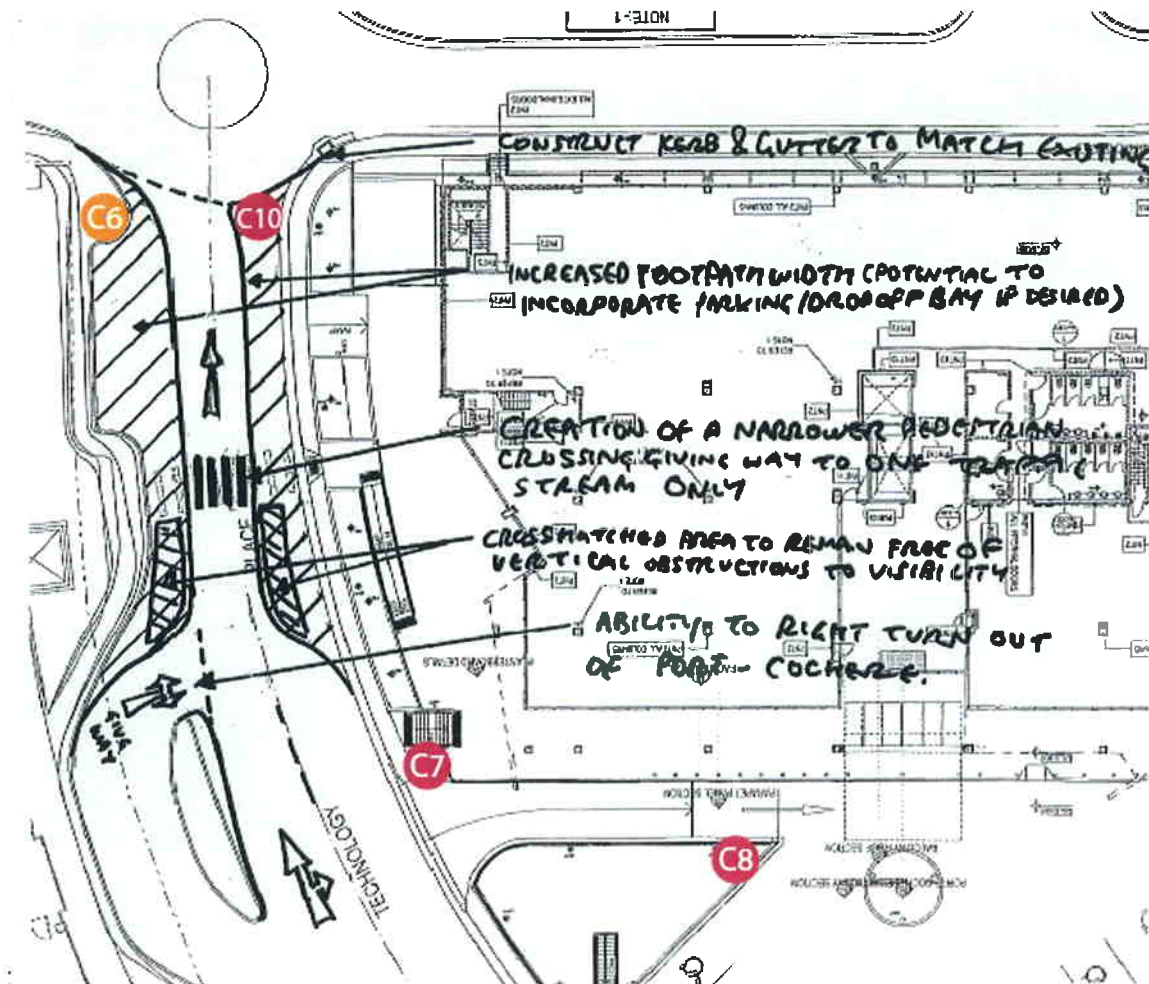


Figure 6: intersection amendments

As part of this proposal, the proponent is also seeking to amend the following Conditions of Approval:

- i) Condition 1: Development Description – add references to the proposed signage; and
- ii) Condition 2: Development Description – add references to additional plans and documentation.

3. ASSESSMENT PROCESS

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval. As the subject modification seeks to change the terms of the Minister's determination through amending the conditions of approval, the modification will require approval.

Section 75W(3) of the Act provides the Director-General with scope to issue environmental assessment requirements (DGRs) that must be addressed before the consideration by the Minister or his delegate. DGRs have not been issued for the modification as it is considered that its impacts would be minimal and similar to the original proposal and issues relating to the modification application are adequately covered by the previous DGRs.

Section 75W(4) of the Act gives the Minister the authority to modify the approval (with or without conditions) or disapprove the modification. Following consideration of the proposed modification, the Department recommends the modification be approved.

4. CONSULTATION

Pursuant to Section 75X(2)(f) of the Act the Director-General is required to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the Environmental Planning and Assessment Regulation 2000, the request for the modification was placed on the Department's website. Modifications are not required to be publicly exhibited.

The Department notified Ryde City Council of the proposed modification. Council responded, stating that the several signs do not comply with Council's DCP 2006 for signage and that the photomontages appear to illustrate a discrepancy with the submitted plans. Specifically, Council stated that the height and area of the Main Entry Marker did not comply with the DCP, while the proposed illumination varied between different signs.

The proponent responded to Council's submissions on the 3 February 2010. The proponent has provided justification to the non-compliance with Council's DCP relating to the signs and has further clarified the discrepancy between the photomontages and the plans. This is further detailed in Section 5.

5. CONSIDERATION OF PROPOSED MODIFICATION

Signage

The proponent has stated that due to the proposed signage being a modification to an approved Part 3A Project Application, Council controls (DCP) do not strictly apply to the site, and instead State Environmental Planning Policy 64 (SEPP 64) – Advertising Signage, is the most appropriate and applicable Environmental Planning Instrument for assessing the proposed signage. The proponent has submitted an assessment of the signage against the assessment criteria in Schedule 1 of the SEPP and it is considered that the signage does comply with the requirements of the SEPP. It is noted that SEPP 64 requires that advertising signage, other than building identification signs, with an area greater than 20 m² and within 250 metres of, and visible, from a classified road, are to be referred to the Roads and Traffic Authority (RTA).

The proposed Main Entry Marker sign has an area greater than 20 m² and is located approximately 75 metres from the M2 motorway (classified road). The M2 motorway is located on lower ground than the hospital and given the setback of the hospital from the M2, it is anticipated that the sign would not be visible from the motorway. Further the proposed signage comprises of building identification signs and, therefore, as stated by Clause 9 of SEPP 64, the application is not required to be referred to the RTA.

During consultation, Ryde City Council stated that several signs do not comply with Council's DCP 2006 for signage. Under the DCP the Main Entry Marker is classified as a Pylon Sign and is not to exceed a maximum height of 6m and a maximum area of 12m². The proposed Main Entry marker has a height of 11m and a total area of 30.25m². Council also raised concerns that several signs include varying forms of illumination.

The proponent has justified the proposed height and area of the Main Entry Marker sign on the basis that:

- the Main Entry marker is critical to ensure that the hospital operates effectively and efficiently;
- the sign is designed to provide directional information and details about the function of the hospital and therefore the scale of the sign is appropriate given its purpose; and
- the Main Entry Marker is required for safety reasons in order to inform the public that the hospital does not provide an Emergency Department.

Therefore, it is necessary that the sign be of a large and prominent scale. In terms of visual impacts, the surrounding area is largely a commercial area and there are no nearby residential areas that overlook the site. The sign is compatible with the character of the area which is largely commercial in nature, and will have no adverse visual impacts. Therefore, the Department considers that the proposed departure from Council's controls is acceptable.

Regarding Council's concerns about signage illumination, the proponent has stated that the proposed signs require illumination so as to be clearly visible at night. The impacts of illumination have been considered in the proponent's assessment of the signage against the requirements of SEPP 64 and are considered to be acceptable. Further there are no adjoining residential or other potentially affected properties that would be adversely impacted by the illumination.

The photomontages indicate that some signs are proposed on Council land, however the proponent has clarified that the plans indicate that the signs are within the boundaries of the hospital site. This has been addressed in the Instrument of Approval by including plan references which exclude the photomontages.

Intersection

The proponent is seeking to modify the configuration of the intersection at Technology Place and Research Park Road. Technology Place was designed to provide exclusive access for hospital parking and the drop-off bay in order for the hospital and clinic services to function properly. The proponent has justified the proposed modification to the intersection on the basis that it is necessary to ensure that the hospital's car parking and drop-off areas operate efficiently and to prevent Technology Place from being utilised as a thoroughfare for general and University traffic. Technology Place and Research Park Road are owned and operated by Macquarie University (are private roads) and are not Council roads.

The modification involves increasing the pedestrian footpath width to make the exit from Technology Place one-way travelling North West. This would still allow for a two way access in and out of Technology Place from Talavera Road, however will incorporate a right turn via the port cochere. The altered intersection will also include a pedestrian crossing and signage. Council did not raise any objection to the proposed amended intersection. The proposed works to the intersection are considered acceptable.

6. CONCLUSION

The Department considers that the proposed signs are acceptable in the context of the built form character of the area and would not result in any significant adverse impacts. As such the proposed modifications are supported.

7. DELEGATION

Under the Instrument of Delegation dated 25 January 2010, the Minister has delegated his functions under section 75W of the EP&A Act relating to modifying Part 3A approvals to the Director, Government Land and Social Projects, where there are less than 10 public submissions objecting to the subject application.

Therefore, the Modification can be determined under delegation.

8. RECOMMENDATION

It is recommended that the Director, as delegate of the Minister for Planning:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval (**Tag A**).

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22/2/10